

2<sup>nd</sup> April 2013

Dear Dr Walsh,

5 As discussed just now over the phone - you have not received the CD containing the word document of this 225 page synopsis of case. It was sent around the 18<sup>th</sup> of March.

I have written to ASSU Collins regarding this and to the exact date the CD was sent. On a printout of my money transactions in prison it states \$3.00 was taken for postage on the 18<sup>th</sup> of March. The synopsis was handed to security on the 14-15<sup>th</sup> of March.

Hopefully this will get to you this time.

I have taken the time to make an accurate index this time. Please send a copy of the document to:

*tarqwin@gmail.com* - 'Tarqwin' in Europe.

and

20 *crescentandcross@gmail.com* - 'Mark Glenn' in the U.S

They can both produce more information and more accurate references so that by the time the document is able to be submitted to the High Court as background material it will be far superior to what I have produced within the confines of the prison environment.

25 You will recall that a sworn affidavit to you went missing from the envelope where I described the impossible conditions to prepare for an appeal from prison.

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30 Before going into any detail, the background to the case needs to be highlighted, most notably my writing on Israeli Intelligence activity and also highlighting 'Jewish religious and racial supremacism' as the background to Zionism and the treatment of Palestinians and others. Also, information on how this 'politico religious cult' is subverting parliamentary democracy and instigating a new set of  
35 "values" contrary to the Australian Constitution and the English Common Law.

Newspaper articles have a thin border around them.

Information I consider very important has a thick border.

40 Instead of using **bold**, I use shading for important points within paragraphs.

I hope this gets to you this time.

45 Warmest Regards,

50  
Brendon

## TIMELINE OF EVENTS

- 55 - ~~May 2<sup>nd</sup> 2009~~ - Incident at IGA Store, South Perth.
- ~~May 4<sup>th</sup> 2009~~ - edited video uploaded to 'Vimeo' video hosting site <<http://www.vimeo.com>>
- ~~May 8<sup>th</sup> 2009~~ - video uploaded to 'YouTube' video hosting site.
- ~~May 12<sup>th</sup> 2009~~ - house raided by 7 members of S.S.I.G - charged 1 count section 80b and 1 count section 77.
- 60 - ~~May 19<sup>th</sup> 2009~~ - plead not guilty in Perth Magistrates Court.
- ~~May 26<sup>th</sup> 2009~~ - Nine Network screened defamatory 10 minute segment on 'A Current Affair'.
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- 70
- 75 - ~~November 15<sup>th</sup> 2009~~ - house raided in afternoon by S.S.I.G after I complained about missing computer files in the morning.
- ~~November 20<sup>th</sup> 2009~~ - (A.L Troy) (ACJDC Martino) Hearing - charged with 5 more counts under section 77 due to Blog postings.
- ~~December 11<sup>th</sup> 2009~~ - (Ms E. Abou-Merhi) Mention - Directions hearing called by DPP - "Are Jews a Racial Group".
- 80
- ~~January 21<sup>st</sup> 2010~~ - (Mr A.E.H Putt) Hearing - DPP confiscated "Netbook" computer I was sending to US.
- 85 - ~~February 1<sup>st</sup> 2010~~ - ( Ms M.Mattocks) Mention - Directions Hearing dropped "Are Jews a Racial group".
- ~~February 10<sup>th</sup> 2010~~ - my sister Jacqueline O'Connell dies of a sudden and massive cerebral bleed \* 3. Suspicious symptoms.
- ~~February 11<sup>th</sup> 2010~~ - (Mr J.C Whalley) Mention - Vary bail conditions, matter may be taken back to Magistrates Court.
- ~~February 16<sup>th</sup> 2010~~ - (Mr C.Y Stockdale) Mention - Bail variation, moving house.
- 90 - ~~February 19<sup>th</sup> 2010~~ - (Ms E.L O'Donnell) Mention - Asking CJDC Kennedy to dismiss case.
- ~~February 26<sup>th</sup> 2010~~ - (Mr J.C Whalley) Mention - New indictment. No mention of going back to Magistrates Court now.
- 95
- ~~April 14<sup>th</sup> 2010~~ - (Mr J.C Whalley) Directions Hearing for permanent stay of prosecution due to adverse media publicity.
- ~~April 23<sup>rd</sup> 2010~~ - (Mr S.L Dworcan) Mention - Discussing my need for lawyer and varying bail conditions to go online to solicit funds.
- ~~May 2<sup>nd</sup> 2010~~ - **1 YEAR MARK**
- 100 - ~~May 6<sup>th</sup> 2010~~ - (Ms K.P Hoffman) Bail variation to live in Adelaide and talk about case. Allowed to talk about issues not related to case.
- ~~May 24<sup>th</sup> 2010~~ - (Ms G.N Beggs) Hearing - Arrested due to posting video on Israel doing 9-11. Senior Prosecutors name and date of trial
- ~~May 31<sup>st</sup> 2010~~ - (Ms A.M.R Seaman) Mention - securing lawyer. I complain about media reporting and "Combat 18".
- 105
- ~~June 14<sup>th</sup> 2010~~ - (Ms M.J Michalka) Mention - Securing lawyer.
- 110 - ~~June 28<sup>th</sup> 2010~~ - (Ms F.A Cain) Mention - Secured services of lawyer, Mr John Bougher.
- 115
- ~~August 16<sup>th</sup> 2010~~ - Original trial date. After 'Friends of Israel' rally and Israeli Ambassador support, DPP happy to see adjournment.
- 120 - ~~October 22<sup>nd</sup> 2010~~ - (Mr M.A Perrella) Mention - new trial date (January 17<sup>th</sup> 2011). Discuss Directions Hearing "Jews Racial Group".
- ~~November 19<sup>th</sup> 2010~~ - (Mr A.Eyers) Directions Hearing - "Are Jews a Racial Group".
- 125
- ~~11<sup>th</sup> January 2011~~ - Court hearing on right of District Court to try case.
- ~~17<sup>th</sup> January 2011~~ - Trial begins.
- ~~27<sup>th</sup> January 2011~~ - Trial abruptly ended on 'Holocaust<sup>TM</sup> Remembrance Day'.
- ~~28<sup>th</sup> January 2011~~ - Found guilty on 6 of 7 counts.
- ~~31<sup>st</sup> January 2011~~ - Sentenced in Perth District Court 3 Years Jail

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## [1] BACKGROUND TO CASE

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### [A] My Writing On Israeli Intelligence Activity In Australia And Elsewhere

#### [i] Leon Wende – Collins Class Submarine and Other Military/Civilian Contracts

140 Dr Walsh, this all really started back in 2005 when I viewed video and still photographs of the interior of Australia's relatively new Collins Class submarine. A Mr Leon Wende had taken the video and photographs.

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Mr Wende was an Australian Jew who had worked (according to him) extensively in the Israeli Defence Force. I gathered from bits and pieces I heard he was involved in hardware installation and software programming. He had also been involved with the installation of radio equipment at Campbell Barracks in Perth (home of the SAS) and in 2008 was involved in installing the new security systems for the *Sydney Rail Transit System* with the Israeli company 'Verint'<sup>1</sup>.



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Mr Wende claimed that the major cost blowout to do with the Collins Class sub was its weapons and sensor system. According to Mr Wende, concerns with Australian security meant the United States was unwilling to allow Australian technicians to service the sensitive internal components of the hardware. This was unsatisfactory to the Australian Defence Force and Israel offered its own version of the sensor and weapons system as used on their *Dolphin Class* submarines.

160 Israel is well known for being handed expensive American tax payer funded military technology and modifying it for its own ends and then on selling for profit - often as a covert 'middle man' for American military contractors attempting to bypass Congressional restrictions on technology sales.

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When I contacted expert Peter Yule (author of 'Steel Spies And Spin') via email on this issue, he replied, "Pigs might fly".

Here is a short extract on this point:

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Lockheed Martin, Thales, STN Atlas, and Raytheon were approached to provide tenders to design and assemble a new combat system for the submarines, with all four submitting proposals during early 2000.<sup>[118]</sup> In May 2000, after the Defence Science and Technology Organisation tested operational versions of the proposed combat software packages, the Lockheed and Thales tenders were eliminated, despite the Thales proposal being rated better than Raytheon's.<sup>[118][119]</sup> After in-depth testing of the remaining systems and observations of the systems in action, **the German STN Atlas ISUS 90-55 aboard an Israeli *Dolphin* class submarine** and the American Raytheon CCS Mk2 aboard a USN *Los Angeles* class submarine, it was decided that **the STN Atlas system was the best for the class.**<sup>[118]</sup> However, political pressure from both the United States and Australia, questions about the **security problems and possible leaks involved with a European combat system linked to American weapons**, and desires to increase the political and military ties between Australia and the United States resulted in the cancellation of the tender program in July 2001 and the decision to enter a joint development program with the United States, with a formal agreement signed on 10 September 2001 at the Pentagon.<sup>[120][121]</sup>

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<sup>1</sup> This is the same company that does data intercepts for various policing and intelligence agencies.

190 The second combat system development program proceeded with far fewer problems, and took the tactical and fire control components from the CCS Mk2 system, and the sonar interface component from the fast track program.<sup>[122]</sup> The new combat system was installed **on Waller in 2006<sup>2</sup>**, and will be fitted to the other five *Collins* class submarines by 2010, in the order of *Dechaineux*, *Collins*, *Farncomb*, *Sheean*, then *Rankin*.<sup>[123][124]</sup> This system is the same as the AN/BYG-1 system which was fitted to United States Navy submarines during the 2000s.<sup>[125]</sup>

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<sup>118</sup> - Yule & Woolner, *The Collins Class Submarine Story*, pp. 300–1

<sup>119</sup> - Kelton, *More than an ally?*, p. 117

<sup>120</sup> - Woolner, *Getting in Early*, p. iii

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<sup>121</sup> - Yule & Woolner, *The Collins Class Submarine Story*, pp. 301–7

<sup>122</sup> - Yule & Woolner, *The Collins Class Submarine Story*, pp. 307–8

<sup>123</sup> - Elliott, *Replacement Combat System for the Collins Class Soon to be Operational!*, pp. 44–8

<sup>124</sup> - Yule & Woolner, *The Collins Class Submarine Story*, p. 309

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<sup>125</sup> - Mack, *The U.S. Navy and Royal Australian Navy Relationship. A Partnership to Educate*

210 Whatever the ultimate truth of the matter, I made known online that Israeli hardware and software was being used in our military equipment (according to Leon Wende) and an Australian Jew with strong ties to the Israeli Defence Force was installing it. Further, **Israel's close relationship with China made it quite possible that the Chinese military were now in full knowledge of our new submarines capabilities**. This started a series of events that were not clear to me at the time including being followed and my house being regularly entered into when I lived in Scarborough.

215 The West Australian paper reported around May of 2012 that **\$40 billion dollars** would be spent to introduce a brand new class of submarine into the Australian navy by 2024. The final decision to do so was made in mid-2009 – not long after I told police I would be talking about Israel and the Collins Class submarine at my trial. It's most likely a co-incidence.

220 On the issue of Israel and its relationship with the Chinese military, note this comment from the highly respected political activist Professor Noam Chomsky on Israel and China and the on selling of weapons technology:

225 By now Israel's economy is almost a caricature of that of the United States. It's a high tech, highly militarized economy, and it's comparative advantage is advanced military production, linked closely to the United States.<sup>3</sup> And it needs markets.<sup>4</sup>

230 **The main market it has been trying to develop is China.** and the U.S government doesn't like that. So there has been a conflict developing several times already between Israel and the United States, on sales of advanced military equipment to China. The equipment is produced in Israel, but it's tightly tied to the United States using a lot of U.S technology. In 2000, U.S President Bill Clinton forced Israel to cancel a big arms sale to China of it's *Phalcon airborne early warning system*. And notice the lobby didn't do anything, there was not a peep from the lobby.

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In 2005 there was another controversy, which got quite serious: Israel had sold anti-aircraft missiles to China, and China wanted to upgrade them and contracted with Israel to do so. But the Pentagon didn't want Israel to increase Chinese military capacity. So, a real conflict developed. It was economically important

<sup>2</sup> I believe this was the Submarine Leon was on - installing the hardware and software.

<sup>3</sup> U.S tax payers fund the hugely expensive R&D and then Zionists within the U.S Government and military pass it on at little or no cost to Israel who then modify and on-sell the product at a profit. It's a scam.

<sup>4</sup> Israel is a valued 'middle man' for covert U.S Zionist activity supplying nuclear weapons parts for Pakistan via it's close relationship with South African intelligence, and also drug dealing and drug money laundering. Please see the excellent SBS documentary "Kill The Messenger" about F.B.I whistle blower Sybel Edmonds. <http://video.google.com/videoplay?docid=6063340745569143497#>

240 for Israel, and the United States wouldn't let them do it. It got to the point where  
the Pentagon refused to have any contact with it's Israeli counter parts. There  
were sanctions imposed. Pentagon officials demanded that Israel pass legislation  
to block the sales, and also wrote a letter of apology to the United States, which it  
did. It finally was patched over, but for Israel it was not a small thing.

245 Noam Chomsky & Gilbert Achar - *"Perilous Power: The Middle East and U.S  
Foreign Policy"*. p.62-63

250 Tom Regan, *"U.S, Israel Working To Mend Rifts; Israel Arms Sales To China,  
FBI Investigation into Alleged Spy Affair Sour Relations"*, Christian Science  
Monitor, July 29<sup>th</sup>, 2005 updated version posted on web, August 2<sup>nd</sup>, 2005,  
<http://www.csmonitor.com/2005/0801/dailyupdate.html>

255 Ze'ev Schiff, *"U.S to Israel: Tighten Arms Exports Supervision"*, Ha'aretz, June  
12, 2005; Ze'ev Schiff, *"U.S Insists: Mofaz Must Sign Drone Apology"*,  
Ha'aretz, July 27, 2005; Ze'ev Schiff, *"A Shallow Strategic Dialogue"*, Ha'aretz,  
July 29, 2005

260 The controversial airborne early warning radar is described below. Australia has also purchased this  
technology from Israel:

#### **Elta/Israeli Aircraft Industries (IAI) PHALCON radar**

265 Israel has developed the IAI/Elta Phalcon system, which uses an AESA (Active  
Electronically Scanned Array) in lieu of a rotodome antenna. The system was the  
first such advanced radar placed into service. The original Phalcon was mounted  
on a Boeing 707 platform<sup>[9]</sup> and developed for the Israeli Defence Force and for  
export. A Boeing 707 Phalcon system was delivered to Chile in 1993 where it is  
known as the "Condor".

270 ...  
The second generation improvement of the Phalcon system was accomplished in  
the development of the Israeli ground based IAI EL/M-2080 "Green Pine" radar  
target tracking system used by the Israeli Defence Force. This system has been  
exported to several countries.

275 ...  
Israel Aircraft Industries (IAI) was marketing its Phalcon airborne early warning  
(AEW) system to China in competition with the British defence firm GEC-  
Marconi. In 1996 Tel Aviv and Beijing signed an agreement on purchasing the  
Falcon radar system, which China insisted system should be fitted onto Russian  
280 Il-76 aircraft. The Phalcon's triangular radar array would be mounted on the rear  
quarter fuselage of the Il-76 to provide full 360 degree scan coverage. Beijing  
was expected to acquire several PHALCON AEW systems, and reportedly could  
buy at least three more [and possibly up to eight] of these systems. But in July  
2000 the United States pressured Israel to back out of a \$1 billion agreement to  
285 sell China four Phalcon phased-array radar systems.

The **India Air Force** agreed in 2004 to purchase three systems for \$1.1 billion.  
Russia and Israel on 10 October 2004 signed a tripartite agreement to facilitate  
the equipping of the Indian Air Force (IAF) with the Phalcon airborne warning  
and control systems. The IAF plans to mount the Phalcon radar and surveillance  
290 systems from IAI on IL-76 aircraft supplied by Russia. India received its first  
AWACS on 25th May 2009. It landed in Jamnagar AFB in Gujarat completing  
its 8 hour long journey from Israel.

<http://www.israeli-weapons.com/weapons/aircraft/phalcon/Phalcon.html>

295 So not only is Australia possibly compromised on the naval front with the  
Collins Class submarine, **Australia has also purchased the very same  
Israeli Phalcon system for its six Boeing 737 Airborne Early  
Warning aircraft called 'Wedgetail'**. Two of the 737 AEW&C have  
300 been delivered (26/11/2009) and another four were delivered over



2010/2011. India has the same or similar system – it's reasonable to expect that China has at least the 'specs', if not a working version or segments of the technology to manufacture their own version.

305 Other Israeli companies dealing with the Australian defence Force include *Elbit Systems* which was awarded a \$300 million dollar contract to provide advanced electronics warfare equipment to the Australian Defence Force. This was in the form of un-manned aerial vehicles.

[http://thejewishchronicle.net/view/full\\_story/6760167/article-Israeli-defense-company-wins-300-million-contract-for-the-Australian-Defense-Force/](http://thejewishchronicle.net/view/full_story/6760167/article-Israeli-defense-company-wins-300-million-contract-for-the-Australian-Defense-Force/)

310 Israel pioneered Unmanned Aerial Vehicles. I believe Mr Leon Wende may be involved with their operation. Mr Wende went to Israel suddenly without warning, just before 'Operation Cast Lead' began in December 2008. This report details the killing of a Palestinian family during Operation Cast Lead in 2008-2009:



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Questions have been raised about the accuracy of the targeting of UAVs. In March 2009, The Guardian reported that Israeli UAVs armed with missiles **killed 48 Palestinian civilians in the Gaza Strip, including two small children in a field and a group of women and girls in an**

**otherwise empty street.**<sup>[28]</sup> In June, Human Rights Watch investigated six UAV attacks which resulted in civilian casualties, and found that Israeli forces either failed to take all feasible precautions to verify that the targets were combatants, or failed to distinguish between combatants and civilians.<sup>[29][30][31]</sup>

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<sup>[28]</sup> *The Guardian*, 23 March 2009. "Cut to pieces: the Palestinian family drinking tea in their courtyard: Israeli unmanned aerial vehicles—the dreaded drones—caused at least 48 deaths in Gaza during the 23-day offensive." Retrieved on August 3, 2009.

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<http://www.guardian.co.uk/world/2009/mar/23/gaza-war-crimes-drones>

<sup>[29]</sup> "Precisely Wrong: Gaza Civilians Killed by Israeli Drone-Launched Missiles", Human Rights Watch, 30 June 2009.

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<http://www.hrw.org/en/reports/2009/06/30/precisely-wrong-0>

<sup>[30]</sup> "Report: IDF used RPV fire to target civilians", YNET, 30 June 2009

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[http://www.ynet.co.il/english/Ext/Comp/ArticleLayout/CdaArticlePrintPreview/1\\_2506.L-3739125.00.html](http://www.ynet.co.il/english/Ext/Comp/ArticleLayout/CdaArticlePrintPreview/1_2506.L-3739125.00.html)

<sup>[31]</sup> "Israel/Gaza: Civilians must not be targets: Disregard for Civilians Underlies Current Escalation". Human Rights Watch. 2008-12-30.

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<http://www.hrw.org/en/news/2008/12/30/israelgaza-civilians-must-not-be-targets>. Retrieved 2009-08-03

### **[ii] Verint, Leon Wende, Sydney Rail Transit System, False Flag Incidents**

350 Getting back to Mr Leon Wende, when I heard in early 2008 that he would be installing the security equipment for the *Sydney Rail Transit System* with the Israeli company *Verint*, I immediately placed online pictures of Mr Wende and named him and what he was doing.

355 Verint is a company with strong ties to Israeli Intelligence. It was named as possibly having hardware 'backdoors' in its data intercept equipment used to investigate criminal suspects. A top secret internal memo was circulated in the *U.S Drug Enforcement Agency* (D.E.A) stating that it was believed the Israeli company was tipping off Israeli and Jewish American drug trafficking suspects that their communications were being intercepted by law enforcement. That memo was then leaked to the Press

360 and became the focus of a four part series on Israeli spying on the U.S, broadcast by Fox News -  
available online on YouTube.

Here are some articles on the *Military Intelligence* origins of these Israeli companies:

### Israeli Intelligence Agencies Spy On Americans

365 2010 | Former CIA Agent Philip Giraldi interviewed by Iranian English Language  
T.V

**Interviewer:** What would remain of U.S citizens privacy?

370 **Philip Giraldi:** *Well, very little.* This has been going on ever since 2001, and some  
might argue even before that. And what is happening is that these agencies at the State  
level and local level are collecting huge amounts of information on every citizen. There  
are State agencies that are Homeland Security Agencies that collect information  
375 independently. This even happens at the county level in the United States where  
information about people and what they do and what their activities are, are collected.

**Interviewer:** Some experts are saying that this new program will give more room for  
Israeli Intelligence Agencies to work in the United States as intelligence sharing is a part  
of this new program. Your thoughts please on this post Wikileaks world.

380 **Philip Giraldi:** Well actually it's worse than that...it's worse than what you're implying.  
What is happening is that many of these State Agencies are actually Israeli companies  
that are working for the States. This happened recently in Pennsylvania where it was an  
Israeli company that was collecting this kind of information on war protestors. And in  
385 the State of New Jersey, an Israeli was actually appointed as the Homeland Security  
Director for the State so this penetration of American security by Israeli companies and  
Israeli individuals has been going on for some years.

**Interviewer:** Let me take you back to the Washington Post report once again. It says  
390 that the U.S is importing techniques that have been applied in Iraq and Afghanistan to  
spy on Americans. Are we going to look at harsh methods perhaps being used against  
Americans?

395 **Philip Giraldi:** Well, I don't see that yet taking place, but I think that the danger here is  
that you have a right to privacy as a citizen in the United States or as a citizen in any  
country and the fact is that the government has no right when you have done nothing  
wrong to be collecting information on you and compiling this information into a dossier  
and I think this is the great danger because once you have that kind of information  
400 collected you could do anything you want with it. You can intimidate people. You can  
say you're in debt because of your credit cards, you're doing this...you know, there are  
lots of ways the government can use this information, to leverage this information to do  
things to private citizens that should not be done.

**Interviewer:** Thank you so much for your thoughts. Philip Giraldi, a former CIA  
405 Officer speaking with us on the line from Washington.

...

[http://www.youtube.com/watch?feature=player\\_embedded&v=JF9tB99061g](http://www.youtube.com/watch?feature=player_embedded&v=JF9tB99061g)

Relevant points of above article:

- 410
- And what is happening is that these agencies at the State level and local level are collecting huge amounts of information on every citizen.
  - Some experts are saying that this new program will give more room for Israeli Intelligence Agencies to work in the United States as intelligence sharing is a part of this new program.
  - 415 • What is happening is that many of these State Agencies are actually Israeli companies that are working for the States.

- ...an Israeli was actually appointed as the Homeland Security Director for the State so this penetration of American security by Israeli companies and Israeli individuals has been going on for some years.
- 420 • I think this is the great danger because once you have that kind of information collected you could do anything you want with it. You can intimidate people. You can say you're in debt because of your credit cards, you're doing this...you know, there are lots of ways the government can use this information, to leverage this information to do things to private citizens that should not be done.

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With the above in mind, consider Greens Senator Scott Ludlam and his comment on new laws proposing the keeping of personal online data for two years:

430 "Everything must be stored so that we and God-knows **who else** can mine it and find out where you were."<sup>5</sup>

### How Elite Military School Feeds Israel's Tech Firms

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After graduating from high school in 1993, Arik Czerniak entered a secretive Israeli military program called *Talpiot*. The country's most selective institution, it accepts 50 students a year and trains them in physics, computers and other sciences. It's mission is to create innovative, tech-savvy leaders capable of transforming Israel's military.

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...

Three decades after *Talpiot* was founded to modernize the Israeli army, the program has created an unforeseen by-product -- a legion of entrepreneurs that has helped turn Israel into a technology juggernaut.

445

...

450 Mr. Czerniak and other Talpions, as graduates are called, have started dozens of these companies in recent years, specializing in security equipment, encryption software, communications and high end internet hardware. Many, like Mr. Czerniak, have moved to silicon valley.

...

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"The successful high-tech industry is a problem for the military", says Zohar Zispel, 58, considered a father of Israel's technology industry. Mr. Zispel's Tel Aviv based RAD Group has launched 28 tech start-ups over the years, six of them listed on Nasdaq. "It provides opportunities for Talpions the military cannot match", he says.

<http://www.pacbi.org/etemplate.php?id=558>

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Please note this particular sentence from the above:

- "Three decades after *Talpiot* was founded to modernize the Israeli army, the program has created an unforeseen by-product -- a legion of entrepreneurs that has helped **turn Israel into a technology juggernaut.**"

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### Zohar Zisapel, the Rad Dad of the Worlds Telecom Industry

By Karin Kloosterman - February 02, 2009

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RAD has helped change life as we know it, enabling high speed and wireless communication, and secure telephone networks and banking. Today, RAD is a solutions provider for more than 100 telecom operators around the world, including AT&T,

<sup>5</sup> Page 17 of this letter - 'Your life, their data'

475 British Telecom, Deutsche Telecom, France Telecom, Japan Telecom, and Orange France. It provides communications tools to major players in the banking, commerce, education, finance, government, military, transportation, and utility sectors.

...

480 <http://www.israel21c.org/people/Zohar-zisapel-the-rad-dad-of-the-world-s-telecom-industry>

480 The above statement shows that former *Israeli Military Intelligence officers* run companies that have access to databases of the most important kind from all over the world. Remember, the Australian government stated publicly that it would not allow the Chinese corporation *Huawei* to contract to install hardware in the Australian telecommunication system due to its **strong ties with the Chinese military and intelligence services**<sup>6</sup>. Remember the Drug Enforcement Agency in the United States circulating the top secret internal memo speculating that the Israeli company Verint had hardware backdoors in the data intercept equipment it was operating.

More on RAD:

490

### Communications Solutions for Government

RAD Website

495 Although initially slow to leverage the benefits of technology, governmental organizations are rapidly transforming their communications and data networks to be more responsive to their collaboration video conferencing, video surveillance, and improved inter-agency communications.

500 RAD offers a wide variety of diverse access products to enable efficient and reliable communications among governmental locations.

Perhaps catalysed by national security issues, governments are upgrading their networks and systems to enable, among other things, web based access to resources, real-time communications.

505

RAD's portfolio includes solutions for optimizing communications over traditional services such as PDH/SDH/SONET, solutions for leveraging news services such as metro Ethernet as well as solutions that enable a smooth migration from one to the other.

510 [http://www.rad.com/13/Communications\\_Solutions\\_for\\_Government/2698/](http://www.rad.com/13/Communications_Solutions_for_Government/2698/)

515 Access to "data" that you can turn into "intelligence" is the holy grail of any intelligence operation. Now, with powerful computers and complex software algorithms that match highly *disparate* data - you can extract huge amounts of intelligence. Look at this simple example of the use of "data collation" from 'Tweets' linked in with GPS data. From it, the researchers were able to predict personal illness up to 8 days in advance:

#### Twitter Predicts Personal Illness 8 Days In Advance

AUSTRALIAN PERSONAL COMPUTER MAGAZINE  
October 2012 - Page 122

520

525 Researchers at the University of Rochester in New York have analysed a bunch of location-tagged Tweets - 4.4 million of them from 630,000 users in New York City - to locate hot spots of ill health and then successfully predict which users will soon come down ill - with around 90% accuracy up to eight days in advance.

For all this to work, they had to first figure out a way for their 'bot' to differentiate Tweets like "sick of all the hipsters here" or "fully sick bra" from ones where people are complaining about *actually* being sick. Then they match up peoples regular movements to areas of known illness, leading to the accurate predictions.

<sup>6</sup> Page 14 of this letter

530

Of course, the system can only highlight area's filled with sick, whinging Twitter users, and rarely do people also Tweet their symptoms, so actually distinguishing disease type and seriousness isn't possible.

535

In the following pages you will see the state of Israel's use of the "sayanim" or "helper". These are Jews who are prepared to assist Israeli intelligence in all sorts of ways - that includes access to databases that they don't already have access to<sup>7</sup>. Remember, they already have access to a huge amount of databases of all kinds.



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They have "backdoor's" in hardware and software. They have the most advanced computer chip fabrication plant in the world in Israel (Intel) and I'm sure Israeli intelligence have the run of the place. This plant produces chips for internet routers, laptops, desktops, Tablets and mobile smart phones. With people putting their ENTIRE lives online on Facebook and Google; putting every bit of information possible on mobile devices like Tablets and Smartphones which are always connected to Mobile Internet - you can imagine the "intelligence" that access to that sort of data can generate. This is exactly what Israel specialises in and just like the American Jew Henry Kissinger shipped American industry to China, we now find American high tech and Silicon Valley being shipped to Israel.



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Israeli companies excel in computer security technologies, semiconductors and communications. Israeli firms include Check Point, a leading firewall firm; Amdocs, which makes business and operations support systems for telecoms; Comverse, a voice-mail company; and Mercury Interactive, which measures software performance.<sup>[42]</sup> A high concentration of high-tech industries in the coastal plain of Israel has led to the nickname Silicon Wadi (lit: "Silicon Valley").<sup>[43]</sup> Both Israeli and international companies are based there.

555

Intel<sup>[44]</sup> and Microsoft<sup>[45]</sup> built their first overseas research and development centres in Israel, and other high-tech multi-national corporations, such as IBM, Cisco Systems, and Motorola, have opened facilities in the country. Intel developed its dual-core Core Duo processor at its Israel Development Center in Haifa.<sup>[46]</sup>

560

Optics, electro-optics, and lasers are significant fields and Israel produces fiber-optics, electro-optic inspection systems for printed circuit boards, thermal imaging night-vision systems, and electro-optics-based robotic manufacturing systems.<sup>[47]</sup>

565

Research into robotics first began in the late 1970s, has resulted in the production of robots designed to perform a wide variety of computer aided manufacturing tasks, including diamond polishing, welding, packing, and building. Research is also conducted in the application of artificial intelligence to robots.<sup>[47]</sup>

570

An Israeli, CEO and president of M-Systems, Dov Moran, invented the first flash drive in 1998.<sup>[48]</sup>

575

More than 3,850 start-ups have been established in Israel, making it second only to the US in this sector<sup>[49]</sup> and has the largest number of NASDAQ-listed companies outside North America.<sup>[50]</sup>

580

[42] Venture capital investment in Israeli high tech

<<http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2004/04/02/BUG675V5L41.DTL>>

[43] Israel's Silicon Wadi: The forces behind cluster formation, Catherine de Fontenay and Erran Carmel, June2002 <<http://www.mbs.edu/home/defontenay/IsraelSiliconWadiJune2002.pdf>>

[44] Krawitz, Avi (2007-02-27). "Intel to expand Jerusalem R&D". The Jerusalem Post.

<http://www.jpost.com/servlet/Satellite?cid=1171894528658&pagename=JPost%2FJPArticle%2FShowFull>. Retrieved 2007-08-04.

585

[45] "Israel R&D Center: Leadership Team". Microsoft.

<<http://www.microsoft.com/Israel/RnD/about/overview.html>> Retrieved 2009-12-06.

[46] Israel Saves Intel <<http://www.isrealli.org/israel-saves-intel>>

<sup>7</sup> Refer to New Zealand reports in this synopsis – "Police database like gold to spies, says SIS expert Hager" – page 24.

[47] Science and Technology: Industrial R&D, Israel Ministry of Foreign Affairs, retrieved 2009-11-26]  
 <<http://www.mfa.gov.il/MFA/Facts+About+Israel/Science++Technology/SCIENCE+AND+TECHNOLOGY-+Industrial+R-amp-D.htm>>

[48] <<http://www.systemdisc.com/pen-drives>>

[49] Senor and Singer, *Start-up Nation: The Story of Israel's Economic Miracle*

[50] "NASDAQ Appoints Asaf Homossany as New Director for Israel". NASDAQ. 2005-02-06.  
 <[http://www.nasdaq.com/newsroom/news/pr2005/ne\\_section05\\_019.stm](http://www.nasdaq.com/newsroom/news/pr2005/ne_section05_019.stm)> Retrieved 2007-08-04.

With American Jews like Mark Zuckerberg controlling 'Facebook' with its endless data on people from all over the world; American Jews Larry Page and Sergey Brin controlling the stupendous data contained within 'Google'; you can begin to see how the notion of "Jewish Sayanim" is extremely important for security and intelligence experts the world over.

**Mark Zuckerberg** was born in White Plains, New York and raised in Dobbs Ferry, New York. Zuckerberg's parents are Jewish,<sup>[4]</sup> but he considers himself an atheist.<sup>[5]</sup> He started programming when he was in middle school. Early on, Zuckerberg enjoyed developing computer programs, especially communication tools and games. Before attending Phillips Exeter Academy beginning in his junior year of high school, he went to school at Ardsley High School.<sup>[6]</sup>



He transferred to Phillips Exeter Academy where he immersed himself in Latin.<sup>[7]</sup> He also built a program to help the workers in his father's office communicate; he built a version of the game Risk, and under the company name Intelligent Media Group, he built a music player named the Synapse Media Player that used artificial intelligence to learn the user's listening habits, which was posted to Slashdot<sup>[8]</sup> and received a rating of 3 out of 5 from *PC Magazine*.<sup>[9]</sup> Microsoft and AOL tried to purchase Synapse and recruit Zuckerberg, but he decided to attend Harvard College instead, which he attended in September 2002, and where he joined Alpha Epsilon Pi, a Jewish fraternity.<sup>[10]</sup> In college, he was known for reciting lines from epic poems such as *The Iliad*.<sup>[7]</sup>

**Larry Page** was born into a Jewish family in East Lansing, Michigan.<sup>[3]</sup> His parents were computer science professors at Michigan State University.<sup>[4]</sup> During an interview, Page said that "their house was usually a mess, with computers and *Popular Science* magazines all over the place." His attraction to computers started when he was six years old when he got to "play with the stuff lying around." He became the "first kid in his elementary school to turn in an assignment from a word processor."<sup>[5]</sup> His older brother also taught him to take things apart, and before long he was taking "everything in his house apart to see how it worked." He said, "From a very early age, I also realized I wanted to invent things. So I became really interested in technology...and business. So probably from when I was 12, I knew I was going to start a company eventually."<sup>[5]</sup>



**Sergey Brin** was born in Moscow, in the Soviet Union, to Jewish parents, the son of Michael Brin and Eugenia Brin, both graduates of Moscow State University. His father is a mathematics professor at the University of Maryland, and his mother is a research scientist at NASA's Goddard Space Flight Centre.<sup>[8][9]</sup>



And then there is the coming technology of *Quantum Computing* which will bring to the world by 2025 a computer the size of a laptop that will be a Trillion times more powerful than the most powerful supercomputers available today. The consequences are staggering. The technology is the subject of several mainstream documentaries and has even been present on the ABC and SBS news here in Australia. It is real and some critics say it is frightening.

650 Proponents of this technology often refer to themselves as ‘Transhumanists’. The most famous of these is Ray Kurzweil:

655 Ray Kurzweil grew up in the New York City borough of Queens. He was born to secular Jewish parents who had escaped Austria just before the onset of World War II, and he was exposed via Unitarian Universalism to a diversity of religious faiths during his upbringing. His father was a musician and composer and his mother was a visual artist. His uncle, an engineer at Bell Labs, taught young Ray the basics of computer science.<sup>[1]</sup> In his youth, he was an avid reader of science fiction literature. In 1963, at age fifteen, he wrote his first computer program. Designed to process statistical data, the program was used by researchers at IBM.<sup>[2]</sup> Later in high school he created a sophisticated pattern-recognition software program that analysed the works of classical composers, and then synthesized its own songs in similar styles. The capabilities of this invention were so impressive that, in 1965, he was invited to appear on the CBS television program *I've Got a Secret*, where he performed a piano piece that was composed by a computer he also had built.<sup>[3]</sup> Later that year, he won first prize in the International Science Fair for the invention;<sup>[4]</sup> he was also recognized by the Westinghouse Talent Search and was personally congratulated by President Lyndon B. Johnson during a White House ceremony.



675 He claims that equally consequential developments will occur within the realm of computers as they become increasingly powerful, numerous and cheap between now and 2050. Kurzweil predicts that a computer will pass the Turing test by 2029. He predicts that the first AI will be a computer simulation of a human brain which will be created thanks to hyper accurate brain scanning done by advanced medical Nano machines inserted into a real human brain. Kurzweil suggests that AIs will inevitably become far smarter and more powerful than unenhanced humans. He also believes that AIs will exhibit moral thinking and will respect humans as their ancestors. According to his predictions, the line between humans and machines will blur as machines attain human-level intelligence and humans start upgrading themselves with cybernetic implants. These implants will greatly enhance human cognitive and physical abilities, and allow direct interface between humans and machines.

685 In February 2009, Kurzweil, in cooperation with Google and the NASA Ames Research Centre, announced the creation of Singularity University. The University's self-described mission is to "assemble, educate and inspire a cadre of leaders who strive to understand and facilitate the development of exponentially advancing technologies and apply, focus and guide these tools to address humanity's grand challenges".<sup>[47]</sup> Using Kurzweil's Singularity concept as a foundation, the University, whose initial class of 40 Fellows began their nine-week graduate program in June, 2009, provides students the skills and tools to guide the process of the Singularity "for the benefit of humanity and its environment". Singularity U encompasses cross-disciplinary studies in ten different scientific and future-oriented tracks, taught by industry experts.

695 <http://singularityu.org/about/faq/>

700 Google has a database so large it takes up several acres of ‘servers’ in a building linked with NASA. They are inputting the entire earth's book library into their database. With the notion of ‘Cloud Computing’ (run by Google), people store their data on remote servers instead of their local hard drives giving Google access to yet another huge volume of data that an intelligence agency can turn into powerful intelligence.

705 With ‘fibre to the node’ internet connections giving ordinary householders and businesses and corporations lightning fast access to the World Wide Web<sup>8</sup> - then a Quantum Computer with highly sophisticated software could conceivably have access to the entire knowledge base of the planet. Some say this is the “anti-Christ” spoken of in the Bible. Sophisticated artificial intelligence programs are already in use that can mimic the human thought process.

<sup>8</sup> An entire DVD movie can be downloaded in 5 minutes.

710 Forget China - the greatest threat we face is from Israel who is not only installing it's electronic equipment throught the worlds telephone exchanges, it can draw on its vast 'sayanim network'<sup>9</sup> to facilitate access to locations and databases it ordinarily cannot access via its state controlled companies. Not to mention its extensive security contracts with public class A infrastructure like airports etc.

715 Imagine a Quantum Computer - developed by Jews in the U.S (perhaps jointly with Israel) - linked in with the worlds databases and the software that enables it to literally "predict the future" and track and trace every human on the planet and imagine it in the hands of people who think themselves God's "chosen people" with a history of religious and racial supremacism and a religion that promises they will rule the earth from Jerusalem?<sup>10</sup> Don't arrest and charge the messenger - I'm just telling you what they say, think and plan. Look what they can do with 4.4 million Tweets with a few lines of information?

725 For further information on this amazing subject watch:

730

<p>"Human 2.0" ABC TV, broadcast late 2010</p> <p>"All Watched Over By Machines Of Loving Grace" SBS TV, broadcast mid/late 2011</p> <p>"A.I." 4 part series, SBS TV late 2012</p>
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735 Verint is an Israeli company that was also responsible for the security of the London Tube when it was bombed in July of 2005. It was reported in the press that eye witnesses did not see any of the men alleged to have carried out the bombing on the train, nor any 'back packs'. Also, witnesses stated that as they were removed from the smoking ruins of the bombed trains, police told them to be careful of the hole where the bombs were placed "under the train". Israel's notorious reputation for carrying out 'false flag' terrorist attacks to blame on others - particular 'Muslim Terrorists' - is particularly well known. Please see '7/7Ripple Effect', a documentary on the London Tube bombing, available online with a simple Google search.

740

745 The BBC even did a documentary on the maker of this amateur documentary such was its effect on the public with it's well researched facts:



750 *Despite the unease with the official version of events, the government has refused to hold a public inquiry, stating that "it would be a drain on resources and tie up key officials and police officers". Then Prime Minister Tony Blair said an independent inquiry would undermine support for the security service.<sup>[47]</sup> In reaction to revelations about the extent of security service investigations into the bombers prior to the attack, then Shadow Home Secretary, David Davis said: "It is becoming more and more clear that the story presented to the public and Parliament is at odds with the facts."<sup>[48]</sup>*

755 ...

760 A number of these theories about the 7/7 attacks, including the claims made in the amateur conspiracy film 7/7 *Ripple Effect*, were addressed by the BBC documentary series *The Conspiracy Files*, in an episode titled 7/7 first broadcast on 30 June 2009. It highlighted problems with the conspiracy theories it examined, and raised concerns over their authorship<sup>[51]</sup>

<sup>9</sup> See page 12 on the 'sayanim'.

<sup>10</sup> See following pages on Jewish racial and religious supremacism.

765 <sup>[47]</sup> Carter, Helen; Dodd, Vikram; Cobain, Ian (3 May 2007). "7/7 leader: more evidence reveals what police knew *The Guardian* 3 May 2007". *Guardian* (London). <http://www.guardian.co.uk/uk/2007/may/03/july7.topstories3> Retrieved 17 October 2009.

770 <sup>[48]</sup> Dodd, Vikram (3 May 2007). "7/7 leader: more evidence reveals what police knew". *The Guardian* (London). <http://www.guardian.co.uk/uk/2007/may/03/july7.topstories3> Retrieved 20 December 2007.

775 <sup>[48]</sup> Honingsbaum, Mark (27 June 2006). "Seeing isn't believing". *The Guardian* (London). <http://www.guardian.co.uk/uk/2006/jun/27/july7.uksecurity> Retrieved 12 August 2009.

<sup>[51]</sup> "Unmasking the mysterious 7/7 conspiracy theorist". *BBC News Magazine*. 30 June 2009. [http://news.bbc.co.uk/2/hi/uk\\_news/magazine/8124687.stm](http://news.bbc.co.uk/2/hi/uk_news/magazine/8124687.stm) Retrieved 12 August 2009.

780 On the above point of Israel organising 'false flag' incidents to blame on others, *Kay Griggs*, wife of  
 Marine Colonel George Griggs, talks about her husband's role in organising assassination and 'dirty  
 785 tricks' programs for NATO. She states in one memorable passage, "They kill 5, 10, 20 people. Men,  
 women and children. Then they blame it on the Arabs or they blame it on somebody else." She talks of  
 Israel's intimate involvement in such programs where she states, "The Israeli's are always in there,  
 but they always get away." Kay Griggs moved in the highest circles of the U.S political, military and  
 intelligence community. Her interview is available online. Just Google "Kay Griggs Talks". It is  
 seven hours long. I believe she may have FINALLY made it into the mainstream (interview took place  
 in 1997) as a fellow prisoner told me he was sure he had seen an add on the television for a  
 790 mainstream investigative news magazine with the words "Kay Griggs Talks" and a picture of a middle  
 aged woman on the cover with a bob of blonde hair which would be her. Detectives noted that having  
 viewed all my video's they had taken particular notice of "Kay Griggs Talks" which goes into the  
 paedophiles, closet homosexuality and bisexuality and sex parties within and around the U.S  
 Pentagon, Marine Corp, Special Forces, and political groups. It's a 'much watch'.



795 With all of the above in mind, it was my belief that Australia was due  
 for a 'terrorist attack' to be blamed on 'Muslim extremists' and when I  
 heard that Mr Wende was working on the *Sydney Rail Transit System*  
 with the Israeli company *Verint*, I decided to make him public.

800 After several weeks in which it was plain I was being followed, several members of the *State Security  
 Investigation Group* (S.S.I.G) came to my house in March of 2008 on a complaint issued by Mr  
 Wende's wife that I was - by naming him online - stalking them.

805 I reiterated the above information to them and they left abruptly. I  
 heard later that Mr Wende was under investigation by the *Australian  
 Federal Police* (A.F.P) who had gone to his house. By then I was in a  
 Russian Orthodox Christian Monastery in the Blue Mountains in New  
 South Wales.

810 Please consider all of these views and facts when considering my  
 charges and the constant use of the term "abhorrent views" by the DPP  
 etc.



### 815 **[ii] Chinese Company Refused Australian Government Clearance**

Also - along the lines of foreign nations installing compromised communications hardware - recently  
 the Australian government stated publicly that it would not allow the Chinese corporation *Huawei* to  
 contract to install hardware in the Australian telecommunication system due to its **strong ties with the**

820 **Chinese military and intelligence services**<sup>11</sup>. SBS News recently did an extensive report on the matter on the 5<sup>th</sup> December 2012.

825 With all that I have mentioned above Dr Walsh, one would hope the State of Israel would also be put on that *black list*. However, the Israeli States penetration of both friend and foe's most sensitive communications systems and databases far surpasses the Chinese.

830 Interestingly, the modern Chinese State under Mao was founded closely with Jewish Zionists like Sidney Rittenberg<sup>12</sup> of American Military Intelligence (linguist) who was Mao's 'right hand man' and handler. Jewish Zionists like Frank Coe and Shlomo Adler, Anna Louise Strong and Israel Epstein were all members of President Roosevelt's war cabinet and central to the design and founding of the Chinese Communist State. Of interest is the heavy Jewish involvement in the founding of the modern Chinese State:

835 The cities modernisers were not always Europeans or Americans of the standard colonial mould. Since Shanghai's modern beginning it was also the home of a small but extraordinary group of Jews, many from Iraq, Spain, Portugal, and India. Controllers of property, entertainment, and financial interests, the Hardoun, Kadoorie, and Sassoon families helped create the new world of Shanghai that was neither Occident nor Orient.

840 **Ted C. Fishman** 2006 "*China Inc*" p.20 Pocket Books

Here are some newspaper articles on this very topical subject:

845	<p><b>Emails between MPs and big miners stolen</b>          NICK BUTTERLY and ANDREW PROBYN          Canberra          WEST AUSTRALIAN PAPER          15<sup>th</sup> April 2011</p>
850	<p>Foreign computer hackers who broke into Federal parliamentary email accounts targeted sensitive correspondence between senior ministers and Australian resources companies operating in China.</p>
855	<p>Senior Government members have been warned by Australian security services to change their email passwords and strengthen IT security arrangements after a series of breaches of the parliamentary network.</p>
860	<p>The top secret Defence Science Technology Organization is conducting a review of the breaches and is looking at building better firewalls<sup>13</sup> to prevent more penetration of the parliamentary system.</p>
865	<p>The West Australian understands that spy agency ASIO is concerned about the theft of emails between Gillard Government ministers and a small number of major Australian resource companies doing business with Beijing.</p>
870	<p>China is keen to glean information about the pricing and production plans of Australian mining companies in relation to iron ore, nickel and coal.</p> <p>BHP Billiton, Rio Tinto and Andrew Forrest's Fortescue Metals group are among the Australian resources companies with significant business dealings with China.</p> <p>Australia and its western allies are increasingly concerned that the high-tech snooping appears to be State-sponsored.</p> <p>The hacking has reached all the way to the Prime Minister's office - a potential embarrassment for Julia Gillard ahead of her first official trip to China as PM in a fortnight. Resources companies contacted yesterday would not say whether they had been tipped off by the Government about the breach.</p> <p>It is understood that companies continually review their security protocols with a view to stopping the theft of highly sensitive commercial data.</p>

<sup>11</sup> Refer next page and 'Operation Talpiot' whereby Israeli Military Intelligence Officers were trained in communications software and hardware design and now operate large NASDAQ listed I.T corporations. Also – Israeli company 'Verint' – next page.

<sup>12</sup> Refer Rittenbergs book "*The Man Who Stayed Behind*".

<sup>13</sup> Not if it's a RAD Group (Israeli Company) based firewall ☺

875

Earlier this year, A US diplomatic cable made public through Wiki leaks showed BHP Billiton chief Marius Kloppers was becoming alarmed about Chinese surveillance of his companies activities.

880

The cables also suggested BHP Billiton was willing to trade information with the US Government about China and that Mr Kloppers was equally concerned that rival mining companies were spying on him.

Last year it was revealed WA would play a key role in the emerging cold war in space, with a joint Australian-US satellite monitoring facility to be built at Exmouth.

885

As well as plotting space junk, the system will keep an eye on satellites, many of them Chinese.

Now, if China is a threat, what about Israel who's entire I.T industry – which is world wide – is made up of Military Intelligence Officers trained and groomed under *Operation Talpiot*?

890

Is there any truth that CBH (Co-Operative Bulk Handling) had aspects of its activities exposed because an employee had purchased RAD Group modems from Israel? A company run by ex-Israeli Military Intelligence officers? Remember the AWB (Australian Wheat Board) scandal that broke (late 2003) just after, I was told, the modems were purchased from Israel? CBH and AWB are sister companies - totally entwined.

895

What about the fact that the largest Intel chip fabrication factory outside of the United States is in Israel? What about the Israeli company 'Verint' being accused of having hardware "back-doors" installed on their data intercept equipment provided to the American DEA (Drug Enforcement Agency)?

900

More on industrial spying:

KEEPING SECRETS

### **Big players coy on the extent of industrial spying**

Peter Kerr

WEST AUSTRALIAN PAPER

June 14<sup>th</sup> 2012

905

For \$89.95 (including GST), millions, if not billions, of commercial secrets can be yours.

910

Owner of Nella Global security firm Amanda Nella says that once the matchbox-sized listening device is activated with a sim card, it can be called from a mobile phone anywhere in the world.

915

The caller can then listen to conversations within 14 meters, for up to four hours - longer if it can be plugged into a computer.

Long enough, though, to listen into a board meeting or takeover strategy session.

920

In the past week the buzz around Perth business circles has been that a WA mining company swept its offices recently and found a bug - not dissimilar in size to the \$89.95 version.

...

Even more so given the finger is often pointed at Australia's major trading partner China when espionage is raised, despite experts suggesting that more spying is done by Australian companies on local rivals in trying to gain a commercial edge.

925

...

Last year, in his final public appearance as Woodside chief executive, Don Voelte belled the cat and said that the major resource firms were under constant cyber-attack - and not just from China. "It comes from eastern Europe, it comes from Russia. Just don't pick on the Chinese, its everywhere," he said.

930

Given Australia's surging economic ties with China, and the billion sat stake, others are not surprised that the Middle Kingdoms name is regularly raised.

935 Some analysts suggest that China's internal security and surveillance budget is greater than its military one.

Rory Medcalf, director of the International Security program at the Lowy Institute, says he has heard such "facts" bandied around but counters that it is impossible to know.

940 One executive who did not want to go on the record, but is close to the major miners, says that most companies take steps to counteract surveillance when visiting China, even down to not taking mobile phones to meetings.

However he says that planting bugs in Australian offices seems a stretch.

"Why would they need to bug it?" he said. "There are ways of hacking into your phones and using them as listening devices.

945 "The worlds moved on from bugs."

...

Of special note, this quote:

- 950 • *"Rory Medcalf, director of the International Security program at the **Lowy Institute**, says he has heard such 'facts' bandied around but counters that it is impossible to know."*

955 The '**Lowy Institute**' is a Think Tank based in Sydney, founded and funded by ex-Israeli Special Forces soldier Frank Lowy - originally from Hungary. Mr Lowy is now one of Australia's richest men - another 'Jew made good' from nothing but the sweat of his brow or some say funded by subversive Jewish forces. He's also been implicated in corruption with former Israeli prime Minister Ehud Olmert. I'd be careful taking anything they say on board, they are simply a mouth piece for Israel. Yes, Frank Lowy is a 'sayanim' - see page 15 of this letter.

960 But Israel and China are not the only ones who want your data - the following long news article is extremely important:

**Your life, their data**

Louise Burke  
Social Media Editor  
WEST AUSTRALIAN PAPER  
June 2<sup>nd</sup> 2012

965

**A review of security laws in Australia will look at giving spies more access to our online activities**

970

Australians are increasingly wired to the digital world, but how often do we stop to consider the trail we leave? Every message sent, every email, Facebook post, or internet search creates another bit of information pinpointing where we are, what we are doing and who we are talking to.

975

Phone, computer, TV applications for shopping, eating, navigation, reading, watching and even dating add further detail to this rendering of our personal lives.

980

Every detail of this digital existence could soon be stored under a raft of security measures designed to boost the snooping power of Government agencies in the modern age.

The Australian Government has joined a global scramble for access to the expanding web of personal data created by our dependence on messaging, emails and social media.

985

In order to "stay one step ahead of terrorists and organised criminals", Attorney-General Nicola Roxon has called for an enquiry into reforms of security legislation to boost ASIO's power to intercept telecommunications and potentially force internet and phone companies to retain data on their users for up to two years.

990

The draft terms of reference are still being refined - and lack any detail of what could be stored - but it is understood details of email and text message

communications and visits to web sites and social media accounts could all be on the table.

995

Greens Senator Scott Ludlam said if the proposal was to force Australia Post to open all mail, photocopy it and keep the records for two years, there would be an outcry.

“People would wonder whether it was satire, but that is effectively what they are proposing for all online traffic henceforth,” he said.

1000

“Everything must be stored so that we and God-knows who else can mine it and find out where you were. It is totally unnecessary and overkill.”

The moves come as Governments around the world are struggling to redefine what is public and what is private when myriad forms of new personal data are becoming easier to access.

1005

Britain is taking a similar approach to Australia, with the Queen using her speech for the opening of Parliament last month to outline what has been dubbed by rights groups as the “snoopers charter” - a Bill which would increase internet spying by police and intelligence agencies, including a plan for internet and mobile companies to store data for 12 months.

1010

“My Government intends to bring forward measures to maintain the ability of the law enforcement and intelligence agencies to access vital communications data under strict safeguards to protect the public, subject to scrutiny of draft clauses,” the Queen said on the Government’s behalf.

1015

The proposals will be a hard sell for the Government of a population still traumatised by the News of the World phone-hacking scandal, a reminder of how fragile privacy has become. Civil liberties groups argue it is not a matter of maintaining access to information, but dramatically increasing the amount of data the British Government can access.

1020

Opponents are also concerned access to the information could be granted to other authorities and public bodies for the purposes not related to fighting terrorism or crime. In Europe, Germany has taken a stance against data retention, refusing to introduce European Union laws obliging phone and internet companies to store records for at least six months.

1025

A 2006 directive ordered the 27 European Union member states to introduce the law but Germany’s top court rejected the “particularly deep intrusion into telecommunications privacy”.

In Australia, it is not the first time such measures have been considered.

1030

In 2010, then attorney-general Robert McClelland’s department held secretive meetings with internet service providers about potential plans for a data retention scheme, which never made it into law.

The latest attempt has been bolstered by meetings between Ms Roxon and US Homeland Security Secretary Janet Napolitano and an agreement with the US to expand information sharing for law enforcement agencies.

1035

“As terrorist groups form globally, Australia cannot go it alone,” Ms Roxon wrote in a recent opinion piece for the Australian. The Attorney-General said a recent “ambitious” terrorist plot thwarted by the CIA proved the need for vigilance.

It was a curious example given the “underwear bomber” in question appears to have been an agent working for the intelligence services.

1040

She said to date 38 people had been prosecuted as a result of counterterrorism operations in Australia.

Though technology created opportunity for the community and the economy, Ms Roxon said, it also created opportunity for criminal gangs, “not to mention transnational fraud, child porn syndicates and more”.

1045

If the use of telephone intercepts is any indication, criminal gangs and serious drug offenses use a far greater portion of Australia’s telecommunication surveillance resources than terrorism.

1050

The 2010-11 Telecommunications Interception and Access Act annual report breaks down categories of serious offences specified in the telecommunications interception warrants issued to law enforcement agencies Australia-wide.

In that year, the agencies received 1222 warrants to combat serious drug offences; 491 to investigate murder cases; 175 to investigate money laundering; 104 to combat terrorism and three to combat child pornography.

1055 Half of the 2034 convictions by the agencies in which lawfully intercepted information was given in evidence were related to drugs. Just eight related to terrorism.

But terrorism, in Ms Roxon's words, "provokes an emotive reaction by the Australian media and public".

1060 Perhaps it is easier to convince the public to give up more of their privacy for the sake of catching terrorists than for the sake of catching drug dealers, murderers and fraudsters?

Senator Ludlam said terrorism, bikies and online sexual predators were the three hot button issues "which are difficult to get around in public debate".

1065 He said he had no qualms with using court-ordered warrants to tract suspects for these serious offences, but treating every person as a suspect terrorist was "revolting".

"We are back to this really rather creepy idea, that starts from the premise that we are all suspects, we are all criminals and at any time we may want to retroactively find out where you were at any given moment when you send a Tweet or a text message," he said. "I find that premise really offensive."

1070 The Attorney-General's department is at pains to point out that the Government has made no decisions about the proposals and any reforms will first be considered by the joint committee on intelligence and security through public hearings. "Reports that our national security counterparts in the US have thwarted a plot to detonate a sophisticated bomb on a US bound aeroplane are a timely reminder of the need to ensure our national security capability evolves to meet emerging threats," the department said.

1075 "Unlike the Howard Government, the Gillard Government wants to give the public a say in the development of any new laws, which is why the Attorney has asked the committee to conduct public hearings."

1080 The commitment to give the public a say in the development of the new laws is a step forward from the Labor Governments secretive meetings with internet service providers in 2010.

Those meetings were revealed only through a heavily redacted response to a Freedom of Information request by Fairfax media.

1085 Discussions of the changes to laws will have to take into account a wide range of new and evolving uses of technology, particularly GPS-enabled smartphones now in the hands of most Australians.

In the US, recent debate about privacy and law enforcement has focussed on the detailed map of a person's activities that can be gleaned from digital GPS data.

1090 In a report to US Congress, legislative attorney Richard Thompson said courts were tasked with determining the balance between Governments law enforcement needs and people's privacy, but "when new technology is involved, achieving this balance is not an easy undertaking".

1095 He was referring to recent debate sparked by the case of US v Jones, which saw the conviction of alleged drug dealer Antoine Jones overturned after police were found to have breached his Fourth Amendment rights to privacy. The prosecution relied on GPS records of Mr Jones's movements over a month to link him to a drug ring by proving he had frequented a known stash house.

1100 Though the conviction was overturned on the basis police made a physical intrusion into a protected area to attach the GPS device, the justices also considered the ramifications of using GPS data collected over a length of time.

1105 The police had built a profile of Mr Jones' movements using GPS data of his public activity - not a privacy breach in itself - but the collation of that data created a picture no member of the public could reasonably piece together by normal observation.

"Police cannot infer much about a person from one trip to the liquor store," Mr Thompson wrote in his report.

1110 "However, a daily trip to the same liquor store would provide greater insight into the persons habits."

He said technology became intertwined with jobs, social life and "our most private interactions with each other" and this would create friction among many competing interests.

1115 “The first is a clash between two contrasting values - the desire for privacy and the longing to be connected through the newest and most advanced technology.  
 “To a certain extent, as one advances, the other must necessarily contract.”

1120 Let me just draw out the main points of this very interesting and some would say disturbing news article:

- 1125 • In order to “stay one step ahead of terrorists and organised criminals”, Attorney-General Nicola Roxon has called for an enquiry into reforms of security legislation to boost ASIO’s power to intercept telecommunications and potentially force internet and phone companies **to retain data on their users for up to two years.**
- Greens Senator Scott Ludlam said if the proposal was to force Australia Post to open all mail, photocopy it and keep the records for two years, there would be an outcry.
- “Everything must be stored so that we **and God-knows who else can mine it and find out where you were.** It is totally unnecessary and overkill.”
- 1130 • Opponents are also concerned access to the information could be granted to **other authorities and public bodies for the purposes not related to fighting terrorism or crime.** In Europe, Germany has taken a stance against data retention, refusing to introduce European Union laws obliging phone and internet companies to store records for at least six months.
- 1135 • It was a curious example given the “underwear bomber” in question appears to have been **an agent working for the intelligence services.**
- Half of the 2034 convictions by the agencies in which lawfully intercepted information was given in evidence were related to drugs. **Just eight related to terrorism.**
- Perhaps it is easier to **convince the public to give up more of their privacy for the sake of catching terrorists** than for the sake of catching drug dealers, murderers and fraudsters?
- 1140 • “We are back to this really rather creepy idea, that starts from the premise that we are all suspects, we are all criminals **and at any time we may want to retroactively find out where you were at any given moment when you send a Tweet or a text message,**” he said. “I find that premise really offensive.”
- 1145 • Discussions of the changes to laws will have to take into account a wide range of new and evolving uses of technology, **particularly GPS-enabled smartphones now in the hands of most Australians.**
- The police had built a profile of Mr Jones’ **movements using GPS data of his public activity** - not a privacy breach in itself - but the collation of that data created a picture no member of the public could reasonably piece together by normal observation.

### Spies to hack our PCs

EXCLUSIVE

Natasha Bitá

National Social Editor

SUNDAY TIMES - WA

13<sup>th</sup> January 2013

1160 ASIO wants to hack into Australians’ personal computers and commandeer their smart phones to transmit viruses to terrorists.

The Attorney-General’s Department is pushing for new powers to enable the Australian Security Intelligence Organisation to sabotage the computers of suspected terrorists.

Privacy groups have attacked the plan as “extraordinarily broad and intrusive”.

1165 A spokesman for the Attorney-General’s Department said it was proposing ASIO be authorised to “use a third party computer for the specific purpose of gaining access to a target computer:.

“The purpose of this power is to allow ASIO to access the computer of suspected terrorists and other security interests,” he told *The Sunday Times*.

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“(It would be used) in extremely limited circumstances and only when explicitly approved by the Attorney-General through a warrant. Importantly, the warrant would not authorise ASIO to obtain intelligence material from the third party computer.”

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The Attorney-General’s Department refused to explain how third-party computers would be used, “as this may divulge operationally sensitive information and methods used by ASIO in sensitive National Security investigations”.

But cyber specialist Andrew Pam, a board member of the Electronic Frontiers lobby group, predicted ASIO could copy the tactics of criminal hackers to control target computers.

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Australians’ personal computers might be used to send a malicious email with a virus attached, or to load “malware” on to a website frequently visited by the target.

“This stuff goes on already in the commercial and criminal world,” Mr Pam said. “Once you get control of a computer and connect to their network you can do whatever you want.”

1185

The departmental spokesman said the Government had made no decisions about whether to grant ASIO the new power, and would consider advice from the federal Parliamentary Joint Committee on Intelligence and Security, which was reviewing National Security legislation.

Victoria’s acting Privacy Commissioner, Anthony Bendall, has told the committee the proposed new powers are “characteristic of a police state”.

1190

“To access a third parties computer, which has no connection with the target, is extraordinarily broad and intrusive,” his submission said.

But the Attorney-General’s Department insists ASIO will not examine the content of third-party computers.

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“The use of the third-party computer is essentially like using third-party premises to gain access to the premises to be searched, where direct access is not possible,” it has said in response to questions from the committee.

“it involves no power to search or conduct surveillance on the third-party.”

1200

The department said that technological advances had made it “increasingly difficult” for ASIO to execute search warrants directly on target computers, “particularly where a person of interest is security-conscious”.

Australian Council for Civil Liberties president Terry O’Gorman said ASIO should have to seek a warrant from an independent judge, rather than a politician.

He warned that ASIO might be able to spy on individuals - including journalists, protecting a whistleblower - by tapping into their computers.

1205

“I’m concerned they will access all sorts of information on a computer that has nothing to do with terrorism,” he said.

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- *He warned that ASIO might be able to spy on individuals - including journalists, protecting a whistleblower - by tapping into their computers.*

Please keep in mind the above points and in fact all the articles I have quoted from as you read about Israel and its domination of certain I.T industries. Especially keep in mind what Greens Senator Scott Ludlam stated in the news article:

1215

“Everything must be stored so that we and God-knows **who else** can mine it and find out where you were.”

1220

I experienced a great degree of hacking of my computer that could have only come from a security/intelligence agency. For instance, my new ‘HTC Desire’ smart phone reset itself to factory settings overnight just after I had sent a message from it to a friend stating that the “phones were great but easily hacked by a security agency”. Also, my little 7inch Netbook was hacked via the wireless card with no external internet link. I have film of the event. ONLY a high end security/intelligence agency could have switched on a Netbook wireless card and accessed the computer through it, despite it being turned off in BIOS and in software. I am very security conscious, extremely so.

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- *The department said that technological advances had made it “increasingly difficult” for ASIO to execute search warrants directly on target computers, “particularly where a person of interest is security-conscious”.*

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I am not sure of the significance of this last article:

1235

**Wanted: a spymaster to replace Gyngell**

Canberra  
THE WEST AUSTRALIAN  
January 26<sup>th</sup> 2013

1240

Situation vacant: National spymaster.

Australia's peak foreign intelligence agency, the Office of National Assessments, is on the hunt for a new boss.

ONA has taken a newspaper advertisement calling for applications for director-general.

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Allan Gyngell, who has headed the agency since mid-2009, has declined to comment on his reasons for leaving.

The job is one of the most senior and demanding in the Australian intelligence world.

1250

ONA reports directly to the Prime Minister, providing expert assessments and analysis of international political, strategic and economic events and what they mean for Australia. It also co-ordinates the nation's foreign intelligence efforts.

The advert calls for someone with an impressive strategic mind and the ability to quickly grasp complex issues and present practical and responsive advice to the Government.

1255

A collegial personal style, an ability to engender trust and respect, sound judgement, intellectual rigour, tenacity and resilience are all a must.

**[iii] Sayanim – Local Jews Act as ‘Helpers’ For Israeli Intelligence**

1260

Added to the above topic, I also write about the Israeli Mossad's use of local Jews within various communities around the world to assist the State of Israel in operations. Here is a quote from a former Mossad Officer, Mr Viktor Ostrovsky, from his book *'By Way of Deception-The making and unmaking of a Mossad Officer'*:

الموساد للاستخبارات والمهام الخاصة

Mossad Logo:  
"Wage War By  
Deception"



1270

The next day Ran S. delivered a lecture on the Sayanim, a unique and important part of the Mossad's operation.

Sayanim (assistants/helpers) must be 100% Jewish. They live abroad, and though they are not Israeli citizens, many are reached through

1275

their relatives in Israel. An Israeli with a relative in England, for example, might be asked to write a letter saying the person bearing the letter represents an organisation whose main goal is to help save Jewish people in the Diaspora. Could the British relative help in any way?

There are thousands of Sayanim around the world. In London alone, there are about 2000 who are active, and another 5000 on the list. They fulfil many different roles. A car sayan, for example, running a rental agency, could help the Mossad rent a car without having to complete the usual documentation. An apartment sayan would find accommodation without raising suspicions, a bank sayan could get you money if you needed it in the middle of the night, a doctor sayan would treat a bullet wound without reporting it to the police, and so on.

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The idea is to have a pool of people available when needed who can provide services but will keep quiet about them out of loyalty to the cause. They are paid only costs. Often the loyalty of Sayanim is abused by Katsas<sup>14</sup> who take advantage of the available help for their own personal use. There is no way for the sayan to check this.

1285

<sup>14</sup> Mossad Officers.

1290 One thing you know for sure is that even if the Jewish person knows it is the Mossad, he might not agree to work with you - but he won't turn you in. You have at your disposal a non-risk recruitment system that actually gives you a pool of millions of Jewish people to tap from outside your borders. It's much easier to operate with what is available on the spot, and Sayanim offer incredible practical support everywhere. But they are never put at risk - nor are they privy to classified information.

1295 **Ostrovsky, Victor.** "By Way of Deception-The making and unmaking of a Mossad Officer" New York: St. Martin's Press, 1990. ISBN 0-9717595-0-2 p.86-87

1300 Mr Stanley Elliot Keyser - complainant in my case - fits the profile of a local *sayanim*, working for the Israeli State. He is President of the local Perth *Australian Union of Jewish Students*; head of the Perth chapter of *Habonim Dror*, a radical socialist Zionist youth group dedicated to the State of Israel; and also a regular attendee at the most notorious fanatical fundamentalist Jewish religious sect on the planet: *Chabad Lubavitch*.

1305 Also, with regards 'Sayanim' – Leon Wende. He is an Australian Jew who travels to Israel frequently with family (Orthodox Jews) who live there. He continues to work with the Israeli Defense Force and has high security clearances here in Australia via 'Australian Defense Industries'. How many more of these 'Sayanim' are employed in both the private and public sector?

1310 By the way, Ostrovsky laments that if the concept of the 'Sayanim' becomes widely known:

1315 The one problem with the system is that the Mossad does not seem to care how devastating it could be to the status of the Jewish people in the diaspora if it was known. The answer you get if you ask is: "So what's the worst that could happen to those Jews? They'd all come to Israel? Great."

Ostrovsky, Victor. "By Way of Deception-The making and unmaking of a Mossad Officer" p.88 New York: St. Martin's Press, 1990. ISBN 0-9717595-0-2

1320 This is a common theme – *getting* Jews to come to Israel:

1325 "I shall not be ashamed to confess that if I had the power, as I have the will, I would select a score of efficient young men – intelligent, decent, devoted to our ideal and burning with desire to help redeem Jews – and I would send them to the countries where Jews are absorbed in sinful self-satisfaction. The task of these young men would be to disguise themselves as non-Jews, and plague these Jews with anti-Semitic slogans, such as 'Bloody Jew,' 'Jews go to Palestine,' and similar 'intimacies'. I can vouch that the results in terms of considerable immigration to Israel from these countries, would be ten thousand times larger than the results brought by thousands of emissaries who have been, for decades, preaching to deaf ears."

1330 Editor 'Sharun'  
Editorial article in official newspaper of the governing Labour Party – "Davar", Israel – July 11, 1952

1335 Note that recently a man on the FBI ten most wanted list was found in Israel. What is intriguing is that he was the former head of a chapter of the Ku Klux Klan in the U.S ☺ Israel has some of the most tightly controlled borders in the world. How can this be? Why would someone espousing notions of White Aryan Supremacism and a with a core hatred of Jews as the racial enemy of mankind hide out in Israel? Apparently he stated that he thought Israel would be "the last place anyone would look". The man - Micky Mayon - is a Jew:

1345 **Arrested KKK man turned over to Israeli police by friend**  
**Micky Louise Mayon is on the FBI's list of 100 most wanted criminals for several federal crimes.**  
By Dana Weiler-Polak

An alleged Ku Klux Klan member arrested in Tel Aviv this week was turned over to police by an Israeli friend, it emerged on Tuesday.

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Micky Louise Mayon, 33, was detained in Tel Aviv's Florentin neighbourhood on Monday night by members of the newly created "Oz" task force, which was formed to replace the Immigration Police.

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Mayon has been on the U.S Federal Bureau of Investigation's list of 100 most wanted criminals for several federal crimes. He is suspected of belonging to the KKK, of burning vehicles belonging to federal U.S judges and several allegations of severe violence.

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During a preliminary enquiry on Monday, Mayon said he had been living with an Israeli woman he met four months ago. He told immigration police that he informed his friend of his past after she revealed to him that she was pregnant. His activities apparently frightened her and caused her to turn him in.

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Authorities do not know whether Mayon was romantically involved with the woman, given that he had never requested permission to stay in Israel on those grounds.

Judges were to decide on Tuesday whether Mayon would be extradited to the United States.

<http://www.haaretz.com/misc/article-print-page/arrested-ku-klux-man-turned-over-to-israeli-police-by-friend.html>

1370

Jews found and lead these organizations to maintain the appearance of a dangerous hatred of Jews - "just around the corner".

1375

Also, a man named Frank Collins led a march through an American town in the late eighties. All of the participants were dressed in full Nazi regalia. He led a local chapter of the 'American National Socialist Party'. Little old Jewish ladies were fainting. A repeat of the Holocaust<sup>TM</sup> was mentioned. The main stream news made much of it. A few months later the local Sheriff from a nearby town came forward and local news<sup>15</sup> noted that Mr Frank Collins real name was [CLICHÉ JEWISH NAME]<sup>16</sup> and he was a Jew from the next town. A Jewish man, James Mitchell Rosenberg, was also caught out playing agent provocateur for the ADL:

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A case which has been compared to the Bullock case was that of James Mitchell Rosenberg, AKA Jim Anderson. Rosenberg/Anderson was an undercover operative of the ADL who acted as an agent provocateur, posing as a racist right-wing paramilitary extremist. He appeared in this role as part of a TV documentary entitled "Armies of the Right" which premiered in 1981. Rosenberg was arrested that same year in New York for carrying an unregistered firearm in public view. In 1984, ADL fact-finding director Irwin Suall identified Rosenberg as an ADL operative in a court deposition.

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1390

**Jeffrey Kaplan, Heléne Lööv**, *The cultic milieu: oppositional subcultures in an age of globalization*, ISBN 075910204X

1395

It is widely believed that the entire neo-Nazi movement in the U.S is run at the leadership level by Jews working for the ADL and FBI - 'sayanim'. It is the same in most western countries where these groups pop up from time to time or have an established presence.

1400

Jews are regularly caught painting swastika's on their college dormitory doors and smashing synagogue windows. Faking a rise in 'anti-Semitism' is a favourite method of Jewish groups in the West.<sup>17</sup>

The concept of the Sayanim is something I stated in my video I wanted to expose - local Jews used to intimidate Palestinian activists working in Perth.<sup>18</sup> I stated to him in the court, while he was on the stand, that he was a 'sayanim'. This he denied.<sup>19</sup>

<sup>15</sup> There was no correction in the MSM on this issue of his Jewishness.

<sup>16</sup> I cannot recall his real name.

<sup>17</sup> And then people like me are blamed for creating hatred for Jews.

1405 My use of the term ‘sayanim’ was the first time to my knowledge it had been used in a mainstream public forum. By July of 2011 an article appeared in the New Zealand online press not only using this term but exposing the whole concept of the sayanim:

stuff.co.nz

1410 NATIONAL

**Identity theft may have been Israelis’ goal - analyst**

MICHELLE COOKE Last updated 11:37 20/07/2011

1415 New Zealand passports are “extremely valuable” and it is most likely four Israelis in Christchurch at the time of the February 22 quake were on an identity-theft mission a political risk consultant says.

1420 Israeli national Ofer Mizrahi was killed in the quake and the three friends he was with fled the country 12 hours later.

Prime minister John Key has confirmed Mizrahi was carrying five passports but refused to go into further detail.

1425 Paul Buchanan, who has worked at the Pentagon and trained intelligence officers in the United States, said it was suspicious that one of the Israeli’s was carrying multiple pass ports and that his friends left New Zealand so shortly after he was killed.

1430 He believed the four Israeli’s were probably on a “trolling mission” searching for identities they could steal.

1435 “Because of New Zealand’s international reputation the passports are extremely valuable for intelligence services. new Zealand has this reputation for independence and autonomy...people trust New Zealand,” he said.

“The passports could have been used for very covert activities - nothing light.”

1440 He said those activities could include assassinations.

Buchanan said it was unlikely they were Mossad agents because they were to young and Mossad agents would be involved in more high-level operations.

1445 “However, they may be recruits for the service and this might have been one of the tasks they needed to do, operating as sayanims, which is the Hebrew word for helper,” he said.

1450 “That is likely what these people were and the question then comes - why were they specifically in Christchurch?”

“It could well be in the aftermath of the first September quake that the decision was made to go into the damaged city and see if they could access public records or identity banks that would allow them to use the name of a living New Zealander who does not travel, or a dead one that could be falsified and put on to passports.”

1455 The police national computer had been under scrutiny since a Security Intelligence Service officer described the suspicious activities of several groups of Israeli’s during, and immediately after, the earthquake.

1460 Three Israeli’s, including Mizrahi, were among the 181 people who died in the earthquake.

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<sup>18</sup> Defence against 80B - in the public interest - Section 80G.

<sup>19</sup> He was also a main speaker at a Friends Of Israel meeting attended by the Israeli Ambassador to Australia held 8 days before the original August 16<sup>th</sup> 2010 start of my trial.

1465 Israel showed immediate interest in the quake, with Israeli Prime Minister Benjamin Netanyahu calling Key four times on the day. An unaccredited Israeli search and rescue squad was later confronted by armed New Zealand police and removed from the sealed-off “red zone” of the central city.

1470 Another Israeli group, a forensic analysis team sent by the Israeli government, was welcomed in Christchurch and worked on victim identification in the morgue.

When it was realised the forensic analysts could have accessed the national police computer database, an urgent security audit was ordered.

1475 Two Israeli’s were arrested in 2004 for stealing the identity of an Aucklander with cerebral palsy to fraudulently obtain a passport.

1480 Tony Resnik, a former paramedic with St John Ambulance, was also believed to have been involved. He spent some time working in Israel and was a “person of interest” to police. He resigned from his job and left the country without warning in March 2004.

1485 Buchanan said Resnik had access to official records and it was likely that if the Israeli’s in Christchurch were trying to obtain New Zealand passports they would also have had a relationship with someone who had access to government records.

“It would have had to have been such a person known as a handler in Christchurch because the sayanim wouldn’t have had the local knowledge,” he said.

1490 “They had to have had a handler and I have no doubt the S.I.S will be looking for that person who will more than likely be Jewish.”

1495 He said it would have only taken “minutes” for the handler to copy information on to an external hard drive.

**-Stuff**

<http://www.stuff.co.nz/national/politics/5314120/Identity-theft-may-have-been-Israelis-goal-analyst>

1500 Another article extrapolating on the same matter appeared the next day:

stuff.co.nz

NATIONAL

1505 **Police database like gold to spies, says SIS expert Hager**

LANE NICHOLS Last updated 05:00 21/07/2011

1510 Secret information contained on the police national computer would be like gold to foreign intelligence agencies, and highly valuable for espionage purposes, says investigative journalist and SIS expert Nicky Hager.

1515 “You’ve got potential names you could steal and use, you’ve got all their backgrounds. You’ve got this fantastic resource on another country,” he said. “If you’re an intelligence agency that would be a very high value thing to seize.”

1520 It emerged yesterday that the Security Intelligence Service ordered a review of the national police computer system amid fears that Israeli agents had gained access to it after the Christchurch quake by loading sophisticated malware to obtain highly sensitive intelligence files.

Hager, who has written extensively about covert intelligence activities, believes any breach of the system by Israeli Mossad agents was likely to have been opportunistic in the aftermath of the earthquake, rather than premeditated.

1525 “That wasn’t the purpose of the mission they were here for. If you were in an intelligence service, there’s many reasons you want to have a list like that, opportunistic or otherwise. It’s a gem for them.”

1530 However, high-level intelligence shared between New Zealand and the United States gleaned through the Blenheim spy base would not have been accessible through the police computer, he said.

1535 If Israeli spies were based in Christchurch, their original mission would probably have been passport related. New Zealand passports were highly sought-after by foreign spies as they raised low levels of suspicion at immigration checks.

If the dead man had multiple passports, that suggested links to espionage, Hager said.

1540 “When there are people with multiple passports they can be high-level criminals. But coming from Israel, it sounds suspiciously like intelligence services - the strongest suspicion, I would say.”

1545 Both Hager and Labour leader Phil Goff called on the prime minister to come clean about the incident rather than hiding behind claims of national security.

1550 “You can’t just say this is about security because who’s security are you talking about?” Hager said. “Israeli security? If you’ve got foreign spies in your country, it isn’t a good enough reason.”

Police national headquarters issued a statement denying its computer system had been compromised.

1555 Defence Force chief Lieutenant General Rhys Jones revealed yesterday that SAS personnel had been deployed in the red zone immediately after the quake for humanitarian aid purposes. But he denied reports that SAS soldiers had been issued with ammunition and deployed in relation to an unaccredited Israeli search and rescue squad.

1560 **-The Dominion Post**  
<http://www.stuff.co.nz/national/politics/5317435/Police-database-like-gold-to-spies-says-sis-expert-hager>

1565 **[iv] Prisoner X - “Sayanim”**

**ACCUSED:** But I - I’m willing to even concede the DPP, there may be operational matters the police are undertaking, and have undertaken, and they don’t want big mouth O’Connell being too loud. But - - -

1570 *Transcript 6/05/2010 Page 108*

1575 Perhaps no better example of a “Sayanim” has appeared lately than the case of Australian citizen *Ben Zygier* and death in a ‘suicide-proof’ jail in Israel. In mid-February 2013, Australia’s premiere investigative reporting outfit ‘*Four Corners*’ exposed the story to the world. He has been named as a possible Mossad Agent but perhaps he was just a “sayanim”? He apparently disappeared from Australia in March of 2010. In April 2010 I had this to say at a court hearing just after the exposure of Australian passports being used in the assassination of a Palestinian resistance fighter:

1580 **ACJDC MARTINO:** Yes, is there anything else you wish to raise with me at this stage.

1585 **ACCUSED:** Yeah, ... One of my favourite subjects is, of course, Israeli intelligence activity in this country to do with Campbell Barracks, Sydney Rail Transit System, recent [tender] of a [300] million dollar contract with the military<sup>20</sup>, 600 million contract with [AMDOCS], an Israeli intelligence front company with Telstra, giving all the billing details of all Australians.

1590 With that in mind, I plan to upload material on the internet that I wanted to make clear with the DPP and yourself, and also begin a pamphlet campaign across multiple capital cities in Australia. I just want it on the record, a very clear indication from the DPP whether Israeli intelligence activity is a part of my case, the prosecution.

1595 **ACJDC MARTINO:** Well, Mr O'Connell, as I think I've explained to you, I can't give you legal advice. I've imposed bail conditions on you. They include not to publish directly or indirectly any material relating to this prosecution. That's all I can say on that.

1600 **ACCUSED:** Would you then be - DPP be able to clarify whether Israeli intelligence activity in Australia is a part of this prosecution.

...

1605 **MR DUNCAN:** Well, your Honour, I'm not going to provide advice to this man either. I mean, it's for him to decide. I might want to consider how close he's coming to raising similar issues to that which will be the subject of the trial.

*Transcript 10/05/2010 Page 116*

1610 Here is a report from the West Australian newspaper recently on the subject of Australian Jew Ben Zygier:

1615 **Prisoner X**  
 Jerusalem  
 WEST AUSTRALIAN NEWS PAPER  
 16<sup>th</sup> February 2013

1620 Few facts are known about Ben Zygier. He was born in September 1976 in Melbourne and died in Israel on December 15, 2010.

In between, he was active in Jewish organizations, immigrated to Israel in his early 20's, married an Israeli and had two children before returning to Australia in 2009 to pursue a Master's in Business Administration.

1625 The big mystery is why or from where Israeli agents seized him in early 2010 and isolated him in notorious Ayalon jail where not even the prison officers knew who he was or why he was there.

Nor is it known how, under intense 24-hour watch in a suicide-proof cell, he hanged himself.

1630 Israeli's are wondering what Mr Zygier possibly did to end up in Israel's highest security jail.<sup>21</sup>

On his death, an Israeli news website ran a brief about a man at Ayalon, identified only as Prisoner X, who killed himself but the item quickly came under a censorship order so strict even a mention of the order<sup>22</sup> was banned.

1635 The veil finally lifted on Wednesday when the media were allowed to quote an Australian Broadcasting Corporation investigation.

Since then, facts have trickled out: Zygier was a spy for Israel's Mossad with multiple identities.

<sup>20</sup> Unmanned aerial drones brought from Israel.

<sup>21</sup> I'm wondering myself why I ended up at Western Australia's highest security jail - Casuarina.

<sup>22</sup> Reminds me of when I had a gag order on me. When I mentioned the date of the trial I was re-arrested.

1640

Israeli friends called him Benji and he was friendly and liked to chat. "He was always up with everything," said a former colleague from a combat unit. "He read all the papers and had opinions about them."

The man refused to give his name or service record in fear of being punished for speaking about the sensitive case.

1645

"Everyone is freaked out," he said. "I really don't know anything sensitive or special about him, but the other guys are all wondering what the hell he could have done."

Another friend, who did not want to be named but was at Mr Zygier's wedding, said there were "rumours and jokes" about him being a Mossad agent because of frequent trips abroad and obsession with Middle East politics.

1650

"It was something a few people suspected or whispered about, but it wasn't serious," he said.

Israel's Justice Ministry acknowledged "Prisoner X" existed for the first time on Wednesday though it did not name him.

1655

It assured Israeli's that whatever prisoner X did, due process was observed: his family was notified of the arrest immediately, he was held on a court arrest warrant and had a lawyer.

"National Security prevents the release of any other details," it said. "These aspects of national security have been reviewed by the Central District Court, which decided to impose a comprehensive gag order on the case."

Mr Zygier's family, including his wife, will not speak to the media.

1660

His family in Melbourne was said to be "devastated" by his death. His parents, once Jewish community organisers<sup>23</sup>, quit their work shortly after he died.

Local papers said the family withdrew completely after the funeral and were now rarely seen.

What could Mr Zygier have done to frighten his family and Israel into utmost secrecy?

1665

The Age newspaper reported on Wednesday that when Mr Zygier died, the Australian Security Intelligence Organisation suspected him of using his Australian passport to spy for Israel.

It said he was one of several people who raised suspicion by asking for new passports with more "Anglo" names after moving to Israel.

1670

The newspaper said the migrants used the new passports to go to Iran, Syria and Lebanon, which do not recognise Israel or admit Israeli's or anyone with an Israeli stamp in their passport.

Mossad relies on immigrants with foreign passports and one former agent said last year Mossad recruited agents from "attractive Western countries".

1675

He said some were asked to rent apartments or buy cars in foreign countries or be active spies with delicate missions.

Various theories suggest Mr Zygier might have been a double agent, was caught spying or was pressed to spy for Australia.

Other reports speculated that he sold secrets to Iran or another of Israel's enemies.

1680

"He did something that went to the highest level of state security and which required him being kept alive but in absolute isolation," said a senior Israeli defence official, who claimed to know details of the case but could not risk violating the gag order or being identified.

McClatchy-Tribune

1685 Here are some observations I have Dr Walsh on the subject of "Prisoner X":

- 1) Is he even dead? Israel is known for faking all sorts of things, very well.
- 2) No "Jew" would ever betray Israel or a fellow Jew except under the most extraordinary pressure - particularly a dedicated Zionist like Zygier.
- 3) Maybe he was arrested on espionage here in Australia and somehow got bail, most likely because ASIO and the AFP would want to follow him around and see where he goes and who he talks to after being arrested. If he was a 'Katsa' (Mossad Case Officer), then he would have an elaborate plan of escape and clearly succeeded. In that case, my first point applies - is he even dead?

1690

<sup>23</sup> Yes, just like Stanley Elliot Keyser - 'Habonim Dror'.

- 1695 4) Note: “*His parents, once Jewish community organisers , quit their work shortly after he died.*” They are ‘sayanim’, without doubt. Just as Stanley Elliot Keyser is a sayanim- he is/was the President of the ‘Australasian Union of Jewish Students’ and the hard core Zionist youth group ‘Habonim Dror’. Now perhaps the Israeli Ambassador Australia turning up in Perth to support the ‘Friends of Israel’ rally is more clear?
- 1700
- 1705 5) This brings up my point of my first exposing *Mr Leon Wende* in 2005 as a possible agent of Israeli intelligence. His activities are far more suspicious than Mr Zygiel’s. He is former Israeli Defence force<sup>24</sup>, worked with high security clearances for ‘Australian Defence Industries’, had regular access to our special forces base here in Perth - Campbell Barracks, and is married to a very nice “Anglo” Australian woman who also has/had high security clearances working on such things as software development for the ‘Jindalee Over the Horizon Radar System’.
- 1710 6) I contacted *Matthew Carney*<sup>25</sup> from ‘Four Corners’ in December of 2010 about my case and what was happening. He said that he was interested and to contact him again when production resumed in February 2011. I was of course in jail by then. ‘Four Corners’ of course broke the “Prisoner X” story.
- 1715 7) What about male/female “Anglo” Australian’s being sought out by attractive Israeli’s or Australian Jews to marry and further Israeli/Jewish interests? The cousin of former P.M of Israel (Ehud Olmert) is married to an Australian Federal Labor M.P and former Australian Defence Force and U.N officer whose name escapes. This ‘Jewish tradition’ of marrying to enhance Jewish power goes back to the Old testament and ‘The Book of Esther’ where beautiful Esther keeps her Jewish faith secret and marries King Xerxes of Persia to prevent the murder of Jews in the region. She organises the execution of ‘enemies of the Jews’. This tradition is celebrated as ‘Purim’.
- 1720

**ESTHER 2:1 (Old Testament) (Tanakh)**

1725 Later, when the anger of King Xerxes had subsided, he remembered Vashti and what she had done and what he had decreed about her. <sup>2</sup>Then the Kings personal attendants proposed, “Let a search be made for beautiful young virgins for the King” ... <sup>4</sup>Then let the girl who pleases the King be Queen instead of Vashti.”

1730 <sup>5</sup>Now there was in the citadel of Susa a Jew of the tribe of Benjamin, named Mordecai son of Jair ... <sup>6</sup>who had been carried into exile from Jerusalem by Nebuchadnezzar king of Babylon, among those taken captive with Jehoichin King of Judah. <sup>7</sup>Mordecai had a cousin named Hadassah ... This lovely girl, who was also known as Esther, was lovely in form and features ...

1735 <sup>8</sup>When the Kings order and edict had been proclaimed, many girls were brought to the citadel of Susa and put under the care of Hegai. Esther was also taken to the Kings palace and entrusted to Hegai, who had charge of the harem. <sup>9</sup>The girl pleased him and won his favour. ...

<sup>10</sup>Esther had not revealed her nationality and family background, because Mordecai had forbidden her to do so. ...

1740 ...  
<sup>17</sup>Now the King was attracted to Estehr more than to any of the other women, and she won his favour and approval more than any of the other virgins. So he set a royal crown on her head and made her Queen instead of Vashti. ...

<sup>19</sup>When the virgins were assembled a second time, Mordecai was sitting at the Kings gate.

1745 <sup>20</sup>But Esther had kept secret her family background and nationality just as Mordecai had told her to do, for she had continued to follow Mordecai’s instructions as she had done when he was bringing her up.

...  
**3:5**

<sup>24</sup> Possibly related to ‘Operation Talpilot’.

<sup>25</sup> He is my brother in laws, brother in law.

1750 When Haman saw that Mordecai would not kneel down or pay him honour he was enraged. <sup>6</sup>Yet having learned who Mordecai's people were, he scorned the idea of killing only Mordecai. Instead Haman looked for a way to destroy all Mordecai's people the Jews, through the whole kingdom of Xerxes.

1755 ...  
<sup>13</sup>Dispatches were sent by couriers to all the Kings provinces with the order to destroy, kill and annihilate all the Jews - young and old, women and little children - on a single day, ...

1760 ...  
**8:3**  
 Esther again pleaded with the King, falling at his feet and weeping. She begged him to put an end to the evil plan of Haman the Agagite, which he had devised against the Jews.

1765 ...  
**9:24**  
 For Haman son of Hammedetha, the Agagite, the enemy of all the Jews, had plotted against the Jews to destroy them and had cast the *pur* (that is, the lot) for their ruin and destruction.

1770 <sup>25</sup>But when the plot came to the Kings attention, he issued orders that the evil scheme Haman had devised against the Jews should come back on his own head, and that he and his sons should be hanged on the gallows. <sup>26</sup>(Therefore these days were called Purim, from the word *pur*).

Is Ehud Olmert "Mordecai"?

1775 The above is an important point that deserves elaboration:

1780 Ehud Olmert (Hebrew: אהוד אולמרט, IPA: [e'hud 'olmɛrt] (listen), born 30 September 1945) is an Israeli political figure, and former Prime Minister of Israel having served from 2006 to 2009. Olmert was the mayor of Jerusalem from 1993 to 2003. In 2003 he was elected to the Knesset and became a minister and Acting Prime Minister in the government of Prime Minister Ariel Sharon. On 4 January 2006, after Sharon suffered a severe haemorrhagic stroke, Olmert began exercising the powers of the office of Prime Minister. Olmert led Kadima to a victory in the March 2006 elections (just two months after Sharon had suffered his stroke) and continued on as Acting Prime Minister. On 14 April, two weeks after the election, Sharon was declared permanently incapacitated, allowing Olmert to legally become Interim Prime Minister. Less than a month later, on 4 May, Olmert and his new, post-election government were approved by the Knesset, thus Olmert officially became Prime Minister of Israel.

**Ehud Olmert**  
 אהוד אולמרט



1795 ...

1800 On 16 January 2007, a criminal investigation was initiated against Olmert. The investigation focused on suspicions that during his tenure as Finance Minister, Olmert tried to steer the tender for the sale of Bank Leumi in order to help Slovak-born Australian real estate baron Frank Lowy, a close personal associate.<sup>[35]</sup> Israeli Police who investigated the case eventually concluded that the evidence that was collected was insufficient for indictment and no recommendations to press charges were made.<sup>[36]</sup>

1805 [35]"PM to face criminal investigation over Bank Leumi sale affair". Haaretz. 2007-01-17. <<http://www.haaretz.com/hasen/spages/814213.html>> Retrieved 2007-12-16.

1810 [36] "Zelekha: I'll step down in December". Jerusalem post. 2007-11-10. <<http://www.jpost.com/servlet/Satellite?pagename=JPost/JPArticle/ShowFull&cid=1192380780465>>. Retrieved 2007-12-16.

- *The investigation focused on suspicions that during his tenure as Finance Minister, Olmert tried to steer the tender for the sale of Bank Leumi in order to help Slovak-born Australian real estate baron **Frank Lowy**, a close personal associate.*

1815

Frank Lowy of “The Lowy Institute”. I hope ASIO and the AFP have their eyes firmly fixed on him.

Now, Dr Walsh, imagine if you have local Australian Jews with strong ties with Israel - who have even served in their defence force - who travel their regularly, and they are say, in charge of W.A Technology Crime? Imagine the possibilities? You can extrapolate that out into a million and one scenario’s.

1820

Then you have more low level security issues related to the likes of Stanley Elliot Keyser and these radical socialist Zionist youth groups like *Habonim Dror*. There are dozens of these groups taking special trips to Israel where local Australian Jews can be groomed and inducted into working directly or indirectly for Israeli Intelligence. Specifically in Habonim Dror in the U.S they salute the Israeli national flag and sing the Israel national anthem.

1825

Note Israel’s love for ‘records’ they can use. Perhaps the local S.S.I.G<sup>26</sup> could do an audit on the people working at the *Alexander State Library* here in Perth - **and law courts**.

1830

Please consider all of these views and facts when considering my charges and the constant use of the term “abhorrent views” by the DPP etc.

1835

#### **[v] Israel’s Non-Compliance With ‘Peace Process’**

Israel has never had, and never will, comply with a “Two State Solution”. It’s one and only intention is to “ethnically cleanse” the Palestinian people at the earliest opportunity. ‘Operation Cast Lead’ was an attempt at this. The utterly murderous and ruthless application of firepower and deliberate targeting of civilians and civilian infrastructure was designed to create panic amongst the population of the Gaza Strip and force Egypt to open the border. This did not happen and the ethnic cleansing of the Gaza Strip was a failure. There is also gas off the coast of Gaza, something not mentioned in the mainstream press.

1840

1845

Just how open is Israel about its true intentions?:

The Zionist movement recognised from the very beginning, back in the early part of the last century, that they were facing a hostile population. There were some illusions about it being a “land without a people”, but those quickly dissipated. The general principal that was followed was called “dunam after dunam”, goat after goat. This meant don’t let the Goyim - the non-Jews - know what we’re doing but just take a little bit more, establish a fact, get another dunam of land, and gradually we’ll just take it. That’s been the deeply rooted principal all along. It’s just a conception of how one proceeds: Let them talk, meanwhile we’ll take. Ben-Gurion is reported to have said, “*It doesn’t matter what the Goyim think, it matters what the Jews do.*”<sup>27</sup> And we shouldn’t delude ourselves into thinking there’s much of a division on this. In the Peres government in 1995-96 for example, which was supposed to be the doves, the housing minister, Benyamin “Faud” Ben-Eliezer, who has been in subsequent governments says, “Faud does everything quietly.” “My goal is to build and not encourage opposition to my efforts.” He builds quietly so the Goyim don’t hear it, or at least pretend they don’t hear it, because of course they, the United States, know it, since in fact they’re funding it. In 1992, there was a series of proposals - the Sharon plan, a Labor proposal, a couple of others - but they were basically the same: just various modifications of the Allon plan, which is: We take it step by step. Moshe Dyan ... was in charge of the occupation under the Labor government from 1967 to 1974. And his opinion was very

1850

1855

1860

1865

<sup>26</sup> State Security Investigation Group.

<sup>27</sup> Note the ‘tone’ - the same as Sharon: “*I want to tell you something very clear. Don’t worry about American pressure on Israel. We, the Jewish people control America and the Americans know it.*”. Kol Yisrael Radio October 3<sup>rd</sup> 2001

explicit in describing the same policy: “We’ll take little bits at a time; Israel was going to be the “permanent government” in the Occupied Territories. We’ll take it piece by piece, quietly.; we will tell the Palestinians, “We have no solution, you shall continue to live like dogs, and whoever wishes may leave, and we will see where this process leads.”

1870 **Noam Chomsky & Gilbert Achar** - “*Perilous Power: The Middle East and U.S Foreign Policy*”. p.180

- *This meant don’t let the Goyim - the non-Jews - know what we’re doing but just take a little bit more, establish a fact, get another dunam of land, and gradually we’ll just take it.*
- *Let them talk, meanwhile we’ll take. Ben-Gurion is reported to have said, “It doesn’t matter what the Goyim think, it matters what the Jews do.”*

1875

This is okay. Like with everything that Jewish power seeks to do - it follows its religious texts:

1880 **DEUTERONOMY 11:23**

Then the LORD will drive out all these nations before you, and you will dispossess nations larger and stronger than you. <sup>24</sup>Every place where you set your foot will be yours: Your territory will extend from the desert to Lebanon, and from the Euphrates River to the Western sea. No man will be able to stand against you. The LORD your God, as he promised you, will put the terror and fear of you on the whole land, where ever you go.

1885

It is openly talked about amongst Jews and within Israel that the Palestinians are going to be ethnically cleansed from Palestine at the earliest opportunity. Not only that, “Greater Israel” is the final goal from the ‘*east bank of the Nile to the West bank of the Euphrates.*’ That’s all of Western Iraq. This is hardly a state secret. Jews behave this way because this is what Jews are commanded to do by their holiest of books and commandments of the Rabbis who interpret them.

1890

Israel Shamir, easily one of the most respected Israeli activists in the world stated it even more so:

1895

Shamir took me to task, “Eisen is too optimistic”, he said, “Palestine is not the ultimate goal of the Jews... ..the world is.”

1900

Paul Eisen - “Jewish Power”  
<http://www.rightousjews.org>

### [vi] Racism Within Israeli Society

1905 Within Israeli society there are many divisions along ‘racial’ lines. As the dominant Jewish sect is European/Slavic in origin and known as ‘Ashkenazi Jews’ - the indigenous Palestinian Arab Jews; Jews from other Arab regions including Iran (*Sephardic Jews*); and Jews from North Africa (*Mizrahi Haredi Judaism*), are all discriminated against by this dominant blonde haired and blue eyed “Semitic” people. The notion is of course absurd but they get away with it because the average person is imbued with Yiddish/Slavic Jewish culture from the economic and cultural ‘super power’ the United States. This shows through in such television sitcoms as ‘Seinfeld’. If the full spectrum of the Jewish faith was known to the average person - including the M.P’s who voted on this legislation in 2004 - I have no doubt “Jews” would never have been included:

1910

1915 **ACHAR:** How would you, Noam, assess the story of the Falasha, the Black Ethiopian Jews? Is it the expression of an Israeli desire to look more like the United States?

1920

**CHOMSKY:** Israel didn’t want the Falasha in the worst way, and for a long time they just refused to allow them in. But there were some Jewish groups in the United States that were both Zionist and civil libertarian, and they started a big campaign, with a lot of publicity on the issue. And Israel really began to look bad. When people didn’t know about it, people didn’t care, but when it got to be



Ethiopian Israeli soldier in Nablus, in 2006

1925 known that Israel was blocking black Jews - this was after the civil rights movement - this was to ugly for them, so Israel had no choice but to take them in. But most of them are in development towns.

**ACHAR:** Right. And that was used in turn as a propaganda tool: We resemble the United States so much - we are twin societies.

1930 **CHOMSKY:** Yes, but after they had their arms twisted. What they wanted was the Russians.

**Noam Chomsky & Gilbert Achar** - *"Perilous Power: The Middle East and U.S Foreign Policy"*. p.183-184

1935 Bar-Yuda's long association with the Ethiopian Jewish community began in 1958. The Jewish Agency asked him to go to Ethiopia to look for Jews and to reach remote villages. His report, together with a 16th Century ruling by Rabbi David B. Zimra, known as the Radbaz, was the basis for chief Sephardic rabbi **Ovadia Yosef's** determination in 1973 that the Jews of Ethiopia were to be considered Jews according to halakha (Jewish religious law)<sup>28</sup>.



Beta Israel protest in Israel

1945 Ayanawu Farada Sanbetu, "Museum on history of Ethiopian Jewry to be built in Rehovot," 19:26 18/07/2005, HAARETZ.com  
<http://www.haaretz.com/hasen/pages/ShArt.jhtml?itemNo=599229>

In this next extract from "Perilous Power", Noam Chomsky comments on how bad the racism is within the Jewish Faith:

1950 There's another problem we should consider if we're discussing the situation within Israel, and that's the problem of the Mizrahim, the "Oriental jews". The majority of the population in Israel is from the Arab world, and they're very harshly oppressed. Recently, when Amir Peretz, a Jew who was born in Morocco was appointed the head of the Israeli Labor Party there was a bitter attack on him by Shimon Peres's younger brother, warning of "Levantinization": The Labor Party is being taken over by Arabs, just as general Francisco Franco attacked the Spanish Republic with Moroccan's, a "fifth column" who "shot [the Spanish republic] in the back." That's a sign of the racism that exists against Jews who are not of Ashkenazi (European) background, though a few have made it into elite sectors.

1960 In many ways they're more repressed than the Palestinian Arab citizens of Israel - literally.

...

1965 Some of the Mizrahim who came to Israel were relatively well off such as the iraqi Jews. But the Moroccans and others were poor people. After 1948, some Moroccans went to France and some went to Israel. The ones who went to France are today doctors, lawyers, college educated. The ones who went to Israel are manual labourers, or unemployed.

...

1970 One day there was an altercation between some teenagers, and I later asked the kibbutz person in charge what had happened. She told me that the kibbutz kids had thought that those with whom they had been fighting were Moroccan Jews; but she explained to them that the other teenagers were visiting Arabs invited as part of our outreach program to the Arab community, and therefore they'd have to be nice to them. That really expresses the attitude: The Moroccan Jews were considered worse than Arabs. It was striking.

**Noam Chomsky & Gilbert Achar** - *"Perilous Power: The Middle East and U.S Foreign Policy"*. p.161-163

1975

### **[vii] Zionists Control United States Foreign and Domestic Policy**

1980 But it is not only low level access to databases, or access to more sensitive private/government/military information or systems - perfectly respectable, well known mainstream members of society have voiced their concerns about Zionist influence the world over that link in

<sup>28</sup> Note that it is "religious law" that determines who a Jew is but they are still an ethnicity?

directly with National Security concerns. Such as highly respected White House Journalist Helen Thomas stated on her retirement in 2010, after 50 years in mainstream journalism:

1985 Thomas, a former White House journalist, said Israel can never be criticised in the U.S because Zionists are in control of the American foreign policy as well as its main institutions.

1990 "I can call a President of the US anything in the book, but I can't touch Israel, which has Jewish-only roads in the West Bank," Thomas said.

The 90-year-old national columnist says the White House, Congress, Wall Street and Hollywood are all owned by the Zionists.

1995 "Congress, the White House, Hollywood, and Wall Street are owned by the Zionists. No question, in my opinion," she said.

<http://www.presstv.ir/detail/153755.html>

2000 It's worth mentioning more about Helen Thomas:

2005 Helen Thomas (born August 4, 1920) is an American author and former news service reporter, member of the White House Press Corps and columnist. She worked for the United Press International (UPI) for 57 years, first as a correspondent, and later as White House bureau chief. She was an opinion columnist for Hearst Newspapers from 2000 to 2010, writing on national affairs and the White House.



2010 Thomas, one of the most notable Arab-Americans of her time, covered every President of the United States from the last years of the Eisenhower administration until the second year of the Obama administration. She was the first female officer of the National Press Club, the first female member and president of the White House Correspondents' Association, and the first female member of the Gridiron Club. She has written five books; her latest, with co-author Craig Crawford, is *Listen Up, Mr. President: Everything You Always Wanted Your President to Know and Do* (2009).

2020 ...

2025 During President George W. Bush's first term, Thomas reacted to then-Press Secretary Ari Fleisher's statements about arms shipments to the terrorists by asking: "Where do the Israelis get their arms?" He responded "There's a difference Helen, and that is --". "What is the difference?", she asked. He responded: "The targeting of innocents through the use of terror, which is a common enemy for Yasir Arafat and for the people of Israel, as well as --". She interrupted him, saying: "Palestinian people are fighting for their land." He responded: "I think that the killing of innocents is a category entirely different. Justifying killing of innocents for land is an argument in support of terrorism."



2030 **Ari Fleisher (March 1, 2005).** *Taking Heat: The President, The Press And My Years In The White House*. Harper Collins.

2035 [http://books.google.com/books?id=ZZV7BY-sFbIC&dq=israel+%22Helen+Thomas%22&source=gbs\\_navlinks\\_s](http://books.google.com/books?id=ZZV7BY-sFbIC&dq=israel+%22Helen+Thomas%22&source=gbs_navlinks_s)  
Retrieved June 16, 2010

2040 ...  
Thomas retired abruptly on June 7, 2010, following negative reaction to comments she had made about Israel, Jews, and Palestine during a brief interview with Rabbi David Nesenoff of RabbiLive.com. Nesenoff was on the White House grounds for an



American Jewish Heritage Celebration Day, and he questioned Thomas as she was leaving the White House via the North Lawn driveway:

2045 **Nesenoﬀ:** Any comments on Israel? We're asking everybody today, any comments on Israel?

**Thomas:** Tell them to get the hell out of Palestine.

**Nesenoﬀ:** Oooh. Any better comments on Israel?

2050 **Thomas:** Remember, these people are occupied and it's their land. It's not German, it's not Poland ...

**Nesenoﬀ:** So where should they go, what should they do?

**Thomas:** They go home.

**Nesenoﬀ:** Where's the home?

**Thomas:** Poland. Germany.

2055 **Nesenoﬀ:** So you're saying the Jews go back to Poland and Germany?

**Thomas:** And America and everywhere else. Why push people out of there who have lived there for centuries? See?

—May 27, 2010, *RabbiLive.com*

2060 **Rabbi David Nesenoﬀ; Helen Thomas.** (posted June 7, 2010, recorded May 27, 2010). *Helen Thomas, Complete Version, (2 minutes)*. [video]. Washington D.C.

<http://www.rabbilive.com/RabbiLIVE/Helen.html>

Retrieved June 17, 2010

2065 The fact that ‘Jews’ wield so much power in the United States - but you can't talk about it - has become the butt of jokes. Here, Joel Stein, opinion piece writer for the Los Angeles Times with some refreshing honesty:

### Who runs Hollywood? C'mon

2070 December 19, 2008 | JOEL STEIN

...

How deeply Jewish is Hollywood? When the studio chiefs took out a full page add in the Los Angeles Times a few weeks ago to demand that the Screen Writers Guild settle its contract, the open letter was signed by: News Corp. President Peter Chernin (Jewish), Paramount Pictures Chairman Brad Grey (Jewish), Walt Disney Co. Chief Executive Robert Iger (Jewish), Sony Pictures Chairman Michael Lynton (surprise, Dutch Jew), Warner Bros. Chairman Barry Meyer (Jewish), CBS Corp. Chief Executive Leslie Moonves (so Jewish his Great Uncle was the first prime minister of Israel), MGM Chairman Harry Sloan (Jewish) and NBC Universal Chief Executive Jeff Zucker (mega-Jewish). If either of the Weinstein brothers had signed, this group would not only have the power to shut down all film production but to form a minyan with enough Fiji water on hand to fill a mikvah.<sup>29</sup>



2085 The person they were yelling at in that add was SAG President Alan Rosenberg (take a guess). The scathing rebuttal to the add was written by entertainment super-agent Ari Emmanuel (Jew with Israeli parents) on the Huffington Post, which is owned by Arianna Huffington (not Jewish and has never worked in Hollywood.)

2090 The Jews are so dominant, I had to scour the trades to come up with six Gentiles in high positions at entertainment companies. When I called them to talk about their incredible advancement, five of them refused to talk to me, apparently out of fear of insulting Jews. The sixth, AMC President Charlie Collier, turned out to be Jewish.

2100 As a proud Jew, I want America to know about our accomplishment. Yes, we control Hollywood. Without us, you'd be flipping between “The 700 Club” and “Davey and Goliath” on TV all day.

...

<sup>29</sup> Jewish religious ceremonial bath.

I appreciate Foxman's concerns. And maybe my life spent in a New Jersey-New York/Bay Area-L.A pro-Semitic cocoon has left me naïve. But I don't care if Americans think we're running the news media, Hollywood, Wall Street or the government. I just care that we get to keep running them.

2105

<http://www.latimes.com/news/opinion/commentary/la-oe-stein19-2008dec19,0,4676183.column>

2110

- *"But I don't care if Americans think we're running the news media, Hollywood, Wall Street or the government. I just care that we get to keep running them."*

2115

Two American university academics even wrote a book called *'The Israel Lobby And U.S Foreign Policy'*. John Mearsheimer and Stephen Walt describe the lobby as, "a loose coalition of individuals and organizations who actively work to steer U.S foreign policy in a pro-Israel direction." The book, "focusses primarily on the lobby's influence on U.S foreign policy and it's negative effect on American interests." It got a lot of attention. I might add, out of the thousands of lobby groups in the United States, *only* the Israeli Lobby is called, 'The Lobby'.

2120

And finally on this point, a comment made by then Prime minister of Israel Ariel Sharon to Shimon Perez regarding Israel's control of the United States. The context of the conversation was with regards Perez telling Sharon that if he continued to push illegal settlements then Israel would lose support from the United States:



*"I want to tell you something very clear. Don't worry about American pressure on Israel. We, the Jewish people control America and the Americans know it."*

**Kol Yisrael Radio  
October 3<sup>rd</sup> 2001**

Reported in highly respected *'The Washington Report'*,  
November 2001

Page 114 under section titled *"American Educational trust  
– Publishers Page"*



President Bush and Prime Minister Sharon, White House, 2004

2135

Jewish arrogance seems to know no bounds:

2140

- *"I want to tell you something very clear. Don't worry about American pressure on Israel. We, the Jewish people control America and the Americans know it."*

Dr Walsh, you've seen their previous statements. The above is in keeping with them.

2145

*"What Americans need to understand is they [Israel] did it. They did it. And if they do understand that, Israel is going to flat ass disappear, Israel will flat ass disappear from this earth."*

2150

*"If Americans ever know, ever know, that Israel did this, they're going to scrub them off the earth and they're not going to give a rats ass what the cost is."*

*"And my dream is that we take the U.S 5<sup>th</sup> and 6<sup>th</sup> Fleet and take Israel and cream it."*

2155

Dr Alan Sabrosky: Interviewed by Mr Mark Glenn<sup>30</sup> March 2010 – Internet Radio

<http://theuglytruth.wordpress.com>

<sup>30</sup> Mr Glenn is regularly interviewed by Press TV.

All this - from the former director of studies of the U.S Army War College. “Abhorrent views”?

2160

If Dr Alan Sabrosky came to Western Australia to lecture would he be deported immediately on arrival at the airport? If he lectured within WA and made these statements about Israel plotting and carrying out the 9-11 attacks on America to blame on Muslim terrorists – would he be charged under the racial vilification act? I was re-arrested for publishing his statements in a video while awaiting trial after I was given permission by DCJ Sleight to make comments online not related to my case. The DPP indicated that Israel was a “Jewish State” and therefore I was violating - potentially - the racial vilification act...again.

2165

Please consider all of these views and facts when considering my charges and the constant use of the term “abhorrent views” by the DPP etc.

2170

### **[viii] Jewish Founding of the Soviet State and Use Of ‘Sayanim’ In Past**

It was common knowledge at the time of the Russian Revolution that founded the Communist Soviet state, that ‘Jews’ were instrumental in both funding and carrying out its goals and aims. Note these extracts from U.S State Department documents from 1918:

2175

*“Jews predominate in local Soviet government, anti-Jewish feeling growing among local population which tends to regard oncoming Germans as deliverers.”*

2180

**State Department Document 861.00/1757**

**Sent on 2 May, 1918**

**From Moscow - U.S Consul General Summers - to U.S State Department**

2185

*“50% of Soviet government in each town consists of Jews of the worst type, many of whom are anarchists. It would be a grave mistake on our part to officially recognize Bolshevik who scarcely represent (blank) per cent of Russian population.”*

**State Department Document 861.00/2205**

**Sent on 5 July, 1918**

2190

**From Vladivostok - U.S Consul Caldwell - to U.S State Department**

*“It is probably unwise to say this loudly in the United States but the Bolshevik movement is and has been since its beginning guided and controlled by Russian Jews of the greasiest type...”*

2195

**War Department Document 5200.9**

**Sent on 1 March, 1919**

**From Omsk – Captain Montgomery Schuyler, Intelligence Section - to U.S War Department**

2200

Also refer to the book ‘*Controversy of Zion*’ by the former long-time editor of the London Times newspaper – Sir Douglas Reid. He details through first-hand knowledge the intricacies of the Communist revolution and details the names of major and minor players. He talks openly of the ‘Jewish Conspiracy’ which would of course find him in jail these days according to the Western Australian criminal code if the book was published and sold today. Or perhaps he would simply die in one of those unfortunate ‘fine weather’ aircraft accidents that happen to people too well connected to deal with in any other way. The book was published in the early 1960’s, after his death. The book is openly regarded online as a favourite of *neo-Nazi*’s and *anti-Semites*. That a book written by one of the most prestigious and respected newspaper editors of last century (who was also Knighted), could be regarded simply as a piece of *hate literature*, shows the level of discourse on this subject.

2205

2210

Further on the subject of the Jewish nature of the Communist revolution<sup>31</sup> are comments in the English newspaper the ‘Illustrated Sunday Herald’ published on February 8<sup>th</sup> 1920 by none other than Sir Winston Churchill himself. Here are some extracts:

<sup>31</sup> Which killed directly 40 million people (at least) over 70 years.

2215 **ZIONISM versus BOLSHEVISM**  
 A STRUGGLE FOR THE SOUL OF THE JEWISH PEOPLE.  
 By the Rt Hon. WINSTON S. CHURCHILL  
 8<sup>th</sup> February 1920

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...  
 And it may well be that this same astounding race may at the present time be in the actual process of producing another system of morals and philosophy, as malevolent as Christianity was benevolent, which, if not arrested, would shatter irretrievably all that Christianity has rendered possible.

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...

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In violent opposition to all this sphere of Jewish effort rise the schemes of the International Jews. The adherents of this sinister confederacy are mostly men reared up among the unhappy populations of countries where Jews are persecuted on account of their race. Most, if not all of them have forsaken the faith of their forefathers and divorced from their minds all spiritual hopes of the next world. This movement among the Jews is not new. From the days of Spartacus-Weishaupt to those of Karl Marx and down to Trotsky (Russia), Bela Kuhn (Hungary)<sup>32</sup>, Rosa Luxembourg (Germany), and Emma Goldman (United States), this world wide conspiracy for the over throw of civilization and for the reconstitution of society on the basis of arrested development, of envious malevolence, and impossible equality, has been steadily growing. It played, as a modern writer, Mrs. Webster, has so ably shown, a definitely recognizable part in the tragedy of the French revolution. It has been the mainspring of every subversive movement during the nineteenth century; and now at last this band of extraordinary personalities from the underworld of the great cities of Europe and America have gripped the Russian people by the hair of their heads and have become practically the undisputed masters of that enormous empire

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...  
 There is no need to exaggerate the part played in the creation of Bolshevism and in the actual bringing about of the Russian Revolution by these international and for the most part atheistical Jews, it is certainly a very great one; it probably outweighs all others.

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With the notable exception of Lenin, the majority of the leading figures are Jews. Moreover, the principal inspiration and driving power comes from the Jewish leaders. Thus Tchitcherin, a pure Russian, is eclipsed by his nominal subordinate Litvinoff, and the influence of Russians like Bukharin or Lunacharski cannot be compared with the power of Trotsky, or of Zinovieff, the Director of the Red Citadel (Petrograd) or of Krassin or Radek – all Jews.

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In the Soviet institutions the predominance of Jews is even more astonishing. And the prominent, if not indeed the principal part in the system of terrorism applied by the 'Extraordinary Commissions for Combatting Counter-Revolution' has been taken by Jews, and in some notable cases by Jewesses. The same evil prominence was obtained by Jews in the brief period of terror during which Bela Kuhn ruled in Hungary. The same phenomenon has been presented in Germany (especially Bavaria), so far as this madness has been allowed to prey upon the temporary prostration of the German people.

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Although in all these countries there are many non-Jews every whit as bad as the worst of the Jewish revolutionaries, the part played by the latter in proportion to their numbers in the population is astonishing.

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Again, if published today, Mr Churchill might find himself my cellmate which would make for interesting late night conversation – not unwelcome. When Mr Churchill wrote this piece for a major British newspaper, was his intention to vilify and increase hatred of Jews? Or was he trying to inform people of a great danger? As was I. I'm genuinely sorry if I was not polite enough when I shouted "fire" and offended people.

With the above article by Winston Churchill in mind, please remember this comment by Helen Thomas, former White House correspondent for 50 years, in 2010:

<sup>32</sup> Responsible directly for the execution of 40,000 Hungarians in 1919.

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*“Congress, the White House, Hollywood, and Wall Street are owned by the Zionists. No question, in my opinion,” she said.*

And L.A Times opinion piece writer Joel Stein in 2010:

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*“But I don’t care if Americans think we’re running the news media, Hollywood, Wall Street or the government. I just care that we get to keep running them.”*

And former Prime minister of Israel Aerial Sharon in 2000:

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*“I want to tell you something very clear. Don’t worry about American pressure on Israel. We, the Jewish people control America and the Americans know it.”*

I feel history is repeating itself ala the Soviet Union.

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Sever Plocker (Jewish), an opinion piece writer for the mainstream online ‘Y-Net News Opinion’, wrote that some of the greatest mass murderers of the 20<sup>th</sup> century were Jewish:

### **STALIN’S JEWS**

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**We mustn’t forget that some of the greatest mass murderers of modern times were Jewish**

...

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And us, the Jews? An Israeli student<sup>33</sup> finishes high school without ever hearing the name “Genrikh Yagoda,” the greatest Jewish<sup>34</sup> murderer of the 20<sup>th</sup> century, the GPU’s deputy commander and the founder and commander of the NKVD. Yagoda diligently implemented Stalin’s collectivization orders and is responsible for the deaths of at least 10 million people. His Jewish deputies established and managed the Gulag system. After Stalin no longer viewed him favourably, Yagoda was demoted and executed, and was replaced as chief hangman in 1936 by Yezhov, the “bloodthirsty dwarf.” Yezhov was not Jewish but was blessed with an active Jewish wife<sup>35</sup>. In his book ‘*Stalin: Court of the Red Star*’, Jewish historian Sebag Montefiore writes that during the darkest period of terror, when the Communist killing machine worked in full force, Stalin was surrounded by beautiful young Jewish women.

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Stalin’s close associates and loyalists included member of the Central Committee and Politburo Lazar Kaganovich. Montefiore characterizes him as the “first Stalinist”, and adds that those starving to death in Ukraine, an unparalleled tragedy in the history of human kind aside from the Nazi horrors<sup>36</sup> and Mao’s terror in China, did not move Kaganovich.

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Many Jews sold their soul to the devil of the communist revolution and have blood on their hands for eternity. We’ll mention just one more: Leonid Reichman, head of the NKVD’s special department and the organization’s chief interrogator, who was a particularly cruel sadist.

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In 1934, according to published statistics, 38.5 per cent of those holding the most senior posts in the Soviet security apparatuses were of Jewish origin. They too, of course, were gradually eliminated in the next purges. In a fascinating lecture at a Tel Aviv University convention this week, Dr. Halfin described the waves of Soviet terror as a “carnival of

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<sup>33</sup> And every other student on the planet. It’s not taught anywhere except University level and his Jewish identification is never mentioned.

<sup>34</sup> One of the greatest mass murderers period. They dig up bodies in the basement of his old house to this day. He was a rapist and torturer of men and women. A sadist and psychopath – eclipsing even the worst of the behaviours of National Socialists.

<sup>35</sup> Female Jews marrying influential non Jewish males is a tradition from Bible times where Esther marries the King of Persia. It is actively encouraged, “in the interests of the Jewish people”. Note concept of ‘Sayanim’.

<sup>36</sup> Abe Foxman, head of the extremely powerful American based *Anti-Defamation League of B’nai Brith* (ADL) lobbied the Ukrainian government several years ago to not use the term ‘Holocaust’ when describing the deliberate starving to death of 7 million Ukrainians. Hence why I always put a ‘TM’ next to Holocaust<sup>TM</sup>. Mr Foxman believed that the term Holocaust<sup>TM</sup> be reserved for the persecution of European Jewry so as not to confuse people ☺

mass murder,” “fantasy of purges”, and “essianism of evil.” Turns out that Jews too, when they become captivated by messianic ideology, can become great murderers, among the greatest known in modern history.

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<http://www.ynetnews.com/articles/0,7340,L-3342999,00.html>

Jews in the United States who acted as ‘Sayanim’ to the Soviet Union and gave over the secrets of the atom bomb were:

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- Julius and Ethel Rosenberg (ring leaders, executed at Sing Sing prison).
- David Greenglass (scientist at Las Alamos).
- Theodor Hallsberg (scientist at Los Alamos).
- Harry Gold (courier for group to their Soviet handler).

2340

You will find the **exact same phenomena** of Jews holding important posts in the United States as they did in the Soviet Union. Note this simple history of the famous ‘Silvermaster Spy Group’, spying for the Soviet Union. Note the level of Government they have attained. Note that the much maligned Senator Joe McCarthy can hardly have been blamed for screaming “Reds under the bed”:

2345

- **Nathan Gregory Silvermaster** - Chief Planning technician, Procurement Division, United States Department of the Treasury; Chief Economist, War Assets Administration; Director of the Labour Division, Farm Security Administration; Board of Economic Warfare; Reconstruction Finance Corporation Department of Commerce.

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- **Helen Silvermaster** (wife).
- **Shlomo Adler**<sup>37</sup> - United States Department of Treasury.
- **Norman Chandler Bursler** - United States Department of Justice Anti-Trust Division.
- **Frank Coe**<sup>38</sup> - Assistant Director, Division of Monetary Research, Treasury Department; Special Assistant to the United States Ambassador in London; Assistant to the Executive Director, Board of Economic Warfare; Assistant Administrator, Foreign Economic Administration.

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- **Lauchlin Currie** – Administrative Assistant to President Roosevelt; Deputy Administrator of Foreign Economic Administration; Special Representative to China.

2360

- **Bela Gold** – Assistant Head of Program Surveys, Bureau of Agricultural Economics, United States Department of Agriculture; Senate Subcommittee on War Mobilization; Office of Economic Programs in Foreign Economic Administration.

- **Sonia Steinman Gold** – Division of Monetary Research U.S Treasury Department; U.S House of Representatives Select Committee on Interstate Migration; U.S Bureau of Employment Security.

2365

- **Irving Kaplan** – Foreign Funds Control and Division of Monetary research, United States Department of the Treasury Foreign Economic Administration; Chief Advisor to the Military Government of Germany.

- **George Silverman** – civilian Chief Production Specialist, Material Division, Army Air Force Air Staff, War Department, Pentagon.

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- **William Henry Taylor** – Assistant Director of the Middle East Division of Monetary Research, United States Department of Treasury.

- **William Ullman** – delegate to United Nations Charter meeting and Bretton Woods conference; Division of Monetary Research, Department of Treasury; Material and Services Division, Air Corps Headquarters, Pentagon.

2375

- **Anatole Volkov**.

- **Harry Dexter White** – Assistant Secretary of the Treasury; Head of the International Monetary Fund.

[http://www.conservapedia.com/Silvermaster\\_espionage\\_ring.html](http://www.conservapedia.com/Silvermaster_espionage_ring.html)

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Just as an example, here are some more Jews advising current and former Presidents:

<sup>37</sup> The same Shlomo Adler seen with Mao Zedong mentioned previously.

<sup>38</sup> The same Frank Coe seen with Mao ZeDong mentioned previously.

- 2385 • Paul Wolfowitz/William Kristol/Irving Kristol – all former Trotskyite’s, now ‘Conservative’, adviser to George. W Bush Presidency. Co-wrote ‘*Securing The Realm*’ and ‘*The Project For A new American Century*’ which took the United States into war with Iraq for the benefit of Israel. Also co-written with current ultra conservative Prime minister of Israel, Benyamin Netanyahu.
- 2390 • Rahm Emmanuel (duel Israeli/American citizen) and David Axelrod were both close advisers to President Barak Obama. They were both ‘relieved’ of their posts a year ago. Rahm Emmanuel is considered a ‘nut’ by many. Even reported in the local press by the West Australian newspaper as being regarded as a nut who stabs kitchen tables with a knife yelling “die, die, die” with regards his political enemies.

2395 And finally, a simple and basic analysis of Jews who control directly the banking and financial sectors of the world, note the Bible quote that follows:

- 2400 • **Alan Greenspan** – ran the American federal reserve for over 20 years.
- **Ben Shalom Bernanke** – took over from Alan Greenspan as the world’s top banker.
- **Loyd Blankfien** – head of one of the most powerful investment houses on Wall Street, Goldman Sachs.
- **Jamie Dimon** – head of J.P Morgan Chase on Wall Street.
- **Mervin King** – head of the Central Bank of England.
- 2405 • **Sanford Weill** – head of the largest and most powerful financial institution in the world, Citigroup.
- **Robert Rubin** and **Stephan Friedman** – top executives at Goldman Sachs who went on to direct the National Economic Council directly advising both Presidents Bush and Obama.
- **James Wolfensohn** - head of the World Bank.

2410 **DEUTERONOMY 28:12 - Old Testament (Tanakh)**  
<sup>12</sup>You will lend to many nations but will borrow from none. <sup>13</sup>The LORD will make you the head, not the tail. If you pay attention to the commends of the LORD your God that I give you this day and carefully follow them, you will always be at the top, never at the bottom.

- 2415
- <sup>12</sup>*You will lend to many nations but will borrow from none.*
  - <sup>13</sup>*The LORD will make you the head, not the tail.*
  - *...you will always be at the top, never at the bottom.*

2420 To this day, Orthodox Jews make a stew out of a cows head to remind them that they are to be the “head”, and not the “tail”. The notion that they will “rule the nations” is a central tenant of their religion. How this escapes people is beyond me, it is right in front of peoples face and they are following it according to Scripture. Does the below quote not say it all?

2425 **GENESIS 49:8**  
 Judah, your brothers will praise you;  
 Your hand will be on the neck of your enemies:  
 Your fathers sons will bow down to you.  
<sup>9</sup>You are a lions cub, O Judah;  
 You return from the prey, my son.  
 Like a lion he crouches and lies down.  
 Like a lioness - who dares to rouse him?  
 2430 <sup>10</sup>The sceptre will not depart from Judah,  
 Nor the rulers staff from between his feet,  
 2435 Until he comes to whom it belongs  
 And the obedience of the nations is his.

2440 “The sceptre will not depart from Judah” and “the rulers staff” will be his (Judah - from which “Jews” is derived) and “the obedience of the nations is his”. Do we need sign language as well? Maybe a puppet show to exemplify the point?

Jewish activist Paul Eisen has more to say on this issue:

2445 Nonetheless, an awful lot of Jews certainly do control an awful lot of America – not the industrial muscle of America – the steel, transport, etc, nor the oil and arms industries, those traditional money-spinners. No, if Jews have influence anywhere in America, it's not over its muscle and sinew but over its blood and its brain<sup>39</sup>. It is in finance and the media that we find a great many Jews in very influential positions. Lists abound (though you have to go to some pretty unpopular websites to find them) of Jews, prominent in financial and cultural life; Jews in banks; Jews in Forbes Magazine's Richest Americans; Jews in Hollywood; Jews in TV; Jewish journalists, writers, critics, etc., etc.

2450 Paul Eisen "Jewish Power"

<http://www.rightousjews.org>

2455 Please consider all of these views and facts when considering my charges and the constant use of the term "abhorrent views" by the DPP etc.

2460 Dr Walsh - from the clear evidence of specific Jewish involvement in conspiracies to subvert legitimate government, Jewish religious teachings that they will rule the world (with an '*iron sceptre*'), clear evidence they have attained dominance of the most influential and powerful 'power points' on the planet, I see it as a perfectly legitimate and important subject "in the public interest". Especially with the more recent addition of the State of Israel - a gross human rights violator and regular breaker of international law and 'safe haven' for Jews fleeing justice in foreign countries.

2465 The reason people get angry with this subject is because anyone raising these most basic of issues – even in passing – are viciously attacked, lose their jobs and are even physically assaulted. The frustration boils over – as it did in my case – and all of a sudden you have seven members of Counter Terrorism dragging you out of your house.

2470 I have no basic problem with the success of "Jews". I have a problem that they refuse to be accountable for it, or even admit their power:

2475 And there would probably be nothing wrong with this were it not for the fact that these same people who exert so much control and influence over American life, also seem to refuse to be held accountable. It is this surreptitiousness with which Jews are perceived to have achieved their success which arouses suspicion. Jews certainly seem cagey about the influence they have. Just breath the words "Jewish power" and wait for the reaction. They claim it's because this charge has so often been used as a precursor to discrimination and violence against them, but never consider the possibility that their own reluctance to discuss the power they wield arouses suspicion and even hostility.

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2485 But there is another claim, subtler and more worrying. This is that *it doesn't exist*; that Jews do not wield power, that there is no Jewish lobby; that Jews in America do not exert power and influence to advance Jewish interests, even *that there are no such things as Jewish interests!* There are no Jewish interests in the war in Iraq, there are no Jewish interests in America; most amazing, there are no Jewish interests in even Israel and Palestine. There is no Jewish collective. Jews do not act together to advance their aims. They even say that the pro-Israeli lobby has actually not all that much to do with Jews, that the Jewishness of Israel is irrelevant and the Public Affair Committees (PACs) which lobby so hard for Israel are in fact doing no more than supporting an ally and thus looking after America's best interests even to the extent of concealing their true purpose behind names such as "American for Better Citizenship", "Citizens Organised PAC" or the "National PAC" – none of which make one reference in their titles to Israel, Zionism, or Jews.

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**Paul Eisen "Jewish Power"**  
<http://www.rightousjews.org>

<sup>39</sup> "The LORD will make you the head, not the tail."

2500 I repeat that Paul Eisen is a highly respected Jewish activist who is welcomed at University lecture halls all over the world and counts the leading current day Jewish activists as his friends and colleagues – look at his terrible “abhorrent views”. Please, no one tell the W.A department of public prosecutions.

2505 ALL of the above information was DIRECTLY relevant to my defence under the charge 80B - ‘conduct likely to racially harass’, and the defence:

**80G. Defences**

(1) It is a defence to a charge under section 78 or 80B to prove that the accused persons conduct was engaged in reasonably and in good faith -

2510 (b) in the course of any statement, publication, **discussion or debate** made or held, or any other conduct engaged in, for -

(ii) **any purpose that is in the public interest;** and

(c) in making or publishing a fair and accurate report or analysis of any event or matter of public interest.

2515 How could a jury possibly ascertain whether my statements and behaviour towards Stanley Elliot Keyser were part of a discussion or debate in the public interest if I could not show the jury the essence of what I was trying to expose?

2520 However, it’s clear from the wording – conduct ‘likely’ to racially harass in Section 80B - it is an inescapable charge. All the complainant has to do is express ‘hurt feelings’ and you are on the chopping block for three years jail. **Please see page 44 of this letter for specific commentary on ‘conduct likely to racially harass’.**

2525 Under Section 77, this information is also very valid as it goes to the heart of intent. The purpose wasn’t to “incite” against a racial group but inform the public of an extremely important matter in the public interest. *That I got angry after being vilified in the Press and harassed and stalked, is a matter of circumstance, not intent.*

2530 Let’s just recall what the head of the DPP (McGrath) said at the WASCA on 13/12/2011:

2535 **MCGRATH:** ... count 6 we have removed from the religiosity based denunciation to a denunciation based on the Jewish community or members of it being involved with terrorist acts. At page 17 after outlining what people in the Jewish faith have done he brings it closer to home in Western Australia and makes the most - this is the gravman of this offence, “It is only a matter of time before they are going to do something here.” The “they” can only read as people of the Jewish race and what they’re going to do is the random acts of violence and terrorism which are particularised in the pages proceeding.

2540 *Transcript 13/12/2011 Page 26*

2545 With “Prisoner X” in mind and Israel being a KNOWN “false flag” terrorist perpetrator, what is exactly is Mr McGrath trying to say? That I’m lying? That I’m wrong? We see again that the “views” are being judged. This is right through all of the cases in all jurisdictions prosecuted so far. It is the “views” that the Communist police state of W.A are concerned about.

**[ix] Should All Jews Be Held Accountable?**

2550 Yes. Just as I am ultimately accountable for the actions of my own Government and must speak out against decisions that go against my conscience. Just as I am accountable for the crimes of the Catholic Church hierarchy who for at least 25 years covered up child sex abuse activities within the Church. If I don’t speak up - I must be judged by my silence.

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Again, activist Paul Eisen sums up this angle of the debate which prosecutor Mr Antony Eyers raised with me at trial:

**“The Jews”**

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The phrase is itself terrifying, because of its past association with discrimination and violence against Jews, but Jews themselves have no problem with it. The notion of a Jewish People is at the centre of Jewish Faith with Jews of all or no degrees of religious adherence over and over again affirming its existence. It is also at the heart of Zionism even in its most secular forms and is written into the foundational texts of the State of Israel. The concept even received international legal approval when the Jewish people were declared, by the West German state, to be the post war residual heirs of interstate Jews. And yet it is an absolute article of faith for everyone, including those in the solidarity movement, that while we may criticise and confront Israel and Israeli's, we may not criticise and confront the Jewish people and Jews. Unlike Israel and any other state, the Jewish People has no common policy and any attack on the Jewish people is, therefore, aimed at what they are and not at what they do.

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But is speaking of the Jews doing this or doing that any more or less acceptable than speaking of, say, the Americans? If the American military lays waste a third world country, it is done by order of the government (a small group) with the full support of the ruling elites (another small group), the tacit support of a substantial segment of the population (a larger group), the silent denial of probably the majority of the population (a very large group) and the opposition of a tiny minority (a small group). Is it all that different with Jews?

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It may be. Unlike the United States, ‘the Jews’ do not constitute a legally constituted body and they do not have an obvious and defined common policy. ‘The Jews’ do not have an officially designated leadership, nor do they inhabit one area of land, nor do they speak a common language or even share a common culture. Theoretically at least there seem to be so many differences as to render any comparison untenable. In practice this may not be the whole story.

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It is true that ‘the Jews’ do not constitute a legally recognized body, but Zionism, with its claim to represent all Jews, has increasingly confused the issue. It is also true that the Zionists do not represent all Jews but they do represent the views of very many Jews indeed, and certainly the most powerful and influential Jews. And there is no doubt that the overwhelming majority of organized Jews are fully behind the Zionist project. That ‘the Jews’ do not have a formerly designated leadership does not mean that they have no leadership - bodies again to which the overwhelming majority of organized owe allegiance: the Israeli Government, the World Zionist Organization; numerous large and powerful Jewish organizations such as the Anti-Defamation League and The Conference of Presidents of Major American Jewish Organizations, The Simon Wiesenthal Centre; lesser bodies such as the Board of Deputies of British Jews and similar organizations in every country in which Jews reside. Then there is the extensive network of Jewish bodies often linked through synagogues to the whole spectrum of mainstream Jewish religious and community life. All these bodies with their vast and interconnected network do provide leadership; they do have clearly defined policies and they are all four-square behind Zionism and Israel in its assault on the Palestinians.

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Does this constitute a definable Jewish collective engaged in advancing Jewish interests? Officially, perhaps not, but, effectively, when one notes the remarkable unanimity of intent of all these bodies, the answer may well be yes. They do not of course represent all Jews nor are all individual Jews responsible for their actions, but nonetheless ‘the Jews’ - organized, active and effective Jews - are as responsible for the pursuit of Jewish interests in Palestine and elsewhere as ‘the Americans’ in Vietnam, ‘the French’ in Algeria, and ‘the British’ in India.

2615

So why should our response be different? Why should ‘the Jews’ not be as accountable as ‘the Americans’ and even ordinary Jews as accountable as ordinary Americans? Why do we not picket the offices of the Anti-Defamation League or the Conference of Presidents or the offices or even the homes of Abe Foxman, Edgar Bronfman and Mort Zuckerman in the

2620 U.S and Neville Nagler in the U.K? Why do we not heckle Alan Dershowitz in the U.S and  
 2625 Melanie Phillips in the U.K? What about the U.K Chief Rabbi who in his time has had lots  
 to say about Israel and Palestine? Why do we not take the struggle to every synagogue and  
 Jewish community centre in the world? After all, every Shabbat a prayer is said for the state  
 of Israel in every mainstream synagogue in the land, most of which are focal points for  
 Zionist propagandizing and fundraising, so why should these Jews who choose to combine  
 their prayers and their politics be immune while at prayer from our legitimate protests at  
 their politics? And for those few Jews who are really prepared to stand up and be counted  
 for their solidarity with Palestinians, why can we not still give to them due honour and  
 regard as we did to those few Americans who opposed American imperialism and those  
 white South Africans who opposed apartheid?

2630 The answer is that we are frightened. Even knowing that Jews are responsible and should  
 be held accountable, still we are frightened. We are frightened because criticism of Jews  
 with its woeful history of violence and discrimination seems just too dangerous a position  
 to take - it may open the flood-gates to a burst of Jew hatred. We are frightened that if we  
 were to discuss the role of Jews in this conflict and in other areas and begin to hold Jews  
 2635 accountable, we might be labelled anti-Semites and lose support. And, perhaps most of all,  
 we are frightened of the conflicted inner passions that confound us all whenever we come  
 to look at these things.<sup>40</sup>

2640 Does speaking the truth about Jewish identity, power and history lead to Jews being led to  
 concentration camps and ovens? Of course it doesn't! It is hatred, fear and the suppression  
 of free thought and speech which leads to these things - whether the hatred, fear and  
 suppression is directed against Jews *or by Jews*. Anyway, despite efforts to convince us to  
 the contrary, we do not live in the thirteenth century. Californian's are unlikely to pour out  
 of their cinemas showing Mel Gibson's 'Passion' chanting "Death to the Jews!" And at a  
 2645 time when Jews in Israel/Palestine, overwhelmingly backed by Jewish organizations in the  
 west, are desecrating Churches and Mosques wholesale and brutally oppressing entire  
 Christian and Muslim populations, we may be forgiven for finding it hard to get excited  
 about graffiti daubed on some synagogue somewhere.

2650 If we were to begin to engage with the role of Jews in this conflict, we may well be labelled  
 anti-Semites and we may well, initially at least, lose support. The anti-Semite curse has  
 long served as a frightener to silence all criticism of Jews, Israel and Zionism, and  
 undoubtedly will be used to discredit our cause. But so what? They call us anti-Semites  
 anyway so what's to lose? Edward Said spent a lifetime picking his way through the  
 2655 Israel/Zionism/Judaism minefield and never once criticised Jews, and he was called an anti-  
 Semite his whole life, right up to and even after his death. As a movement we have  
 probably spent as much time being nice to Jews as we have speaking up for Palestinians,  
 and for what? Where has it got us? We are not racists and we are not anti-Semites, so let  
 them do their worst. We shall speak our minds.

2660 For so long now Jews have told the world that black is white and not only that, but also if  
 anyone should dare to deny that black is white they will be denounced as anti-Semites with  
 all the attendant penalties. We are held in a moral and intellectual lock, the intention of  
 which has been to silence all criticism of Israeli and Jewish power. In saying the unsayable  
 2665 we may set ourselves and others free. And think how it will feel the next time you are  
 called an anti-Semite to say, "Well, I don't know about that, but I do have some very strong  
 but legitimate criticisms to make of Jews and the way they are behaving...and I intend to  
 speak out?"

2670 And you never know; we may be pleasantly surprised. Israel Shamir, who has no trouble  
 whatsoever in calling a Jew a Jew, was cheered spontaneously recently when he introduced  
 himself from the floor at a London solidarity meeting. I saw it with my own eyes. His first  
 English-language book has just been published; he corresponds freely and reciprocally with  
 many highly respected figures and is on the boards of advisers of 'The Association for One  
 2675 Democratic State in Palestine' and of 'Dier Yassin Remembered'. Perhaps it's all just a  
 case of the Emperor's new clothes. Perhaps we're all just waiting for some innocent child  
 to blow the whistle.

<sup>40</sup> No truer words have been spoken - this is where the "anger" and "animosity" comes from. Not some "irrational hatred" of Jews.

2680 The situation facing the Palestinian people is truly terrible. Old political strategies have got us nowhere. We need a new and widened debate. It may be that a new and credible discourse which puts *Jews and Jewishness at the critical centre of our discussions* is part of that.

2685 And one final point: In a previous piece, paraphrasing Marc Ellis I wrote:

2690 To the Christian and to the entire non-Jewish world, Jews say this: ‘You will apologise for Jewish suffering again and again. And, when you have done apologising, you will apologise some more. When you have apologised sufficiently we will forgive you ... provided you let us do what we want in Palestine.’

Shamir took me to task, “Eisen is too optimistic”, he said, “Palestine is not the ultimate goal of the Jews... ...*the world is.*”

2695 Well, I don’t know about that, but, if as now seems likely, the conquest of Palestine is complete and the State of Israel stretches from Tel-Aviv to the Jordan River, what can we expect? Will the Jews of Israel, supported by the jews outside of Israel, now obey the law, live peacefully behind their borders and enjoy the fruits of their victory, or will they want more? Who’s next?

2700 Paul Eisen - “Jewish Power”  
<http://www.rightousjews.org>  
 Paul Eisen is a director of ‘Deir Yassin Remembered’  
[paul@eisen.demon.co.uk](mailto:paul@eisen.demon.co.uk)

2705 • Shamir took me to task, “Eisen is too optimistic”, he said, “Palestine is not the ultimate goal of the Jews... ...*the world is.*”

#### GENESIS 49:8

2710 Judah, your brothers will praise you;  
 Your hand will be on the neck of your enemies:  
 Your fathers sons will bow down to you.  
<sup>9</sup>You are a lions cub, O Judah;  
 You return from the prey, my son.  
 2715 Like a lion he crouches and lies down.  
 Like a lioness - who dares to rouse him?  
<sup>10</sup>The sceptre will not depart from Judah,  
 Nor the rulers staff from between his feet,  
 Until he comes to whom it belongs  
 2720 And the obedience of the nations is his.

#### DEUTERONOMY 28:12 - Old Testament (Tanakh)

2725 <sup>12</sup>You will lend to many nations but will borrow from none. <sup>13</sup>The LORD will make you the head, not the tail. If you pay attention to the commands of the LORD your God that I give you this day and carefully follow them, you will always be at the top, never at the bottom.

#### [B] Clear Western Australian Establishment Position To Stifle Knowledge In The Public Interest (Jewish Racial and Religious Supremacism)

2730 In early 2012 at Casuarina Prison, I had the opportunity to speak with a leader from the Perth Muslim community who is a highly connected man involved in the founding and financing of Perth’s three Islamic Colleges - Mr *Abdullah Magar*. He stated to me that he had produced similar material to me highlighting Jewish racial and religious supremacism as the foundation of the State of Israel’s treatment of the Palestinian’s and Jewish attitudes in general. On distributing this well researched and professionally presented material - in glossy flyer format - he was called to the office of the then Premiere of Western Australia, Geoff Gallop. Mr Gallop proceeded to “plead” with this gentleman to

2735

2740 please stop, as, “It is a very sensitive issue”. Indeed, if ordinary people do find out EXACTLY what ‘Judaism’ *is*, and is *not*, I expect Rabbi Dovid Freilich<sup>41</sup> will not be getting invited to any meetings on combatting racism and xenophobia again. The State of Israel will lose ALL support from Christians and the ‘West’ in general as is happening right now.<sup>42</sup>

2745 It’s worth noting this statement from the *Honourable Peter Foss* in State parliament when debating the racial vilification legislation in November of 2004 and what he had to say about a member of the Jewish community who was lobbying for the legislation I’m charged under:

2750 One of the great supporters of the legislation was Mr Doron Ur, who was a leading figure in the Jewish community in this State. I am not sure whether he is still alive. He was certainly an elderly gentleman in 1990. He wrote a Zionist magazine that he distributed quite widely in the Jewish community. During the course of his evidence to the committee, he very kindly gave us a few copies of the magazine. We flicked through those, and it became quite clear that if an amendment of that type was drafted, he would be a prime candidate for prosecution. Anybody who has read Zionist magazines will

2755 know that they state fairly unequivocally what should happen to the Palestinians, and it is not nice. I believe it is a well-known problem. Certainly, there would be real difficulties if we tried to suppress those sort of publications. They probably do not add a lot to the quietness and good order of Western Australia, but if we tried to suppress them, I suspect we would have even bigger problems.

2760 *Extract From Hansard*  
[COUNCIL - Tuesday, 30 November 2004]  
p8818c-8834a

2765 So, the right honourable Peter Foss says that by “suppressing” Zionist publications that, “state fairly unequivocally what should happen to the Palestinians, and it is not nice<sup>43</sup>”, there would be “real difficulties”, and even though they, “probably do not add a lot to the quietness and good order of Western Australia”, if he (Peter Foss) tried to suppress them, “I suspect we would have even bigger problems”. Boy oh boy! I would really like to know what Peter Foss meant by “bigger problems”? Maybe he would get a visit from the Israeli Ambassador to Australia? Maybe he would have a stroke

2770 or heart attack in the middle of the night? Maybe his commuter plane would fall from the sky during perfect flying weather? Maybe he would not get invited to Israel with head of the *Friends of Israel* committee (Bob Kucera) flying business class?

2775 It seems when it comes to Jewish racism, xenophobia and ‘abhorrent views’, they are indeed ‘the chosen people’. Unaccountable, untouchable, and it would seem, out of control.

2780 Here are some more of the literal thousands of abhorrent, racist and supremacist statements to come out of the Israeli State and elsewhere, rarely criticised or publicised in the mainstream press. This utterly offensive set of comments from the former head of the Sephardic Jewish community of Israel, *Rabbi Ovadia Yosef* – the virtual ‘Pope’ of this powerful religious and political group:

2785 “Goyim<sup>44</sup> were born only to serve us. Without that, they have no place in the world - only to serve the people of Israel,” he said in his weekly Saturday night sermon on the laws regarding the actions non-Jews are permitted to perform on Shabbat.<sup>45</sup>

According to Yosef, the lives of non-Jews in Israel<sup>46</sup> are safeguarded by divinity, to prevent losses to Jews.

2790 “In Israel, death has no dominion over them...<sup>47</sup>. With Gentiles, it will be like any person - they need to die, but [God] will give them longevity. Why? Imagine that ones donkey would die, they’d lose their money.

<sup>41</sup> Head Rabbi of Perth’s Orthodox Jewish congregation who appeared at my trial via video link from Occupied Palestine.

<sup>42</sup> Three articles in West Australian paper - 6<sup>th</sup> December 2012 - show that the West has had enough of this rogue, racist, apartheid state.

<sup>43</sup> Kill, exterminate, ‘transfer’ (ethnically cleans), etc.

<sup>44</sup> Non Jews.

<sup>45</sup> Sabbath.

<sup>46</sup> *Outside* Israel, the lives of non-Jews are not protected at all according to Jewish Rabbinic law.

This is his servant... that's why he gets a long life, to work well for this Jew," Yosef said.

2795

"Why are Gentiles<sup>48</sup> needed? They will work, they will play, they will reap. We will sit like an Effendi<sup>49</sup> and eat.

2800

That is why Gentiles were created," he added.

<http://www.jpost.com/JewishWorld/JewishNews/Article.aspx?id=191782>

2805

That is why non-Jews were created? To be slaves for the Jew? He has not drawn this teaching from thin air, he is in fact drawing on both the Old Testament (Tanakh) and Babylonian Talmud and relevant Rabbinic Commentaries:

**ISAIAH 61:5**

Aliens will shepherd your flocks;  
foreigners will work your fields and vineyards.

2810

<sup>6</sup>And you will be called priests of the LORD,  
you will be named ministers of our God.  
You will feed on the wealth of nations,  
and in their riches you will boast.

2815

**JOSHUA 9:24**

They answered Joshua, "Your servants were clearly told how the LORD your God had commanded his servant Moses to give you the whole land and to wipe out all its inhabitants from before you. So we feared for our lives because of you, and that is why we did this. <sup>25</sup>We are now in your hands. Do to us whatever seems good and right to you."

2820

<sup>26</sup>So Joshua saved them from the Israelites, and they did not kill them. <sup>27</sup>That day he made the Gibeonites woodcutters and water-carriers for the community and for the altar of the LORD at the place the LORD would choose. And that is what they are to this day.

2825

**JOSHUA 16:10**

They did not dislodge the Canaanites living in Geza; to this day the Canaanites live among the people of Ephraim but are required to do forced labour.

2830

**JUDGES 1:28**

When Israel became strong, they pressed the Canaanites into forced labour but never drove them out completely.

2835

**DEUTERONOMY 20:10**

When you march up to attack a city, make its people an offer of peace. <sup>11</sup>If they accept and open their gates, all the people in it shall be subject to forced labour and shall work for you.

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You can see how this Jewish tradition of death and forced labour (Gulags) was applied against Christians in the Soviet Union.

2845

Ovadia Yosef is no marginalised extremist in Israeli society. He is a leader of the Ultra-Orthodox Jewish based 'Shas' political party. They wield considerable power in Israel and one of their members has a high cabinet post in the Israeli parliament. He presents a constant stream of these comments and only in the last few years has he been focussed on by the Israeli Press. You will never see these comments in the Western mainstream media. Here are some notes on the Shas Party. It is worth quoting them at length:

<sup>47</sup> He's talking about Jews. The [...] was present in the online news article. They have cut something out. Most likely a comment that is even more offensive than what he is already saying.

<sup>48</sup> Non-Jews.

<sup>49</sup> 'Master'

2850 Shas (Hebrew: ש"ש) is a ultra-orthodox religious political party in Israel, primarily representing Sephardic and Mizrahi Haredi Judaism.

2855 Shas was founded in 1984 by dissident members of the Ashkenazi dominated Agudat Israel, to represent the interests of religiously observant Sephardic (Middle Eastern) Jews.

Following the 2009 elections in which Shas won 11 seats, it joined Benjamin Netanyahu's coalition government and holds four cabinet posts. Its current leader, Eli Yishai, is one of four Deputy Prime Ministers, and Minister of Internal Affairs.

2860 ...  
Shas was founded in 1984 prior to the elections in the same year, through the merger of regional lists established in 1983. A Sephardi offshoot of the largely Ashkenazi Agudat Yisrael, it was originally known as The Worldwide Sephardic Association of Torah Guardians (Hebrew: התאחדות הספרדים העולמית שומרי תורה, *Hitahdut HaSfaradim HaOlamit Shomrei Torah*). The party was formed under the leadership of **Rabbi Ovadia Yosef (a former Israeli Chief rabbi)**, who remains its spiritual leader today. In founding the party, Yosef received strategic help and guidance from Rabbi Elazar Shach, the leader of Israel's non-Hasidic Haredi Ashkenazi Jews.

2870 ...  
The majority of Shas voters are themselves not ultra-orthodox. Many of its voters are Modern Orthodox and 'traditional' Mizrahi and Sephardi Jews. Some Druze also vote for Shas, due to its alignment with the promotion of an 'authentic Middle Eastern' Israeli culture, which fits well with traditional Zionist beliefs of a revival of authentic, non-Europeanised Jewish culture. However, they are still representing, by principle and not practice, their Sephardi and Mizrahi Haredi Jewish Sectors in the Knesset.

2875 ...  
In 2010, as Obama's called for talks between Netanyahu and Abbas, Ovadia Yosef called Palestinians "evil, bitter enemies of Israel" and said "Abu Mazen and all these evil people should perish from this world. God should strike them with a plague, them and these Palestinians." Saeb Erekat of PLO said Yosef's remarks were tantamount to a call for "genocide against Palestinians." Previously Yosef had called Arabs as "vipers," and called for Israel to "annihilate" Arabs. "It is forbidden to be merciful to them. You must send missiles to them and annihilate them. They are evil and damnable."

2885 <http://english.aljazeera.net/news/middleeast/2010/08/201082913280929137.html>

I'll just repeat some of the above quotes to do with Palestinians:

- 2890 • Previously Yosef had called Arabs as "*vipers*," and called for Israel to "*annihilate*" Arabs. "*It is forbidden to be merciful to them. You must send missiles to them and annihilate them. They are evil and damnable.*"

Further to the above, during Operation Cast Lead in which 1500 Palestinian's - mostly civilians and 500 children - were killed, this is a comment from one of the most powerful world-wide Ultra-Orthodox sects of Judaism - Chabad Lubavitch:

2895 "*I'm not into Western morality, wage war the Jewish way. Kill men, women and children, destroy their holy sites.*"

2900 Rabbi Friedman of Chabad Lubavitch, New York.  
Quoted in major Israeli paper - "Ha'aretz".  
(*These comments actually got wide media coverage because they were said in the West*)

2905 I repeat, these are *not* marginalised comments. It is simply that it is being reported now - at least in the Israeli press. *Chabad Lubavitch* are regarded as the worst of the Ultra-Orthodox sects, and the most dangerous as they move in such high circles of power. An example of its local membership is '*Diamond*' Joe Gudnik, the former head of the Melbourne football club, mining entrepreneur and dealer in diamonds.

2910 These sects have been indicted on drug trafficking and even drug manufacture in the United States and elsewhere. In one case, an Ultra-Orthodox sect was manufacturing Methamphetamine at a 'Kosher' meat works they owned and ran. Another Ultra-Orthodox sect, originating in Syria and living in the U.S, was implicated in the trade of human body organs.

It is worth reading about the most eminent Chabad Rabbi - Menachem Mendel Schneerson:

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Schneerson believed that the American public was seeking to learn more about their Jewish heritage. He stated, "America is not lost, you are not different. You Americans sincerely crave to know, to learn. Americans are inquisitive. It is Chabad's point of view that the American mind is simple, honest, direct-good, tillable soil for Hassidism, or just plain Judaism". Schneerson believed that Jews need not be on the defensive, but need to be on the ground building Jewish institutions, day schools and synagogues. Schneerson said that we need "to discharge ourselves of our duty and we must take the initiative".



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Schneerson placed a tremendous emphasis on outreach. He made great efforts to intensify this program of the Chabad movement, bringing Jews from all walks of life to adopt Torah-observant Judaism, and aggressively sought the expansion of the baal teshuva movement. His work included organising the training of thousands of young Chabad rabbis and their wives, who were sent all over the world by him as *shluchim* (emissaries) to spread the Chabad message. He oversaw the building of schools, community centres, youth camps, and "Chabad Houses", and established contacts with wealthy Jews and government officials around the world. Schneerson also instituted a system of "mitzvah campaigns" called *mitvoim* to encourage Jews to follow Orthodox Jewish practices. They commonly centred on practices such as keeping kosher, lighting Shabbat candles, studying Torah, laying tefillin, helping to write sifrei Torah, and teaching women to observe the laws of Jewish family purity. He also launched a global Noahide campaign to promote observance of the **Noahide Laws** among gentiles, and argued that involvement in this campaign is an obligation for every Jew.

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"Essays: Educating Mankind". Sichosinenglish.org.  
<http://www.sichosinenglish.org/essays/01.htm> Retrieved 2010-05-12.

2945

It's worth noting the Noahide Laws:

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The Seven Laws of Noah (Hebrew: שבע מצוות בני נח *Sheva mitzvot B'nei Noach*), often referred to as the Noahide Laws or Noachide Code, are a set of seven moral imperatives that, according to the Talmud, were given by God to Noah as a binding set of laws for all mankind.<sup>[1]</sup> According to Judaism any non-Jew who lives according to these laws is regarded as a Righteous Gentile and is assured of a place in the world to come (Olam Haba), the Jewish concept of *heaven*.<sup>[2]</sup> Adherents are often called "B'nei Noach" (Children of Noah) or "Noahides" and may often network in Jewish synagogues.

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The seven laws listed by the Tosefta and the Talmud are<sup>[3]</sup>

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1. **Prohibition of Idolatry: You shall not have any idols before God.**<sup>50</sup>
2. Prohibition of Murder: You shall not murder. (Genesis 9:6)
3. Prohibition of Theft: You shall not steal.
4. Prohibition of Sexual immorality: You shall not commit any of a series of sexual prohibitions, which include adultery, incest, sodomy, and bestiality.
5. Prohibition of Blasphemy: You shall not blaspheme God's name.
6. Dietary Law: Do not eat flesh taken from an animal while it is still alive. (Genesis 9:4, as interpreted in the Talmud (Sanhedrin 59a)
7. Requirement to have just Laws: Set up a governing body of law (eg Courts)

<sup>50</sup> Simply look at the following quotes from the Old Testament to see what happens to "idolators" on page 46 of this letter.

2970 **Note number 1.** That would necessitate the death penalty for all Christians as Chabad considers the worship of Jesus as ‘Christ/Messiah’ and ‘the Son of God’ as idolatry. This is openly talked about on Chabad Lubavitch internet forums. Is this ‘Noahide Law’ just some irrelevant rambling from some marginalised Rabbi? Note:

2975 The Seven Laws of Noah were recognized by the United States Congress in the preamble to the bill that established Education Day in honour of the 90th birthday of Rabbi Menachem Mendel Schneerson, the leader of the Chabad-Lubavitch movement:

2980 *“Whereas Congress recognizes the historical tradition of ethical values and principles which are the basis of civilized society and upon which our great Nation was founded; Whereas these ethical values and principles have been the bedrock of society from the dawn of civilization, when they were known as the Seven Noahide Laws.”*

*102nd Congress of the United States of America, March 5, 1991.*

2985 Truly amazing. Slowly, knowledge about how dangerous this large and powerful *Ultra-Orthodox Sect of Judaism* has become is leaking out; how utterly offensive are it’s utterances and teachings, which they do not make openly public - until recently. Many politicians will not attend ‘Chabad’ events. Notably, most recently, prime minister Julia Gillard. Chabad Lubavitch is only one of a vast number of these Orthodox groups.

2990 I note that the most famous Chabad Lubavitch adherent in Australia is skulking about in Western Australia again after a long absence - Rabbi ‘Diamond’ Joe Gudnick:

2995 GUTNIK EYES WA GOLD  
**‘Diamond’ Joe returns to hunt with Blackham deal**  
 Nik Sas  
 WEST AUSTRALIAN NEWSPAPER  
 5<sup>th</sup> February 2013

3000 One time gold maestro Joseph Gutnick is officially back on the acquisition hunt, declaring his stake in junior Blackham Resources as the first step in what could be a string of investments in WA gold stocks.

3005 In his first foray into the WA gold sector for a decade, Mr Gutnick said his stake in Blackham, announced yesterday, was simply “a great opportunity”.

The deal marked his return to the Yandel gold belt, an area he described as his “first love”.

As revealed by *WestBusiness* yesterday, Mr Gutnick will become Blackhams biggest shareholder taking on 15.8 million shares at 21c each at a cost of 3.32 million.

3010 ...

Mr Gutnick, describing himself as the eternal gold bull, said he was now on the lookout for more opportunities.

“But they’ve got to be pretty good,” he said. ...

3015 ...

Please remember, both Stanley Elliot Keyser and Daniel Ari Lazareth<sup>51</sup> are regular attendee’s at local Perth *Chabad Lubavitch* managed events and their ‘home shule’ on Alexander Drive, Mount Lawley, Perth.

3020 *Chabad Lubavitch* have recently been caught up with sexual abuse claims in their Yeshiva Schools in Melbourne, Victoria. Due to the extreme insular ‘sect like’ nature of the Ultra-Orthodox community, sexual abuse is rampant - not just in *Chabad Lubavitch*. This is the first time it has made the

<sup>51</sup> Both present at the *Friends Of Palestine* rally where they were caught filming activists and agitating the rally - 2<sup>nd</sup> May 2009. Keyser brought the charges against me. Being labelled a ‘racist’ by an associate of the most racist and religious supremacist organization in the world is indeed ironic.

mainstream news as far as I am aware<sup>52</sup>. I hope this indicates a major change in the general Jewish communities tolerance of this *majorly criminal outfit*. From the 'Sydney Morning Herald' newspaper online:

3025

### **Abuse endemic in Jewish schools: inquiry**

Paul Mulvey

December 10, 2012

AAP

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The cover up of child sexual abuse in the Jewish community is endemic and driven by intimidating leaders who downplay the issue, an enquiry has heard.

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Manny Waks is the only victim of sexual abuse at a Jewish school to go public with his experience but says he represented many others who have spoken to him and gone anonymously to police when he gave evidence at Victoria's parliamentary enquiry on Monday.

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Mr Waks says he knows of two paedophiles still "roaming the community", another who has gone to Israel where he's receiving psychiatric treatment and a possible link between abuse and suicide.

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He also spoke of a victim's family who have been forced out of Melbourne because of the pressure placed on them by Rabbis, while the offender has recently held a senior position in the Jewish community.

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"There is overwhelming evidence that the level of child sexual abuse within the Jewish community and the appalling way in which it has been mishandled, including through credible allegations of ongoing cover-ups, may be described as being nothing short of endemic," Mr Waks told the enquiry into the handling of child abuse by religious and other organizations.

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While there are two cases currently before the courts involving the Jewish community, he says recent discussions with other victims have revealed ongoing abuse.

While police are aware of most of the allegations, he says Jewish authorities "attempted to cover up these crimes against innocent children."

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Mr Waks, who was sexually abused by two trusted mentors at Melbourne's Yeshiva College 20 years ago, says he's the only victim to have gone public so far because others feel intimidated by the leadership of the small Jewish community.

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He told the enquiry one former Yeshiva student rang him to tell of his own abuse and was stunned Mr Waks had gone public. "This just doesn't get spoken about," he told Mr Waks.

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But many alleged victims have told him of recent cases, including that of a 36 year old man alleged to have sexually abused children within the Yeshiva community who fled to Israel as soon as he heard he was under police investigation.

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He spoke of a 13 year old allegedly abused three years ago who has not made a formal statement because he's "concerned with the possible ramifications against him as a result of going to police."

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And he also mentioned a member of the Jewish community who was last year convicted of multiple counts of sexual assault against minors and is apparently the youngest person ever on the Sex Offenders Register in Victoria.

"The peak body of the Australian Jewish community, the Executive Council of Australian Jewry (ECAJ), has done everything it can to try and downplay this scandal," he said.

<sup>52</sup> Please read the excellent expose of Judaism - '*Judaism Discovered*' - by Michael Hoffman <[www.revisionisthistory.org](http://www.revisionisthistory.org)>

3085 He said the ECAJ does not regard sexual abuse as a pressing issue and made no mention of it at its Annual General Meeting last month.

3090 He said students were vulnerable when exposed to influential religious leaders at events such as bar mitzvah classes and recalled his days as a teenager at the communal ritual bath.

“I’d go every morning before prayers. It used to be a free for all, there was no supervision, adults and kids together, everyone was naked,” he said.

3095 Mr Waks’ father Zephaniah Waks also appeared at the enquiry on Monday but his evidence was suppressed.

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<http://news.smh.com.au/breaking-news-national/abuse-endemic-in-jewish-schools-inquiry.html>

3100 And further, from the ‘Melbourne Age’ newspaper online:

### **Jewry accused of hiding sex-abuse**

Barney Zwartz

December 11, 2012

3105 TWO paedophiles - one reportedly the youngest person ever put on the Victorian Sex Offenders Register - were “roaming the Jewish community” with most members utterly unaware, the state inquiry into how religious groups handled child sex abuse was told on Monday.

3110 Community leader and abuse whistleblower Manny Waks said there was overwhelming evidence that child sex abuse was endemic in the Jewish community and “the appalling way in which it has been mishandled”, including credible claims of continuing cover-ups.

3115 He said that in the few months since his written submissions there had been more serious allegations of child sexual abuse. “Worse, in all of these new cases, those in positions of authority attempted to cover up these crimes.”

3120 Mr Waks, a former vice-president of the Executive Council of Australian Jewry, last year became the first Jewish victim to publicly tell the story of his abuse at Yeshiva College in Melbourne more than 20 years ago. He gave evidence with his father, Zephaniah Waks, but Family and Community Development committee chairwoman Georgia Crozier suppressed Mr Waks senior’s testimony.

3125 Manny Waks said several new allegations had come to him, partly because victims and families often sought his advice. In one case, he said, a family was forced to leave Melbourne under pressure from Rabbis after they made allegations against a senior figure who “is still roaming freely within the Melbourne Jewish community”.

3130 In another case, a young member of the Jewish community was convicted of multiple counts of sexual assault against minors - becoming the youngest listed offender - and he too was freely roaming the community, Mr Waks said.

3135 Another man, 36, was alleged to have sexually abused several children in the Yeshiva community - part of the Orthodox **Chabad** movement - and fled Australia as soon as he heard police were investigating him. Mr Waks said the man was himself allegedly sexually abused repeatedly as a child by a relative, an active member of the Sydney Jewish community.

3140 In another Yeshiva case, a man, 30, is alleged to have abused a child, 13, about three years ago.

3145 “Most devastatingly, over the past few days, I have been informed of a possible link between an alleged incident of child sexual abuse at Yeshiva and a subsequent suicide.”

He said he had also received a number of allegations of abuse and cover-ups within the Sydney and Perth communities.

3150 Mr Waks said the Executive Council of Australian Jewry had “done everything it could to downplay this scandal” and that in some cases “their scant response was highly damaging”.

3155 He said he and other victims were deeply hurt, angry and incredulous not only about the abuse and the cover-ups, the intimidation of victims and their families, but the “meek response” by Jewish community leadership.

...

3160 <http://www.theage.com.au/Victoria/jewry-accused-of-hiding-sexabuse.html>

Perhaps these brief quotes from the holiest book of Orthodox Judaism - Babylonian Talmud - explain the endemic child sexual abuse in Jewish communities:

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1. **Moed Kattan 17a.** If a Jew is tempted to do evil he should go to a city where he is not known and do the evil there.
  2. **Erubin 21b.** Whoever disobeys the Rabbi’s deserves death and will be punished by being boiled in hot excrement in hell.
  3. **Yebamoth 63a.** States that Adam had sexual intercourse with all the animals of the garden of Eden.
  - 3170 4. **Kethuboth 11b.** “When a grown man has intercourse with a little girl it is nothing.”
  5. **Sanhedrin 55b.** A Jew may marry a three year old girl (specifically, three years and a day old).
  6. **Sanhedrin 54b.** A Jew may have sex with a child as long as the child is less than 9 years old.

3175 Or perhaps this article on Orthodox rabbis sucking the blood off baby boy’s penises? Perhaps this might begin to explain how deep and wide this type of child sexual abuse really is in these communities and it has been covered up for decades:

### **City Questions Circumcision Ritual After Baby Dies**

New York Times Online

3180 Andy Newman  
August 26, 2005

3185 Mayor Michael R. Bloomberg met with Orthodox leaders and health officials at City Hall on Aug. 11 to discuss a practice that some rabbis consider integral to God’s covenant with the Jews requiring circumcision.<sup>53</sup>

3190 A circumcision ritual practiced by some Orthodox Jews has alarmed city health officials who say it may have led to cases of herpes - one of them fatal - in infants. But after months of meetings with orthodox leaders, city officials have been unable to persuade them to abandon the practice.

3195 The cities intervention has angered many Orthodox leaders, and the issue has left the city struggling to balance its mandate to protect public health with the constitutional guarantee of religious freedom.

“This is a very delicate area so to speak,” said Health Commissioner Thomas R. Frieden.

3200 The practice is known as oral suction, or in Hebrew, metzitzah b’peh: after removing the foreskin of the penis, the practitioner, or mohel, sucks the blood from the wound to clean it.

<sup>53</sup> That is SPECIFICALLY sucking an infant baby boys penis with the rabbis mouth after circumcision.

3205 It became a health issue after a boy in Staten Island and twins in Brooklyn, circumcised by the same mohel in 2003 and 2004, contracted Type-1 herpes. Most adults carry the disease, which causes the common cold sore, but it can be life threatening to infants.

3210 Pressure from the Orthodox leaders on the issue led to Mayor Michael R. Bloomberg and health officials to meet with them on Aug. 11. The mayors comments on his radio program the next day seemed meant to soothe all parties and not upset a group that can be a formidable voting bloc: "We're going to do a study, and make sure everybody is safe and at the same time, it is not the governments business to tell people how to practice their religion."<sup>54</sup>

3215 The health department, after the meeting, reiterated that it did not intend to ban or regulate oral suction. But Dr. Frieden has said that the city is taking this approach partly because any broad rule would be virtually unenforceable. Circumcision generally takes place in private homes.<sup>55</sup>

3220 Dr. Frieden said the department regarded herpes transmission via oral suction as "somewhat inevitable to occur as long as this practice continues, if at a very low rate."

3225 The use of suction to stop bleeding dates back centuries and is mentioned in the Talmud<sup>56</sup>. The safety of direct oral contact has been questioned since the 19<sup>th</sup> century, and many Orthodox and nearly all non-Orthodox Jews have abandoned it. Dr. Frieden said he hoped the rabbis would voluntarily switch to suctioning the blood through a tube, an alternative endorsed by the Rabbinical Council of America, the largest group of Orthodox rabbis.

3230 But the most traditionalist groups, including many Hasidic sects in New York, consider oral suction integral to God's covenant with the Jews requiring circumcision, and they have no intention of stopping it.

3235 "The Orthodox Jewish community will continue the practice that has been practiced for over 5000 years," said Rabbi David Niederman of the United Jewish Organization in Williamsburg, Brooklyn, after the meeting with the mayor. "We do not change. And we will not change."

3240 David Zwiebel, executive vice president of Agudath Israel, an umbrella organization of Orthodox Jews, said that metzitzah b'peh is probably performed more than 2000 times a year in New York City.

3245 The potential risks of oral suction, however, are not confined to Orthodox communities. Dr. Frieden said in March that the health department had fielded several calls from panicked non-Orthodox parents who had hired Hasidic mohels unaware of what their services entailed.

3250 Defenders of oral suction<sup>57</sup> say there is no proof that it spreads herpes at all. They say that mohels use antiseptic mouth wash before performing oral suction, and that the known incidence of herpes among infants who have undergone it is miniscule. (The city's health department recorded cases in 1988 and 1998, though doctors in New York, as in most states, are not required to report neonatal herpes.)

3255 Dr. Kenneth I. Glassberg, past president of the new York section of the American Urological Association and director of paediatric urology at Morgan Stanley Children's Hospital of New York-Presbyterian, said that while he found oral suction "personally displeasing," he did not recommend rabbis stop using it.

<sup>54</sup> That's quite funny because all the government and media do all day is vilify Islam and tell people how terrible it is. But Jews sucking baby boys penises in a circumcision ritual is not to be interfered with? Imagine if this was an Islamic practice or a Catholic Priests practice. We would never hear the end of it.

<sup>55</sup> Again, lots of crimes - including institutionalised paedophilia which is what this is - take place in "private", they are still legislated against.

<sup>56</sup> Yes, lots of things mentioned and encouraged in Talmud - refer Yebamoth 63a. Sanhedrin 54b.Sanhedrin 55b. Kethuboth 11b, previous page.

<sup>57</sup> Sucking a baby boys bleeding penis.

3260 “If I knew something caused a problem from a medical point of view,” said Dr. Glassberg, whose private practice includes many Hasidic families, “I would recommend against it.”

But Rabbi Moshe Tendler, a microbiologist and professor of Talmud and medical ethics at Yeshiva University, said that metzitzah b’peh violates Jewish law.

3265 “The rule that’s above all rules in the Torah is that you cannot expose or accept a risk to health unless there is a true justification for it,” said Dr. Tendler, co-author of a 2004 article in the journal Paediatrics that said direct contact posed a serious risk of infection.

3270 “Now there have been several cases of herpes in the metro area,” he said. “Whether it can be directly associated with this mohel nobody knows. All we’re talking about now is presumptive evidence, and on that alone it would be improper according to Jewish law to do oral suction.”

3275 The inconsistent treatment of Rabbi Fischer himself indicates the confusion metzitzah b’peh has sown among health authorities, who typically regulate circumcisions by doctors but not religious practitioners.

3280 In Rockland County, where Rabbi Fischer lives in the Hasidic community of Monsey, he has been barred from performing oral suction<sup>58</sup>. But the state health department retracted a request it had made to Rabbi Fischer to stop the practice. And in New Jersey, where Rabbi Fischer has done some of his 12,000 circumcisions, the health authorities have been silent.

3285 Rabbi Fischer’s lawyer, Mark J. Kurzmann, said that absent conclusive proof that the rabbi had spread herpes, he should be allowed to continue the practice. Rabbi Fischer said through Mr Kurzmann that the twin who died and the Staten Island boy both had herpes-like rashes before they were circumcised and were seen by a paediatrician who approved their circumcision. The health department declined to comment on its investigation.

3290 So, just to clarify:

- The practice is known as oral suction, or in Hebrew, metzitzah b’peh: after removing the foreskin of the penis, the practitioner, or mohel, sucks the blood from the wound to clean it.
- 3295 • “The Orthodox Jewish community will continue the practice that has been practiced for over 5000 years,” said Rabbi David Niederman of the United Jewish Organization in Williamsburg, Brooklyn, after the meeting with the mayor. ***“We do not change. And we will not change.”***

3300 The list of strange, bizarre and outright immoral practices and rites of Pharisaic Judaism are well hidden but one would imagine not for much longer.

3305 *Page 34 of this letter* has a longer list of the strange teachings of Talmud. For a more expansive explanation of Jewish religious teachings and their application, see the excellent documentaries of reverend Ted pike - “Why The Mid-East Bleeds” and “The Other Israel”. Available online.

3310 These Orthodox sects are also the basis for ‘Yeshiva Military Academies’ in Israel that take these highly motivated and indoctrinated Jews<sup>59</sup> and feed them into Israeli intelligence agencies, special forces, air force pilots and specialist assassination squads. Their loyalty is unquestioned. Australian/American/European Jews attend these military academies where they learn electronic data intercept, firearms training, explosives training, surveillance and counter surveillance. These people then commit war crimes in the Gaza Strip and occupied West Bank and then return home - to become a major national security risk.

<sup>58</sup> Sucking a baby boys bleeding penis.

<sup>59</sup> Completely instilled with Jewish racial and religious supremacism from birth.

3315 But the above fostered attitudes are not just limited to extremist sects of Judaism. Note these comments by mainstream Jews reported in a lecture video by independent journalist and writer Mr Michael Hoffman <<http://www.revisionisthistory.org>>:

3320 [21:46] “Israeli security minister Gideon Ezra was reported in the Sydney Morning Herald in August of 2001 of advocating the **‘liquidation of the fathers of Palestinian resistance fighters’**.”

3325 [22:10] “Hannah Kasher, a researcher at Bar Ilan University in Israel, produced a thinly veiled rationalization for the collective punishment of the Palestinians in a research paper called **‘Rationales Justifying Collective Punishment Of Amelak’**. She writes, ‘the commandment to blot out Amelak has essentially not been nullified... . Any person descended of Amelak has a death sentence hanging over him from the moment of his birth even if he himself has committed no sin, his culpability is innate... . The struggle against Amelak is a war of annihilation against a contemporary foe in which one does not refrain from killing women and children.’ A quote from a contemporary Israeli/Jewish academic... . Professor Kasher adds that the Talmudic Sage Maimonides, who justifies the collective punishment of Amelak - civilians as well as combatants - does so as a **‘justifiable deterrent effect’**. Prime minister Sharon [of Israel] used those very words.”

3335 “Liquidating” the fathers of Palestinian resistance fighters? Can you believe that an Israeli security minister would say such a thing? A high level minister in a supposed first world State? Dr Walsh, I put to you that they say these types of things *all the time*. You’re just not being told by the controlled Western mainstream press. And then to have an academic from a major Israeli university argue that

3340 the collective punishment of the Palestinian (mostly Muslim) population is justified according to Old testament scripture, and that the Amalekites from thousands of years ago are actually a “contemporary foe” ie: Palestinian’s – this is too much. And yet, par for the course when you are aware of the issues and know where to find the information that informs you of such “abhorrent views”.

3345 Here is what an Israeli Defence Force chief Chaplain had to say along these same lines:

“In 1986 the Israeli Chief Army Chaplain, known as Rabbi Schmule Derlich, issued an order to the Army to **‘annihilate all Arabs’** because they are **‘Amelak’**.”  
**The Nation Magazine August 1986 p.103**

3350 Just to clarify, the term ‘Amelak’ comes from the Old Testament (Tanakh):

**DEUTERONOMY 25:19**

3355 When the LORD your God gives you rest from all the enemies around you in the land he is giving you to possess as an inheritance, you shall blot out the memory of Amalek from under heaven.

**1 SAMUEL 15:3**

3360 Now go and smite Amelak and utterly destroy all that they have and spare them not; but slay both man and woman, infant and suckling, ox and sheep, camel and ass.

The Amalekites were a tribe that were continually at war with the Israelite Tribes three thousand years ago. They were considered the “hereditary enemy” of the Israelites and according to the Old Testament, God commanded the Israelites to “blot out their memory” and leave no trace that they ever

3365 existed. With this in mind, you see that high level Israeli ministers of state, Israeli academics and Israeli religious leaders have been continually encouraging, fomenting and inciting for the genocide of the Palestinian people. Where are the criminal courts of justice at The Hague? These views are not marginal – they are mainstream in many segments of Israeli society and found regularly in Jewish attitudes around the world. You see also how an ancient religious book and its teachings are being

3370 used to justify current day behaviours.

Here are a few more quotes from the Old Testament that are quoted by Jews in Israel (and elsewhere) to justify the collective punishment and slaughter of Palestinians and indicate the general attitude of Jews as espoused in their holiest of books. Please remember the cruel persecution of Christians in the Jewish Bolshevik Soviet Communist State - here is where the 'unusually cruel' mindset comes from - here, "The Lord" commands the Israelites to kill every single person that opposes them as they invade and "ethnically cleanse" the land:

3375  
3380 **DEUTERONOMY 2:34**  
At that time we took all his towns and completely destroyed them - men, women and children. We left no survivors.

3385 **DEUTERONOMY 3:6**  
We completely destroyed them, as we had done with Sihon king of Heshbon, destroying every city - men, women and children.

3390 **DEUTERONOMY 4:38**  
...,to drive out before you nations greater and stronger than you and to bring into their land to give it to you as an inheritance, as it is today.

3395 **DEUTERONOMY 7:1**  
When the LORD your God brings you into the land you are entering to possess and drives out before you many nations - the Hittites, Girgashites, Amorites, Canaanites, Perizzites, Hivites, and Jebusites, seven nations larger and stronger than you - and when the LORD your God has delivered them over to you and you have defeated them, then you must destroy them totally. Make no treaty with them, and show them no mercy.

3400 **DEUTERONOMY 7:16**  
You must destroy all the peoples the LORD your God gives over to you. Do not look on them with pity and do not serve their gods.

3405 **DEUTERONOMY 7:22**  
The LORD your God will drive out those nations before you, little by little. You will not be allowed to eliminate them all at once, or the wild animals will multiply around you. <sup>23</sup>But the LORD your God will deliver them over to you, throwing them into great confusion until they are destroyed. <sup>24</sup>He will give their kings into your hand, and you will wipe out their names from under heaven. No-one will be able to stand against you: you will destroy them.

3410 **DEUTERONOMY 11:23**  
Then the LORD will drive out all these nations before you, and you will dispossess nations larger and stronger than you. <sup>24</sup>Every place where you set your foot will be yours: Your territory will extend from the desert to Lebanon, and from the Euphrates River to the Western sea. No man will be able to stand against you. The LORD your God, as he promised you, will put the terror and fear of you on the whole land, where ever you go.

3420 **DEUTERONOMY 12:29**  
The LORD your God will cut off before you the nations you are about to invade and dispossess. But when you have driven them out and settled in their land, and after they have been destroyed before you...

3425 **DEUTERONOMY 13:15**  
You must certainly put to the sword all who live in that town. Destroy it completely, both its people and its livestock.

3430 **DEUTERONOMY 14:21**  
Do not eat anything you find already dead. You may give it to an alien living in any of your towns, and he may eat it, or you may sell it to a foreigner.

**DEUTERONOMY 15:6**

For the LORD your God will bless you as he has promised, and you will lend to many nations but will borrow from none. You will rule over many nations but none will rule over you.

3435

**DEUTERONOMY 20:12**

If they refuse to make peace and they engage you in battle, lay siege to that city. <sup>13</sup>When the LORD your God delivers it into your hand, put to the sword all the men in it. <sup>14</sup>As for the men and women, the children, the livestock and everything else in the city, you may take these as plunder for yourselves. And you may use the plunder the LORD your God gives you from your enemies. <sup>15</sup>This is how you are to treat all the cities that are at a distance from you and do not belong to you and do not belong to the nations nearby.

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3445

**DEUTERONOMY 20:16**

However, in the cities of the nations the LORD your God is giving you as an inheritance, do not leave alive anything that breathes. Completely destroy them - the Hittites, Amorites, Canaanites, Perizzites, Hivites and Jebusites - as the LORD your God has commanded you.

3450

**DEUTERONOMY 26:19**

He has declared that he will set you in praise, fame and honour high above all the nations he has made...

3455

**JOSHUA 6:21**

They devoted the city to the LORD and destroyed with the sword every living thing in it - men and women, young and old, cattle, sheep and donkeys.

3460

**JOSHUA 8:24**

When Israel had finished killing all the men of Ai in the fields and in the desert where they had chased them, and when every one of them had been put to the sword, all the Israelites returned to Ai and killed those who were in it. <sup>25</sup>Twelve thousand men and women fell that day - all the people of Ai.

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**JOSHUA 10:28**

That day Joshua took Makkedah. He put the city and its king to the sword and totally destroyed everything in it. He left no survivors.

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**JOSHUA 10:30**

The city and everyone in it Joshua put to the sword. He left no survivors there.

**JOSHUA 10:32**

The LORD handed Lachish over to Israel, and Joshua took it on the second day. The city and everyone in it he put to the sword, just as he had done to Libnah.

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**JOSHUA 10:35**

They captured it that same day and put it to the sword and totally destroyed everyone in it, just as they had done to Lachish.

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**JOSHUA 10:37**

They took the city and put it to the sword, together with its king, its villages and everyone in it. They left no survivors. Just as at Eglon, they totally destroyed it and everyone in it.

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**JOSHUA 10:38**

Then Joshua and all Israel with him turned round and attacked Debir. <sup>39</sup>They took the city, its king and its villages, and put them to the sword. Everyone in it they totally destroyed. They did to Debir and its king as they had done to Libnah and its king and to Hebron.

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**JOSHUA 10:40**

So Joshua subdued the whole region, including the hill country, the Negev, the western foothills and the mountain slopes, together with all their kings. He left no

3495 survivors. He totally destroyed all who breathed, just as the LORD, the God of Israel, had commanded.

**JOSHUA 11:11**

3500 Everyone in it they put to the sword. They totally destroyed them, not sparing anything that breathed, and he burned up Hazor itself.

**JOSHUA 11:14**

3505 The Israelites carried off for themselves all the plunder and livestock of these cities, but all the people they put to the sword until they completely destroyed them, not sparing anyone that breathed.

**JOSHUA 11:20**

3510 For it was the LORD himself who hardened their hearts to wage war against Israel, so that he might destroy them totally, exterminating them without mercy, as the LORD had commanded Moses.

**JOSHUA 11:21**

3515 At the time Joshua went and destroyed the Anakites from the hill country: from Hebron, Debir and Anab, from the hill country of Judah, and from all the hill country of Israel. Joshua totally destroyed them and their towns. <sup>22</sup>No Anakites were left in Israelite territory, only in Gaza, Gath and Ashdod did any survive. <sup>23</sup>So Joshua took the entire land, just as the Lord had directed Moses, and he gave it as an inheritance to Israel according to their tribal divisions.

3520 I do not have the time to type out anymore - there are hundreds more of these quotes to go. The entire Old Testament (Tanakh), from start to finish, is full of the same stories - *those who resist Israelite/Jewish domination are utterly exterminated*. This is the politico/religious ideology that underpins the attitudes of "Jews". if they don't adhere to it - then they may well have to decide if they really want to be known as..."Jews"?

3525 Some interesting attitudes to women:

**DEUTERONOMY 22:20**

3530 If, however, the charge is true and no proof of the girls virginity can be found, <sup>21</sup>she shall be brought to the door of her father's house and there the men of the town shall stone her to death.

**DEUTERONOMY 22:23**

3535 If a man happens to meet in a town a virgin pledged to be married and he sleeps with her, <sup>24</sup>you shall take both of them to the gate of that town and stone them to death - the girl because she was in a town and did not scream for help, and the man because he violated another man's wife. You must purge the evil from among you.

**DEUTERONOMY 25:11**

3540 If two men are fighting and the wife of one of them comes to rescue her husband from the assailant, and she reaches out and seizes him by his private parts, <sup>12</sup>you shall cut off her hand. Show her no pity.

3545 I put these in Dr Walsh for the express purpose of asking why it is so many want to vilify and condemn Islam by "straining at gnats" and quoting selectively - but they won't look at Judaism?

3550 My personal opinion is that although "God" - out *there* - does not change, the human race's ability to consciously experience and relate to God *is* changing. 2000-4000 years ago we could argue that God worked with what he had and spoke in a language and acted in way that was befitting the time. The Israelite's brought a set of religious laws that were second to none in a time when people were sacrificing human babies to their gods. However, with the coming of Christ, grace and mercy tempered the blind adherence to "The Law". We live in a new time and to be truly Jewish means to be a brute - it's as simple as that. This is why I said in my video:

- 3555 • *“These are a dark people, they’re living 3000 years ago. They really are.”*

Here are some extracts from the Talmud – one of Judaism’s holiest books:

- 3560 1. **Moed Kattan 17a.** If a Jew is tempted to do evil he should go to a city where he is not known and do the evil there.
2. **Erubin 21b.** Whoever disobeys the Rabbi’s deserves death and will be punished by being boiled in hot excrement in hell.
3. **Yebamoth 63a.** States that Adam had sexual intercourse with all the animals of the garden of Eden.
- 3565 4. **Kethuboth 11b.** “When a grown man has intercourse with a little girl it is nothing.”
5. **Sanhedrin 55b.** A Jew may marry a three year old girl (specifically, three years and a day old).
6. **Sanhedrin 54b.** A Jew may have sex with a child as long as the child is less than 9 years old.
7. **Erubin 21b.** Whoever disobeys the Rabbi’s deserves death and will be punished by being boiled in hot excrement in hell.
- 3570 8. **Moed Kattan 17a.** If a Jew is tempted to do evil he should go to a city where he is not known and do the evil there.
9. **Baba Mezia 114a-114b.** Only Jews are human (“Only ye are designated men”). Also see **Kerithoth 6b** under the sub heading “Oil of Anointing” and **Berakoth 58a** in which Gentile women are designated animals (“she-asses”).
- 3575 10. **Sanhedrin 58b.** If a heathen (Gentile) hits a Jew, the Gentile must be killed. Hitting a Jew is the same as hitting God (“The apple of His eye”).
11. **Sanhedrin 57a.** A Jew need not pay a Gentile (“Cuthean”) the wages owed him for work.
12. **Baba Kamma 37b.** Jews have a superior legal status (“If an ox of an Israelite gores an ox of a Canaanite there is no liability; but if an ox of a Canaanite gores an ox of an Israelite...the payment is to be in full”).
- 3580 13. **Baba Mezia 24a.** If a Jew finds an object lost by a Gentile (“heathen”) it does not have to be returned. Affirmed in **Baba Kamma 113b.**
14. **Sanhedrin 76a.** God will not spare a Jew who, “marries his daughter to an old man or takes a wife for his infant son or returns a lost article to a Cuthean...”
- 3585 15. **Sanhedrin 57a.** When a Jew murders a gentile (“Cuthean”), there will be no death penalty. What a Jew steals from a Gentile he may keep.
16. **Baba Kamma 37b.** Gentiles are outside the protection of the law and God has “exposed their money to Israel”.
17. **Baba Kamma 113a.** Jews may use lies (“subterfuges”) to circumvent a Gentile.
- 3590 18. **Yebamoth 98a.** All Gentile children are animals.
19. **Abodah Zarah 36b.** Gentile girls are in a state of ‘niddah’ (filth) from birth.
20. **Abodah Zarah 22a-22b.** Gentiles prefer sex with cows.
21. **Abodah Zarah 67b.** “The vessels of Gentiles, do they not impart a worse flavour to the food cooked in them?”
- 3595 22. **Sanhedrin 106a.** Says Jesus’s mother was a whore. “She who was the descendant of Princes and Governors played the harlot with carpenters.” Also in Shabbath 104b. “Miriam the hairdresser had sex with many men.”
23. **Sanhedrin 106.** Gloats over the early age that Jesus died. “Hast thou heard how old Balaam (Jesus) was?—He replied, “It is not actually stated but it is written, bloody and deceitful men shall not live out half their days it follows that he was thirty three or thirty four years old.”
- 3600 24. **Sanhedrin 43a.** Says Jesus {“Yeshu or “Yeshu The Nazarene”) was executed because he practiced sorcery.
25. **Gittin 57a.** Says Jesus is in hell being “boiled in hot excrement”.
26. **Rosh Hashanah 17a.** Christians (“Minim”) and others who reject the Talmud will go to hell and be punished there for all generations.
- 3605 27. **Shabbath 116a.** (p.569) Jews must destroy books of Christians. Professor Israel Shahak, in his book *“Jewish Religion, Jewish History, The Weight of Three Thousand Years”*, notes that Jews in Israel burned hundreds of New Testament books in Occupied Palestine on March 23, 1980. Page 21.
28. **Gittin 69a.** To heal his flesh a Jew should take dust that lies within the shadow of an outdoor toilet, mix it with honey and eat it.
- 3610 29. **Shabbath 41a.** The law regulating the rule for how to urinate in a holy way is given.
30. **Yebamoth 63a.** States that Adam had sexual intercourse with all the animals of the garden of Eden.
31. **Yebamoth 63a** Declares that agriculture is the lowest of occupations.
32. **Sanhedrin 55b.** A Jew may marry a three year old girl (specifically, three years and a day old).
33. **Sanhedrin 54b.** A Jew may have sex with a child as long as the child is less than 9 years old.
- 3615 34. **Kethuboth 11b.** “When a grown man has intercourse with a little girl it is nothing.”

35. **Yebamoth 59b.** A woman who has intercourse with a beast is eligible to marry a Jewish priest. A woman who has sex with a demon is also eligible to marry a Jewish priest.
36. **Abodah Zarah 17a.** States that there is not a whore in the world that Rabbi Eleazer has not had sex with.
- 3620 37. **Hagigah 27a.** States that no Rabbi can ever go to hell.
38. **Baba Mezia 59b.** A Rabbi debates God and defeats Him. God admits that the Rabbi won the debate.
39. **Gittin 70a.** The Rabbi's taught: "On coming from a privy (outdoor toilet) a man should not have sexual intercourse til he has waited long enough to walk half a mile, because the demon of the privy is with him for that time; if he does, his children will be epileptic."

3625

These few quotes above are the 'oral law' that was written down in 300AD as *The Babylonian Talmud*. There are many other *Rabbinic Commentaries* and the supposed 'final argument' of the Rabbi's in the *Shulkan Aruk*. This is why Jesus rebuked the Pharisees for "following the traditions of men", rather than the law of God. He also called these same Pharisees, "Blind guides", "children of hell", "sons of their father the devil" and "whitewashed tombs, all clean and fair without, but within, full of dead men's bones and all corruption." I asked Rabbi Freilich is he was a "Pharisee", just like the ones from Christs time. He answered "Yes". I was then going to discredit him as a witness by commenting on what Jesus called his predecessors but DCJ Wisbey stopped that very quickly. Also note the ending of the trial suddenly when I was going to return to the stand and note that the Shulkan Aruk mentioned by Prosecutor Antony Evers, was called to be labelled "racist hate literature" by 5000 eminent signatories to the Russian parliament.

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This small amount of information I have provided to you about how Jewish religious and racial supremacism is the basis for Jewish criminal behaviour in Palestine, is also indicative of Jewish attitudes to non-Jews outside Palestine whether of the extreme/overt kind, or more subtle general arrogance.

I know of only one American Jewish activist who addresses this important subject aggressively - *Max Blumenthal*. Look up his video's on You Tube. They are excellent.

3645

My Grandmother would often say:

- "You can't make fig jam out of fowl shit."
- "You can't make a silk purse from a sow's ear."

3650

And you can't make an all-embracing humanist and civilizing religion out of hatred and intolerance for the "other" except if they "carry water and chop wood" for you under "forced labour" as described in Jewish holy books. As President Armadinejhad of Iran so succinctly observed recently: "This is the age of peace and dialogue, not bullets and bombs." There is no "dialogue" with Judaism - just submit... or else.

3655

Activists are clearly honing in on Jewish racial and religious supremacism like never before. Here is an extract of a *Press T.V* online news article detailing Mr Kenneth O'Keefe's comments on notions of Jewish racial and religious supremacism and how it affects Jewish behaviours in both Palestine and elsewhere. I remind you that Mr O'Keefe is a committed activist who has been interviewed by the BBC, ITV, ABC, CNBC. He was present on a Turkish ship in 2011 that was taking humanitarian aid to Gaza when Israeli special forces lowered themselves onto the deck and shot dead 8 crew in international waters. Mr O'Keefe does not mince his words and he would undoubtedly come under the racial vilification legislation as applied by the Western Australian D.P.P:

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### **US, Europe complicit in Israeli crimes against Gaza: Activist**

Interview with Ken O'Keefe, a peace activist, from London  
Sun Nov 18, 2012 9:57AM GMT

3670

**O'Keefe:** It really gives credence to the idea that the 'chosen ones', i.e. the Jewish people, believe that they're so chosen that they have the right to use every other human being on this planet however they can be used to their perceived benefit.

3675 And that each one of us is nothing more than dogs and cattle to be used and slaughtered, lied to and exploited in every way possible because “God so ordained” that the Jewish people have the right to do so as the “chosen ones”.

3680 It gives credence to that whole belief that these people are the most vile and disgusting, psychopathic criminals who are deluded with the most serious delusions of grandeur who believe that they can get away with everything because, again, “God said” they were chosen to do so.

3685 How is it possible for us to even begin to explain how the people of Palestine have been treated decade after decade unless we understand that, in the eyes of the power structure within Israel, the Palestinians are not in fact people, that they are dogs, that they don’t even exist to even think that they are worth anything in the eyes of the psychopathic Jewish supremacist ideology... it is to insult yourself...because “God said” that you are ‘chosen’ and that everything else is irrelevant. That would explain very well what the Israeli’s are doing yet again.

3690 And I don’t use props in my whole presentation ever, but this little girl here is a reflection of our crimes. Our crimes against the people of Palestine in the Western world because we sit here and we do nothing while the Israeli’s continue to murder little baby girls like this one who used to be a beautiful little baby girl and who now looks like a piece of charcoal sitting in the cold iron box in Palestine right now. That is what we do, sit by and do nothing while the Israeli’s continue to murder and rampage at will.

3700 **O’Keefe:** I think that the only thing that can come out of this that is positive is when you have such an evil, violent and disgusting entity such as the Israeli machine, this monster that simply murders at will, backed by the United States, importantly, that the only thing good that can come out of this rampaging monster is that it’s own momentum works against it.

3705 ...

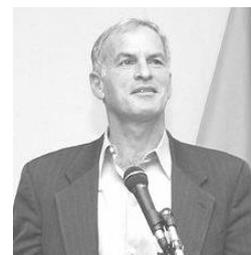
3710 But if anything, this rampaging, terrorizing entity known as Israel, if anything could come out of it is that enough of us finally become so ashamed, disgusted and engaged that we do what we’re fully capable of doing.

<http://presstv.com/detail/2012/11/18/272998/us-europe-convicted-in-israeli-crimes/>

3715 You can understand Mr O’Keefe’s comments when you understand Jewish Holy Books that I have partially quoted from *pages 46-49* of this letter. As you can see, Mr Ken O’Keefe used far more vivid language than I ever did and he is interviewed by some of the biggest mainstream media outlets on the planet. How is it one can be charged with an offense that is apparently being committed all over the world? Surely there must be some principal in law that notes you cannot ‘selectively’ prosecute? Or is that the beauty of State legislation - “If you don’t like it, leave, go somewhere else.” And you are marked for life as a ‘racist’?

3720 Here is some background and some views of the famous Professor Finkelstein of the University of Chicago where he praises the supposed “terrorist group”<sup>60</sup> Hezbollah:

3725 Norman Gary Finkelstein (born December 8, 1953) is an American political scientist and author whose primary fields of research are the Israeli-Palestinian conflict and the politics of the Holocaust. He is a graduate of Binghamton University and received his Ph.D. in Political Science from Princeton University. He has held faculty positions at Brooklyn College, Rutgers University, Hunter College, New York



<sup>60</sup> They are in fact a legitimate resistance movement. A “terrorist” is anyone who disagrees with Israel and fights back.

University, and, most recently, DePaul University, where he was an assistant professor from 2001 to 2007.

3735 Finkelstein is credited by Avi Shlaim, Adam Shatz, Noam Chomsky and others with exposing Joan Peters' book *From Time Immemorial* as a "fraud" and "a monumental hoax". Amidst considerable public debate, Finkelstein was denied tenure at DePaul in June 2007, and placed on administrative leave for the 2007-2008 academic year. Among  
3740 the controversial aspects of this decision were attempts by Alan Dershowitz, a notable opponent of Finkelstein's, to derail Finkelstein's tenure bid. On September 5, 2007 Finkelstein announced his resignation after coming to a settlement with the university on generally undisclosed terms. An official statement from DePaul strongly defended the decision to deny Finkelstein tenure, stated that outside influence played no role in the decision, and praised Finkelstein "as a prolific scholar and outstanding teacher."

3745 ""DePaul, embattled professor settle dispute"". *The Chicago Tribune*, republished by normanfinkelstein.com.  
<http://www.normanfinkelstein.com/article.php?pg=11&ar=1206>

3750 ...  
Finkelstein indeed visited southern Lebanon and conducted meetings with Lebanese families. During the 2006 Lebanon War, Israeli warplanes bombed a Qana apartment building where two families were seeking refuge in the basement, killing 28, among them 16 children.<sup>[59]</sup> Finkelstein visited the location of the bombing. He stated:

3755 "First of all I want express my horror and the difficulty it is to be in the presence of people who are the survivors of those who died. And it should be obvious that there are no words to convey those feelings of horror.

3760 Number two, [I want to express] those feelings of shame, because the simple fact is that the war and those deaths were caused by the US government. People should not fool themselves that this war was done by Israel; this was an American war and for  
3765 American interests.

The third feeling I have is disgust; Why are the Lebanese welcoming the US president here? Whenever a foreign diplomat travels to Israel, he or she has to go to Yad Vashem [the Israeli  
3770 holocaust memorial]. So why don't the Lebanese have at least that much dignity to say that [US President George W.] Bush has to come here before he meets them?

3775 The last thing I want to say is: After the horror and after the shame and after the anger, there still remains the hope. And I know I can get in a lot of trouble for what I'm about to say, but I think that **Hezbollah represents the hope**. They are fighting to defend their homeland, they are fighting to defend the independence of their country, they are defending themselves  
3780 against **foreign marauders, vandals and murderers**<sup>61</sup> and I consider it to be genuinely to be an honour to be in their presence."

3785 '*Finkelstein visits Sabra, Shatila and Qana*'  
<http://www.normanfinkelstein.com/more-from-the-daily-star-on-lebanon-trip/>

3790 Professor Finkelstein also writes extensively on the Holocaust and it's use by "*a repellent gang of plutocrats, hoodlums and hucksters*" to gain sympathy for Israel and extort money. Please remember the 'tame' comments I made about the Holocaust<sup>62</sup> – Professor Finkelstein would get a year in jail at least here in Western Australia:

<sup>61</sup> That's Israel.

<sup>62</sup> On page 37 of this letter.

3795 *'The Holocaust Industry: Reflections on the Exploitation of Jewish Suffering'* was published in 2000. Here, Finkelstein argues that Elie Wiesel and others exploit the memory of the Holocaust as an "ideological weapon." This is so the state of Israel, "one of the world's most formidable military powers, with a horrendous human rights record, [can] cast itself as a victim state" in order to garner "immunity to criticism."<sup>[18]</sup> He also alleges what he calls a "double shakedown" by "a repellent gang of plutocrats, hoodlums and hucksters" seeking enormous legal damages and financial settlements from Germany and Switzerland, moneys which then go to the lawyers and institutional actors involved in procuring them, rather than actual Holocaust survivors.<sup>[19][20][21]</sup>

3800 ...  
 3805 Finkelstein also had his supporters however. Raul Hilberg, widely regarded as the founder of Holocaust studies,<sup>[24]</sup> said the book expressed views Hilberg himself subscribed to in substance, in that he too found the exploitation of the Holocaust, in the manner Finkelstein describes, 'detestable.' Asked on another occasion if Finkelstein's analysis might play into the hands of neo-Nazis for anti-semitic purposes, Hilberg replied: 'Well, even if they do use it in that fashion, I'm afraid that when it comes to the truth, it has to be said openly, without regard to any consequences that would be undesirable, embarrassing.'<sup>[25]</sup>

3810  
 3815 <sup>[19]</sup> Finkelstein, N. (2003). *The Holocaust Industry: Reflections on the Exploitation of Jewish Suffering* ((2nd ed.) ed.). Verso. pp. xiii.

<sup>[20]</sup> *Where did the Shoah money go?* Ynetnews October 12, 2006  
<http://www.ynetnews.com/articles/1.7340.L-3338282.00.html>

3820 <sup>[21]</sup> *Lawyer's \$4.1 Million Fee Angers Holocaust Survivors* New York Times February 25, 2006  
[http://www.nytimes.com/2006/02/25/nyregion/25lawyer.html?\\_r=1&oref=sloslo](http://www.nytimes.com/2006/02/25/nyregion/25lawyer.html?_r=1&oref=sloslo)

<sup>[24]</sup> Felix Kellerhoff (25 January 2003). *"Raul Hilberg und die Quellen des Holocaust"*. *Die Welt*.  
[http://www.welt.de/printwelt/article351516/Raul\\_Hilberg\\_und\\_die\\_Quellen\\_des\\_Holocaust.html](http://www.welt.de/printwelt/article351516/Raul_Hilberg_und_die_Quellen_des_Holocaust.html)

3825 <sup>[25]</sup> Roberto Antonini (31 August 2000). *"Interview with Raul Hilberg"*. *Swiss National Radio (SBC-SSR)*. <http://www.normanfinkelstein.com/article.php?pg=3&ar=202>

I'll just repeat some of those comments on the Holocaust by an eminent Jewish Professor to ensure clarity:

- 3830
- Finkelstein argues that Elie Wiesel and others exploit the memory of the Holocaust as an "ideological weapon." This is so the state of Israel, "one of the world's most formidable military powers, with a horrendous human rights record, [can] cast itself as a victim state" in order to garner "immunity to criticism."<sup>[18]</sup>
  - He also alleges what he calls a "double shakedown" by "a repellent gang of plutocrats, hoodlums and hucksters" seeking enormous legal damages and financial settlements from Germany and Switzerland...
  - Raul Hilberg, widely regarded as the founder of Holocaust studies,<sup>[24]</sup> ... Asked on another occasion if Finkelstein's analysis might play into the hands of neo-Nazis for anti-semitic purposes, Hilberg replied: 'Well, even if they do use it in that fashion, I'm afraid that when it comes to the truth, it has to be said openly, without regard to any consequences that would be undesirable, embarrassing.'<sup>[25]</sup>
- 3835
- 3840

In a radio interview with 'Democracy Now' presenter Amy Goodman - also released as a video on You Tube - a former member of the Israeli Knesset/Parliament (Shulamit Aloni) stated that Israel uses the Holocaust<sup>TM</sup> and the 'anti-Semite' tag as a weapon to deflect criticism of Israel:

3845 ***"Yes, if Europe criticises Israel we mention the Holocaust<sup>TM</sup>, when the United States criticises Israel we call them anti-Semites, it's a trick, we always use it".***

Professor Noam Chomsky comments on these tactics:

3850 After the Larry Summers - Dershowitz hysteria about anti-Semitism at Harvard and MIT, the head of the Anthropology Department at Harvard, a progressive African American, asked me to give a talk on anti-Semitism to his race seminar at Harvard. I

3855 laughed and asked, what are you talking about? The president is Jewish, many of the  
 faculty is Jewish, many students are Jewish, what's the issue? It's a joke, I said. He said,  
 yes, it was a joke, but it was a very contentious issue on campus. So I agreed to go. I  
 gave a talk, approximately along the lines of my remarks above: I said, yes, there was  
 anti-Semitism, and I went through the background and how it had changed. At the end  
 of the talk I came up with something I thought was going to be a great punch line, but it  
 3860 fell totally flat. I concluded by saying you no longer read things like the following  
 written by distinguished and respected Harvard professors; then I gave a bunch of actual  
 quotes from people like Michael Walzer, Ruth Wisse, and Martin Peretz - but they had  
 been talking about Arabs, and at this point in the talk I replaced the word "Arab" in their  
 quotes with "Jew". The quotes sounded like they came out of the nazi archives, about  
 Jews, and there were gasps from the audience: How could Harvard professors ever have  
 3865 done this? And then I said, well, I misled you, those quotes weren't really about Jews,  
 they were about Arabs, and, interestingly, there was a sigh of relief in the audience. I  
 hadn't anticipated this reaction; apparently, as long as extreme racist comments of the  
 kind that sound like nazi's are about Palestinians and Arabs, then it's fine. But if you  
 were to say anything like that about Jews, the place would blow up.

3870 I think that's basically the answer to the question about the extent of anti-Semitism.  
 There's manufactured anti-Semitism. Its manufactured by the Jewish organizations,  
 very consciously.

3875 Take the Anti-Defamation League. It's hard to believe, but years ago it used to be an  
 authentic civil rights organization. Now it's a kind of Stalinist-style apologetics for  
 Israel organization. In 1982 they got worried about the lack of anti-Semitism in the  
 country because that's their business. So they published a book by their national  
 director called 'The Real Anti-Semitism in America' - with the words "Real" italicised.  
 The book says there is old fashioned anti-Semitism - holocaust denial, calls to kill Jews,  
 and so on - but that's marginal and boring. There's a new kind of anti-Semitism  
 3880 however, that is much more serious than the old kind. The new kind of anti-Semitism  
 consists of peace makers of Vietnam vintage who want to undermine and attack the  
 Pentagon budget or people who join the nuclear freeze campaign, and the book goes on  
 like that. Why is that the new anti-Semitism? Because they're undermining the power  
 and violence of the US Government, and Israel relies on that. So therefore, indirectly,  
 3885 they're undermining Israel; so therefore, they're 'real' anti-Semites. It's really quite  
 incredible.

**Noam Chomsky & Gilbert Achar** 2006 *"Perilous Power: The Middle East and US  
 Foreign Policy"* p.201-202

3890 Professor Finkelstein also had this to say about Israel:

3895 Finkelstein is a sharp critic of Israel and Israeli society in general. In a telephone  
 interview with *Today's Zaman*, in 2009, Finkelstein stated that Israel was a "satanic"  
 "terrorist" "insane" and "lunatic" state, and that "sometimes I feel that Israel has come  
 out of the boils of the hell."

3900 Norman Finkelstein. *"Israel is committing a holocaust in Gaza"*, *Today's Zaman*, 19  
 January 2009.  
<http://www.todayszaman.com/tz-web/detaylar.do?load=detay&link=164483>

So Professor Norman Finkelstien called the "Jewish State":

- Satanic.
- Terrorist.
- Insane.
- Lunatic.

3910 The above is another year or so in jail according to the State of Western Australia. It would have been  
 nice to be able to present Professor Finkelstein's 'abhorrent views' to the jury. It would have also been  
 nice to have him appear at my trial via video link.

Another online news article is indicative of how others are viewing what happened in Gaza in 2008-2009. This time from a British Judge in his summing up in a case of criminal damage. Note this paragraph in particular:

Describing evidence **shown in court**, Judge Bathurst-Norman told the jury that he could only describe the “horrific” events shown as, “scenes which one would rather have hoped to have disappeared with the Nazi regimes of the last war”.

It’s nice to know that in England that you get to “show” evidence in court. I think this is an important point to raise and perhaps worth more research. The full article is here and is very instructive:

### **Judge faces anti-Semitism probe after speech attacking Israel helps free arms factory protestors**

By Steve Doughty, Social Affairs Correspondent  
Last updated at 2:52 AM on 24<sup>th</sup> July 2010

A senior judge was under investigation yesterday after being accused of making anti-Semitic remarks in court that may have swayed his jury into acquitting a group of protestors.

Judge George Bathurst-Norman was said by critics to have persuaded a jury to clear a group of campaigners who smashed up a factory making parts for Israeli war planes.

Summing up in the criminal damage trial, he compared Israel to the Nazi regime and accused the country of ignoring international law.

The judge added that, “there may be much to be admired”, about the chief protestor, and that, “in the last war he would probably have received a George Medal”.

The Office for Judicial Complaints, which deals with objections over the conduct of judges and magistrates, confirmed that an enquiry into how Judge Bathurst-Norman handled the trial of five political activists at Hove Crown Court in June is under way.

It’s findings will be considered by Lord Chief Justice Lord Judge and Lord Chancellor Kenneth Clarke, who have the final say on any disciplinary action.

A number of complaints are said to have accused the judge not just of anti-Israel rhetoric but specifically of anti-Semitism.

The case involved a group of activists who broke into and vandalised a Brighton factory run by engineering firm EDO MBM.

The company was making parts for use in the bomb aiming equipment on Israeli F-16 war planes.

The invasion shut the factory for a week and caused £187,000 worth of damage. But five men and women who appeared in court claimed they had done nothing wrong under criminal damage law.

The law says someone is not guilty of causing damage if they believed it was necessary for the immediate protection of someone else’s property.

...  
Several similar defences by protestors have been successful in recent years.

...  
Describing evidence **shown in court**, Judge Bathurst-Norman told the jury that he could only describe the “horrific” events shown as, “scenes which one would rather have hoped to have disappeared with the Nazi regimes of the last war”.

In his summing up, he gave his backing to his evidence of one defendant, Ornella Saibene, a former Greenham Common activist.

3975 The judge said, “She took us through the horrors, and there is really no other word for it than horrors, that emerged in the press and on the news and the footage as to what the Israeli’s were doing in Gaza.

3980 You may think that perhaps ‘hell on earth’ would be an understatement of what the Gazan’s endured.”

...  
<http://www.dailymail.co.uk/news/article-1297219/Judge-faces-anti-semitism-probe-speech-attacking-Israel-helps-free-arms-factory-protestors/>

3985 This is how a U.K judge saw things. What a contrast with local Perth District Court Judge Wisbey.

Please consider all of these views and facts when considering my charges and the constant use of the term “abhorrent views” by the DPP etc.

3990 ALL of the above information was DIRECTLY relevant to my defence under the charge 80B - ‘conduct likely to racially harass’, and the defence:

**80G. Defences**

3995 (1) It is a defence to a charge under section 78 or 80B to prove that the accused persons conduct was engaged in reasonably and in good faith -

(b) in the course of any statement, publication, **discussion or debate made or held**, or any other conduct engaged in, for -

(ii) **any purpose that is in the public interest**; and

4000 (c) in making or publishing a fair and accurate report or analysis of any event or matter of public interest.

It is also ‘background information’ that would remove the incredible bias that must be overcome when talking about Jewish power. Clearly, Jews are not a ‘vulnerable minority’. This has great bearing on how a jury views the case.

4005 With all of the ‘above’ comments by eminent people in mind, consider what prosecutor Antony Evers and the *Western Australian Department of Public Prosecutions* considered ‘abhorrent views’ designed to ‘incite’ and worthy of 3 years jail and hundreds of thousands of tax payers’ dollars in court costs. Prosecutor Evers pointed out these comments from my blog in particular – extremely serious section 77 charges:

4015 “1,500 Gazan’s are dead, one million plus Iraqi’s. We can only hope and pray that the international community strikes hard and makes sure that gaggle of Satan’s children in occupied Palestine are brought to justice.”

*Transcript Page 626*

4020 “Fairly soon Jews will realise that people are thoroughly sick of them, their whining, their perpetual victimhood and their demands for people to bow down and worship their dodgy religion of Holocaustianity.”

*Transcript Page 630*

4025 “The Jew community could of at least made their lies and slander half believable, but I guess after years of inventing and over the top Holocaust memoirs they’ve gotten lazy.”

*Transcript Page 632*

4030 “Former Ku Klux Clown lectures Aussies to stamp out racism. Unfortunately our former clown has never read the Talmud, so he forgot to mention Jews as the biggest racists of all.”

Transcript p.633

4035

I'll just contrast my above comments again with comments by Peace Activist Kenny O'Keefe who is interviewed by the BBC, ABC, CBC, CNBC, ITV, Press TV<sup>63</sup> etc, mentioned on page 23 of this letter:

4040

**O'Keefe:** It really gives credence to the idea that the 'chosen ones', i.e. the Jewish people, believe that they're so chosen that they have the right to use every other human being on this planet however they can be used to their perceived benefit.

4045

And that each one of us is nothing more than dogs and cattle to be used and slaughtered, lied to and exploited in every way possible because "God so ordained" that the Jewish people have the right to do so as the "chosen ones".

4050

... that these people<sup>64</sup> are the most vile and disgusting, psychopathic criminals who are deluded with the most serious delusions of grandeur who believe that they can get away with everything because, again, "God said" they were chosen to do so.

4055

... in the eyes of the power structure within Israel, the Palestinians are not in fact people, that they are dogs, that they don't even exist to even think that they are worth anything in the eyes of the psychopathic Jewish supremacist ideology

4060

...because we sit here and we do nothing while the Israeli's continue to murder little baby girls like this one who used to be a beautiful little baby girl and who now looks like a piece of charcoal sitting in the cold iron box in Palestine right now.

4065

But if anything, this rampaging, terrorizing entity known as Israel...

<http://presstv.com/detail/2012/11/18/272998/us-europe-complicit-in-israeli-crimes/>

4070

I hope to meet Mr O'Keefe in the not so distant future. I will ask him to come to Australia to lecture. Mr O'Keefe has risked his life bringing humanitarian supplies to Gaza when Israeli Commando's boarded their ship in international waters. Eight of his fellow activists were murdered when they defended themselves against armed pirates<sup>65</sup> with broomsticks and iron bars. Will Mr O'Keefe get a visa to enter Australia? Will he be arrested after his first lecture? It will be very interesting. The incident was widely reported extensively in the world wide mainstream press. I'm not sure if they have labelled Mr O'Keefe an 'anti-Semite' yet but it must be on the way.

4075

Here's one last comment Dr Walsh from a well-respected Jew, that, if you took the view of the Western Australian legal system should have him in jail for twenty years. In the Dutch weekly paper "Elsevier" in September 2003, an Israeli military historian Mr Martin Levi Van Creveld stated that Israel had 200 nuclear weapons and some were aimed at European cities. He stated that if Europe pulled support for Israel they would, "*Take the world down with us*". Yes, I kid you not - they are lunatics and I reserve the right to say it as often as possible.

4080

### [C] Media Reporting

4085

Considering the sensitive nature of the subject, overall, media reporting was not too bad. However, the Nine Network outdid itself with a grossly defamatory hit piece done on me. Easily one of the worst in the country in recent memory.

<sup>63</sup> All are major, mainstream media outlets.

<sup>64</sup> That's 'Jews'.

<sup>65</sup> Israeli Commando's.

4090 It was the local production of 'A Current Affair'. A ten minute segment where it was clearly imputed I was somehow affiliated with white supremacist groups and neo-Nazi's.

It was broadcast on the 26<sup>th</sup> May 2009, exactly one week after my May 19<sup>th</sup> 2009 appearance in the Magistrates court where I had plead not guilty.

4095 The most outrageous statement was that I had called for, "All Jews to be wiped out." Never have I stated publicly or privately such a thing. I have not even thought it. It was a complete fabrication, a criminally defamatory concoction, in my opinion as part of a concerted and co-ordinated plan between the Jewish Community, D.P.P and police to deprive me of general public support and pressure me into a guilty plea.

4100 The editor of the segment had also re-edited my video. Something I have NEVER seen done before in the media. He had not just 'chopped' the video at a point for a good 'sound bite' leaving the quote out of context - a common media tactic. The editor had in fact 'overlayed' sound onto another part of the video covering over Mr Stanley Elliot Keyser stating in the video, "Come on, you can film this one". I have never seen this done before.

4110 When I complained to police I wanted the Nine Network charged with contempt of court they basically laughed at me. Detective Paini stated this sort of reporting was "normal". He then added one week later that he had contacted the Nine Network and asked them to stop producing such material. I have not the slightest doubt Detective Paini was right in on this reporting. The Nine Networks relationship with the Western Australian police and D.P.P is legendary. Their vilification of Islam and Muslim's in general is also quite legendary over and above any other commercial network.

4115 One week after I put these allegations on the record at a hearing before Acting Chief Judge Martino, the Nine Network axed the local production of 'A Current Affair', quoting "poor ratings" as the reason.

4120 But not only the official media, Blogs were set up to vilify me and they repeated (and still do) that I had been stalking the Jewish community for ten years and threatened their kids and other members of it. The jury could have found these sites easily just by Googling my name. In fact many of them were top of the list on Google. This is important as it formed part of an overall co-ordinated campaign to end any chance of ordinary people supporting my case as a free expression issue.

4125 This reporting by the Nine Network totally destroyed any faith I had in the Western Australian legal system. When I defend myself online after such a shocking defamation by a major media outlet I am charged 5 more times! I am threatened with contempt of court and criminal defamation! The Nine Network got away with murder and to this day I cannot find a lawyer to represent me in a defamation case against the Nine network.

4130 The very popular website is called "Rant Rave", run by a Jewish man which indicates the level of lies and hysteria that were circulating before, during and after the trial:

4135 ...both comments come from members of the Perth Jewish community and offer background not mentioned in the mainstream media. **Gedalia**<sup>66</sup> responded as follows:

4140 "I had a personal encounter with Brendon – not pleasant. He has physically threatened people and is quite capable of crazy actions. I agree that a person should not be arrested for their attitude. However, when that attitude is expressed in a way that is potentially harmful (in a very real sense) to other people, then the situation changes. As the article notes, only 2 people have been charged under this legislation, showing that it is applied only in instances of absolute necessity. You only need to watch

<sup>66</sup> Onscreen name/pseudonym.

4145 his latest video posting to see that in this case, the charge was quite justified.”

On Rantrave.com, **Perthguy** posted the following reply:

4150 “And I have news for you. Hate crimes have taken place. This lunatic has threatened the lives of men, women and children in the Jewish community personally, by phone and email. On the very night he was charged he rang a Perth based Jewish centre and told them he was coming around to ‘finish them off’. The centre, which was full of children, had to have a police guard. This is beyond harassment. This guy just hasn’t made video’s out of the blue in the background, like the media is making out. He’s been assaulting and threatening to kill Jews, in person, by email and by telephone, for almost a decade.”

4160 Both **Gedalia** and **Perthguy** rounded out the picture with accounts of a ten year campaign of harassment, assaults and even threatening that staff and children in a day care centre are criminal behaviour. The presence of a police guard at the day care centre is proof that the public suffered expense. The fear and anxiety suffered by the Jews of Perth is no different than that of a girlfriend or public figure who is being stalked by an angry ex love or fan. Threatening physical harm is not and never was “protected speech”. It is one thing to post on YouTube or a Blog ones anger at Jews, Catholics, African Americans or Chinese. It is another matter entirely when one starts harassing strangers who belong to a group against whom one nurses a grievance.

<http://www.rantrave.com/Rant/Brendon-OConnell-Hate-Crimes-Followup.aspx>

4170 The above information:

- *“I had a personal encounter with Brendon – not pleasant. He has physically threatened people and is quite capable of crazy actions.”*
- *“And I have news for you. Hate crimes have taken place. This lunatic has threatened the lives of men, women and children in the Jewish community personally, by phone and email.”*
- *“On the very night he was charged he rang a Perth based Jewish centre and told them he was coming around to ‘finish them off’. The centre, which was full of children, had to have a police guard.”*
- *“This guy just hasn’t made video’s out of the blue in the background, like the media is making out. He’s been assaulting and threatening to kill Jews, in person, by email and by telephone, for almost a decade.”*

4185 ...was posted all over the internet. Again, **THIS is the reason why I put up my own Blog to defend myself from these ridiculous accusations that are clearly defamatory. I would never have received two years jail because of the Blog if police and the courts had taken my complaint seriously.** Every time I would investigate having the media, blogs etc... charged with contempt of court, I was basically laughed at and told this is “normal”. That it’s, “just the way it is”. The same people making these accusations are the same people from the Jewish community who told police that I had been stalking them for ten years and threatened to kill their children and also threatened females at a Israeli run stall in the Joondalup shopping centre. ALL, is and was, outright patent lies. I complained in court about this:

4195 **ACCUSED:** Bit I mean, is anyone suing Channel 9 for their defamatory comments? Did - did Mr Alan Troy go to Channel 9 and demand they shut up for their atrocious defamatory comments? It’s just little old Brendon here up against the - this monolith. By myself. Broke.

*Transcript 20/11/2009 Page 17*

4200 Mr Alan Troy, senior prosecutor with the DPP was talking at this hearing of charging me with ‘criminal defamation’. Again, the **ONLY** reason I put up those blogs which got me two years jail was that I was being vilified by the mainstream media and on online Jewish blogs. I had complained to

4205 Detective Timothy Paini about it and demanded Channel 9 be charged with contempt of court. He just laughed that it was “normal” media behaviour. He got back to me a week later and said that he had rung Channel 9 and asked them to cease such reporting. However, when I defend myself online against these blatant lies and bullshit that are undoubtedly going to influence a jury I was raided and charged 5 more times and this is what Mr Alan Troy had to say at the hearing that followed my re-arrest:

4210 **MR TROY:** The concern the prosecution have, of course, is that notwithstanding the fact that the matter has not been listed for trial as of yet, that has an obvious tendency to prevent a fair trial for the community as well as the accused, and the court will be aware, of course - - -

4215 **ACCUSED:** Fair trial? Thanks.

4220 **MR TROY:** The court will be aware, of course, that although “in contempt of court” is a little utilized power, it remains a power that, on the authority of *R v Pearce [1992] 7 WAR 395*, the Director of Public Prosecutions has the standing to commence and carry on. And that is something that the Director of Public Prosecutions is actively considering, as the court knows from correspondence.

4225 And there is clear authority that a favourable comment, such as an assertion that an accused is innocent, to the media during the course of a trial can amount to a contempt. It is of course a question of degree, and there is a question as to proximity of trial.

4230 But the prosecution is concerned that unless bail is revoked, this accused will continue to publish - - -

**ACCUSED:** Defend myself.

*Transcript 20/11/2009 Page 6-7*

4235 So Mr Troy believes that, “*there is clear authority that a favourable comment, such as an assertion that an accused is innocent, to the media during the course of a trial can amount to a contempt.*” Well then, what about a ten minute segment on a state wide current affairs show where it is asserted I have stated I want to “wipe out all Jews” and they even go so far as to re-edit the video I was arrested for by moving audio around. They then “impute” and give the clear inference that I am somehow  
4240 involved with ‘neo-nazi’s’ and ‘white supremacist’ groups! **But this is not ‘criminal defamation’ and ‘contempt of court’?** Jewish blogs - some very popular - are repeating over and over the same accusations that sent the police to my house in the first place. ALL were lies as I have explained. NO PROBLEM apparently. NO problem at all. Alan Troy and his friends in the Jewish community and Channel 9 created the blog that got me two years jail.

4245 Alan Troy goes on:

4250 **MR TROY:** His rhetoric towards your Honour underlies that point. His observations in the teeth of his knowledge that the prosecution are - have asked the police to investigate and prepare a brief as to a potential proceedings in respect of contempt of court and potential prosecution under section 345 of the Code for criminal defamation, to effectively repeat the terms of the contempt for your Honour in the face of the court is suggestive of a man with no restraint whatsoever.

4255 *Transcript 20/11/2009 Page 14*

4260 The simple fact is I was having trouble with understanding what Mr Alan Troy was on about. Channel 9 and the Jewish community were actively and with extreme malice defaming me day after day. The whole point of the reporting, both on television and online, was to prevent me garnering support from the general public on the case as a “free expression” issue. They had to label me a ‘racist extremist’ and isolate me and force me into a guilty plea. I simply could not gather what the

problem was with Mr Troy as he expressed not the slightest offence with what was happening “to me”. Clearly it was one rule for Mr Alan Troy’s friends - and DPP head Robert Cock - and one rule for me.

4265

However, Police in Victoria have taken offense to online information jeopardising court cases:

### **Facebook, police to meet over hate sites**

Melbourne  
West Australian Paper  
December 15<sup>th</sup> 2012

4270

A Facebook representative has agreed to meet with Victoria’s police chief over concerns that users of the social media site are a “mob” that incites hatred and undermines the criminal justice system.

4275

Chief Commissioner Ken Lay said yesterday that since he had publicly criticised that company’s response to major cases, he had been contacted by Facebook’s head in South-East Asia.

4280

“I’ll be meeting with him in the next few weeks to have a chat about some of my concerns,” Mr Lay said.

Earlier this year, Mr Lay attacked Facebook for failing to quickly remove hate pages that could have threatened the high-profile prosecution of Adrian Ernst Bayley, the Melbourne man accused of raping and murdering ABC staffer Jill Meagher.

4285

“They’ve got a social responsibility, this mob,” Mr Lay said in October.

Mr Bayley, 41, had at least six Facebook pages – devoted to revealing his background – posted on Facebook for days before they were finally deleted.

4290

Law enforcement authorities have similar concerns about other hate pages and the continuing problem of trolls who litter victims’ memorial pages with offensive content.

- *“A Facebook representative has agreed to meet with Victoria’s police chief over concerns that users of the social media site are a “mob” that incites hatred and undermines the criminal justice system.”*

4295

Well, it’s nice that in Victoria the obvious has been raised. However, if the man’s past is true, well that is a different matter. After all, the states (including Victoria) have brought in ‘propensity evidence’ as standard now so why should they complain about the public bringing up an accused’s past if the prosecutor can do it as well – just in the court room? But what about if the “mob” is all over the internet telling ridiculous lies about you? What about if a major news network has done it and no one gives a shit about it when you complain? Then, to add insult to injury, when I put up my own Blog with my own version of events I am charged again – 5 more times! It absolutely stinks. I seethe at it all.

4300

4305

How was I supposed to get witnesses to appear after this reporting? How was I to get expert witnesses to appear on my behalf? The fact is, THIS was the intended result of the Nine Networks reporting and the DPP and police was right in there with them - I have not forgotten the former Senior Prosecutor Mr Alan Troy and his boss Mr Robert Cock of the DPP.

4310

### **[D] Resignation Of Nine News Director Adrian Beattie**

Around 14<sup>th</sup> of September 2010 I sent an email to the Nine Networks lawyers ‘Freehills’ noting their clients criminally defaming production. Two days later the Director of the local Nine Networks news department resigned on the 16<sup>th</sup> of September.

4315

On the 17<sup>th</sup> of September 2010, the West Australian paper produced this report on Mr Adrian Beattie’s sudden resignation:

4320

**Staff shocked at TV news chief's sudden departure**

ANGELA POWNALL  
WEST AUSTRALIAN PAPER  
September 17<sup>th</sup> 2010

4325

Channel 9 Perth and WIN WA's news director Adrian Beattie abruptly left the station yesterday after a reportedly rocky relationship with WIN owner Bruce Gordon.

Station staff said they were shocked about Beattie's sudden departure after he gave an emotional farewell address in the Dianella newsroom.

4330

A statement from WIN's headquarters in NSW said Beattie had resigned and that deputy news director Michael Thompson would take over in an acting capacity immediately.

Beattie, who is from Northern Ireland and migrated to WA seven years ago, described his three years at WIN Television as tremendous.

4335

"It is now time to move on and face new challenges," he said.

"The employees of Nine News and WIN News are some of the best I have worked with.

"I leave knowing I have made many friends in the industry and I'm grateful for their support."

4340

Beattie was a reporter for Channel 9 Perth before becoming news director in 2007.

"We are all shellshocked," a Channel 9 employee said. "He's the fairest, most decent, smartest news director we've had here and he's left the building. He has overseen a massive ratings improvement."

4345

WIN said Beattie's replacement would be announced in due course.

Ian McRae, general manager of Channel 9 Perth, said Beattie "had made a significant contribution to all our news based programs".

4350

Beattie worked for BBC Belfast, RTE in Dublin and ITN Network News in Britain. He reported on the Troubles in Northern Ireland. His documentary on a 15-year-old murder helped to change Britain's 800 year-old double-jeopardy laws and won the Royal Television Society's award for best factual program.

I wrote this letter and sent it by fax to the Nine Network, Perth on 22<sup>nd</sup> of May 2012:

4355

Attention: Nine Network News Director Perth, W.A

From: Brendon Lee O'Connell

c/- Locked Bag 1

Kwinnana, W.A

4360

6966

\*\*\*\* \*\* \*\*\*\* - Mr Mark \*\*\*\*\*, Acting for myself.

Alternative Contact:

P.O Box \*\*\*

4365

Mundaring, W.A

6073

- 1) On May 26<sup>th</sup> 2009, your local production of 'A Current Affair', hosted by Louise Momba, was aired in Perth.
- 2) A 10 (Ten) minute segment was aired in which your producer, reporter (Simon Bailey) did criminally defame me (Brendon Lee O'Connell).
- 3) Your reporter – Simon Baily – did state that I had verbalised wanting to, "Wipe out all Jews".
- 4) At no time have I thought, stated or written, anywhere and at any time, the wish to, "Wipe out all Jews". This was a fiction, a fabrication, invented by your production of 'A Current Affair'.
- 5) Your segment did by way of imputation and inference lead a reasonable viewer to believe I was a member of, or shared the politico/racial ideology of neo-Nazi's and White Supremacist groups such as the Ku Klux Klan.
- 6) Your editor did re-edit the video for the specific purpose of quoting me out of context by cutting short the words, "Your days are numbered", and also with deliberate and

4380

calculated intent, re-edit the video I had produced by taking audio from another part of my video and laying it in a different location – 10 seconds previous – to cover over Mr Stanley Elliot Keyser saying, “Come on, you can film this one”, showing him clearly inviting me to film him despite claiming to police he was scared and intimidated.

- 4385 7) By the totality of these actions, coming exactly one (1) week after I plead not guilty to charges of Racial Vilification in the Perth’s Magistrates Court on May 19<sup>th</sup> 2009, you showed a clear intent to criminally defame me knowing that what you were doing was a false and deliberate fabrication of my character, politics, beliefs and intent when producing the video in question.
- 4390 8) I put to you that the intent was to so defame me in the public’s eye as a racist and man calling for mass murder, that I would lose all support in the public’s eye as a free expression issue.
- 4395 9) I put to you that you worked in conjunction with the police, d.p.p and Jewish Community leaders while producing your segment that criminally defamed me, to pressure me into an early guilty plea, and so avoid further publicity to my intent of calling the public’s attention to Jewish racial and religious supremacism that underlies the criminal, racist apartheid state of Israel’s war crimes committed against the people of Gaza during Operation Cast Lead.
- 4400 10) Before issuing a Writ against your company and possibly individuals, I give you the chance to remedy the situation by correspondence with me and/or my associate Mr Mark \*\*\*\*\*.
- 4405 11) Further, it is noted that in 2010, two days after I wrote via email to the Nine Networks lawyers Freehill’s, Mr Adrian Beatty, news director for Nine Network Perth, resigned suddenly and it was reported in the West Australian paper, “Staff Shocked At T.V News Chiefs Sudden Departure” by Angela Pownhall; “Channel 9 Perth and WIN W.A’s news director Adrian beatty abruptly left the station yesterday after a reportedly rocky relationship with WIN owner Bruce Gordon. Station staff said they were shocked about Beatties sudden departure...”

4410 Looking forward to your reply,

Brendon O’Connell

4415

**[E] Head Of Local State Counter Terrorism Interested In ‘My Work’**

Inspector Barry Shelton indicated via email that he and his colleagues ‘respect my work’.

4420

Please consider the above comment when considering my charges and the constant use of the term “abhorrent views” by the DPP etc.

4425 Unfortunately, ‘peace feelers’ put out by the Inspector were not well received by me and I could not come to trust the Western Australian police service as an institution whatever the best intentions of some of its employees were.

4430 I do regret the level to which I assisted the relationship to sink. However, it takes two to tango. A simple apology and open and honest dialogue would have sufficed to keep things on an even keel. I am not receptive to ‘nudges and winks’.

I also saw AFP Agent *Steve Lamborn* three times regarding hacking and stalking. He said, “I can’t wave a magic wand and fix all this,” but he would look into it.

4435 I wrote to the CCC.

As far as I can tell – nothing was done. In the U.S, the harassment of my friend continued right up to the trial and my incarceration. It has now apparently ceased though I have had no contact with my friend since December 2010.

4440

All of the above is important when noting my behaviour in court. I was angry and upset well before I got into court and I saw court as a simple continuation of the harassment with DCJ John Wisbey's behaviour and comments, and yes, I didn't help matters.

4445

**[F] Israeli Ambassador Supports Complainant In Case**

After some exchanges of emails with Counter Terrorism - surprise, surprise - the Israeli Ambassador comes to town. Here is an online report of the event at which he attended.

4450

**Friends of Israel WA launched in Perth...with astounding success | J-Wire**

August 8, 2010 by Henry Benjamin

4455

1500 West Australians, including over 100 Federal and State Parliamentarians and community leaders converged on the Victory Life centre in Osborne Park to stand up and support Israel.

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In May 2009, footage shot by 39-year-old Brendan O'Connell sent waves of anguish throughout the cities 9000 strong Jewish community.

4465

O'Connell, took his viewers on a trip across the Swan River to a demonstration in South Perth being held by the Friends of Palestine, protesting outside an IGA supermarket selling Israeli Jaffa oranges. O'Connell told his "viewers" that he was hoping to find some Jews<sup>67</sup> at the scene...and he did. He videoed himself harassing two young Jewish men and creating an argumentative situation. He faces trial in Perth this month, in only the second case in WA invoking the racial vilification act. The Friends Of Palestine group distanced itself from O'Connell.

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Community leader Steve Lieblich told J-Wire: "The Jewish community wanted to show support for Israel after O'Connell had been charged and a group of us got together with one purpose in mind...to find support for Israel not just from the Jewish community but from all Australians. Today's event was the culmination of this initiative. Instead of the usual 300-4-- diehard Jewish supporters we got 1500 of which about 75% were not Jewish."

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**Steve Lieblich reports:**

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The Centres main auditorium, which seats 800 was quickly filled to capacity, followed by the second overflow auditorium (linked by video to the proceedings), necessitating a third overflow room to set up in the Centres lobby.

Attendances at the prelaunch seminar and book launch were also beyond expectation demonstrating a powerful bond between Western Australia and Israel.

4485

The event was chaired by inaugural Chairman of the FOIWA, former State Minister Bob Kucera and Vice Chairman, former State Upper House member Ray Halligan. Apologies included Hon. Julie Bishop, Deputy leader of the Opposition but her statement of support was made by Ray Halligan.

4490

Bob Kucera passionately expressed the importance of support for Israel as a "friend in need" and urged everyone present to join the organisation and look forward to hearing quality speakers, seminars and being kept informed. Foreign Minister Stephen Smith reiterated Australia's support for Israel's right to live in peace and security, from the outset and across the political spectrum.

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<sup>67</sup> A lie. I was hoping to find some "Israeli's" as I clearly stated in the video. The same Israeli who had been stalking the Friends Of Palestine for months taking photographs of protestors. This is but a small example of the endless misrepresentations of the Perth Jewish community who couldn't lie straight in bed.

4495 Michael Keenan, Federal Member for Stirling and Shadow Minister for Justice and Customs urged all Australian's to support Israel, especially our leaders. Keenan delivered a message of support from Leader of the Opposition Tony Abbot.

4500 Deputy Speaker of the State Legislative Assembly Michael Sutherland and Deputy State Opposition Leader Kate Doust are co-conveners of the State Parliamentary Friends of Israel. They spoke of their recent study tour of Israel and urged all West Australians to join the organization and help it work for peace.

The meeting was addressed by Israeli Ambassador to Australia, Yuvel Rotem and through a video link by Israel's Deputy Foreign Minister, Danny Ayalon.

4505 Lieblich told J-Wire that O'Connell was ranting outside the meeting and was moved on by police.

**Comments:**

4510 Stanley Keyser<sup>68</sup> says:  
August 11, 2010 11:21 am

4515 When I was asked to run an educational session two hours before the launch of Friends of Israel W.A I thought I would be lucky if I got to speak in front of a crowd larger than 50 people. This was the furthest thing from the truth. By the time I started at 2pm there were over 400 people in the auditorium, at 2.30pm the main hall which I was speaking in was almost at capacity with over 700 people present. By the time the official launch had begun at 4pm there were over 1500 people at the Victory Life Centre. Our kind hosts had to open two extra over flow rooms. Being on stage and viewing these large numbers was incredibly uplifting and beautiful experience. For that I thank you. I thank the non-Jewish and Jewish communities for coming out in support of Israel, freedom and democracy. I just hope Friends of Israel W.A can go from strength to strength and continue demonstrating how wonderful Israel is to the wider Western Australian community.

4520 If you have not signed up to become a Friend Of Israel yet please head to [foiwa.org.au](http://www.foiwa.org.au)  
4525 <http://www.jwire.com.au/news/friends-of-israel-launched-in-perth-with-astounding-success/10935>

4530 My trial was due to start on August the 16<sup>th</sup> that same month. An adjournment was granted however to allow me time to gather in expert witnesses on my behalf. I think the whole 'Friends of Israel' rally could be considered "contempt of court" as it seemed to me that the timing was obviously meant to intimidate government bureaucrats and court officials to limit the damage to Jewish interests.

Here is a mainstream newspaper report (West Australian paper) of the 'Friends Of Israel' group:

4535 **WA leaders join forces to rally for Israel**

Daniel Mercer  
August 4<sup>th</sup> 2010

4540 Prominent West Australians have cast aside their political differences and joined forces to voice their support for Israel and the role of democracy in the Middle East.

4545 The Friends of Israel WA group, which will be chaired by former police minister Bob Kucera and include deputy Federal Opposition leader Julie Bishop and State Labor MP Kate Doust, will be launched on Sunday.

Israel's Ambassador to Australia, Yuval Rotem, is expected to attend.

4550 Mr Kucera said the group aimed to advance Israel's right to exist as a recognised Jewish state, supported it's right to defend itself and encourage accurate and fair reporting on issues in the Middle East.

<sup>68</sup> Complainant in case.

4555

Jewish Community Council of WA public affairs director Steve Leiblich said the organisation was being set up partly in response to what he called a campaign by some elements of the Western Australian media and academia to delegitimise and vilify Israel.<sup>69</sup>

4560

He was not surprised by the bipartisan support for the group from both sides of Australian politics, saying the issues confronting Israel transcended the “finer points” of political debate between the major parties.

4565

“The bond between Israel and Australia is extremely strong and deep and goes back a very long way,” he said.

4570

Please note that last paragraph Dr Walsh. With all I have indicated to you on Jewish racial and religious supremacism, I’m sure you can find this at least amusing. Note also that when the Palestinian’s on the Gaza Strip had a ‘democratic vote’, and Hamas won, the U.S and Israel withheld taxes (\$200 million worth) in an attempt to intimidate the Gazan’s into getting rid of Hamas and putting in place the more co-operative Fatah leadership. So much for:

4575

“It comes down to common, shared values with respect to freedom of the individual, **respect** for human life, **democracy, orderly transition of power by the people** – all of these things are common to the Judeo-Christian ethic and the basic values of Australian society.”

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## [2] Commentary on Racial Vilification Legislation

4585

### JAMES 3:5

Likewise the tongue is a small part of the body, but it makes great boasts. Consider what a great forest is set on fire by a small spark.

<sup>6</sup>The tongue also is a fire, a world of evil among the parts of the body. It corrupts the whole person, sets the whole course of his life on fire, and is itself set on fire by hell.

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<sup>7</sup>All kinds of animals, birds, reptiles and creatures of the sea are being tamed and have been tamed by man,

<sup>8</sup>but no man can tame the tongue. It is a restless evil, full of deadly poison.

4595

### MATTHEW 23:33

“You snakes! You brood of vipers! How will you escape being condemned to hell?”

4600

Words that Jesus spoke to the religious and political elite of His day. He would have come under the legislation notwithstanding he committed acts of violence by whipping the money changes from the Temple square.

4605

Conversely, I am not entirely against the legislation ‘in principal’, as evidenced by the inclusion of the passage from James in the New Testament. Polite dialogue wins over yelling and screaming. What I fear is the abuse of the legislation, which is inevitable it appears with who is pushing it.

<sup>69</sup> No, most likely they heard from a ‘data intercept’ of emails between myself and local head of Counter Terrorism that Israel was now ‘on the nose’ due to its constant spying. This was the reason for calling in the heavy firepower 8 days before the intended trial of a person they described as a “nut” and “neo-Nazi” who was “threatening to kill” their kids.

**[A] Former Chief Justice of New South Wales Comments On  
Vilification Legislation**

4610 Former Chief Justice of the New South Wales Supreme court (1998-2011) – James Spigelman AC QC – has weighed in on the current debate on new legislation related to W.A racial vilification legislation. It is centred on the argument that speech which merely “offends” should not be made unlawful. This has particular relevance to section 80B of the legislation under which I was charged:

4615 **80B. Conduct likely to racially harass**  
Any person who engages in any conduct, otherwise than in private, that is likely to harass a racial group, or a person as a member of a racial group, is guilty of a crime and is liable to imprisonment for 3 years.  
Summary conviction penalty: imprisonment for 12 months and a fine of \$12 000.  
4620 [Section 80B inserted by No.80 of 2004 s.6; amended by No. 70 of 2004 s.38(2).]

Here are some extracts from the former Chief Justice and now Chairman of the ABC James Spigelman:

4625 **Human Rights Day Oration – delivered by the Honourable James Spigelman AC QC**

The Human Rights Day oration was delivered by James Spigelman, Chairman of the ABC and former Chief Justice of the Supreme Court of NSW from 1998 until 2011. His keynote speech tackled the topical issue of ‘Where do we draw the line between hate speech and free speech?’  
4630

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TRANSCRIPT:

4635 I thank the Human Rights Commission, and particularly its President, Gillian Triggs, for this opportunity to participate in the recognition of so many fine Australians for their contribution to the protection of the rights of their fellow Australians, and of others.

4640 ...

... Consistent with the Commissions theme, I wish to discuss the boundary between hate speech, a significant factor in social inclusion, and free speech, perhaps the most fundamental human right underpinning participation in public life.

4645 Human rights discourse, which has always been comfortable with privileging a right over an interest, has never successfully dealt with situations in which rights conflict<sup>[1]</sup>. This is a context bedevilled by a conflict of metaphors: from “rights as trumps” to “balancing”. As Benjamin Cardozo warned us: “Metaphors in law are to be narrowly watched, for starting as devices to liberate thought, they end often by enslaving it”<sup>[2]</sup>.

4650 “Balancing” is often a fraught process<sup>[3]</sup>, particularly in the usual context where the conflicting values are simply incommensurable. As one United States Supreme Court Justice put it, the process is often like asking “whether a particular line is longer than a particular rock is heavy”<sup>[4]</sup>. In the present context, the issue requires determination of how much weight is to be given to the right of freedom of speech. For many, albeit not all, that right is usually entitled to determinative weight when it conflicts with other rights, relevantly, those protected by anti-discrimination statutes.  
4655

4660 This issue has been controversial in Australia in recent years, in the context of the racial vilification provision in section 18 C of the *Racial Discrimination Act, 1975*, which is proposed to be re-enacted as section 51 of the new omnibus legislation, the *Human Rights and Anti-Discrimination Bill, 2012*. The Bill was recently released for comment, an invitation I will take up in this address.

4665 There may have now elapsed sufficient time for us to debate the issue dispassionately, and not on the basis of whether or not you like Andrew Bolt. The focus of that debate

was not on the existence of a racial vilification provision, but on the breadth of the conduct to which section 18 C extends, namely, conduct “reasonably likely ... to offend, insult, humiliate or intimidate another person”.

4670

The key criticism was directed to the fact that the section made speech which merely “offends” unlawful.

...

4675

The section of Professor Waldron’s hate speech book, which is of particular significance for our debate, is the chapter he devotes to establishing the proposition that protection of dignity does NOT require protection from being offended. As he puts it:

4680

“Laws restricting hate speech should aim to protect peoples dignity against assault. I am referring to their status as anyone’s equal in the community they inhabit, to their entitlement to basic justice, and to the fundamentals of their reputation. Dignity in that sense may need protection against attack, particularly against group-directed attacks ... It understands dignity as a status sustained by law in society in the form of the public good.

4685

However, I do not believe that it should be the aim of these laws to prevent people from being offended. Protecting people’s feelings against offense is not an appropriate objective of the law.

4690

To protect people from offense or from being offended is to protect them from a certain sort of effect on their feelings. And that is different from protecting their dignity and the assurance of their decent treatment in society.”<sup>[7]</sup>

4695

I agree with Professor Waldron. His detailed analysis supports the proposition that declaring conduct, relevantly speech, to be unlawful, because it causes offence, goes too far. The freedom to offend is an integral component of freedom of speech. There is no right not to be offended.

4700

...

[http://www.humanrights.gov.au/about/media/news/2012/132\\_12.html](http://www.humanrights.gov.au/about/media/news/2012/132_12.html)

<sup>[1]</sup>See Jeremy Waldron “Security and Liberty: The Imagery of Balance” (2003) 11 *Journal of Political Philosophy* 191, especially at 198-199

4705

<sup>[2]</sup>See *Berkey v Third Avenue Railway Company* 244 NY 84 at 94-5 (1926)

<sup>[3]</sup>I have discussed these issues in James Spigelman “The Forgotten Freedom: Freedom From Fear” (2010).

4710

<sup>[4]</sup>*Bendix Autolite Corp v Midwesco Enterprises Inc* 486 US 888 at 897 (1987)

<sup>[7]</sup>See Meir Dan-Cohen (ed), Jeremy Waldron *Dignity Rank & Rights* Oxford Uni. Press, 2012. pp 105-107.

Please note:

4715

The freedom to offend is an integral component of freedom of speech. There is no right not to be offended.

4720

Stanley Elliot Keyser (complainant) knew what he was doing when he pranced up and down the street, grabbing strangers and exclaiming:

“Did you know this man says all Jews are racists!”

4725

And he further added repeatedly that he was “incredibly offended” by my debate with him and he repeated this in court:

**ACCUSED:** ... Well I’m saying – I’m putting to you that I’m stating, “You”; meaning you, “support the criminal Zionist regime of Israel”. That’s why I’m

4730 saying “you”. It’s a generic term. Are you offended by that?---Yes. I’d be very  
offended by that.

...

4735 Do you understand the concept – the generic concept? When you support  
something, which – you’ve said you support the criminal Zionist regime. Okay?  
You said you’re a Zionist?---Can I – I take – can I just say, I take that with deep  
offence. I don’t know how someone in court can<sup>70</sup> - - -

*Transcript 18/01/2011 Page 408*

4740 It’s worth quoting the transcript with all of Stanley Keyser’s comments on his deep hurt and how  
offended he was:

4745 **Mr Eyers:** And as – as matters continued – as the engagement continued, how –  
*how did you feel* as a result of this engagement and the way Mr O’Connell was  
speaking and behaving?---Well, I felt very – like, very threatened<sup>71</sup> and – and I  
guess I got quite emotional, because it was – you know, someone’s – I’ve – I’ve  
brought up – my whole life been taught that I must be proud of who I am and that  
4750 being Jewish is – is a great thing. That’s my culture and my heritage<sup>72</sup>. And  
there’s someone in front of me telling me that I’m – I come from a people who –  
who love to torture<sup>73</sup> and – and commit genocide and – and I come from a  
religion of 2,000 years of hate. And that’s definitely not what – what I know and  
what I’ve been taught. I’ve been taught that my religion is – is – is a religion of –  
of peace and tolerance.

4755 **Mr Eyers:** Were these – were these comments – did you find them upsetting?---  
Yeah, very much so.

*Transcript 17/01/2011 Page 291*

4760 Yes, he’s deeply hurt here ☺ Note...”a religion of peace and tolerance”. Now that is funny. Obviously  
he’s never read the Old Testament and Babylonian Talmud and Shulkan Aruk. That’s actually a very  
funny statement. Please refer to *page 58* of this letter for the list of “peace and tolerance” statements  
from Judaism’s holiest of book.

4765 I am now cross examining Keyser and asking what he did with the photo’s he took:

**Accused:** What did you do with them?---They were not used at all. I was gonna -  
- -

4770 Not at all?---My plan was to write an article for the Jewish newspaper, The  
Maccabean, and the intent of it was to say that – cos a lot of Jews in the  
community get very upset and worked up that there’re these friends of Palestine  
protests and they think – a lot of people in the community see that that – see that  
4775 these people are – they think they’re anti-Semitic and attacking Jewish people  
and the intent –after we saw what was going on, I was gonna write an article and  
actually explain that these people were not anti-Semitic, not Brendon, but the  
people that were there were not anti-Semitic and they were merely there

<sup>70</sup> Keyser was cut off but I wish he had finished that sentence...”I don’t know how someone in court can...”. I take it he is offended at me calling the Israeli Government a “criminal Zionist regime”...as do countless activists, government officials and human rights lawyers. Keyser is either a “true believer” or taking amateur acting lessons. He spent some time in Israel before the trial I believe and hung with the Israeli Ambassador to Australia.

<sup>71</sup> If he was feeling “threatened” why didn’t he leave? On video his demeanour is clear – he wanted to debate and argue. He could have left at any time. He is a grown adult.

<sup>72</sup> Not once during his entire time on the stand could Keyser actually tell me WHAT his heritage and culture entailed. He played dumb, confused and “hurt” and the judge would move it along. He, under no circumstances, was going to say “religious” heritage and culture as I was arguing. He would not even utter the words. He was heavily coached.

<sup>73</sup> At no time did I accuse him or Jews of “loving to torture”. He’s made that one up himself. Perhaps a guilty mind?

4780 protesting for the Palestinian cause. That was – that was the intent of the article I was gonna write.

A good hearted soul, you – oh my – that’s wonderful.

*Transcript 17/01/2011 Page 296-297*

4785 Keyser is being very careful and amplifying that he respects the ‘Friends of Palestine’ and their right to protest. He is just a nice guy out to assure the little Jewish old ladies of Perth’s Jewish community that Adolf Hitler doth not lurk amongst them – except me. This is rubbish – he was there to agitate and I take him to task on this:

4790 **Accused:** So did you – I remember on at least four occasions in that video; and we’ll go back over it once I’m set up; all my computer, tomorrow and the next day. Under duress, of course. You say on four separate occasions in that video; and I’ve watched it 1,000 times, “What you’re doing is disgusting”. You seem to be saying to the jury you’re just there wanting to be friends. You said, “What you’re doing is disgusting”. The Friends of – friends of – Friends of Palestine were there to protest the slaughter of 1,500, mostly women and children and innocent bystanders, in an 8 kilometre by 20 kilometre cage in Gaza. And you said, “What you’re doing is disgusting”. You seem to be inferring to the jury –

4795 imputing that you were just there to be nice. I put to you that’s a load of garbage. You were there to entrap people and photograph Palestinian activists to send it back to Israel so their families could be intimidated, so they would shut up and stop protesting the slaughter of their friends and family. True or false?---I don’t know what you’re – you’re – I don’t – you haven’t asked me - - -

4800

4805 *Transcript 17/01/2011 Page 297*

Keyser knew the legislation despite claiming he had never read it. He knew exactly what he was doing.

4810 I find the whole debate around separating “hate speech” from “freedom of speech” disturbing. Professor Noam Chomsky of M.I.T makes this simple observation on the Freedom of Speech debate:

4815 *“There are two views you can have on freedom of speech. You can be either for it, or against it. You can’t say you are for this speech, but not that speech, and say you support freedom of speech.”*

4820 The above is taken from the excellent documentary “Manufacturing Consent”. Professor Chomsky goes onto elaborate on how the Commissars from Stalin’s time were all for “free speech” as well – only speech *they* liked however. Remember, it was the Soviet State that first introduced this kind of “hate speech” legislation for the specific task of protecting Jews who were instigating the violent revolution and persecuting Christians.

4825 **The United States has the right idea – free speech...period.** If a person crosses a line where the relevant criminal code is enacted then he or she can be charged with:

- Disorderly conduct.
- Disturbing the peace.
- Threats to kill.
- 4830 • Threats to harm.
- Trespass.
- Conspiracy to commit...
- Incitement

4835 All of the above are available to the State right now. Racial Vilification legislation is merely a convenient and easy track to take when the moment suites.

4840 Some say, and I do *tend* to agree (at least anecdotally), the entire debate and process of limiting peoples freedom of expression is being *led by Jews* for the express purpose of deflecting, inhibiting and challenging those who raise issues of *Jewish power* in the world. And they do wield great power as a group, without doubt. However, it appears to even ‘whisper’ this is to invite the claim of “abhorrent views”.

4845 On the issue of Jews leading the way on limiting freedom of speech, *Barbara Spectre*, leading exponent of multiculturalism (and Jewish) stated on a recent documentary that [paraphrasing], “*Jews are leading the way to multiculturalism. Europe just hasn’t learnt to be multi-cultural yet but they will. Meanwhile, Jews will be the targets of a lot of animosity because of their leading roles in this.*” I like the way Jews are leading figures in making the world “multicultural” while Israel stands alone as a “Jewish state” and the word ‘Jew’ apparently denotes a racial group – hence Israel is a racist apartheid state with a vast segment of its population (Israeli Muslims/Christians) treated as second class citizens. They can’t have it both ways. Professor Shlomo Sand (Israeli/Jewish Academic) writes about this:

4855 “And now the last, perhaps the hardest question of them all: To what extent is the Jewish Israeli society willing to discard the deeply embedded image of the “chosen people”, and cease isolating itself in the name of a fanciful history or dubious biology and excluding the “other” from its midst’s?”

4860 **Professor Shlomo Sand** 2008 “*The Invention Of The Jewish People*” p.313 Verso

Ironically, it seems the opposite is true too, Jews often lead the way in actively opposing the limiting of free speech. Professor Noam Chomsky and Professor Norman Finkelstein come to mind and they do not pull their punches when debating the issue.

4865 Even the Hansard of the debate surrounding W.A’s racial vilification bill bore this out as the Honourable Peter Foss noted that *Mr Doron Ur* of the local Perth Jewish community was a leading figure in pushing for the relevant legislation I’m charged under. Peter Foss also noted that Mr Ur would also be one of the first people to be charged under sections of the legislation due to the publication of his Zionist magazine. See page 24 of this letter.

4870 The ultimate legal move and goal is towards “group defamation” based on “group identity” which comes out of the Professor Andrew Markus testimony discussed later in this letter. Anyone can have a “group identity”, especially politicians. Stalin would love it. It all ties in with the online “bullying” debate that is raging right now. It is media contrived and is bursting with a larger, long term objective tied in with limiting freedom of speech and severely curtailing the flow of information over the internet that is proving uncomfortable for some “groups” on the planet with a drive for power and domination.

4880 **[B] Online Commentary - Bill Muehlenberg – “The problems with vilification legislation”**

Bill Muehlenberg is a social commentator with a large following. He specializes in freedom of speech issues and is well known. His commentary is instructive:

4885 **The problems with vilification legislation**  
Bill Muehlenberg – posted Wednesday, 7 September 2005

4890 A raft of new legislation is being passed through the Western world. These laws are called by various names, such as vilification or tolerance or discrimination laws. Sometimes they are referred to as hate-crime legislation. Whatever their title, these laws are problematic for a number of reasons. While the intentions behind them may have been good (to reduce hatred and vilification) the outcomes have been far from ideal.

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...

The second difficulty with vilification laws is that they are usually broad, vague, nebulous and filled with ambiguous and unclear terminology. Consider the Victorian Act<sup>74</sup>. It speaks of “severe contempt”, “revulsion” and severe ridicule”. How exactly does one define such terms? What may amount to one person as severe ridicule may appear to another as harmless fun. Such terms are far too subjective, arbitrary and loose to serve any useful role in a judicial setting.

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Good legislation should always have not only clear terminology, but also clear aims and objects. A bad law is bad law is one is never quite sure whether it applies to one self or not. Such fuzziness in the legislation makes these laws particularly vulnerable to misuse and abuse.

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Acting “reasonably and in good faith” is part of the exceptions in the Victorian legislation. Yet two Christian pastors, who thought they were acting in exactly this way, were told by a judge that they were not. So some official must now determine, with all the wisdom of Solomon, what is in good faith and what is not.

4915

...

The third drawback with these laws is that they are usually instigated by particular members of the community at the expense of the rest of society. In Victoria it was mainly certain Muslim and Jewish groups who pushed for the legislation. There was no general demand for the legislation. There was no groundswell of public support for such laws. Indeed, there was no deluge of hate cases or vilification accusations being made just prior to it. This was simply the work of several minority groups effectively seeking to silence other groups in society, and using the heavy hand of the law to do so.

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The numbers bear this out. When the Victorian legislation was first debated, the government received 5,500 submissions on the issue, with almost all of them against it. And the Victorian opposition received 10,000 letters and emails, with nearly all of them unhappy with the Bill. In spite of this huge outcry by the community, a handful of politicians, influenced by a handful of minority activists, foisted this unpopular and unnecessary law upon all Victorians. So much for democracy at work.

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The point is further demonstrated by the defenders of the Bill. Twice I publicly debated the author of the legislation. On both occasions she said that she did not feel there would be many cases at all arising because of this legislation. But as I pointed out, if that is the case, why do we need the law in the first place? If so few cases are expected, then that proves that things are fine as they are, and we do not need this big-brother legislation forced upon us.

4940

The fourth problem with these laws is that most Western nations and states already have legislation on the books that makes certain activities illegal, be it assault, incitement to violence, defamation, slander or libel. All serious activities that do warrant political and legal sanction are already covered. So why the need for these extra laws, unless there is an attempt to promote someone’s agenda, or to engage in social engineering and manipulation?

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...

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The ninth problem is that vilification laws are bad laws because they create a new crime based on thoughts. Hate crime laws punish people for their thoughts. In turn, thought police are needed to make sure everyone is thinking politically allowable thoughts. But who determines what a hate crime is? And how? If a homosexual activist calls a Christian a bigot, is he guilty of a hate crime? If a secularist calls a concerned Catholic a religious Taliban, is that a hate crime? Indeed, there seem to be a lot of double standards here. Christians are vilified every day, but I do not hear those screaming for tolerance

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<sup>74</sup> Similar to W.A Act.

4955 and acceptance rushing to their defence. But if a Christian dare stand up for what he or she believes in, they are dragged off to the tribunals by those same advocates of tolerance.<sup>75</sup>

4960 The tenth shortcoming is that the very idea of vilification legislation is to severely curb freedom of speech. The right to argue ones case, to criticise other points of view, to point out differences of religious and political viewpoints, these are all fundamentals of a free and democratic society. When we say that government officials will decide who is allowed to debate issues, and how that debate will take place, we are moving away from freedom and towards repression. And when State authorities make decisions on questions of political and religious truth, we have then moved away f4rom democracy and into tyranny.

4970 In sum, vilification laws are a genuine threat to freedom of speech. They effectively clamp down on the discussion of important religious, theological, social and ethical issues. The answer to bad speech is not shutting speech down. It is rebutting it with good speech. We do not need social engineers and enforcers of political correctness dictating to us what can be discussed and how it should be done.

<http://www.onlineopinion.com.au/view.asp?article=3792>

4975

### [C] News Paper Article - "Hate gets fat chance"

4980 Like I said, they are moving the legislation away from ethnicity/race to group identity and group defamation. Now "fat people" want to come under some sort 'hate crime' legislation:

#### **Hate gets fat chance**

London  
WEST AUSTRALIAN PAPER  
May 31<sup>st</sup> 2012

4985

British MPs have suggested that calling someone "fatty" or "obese" should be a hate crime.

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An all-party parliamentary group on body image says the government should look at putting "appearance based discrimination" on the same legal basis as race and sexual discrimination.

A report by the group, backed by the charity Central YMCA, found one in five people had been victimised because of their weight, and that appearance was the major cause of bullying in schools.

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Central YMCA chief Rosi Prescott questioned whether doctors should refrain from telling patients they were carrying excess kilos. She said: "If they don't feel overweight, and there are no health indications, what is the problem?"

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Almost two thirds of British adults are now either over weights or obese. Those who are overweight when young are more likely to develop heart disease, diabetes and cancer.

Tam Fry, of the National Obesity Forum, agreed with outlawing "size discrimination" and harassment but said doctors must be able to tell patients, for their own good, if they are overweight.

5005 So, if this goes ahead - and it will - then they will have to also include ANY "identifiable group". And that means ANYONE, just about.

### [D] Newspaper Article – Freedom of speech 'at risk'

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<sup>75</sup> Perhaps it is instructive to look at who was behind the Communist Revolution and controls the U.S (discussed from pages 17-38 of this letter).

**Freedom of speech ‘at risk’**

Andrew Tillet

Canberra

WEST AUSTRALIAN PAPER

January 24<sup>th</sup>, 2013

5015

WA Attorney-General Michael Mischin has echoed concerns that a proposed overhaul of Federal anti-discrimination laws could harm freedom of speech.

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As a Senate inquiry started in Melbourne yesterday into the exposure draft legislation, Mr Mischin also accused the Federal Government of rushing the changes through, saying they had “far reaching implications”, despite assurances otherwise.

The Government has said it wants to “consolidate” separate age, disability, racial and sex discrimination and the Human Rights Commission Acts into one Bill, arguing the changes would make the anti-discrimination system simpler.

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But several issues have emerged. Including shifting the burden of proof onto defendants hit with a discrimination claim and retaining religious groups’ right to discriminate against people if they clashed with their beliefs.

Media groups are also worried that including “conduct that offends or insults” as grounds for a discrimination case could damage freedom of speech.

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Lawyers have suggested the crackdown on insults or offensive comments could even lead to sledging on the sports field or criticising a colleague for how they voted being made illegal.

Key independent Tony Windsor and the Opposition have also expressed concerns that freedom of speech could be diminished, with Tony Abbott saying on Tuesday “the last thing we need is anything that shuts down legitimate debate in this country”.

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Mr Mischin told The West Australian that extending the definition of unfavourable treatment to include conduct that offends or insults was “setting the bar far too low and is likely to result in unintended consequences”.

Mr Mischin said Canberra had not given the States enough time to consider the changes. He would push for attorneys-general to discuss the draft Bill at the next meeting of the Standing Council on Law and Justice when it meets in April.

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“I would hope that any piece of legislation with such potentially far-reaching implications for the legal relationship between States, Territories and the Commonwealth and for our freedoms will not be progressed before all have had an appropriate measure of time to consider and explore the issues involved and their consequences,” he said.

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Prime Minister Julia Gillard signalled the Government would consider changing the laws, saying the purpose of the draft was allowing people to put their views. “I think what we’re seeing in terms of the reaction to the discrimination law, the exposure draft, is that there are some areas of concern that have been raised,” she said.

5050

Yes indeed:

- *“Media groups are also worried that including ‘conduct that offends or insults’ as grounds for a discrimination case could damage freedom of speech.”*

5055

Yes, I remember it well, Stanley Elliot Keyser repeating over and over...“I’m offended!” at the rally where he claims he was “racially assaulted”.

5060

And:

- *“...with Tony Abbott saying on Tuesday ‘the last thing we need is anything that shuts down legitimate debate in this country’”.*

5065

Yes, well, on that point - we’re not having a **legitimate debate** about Israeli intelligence activity around the world in this country. We’re not having a **legitimate debate** about Israeli/Jewish ‘sayanim’ and infiltration of sensitive government and private institutions in this country. We’re not having a **legitimate debate** about compromised military and private corporate hardware and software by the Israeli State in this country. We’re not having a **legitimate debate** about Jewish racial and religious supremacism in this country. I guess the greatest fear has already happened and what if I raise these issues on my release? What then? Will the current racial vilification legislation AGAIN be used

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to shut down legitimate debate? Will I be sentenced to an even greater term for “abhorrent views” that are also expressed by countless activists, newspapers and media outlets? The fear discussed in the above news article has already happened. Simply look at what the West Australian newspaper columnist Paul Murray so succinctly observed after my sentencing:

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### **High price to pay in defence of free speech**

**Have we become so politically correct that we can't separate racism from stupidity?**

2<sup>nd</sup> February 2011

WEST AUSTRALIAN NEWSPAPER

5080

Make sense of this. Someone reacts to words said in a Perth nightclub and slashes the offenders face open with a broken glass. Court penalty: 18 months jail.

Another person reacts to words said outside a South Perth supermarket and gives the offender a nasty racist spray, which he later posts triumphantly on the internet. Court penalty: three years jail.

5085

Is that balanced justice?

...

As editor of this newspaper in the 1990's, I opposed the institution of these laws, fearing that in an increasingly politically correct society they would end up being misused. I got pretty tough treatment by the Jewish lobby at that time and expect nothing different from this effort.

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...

Justice Wisbey, labelling O'Connell an “intelligent man with an irrational hatred of Jewish people,” said the only appropriate form of punishment would be an immediate term of “severe” imprisonment and’ strangely, that he was sending a message to people who might share the convicted man's views.

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I hope they're trembling in their boots in Tehran, Cairo, Riyadh, Amman, Khartoum, Damascus, Tripoli, Sanaa, Baghdad, Beirut, Kabul, Islamabad, not to mention Jakarta and Kuala Lumpur, or anywhere else in the Middle East and Muslim world where O'Connell's views are mainstream for tens of millions of people.

5100

Not right, just unexceptional.

...

Stanley Keyser, a member of the Australasian Union of Jewish Students, attended the demonstration with a friend, Timothy Peach, to observe and hand out leaflets supporting their side of the argument.

5105

It is also their democratic right to engage in political discourse, which is what they did by entering the fray.

Mr Peach 19 told the court he was “angry”, “confused” and “offended” by O'Connell when he started to film the two Jewish men and argue with them about their religion.

5110

What should a Jew expect at an anti-Israel protest?

...

Legitimate political discourse should be protected by a number of High Court rulings, but unfortunately O'Connell doesn't appear to have had the wit to use them in his own rambling defence.

5115

Some of the reporting of this case highlights the extreme sensitivity in the community to issues of race, merely reflected - if not magnified - by the media.

“A Perth man who posted a video online showing him arguing with a Jewish man and calling him a ‘racist homicidal maniac’ has been found guilty of racial hatred,” was the first paragraph in the AAP report of the judgement.

5120

So is it now racist to call someone a racist? Or is it racist to call someone a homicidal maniac? Or is it only racist to call a Jew a racist homicidal maniac?

Surely not. Have we become so instinctively PC that we no longer distinguish between what is racist and what is just stupid?

5125

...

When I debated the issue on air with Steve Lieblich, the director of public affairs for the Jewish Community Council of WA, he said O'Connell should have drawn a distinction between the Jewish religion and the State of Israel.

Frankly, that's a line many opponents of Israel are unwilling to make. In fact, it's a distinction that Israel itself doesn't appear to concede.

5130

Mr Lieblich refused to accept that O'Connell's protest was political or that the sentence was out of kilter with those for extreme personal violence handed down by WA courts.

“I think it was a victory for decency and against bigotry and prejudice,” Mr Lieblich said.

5135

So does all criticism of Israel inexorably find its way to being racist unless those who disagree with it watch every word they utter? Must opponents meticulously pull apart the threads of religion and politics when arguing about Israel?

And is that the real game here - silencing dissent against Israel and not protecting Jews from a legacy of verbal vilification?

5140

**Paul Murray presents the morning  
program on 882 6PR  
from 8.30am weekdays**

Mr Steve Lieblich commented further in the West Australian newspaper letter's to the editor section:

5145

**WA A DECENT, OPEN SOCIETY**

WA NEWSPAPER February 4<sup>th</sup> 2011

The editorial got it right (strong penalties are justified for racist vilification, 2/2) and Paul Murray got it very, very wrong.

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Murray justifies the hateful rants for which O'Connell was convicted by a jury of 12 West Australians on six counts of racial harassment and vilification as “political discourse” and asks” What should a Jew expect at an anti-Israel protest?” He even ridicules the District Court judge for “strangely...sending a message to people who might share the convicted man's views” because he claims that “...in the Middle East and Muslim world...O'Connell's views are mainstream for tens of millions of people”.

5155

Well, in case Murray hadn't noticed, WA is a decent and open society - much better than those places where anti-Semitism is “mainstream”.

5160

The judges message is an important one to Australian's who share O'Connell's hateful views and bullying tactics. We can also be proud that the message is seen in all those parts of the world where prejudice, bigotry and incitement to hatred are considered normal “political discourse”.

I'm thankful that Murray is not involved in drafting our laws or administering them. Otherwise we might see lynch mobs roaming the wild West.

5165

**Steve Lieblich, director of  
public affairs, Jewish Community  
Council of WA**

Mr Lieblich must have been feeling very cocky at this stage. I was behind bars. A seemingly beaten man. When I tried to respond to this tirade of garbage spewed out by the likes of Lieblich I was told by 'Hakea Remand Prison' staff that if I tried to send out a letter to the editor again I would be charged with “stalking”.

5170

And where is Mr Lieblich on issues of “bigotry” and “prejudice” and “incitement” when a confirmed neo-nazi extremist group can shoot up a Muslim Mosque with a high powered rifle and walk away with a suspended sentence?<sup>76</sup> Am I dreaming this? Where is his “outrage”? There is none because the man is a racist and a bigot himself - a hard core Zionist and most likely an informal agent (sayanim) for the State of Israel which I have no doubt he regularly visits.

5175

I wonder if Mr Lieblich is so cocky now? I will be off to Iran. I am an expert in the legislation. I have built up relationships. Because of him and his little Israeli 'sayanim' Stanley Keyser, I have lost 2 years of my life - heading into three. I have been hounded and harassed. I have been assaulted by Acacia Prison staff (Serco private contractors) and assaulted (severely) by Casuarina inmates. I have experienced almost unendurable frustration in trying to prepare for appeals. I have had the then Minister of Corrective Services (Terry Redman) telling prison staff to harass my ability to prepare for the appeal by limiting access to computers and photocopiers. What a disgrace. A “first world democracy”? If this was Iran the media would be crowing day and night.

5185

Thankfully, I have also experienced a lot of support from individual prison officers, general prison staff, fellow inmates, the Indigenous community within the prison system and even court staff and

<sup>76</sup> See page 166 - “Mosque shooter fined more than \$9000”

5190 uniformed police officers. I know I am not alone but unfortunately it is not enough - here I sit, behind bars, I cannot do otherwise.

5195 I would hope that in the near future that the likes of Mr Steve Lieblich tone down his hateful rhetoric and realise the game is up. He can no longer hide behind the Holocaust<sup>TM</sup> and fairy tales of persecution. The goodwill has run out. Everyone is sick of Israel and its behaviour, lies, and outright bloody murder. The “spoilt brat” is being held to account by both ordinary people and even the managerial class that assist Jews in running the planet.

5200 Soon, Jewish racial and religious supremacism will be openly known by ‘ordinary people’ and then the game will truly be up and no amount of lies, deceit, fudging facts, twisting words and phrases and Hollywood entertainment posing as historical fact will stop it. Jews can forget about support from Christians who their own texts command to hate.

5205 If Jews don’t agree with this then say so - loudly. Some are. A pitiful handful and they are hero’s to me, and are true Israelites, seekers of Truth.

Here are some more frothing at the mouth members of the Jewish community sharing their garbage:

**WHEN POLITICAL DEBATE TURNS HATEFUL**

WA NEWSPAPER February 4<sup>th</sup> 2011

5210 It is beyond my comprehension that someone like Paul Murray cannot see the difference between legitimate political debate and vile, hateful anti-Semitism. I am not quite sure what point Mr Murray is trying to make in his opinion piece (High price to pay in defence of free speech, 2/2).

5215 Is it that words don’t make a difference? That would be strange coming from a journalist. Is it that it is OK to make threats against entire communities in WA?

It is perhaps that Murray thinks that being a racist is acceptable as long as there are lots of other racists too?

5220 I am not really sure about Murray’s intentions but I do know that I am lucky to live in a country where the freedom to practise my own religion is protected and where I cannot be persecuted for the colour of my skin.

Brendon O’Connell was not jailed for participating in a pointless and immoral protest. If that was the case then all the other “useful idiots” at the friends of Palestine protest would have been jailed too.

5225 If Murray had used his journalistic skills to undertake any research then he would see that O’Connell has a history of intimidating Jews and of inciting others to hatred through his YouTube channel and blogs.

By the way Paul, there is no “Jewish lobby”. Perhaps you heard about that fictional organization once from someone who was inciting hatred.

**Navit Shchigel, Noranda**

5230

**IT’S MORE THAN POLITICS**

Paul Murray posits that Brendon O’Connell was jailed for political protest and that such is part of the “real game” of “silencing dissent against Israel”.

5235 In a word, rubbish. Anyone who has seen O’Connell’s video’ and read any of the content of his blog would be left in little doubt that it is Jews that bother him and his supporters and not just Israel.

5240 It was not just the words he uttered to Stanley Keyser but the incitement contained in his utterances and publications that fell foul of the law. Certainly the jury and justice John Wisbey saw it this way and that’s what has landed O’Connell behind bars.

Given his performance in court he can count himself fortunate not to be facing contempt charges.

5245 The penalty imposed may well be out of kilter with others handed down for other crimes but that really is irrelevant. In fact the law provides for a longer sentence than that imposed and given O’Connell was found guilty on six counts, he may well have received one.

Finally, there is nothing strange in justice Wisbey desiring to send a message to those who might act as O'Connell has done. isn't that part of what punishment for crimes is meant to achieve.

5250

**Name and address supplied.**

When reading the above letters to the editor demanding my 'pound of flesh', be reminded of all the background I have given you of particular Jewish bad habits and then what has been written takes on the appearance of bad comedy.

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Of course I did get some support in the paper:

**EDITORIAL STAGGERING**

WA NEWSPAPER February 4<sup>th</sup> 2011

5260

I found it quite amazing that on 2/2 there was such a stark contrast in opinions, your editorial and Paul Murray's opinion piece.

What was more staggering was the view expressed in the editorial. Murray was completely correct in highlighting the extraordinary disparity in sentencing for racial vilification as opposed to serious assault.

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It would seem that our society can accept someone being glassed, sexually assaulted, having their home invaded and the perpetrators only get a slap on the wrist, whereas heaven forbid if I express an opinion.

**Name and address supplied.**

5270

**SENTENCE RIDICULOUS**

WA NEWSPAPER February 4th 2011

5275

Paul Murray was correct in his views on the ridiculous sentence given to Brendon O'Connell. The two Jewish people who went to the demonstration should have expected some sort of tongue-lashing, considering the reason for the demonstration was an objection against Israel.

Someone should have taught them the old saying, "Sticks and stones will break my bones, but names will never hurt me".

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If you think I may get three years jail for this letter, please don't publish.

**Rosanna A. Bunting, Spearwood**

**THANK YOU, PAUL**

WA NEWSPAPER February 4th 2011

5285

I'm bitterly disappointed at your editorial (2/2) in which you made a pathetic argument in favour of the outrageous three-year jail sentence given to Brendon O'Connell. "It may be that it appears disproportionate ... but", "...might appear to some as harsh ... but ..." - your editor should hang his head in shame. To put someone in jail for saying things regardless what it is? I thought it is only done in places such as Iran or Yemen and the like.

5290

Are you so fearful of the pro-Israeli lobby that you have lost the sense of justice? Is the Australian justice system going mad?

O'Connell should be punished for his unacceptable actions but what he was served by the judge was a screaming injustice and an insult to so many victims of violence and other serious crimes whose perpetrators got a fine or a suspended sentence and walked free.

5295

Thank you, Paul Murray, for showing courage and common sense in your excellent article on the next page in the same paper. I am sure that a great majority of readers share your views.

**Anthony Pol, Yokine**

5300

Perhaps this quote says much:

Judges have shown little embarrassment over jailing Australians for words spoken in open debate at a public forum. Two speakers, each from the Queensland Peoples Party and the Australian Communist Party debated a motion that 'Communism is not compatible with personal liberty' at the Temperance hall in Edward Street Brisbane on 15 September 1948.

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...

A listener arose to ask Gilbert Burns, a member of the Communist Party for 25 years, what the Bolsheviks would do if there were a war between Soviet Russia and the Western Powers.

5310 BURNS: "It would be a counter revolutionary war. We would oppose that war. It would be a reactionary war."

...

A little later Burns was behind bars: a Brisbane magistrate convicted him of uttering seditious words and sentenced him to six months jail.

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...

The Chief Justice, Sir John Latham, said that he agreed that the Commonwealth Parliament had "no power to pass a law to suppress or punish political criticism."

...

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So the most fundamental political criticism of all, denial of the Governments legitimacy, could be punished because it was more than political.

...

Eating away at Latham's psyche was the anxiety that words meant action.

...

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Both judges ignored the fundamental difference between words and actions: words without actions harm no citizen, no government and no social interest. To equate words with action is false.

...

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Justice Owan Dickson, later Chief Justice and commonly regarded as the greatest Australian judge of the last 60 years disregarded his brothers fantasies. Burns he said, had merely answered a hypothetical question: "There is no indication ... of any desire to persuade his audience of anything but his own conviction about the course his party would take if a war with Russia occurred."

...

5335

Why should thugs like National Action and right wing bigots like the League of Rights have free speech? Why can't we limit free speech to believers in parliamentary democracy? Why should people who want to abolish the protection of the Constitution afford free speech themselves enjoy that protection? Bigots should have free speech so we can all have it. The way to expose the error in bigoted argument is not to call the police of the Anti-Discrimination Board but to expose the error. In a country like Australia the Government could not be overwhelmed by false, seditious and inflammatory speech: in open debate Government has an overwhelming advantage in access, money and talent. Only a Government which gags free speech could be endangered by demagogues making false and inflammatory speeches to crowds of the disaffected. The gag is seditious.

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5345

**Robert Pullan** "*Guilty Secrets: Free Speech and Defamation in Australia*" p.193-195

It is interesting to note that Dutch M.P and anti-Islam campaigner Geert Wilders recently tried to make speeches vilifying Islam here in Western Australia.

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In February 2013 he decided to visit Australia - starting with Perth. He is a critic of Islam and considers it a danger to modern secular society. He claims Islam is a politico/religious ideology and will undermine Western civilization.

5355

I am well versed in Islam. Much of what he says is almost funny to anyone that knows what Islam is about. Much of what he says can be rightly categorised as inflammatory and not based in truth. Because of this, he came under great pressure to withdraw from his speaking tour and the hotel accommodating him and the meeting withdrew its facility under pressure from interest groups and police who were worried about public safety.

5360

I am disgusted that Geert Wilders views were gagged under pressure from interest groups of various kinds. Geert Wilders views are easily countered with 'Truth'. Nothing has been achieved by preventing him from speaking except confirming what many suspect - we are entering a political climate of government censorship.

5365

What is so amazing about Geert Wilders being prevented from speaking is that he got a huge amount of support! The media were positively fawning over him! Interviewers from every media outlet were extremely polite and offered **zero** hard and probing questions. Letters to the Editor were scathing of his talk being cancelled. Now contrast that with what happened to me?

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I was vilified in the media. And unlike Geert Wilders, what I say about Jews and Judaism is backed by the historical record and their own statements which are either supported by the so called “mainstream” in Judaism or; the “mainstream” remains silent. The media rarely, if ever, go after the extremists of Judaism. Only now is this happening. I believe in part because of my case and the work of tireless activists of late.

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Here are some of the letters to the editor written to the West Australian newspaper recently:

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### **Our freedom of speech attacked**

20<sup>th</sup> February 2013

Your report (MP told to embrace harmony, 19/2) failed to note that on Friday, February 15, the manager of the booked and paid for venue cancelled the contract.

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The “establishment” and the “social engineers” have successfully placed another obstruction on freedom of speech in our country. How is it possible for these unseen forces to be able to instil in the hearts of freedom-loving Australians the spectre of “fear” sufficient to silence the majority in favour of the minority?

5390

Those Australians who died for the preservation of Australian values, including forthrightness (frank, candid, outspoken, straightforward, open, honest) courage, endurance and good humour, would not recognise this great nation of ours<sup>77</sup>. The truth is staring us right in our faces. The threat of political correctness and its ominous overtones, which is just a blatant mechanism to stifle and if possible eliminate our fundamental birth right of freedom of speech.

5395

Minority groups are silencing the majority of the people. Clearly there is an imbalance of power. Australians are no longer governed by the will of the people. Therefore “political correctness” is a fearful master. We find supporters of freedom of speech are mocked as fools with limited intelligence and blinkered world views.

5400

How dare the puppets of the establishment and the social engineers cancel our venues, blatantly challenging our rights to freedom of speech. What are you afraid of? That your world view might become contaminated by the truth?

**R.Clement, Wanneroo**

5405

### **Take a stand**

20th February 2013

As an elderly West Australian I am disgusted with the gutless response that has come from the venue managers who have rejected accommodating the Q Society’s speaker Geert Wilders, who was to talk on the dangers of extremists ideologies in a democratic society.

5410

All I can hope for is that extremism will not continue to win here, as it did in nazi Germany. Take a stand now, West Australians, for the right to speak freely.

**Bill Hawthorn, Gnangara**

5415

### **Why the fear of Wilders?**

22<sup>nd</sup> February 2013

The determination of those opposed to Geert Wilders’ opinions clearly demonstrates that there must be some truth in what he has to say. If he was speaking a meaningless load of garbage, nobody would bother.

5420

After the terrible events of carnage of 9-11 and the events in Bali, we all are concerned about Muslim immigration. Not all Muslims are terrorists, but if we allow to many in, there will inevitably be extremists among them.

<sup>77</sup> A nation born by dispossessing Native Australians - taking away their language, culture and traditions and making them feel like second class citizens. Perhaps with this debate “ordinary Australians” can have empathy for how the first Australians must have felt post planting of the Union Jack into the ground at Botany Bay?

These extremists wish to impose Sharia law on our society, oppress women and in general force the Muslim religion on our society. We believe in freedom of religion; but clearly some Muslims do not. They wish to impose their beliefs on our society.

5425 Surely these people should not be able to prevent Mr Wilders having his say. Our freedom of expression is under threat from Islamists. Non-Islamists don't try to silence these people, so why should the Islamists want to silence Mr Wilders? I do not particularly want to hear what he has to say, but I object to having the right to hear it denied me.

**Tony Hassel, Lakelands**

5430

### **I'm not scared**

21<sup>st</sup> February 2013

5435 Coming from Orthodox Jewish roots, I should be the first to be fearful of Islam and Muslims, but I am not. I am wary of extremists, be they Muslim, Jewish or Christian or scaredy-cats hiding behind the freedom-loving supposed "majority" banner.

5440 Geert Wilders, the well dressed and articulate Dutch politician, heads up the latter. Simply Google for five minutes and you will find that his claims of the over-running of his homeland by Islam consists of a mere 6 per cent of the population in the latest census.

The European sub-culture (minority) persists in wanting to get rid of any culture that does not mimic the Caucasian Christian model. The "truths" pedalled by Hitler worked because he knew it would appeal to peoples fear of the "the other".

5445 ...  
For the record the biggest increase in Muslim migration was actually in the 1970's, not recently, I and my ilk will defend the right to free speech as much as any other bronzed descendants of the Anzacs but I will also fight to prevent racial vilification based on fear-driven assertions being paraded as "truths".

5450 How about Mr Wilders entering into a debate with an opponent who can give the other side to his distorted assertions of "the truth"? Should all Christians be judged by the actions of the Ku Klux Klan? Or for that matter all Germans by the leaders of the Nazi party? No. Nor should all Muslims be judged by Islamic extremists.

**Steve Shilkin, Mandurah**

5455 The above is I believe the same Steve Shilkin who commented on my "abhorrent views" on the local production of 'A Current Affair' back in May of 2009.

- *How about Mr Wilders entering into a debate with an opponent who can give the other side to his distorted assertions of "the truth"?*

5460

I look forward to getting into a debate with Mr Steve Shilkin about the abhorrent views and teachings of his little cult of Orthodox Judaism and his books of the Talmud and Shulkan Aruk. I simply cannot wait to get out of jail and expose Steve Shilkin and his ilk into the duplicitous snakes that they are. Fancy this man making himself out to be a pillar of "freedom of expression".

5465

It has certainly been instructive watching the treatment of Wilders by the media compared to how I was treated. Muslims do not have the protection of Racial Vilification laws as do Jews and nor should they. Nor should Jews. However, if Jews can have it then so should Catholics, Muslims and Bikies as they all fit the definition according to that argued at trial.

5470

### **[E] Newspaper Article – "Roxon orders law rethink"**

5475

#### **Roxon orders law rethink**

Canberra  
WEST AUSTRALIAN PAPER  
1<sup>st</sup> February 2013

5480

Attorney-General Nicola Roxon has sent a proposed overhaul of anti-discrimination laws back to the drawing board and wants a controversial section dumped.

Department officials are reworking the contentious draft and will remove a controversial section prohibiting conduct that offends, insults or intimidates.

5485 Ms Roxon said officials from her department would present a series of new options to the parliamentary inquiry examining the Bill.

Asked why the section was put in the draft in the first place, Ms Roxon said it was an attempt by the drafters to consolidate existing laws and take court decisions into account.

5490 She denied the wording was clumsy.

“It’s a difficult job when you’re putting pieces of legislation into one,” Ms Roxon told ABC radio. “I don’t think this attempt was successful.”

The controversial section has been described as an attack on free speech by the Opposition and legal and human rights experts.

5495 The draft legislation is designed to amalgamate five statutes covering age, disability, race, sex and other forms of discrimination into a single statute.

Well then, this is good news:

- 5500 • *“Department officials are reworking the contentious draft and will remove a controversial section prohibiting conduct that offends, insults or intimidates.”*

I guess that ends Section 80B of the ‘racial vilification’ legislation in this State, does it not?

**80B. Conduct likely to racially harass**

5505 Any person who engages in any conduct, otherwise than in private, that is likely to harass a racial group, or a person as a member of a racial group, is guilty of a crime and is liable to imprisonment for 3 years.

Summary conviction penalty: imprisonment for 12 months and a fine of \$12 000.

[Section 80B inserted by No.80 of 2004 s.6; amended by No. 70 of 2004 s.38(2).]

5510

I received 1 year’s jail for apparently “offending” and “intimidating” Mr Stanley Elliot Keyser by calling him:

- 5515 • A racist Jew
- You have a religion of racism, hate, homicide and ethnic cleansing
- You are anti-Goy
- You are a bunch of racist homicidal maniacs

5520 ...at a **political rally** that he attended of his own free will. He took photos of people and intimidated them and agitated quite deliberately. He lied to protestors. He invites me to film him. He stood his ground and argued vigorously. He then ran immediately to police - before the video was ever online - and complained he had been “vilified”. He is THE perfect example of why this type of legislation is dangerous. Surely the High Court of Australia will strike it down (Section 80B) as legislation that is a great danger to free speech.

5525

**[F] ‘Racial Vilification’ Law Part of Police State?**

5530 Western Australia has been introducing much legislation that could be regarded as incremental steps towards a ‘Big Brother’ police state, exactly as the Soviet Union did in the earliest days of the Jewish Bolshevik Revolution:

**Top lawyer attacks law, order auction**

Amanda Banks

Legal Affairs Editor

WEST AUSTRALIAN PAPER

16<sup>th</sup> December 2011

5535

5540

The President of WA's peak lawyers group has taken a parting swipe at both sides of politics for engaging in a never-ending law and order auction that is changing "our essential liberal democracy".

5545

Law Society of WA president Hylton Quail also criticised a lack of parliamentary scrutiny of new legislation and said major parties, especially at the State level, had tried to erode the rule of law and separation of powers.

5550

...  
 "Over the decade and a half that I have been involved in considering parliamentary Bills on behalf of the society, most of them have promised 'tougher' laws in what seems to be a never-ending 'law and order' auction," he said.

"As these initiatives are often perceived as electorally popular, they have rarely been subjected to close parliamentary scrutiny.

"Yet with each passing year these new laws change the nature of our essential liberal democracy."

5555

...

Refer to the notes to come (Page 62) on the Hansard recording of the parliamentary debate on the 2004 racial vilification legislation that I was charged under.

Mr Quail has more to say:

5560

### **An erosion of civil liberties**

Opinion Piece - Hylton Quail  
 THE WEST AUSTRALIAN PAPER  
 5<sup>th</sup> May 2012

5565

I don't much like bikies. Not only are they involved in the illicit drug trade and other criminal activities, but they are largely responsible for the Criminal Organizations Control Bill 2012 which is now before State Parliament and may well be law within the next few weeks.

5570

If passed, this legislation will occasion the most substantial erosion of the rule of law and civil liberties which has occurred during the life of this government. The Bill is worse in this respect than the Governments arbitrary stop and search proposal, which was so roundly rejected by the community almost two years ago.

5575

...  
 The essential criteria the judge would need to be satisfied about are that members of the organization associate for the "purpose of organizing, planning, facilitating, supporting or engaging in serious criminal activity" and that they "represent a risk to public safety and order in the State".

5580

These words are potentially very wide and not confined to bikies, although they are who the Government and Police Commissioner say the Bill is directed at. It doesn't take too much imagination or historical awareness to see how other organizations might find themselves at risk of being declared, because of the opinion of someone, albeit a judge, the members support serious criminal activity and represent a risk to public order and safety. After all, governments get to define what constitutes serious criminal activity and a very wide range of innocent conduct also represents a risk to public order and safety.

5585

...

When I first read these provisions I was reminded of another time and place. The Internal Security Act 1982, a powerful weapon in the arsenal of the reviled apartheid regime of South Africa, the country of my birth, prescribed a "three year maximum for association between members of unlawful organizations" and a similar regime of control.

5590

...

The aim of the present Bill in restricting serious criminal activity is laudable. The difficulty I have is with the method, the abolition of fundamental civil liberties and the criminalization of innocent conduct<sup>78</sup>. Is the aim worth the price to our liberal democracy?

5595

<sup>78</sup> Just as the new Human Rights Act will criminalise innocent conduct making "offending" someone unlawful.

...

5600

WA police and other agencies already have much wider powers than in most other Western countries ...

5605

Instead of taking away the civil liberties which define our western democracy, the Government should focus on addressing the causes of the apparently insatiable demand for illicit drugs. This Bill is not the solution. For as Benjamin Franklin said in 1775: "They who can give up essential liberty to obtain a little temporary safety, deserve neither liberty nor safety".

5610

I am led to believe that Mr Quail is a South African Jew and this is perhaps the reason why he has never had much to say on the Soviet era style "racial vilification" legislation as just another stepping stone in the incremental legislative process of wrapping the chains around the citizenry's ankles a link at a time.

### [G] Hansard of Debate – W.A Racial Vilification Legislation

5615

"This legislation is atrociously drawn up. It will not achieve what it is intended to achieve, although I am not sure what the intent is. The Government has introduced the legislation and I do not believe there has been any consultation with the general public. I believe this legislation has been brought on as a red herring. From the people I have spoken to, I believe that this legislation will do the Government a great deal of harm. It represents without doubt, a loss of freedom of speech and a loss of freedom of knowledge.

5620

...

I believe these laws will increase problems. The whole of the legislation will be thrown out. It is absolutely pathetic. I cannot emphasise enough that this is probably some of the worst legislation I have read."

5625

*Hon John Fischer. Extract from Hansard  
[COUNCIL - Tuesday, 30 November 2004]  
p8806b-8810a*

5630

The most obvious feature of this rights discourse is its unremitting focus on the rights of minorities. New constitutionalists are relatively uninterested in the rights of common or garden Australians to live dull, secure lives in dull, secure suburbs, unmolested alike by burglars and intrusive governmental gate crashers. They are transfixed, however, by the rights of minority groups: indigenous people, ethnic minorities, sexual and gender groupings though not (of course) by the rights of unfashionable minorities such as conservative religious groups or right wing nutters. New constitutionalists argue, with obvious force, that it is the rights of minorities that most need protection. But there is more than necessity at work here.

5635

**Page.88**

5640

**Greg Craven**, *'Conversations With The Constitution: Not Just A Piece Of Paper'*.  
UNSW PRESS.

5645

One of the great supporters of the legislation was Mr Doron Ur, who was a leading figure in the Jewish community in this State. I am not sure whether he is still alive. He was certainly an elderly gentleman in 1990. He wrote a Zionist magazine that he distributed quite widely in the Jewish community. During the course of his evidence to the committee, he very kindly gave us a few copies of the magazine. We flicked through those, and it became quite clear that if an amendment of that type was drafted, he would be a prime candidate for prosecution. Anybody who has read Zionist magazines will know that they state fairly unequivocally what should happen to the Palestinians, and it is not nice. I believe it is a well-known problem. Certainly, there would be real difficulties if we tried to suppress those sort of publications. They probably do not add a lot to the quietness and good order of Western Australia, but if we tried to suppress them, I suspect we would have even bigger problems.

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5655

*Hon Peter Foss. Extract From Hansard  
[COUNCIL - Tuesday, 30 November 2004]  
p8818c-8834a*

5660 Anti-Semitism was branded as being counter-revolutionary in nature, and persons participating in pogroms or instigating them were outlawed (by a special decree issued by the Council of Commissars in July of 1918, signed and personally amended by Lenin to sharpen its tone). A statement against anti-Semitism made by Lenin in March 1919 was one of the rare occasions on which his voice was put on a phonograph record, to be used in a mass campaign against the counter-revolutionary incitement against the Jews.

5665 The regime made every effort to denounce the pogroms and punish the persons taking part in them, even when they were Red Army personnel. When the civil war came to an end, a law was passed against “*incitement to hatred and hostility of a national or religious nature,*” which in effect, also applied to anti-Semitism, including the use of the pejorative *Zhid*.

5670 *Encyclopedia Judaica, Volume 5*  
*Produced and printed in Jerusalem, Israel*  
*Library of Congress Catalogue Card Number 72 9075*

5675 The philosophical and practical grounds for the legislation are contained within the Hansard of the 2004 debate in the Western Australian State Parliament and is most instructive. I can say straight off the bat that the legislation was introduced *specifically* to deal with Jack Van Tongeren and the activities of the ‘Australian Nationalist Movement’ (ANM). In effect, the legislation was a specific tool to stifle the rise of a political movement much as National Socialist Germany introduced legislation outlawing the Communist party.

5680 Hansard, 2004 debate of Racial Vilification legislation:

5685 **Hon RAY HALLIGAN:** This Bill has been subject to considerable discussion in the media. It has been introduced by the Government supposedly to overcome a problem that has been with us, and through the world for some considerable time. I will talk a little later about the approach the Government has taken to this issue and what it appears to be trying to tell the general public. As I said during the second reading debate, the situation is that periodically a few people - if I can use the term - go off the rails and do things that the great majority of people in the community cannot abide. The majority of people in the community insist that something must be done about those few. We saw that happen with

5690 Jack Van Tongeren, and we did not need this Bill to deal with Jack van Tongeren.

**Extract from Hansard**  
**[COUNCIL - Tuesday, 30 November 2004]**  
**p8806b-8810a**

5695 Jack van Tongeren was the catalyst for this Bill. He was not the main ringleader in the burning down of 12 Chinese Restaurants. How he and his co-accused believed burning down hard working Asian’s businesses was going to ignite a public backlash against Asian immigration is anyone’s guess. His activities were so profoundly stupid I find myself wondering if he was working for powerful interest groups either wittingly, or unwittingly. Please refer to *page 213* of this letter for an analysis of the

5700 strange case of four members of a neo-nazi group shooting up a Muslim Mosque recently in Perth. It has the same flavour to it. Refer also to the activities of the extremely powerful ADL (Anti-Defamation League B’Nai ‘Brith) in the U.S and their control of extremist groups to further their cause - *page 23* of this letter.

5705 Section 77 was specifically mentioned as being enacted to deal with people like Jack van Tongeren and the ANM. It enabled a 14 year prison sentence for “inciting” others to racial animosity:

**77. Conduct intended to incite racial animosity or racist harassment**

5710 Any person who engages in any conduct, otherwise than in private, by which the person intends to create, promote or increase animosity towards, or harassment of, a racial group, or a person as a member of a racial group, is guilty of a crime and is liable to imprisonment for 14 years.

Alternative offence: s. 78, 80A or 80B.

5715 [Section 77 inserted by No. 80 of 2004 s. 6; amended by No. 70 of 2004 s. 38(3).]

5720 It was only to be enacted in the most serious of cases and not if someone was simply angry at a particular trigger occurring - such as being stalked and photographed. It was designed to basically capture those with an entrenched hatred of other races. "Name calling" and things said in anger were not meant to be captured under this legislation:

5725 **Hon KIM CHANCE:** ... It is not about name calling. It is a sad reflection on the quality of the public debate on this Bill that it has concentrated on who can call whom what name. This is not the intent of the legislation. Hon Jim McGinty, the Attorney General, made that very clear both in and outside parliament when he said that the Bill is not about name-calling; it is about the will of the community to try to protect some of its members from discrimination on the basis of their race. Let us consider the core aspect of the legislation. Clause 6 contains proposed new section 77 - I appreciate that we will ultimately debate clause 6 - which reads -

5730 *Any person who engages in any conduct, otherwise than in private, by which the person intends to create, promote or increase animosity towards, or harassment of, a racial group, or a person as a member of a racial group, is guilty of a crime and is liable to imprisonment for 14 years.*

5735 That is the core offence. That is the big one. That is the one that carries 14 years imprisonment. However, members should think about what a person will have to do to create the set of circumstances that could lead to his being charged with an offence under proposed section 77 of the Criminal Code. This is the most serious type of crime in which an element of society is isolated and dealt with in the way in which Adolf Hitler and his henchmen dealt with the Jews in pre-war Germany. It is the most serious type of crime.

5740 **Extract from Hansard**  
[COUNCIL - Tuesday, 30 November 2004]  
p8806b-8810a

5745 The funny thing is that these types of things took place under the direction of the German Government - not by individuals with a gripe. The National Socialist Government introduced the **legislation** to outlaw the Communist Party completely; and Jews from certain levels of society. This 2004 W.A legislation is designed to do the same thing to the 'Australian Nationalist Movement' - a political movement - just as Hitler legislated away the Communist party. In effect, this W.A racial vilification legislation is a piece of legislation designed to take out a political movement - the A.N.M.

5750 So, the State of Western Australia believes me to be in the same vein as Adolf Hitler and Jack Van Tongeran and the A.N.M? With the above quote from Hansard in mind, let me now quote the words that were said to be so offending they must come under section 77 and subsequently send me to jail for 2 of the 3 years total. These next 5 paragraphs were highlighted by prosecutor Mr Antony Eysers with much 'gusto'. Taken from my Blog which I put up after I was vilified in the local Press:

5760 "1,500 Gazan's are dead, one million plus Iraqi's. We can only hope and pray that the international community strikes hard and makes sure that gaggle of Satan's children in occupied Palestine are brought to justice."

*Transcript Page 626*

5765 Dr Walsh, I would ask you to refer back to the section of my letter called: *[b] Clear Western Australian Establishment Position To Stifle Knowledge In The Public Interest (Jewish Racial and Religious Supremacism)* - on page 36 of this letter. On reading that section and the other relevant sections dealing with particular 'Jewish bad habits', and taking into account the "horrors" visited on the Palestinian's in Gaza as explained by Judge George Bathurst-Norman, how does my paragraph sound now? Let me quote a little more from Judge George Bathurst-Norman again<sup>79</sup>, just to clarify the point:

<sup>79</sup> Page 56 of this letter: "Judge faces anti-Semitism probe after speech attacking Israel helps free arms factory protestors".

- Summing up in the criminal damage trial, he compared Israel to the Nazi regime and accused the country of ignoring international law.
- 5775 • The judge added that, “there may be much to be admired”, about the chief protestor, and that, “in the last war he would probably have received a George Medal”.
- Describing evidence shown in court, Judge Bathurst-Norman told the jury that he could only describe the “horrific” events shown as, “scenes which one would rather have hoped to have disappeared with the Nazi regimes of the last war”.
- 5780 • “She took us through the horrors, and there is really no other word for it than horrors, that emerged in the press and on the news and the footage as to what the Israeli’s were doing in Gaza”.
- “You may think that perhaps ‘hell on earth’ would be an understatement of what the Gazan’s endured.”

5785

Let me now quote from one of my hero’s, Professor Norman Finkelstien and his attitude to the Israeli State and its actions over many years, taken from *page 53* of this letter:

- ...”but I think that Hezbollah represents the hope. They are fighting to defend their homeland, they are fighting to defend the independence of their country, they are defending themselves against foreign marauders, vandals and murderers and I consider it to be genuinely to be an honour to be in their presence.”

5790

Imagine if I had said such glowing statements about Hezbollah? Maybe I would be up on terrorism charges? I agree with Professor Finkelstein’s assessment of Hezbollah. I admire their leader *Hasan Nezrallah* immensely. Professor Noam Chomsky has also met the leader of Hezbollah - but you can’t mention that in the mainstream press.

5795

Professor Finkelstein has also called the “Jewish State”<sup>80</sup>:

5800

- Satanic.
- Terrorist.
- Insane.
- Lunatic.
- 5805 • ...Israel has come out of the boils of hell.

I would love to see Professor Finkelstien come to Australia to lecture. I wonder if he would get in?

Onto the next comment that was so upsetting to prosecutor Eyers:

5810

“Fairly soon Jews will realise that people are thoroughly sick of them, their whining, their perpetual victimhood and their demands for people to bow down and worship their dodgy religion of Holocaustianity.”

5815

*Transcript Page 630*

I tried very hard to explain to Mr Eyers that to make an alleged historical event a “dogma” from which you cannot deviate - risking career and financial ruin if you do - makes that a “religion” - by definition. Just like if you “denied” the resurrection of Jesus, the Catholic Church might invite you to a “barbecue” in your honour in the bad old days. He tried to say at trial that calling the persecution of European Jewry “Holocaustianity”, I was minimising the event and questioning the facts surrounding it<sup>81</sup>. I had to correct him repeatedly that was not the case. I was questioning making a historical event a religious event from which ‘heretics’ may not deviate under threat of persecution. Let us, in the next paragraph go over some of that ‘persecution’.

5820

<sup>80</sup> Page 55 of this letter: Norman Finkelstein. “*Israel is committing a holocaust in Gaza*”, Today’s Zaman, 19 January 2009. <<http://www.todayszaman.com/tz-web/detaylar.do?load=detay&link=164483>>

<sup>81</sup> This shows that even smart people like Mr Eyers are stupid when it comes to notions of free expression and questioning history. I don’t need to apologise for expressing doubt about the Holocaust<sup>TM</sup> narrative.

5825

- *Ernst Zundel* questioned aspects of the official Holocaust™ narrative in a pamphlet titled “Did 6 Million Really Die?” He was taken to court twice in Canada on this issue. He won both times. Married to a U.S citizen and living in the U.S legally, he was suddenly transferred to a U.S prison and held for a year before being extradited to Germany to face charges of “*Defaming the Memory of the Dead*”. He spent six years in jail in total...for “questioning history” in a polite pamphlet.

5830

- *Professor Faurisson* in France - an expert in documents - published material that exposed many of the documents alleged to show a planned industrial scale extermination of European Jewry as bad forgeries. For this he has been beaten (badly), publicly humiliated, issued death threats and hounded daily.

5835

- *Fred Leuchter JNR* was in charge of all execution equipment in the United States. He built it, he repaired it. Ernst Zundel used Leuchter to gather evidence that rooms at Auschwitz allegedly used to gas concentration camp inmates were never used for such purposes. He showed clearly, by a thorough examination of the buildings and testing of their walls, that they were never used for such purposes. For his exacting analysis he was rewarded with job loss, death threats and intimidation.

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5845

- *Dr. Germar Rudolf* was a chemist at the prestigious ‘Max Plank Institute’ in Germany. He verified Fred Leuchter’s work on samples from rooms allegedly used as gas chambers. He found that Leuchter’s work was valid and the tests were correct - there was no cyanide residue in any of the rooms alleged to have been used to gas concentration camp inmates. For his work he was rewarded with job loss and sent to prison for three years for “*Defaming the Memory of the Dead*” under Section 130 of the German Penal Code. When his lawyer tried to defend him - “too vigorously” - she was sent to jail for a year for raising the issue of whether what Dr Rudolf had reported was the ‘truth’. You can’t make this stuff up Dr Walsh. It’s so bad it’s funny. Comrade Stalin would be beaming ☺

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5855

- A New Zealand academic questioned Holocaust™ dogma in an academic paper using excellent evidentiary material. His name escapes me. He was hounded out of his job at the University and attempted suicide. Under extreme pressure he ‘recanted’. He now teaches at the Royal Military College in England. He learnt his lesson ☺

5860

- *David Cole* is a Jewish man who produced an excellent video called “The Truth Behind the Gates of Auschwitz”. In it he exposes the ridiculous logic and outright impossibility of the official Holocaust™ narrative. He appeared on the ‘Phil Donahue Show’ in the U.S. Again, he was hounded, harassed and issued death threats. He made a paragraph statement where he recanted his views based on his research. He is still alive as far as we know but has disappeared from public life. His video is available online.

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5870

- *Dr Frederick Toben* is a PHD in Philosophy and has a master’s in Education. He questioned the official Holocaust™ narrative on both his website - ‘The Adelaide Institute’ - and in a video production called . Again, hounded in the courts, harassed, arrested in three countries and jailed in three countries and forced into bankruptcy. Recently, he prepared a submission to the parliamentary debate on Australia’s new Human Rights Act and out of 600 submissions his was the only one to be made “confidential” and not available to the general public.

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The above but are a few who have dared to speak out. There are many more.

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More of my comments that are regarded as “incitement”:

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“The Jew community could of at least made their lies and slander half believable, but I guess after years of inventive and over the top Holocaust memoirs they’ve gotten lazy.”

*Transcript Page 632*

5890

If I had a dollar for every ‘fake’ Holocaust™ memoir released to ‘rave reviews’, I would have enough money to buy a nice café meal with latte and after dinner mint thrown in. Pretending to be a ‘Holocaust™ survivor’ and writing an unreliable memoir (Clive James style), or outright faking out of thin air a survivor story, has become a cottage industry. It has tapered off somewhat after some very high profile outings. There have been hundreds of them over the years.

5895

My favourite was a man who appeared on Oprah with a ‘love story’ in 2011. He wrote that he met a young woman in the camps and daily threw her an apple over the barbed wire. Miraculously they both survived and they met again in America and married. They were ‘weeping in the aisles’ when he recounted his story on Oprah. Then he was outed as a complete fake. None of it was true. He returned to Oprah to explain himself - most thought he would of course be apologising but he didn’t. Instead he stated that the story was “true in his head” so it was technically true. This is a common occurrence.

5900

Let me quote a little from my favourite Professor Finkelstien from *page 53* of this letter and his book *‘The Holocaust Industry: Reflections on the Exploitation of Jewish Suffering’*:

5905

- Finkelstein argues that Elie Wiesel and others exploit the memory of the Holocaust as an "ideological weapon." This is so the state of Israel, "one of the world's most formidable military powers, with a horrendous human rights record, [can] cast itself as a victim state" in order to garner "immunity to criticism."

5910

- He also alleges what he calls a "double shakedown" by "a repellent gang of plutocrats, hoodlums and hucksters" seeking enormous legal damages and financial settlements from Germany and Switzerland...

5915

- Raul Hilberg, widely regarded as the founder of Holocaust studies, ... Asked on another occasion if Finkelstein's analysis might play into the hands of neo-Nazis for anti-semitic purposes, Hilberg replied: 'Well, even if they do use it in that fashion, I'm afraid that when it comes to the truth, it has to be said openly, without regard to any consequences that would be undesirable, embarrassing.'

5920

Enough said, I guess. Remember, this is an eminent Professor. Highly respected who is best friends with arguably the most celebrated and famous Jewish Professor in the world - Professor Noam Chomsky. Hope he doesn’t get a court date with Mr Eyers and the W.A DPP.

My offensive and “inciting” comments continue:

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“Former Ku Klux Clown lectures Aussies to stamp out racism. Unfortunately our former clown has never read the Talmud, so he forgot to mention Jews as the biggest racists of all.”

*Transcript p.633*

5930

With regards the above statement written on my Blog, I will simply refer you Dr Walsh back to the background submissions for this synopsis:

5935

- [v] *Zionists Control United States Foreign and Domestic Policy - page 26*
- [vi] *Jewish Founding Of The Soviet State and Use Of ‘Sayanim’ In Past - page 29*
- [B] *Clear Western Australian Establishment Position To Stifle Knowledge In The Public Interest (Jewish Racial and Religious Supremacism)- page 36*

“Jews” are indeed, as a group, based on their holiest books and public statements from their secular and religious leadership, the “biggest racists” of all. Without doubt.

5940

I hope that puts some of my statements in perspective. I hope it underlies the fact that it was wrong to charge me under section 77 of the legislation. Let me again quote from the Hansard on this point of section 77 being designed to prevent the rise of the National Socialist party and people out to kill Jews:

5945

My final point on clause 1 is more of an overview of the whole Bill, rather than an address on a discrete clause. It has been said that the intention of the legislation is to prevent the types of crimes that occurred against a group of people under Hitler in Nazi Germany. I remind the Government of what happened in those dark days, quite apart from the thuggery, prejudice, unbridled anti-Semitism and other violence. The Government in Germany passed laws that not only enabled the commission of those crimes but also specified that they be carried out. Perhaps some members of the Reichstag thought they were acting with the best of intentions. That seems ludicrous, but that is what they did, and the law sanctified everything they did. It was certainly a perverted view, compared with our view, of what is just and right and should be sanctioned by statute. However, this is what the Government in Germany did at that time, and it did so by standing and saying that it would legislate to protect people that deserved to be protected. That is not too far away from the sort of moral engineering and posturing that the prime author of this Bill is attempting to achieve; that is, if opposition members can believe the public comments they have heard and the dismissive responses they have received when they have raised the common sense objections to the Bill that people will engage in pointless, stupid and vexatious litigation. I do not know when the first frivolous, stupid and ultimately damaging and divisive complaint will be lodged after the Bill is passed. However, the Government will need a stopwatch rather than a calendar to gauge it, because that is how soon after the Bill is passed that the Government will have brought itself into trouble.

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5965

**Extract from Hansard**  
**[COUNCIL - Tuesday, 30 November 2004]**  
**p8806b-8810a**

5970

The DPP addressed this issue at the WASCA hearing on December 13<sup>th</sup> 2011 at which you were present Dr Walsh. They basically said that certain comments by me “fitted” section 77 of the legislation. Let me quote from the transcript. Justice Buss makes a point to Mr McGrath from the DPP about which charges are more serious than others:

5975

**JA BUSS:** The question is: how is that to be taken into account from a sentencing perspective because do you accept that the worst of the counts of which the appellant was convicted were counts 2 and 3 in the sense that they are the ones that attracted the 14 year maximum, whereas count 1 did not and when you look at the other counts which were the blogs<sup>82</sup>, the material that would be regarded as within section 77 would seem to be less egregious than the form and content of the DVD’s the subject of counts 2 and 3?

5980

*Transcript 13/12/11 Page 25*

5985

That is quite correct. The most serious counts - 2 & 3 - I believe, were me stating on the DVD: “*Your days are numbered*”, referring to Jews who support the dominant repulsive sect of Judaism known as ‘Rabbinic Pharisaic Judaism’ and you are now aware Dr Walsh of just how sick and repulsive are its teachings and tenants from previously in this letter.

5990

Also, the statement of putting Jews, “*in camps with the rest of them,*” forms part of that same count. Just as there were *de-Nazification camps* set up after the second world war to de-programme Germans imbued with a sense of racial and national superiority; there will need to be camps set up for Jews. These camps set up for Germans were pleasant and well run and taught Germans who were deemed in

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<sup>82</sup> I’ve just gone over them.

5995 need of ‘de-programming’ that they were not “the master race” and returned them to the notion of  
 parliamentary representative democracy instead of dictatorship. I have no doubt the millions of  
 adherents of Orthodox Judaism and its basic tenants will need much therapy and intensive supervision  
 to cure them of years of brainwashing and imbued hatred. It will be no easy task but if we love them  
 (Jews), we will seek to curb this abhorrent and ancient religious cult and the personal beliefs it imbues  
 6000 in the interests of public safety and the good order of the State. I hope this explains somewhat what I  
 meant and the context. I apologise to Jews who do not adhere to this set of beliefs. If they would like  
 to come forward and express that they want no part with the teachings then it will make sorting the  
 wheat from the chaff much easier. So far I have about 10 “Jews” who have expressed their horror and  
 outrage at the teachings of Judaism and how those teachings are applied in Palestine. I’m sure there  
 6005 are many more and I look forward to hearing from them.

I have taken a fairly moderate approach. I could of taken the approach of the great man of history and  
 conscience, Dr Martin Luther, who didn’t just write a thesis or two and pamphlets on corruption and  
 bad practices within the Catholic Church, he also wrote a book called “On the Jews and Their Lies”.  
 6010 After learning ancient Hebrew (Luther was a gifted academic) and reading the Babylonian Talmud, he  
 was so outraged he called for Jews to be expelled from the country and their Synagogues burnt down.  
 I would certainly never encourage such behaviour. Lucky for Martin Luther he isn’t around today.  
 However, it would seem he could shoot up a Mosque or two in Western Australia if he wanted.<sup>83</sup>

6015 So Justice Buss is quite correct as he has ‘inferred’ - section 77 really should not have been applied to  
 the Blog postings and I think the Hansard bears that out. However, the Hansard also details how the  
 legislation is not out to get people who have simply lost their temper in the heat of the moment. The  
 legislation is aimed at true blue ‘racists’ with a deep hatred of human beings on account of their  
 ‘race/ethnicity’ alone. It is as clear as crystal that my views have ALWAYS centred on Jewish  
 6020 BEHAVIOUR based on their religious teachings and in particular Jewish behaviour in Israel. Jews are  
 not a vulnerable minority group, they are a world power.

Mr McGrath from the DPP gives his reasoning in response to Justice Buss on the point that my Blog  
 postings *indeed* add up to *serious offending* worthy of section 77 of the code:

6025 **MR MCGRATH:** Your Honour, I would, with respect, say that may be somewhat  
 debateable when one considers what is actually said on the blogs. I say it this way:  
 even if it is said that counts 2 and 3 are the most serious, the blogs in themselves  
 remain very serious offending. If I take you Honours to the count 5 blog, which  
 6030 material was subsequent after the preparation of the appeal books provided to the  
 court, it’s a collection of documents, paginated page 74 through - - -

...

6035 I will let your Honours read that. It continues through to page 109 where the  
 appellant offers a prayer. The “they”, in my submission, is clearly the Jewish faith,  
 people of the Jewish faith, and that is what the appellant has said in respect of - the  
 submission I make is this: this should not be understood, as my learned friend says  
 in his submission, that the blogs in any way are similar to the Jones v Toben case<sup>84</sup>  
 6040 where that material was holocaust-denying which was found to be an affront. These  
 blogs are extraordinarily beyond that.<sup>85</sup> Count 6 is pages 14 to 17. The gravman of  
 this particular blog - - -

...

6045 That’s 7 November. That’s count 6. Count 4 there was the acquittal. I have dealt  
 with count 5. Count 6 we have removed from the religiosity based denunciation

<sup>83</sup> Refer page 166 of this letter about Mosque shooting.

<sup>84</sup> I agree. They are far more close to the Scully v Jones case and the Bible Believers v Jones case. Very similar language used. It seems Olga Scully’s case has disappeared from the web and I cannot compare. Both Olga Scully and Anthony Griggor Scott of the Bible Believers suffered ZERO legal sanction and in fact won on appeal having not had legal representation. Compare that to me.

<sup>85</sup> Let both me and Mr McGrath go toe to toe and debate what I say on the blogs. McGrath has ZERO idea what he is talking about. Jews are producing the abhorrent filth, we are just reacting to it.

6050 based on the Jewish community or members of it being involved with terrorist  
acts.<sup>86</sup> At page 17 after outlining what people in the Jewish faith have done he brings  
it closer to home in Western Australia and makes the most - this is the gravman of  
this offence, "It is only a matter of time before they are going to do something here."  
The "they" can only be read as people of the Jewish race and what they're going to  
do is the random acts of violence and terrorism which are particularised in the pages  
proceeding.

6055

*Transcript 13/12/11 Page 25 - 26*

I will stop there. You get the idea. I recant nothing of what I have said although it would have been  
better to write it with less emotion but I was very angry at the time after being hounded and harassed  
and vilified in the Western Australian press. I point this out very early on before the trial at court  
hearings. This one on 20<sup>th</sup> November 2009:

6060

**ACCUSED:** Sorry, I apologise your Honour. Your Honour, may I just say my  
mental state at the moment? I've been harassed for almost nine months and six  
months on this case. It has been non-stop your Honour. And I'm - I am a nervous  
wreck. When I hear a knock at the door - - -

6065

...

6070 I will confess your Honour, that although I stand by most - some of the inherent  
statements in terms of - I can actually prove quite easily, and if we wish to debate  
that, I'm happy to do that. I admit my rhetoric is hard, but it's because I've been so  
slandered and harassed, and break ins. Do you know what gas lighting or gang  
stalking is, your Honour?

6075

**ACJDC MARTINO:** No.

**ACCUSED:** They break into your house; they'll take things, they'll move furniture  
around. They make you look mad. And the point is to get you hyper-vigilant, hyper-  
paranoid, and to look - your Honour, they've never had a case. And they have  
employed dastardly and deceivably tactics against me, including colluding with  
Channel 9.

6080

6085 You want to talk about slander or going against the case where Chanel 9, your  
Honour, which I recorded stating that I demand Jews be wiped out. And they  
actually re-edited the video moving - not just chopping to make something look bad,  
but actually grabbing audio, moving it back, covering over Stanley Keyser making  
some very important statements. Your Honour, anything that may appear at first, I  
answer to be - I admit, I'm angry, your Honour. I'm - I've had this six months - six  
months of constant harassment.

6090

- page 9

...

6095 But your Honour, I am angry and frustrated. I'm being sent broke. My name is  
slandered. I can't get any work. They have forced me against the wall, and then it's  
any wonder I get angry. Okay?

6100 But I still stand by roughly what I have said. And your Honour I can guarantee - I  
know some of the statements in there seem very inflammatory. But I can find you a  
thousand statements done by similar people. And I guess, your Honour, what I'm  
saying is when is someone going to stand up for me and help me? ...

6100

- page 10

...

6105 ... I understand what you're saying. My concern is though, I do admit my rhetoric is  
too harsh. I admit that, but that is borne out of sheer anger and frustration at the  
whole process.

<sup>86</sup> Shall we talk about "Prisoner X" and Australian Jews allowing their passports to be used to kill people? Let alone Israel and 9-11.

- page 12

6110

...

I still stand by some of the inherent comments, which is based on my direct experience and study of the literature, most of it from the Jewish community. However I admit in my approach certainly - which has been done out of anger and frustration, your Honour - which is exactly the state of mind I believe the DPP and the police have sought to invoke in me through the harassment, so that I would lash out and they could further their case, your Honour. That's the point.

6115

...

And I will re-iterate, I have been too harsh. I have lashed out in some manner at the Jewish community and members within it...

6120

...

I feel like - your Honour, I fear for my physical safety. I fear for the physical safety of my friends. My family have been stalked. My friend in the United States has been stalked, [her] animals killed and tasered.

6125

*Transcript 20/11/2009 Page 9-15*

The Hansard debate is quite specific on where and when section 77 should be applied:

6130

**Hon JOHN FISCHER:** How about proposed new section 77 which says 'intends to create'?

6135

**Hon KIM CHANCE:** I will get to the proposed new section 77, but I have already said that it applies to extremely serious crimes. ...I am sorry if members think that those words do not separate trivia from serious offences. However, I do not think the legislation could state it any more clearly without drawing pictures.

...

6140

**Hon KIM CHANCE:** Hon Frank Hough asked me why proposed section 77 provides for imprisonment for 14 years. Why is it such a serious offence? The 14 years that is provided as a maximum penalty is proposed section 77 relates to inciting others to do things that are prohibited in the legislation. Proposed section 77 does not apply to an unwise comment made in error or in anger. In the example given by the Hon Frank Hough he said, "If I have had a few sherbets or I am angry about something and I say something that offends people, will I be caught by proposed section 77?" Of course he would not because that gets back to a completely different issue. For a person to be even charged under proposed section 77 he must set out to incite others to do things that creates the set of conditions that the legislation prohibits ... . That is the fundamental difference with these matters. Compare those two things with a person who is drunk or angry ... . I do not want to keep hammering away at this but the arguments around this have been trivialised by references to name calling.

6145

6150

**Extract from Hansard**  
**[COUNCIL - Tuesday, 30 November 2004]**  
**p8806b-8810a**

6155

In this extract from the Hansard we have a very, very important bit of information as to when a person would be charged under Section 77 of the legislation - according to Hon Kim Chance, not until someone had *acted* on the "incitement":

6160

**Hon KIM CHANCE:** Hon John Fischer asked what was the difference between proposed new sections 77 and 80A. Proposed section 80A deals with harassment, which is an act that somebody carries out themselves. Proposed new section 77 deals with incitement. The rest of the things that I said about proposed section 77 about actions that a person takes themselves and actions that a person may incite others to take are very different in their grade of impact. If a person incites other people to do things through his oratory or publications, that is a far higher level of offence than if the person simply carried out the act himself.

6165

6170 **Hon PADDY EMBRY:** If you try to incite them verbally, but they do not carry out the act, that is more serious than the person carrying it out. Is that what the Government intends?

6175 **Hon KIM CHANCE:** Yes, but a court would take that into account. A person probably would not appear in court until such time as something like this had happened; in other words, for example, until a person had successfully incited people to go around burning Chinese restaurants. ...

6180 Not only did nothing “happen”, I never encouraged people to acts of violence. I encouraged people to get out on the street and protest the racist apartheid state of Israel and the Jewish racial and religious supremacism that supports the violence of the state against the indigenous Palestinian, mostly Muslim population. I say in the video: “*Time to get angry, time to get out there*”, and I have footage of a couple getting a video camera and running out onto the street to protest. How could it be any more obvious than that?

6185 When I make the statements in the video, “*Your days are numbered*”, I clarify that I am speaking about those within the Jewish community who foster and adhere to the ideology and religion of ‘Rabbinic Pharisaic Judaism’ (Orthodox Judaism) and Jewish mysticism (Kabbalah) and now you know Dr Walsh just how bad those religious practices are and you know how so many so called “secular Jews” quote from and draw strength from those teachings. Let us make no bones about it - the greatest inciters of racial hatred are Jews themselves who conveniently label themselves a religion one minute, then a race, and then the following week an ethnicity - whatever suits at the time. It is a well-known joke amongst Jews:

6190

6195 So these secular Jews often end up being just another round of Michael Neuman’s “veritable shell game” of Jewish identity. “*Look! We’re a religion! No! a race! No! a cultural entity! Sorry—a religion!*” Because this is the key to maintaining Jewish power – if it’s indefinable, it’s invisible. Like a Stealth Bomber (you can’t see it on your radar but you sure know when you’ve been hit) Jewish power, with its blurred outlines and changing forms, becomes invisible. And if you can’t see it you can’t fight it. Meanwhile the assault on the Palestinians continues.

6200

Paul Eisen “Jewish Power”  
<http://www.rightousjews.org>

6205 Should I have been charged under Section 77 or at all? Well, on *page 140* of this letter I go into detail about the new Senior Prosecutor Mr Justin Whalley stating he may take the entire matter back to the Magistrates Court:

6210 **MR WHALLEY:** I can say this. That it’s most unlikely that the prosecution in its entirety will be discontinued; I’m simply talking about amending charges. The jurisdiction may, and I take it no further than that, may be affected such that any trial might take place in the Magistrates court.

*Transcript 11/02/2010 page 5*

6215 For it to take place in the Magistrates Court the penalty must be three years or less. Hence, all section 77 charges would have to be dropped or amended to a section 80B charge. This must have been what Mr Whalley was contemplating. So how can the DPP write a response to the appeal to the WASCA you prepared on my behalf stating just how utterly evil I was when their own senior prosecutor was contemplating sending the matter back to the Magistrates Court? Let’s have a look at what the DPP wrote to the WASCA at appeal about the seriousness of the offending:

6220

6225 **56.** The evidence led at trial established that the appellant holds a deep seated hatred of Jews and the Jewish people. The dissemination of this hate and discrimination with the specific intention of inciting racial hatred and contempt constitutes serious offending.

I must first add I never had a trial. I had eight days of farce and damage control for the benefit of the Jewish Criminal Network - a group only ever called a “race” by Nazi Germany and the State of Western Australia.

6230

57. When considering the convictions pursuant to s 77 it is significant to note that in this case the relevant counts in the indictment were pleaded solely as an allegation of an intent to create or promote animosity towards a racial group. “Animosity towards” is defined in s 76 of the *Code* as meaning “hatred of or serious contempt for”. Section 77 allows the option to allege an intent to create or promote ‘harassment’, which includes “to threaten, seriously and substantially abuse or severely ridicule”. However, the prosecution did not allege that arguably less serious intention, but rather alleged that the appellant did what he did with the specific intent of creating and promoting hatred and serious contempt for Jewish people (not merely abuse of ridicule). By their verdicts the jury were satisfied, beyond reasonable doubt, that the appellant acted with that intent.

6235

6240

“Memory” is a wonderful thing Dr Walsh. I have a memory and I have a transcript record where the DPP was thinking of sending the matter back to the Magistrates Court. I wonder what changed their mind? I go into it in some detail at *page 186* of this synopsis.

6245

58. The jury returned that verdict on all but one of the s 77 counts on the indictment. Accordingly, the respondent submits that, in categorising the appellants conduct, it must fall in the more serious category of offending covered by the ambit of s 77.

6250

59. In categorising the offending the respondent submits it is irrelevant that, leaving aside any low level violence<sup>87</sup> that may have been involved in the commission of count 1 during the South Perth IGA incident with Mr Keyser, the appellant did not engage in violence towards the Jewish people or their property. If he had, that conduct would arguably have been the subject of specific offences.

6255

Now this is pretty funny - here is the DPP lording me as a great menace to society while the same DPP charged four members of a violent and racist hate group/gang known as “Combat 18” with the ridiculous light charges of “discharging a firearm in public” and “criminal damage” after they shot up a Perth Mosque with a high powered rifle. The DPP should hang their heads in embarrassed shame. They all got suspended sentences. The police officer who was convicted of “tipping them off” that there phones were being bugged also walked after a successful appeal against conviction. *See page 215* of this letter.

6260

6265

60. However, the respondent accepts that the fact that the appellant did not specifically exhort anyone to engage in acts of *violence* against the Jewish people is relevant in categorising the conduct. The respondent submits, however, that the pernicious and insidious feature of his offending is that the publication and the dissemination of the material the subject of the charges has the potential to inflame, incite and encourage other like-minded individuals, who may not demonstrate the same degree of restraint when it comes to violence. As the learned sentencing judge correctly observed, the conduct “has the potential to be catalytic of civil unrest”.

6270

But that’s not the point according to the Hon Kim Chance in the Hansard: “*A person probably would not appear in court until such time as something like this had happened.*”

6275

6280

61. As an example, the conduct the subject of Count 3 included the phrase, “we’ve had enough of you and those bells toll for you. Your days are numbered”. The respondent submits if anyone harboured a belief that violence against Jewish people or their property was legitimate, then exposure to that kind of material could only reinforce and legitimise that belief. The incitement of others to violence against others may not have been the offenders specific intent but it is certainly a very realistic potential consequence of his conduct. When an offender carries out acts with the intention of creating or promoting hatred or serious contempt for a racial group then the risk of violence being visited upon members of that racial group is substantially increased.

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<sup>87</sup> Which was directed at me.

6285

As for the “seriousness” of my charges, perhaps Justice Buss in the WASCA says it best when he states I would have received a suspended sentence if I had of said “sorry”:

6290

**JA BUSS:** One can readily understand that a suspended sentence would have been appropriate had someone in your clients position pleaded guilty even if not at the first opportunity, had expressed some remorse at some stage or even given an apology. If these had been the facts, then it is very difficult to see how a term of immediate imprisonment could possibly have been justified, but those are not the facts.

6295

*Transcript 13/12/2011 Page 18 WASCA*

6300

If I had not been so harassed; if I had not been stalked; if I had not been vilified in the press; if police, AFP and CCC had taken my complaints seriously; if I had been allowed to present evidence for my views; if DCJ Wisbey had at least explained WHY he was not adjourning according to the Section 78B; if DCJ Wisbey had not acted so unprofessionally; then there is no doubt that an apology and simple town meeting to diffuse matters could have taken place but instead the WA establishment chose to treat me like a “nut”.

6305

I repeat also that Detective Gavin Manners, who arrested me on the 12<sup>th</sup> of May 2009, stated after my processing while dropping me back home: “*Maybe you could do things differently? There is a place called the ‘Abrahamic Covenant’ where Jews, Christians and Muslims meet, maybe you could go there?*” I replied that that sounded interesting and I thought that the charges would be dropped and a town meeting would take place. However, this did not happen, and instead, I was vilified in the press and stalked and harassed.

6310

6315

I must clarify Dr Walsh that the police raided me as a stunt. We suspect it was co-ordinated to take place at the same time Dr Frederick Toben was incarcerated for contempt of court in South Australia for his comments on ‘The Holocaust<sup>TM</sup>’. Police continually told me: “*There is a lot of media interest Brendon. A lot of media interest*”. I replied, “*Excellent! We can talk about Israeli intelligence activity, the Collins Class sub debacle and Jewish religious and racial supremacism.*” Detectives were not expecting that sort of reply from me. I was expected to put my tail between my legs and “submit”.

6320

The Hansard goes on, explaining the “definitions” that separate simple “name calling” from serious offences:

6325

**Hon KIM CHANCE:** The empirical evidence suggests that the debate has been 95 per cent dominated by issues of trivia and name-calling. Perhaps I should have explained earlier why trivia is not an issue in this Bill. I refer to clause 5, headed “Section 76 amended”. The Bill quite clearly separates trivia in the wording of the definitions of “animosity towards” and “harass”. The definition of “harass” includes to threaten, seriously and substantially abuse or severely ridicule. The phrase “animosity towards” means hatred of or serious contempt for. I suggest that no court would entertain and no persecutor would take seriously the question of whether calling someone a “wog boy” expresses serious contempt for or involves serious and substantial abuse or severe ridicule of someone.

6330

**Extract from Hansard  
[COUNCIL - Tuesday, 30 November 2004]  
p8806b-8810a**

6335

I do not hold “animosity towards” Jews because they are “Jews”, I hold animosity towards “Jews” because of what they do, say and write and the fact they wield enormous power. I get angry that few people in power try to stop them. This creates anger and frustration. Even Jewish activist Paul Eisen writes about this. Here is a long quote but it sums everything up perfectly:

6340

No-one wants to oppose any Jews simply for being Jews, or even for what they believe, but only because of what they do. The problem is that since, according to Shamir<sup>88</sup>, what Jews believe and even do is precisely what makes them into Jews, so opposition to Jewishness as an ideology surely comes dangerously close to opposition to Jews simply for being Jews.

6345 But for Shamir, Jews are Jews because they choose to be Jews. Someone may be born of Jews and raised as a Jew but they can if they wish reject their Jewish upbringing and become a non-Jew. And many have done just that including such famous escapee's as Karl Marx, St Paul, Leon Trotsky (and Shamir himself), etc. Opposition to Jews is not, therefore,

6350 like opposition to blacks or to Asians or to other common racist attitudes since the object of the opposition is perfectly able to relinquish the ideology in question.

Shamir has never in any way called for any harm to be done to Jews or anyone else, nor for Jews or anyone else to be discriminated against in any way. Adherence to this Jewish ideology is, for Shamir, regrettable, but not, in itself, a matter for active opposition. Nor does this mean that Shamir is opposed to any individual Jew just because he or she is a Jew. What Shamir actively opposes is not "Jews" but "Jewry". Analogous to say, the Catholic Church, Jewry consists of those organised Jews and their leaders who actively promote corrosive Jewish interests and values, particularly now in the oppression of the Palestinians.

6355

6360 One doesn't have to be in complete agreement with Shamir to understand what he is talking about. Why should Jews not have a "spirit"; after all, such a concept has been discussed with regard to other nations?

6365 "It is dangerous, wrong, to speak about the "Germans", or any other people, as if a single undifferentiated entity, and include all individuals in one judgement. And yet I don't think I would deny that there exists a spirit of each people (otherwise it would not be a people) a *Deutschtum*, an *italianitia*, an *hispanidad*: they are the sums of traditions, customs, history, language, and culture. Whoever does not feel within himself this spirit,

6370 which is national in the best sense of the word, not only does not entirely belong to his own people but is not part of human civilization. Therefore, while I consider insensate the syllogism, 'All Italians are passionate; you are Italian; therefore you are passionate,' I do however believe it legitimate, within certain limits, to expect from Italians taken as a whole, or from Germans, etc., one specific, collective behaviour rather than another. There will certainly be individual exceptions, but a prudent, probabilistic forecast is in my opinion possible." **Primo Levi**

6375

6380 And for Jews it is, perhaps, even more appropriate. The place of Judaism as an ideology at the centre for all Jewish identity may be debated, but few would dispute that Judaism is at least at the *historic* heart of Jewishness and, whatever else may bind Jews together, it is certainly true that religion plays an important part. Second, for a group of people who have retained such a strong collective identity with no shared occupation of any land, language, nor even, in many cases, a culture, it is hard to see what else there could be that makes Jews into Jews. Surely for Jews, in the absence of other, more obvious factors, it is precisely such a spirit that has enabled them to retain their distinctive identity for so long in the face of such opposition.

6385

6390 *Paul Eisen - "Jewish Power"*  
<http://www.rightousjews.org>

- "Opposition to Jews is not, therefore, like opposition to blacks or to Asians or to other common racist attitudes since the object of the opposition is perfectly able to relinquish the ideology in question."
- 6395

An important part of the Hansard transcript centres on section 80B of the legislation and the allowed defence of 80G:

<sup>88</sup> Israel Shamir - Israeli activist. Highly respected the world over.

6400 **Hon PADDY EMBRY:** A new film produced during the last 12 months was called *The Passion of the Christ*. Jewish people wrote letters in which they said that they felt the film was anti-Jewish and racial.

6405 **Hon KIM CHANCE:** It would raise some interesting questions. If one were to remake *The Bridge on the River Kwai* today, one would be talking not about historical material but a film made in December 2004. Would it be deemed to be in the public interest or would it be deemed to be in the same category as archival material? I believe that my answer would still hold true. The depiction of the events that occurred on the River Kwai and the Burma Railway generally would be dealt with as having genuine academic significance, because it would be the truth of the matter. People would be more likely to get into difficulty if they were to deny what happened on the River Kwai. This is where one gets into questions about David Irving, for example, who is a genuine academic. This is where the question of “genuine” turns up, which I find quite interesting<sup>89</sup>. Does being a genuine academic mean that the work one provides is also produced for a genuine academic purpose? The big issue with Irving is that he is denying that the Holocaust ever happened. He said that all those Jews died of cholera or something.

...

6420 **Hon PADDY EMBRY:** When a film is an attempt at accuracy, the law would not apply, but if it were fictitious, it might apply.

**Extract from Hansard**  
[COUNCIL - Tuesday, 30 November 2004]  
p8806b-8810a

6425 So WHO gets to determine what is truth? This is Comrade Stalin legislation if ever there was. It is dangerous right now, and if allowed to continue, will be dangerous into the future.

6430 The Hon Peter Foss comes up again with some common sense around section 80B and the term “likely”:

6435 **Hon PETER FOSS:** As I have said, I do not have a problem with the word “intends”. However, I do have a problem with the words “is likely to”. There is some law on this matter. The law is very simple. Unfortunately, to a large extent we can prove that a certain action “is likely to” by proving its impact on just one person. That is why it is such a dangerous concept and why the Standing Committee on Legislation recommended that those words not be in the Bill.

6440 **Extract from Hansard**  
[COUNCIL - Tuesday, 30 November 2004]  
p8806b-8810a

6445 Stanley Elliot Keyser did not have to come up with some “evidence” that he had been “offended” or emotionally “hurt” in any way - he just had to *say* he was. Keyser is THE perfect example of why the legislation is dangerous. He intended to agitate and catch someone out under the legislation no matter how much he denied this at the trial. It is self-evident in the video as he “plays up” the “hurt” on camera and ran up to people stating loudly: “*Did you know this man says all Jews are racist! I’m offended!*”

6450 The Hansard makes it known that the legislation was intended for a “certain type of fish” and did not want a “by-catch”:

6455 **Hon PETER FOSS:** ... A problem always arises when Governments are so intent on catching a particular fish that they draw their net too wide. Although they catch the intended fish, they gather up many others that they did not intend to catch. This

<sup>89</sup> I’m glad the politicians find it “interesting”. I find it interesting too - here in my cell in Albany Regional Prison. I’m glad they find there bit of playtime legislation “interesting”.

legislation will do that. The Leader of the House, as the Minister for Agriculture, Forestry and Fisheries, will know an awful lot about that.

**Hon KIM CHANCE:** It's called by-catch.

6460

**Hon PETER FOSS:** The minister will be acutely aware that one of the environmental problems facing fishermen is the by-catch. I suspect that as a legislator for criminal law, he will become aware that one of the biggest problems with this proposed section will be its by-catch.

6465

It is not good to allow laws to be drafted solely by the people who want to catch the fish. Those people write legislation that makes the law simple for them. They do not consider that it will catch people they did not intend to catch.

6470

...

**Hon PETER FOSS:** I do not think they did because memories are short. Fourteen years have passed since all the ethnic communities said that we should pass legislation because they wanted a problem dealt with. That legislation coincided with the last time Mr Van Tongeren was involved in events. Bad law makes bad cases and that is what will happen with this legislation. It will create a bad situation. Rather than work harder on the legislation, people seek to make easier laws. That creates bad law and this is bad law. A law will be passed that will make things simple for the prosecution, the police and the complainant. It will also catch a lot of people whom we do not want to catch.

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**Extract from Hansard**  
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6485 Thank God for Peter Foss.

A final quote from Hansard on section 80B and when people will be charged:

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**Hon KIM CHANCE:** In the case of proposed section 80, the Director of Public Prosecutions is our exclusion device. Before a person is drawn into the net on a proposed section 80B charge, the matter must pass the senior police prosecutors. It still must pass this test: is this the kind of person we are trying to catch in the net? ...

6495

**Hon PADDY EMBRY:** The potential problem is the pressure police face, for example, with the Claremont serial killer. There is automatic pressure to find.

Yes, especially when the Jewish community lies through their teeth and claims you are stalking them and threatening to kill their kids.

6500

I presume with the federal Attorney General tossing out the notion of "offending" people in the new 'Human Rights Act' we will see the end of section 80B - at least - "*conduct likely to...*".

6505

**[H] Federal Law Review - "So Far So Good: A Critical Evaluation of Racial Vilification Laws in Australia"**

This is an extremely interesting document and sums up all the issues. It is a critical evaluation of racial vilification laws written in 2004, the same year Western Australia passed the relevant legislation. I will write out the introduction in its entirety and intersperse it with my own comments then quote selectively from the article and comment. I have put the article in a shaded background to avoid confusion with my own comments and quotes:

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**Meagher, Dan --- "So Far So Good: A Critical Evaluation of Racial Vilification Laws in Australia" [2004] FedLawRw 10; (2004) 32(2) Federal Law Review 225**

It may be true that morality cannot be legislated, but behaviour can be regulated. The law may not change the heart, but it can restrain the heartless.<sup>[1]</sup>

**INTRODUCTION**

There is a range of meritorious reasons why Parliaments enact laws to regulate racial vilification. These include but are not limited to the following:

- The need to provide a remedy to persons who suffer the often extremely harmful psychological and physical effects resulting from racial vilification.
- To nip in the bud racist words or conduct that if left unchecked may fester and sprout as serious or even deadly violence at a later time.
- To further the value of legal equality through substantive and meaningful legal measures.
- To send a strong state-sanctioned message that, in a pluralist society politically committed to multiculturalism, racist words and conduct are unacceptable, harmful, dangerous and will not therefore be tolerated.
- To fulfil our international law obligations.
- To provide an environment where information and ideas can be proffered and exchanged in a civil and respectful manner. Such societal conditions are more conducive to personal development, meaningful democracy and a tolerant citizenry.

"Harmful psychological and physical effects resulting from racial vilification". Well, lots of things are "harmful" in the psychological and physical sense. We have laws for the physical side of things. As for the psychological side of things? Well, when my daddy called me an "idiot" time and time again over the period of my miss spent youth, it can be argued successfully that his lack of mirroring and positive re-enforcement of good personality traits has severely damaged me. I am not trying to be smart. Why is it "racial vilification" has been singled out? What about the myriad of psychological trauma we all suffer from inadequate parenting? Why has "Child Vilification" been left out of the legislation? Parents (or lack of parents) could be argued to be the single most important influence on the life of a citizen and yet anyone can have a child and there are no laws against wounding your child's psychological development with endless negative re-enforcement and hurting your child's feelings by calling him or her an "idiot" repeatedly - or worse, far worse. We can argue that the criminal justice system is simply a de-facto parent, rounding up the bolted horse with a legislation lasso. So, with the argument that persons need a "remedy" after they suffer "extremely harmful psychological and physical effects resulting from racial vilification", what about children who suffer from the extremely harmful effects of bad parenting? Clearly, if this is a part of the grounding reason's for racial vilification legislation then why stop at race or ethnicity?

As for nipping in the bud "*racist words or conduct that if left unchecked may fester and sprout as serious or even deadly violence at a later time*". Well, that goes for anything. We have the laws that cover this aspect of life in the form of disorderly conduct or incitement to violence legislation - already in the criminal code. What's more, they haven't fixed the problem. Just because you have shut a man up in public doesn't mean you have won the argument nor ceased the "festering". All you have done is drive it underground and given legitimacy to the argument that the legislation is sprouting from a totalitarian mindset - which it is. A mindset that has more than the rights of minorities on its mind as author and barrister Greg Craven points out:

The most obvious feature of this rights discourse is its unremitting focus on the rights of minorities. New constitutionalists are relatively uninterested in the rights of common or garden Australians to live dull, secure lives in dull, secure suburbs, unmolested alike by burglars and intrusive governmental gate crashers. They are transfixed, however, by the rights of minority groups: indigenous people, ethnic minorities, sexual and gender groupings though not (of course) by the rights of unfashionable minorities such as

conservative religious groups or right wing nutters. *New constitutionalists argue, with obvious force, that it is the rights of minorities that most need protection. But there is more than necessity at work here.*

6575 **Page.88**

**Greg Craven**, *'Conversations With The Constitution: Not Just A Piece Of Paper'*.  
UNSW PRESS.

6580 There is indeed “more than necessity at work here.” Ask Mr Doron Ur or Barbara Spectre. It is social engineering - divide and conquer. Set them at each other’s throats, prevent the “barbarians from coming together” as Jimmy Carters former National Security adviser Zbig Brizinsky wrote in his book ‘The Grand Chessboard’. A society divided is a society that cannot come together to resist government tyranny. Just study the tactics of the Soviet Government or watch the lecture series ‘The Pentagon’s New Map’ where Dr Thomas Barnett discusses the “reshaping” of the Middle East for the benefit of  
6585 Israel and economic and political control. Right now, Syria is feeling the pinch as it disintegrates into sectarian violence making it far easier for Israel and the pro-Zionist US Government to play groups off against each other. The same effect was accomplished in Iraq. Paul Wolfowitz, Bill and Irving Kristol and the current Israeli PM (Benyamin Netanyahu) wrote ‘The Project For The New American Century’ and ‘Securing The Realm’ - all speaking of removing Governments not to Israel’s liking.  
6590 Iran is next. I see the same methods of “divide and conquer” at work in the prison system. As the French monarchy were apt to state: “Better they march on each other than the palace gates”. Jews regularly lead the charge for this type of legislation. It started in 1919:

6595 Anti-Semitism was branded as being counter-revolutionary in nature, and persons participating in pogroms or instigating them were outlawed (by a special decree issued by the Council of Commissars in July of 1918, signed and personally amended by Lenin to sharpen its tone). A statement against anti-Semitism made by Lenin in March 1919 was one of the rare occasions on which his voice was put on a phonograph record, to be used in a mass campaign against the counter-revolutionary incitement against the Jews.  
6600 The regime made every effort to denounce the pogroms and punish the persons taking part in them, even when they were Red Army personnel. When the civil war came to an end, a law was passed against “*incitement to hatred and hostility of a national or religious nature,*” which in effect, also applied to anti-Semitism, including the use of the pejorative *Zhid*.  
6605

**Encyclopedia Judaica, Volume 5**  
**Produced and printed in Jerusalem, Israel**  
**Library of Congress Catalogue Card Number 72 9075**

6610 Let’s compare the mass murdering Jewish founded Communist’s legislation with the heading of the Western Australian legislation I was charged under:

**COMMUNISTS (1919):**

6615 “Incitement to hatred and hostility of a national or religious nature.”

**Western Australian Labor Party (2004):**

6620 “77. Conduct intended to incite racial animosity or racist harassment  
*Any person who engages in any conduct, otherwise than in private, by which the person intends to create, promote or increase animosity towards, or harassment of, a racial group, or a person as a member of a racial group, is guilty of a crime and is liable to imprisonment for 14 years.*”  
6625

Let’s refer back to the Hansard debate and the comments by the Right Hon Peter Foss as to who was leading the lobbying for the legislation in Western Australia:

6630 One of the great supporters of the legislation was Mr Doron Ur, who was a leading  
 figure in the Jewish community in this State. I am not sure whether he is still alive. He  
 was certainly an elderly gentleman in 1990. He wrote a Zionist magazine that he  
 distributed quite widely in the Jewish community. During the course of his evidence to  
 the committee, he very kindly gave us a few copies of the magazine. We flicked through  
 those, and it became quite clear that if an amendment of that type was drafted, he would  
 6635 be a prime candidate for prosecution. Anybody who has read Zionist magazines will  
 know that they state fairly unequivocally what should happen to the Palestinians, and it  
 is not nice. I believe it is a well-known problem. Certainly, there would be real  
 difficulties if we tried to suppress those sort of publications. They probably do not add a  
 lot to the quietness and good order of Western Australia, but if we tried to suppress  
 6640 them, I suspect we would have even bigger problems.

*Extract From Hansard  
 [COUNCIL - Tuesday, 30 November 2004]  
 p8818c-8834a*

6645 My, how history is repeating itself.

The next comment, “to further the value of legal equality through substantive and meaningful legal  
 measures”. Greg Craven:

6650 Parliaments uniquely popular basis grounds it’s claims to its most prized piece of  
 constitutional territory, the decline of parliamentary sovereignty. This fundamental  
 principal of constitutional law proclaims simply that parliament can (in Australia, within  
 its constitutional powers) make any laws it likes, and that neither judges and their  
 6655 common law nor the laws of parliaments past may stand against them. Albert Van  
 Dicey, the great English constitutional lawyer and inveterate enemy of Aryan infants,  
 cheerfully remarked that if parliament make a law for the slaughter of blue eyed babies,  
 that law would be valid.

6660 **Page.88**  
**Greg Craven**, *‘Conversations With The Constitution: Not Just A Piece Of Paper’*.  
 UNSW PRESS.

6665 As for the need for a “*strong state-sanctioned message that, in a pluralist society politically  
 committed to multiculturalism, racist words and conduct are unacceptable, harmful, dangerous and  
 will not therefore be tolerated*”. Well, have the politicians ever gone to an election on the countries  
 commitment to “multiculturalism”? No one asked us. Did anyone ask Native Australian’s if they were  
 committed to “multiculturalism”? When the Union Jack was speared into the ground at Botany Bay,  
 6670 no one did a poll on Indigenous Australian’s attitudes to sharing the land with Europeans and we know  
 how that turned out for Native Australians - dispossessed of both land, culture and dignity. Perhaps its  
 karma? Native Americans too found out the value of multiculturalism as the benefits of trade with  
 Europeans in whiskey, small pox ridden blankets and guns did wonders for their social life. The law is  
 part of a multifaceted social engineering program to “keep the barbarians from coming together”,  
 nothing more, and the crusade for this type of legislation is more often than not led by ‘Jews’ for  
 6675 obvious reasons - they’re “leading the revolution”, just as they did in Russia, the Ukraine, Hungary  
 and the Baltic states in 1919 and later.

Next comes “to fulfil our international law obligations”. Again, I didn’t know Australia had any  
 international law obligations? No one asked me about international laws interfering in the sovereignty  
 6680 of the states of Australia? What obligations are these and where was the public debate before “we”  
 signed off on them?

And finally - “provide an environment where information and ideas can be proffered and exchanged in  
 a civil and respectful manner.” Well, that’s lovely. So it’s actually the “Polite Conversation”  
 6685 legislation? The reality is the legislation is used to stifle debate, not promote it. The effect of the  
 legislation has been to intimidate people, not free up society for polite and courteous debate. The  
 application of this legislation for the public good both short term and long term is dependent on the

good will and commitment of legislators, Prime Ministers and Premieres, and above all the relevant DPP and presiding Judge. *There is a reason the Communists enacted their own version of the legislation first.* In fact, it was their first major piece of legislation. Slowly but surely, the Fabien Socialist goal of a tyranny by legislator, one piece of legislation at a time, is coming to fruition. Like one link in the chain that will form the shackles of a totalitarian mind control dictatorship - with no bread lines, but plenty of GPS tracked Smart phones with which to “buy and sell”. Truly, what is coming has never been more obvious and the slaves of housing mortgages - as long as they are fed and entertained - are no force to stop it. I remember Alexander Solzinhitzen writing in his book ‘Gulag Archipelago’ that the crimes of the Soviet State were carried out by bureaucratic minions, not motivated by fear of Stalin’s wrath, *but by fear of job loss.*

The law is, however, just one of the tools available to combat racial vilification. Others include primary and secondary school education programs, government-sponsored advertising campaigns, affirmative action policies and opportunities for counter-speech either in conjunction with or in the alternative to legal measures.<sup>[2]</sup> However, as Luke McNamara correctly points out, racial vilification laws are now a fixture on the Australian legal and political landscape.<sup>[3]</sup> More importantly, the time has long gone where dogmatic assertions of the need for free speech absolutism can or ought to carry the day. Three landmark reports on racist violence and race relations in Australia more generally written during the 1990’s and the work of the critical race theorists and other American scholars have documented in stark and often disturbing detail the very real harms caused by racist words and conduct.<sup>[4]</sup> Whilst I do not share the view of some scholars that free speech concerns and arguments in the area are no more than ‘philosophical meanderings’<sup>[5]</sup> and ‘superficial talk’<sup>[6]</sup> about ‘traditional abstract values’,<sup>[7]</sup> they should neither *presumptively* trump other relevant values and interests nor stifle appropriate legislative initiatives to combat racial vilification. Therefore, a more constructive approach and contribution to the debate is to accept the (most likely) long-term legal and political reality of racial vilification laws in Australia and consider how these laws might be further refined and improved.<sup>[8]</sup> This article is offered in that spirit.

What a shame the DPP, police and Jewish community did not take the road of “opportunities for counter-speech either in conjunction with or in the alternative to legal measures.” The human rights violating Chinese Communist Government is treated with “dialogue” and “engagement” by our own Government while people from all levels of the political spectrum here at home are vilified as “haters” and “Holocaust™ deniers” for questioning Jewish power and its intentions. Are we subhuman or regarded as worse than the Chinese Communist Government for questioning history and other aspects of the odious behaviour of a group who call themselves ‘Jews’. Are we not worthy of “engagement” and “dialogue”? Does the ‘Truth’ hurt? For a little while, but if you let it fester, drive it underground and fail to give attention to the supering wound you will end up with a systemic infection that will kill you. The symptoms are fever and occasional cold shivers that run down the spine from time to time. The aspirin of legislation works a treat in the short term but it will rise up and kill you if you do not address the underlying social problem - lack of dialogue and fear of speaking out. As the saying goes: *“If we can’t face it, God can’t fix it.”*

The authors comments on “free speech” are concerning. Again, I take professor Noam Chomsky’s<sup>90</sup> view that there can only be two positions on “free speech” - either for or against. You cannot separate speech or words into “free speech” and “hate speech” - who will decide? Society? They are busy downloading pornography, watching 3D TV, playing video games and working themselves to death paying off a mortgage to gigantic banking cartels - do they even know what a ‘Hansard Debate’ is? Maybe Comrade Stalin? Maybe he will decide? I’m sure he had a view. I know our great and glorious ‘Comrade Prime Minister’ Julia Gillard has a view - she and her well-meaning minions are pushing hard for this type of legislation as we speak. Perhaps Tony Abbott? He wants to get rid of the Senate as an encumbrance to the efficient running of the country. He talks in terms of ‘economic efficiency’ - the trains running on time. Oh dear, I think that argument has popped up before and 70 million dead later we all agree we’ll take the trains running a little late in return for the freedom to say “no” to Prime Ministers, Legislators and “The Boss” as Comrade Joseph Stalin was called. And what of the

<sup>90</sup> It has never ceased to astound me how ‘Jews’ pop up as leading figures in both sides of the debate.

6745 Labor Party? Well, they're the well-meaning Fabien Socialists who can't seem to get enough of this type of legislation. I guess the True Believers carry on the legacy of Lenin, Trotsky and Stalin.

6750 Moreover, for the following three reasons, the time is ripe to reflect on our laws - on the clarity of their content, on the coherence of the cases they have generated and ultimately on their long-term utility. Firstly, it is 15 years since the passage of the *Anti-Discrimination (Racial Vilification) Amendment Act 1989 (NSW)*, the first Australian law to proscribe racial vilification. Since the passage of that landmark law all Australian jurisdictions, with the exception of the Northern Territory, have followed suit, albeit employing a range of divergent regulatory mechanisms.<sup>[9]</sup> Secondly, the continuing controversy in Australia surrounding the dissemination of holocaust-denial material through the internet, pamphlets, books and videos brings into sharp relief the pervasive tension between racial vilification laws and freedom of speech.<sup>[10]</sup> This tension was recently highlighted by the storm that surrounded the ultimately unsuccessful attempt by the Melbourne Underground Film Festival to screen the David Irving film *The Search for Truth in History*.<sup>[11]</sup> Thirdly, we have already witnessed an upsurge in racial vilification against Australian Muslims, Arabs and Jews since the September 11 attacks on the World Trade Centre in New York and the ongoing 'war against terrorism' that they triggered.<sup>[12]</sup>

6765 And here it is again - Holocaust™ Denial. On which planet do these commentators reside? I hope the background information I have given answers some of the questions why it is a bunch of lunatic fanatics continue to insist that I cannot speak publicly on the historical fantasy that is the systematic industrial scale extermination of European Jewry via "gas chamber". I have no wish to go into the debate - or lack of - here. Suffice to say, Professor Noam Chomsky again speaks some common sense:

6770 *"It does a dis-service to the memory of the dead to adopt a central doctrine of their murderers."*

6775 A doctrine that cannot be deviated from? The legislation itself is "hate speech". It is an affront to the values Australian men and women fought for from 1939 to 1945 and beyond. It is totalitarian thought control via legislation - what I cannot speak, or can only speak in whispers, I do not think.

6780 An incoherent body of case law has developed as a consequence, where too much is left open to the decision-maker in each individual case. Many judgements are often little more than a series of findings of fact rather than reasoned pronouncements of the law. It has left the law in a state of unprincipled fluidity, where the good faith but ad-hoc assessment by individual judges and administrators of subjective, value-laden concepts determines controversies not the application of reasonably precise and knowable legal standards. This is problematic for a number of reasons. They will be detailed shortly.

6785 This applies mainly to the various HEROC decisions in the Federal Court. My trial was by jury, but I could have asked for and gotten a judge alone trial. I wish I had, but I always believed I would be able to show a jury exactly what and where I had gotten my views from. Section 80B: "Conduct likely to racially harass", was always a problem and it seems recent plans by the Attorney-General Nicola Roxon<sup>91</sup> to do away with sections of the new HRA legislation that prohibits conduct that "offends, insults or intimidates" will also inevitably affect the WA legislation in the High Court.

6790 Dr Walsh, should I be punished for shouting "fire"? Should I be punished for not shouting "fire" in a "nice-enough way"? Or should I be thanked - as should many others - who have the simple, innocent and decent community-oriented intention of pointing out a great danger to our national security and way of life?

6795 The State argues my views are "offensive" - we should now know my views are "tame" compared to highly respected people from all over the world and what they say, and have said, on these issues. And does the State even "get" their own legislation? They promised it would not stifle notions of "free

<sup>91</sup> Page 69 of this letter - "Department officials are reworking the contentious draft and will remove a controversial section prohibiting conduct that offends, insults or intimidates" - WEST AUSTRALAIN NEWSPAPER

6800 speech” because the legislation was to be always about HOW information was offered rather than WHAT information was offered. They clearly lack understanding of their own legislation.

6805 The fact that this information “offends” Jews is a no brainer. Police pointing out a criminal syndicate selling drugs to school children would also no doubt “offend” the criminal syndicate at which the allegation is levelled. The trouble is, the “criminal syndicate” have the police in the palm of their hand as it has much of the world.

6810 Recounting simple history is being criminalised by criminal’s. Do we have to go through a long period of a police type, “thought crime” State to get the message that Russians, Ukrainians, Poles, Lithuanians, East Germans and Hungarians had to go through during the Soviet Empire period? 40+ million dead? Incalculable suffering?

6815 Do we have to suffer the same murderous, psychotic mentality that the majority Muslim people of the Middle East have had to endure from the Israeli “Jewish” State and its religious books of hatred, slaughter, ethnic cleansing and genocide which they apply with glee? In fact, BOASTING from their books what they do, what they want, and how they will get it and a compliant Western Media lets them do it - scared they will be labelled anti-Semites or Holocaust™ deniers, or they will lose their jobs and even be harassed, or worse?

6820 What will it take to break the “spell” that has been weaved by a group of common criminals in suits, inculcated from birth to believe they are “the chosen people” of God? It is right before our eyes. But as the Prophet Isaiah wrote three thousand years ago:

6825 I have found myself burnt out Dr Walsh so I’ll have to leave the “analysis” for another time. Here is the rest of the critique:

6830 But first it should be noted that indeterminacy in the law is not unique[14] nor is precision and clarity always a virtue. Timothy Endicott has persuasively argued that vagueness in the law is on occasion unavoidable[15] and sometimes desirable.[16] However, what remains centrally important is that ‘the law must be capable of guiding the behaviour of its subjects’.[17] In the area of racial vilification however there are compelling reasons why enhancing the precision and clarity of legislation is desirable.

6835 Firstly, and most importantly, is the capacity of indeterminate racial vilification laws to unreasonably interfere with or pre-emptively chill the legitimate speech and communication interests of others. Whilst broad-ranging defences (the norm in Australian law[18]) may allay some of these speech and communication concerns, this species of indeterminacy in turn has the capacity to erode the efficacy of such laws by failing to provide a remedy or meaningful protection to victims of racial vilification. Consequently, the primary goal of racial vilification laws in Australia — to regulate racial vilification without curbing legitimate public communication — is compromised when the laws themselves lack sufficient precision and clarity. Improving their precision and clarity would make these laws more accessible and, in this instance, strengthen the rule of law.[19] With a firmer understanding of their legal rights and obligations the citizenry can plan their communicative conduct accordingly. This has an added importance with citizens now increasingly willing and able to seek legal redress for racial vilification.

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6845

6850 Secondly, laws which ‘leave too much to be decided by persons other than the people’s representatives’[20] can be rightly criticised as undemocratic. This is not to suggest that reserving a measure of discretion for decision-makers in this area is objectionable. Indeed it is both inevitable and desirable with racial vilification laws as explained below.[21] It is problematic however when the putative legal standards contained in a law provide little interpretive guidance in most cases to the relevant decision-maker. It is undemocratic because judges and administrators are, in effect, exercising legislative power by determining the substantive content of the laws they are to apply.[22] This argument suggests that courts should limit ‘themselves to the accurate application of general rules, rules which should be clear, precise and empirically applicable expressions of the political will of the people’s representatives.’[23] It ‘is democratic in that it affirms that the source of these authoritative rules is empirically identifiable institutional acts which are the outcome

6855

of democratic procedures'[24] not the subjective conceptions of justice of judges and administrators articulated on a case by case basis. My analysis will show that too often the application of racial vilification laws in Australia has exhibited this undemocratic quality. Consistent with democracy and the principle of popular sovereignty that underpins the Australian Constitution, legislative power ought to be exercised by our elected not unelected representatives.[25] Moreover, Geoffrey de Q Walker has noted that when 'law is simply a series of pattern less exercises of state power ... the outcome of any encounter with government can no longer be predicted and equality before the law is also lost.'[26]

Thirdly, laws which lack sufficient precision and clarity obfuscate and complicate the role of those public officials charged with their interpretation and execution. For example, this may manifest as an unwillingness on behalf of prosecutors to mobilise indeterminate criminal racial vilification laws where the higher standard of proof required compounds the problem of legislative imprecision.[27] In the long-term, citizens (including public officials) may accord less respect to such laws which can undermine their efficacy, enforceability and ultimately their legitimacy.[28]

But the concept of racial vilification is hard to pin down.[29] Not least because reasonable minds will differ as to what level of racist conduct ought to constitute vilification for legal purposes and how one can determine with some predictability when that harm threshold is reached. It is a concept with a subjective component meaning that some degree of indeterminacy will necessarily characterise racial vilification laws. Indeed, it is no bad thing that decision-makers in this area have a level of discretion, so long as sufficient criteria exist to guide the exercise of that discretion. This guards against arbitrariness. It is a complex, emotive and delicate area where free speech and other legitimate concerns may be trammelled if the laws are enforced in a mechanistic or unthinking manner. Moreover, laws are more likely to be respected and therefore effective when applied, so far as possible, in a just as well as principled manner.

However, notwithstanding the elusive nature of racial vilification, my analysis will show that it is possible and desirable to frame more precise laws than currently exist. To this end, the article concludes with two proposals for legislative reform. If adopted, these measures ought to secure a measure of consistency in how cases are determined, in doing so addressing aspects of the predictability, democracy and equality concerns outlined above.

## 6890 **II RACIAL DISCRIMINATION ACT 1975 (CTH) — S 18C**

The provisions proscribing racial vilification were added to the RDA by the RHA. The key provision is s 18C. It reads:

(1) It is unlawful for a person to do an act, otherwise than in private, if:

6895 (a) the act is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people; and  
 (b) the act is done because of the race, colour or national or ethnic origin of the other person or of some or all of the people in the group.

(2) For the purposes of subsection (1), an act is taken not to be done in private if it:

6900 (a) causes words, sounds, images or writing to be communicated to the public; or  
 (b) is done in a public place; or  
 (c) is done in the sight or hearing of people who are in a public place.

(3) In this section:

public place includes any place to which the public have access as of right or by invitation, whether express or implied and whether or not a charge is made for admission to the place.

6905 The critical problem with s 18C is that its key words and phrases are sufficiently imprecise in both their definition and application as to make the putative legal standards they embody largely devoid of any core and ascertainable content.[30] Of most concern are the phrases 'offend, insult, humiliate or intimidate' and 'the act is done because of the race ... of the other person'. The former phrase, in particular the meaning of the words 'offend' and 'insult', is so open-ended as to make any practical assessment by judges and administrators as to when conduct crosses this harm threshold little more than an intuitive and necessarily subjective value judgement. The fact that an act must be 'reasonably likely' to cross this harm threshold, though importing an objective test of liability, does not cure the definitional indeterminacy of these words that a decision-maker must objectively apply. Moreover, these words and the harm threshold they establish may capture a range of conduct which was arguably never intended by the Parliament to be regulated; an important point to which I shall shortly return.[31] The latter phrase is less problematic. At first glance it would appear clear enough. It seems to require some causative link between the act and race or ethnicity of the relevant person(s) or group. But when coupled with the indeterminate harm

6920 threshold its application has been uneven. This is reflected in the disagreement evident in  
the jurisprudence regarding the strength of the causal connection required by s 18C. It  
seems no coincidence that a stronger connection has been required in cases involving less  
serious conduct that may otherwise have crossed the s 18C harm threshold.[32]

6925 Indeed, with the possible exception of cases involving extreme racist conduct, the  
indeterminacy of s 18C is such that too many determinations could comfortably and  
justifiably have been decided the other way. This should come as no surprise as the legal  
standards in s 18C are sufficiently malleable to allow a judge or administrator to employ  
them to facilitate a decision which accords with their intuitive conception of what 'justice'  
requires in that case. It has resulted in a body of judicial and quasi-judicial decisions that  
often lack a coherent, underpinning principle.

**(a) The RDA harm threshold: 'insult, offend, humiliate or intimidate'**

6935 The indeterminacy of the harm threshold has become manifest in the case law in two ways.  
Firstly, in a series of s 18C determinations the judge or administrator has, 'effectively  
elevated the threshold by emphasising the concept of "hatred"'. [33] Secondly, in a smaller  
but still significant number of cases there has been a finding that s 18C has been offended  
without any harm threshold analysis or reasoning whatsoever.

**(1) Elevating the s 18C harm threshold: parliamentary intent and the interpretative malady**

6940 The root cause of this phenomenon is the considerable dislocation that exists between the  
stated intent of the Parliament regarding the Racial Hatred Bill 1994 (Cth) ('RHB') and the  
provisions which ultimately constituted the RHA. On one level this is unremarkable as the  
RHB was significantly amended during its passage through the Parliament. Arguably the  
centrepiece provisions, those which criminalised a range of serious racist conduct, were  
deleted from the RHB in the Senate. [34] However the problems run deeper than this. In  
choosing terms like 'insult' and 'offend' to effect its intentions, the Parliament has created an  
interpretive malady for the relevant decision-makers. This problem also plagues the 'free  
speech/public interest defences' contained in s 18D which are examined below. [35] The  
clear intent of Parliament regarding the RHB was to criminally and civilly prohibit acts of  
racial hatred. It is erroneous to suggest that parliamentary intent as evidenced in the second  
reading speech of then Attorney-General Michael Lavarch and the explanatory  
memorandum is no longer instructive regarding the meaning of s 18C as this provision  
formed an integral part of the RHB as the following passages from those sources underline.

6955 This Bill makes provision in relation to racial hatred amending the Crimes Act 1914 to  
provide for three criminal offences and the Racial Discrimination Act 1975 to provide for a  
civil prohibition ... In doing so, the Bill closes a gap in the legal protection available to the  
victims of extreme racist behaviour. [36]

6960 The explanatory memorandum made these further, specific comments on the civil  
prohibition in the RHB which became s 18C, unaltered.

The proposed prohibition on offensive behaviour based on racial hatred would be placed  
within the existing jurisdiction of HREOC to conciliate and/or determine complaints  
alleging breaches of the Racial Discrimination Act. [37]

6965 These comments were largely reproduced by the Attorney-General in his second reading  
speech. [38] Even the long title of the RHA emphasised the centrality of racial hatred to the  
new civil provisions: 'An Act to prohibit certain conduct involving the hatred of other  
people on the ground of race, colour or national or ethnic origin, and for related purposes.'

6970 But it is clear enough that one can racially insult or offend another without ever expressing  
or intending hatred for that person's race or ethnicity. Consider a claim by a politician that  
'[h]ome invasions are ethnically based, Lebanese or Iranian, not Australian.' [39] Or when  
Australian cricketer Darren Lehmann called a Sri Lankan opponent 'a black cunt' upon  
dismissal. These racial epithets no doubt offended and insulted the relevant victims and,  
moreover, may well be reasonably likely to elicit the same response from most members of  
the relevant race or ethnic group if not the wider community. [40] It is submitted, however,  
that in both cases the conduct of itself did not amount to an expression of racial hatred.

6975 These words do not suggest an intense dislike or detestation of that person(s) on account of  
their race or ethnicity. Arguably, this sort of low-end racist conduct does not constitute the  
kind of extreme racist behaviour that Parliament intended the RHA to regulate.

6980 Moreover, judicial and administrative attempts to define words like 'insult' and 'offend' with  
a degree of precision become a circular and question-begging exercise. The best that can  
usually be done is to outline the Macquarie and/or Oxford English Dictionary definitions of

the terms as Hely J did in *Jones v Scully*.<sup>[41]</sup> But these dictionaries define the words using synonyms, which is of little use when the task of the decision-maker is to elucidate and then apply a reasonably precise legal standard. It simply raises the same definitional question for the synonyms used, and so on. For example, the difficulty in ascribing a clear meaning to the word 'insult' was illustrated by the 1972 House of Lords decision in *Brutus v Cozens*.<sup>[42]</sup> The case concerned the interpretation of s 5 of the Public Order Act 1936 (UK).<sup>[43]</sup> Lord Reid wrote:

We were referred to a number of dictionary meanings of 'insult' such as treating with insolence or contempt or indignity or derision or dishonour or offensive disrespect. Many things otherwise unobjectionable may be said or done in an insulting way. There can be no definition. But an ordinary sensible man knows an insult when he sees or hears it... Insulting means insulting and nothing else.<sup>[44]</sup>

The indeterminate nature of the s 18C harm threshold is manifest. In such circumstances it is appropriate for a judge or administrator to seek recourse to extrinsic materials such as the second reading speech and the explanatory memorandum to help ascertain the meaning of s 18C.<sup>[45]</sup> As outlined above, these extrinsic materials suggest that Parliament intended the racial vilification provisions in the RDA including s 18C to prohibit acts of racial hatred in an attempt to curb extreme racist behaviour. This may explain why in at least six s 18C determinations the judge or administrator has 'effectively elevated the threshold by emphasising the concept of "hatred"'.<sup>[46]</sup>

In the first s 18C determination then President of the Human Rights and Equal Opportunity Commission Sir Ronald Wilson, whilst dismissing the complaint, said the words 'pom' and 'pommy' used in a newspaper article to describe English persons 'could be unlawful in the context of an article which was plainly malicious or scurrilous, designed to foster hatred or antipathy in the reader.'<sup>[47]</sup> These words, suggesting that the s 18C harm threshold embodies a notion of racial hatred, were expressly endorsed in *Shron v Telstra Corporation*<sup>[48]</sup> and *De La Mare v Special Broadcasting Service*.<sup>[49]</sup>

Similarly, in the matters of *Creek v Cairns Post Pty Ltd*<sup>[50]</sup> and *Scully* the relevant judges considered that the harm threshold denotes 'profound and serious effects, not to be likened to mere slights'.<sup>[51]</sup> This conclusion was drawn in both cases after recourse was had to the RHA explanatory memorandum and second reading speech to shed light on the meaning of s 18C.<sup>[52]</sup>

On the other hand, the Federal Court in *Jones v Toben*<sup>[53]</sup> and the Full Court on appeal in the same matter<sup>[54]</sup> clearly rejected this reading of s 18C. In *Toben No 1*, Branson J stated '[i]t would be wrong ... to place a gloss on the words used in s 18C of the RDA.'<sup>[55]</sup> Indeed, although she took issue with the above analysis of *Cairns Post*,<sup>[56]</sup> she understood Kiefel J to have elicited a legislative intent to render unlawful only acts which fall squarely within the terms of the section and not to reach to 'mere slights' in the sense of acts which, for example, are reasonably likely to cause technical, but not real, offence or insult.<sup>[57]</sup>

By these words I understand Branson J to be saying that a minor though technical breach of the s 18C harm threshold should not be actionable because this is what Parliament intended. But if the ordinary meaning of the words in s 18C are clear enough then so too must be the intent of Parliament<sup>[58]</sup> — that is, an act, irrespective of its seriousness or otherwise, which is reasonably likely to offend, insult, humiliate or intimidate because of the person's race or ethnicity infringes s 18C and is actionable. A minor or technical breach of s 18C is therefore, by definition, still an act that falls within the terms of the section. Consequently, to draw a distinction between a technical and real breach of s 18C based upon a judicial understanding of parliamentary intent is to implicitly acknowledge the indeterminacy of the s 18C harm threshold and to effect the same interpretive result that Branson J expressly eschewed, namely to 'place a gloss on the words used in s 18C of the RDA.'<sup>[59]</sup> In other words, no distinction between a technical and real breach of s 18C need be drawn if the terms and scope of the section were clear and readily ascertainable.

The reality is, however, that without the notion of racial hatred colouring the interpretation of the harm threshold, the opposite conclusions regarding this part of s 18C were reasonably open and defensible in *Bryant*, *Shron*<sup>[60]</sup> and possibly even *De La Mare*:<sup>[61]</sup> cases involving the sort of low-end conduct that based on the explanatory memorandum and second reading speech for the RHA the Parliament, arguably, had no intention of legally proscribing. Moreover, if the harm threshold were not elevated in these matters the further danger is the possibility that the efficacy of the law will be undermined if seen to operate on conduct most would consider slight and lacking the degree of seriousness necessary to warrant state intervention.

**(2) No s 18C harm threshold analysis or reasoning**

7045 In at least five matters there has been a s 18C finding without any supporting harm  
 threshold analysis or reasoning.[62] This practice alone gives the appearance of arbitrary  
 and unprincipled decision-making. However it may be the regrettable but inevitable  
 consequence of having to apply an indeterminate harm threshold to a range of controversies  
 of varying degrees of seriousness. The relevant determinations state what the law directs in  
 7050 each matter without disclosing the legal reasons why. In this regard they more closely  
 resemble an intuitive, result-orientated finding of fact based upon the decision-maker's  
 conception of what justice required. In some cases it may be that the judge or administrator  
 considered it to be self-evident that the conduct crossed the harm threshold.[63] But the  
 other cases, where the illegality of the conduct was not so clear-cut, are more problematic.  
 7055 For example, Combined Housing[64] involved a statement made in a newspaper interview  
 by Pauline Hanson. In response to the question as to whom she represented in the seat of  
 Oxley, she replied: 'Yeah, look, the white community, the immigrants, the Italians, Greeks,  
 whoever, it really doesn't matter, you know, anyone apart from Aboriginal and Torres Strait  
 Islanders, you know.'[65] In dismissing the complaint, Sir Ronald Wilson stated that 'I  
 7060 appreciate that the complainants and many other members of the community may find them  
 misguided, unwarranted and offensive'.[66] The point is not that the decision ultimately  
 made was perverse or erroneous, but the complete absence of harm threshold analysis and  
 justificatory legal reasoning when the opposite conclusion was reasonably open, is  
 problematic.[67]

7065 This absence can be explained in two ways. Firstly, it implicitly acknowledges that the  
 legal rule in s 18C is closer to a 'personal discretion to do justice'.[68] Indeed the enjoiner in  
 s 18C to assess the conduct in all the circumstances may positively direct this conclusion.  
 The open-ended nature of the s 18C harm threshold makes its application in cases 'not so  
 7070 much pronouncing the law in the normal sense as engaging in the less exalted function of  
 fact-finding'[69] — a function the discharge of which legal reasoning can play no  
 meaningful part. It may explain why in these matters the s 18C determinations were simply  
 asserted rather than arrived at by way of principled legal analysis. Justice Scalia of the  
 United States Supreme Court explains the repercussions when a law, such as s 18C, in truth  
 amounts to a 'personal discretion to do justice'.[70]

7075 [A]t the point where ... [a decision-maker] says that the remaining issue must be decided on  
 the basis of the totality of the circumstances, or by a balancing of all the factors involved,  
 he begins to resemble a finder of fact more than a determiner of law. To reach such a stage  
 is, in a way, a regrettable concession of defeat □ an acknowledgment that we have passed  
 the point where 'law', properly speaking, has any further application. And to reiterate the  
 7080 unfortunate practical consequences of reaching such a pass when there still remains a good  
 deal of judgment to be applied: equality of treatment is difficult to demonstrate and, in a  
 multi-tiered judicial system, impossible to achieve; predictability is destroyed; judicial  
 arbitrariness is facilitated; judicial courage is impaired.[71]

7085 Secondly, if, as suggested above, legal reasoning can play no meaningful role in making a s  
 18C determination, then the absence of analysis in these matters is understandable,  
 inevitable even. This point is really a corollary of the first. It means that in many cases  
 harm threshold analysis is a futile exercise for it cannot assist nor direct the decision-maker  
 in pronouncing the law with any degree of certainty or predictability. The disposal of the  
 legal issue in s 18C boils down to a judge or administrator making a good faith but  
 7090 subjective value judgment as to whether or not the impugned conduct crosses the harm  
 threshold.

Moreover, the indeterminacy of s 18C is further compounded through its incorporation of  
 an objective test of liability. As earlier noted, the harm threshold is crossed when 'the act is  
 reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another  
 7095 person or a group of people'.[72] The "reasonable man" standard'[73] has been called 'the  
 most venerable totality of the circumstances test of them all'.[74] The problem lies not so  
 much in what that standard entails but achieving a degree of consistency in its application.  
 There now seems to be some consensus that the relevant standard is closer to the reasonable  
 victim rather than reasonable person 'of the generic, ostensibly "neutral" kind'.[75] In the  
 7100 cases this usually translates to an assessment of the impugned conduct against the likely  
 effect in all the circumstances on a reasonable person of the same relevant race or  
 ethnicity.[76] On this point, the Federal Court matter of Hagan[77] is instructive. The case  
 concerned the name of a grandstand at a sports field (The ES 'Nigger' Brown Stand) that  
 was named after a local, white sporting identity in 1960. The origins of the name were not  
 7105 certain but it was likely that it referred not to Brown's skin colour but his reputation for

7110 smart dressing and wearing dark brown shoes, a colour apparently then known as 'nigger brown'.<sup>[78]</sup> In dismissing the complaint, Drummond J held that the act was not 'reasonably likely in all the circumstances to offend, insult, humiliate or intimidate an indigenous Australian or indigenous Australians generally.'<sup>[79]</sup> But surely the opposite conclusion was reasonably open,<sup>[80]</sup> the point being that the application of this legal standard still left the decision-maker with much, if not all, to do. The critical decision is in truth a question of fact for which 'there is no single "right" answer.'<sup>[81]</sup>

7115 When the outcomes arising from the application of a legal rule are not in most cases directed, or at least suggested, as a matter of law and are not therefore susceptible to ordinary, justificatory legal reasoning, the relevant law lacks sufficient precision and clarity.

**(b) The causal connection: when is an act done because of the race, colour or national or ethnic origin of another person or group?**

7120 This issue requires that a decision-maker be satisfied that a causal connection exists between the impugned conduct and the race or ethnicity of the complainant. However the cases are conflicting as to the strength of the causal connection required. The problem is that in some cases involving less serious conduct (and therefore the more difficult, borderline controversies) a pattern seems to have emerged where the decision-maker in fact requires the establishment of a stronger causal connection. This of course reduces the chance of a complaint being substantiated. There are at least four cases where this has occurred.<sup>[82]</sup> The clearest examples were Hanson and Korczak.

7125 Hanson concerned comments made in a book entitled Pauline Hanson — The Truth: on Asian Immigration, the Aboriginal Question, the Gun Debate and the Future of Australia.<sup>[83]</sup> The book included a number of speeches made by Pauline Hanson and detailed commentary by the author of the book, George Merritt. These contained a range of assertions including that Aboriginals were 'unfairly favoured by governments and courts',<sup>[84]</sup> that Aboriginal Australians had also behaved badly in the past and 'that the alleged genocide of Aboriginal people [was] a myth.'<sup>[85]</sup> In addition, tracts in the book suggested that Aborigines had engaged in cannibalism of their young and some Chinese persons.<sup>[86]</sup> Commissioner Nader held that s 18C was not breached as

7130 the statements made were not made 'because of the race, colour or national or ethnic origin' of the complainants. They were made because the respondents were of the opinion that the Aboriginal community as a whole were being unfairly favoured by governments and courts. On the evidence before me, it was not the race or colour of Aboriginal people that was the cause of what the respondents said but the alleged fact that Aboriginal people were being unfairly favoured.<sup>[87]</sup>

7140 In a case that the decision-maker thought involved borderline conduct (not a view shared by this writer at least so far as s 18C is concerned) a very strong causal connection between the conduct and the person's race or ethnicity was required. Indeed on these particular facts, one is left to ponder what kind of additional conduct could have established the required causal connection in s 18C.

7150 Korczak, on the other hand, involved a number of instances of workplace abuse of an employee of Polish origin. Whilst Commissioner Innes considered 'that race was a factor in the work environment',<sup>[88]</sup> he nonetheless dismissed the complaint because 'Mr Korczak [had] not established that the conduct he [alleged] could be said to have occurred "by reason of" or "because of" his race or national origin.'<sup>[89]</sup> This notwithstanding that s 18B states that an 'act is taken to be done because of the person's race, colour, national or ethnic origin' if one reason for the act is a person's race or ethnicity whether or not it is the dominant or substantial reason.<sup>[90]</sup>

7155 The problem is that in other cases where the seriousness of the racist conduct is more clear-cut, the decision-makers have not insisted upon such a strong causal connection.<sup>[91]</sup> On one level this is unremarkable, as the more serious the conduct, the more self-evident the causal connection will usually be. This is particularly so, since, as noted above, s 18C requires that race or ethnicity need only be a reason, not even the primary or dominant one, for the act. For example, it could not be reasonably argued that race or ethnicity was not at least a reason for the impugned conduct in *Toben No 2*<sup>[92]</sup> or *Scully*.<sup>[93]</sup> These cases involved the publication of vicious anti-Semitic propaganda on the internet and in a pamphlet respectively.<sup>[94]</sup> But if one were to apply the test in the strict manner evident in *Hanson and Korczak* there is, bizarrely, an argument that no causal connection exists between these seemingly serious and clear-cut examples of racist conduct and the race or ethnicity of those persons involved.<sup>[95]</sup>

7170 It is possible that the emerging pattern of a stricter causation test being applied in cases involving less serious conduct may be another manifestation of the relevant decision-makers endeavouring to read the open-ended terms in s 18C in a manner that honours parliamentary intent. That is, seeking to limit the operation of the provision to acts of racial hatred.[96]

7175 However, the practice of applying the same causation test differently depending on the seriousness of the impugned racist conduct is problematic. In practical terms, it makes it increasingly difficult for lawyers to provide sound and prudent advice in this area and for citizens to arrange their affairs accordingly. Inconsistent and unpredictable decision-making is the handmaiden of inequality before the law. It is the situation which regrettably pertains to the application of the causation test in the above controversies and, as suggested in preceding parts of this article, to s 18C determinations more generally.

### 7180 **III 'FREE SPEECH/PUBLIC INTEREST DEFENCES' UNDER THE RDA AND STATE AND TERRITORY RACIAL VILIFICATION LAWS**

#### 7185 **(a) Criticisms and sources of interpretative guidance**

7185 The primary concern of Australian Parliaments that have proscribed racial vilification has been to draft laws that do not unduly infringe upon freedom of speech.[97] To this end, the State and Commonwealth racial vilification laws incorporate a range of defamation-style defences[98] which if successfully pleaded relieve the respondent of liability, notwithstanding that their conduct has crossed the relevant harm threshold.[99] The only exception to this common legislative framework is the racial vilification provisions in the Western Australian Criminal Code.[100] They create four specific criminal offences which cannot be resisted by claims that the criminal acts were committed as a legitimate exercise of free speech[101] or in the public interest.[102]

7190 Whilst minor differences do exist between the jurisdictions regarding the precise content of the 'free speech/public interest defences', s 20C(2) of the Anti-Discrimination Act 1977 (NSW) is fairly representative of what these provisions contain. It reads:

7195 Nothing in this section renders unlawful:

- 7200 (a) a fair report of a public act referred to in subsection (1), or
- (b) a communication or the distribution or dissemination of any matter comprising a publication referred to in Division 3 of Part 3 of the Defamation Act 1974 or which is otherwise subject to a defence of absolute privilege in proceedings for defamation, or
- (c) a public act, done reasonably and in good faith, for academic, artistic, scientific or research purposes or for other purposes in the public interest, including discussion or debate about and expositions of any act or matter.

7205 Indeed, close to identical defence provisions have been enacted in South Australia, the Australian Capital Territory, Queensland and Tasmania, whilst the Victorian equivalent differs a little in form but not substance.[103]

7210 However, a number of commentators have criticised the overly broad nature of the defences.[104] For example, in relation to the RDA Melinda Jones writes that among the exemptions in s18D is the statement that s 18C does not render unlawful anything said or done reasonably and in good faith in making or publishing a fair comment 'on any event or matter of public interest if the comment is an expression of a genuine belief held by the person making the comment'. It is possible that this section may provide a defence to the most extreme racists, who are truly convinced of the truth of 'white supremacy'. A further problem potentially arises with respect to the defence for artistic works, which may provide a shield behind which to present material which would otherwise be unlawful.[105]

7215 A very similar criticism has been made by Luke McNamara and Tamsin Solomon,[106] whilst Ian Freckelton argues that the broad sweep of the RDA defences was designed to compensate for the open-ended nature of the s 18C harm threshold.[107] It should, however, be noted that in one respect the criticism made by Jones, Solomon and McNamara is probably overstated. The additional requirement that a fair comment on a matter of public interest must be made 'reasonably and in good faith' has operated in practice to limit the likelihood of this defence protecting the most extreme examples of racial vilification. This is a point examined in more detail below.[108]

7220 In any event, the essence of these criticisms is that due to the subjective and indeterminate nature of the language used in these provisions, on at least one reading of these 'free speech/public interest defences', there is a danger that the exceptions may well swallow the rule.[109] If even approximating the truth, such an outcome would condemn racial

7230 vilification laws to the dustbin of legal history. Of course in practice, the decision-makers charged with the interpretation and application of these racial vilification laws ensure that such an unacceptable interpretive deadlock will not occur. Their judgments fashion an outcome that gives the laws an effective sphere of operation.[110] The common law interpretive principle that all statutory words and phrases (and therefore provisions) have meaning and effect guarantees as much.[111] But the open-ended nature of these defences would still seem problematic for the same reasons earlier outlined in the RDA 'harm threshold' analysis — that a law lacking sufficient precision and clarity results in unpredictable decision-making and the development of an unprincipled body of case law. However, though the language employed may be indeterminate, to a significant extent this interpretive malady is assuaged by the concrete guidance that decision-makers can obtain from the rich and extensive defamation law jurisprudence from which the 'free speech/public interest defences' largely originated.[112]

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7240 In relation to the New South Wales defences (and by implication the identical or closely-related provisions in the Australian Capital Territory, South Australia, Queensland, Victoria and Tasmania) Michael Chesterman notes that 'the three grounds of exoneration have parallels amongst the defences to an action for defamation.'[113] There are defences under these racial vilification laws for communications that would constitute a fair report on any public act, attract absolute privilege or were made reasonably and in good faith for an academic, artistic, scientific, research or any other purpose in the public interest.[114]

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7250 There are, however, significant differences between the defamation and vilification defences. Particularly in regards to 'fair report privilege' in defamation law which 'is almost entirely concerned with reports of the proceedings of, or formal documents put out by, official bodies such as courts and houses of parliament.'[115] Its racial vilification law 'equivalent' is considerably wider in covering a fair report of any 'public act'. Moreover, Commissioner Innes in *Corunna* suggests that the different focus of defamation law (individual reputation protection) and racial vilification law (individual and racial group protection) should result in a narrower reading of what is in the 'public interest' for purposes of the latter as it 'has the potential to be more socially divisive than ... an attack against an individual's reputation.'[116]

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7260 The important point however is that, these differences notwithstanding, decision-makers, in being able to draw upon this extensive body of defamation jurisprudence, can at least bring a level of certainty and predictability to the interpretive task which in turn assists the citizenry in the organisation of their affairs and lawyers in the provision of sound advice. Not surprisingly, it is a reference tool that judges and administrators have regularly employed in the interpretation and application of the 'free speech/public interest defences' in the cases.[117]

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**(b) The impact of the free speech cases on the content of the racial vilification defences**

7270 The recognition by the High Court in 1992 that the Australian Constitution contained an implied right to freedom of political communication appeared to play a role in the width of the 'free speech/public interest defences', at least in the case of the RDA.[118] The most likely concern to the Parliament at the time of drafting were the views expressed by Mason CJ and McHugh J in *Australian Capital Television Pty Ltd v Commonwealth* that a law which sought to restrict the content as opposed to the mode of a political communication would be extremely hard to justify.[119] This approach created a two-tiered test of validity. Laws incorporating content-based restrictions are more strictly scrutinised for their object is the direct curtailment of the freedom. These laws require a 'compelling justification' to be valid, whilst a less stringent test is applied to laws which serve a legitimate public interest but burden the freedom as an incidental effect of their operation. These laws need only be reasonably appropriate and adapted to achieving that legitimate interest to be valid. However, the later unanimous decision in *Lange v Australian Broadcasting Corporation*[120] endorsed a single test of validity irrespective of the law's content.[121]

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7280 But, the two-tiered scrutiny standard resurfaced in *Levy v Victoria*[122] when at least four members of the Court appeared to favour this approach.[123]

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7290 In any event, the view that sufficient width in the 'free speech/public interest defences' was needed to ensure the constitutionality of racial vilification laws has received administrative[124] and judicial endorsement.[125] Interestingly however, the New South Wales Parliament, whilst it acknowledged that the defences were included to ensure that free speech was not unduly infringed, was concerned that their potential width could be

unscrupulously exploited. The requirement that an act be done 'reasonably and in good faith' was included in the New South Wales defences as a consequence.[126]

7295 The incorporation of this additional requirement (that public acts be done 'reasonably and in good faith' for academic, artistic, scientific or research purposes or other purposes in the public interest) has been replicated in the racial vilification laws of the Australian Capital Territory, South Australia, Queensland and Tasmania.[127] In the Commonwealth and Victorian laws, the 'reasonably and in good faith' requirement qualifies all the 'free speech/public interest defences', not just for the species of public acts noted immediately above. However, what the New South Wales Parliament (and other State and Commonwealth Parliaments by implication[128]) clearly intended to be a limiting requirement has in fact only succeeded in adding another layer of uncertainty to an already indeterminate set of defences. The uncertainty surrounding the proper meaning of 'reasonably', in particular, has compounded the concerns detailed above surrounding the 'free speech/public interest defences'. This uncertainty is amplified in Victoria and at the Commonwealth level where the 'reasonably and good faith' requirement also qualifies the other defamation-style defences. This serves to further convolute the precise content of the defences and in doing so limits the practical utility of the related defamation law jurisprudence to decision-makers.

7310 **(c) When is conduct that occasions racial vilification done 'reasonably and in good faith'?**

**(1) 'Good faith'**

7315 This aspect of the additional requirement has been uncontroversial.[129] The case law reveals reasonably widespread agreement that 'good faith' in the context of these defences 'appears to imply the absence of "spite, ill-will or other improper motive"'. [130] This definition again owes a significant debt to defamation law, in particular, the definition of 'good faith' in the statutory qualified privilege defences available under the defamation laws in Queensland and Tasmania.[131] However, this definition (spite, ill-will or other improper motive) does not constitute the full meaning of 'good faith' for purposes of those laws. For example, the definition of 'good faith' in Tasmania further requires that 'the manner and extent of the publication does not exceed what is reasonably sufficient for the occasion' and that the defendant 'does not believe the defamatory matter to be untrue'. [132] Interestingly, the 'manner and extent of the publication' aspect of this 'good faith' definition closely approximates to one of the interpretations given to the term 'reasonably' for the purposes of the 'free speech/public interest defences'. That is, 'reasonably' relates to the manner or method of the conduct which occasioned the racial vilification not the message that the conduct conveyed.[133] Why then, one might ask, did the parliaments choose to incorporate an additional term ('reasonably') when a natural reading of 'good faith' may have covered the necessary definitional ground and fulfilled their legislative purpose? Considering the stated intention of the New South Wales Parliament outlined above, it is reasonable to assume that they wanted to make clear that an honest belief of itself (arguably one possible reading of 'good faith') was not enough to bring conduct that occasions racial vilification within the province of the 'free speech/public interest defences'. However, the addition of 'reasonably' into the legislative mix has unfortunately served to confuse rather than clarify the precise scope of the defences as is detailed below.

7335 McNamara has, however, criticised the meaning ascribed to 'good faith' detailed above. He considers that it effectively introduces a subjective mens rea component into the definition of racial vilification — at least in circumstances where the conduct in question comes within the forms of communication (including artistic, scientific or academic expression) included in section 18D(a)–(c).[134]

7345 To be sure, the incorporation of 'good faith' in s 18D and the other related provisions imports a subjective notion into the content of the 'free speech/public interest defences'. But this does not change the definition of racial vilification nor the objective nature of the test used for determining whether conduct crosses the relevant harm threshold. For it is only when that objective harm threshold is crossed that the defences may come into play. In other words, the relevant conduct has by definition (in an objective sense) occasioned racial vilification but may nevertheless escape legal sanction if one of the defences can be established.

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Moreover, to interpret 'good faith' in a manner that strips it of any subjective connotation (which is what I understand McNamara to be suggesting in the context of racial vilification law) would fly in the face of both the natural meaning of the words and the technical meaning the phrase has acquired over time in this area of law and a range of others besides.[135] A reasonable definition of 'good faith' lacking a subjective component seems a contradiction in terms. McNamara further argues that to interpret 'good faith' in this manner 'is inconsistent with the legislation's primary focus on regulating conduct which has the effect of vilifying a particular racial or ethnic group, irrespective of the actor's motive or intention.'[136] This may of course represent McNamara's view that no defences should be available to a person whose conduct crosses the objective harm threshold. But to my knowledge he has not expressly made this argument. His primary concern is that decision-makers may in some instances have given the defences an overly broad reading which could seriously undermine both the substantive content of the racial vilification laws and their long-term utility.[137] Understood in this context, McNamara's criticism of the 'good faith' definition seems misconceived. For it falls on the respondent to establish that, amongst other things, he or she acted in 'good faith'.[138] The opposite is true in defamation law where a heavy onus falls on the plaintiff to establish that a defendant acted maliciously or for an improper purpose in order to defeat an otherwise arguable claim of qualified privilege.[139] Indeed, in an important respect the 'good faith' requirement narrows the scope of the 'free speech/public interest defences' as a respondent will not avoid liability for conduct that occasions racial vilification which otherwise satisfies one of the defences and was reasonable in the circumstances if the actions were motivated by spite, ill-will or any other improper purpose.

## **(2) 'Reasonably'**

### **(i) Message or method?**

Whilst the term 'reasonably' was included to narrow the scope of the 'free speech/public interest defences' it has, in fact, only succeeded in adding another layer of uncertainty to the provisions: not such a curious result when one considers the indeterminacy of the word. In any event, two views as to the correct meaning of the term have been advanced in the case law. One set of decisions considers the term to refer to the reasonableness of the message that a respondent's conduct has conveyed.[140] Whilst another considers it to refer not to the content of the message per se, but to the reasonableness of the respondent's method or manner by which they have conveyed their message.[141]

At first blush, both views are consistent with the stated parliamentary purpose of narrowing the scope of the defences. But an interpretation that requires the message to be reasonable rather than the method would clearly effect a more significant narrowing.[142] This prima facie precludes from protection conduct which conveys an extreme racist message whereas under the method interpretation there is scope for such conduct to be protected so long as the method or manner for conveying the message is reasonable. To this extent, the parliamentary purpose for including 'reasonably' is better secured by the message interpretation. Moreover, considering, as was noted above, that one interpretation of 'good faith' may include the method/manner requirement, it could be argued that as a matter of interpretive logic and principle, the Parliament must have intended 'reasonably' to possess a different meaning, one that was not totally subsumed by the phrase it immediately precedes.[143]

It is submitted, however, that when one considers why the defences were included in the first place and then reads the racial vilification provisions as a whole, the better view is that 'reasonably' refers to the method by which the message is conveyed not the content of the message itself. This interpretation is supported by a closer examination of the extrinsic parliamentary materials.

For example, the explanatory memorandum to the RHB stated in relation to the proposed s 18D that

[i]t [was] not the intention of that provision to prohibit a person from stating in public what may be considered generally to be an extreme view, so long as the person making the statement does so reasonably and in good faith and genuinely believes in what he or she is saying.[144]

In his second reading speech for the RHB, then Attorney-General Michael Lavarch said that '[t]he bill does not prohibit people from expressing ideas or having beliefs, no matter how unpopular the views may be to many other people.'[145] In a similar though more subtle vein, Steve Bracks said in his second reading speech for the Racial and Religious Tolerance Bill 2001 (Vic) in relation to the exemptions for conduct or discussion done for

7415 an artistic, academic, religious, scientific or any other purpose in the public interest, 'that the requirement that the conduct be done "reasonably and in good faith" prevents immoderate or inflammatory conduct from being protected.'[146]

7420 These parliamentary materials suggest that even extreme racist messages can be protected if the method or manner in which they are made is reasonable. Indeed the whole point of the defences is to protect debate on sensitive matters of academic, scientific and public interest even when some points of view may be for some (by definition) offensive, humiliating or even intimidating. This point was illustrated in Deen. The case involved a pamphlet distributed within an electorate by a political candidate that was critical of the teachings of the Koran, particularly its purported edict to Muslims not to obey secular governments. The President of the Queensland Anti-Discrimination Council in dismissing the application said:

7425 The public has an interest in knowing the opinions of candidates, even when those views are unreasonable, unsupportable, one sided or even plainly wrong; and perhaps particularly when they are of that character. ... It is enough for this case to observe that the pamphlet has been written in moderate language. It is concise and there is no suggestion that it has been published or disseminated other than in the electorate.[147]

7430 Moreover, it is submitted that an extreme racist message is necessarily unreasonable if it is the content of the message that is being assessed as to its reasonableness. Therefore, for better or worse, if the purpose of the 'free speech/public interest defences' is to protect in certain circumstances even extreme and unpopular racist messages, the provisions would come to naught if the message must be reasonable rather than the method of conveying that message. As the Equal Opportunity Tribunal of New South Wales wrote in Hellenic Council No 1:

7435 The Tribunal agrees that the words 'done reasonably' relate to the nature of the public act and the way in which it was done and do not require consideration of whether in this case the beliefs stated in the article were in fact reasonable. As argued by counsel for the Second Respondent, 'It is usually the very reasonableness of any particular position which is what is most hotly contested at the front line of any academic discipline'.[148]

### **(ii) Consequences of the method interpretation**

7445 This interpretation of 'reasonably' (method rather than message) is consistent with the view that Australian racial vilification laws are primarily concerned with 'incivility in the style and content of publication of racist material, not racist content as such.'[149]

7450 But this preferred and apposite interpretation of the 'free speech/public interest defences' creates a further, some argue more sinister, problem for the operation of Australian racial vilification laws.[150] For 'if we limit censorship to the epithet, we create a two-tier approach: chilling of blue-collar muck and preservation of upper-crust mud.'[151] In other words, protection is accorded to a racist communication so long as it is made articulately, using scholarly language or socially acceptable conventions. It amounts to a triumph of form over substance if the method rather than the content of the message determines the availability or otherwise of a defence. Whilst this dichotomy may be consistent with the underlying purpose of the racial vilification provisions, the protection of 'upper-crust mud' represents for some a serious and dangerous flaw in Australian racial vilification laws:

7455 [It is a] clear manifestation of the social reality that racist acts of social elites are privileged, even though the harm occasioned by such acts may be more pervasive than that arising from a crude tract.[152]

7460 This is a complex issue in its own right, one of significant theoretical and practical importance to the trajectory and long-term utility of Australian racial vilification laws, an examination of which is beyond the scope of this article. But for the sake of improved legislative clarity Australian Parliaments ought to employ words and phrases when drafting racial vilification provisions that make as plain as possible their specific policy choices.

7465 This, in turn, will better facilitate the discharge of their legislative purpose by providing clear guidance to decision-makers as to the proper meaning of these laws. In this regard, adding the word 'reasonably' has served only to confound rather than clarify the proper scope of the 'free speech/public interest defences'. The extent to which the Parliament sought to narrow the defences cannot be readily ascertained when an indeterminate term like 'reasonably' is chosen to perform that task.

7470 In addition, the preferred method interpretation would do little to allay the fears of those commentators concerned that the defences may be given an overly broad reading.[153] Indeed they would be positively alarmed if I am correct in suggesting that, properly interpreted, the defences will, in some circumstances, protect extreme and unpopular racist

7475 messages that are necessarily offensive, humiliating and even intimidating. It appears to  
protect vile and hateful acts of racial vilification so long as they are communicated in a civil  
manner.

7480 However in practice, the 'good faith' requirement has operated to preclude the availability  
of a defence in most cases involving extreme racist conduct. For example in *Scully*, Hely J  
did not doubt the sincerity of the particularly extreme views expressed by the respondent  
which, amongst other things, included that the Jews controlled global pornography, had  
7485 invented the holocaust for financial and political gain and engaged in sexual practices  
against their children. These were the reasons the respondent proffered to justify the  
distribution of her leaflets. But as Hely J considered that vilification of Jews was the  
underlying purpose behind the distribution of the leaflet, 'then reasonableness, good faith  
and genuineness of purpose would not be found.'<sup>[154]</sup> Similarly, in *Toben No 2*, Carr J  
considered that in the appellant's circumstances, 'a reasonable person acting in good faith  
would have made every effort to express the challenge and his views with as much restraint  
7490 as was consistent with the communication of those views.'<sup>[155]</sup>

7490 These cases, whilst tending to conflate the 'reasonably' and 'good faith' analysis, suggest  
that the more extreme the racist message the more likely a decision-maker will find that the  
conduct was in fact done for a purpose other than to further public debate on a matter of  
academic, artistic, scientific or public interest. In other words, the application of the 'good  
7495 faith' requirement has served to evaluate the racist content of a message and effectively  
limited how extreme it can be.

7495 But the precise scope of the defences will remain elusive and contested so long as the word  
'reasonably' constitutes a key legal standard. And without legislative clarification the  
interpretive schism that has developed in the case law is likely to deepen. In blurring the  
line between lawful and unlawful racial vilification and leaving so much of the interpretive  
7500 work to the relevant decision-makers in individual cases, we can conclude that the 'free  
speech/public interest defences' lack sufficient precision and clarity. It denies to the  
citizenry ascertainable racial vilification laws and, therefore, the ability to arrange and  
conduct their affairs accordingly. Moreover, the indeterminacy of the defence provisions  
compounds the unpredictable nature of the decision-making process. It leaves more to  
7505 intuition (and therefore subjective conceptions of justice) than principled legal reasoning.  
Equality before the law is lost and our system of parliamentary democracy undermined  
when so much law is left to unelected judges and administrators to create then apply on an  
individual case basis.

#### 7510 **IV CONCLUSION**

##### (a) The important role of racial vilification laws in Australia

7510 It has not been the purpose of this article to suggest that racial vilification laws have no  
place on the Australian legal landscape. To the contrary, they represent an important  
recognition by the state that acts of racial vilification inflict real and serious harm upon its  
7515 victims and, left unchecked, have the capacity to undercut the vibrant but fragile  
multicultural community that has developed in Australia since World War II. Moreover,  
core democratic principles such as legal equality, personal liberty and freedom of speech  
become empty, rhetorical slogans if routinely denied (by law) to minority racial and ethnic  
groups who lack political clout. But law is just but one of the many tools that can and  
7520 should be utilised to regulate and combat racial vilification and one should not overestimate  
its ability to effect grass roots attitudinal changes.<sup>[156]</sup>

7520 However, as difficult as the task most certainly is for legislators, the answer lies not in  
drafting broad-brush laws that leave too much to the good sense and intuition of individual  
judges and administrators. In the area of racial vilification, where emotions run high and the  
7525 legal, cultural and physical consequences deep for the perpetrator, victim and the wider  
community, we are best served by legislative pronouncements that are sufficiently clear and  
precise.

##### 7530 **(b) The need to amend the wording of the harm threshold in s 18C of the RDA**

7530 My analysis has shown that the harm threshold and causation test in s 18C of the RDA lack  
sufficient precision and clarity. This is problematic for the reasons earlier outlined. There is  
an argument that over time the development of the case law may endow words such as  
'insult' and 'offend' with concrete meaning. This could in turn secure a level of clarity in the  
7535 harm threshold and predictability in the decision-making process.<sup>[157]</sup> But there are two  
reasons that suggest otherwise. Firstly, as earlier noted, the interpretive malady that has

7540 plagued the interpretation and application of s 18C stems from a dislocation between parliamentary intent and the words chosen to realise that intent.[158] Indeed my case analysis shows that decision-makers have attempted to rectify the problem by effectively elevating the harm threshold. Whilst this approach may have delivered just and reasonable results in individual cases, it cannot secure the long-term interpretive clarity that is needed as not all decision-makers subscribe to this harm threshold interpretation.[159] Secondly, s 18C is now ten years old. The harm threshold has already been the subject of considerable case law analysis but the indeterminacy that has plagued its interpretation still persists. The interpretive malady is a legislative creation that judicial and administrative exegesis has not resolved. It is therefore sensible to consider the repeal or significant amendment of the current harm threshold.

7545 One option available to the Commonwealth Parliament is to expressly incorporate the notion of racial hatred into the harm threshold. This could be achieved by adopting the classic defamation standard of 'hatred, serious contempt or severe ridicule', one already present in the racial vilification laws of New South Wales, the Australian Capital Territory, South Australia, Queensland, Victoria and Tasmania. This would not completely solve the harm threshold indeterminacy concerns as the precise meaning of words such as 'hatred' and 'contempt' can be similarly elusive.[160] But these concerns would be substantially eased with the Commonwealth decision-makers able to draw upon both the developing body of harm threshold determinations in the States and the Australian Capital Territory and the extant rich and extensive defamation law jurisprudence. In addition, it is probably easier for both citizens and decision-makers to identify with some confidence an act of racial hatred as opposed to one that may cause insult or offence. It is certainly arguable that the subjective component of racial vilification is likely to lessen the more extreme its form. Though a pragmatic point, it may assist citizens in better understanding the scope of racial vilification laws and their corresponding legal rights and obligations and facilitate more consistent and predictable judicial and administrative decision-making. Such an amendment would also align the law with the putative intention of the Parliament when they enacted the racial vilification provisions and remove or nullify the current interpretive malady. Finally, elevating the harm threshold in this manner would reduce the likelihood of the law unreasonably interfering with or pre-emptively chilling the legitimate communication interests of others.

7570 **(c) Low-end racial vilification should remain unregulated**

7575 A corollary of the harm threshold proposal is that low-end racial vilification should remain unregulated. The less serious the conduct the more subjective the notion of racial vilification tends to become. For example, with the so-called 'war on terror' in full swing and the political prominence of border protection issues, the publication of a strong anti-Arab immigration tract constitutes perfectly legitimate communication for some. But for others, it represents classic racial vilification and for the same reasons. The task of objectively identifying racial vilification at the lower end is more difficult and contested.[161] Also, as noted above, a law that attempts to regulate low-end racial vilification is far more likely to unreasonably interfere with or pre-emptively chill the legitimate communication interests of others. The fields of science, academia and public affairs are replete with instances of vigorous but honest opinions that are clearly racist.[162] Whilst these views will be insulting and offensive to some, free speech and communication interests ought to prevail at the lower end of the racial vilification spectrum.

7585 **(d) Legislative clarification required as to the scope of the defences, in particular, the meaning of 'reasonably and in good faith'**

7590 In addition, the RDA harm threshold problem is compounded by the language of the 'free speech/public interest defences' and the indeterminacy they engender. It stems from the requirement that public acts be done 'reasonably and in good faith' for academic, artistic, scientific or research purposes or other purposes in the public interest. This is a standard (and therefore problem) reproduced in the racial vilification laws of the Australian Capital Territory, New South Wales, South Australia, Queensland, Victoria and Tasmania. On a broad view of the 'reasonably and good faith' requirement and the defences more generally, there is the danger that the exceptions may in fact swallow the rule.

7595 There must therefore be, at minimum, legislative clarification of the meaning of 'reasonably' and, inferentially, the precise content of the 'reasonably and good faith'

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requirement. This must necessarily follow the antecedent procedure of parliamentary re-evaluation of to what extent acts of racial vilification should receive legal protection — a process of added significance in the States and the ACT where, by definition, extreme acts of racial vilification (those that incite hatred towards, serious contempt for, or severe ridicule of a person or group on the grounds of race or ethnicity) can still be lawful. There is an argument that racial vilification which reaches this level of seriousness should never be excused, or at least only in the most exceptional of circumstances. It is hard to think what compelling public interest is served by the legal sanction of such extreme racist conduct.

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Again, I would like to pull apart the above analysis of the legislation but I do not have the time.

7610

### [I] Government Censorship

If people do not think it possible that a Government could use the existing *group defamation* type legislation now<sup>92</sup> - and in the future - as a tool of censorship and oppression, then harken back to 1963:

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The communications minister has the power to order any commercial station not to broadcast any material at all and he could require any station to broadcast free of charge any material which the Minister says was in the national interest. This means the Government has the power to keep the opposition off the air altogether, including during an election campaign, and to commandeer free air time for its own candidates and policies. Though this behaviour is usually associated with military and communist dictatorships and is unconstitutional under the implied free speech guarantee it has remained under both conservative and Labor governments for 50 years. All we require for a Government takeover of the electronic media was a crisis deep enough to push a Prime Minister to use it. When Prime Minister Robert Menzies Post Master general, Alan Davidson, ordered the ABC not to telecast a BBC interview with M.Georges Bidault, a former French Premiere, was a political opponent of the then Premiere Charles de Gaulle. Menzies told the ABC manager Charles Moses that he did not want to embarrass France, a friendly country. The interview, which had already been broadcast in Britain, was offensive to France. France was never embarrassed but Charles Moses was. On Monday 11 march the Sydney Daily Mirror, learning that the interview had been banned, asked Moses why -

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*Moses: After viewing the film on Friday evening it was decided the sound and vision were very bad.*

*Daily Mirror: Was the decision not to show it a political one?*

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*Moses: No.*

*Daily Mirror: Will it be shown here?*

*Moses: It will definitely be shown here.*

Three days later it was clear there was nothing wrong with the sound and vision and that Davidsons ban was an immature bungle.

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**Robert Pullan** "*Guilty Secrets: Free Speech and Defamation in Australia*" p.61

With the Israeli Ambassador to Australia taking a personal interest in my case I think it fair to conclude that political considerations including billion dollar private and military contracts were a factor. Also, as I have stated, why stop at legislation that protects the feelings, dignity and safety of racial groups? Are not other "groups" worthy of having their feelings, dignity and physical security protected? We see that 'fat people' are pushing for some protection under the *Human Rights Act* - why not politicians? Why not...anyone else? "Bikies"?

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Perhaps in reality this racial vilification type legislation was pushed for primarily by Jewish groups to limit the ability of the general public gaining knowledge of Jewish subversion, spying and social engineering along lines in congruence with their politico/religious cults stated aims and goals? As Western Australia is the only State to have such steep penalties (14 years), perhaps it has more to do with the \$Billion dollar plus full fee paying overseas student market?

<sup>92</sup> Which is what this racial vilification legislation is - watered down defamation and incitement laws.

7655 Perhaps the vehemence of the prosecution, behaviour of DCJ Wisbey, Minister of Corrective Services Terry Redman instructing prison staff to impede my ability to conduct my appeal, and harassment before the trial has something to do with stuff like this:

**Goldman Sachs signals its WA commitment**

Sean Smith  
WEST AUSTRALIAN NEWSPAPER  
12<sup>th</sup> February 2013

7660 It may be a late arrival in Perth, but Goldman Sachs says there now should be no illusions about its commitment to WA.

7665 The top tier global investment bank announced its entry into Perth last July, detailing plans to set up a permanent office headed by Peter Watson to tap into the States deal flow in the resources sector.

7670 Visiting the city yesterday, Goldman Sachs' Asia Pacific chairman Mark Schwartz said the Perth office was a normal evolution for a firm which only opened in Beijing in 2004 and Mumbai in 2006.

7675 "Although we have been late in many markets, including building out only recently in China and India, when Goldman Sachs decides to open an office, which happens very rarely, we are always making a very deliberate decision that signals our commitment, determination and willingness to invest for the long-term and to eventually build a world class business," Mr Schwartz said.

...

7680 Beijing-based Mr Schwartz, who re-joined Goldman Sachs last year after a 12 year absence during which he ran his own investment firm and headed billionaire George Soros' funds management business, said the establishment of the Perth office was one of a number of short-term strategic priorities for Goldman Sachs Australia.

...

7685 "We see Perth becoming more sophisticated in regards to the financing of resources projects, so we are getting a lot of traction on the financing side of the business, a lot of questions about US capital and debt markets, about access to the high-yield market over there."

Mr Watson joined as an executive director in Goldman Sachs' natural resources team, reporting to team chief Richard Phillips in Melbourne.

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- *Beijing-based Mr Schwartz, who re-joined Goldman Sachs last year after a 12 year absence during which he ran his own investment firm and headed billionaire George Soros' funds management business...*

7695 Speaking of subversion, spying and social engineering, here we have good old George Soros - another "Jew made good". A poor Hungarian refugee from National Socialist persecution who went from 'nothing' to 'everything' - just like Hungarian Jew Frank Lowey. The man who financed the "Orange Revolution" in the Ukraine. The man who Prime Minister of Malaysia, Dr. Mahathir bin Mohamad, denied a visa, stating that when billionaire Jews like Soros come calling he expected trouble. Dr. Mahathir bin Mohamad had a lot to say about Jews and their activities the world over:

7700 On 16 October 2003, shortly before he stepped down as prime minister, Mahathir said during a summit for the Organization of the Islamic Conference (OIC) in Putrajaya, that:

7705 *"We [Muslims] are actually very strong, 1.3 billion people cannot be simply wiped out. The Nazis killed 6 million Jews out of 12 million [during the Holocaust]. But today the Jews rule the world by proxy. They get others to fight and die for them. They invented socialism, communism, human rights and democracy so that persecuting them would appear to be wrong so they may enjoy equal rights with others. With these they have now gained control of the most powerful countries. And they, this tiny community, have become a world power."*



Mahathir bin Mohammad in UN.

7715 ""Malaysian Leader: 'Jews Rule World by Proxy'". Fox News. 16 October 2003.  
<http://www.foxnews.com/story/0,2933,100234,00.html>.  
 Retrieved 2008-01-26.

7720 He also named Israel as *"the enemy allied with most powerful nations."*

Dearie me. I hope the former Prime Minister of a major trading partner of Australia doesn't try to holiday here in Western Australia ☺

7725 His comments were widely criticized in the West, but the issue was ignored in Asia and Islamic countries, which felt that his remark had been taken out of context. Mahathir later defended his remarks, saying: *"I am not anti-Semitic ... I am against those Jews who kill Muslims and the Jews who support the killers of Muslims."*

7730 He tagged the West as "anti-Muslim", for double standards by *"protecting Jews while allowing others to insult Islam."* He also said *"But when somebody condemns the Muslims, calls my prophet, "terrorist", did the European Union say anything?"*

7735 "Mahathir hits back in Jewish row", *CNN News*, 21 October 2003.  
<http://www.cnn.com/2003/WORLD/asiapcf/southeast/10/21/mahathir.speech/>

- 7740
- He tagged the West as "anti-Muslim", for double standards by *"protecting Jews while allowing others to insult Islam."*
  - *"But when somebody condemns the Muslims, calls my prophet, "terrorist", did the European Union say anything?"*

Indeed.

7745 He also had much to say on the 9-11 attacks on New York and Washington<sup>93</sup>:

7750 In January 2010, Mahathir stated the September 11 attacks would have been "staged" by a US government conspiracy to justify attacking Muslims,<sup>[80]</sup> a 9/11 conspiracy theory. He also said he was *"more sensitive to the victims as I am saying this is done deliberately"* and rejected comments that interpreted his statement as a publicity stunt. He added Jews *"had always been a problem in European countries. They had to be confined to ghettos and periodically massacred. But still they remained, they thrived and they held whole governments to ransom...Even after their massacre by the Nazis of Germany, they survived to continue to be a source of even greater problems for the world."*

7755 <http://thestar.com.my/news/story.asp?file=/2010/1/23/nation/5531740&sec=nation>

7760 Not reported in this article is the full speech made by Dr. Mahathir bin Mohamad. In it, he also praised Jews who were fighting injustice and the criminal activities of other Jews and Israel. He praised the many Western activists who supported and defended Islam and he berated Muslims for not acting calmly when provoked.

7765 With all of the above in mind, I repeat my offer made to the State of Western Australia that I first made in my submissions to the WASCA in December of 2011 after I was offered "exile" and release by forensic psychiatrist Dr Mark Hall on the 1<sup>st</sup> of September 2011 at Acacia prison:

7770 Although "exile" is a method I thought only used in Soviet times in Russia and its republics, I am willing to submit to it if it protects my friends and family and allows me some safety. The Israeli Ambassador to Australia can then be informed by State representatives that I am permanently out of the country. Any embarrassment caused to the State of Western Australia and its business and financial interests and military alliances will ease with my passing from the picture. I hope the continued suffering of stroke like

<sup>93</sup> Refer to former head of studies of the U.S Army War College - Dr Alan Sabrosky - who said that Israel carried out the attacks on 9-11.

problems with my immediate and extended family these last two years will also cease. A cousin has just been luckily diagnosed early with blood vessel problems within the brain.

7775 Again, going into “exile”, although unusual, is something I am willing to do if it settles matters once and for all. I presume this was a serious offer by the State psychiatrist Dr Mark Hall? If so, I can also offer to destroy the hidden camera footage of the trial to avoid further embarrassment to the State and lesson inflaming matters anymore.

7780 **COPY OF HANDWRITTEN LETTER TO PERTH SUPREME COURT OF APPEAL IN THE MATTER OF CACR 27&28 OF 2011**

This legislation is dangerous; pushed by special interest groups, and in the end totally unnecessary with the existing criminal legislation in place.

7785 And finally Dr Walsh, I'd like to repeat two parts taken from submissions to the WASCA (December 2011) that may elucidate for the High Court the context of this legislation and perhaps the philosophical and unconscious controlling ‘well-spring’ from which it comes. History is a great teacher, assuming people are willing to put aside the narrow ego view. This from the Papal Decree  
7790 ordering the arrest of Dr. Martin Luther for the “words” he used that upset the powerful Catholic Church. Please keep in mind the words used by DCJ Wisbey in sentencing and the DPP and WASCA in their denial of appeal submissions - they are uncannily similar:

**FROM THE EDICT OF THE DIET OF WORMS  
MAY, 1521**

7795 **1.** ... WE, Charles V, by God’s grace ...

...

7800 **4.** Whereas, certain heresies have sprung up in the German nation within the last three years, which were formally condemned by the holy councils and papal decree’s, with the consent of the whole Church, and are now drawn anew from hell, should we permit them to become more deeply rooted, or, by our negligence, tolerate and bear with them, our consciences would be greatly burdened, and the future glory of our name would be covered by a dark cloud in the auspicious beginnings of our reign.

7805 **5.** Since now without doubt it is plain to you all how far these errors and heresies depart from the Christian way, which a certain Martin Luther, of the Augustinian order, has sought violently and virulently to introduce and disseminate within the Christian religion and its established order ... unless it is speedily prevented, the whole Christian nation, and later all nations, will be infected by this same disorder, and mighty dissolution and pitiable downfall of good morals, and of the peace and the Christian faith will result ...

7810 ...

7815 **9.** And although, after the delivery of the Papal Bull and the final condemnation of Luther, we proclaim the Bull in many places ... nevertheless, Martin Luther has taken no account of it, nor lessened nor revoked his errors, nor sought absolution from his papal Holiness or grace from the holy Christian Church; but like a madman plotting the manifest destruction of the holy Church, he daily scatters abroad much worse fruit and effect of his depraved heart and mind through very numerous books, both in Latin and German, done by himself, or at least under his name which are full of heresies and blasphemies, not only new ones but also those formerly condemned by holy councils.

...

7820 **11.** He not only holds the priestly office and order in contempt, but also urges secular and lay persons to bathe their hands in the blood of priests; and he uses scurrilous and shameful words against the Chief Priest of our Christian faith, the successor of Saint Peter and the true Vicar of Christ on earth, and pursues him with manifold and unprecedented attacks and invectives. ...

7825 **12.** ... Especially does he impugn the authority of the holy fathers, as they are received by the Church, and would destroy obedience and authority of every kind. Indeed, he writes nothing which does not arouse and promote sedition, discord, war, murder, robbery and arson and tend towards the complete downfall of the Christian faith. For he teaches a loose, self-willed life, severed from all laws and wholly brutish; and he is a loose, self-willed man  
7830 who condemns and rejects all laws; for he has shown no fear or shame in burning publicly the decretals and canon law. And had he feared the secular sword no more than the ban and

penalties of the pope, he would have committed much worse offences against the civil law.

...

...

7835 **18.** And as soon as these books were enumerated he acknowledged them as his own, and more over declared that he would never deny them. And he also says that he has made many other books which we have not mentioned herein because we have no knowledge of them. ...

...

7840 **25.** Accordingly, in view of all these considerations and the fact that Martin Luther still persists obstinately and perversely in maintaining his heretical opinions, and consequently all pious and God fearing persons abominate and abhor him as one mad or possessed by a demon ... we have declared and made known that the said Martin Luther shall hereafter be held and esteemed by each and all of us as a limb cut off from the Church of God, an obstinate and manifest heretic. ...

...

7850 **29.** Consequently we command you, each and all, under the penalties already proscribed, that hence forth no one shall dare to buy, sell, read, preserve, copy, print or cause to be copied or printed, any books of the aforesaid Martin Luther, condemned by our holy father the Pope as aforesaid, or any other writings in German or Latin hitherto composed by him, since they are foul, harmful, suspected, and published by a notorious and stiff necked heretic. neither shall any dare to approve his opinions, nor to proclaim, defend or assert them, in any other way that human ingenuity can invent, notwithstanding he may have put some good in them to deceive the simple man. ...

7855 ...

**James Robinson ed.** *“Readings In European History”* Vol II

7860 Elaborating on notions that I have no respect for the law as mentioned in sentencing remarks - here is a speech by Emma Goldman to the jury at her trial for sedition:

7865 “Gentlemen, when we asked whether you would be prejudiced against us if it were proven that we propagated ideas and opinions contrary to those held by the majority, you were instructed by the court to say, ‘If they are within the law.’ But what the court did not tell you, is that no new faith - not even the most humane and peaceable - has ever been considered ‘within the law’ by those who were in power. The history of human growth is at the same time the history of every new idea heralding the approach of a brighter dawn, and the brighter dawn has always been considered illegal, outside of the law.

7870 Gentlemen of the jury, most of you, I take it, are believers in the teachings of Jesus. bear in mind that he was put to death by those who considered his views as being against the law. ... remember that those who fought and bled for your liberties were in their time considered as being against the law, as dangerous trouble makers. They not only preached violence, but they carried out their ideas by throwing tea into Boston harbour.

...

7875 Never can a new idea move within the law. it matters not whether the idea pertains to political and social changes or to any other domain of human thought and expression - to science, literature, music; in fact, everything that makes for freedom and joy and beauty must refuse to move within the law. How can it be otherwise? The law is stationary, fixed, mechanical, a ‘chariot wheel’ which grinds all alike, without regard to time, place and condition, without ever taking into account cause and effect, without ever going into the complexity of the human soul.

...

7885 Your verdict may, of course, affect us temporarily, in a physical sense - it can have no effect whatever upon our spirit. For even if we were convicted and found guilty and the penalty were that we be placed against a wall and shot dead, I should nevertheless cry out with the great Luther, “Here I am and here I stand and I cannot do otherwise.”

...

7890 Gentlemen of the jury, whatever your verdict will be, as far as we are concerned, nothing will be changed. I have held ideas all my life. I have publicly held my ideas for twenty-seven years. Nothing on earth would ever make me change my ideas except one thing; and that is, if you will prove to me that our position is wrong, untenable, or **lacking in historic fact**. But never would I change my ideas because I am found guilty. I may remind you of two great Americans, undoubtedly not unknown to you, gentlemen of the

7895 jury; Ralph Waldo Emerson and Henry David Thoreau. When Thoreau was placed in prison for refusing to pay taxes, he was visited by Ralph Waldo Emerson and Emerson said: "David, what are you doing in jail?" and Thoreau replied: "Ralph, what are you doing outside, when honest people are in jail for their ideals?" ...

7900 I have a great respect for the rule of law. The problem with this legislation is that though its ostensible goal is to promote *civil debate*, it has already shown that its application centres around WHAT is being said and written instead of HOW it is being said and written - at least in respect of issues of Jewish power and the attendant racial and religious supremacism that fosters it as contained in their holiest of books and utterances.

7905 The chances of abuse and the incremental 'creep' of this legislation to include any "identifiable group" is quite frightening. I hope the High Court will either strike down this watered down defamation type legislation entirely or at least severely limit its scope and range.

### 7910 [3] Jews as a 'Racial Group'

7915 "A deeper exploration of the ways of life and communication in past Jewish communities might further expose a wicked little fact: that the further we move from religious norms and the more we focus our research on *diverse daily practices*, the more we discover that there *never was a secular ethnographic common denominator* between the Jewish believers in Asia, Africa and Europe. World Jewry had always been a major religious culture. Though consisting of various elements, it was not a strange, wandering nation".

7920 **Professor Shlomo Sand** 2008 "*The Invention of the Jewish People*" p.284 Verso

7925 "The Russian Jews are a separate component; I think there are about a million of them now; and with very few exceptions, they're extremely hawkish and very much opposed to any of the social democratic policies. ... Actually, a lot of them aren't Jews. The Rabbinate, which is very corrupt, is willing to accept them as Jews – mostly because they're blond and blue-eyed, figuratively speaking. They don't look like Arabs, they look more like northern Europeans. ... The typical model of the Sabra, an Israeli Jew born in Israel, is supposed to be red haired and strong, rather like a movie hero in the West. The Russian so-called Jews help with that. I think some of the estimates were that maybe half did not fit the criteria for being Jewish."

7930 **Professor Noam Chomsky.** "*Perilous Power: The Middle East And U.S Foreign Policy*" 2007, p.186

7935 A Directions Hearing took place on the specific issue of Jews being a 'racial group' as a matter of law, and I'll go into that first. Then bring up Professor Andrew Markus's testimony as well as Stanley Elliot Keyser and Rabbi Dovid Freilich.

7940 The High Court [should] accept this issue as worthy of its consideration – at least, as it is becoming a very hot topic at the moment.

The history of this Directions hearing is as follows:

7945 **Ms Abou-Merhi:** We'd like a Directions Hearing to determine the issue of whether Jews can be considered a racial group. We anticipate one day is required. And Mr Troy would like a ruling for the state to file submissions by 23<sup>rd</sup> of December. And the accused to provide his response in the New Year, a couple of weeks after that.

7950 *Transcript 11/12/2009 Page 3*

The above was the first indication that the DPP wanted this defence heard as a matter of law so that the matter could not be raised at trial by me.

7955

I will begin by putting down the points contained in the “DEFENCE SUBMISSIONS ON NO CASE TO ANSWER” prepared by Mr John Bougher for the Directions Hearing that took place on 19/11/2010. In this document, the basic argument of Jews not being a ‘racial group’ is argued:

7960

1. Count one on the Indictment refers to Stanley Keyser as a member of a ‘racial group’.

2. Counts 2-7 on the Indictment refer to animosity by the accused towards a ‘racial group’.

7965

3. By letter dated 28 July 2010 the Director of Public Prosecutions on behalf of the State asserts that the ‘racial group’ referred to in all counts on the Indictment is ‘the Jewish people’.

4. The question arises as to whether the Jewish People are a ‘racial group’, or just a religious group or some other type of group or not a group at all.

7970

5. The *Criminal Code Act 1913* Section 76 defines ‘racial group’ as meaning any group of persons defined by race, colour **or** ethnic **or** national origins.

6. The State by the letter of 28 July 2010 referred to is relying to include the Jewish People as a ‘racial group’ on the words ‘ethnic origins’ contained in that definition.

7975

7. The State does not rely on other words in that definition, namely ‘race’ (which it is assumed is accepted must contain some element of common descent/ancestry involving a biological component or shared genetic traits), ‘colour’ or ‘national origins’.

7980

8. It is submitted that the question whether the Jewish People are a ‘racial group’ is a matter of interpretation and as such is a question of law to be determined by a Judge pursuant to Section 98(2)(a) of the *Criminal Procedure Act 2004*.

9. If a Judge cannot be satisfied as to that question then it is submitted that the Accused has no case to answer and should be discharged in relation to the 7 counts on the Indictment pursuant to Section 98(2)(c) of the *Criminal Procedure Act 2004*.

7985

10. Social Scientists, Historians, Academics and a variety of published works do not give a consensus or clear definition of the meaning of ‘ethnic origins’. A schedule of quotations from published works that refute the inclusion of the Jewish People as an ethnic group will be provided prior to the Directions hearing.

7990

11. The State by its letter of 28 July 2010 is relying on the definition of ‘Ethnic’ contained in the Australian Oxford Dictionary as including ‘a social group having common national, racial, cultural **and** religious ... characteristics’.

12. The Macquarie Dictionary (Third Edition) however defines ‘Ethnic’ as including

7995

1. Relating to or peculiar to a population, especially a speech group, loosely also to race and

2. Relating to the origin, classification, characteristics, etc, of such groups.

8000

13. Even by the definition in the Australian Oxford Dictionary, the word ‘**and**’ suggests more than one of the characteristics referred to should be present to satisfy the definition.

14. All Jews, of course, have the same religion but that is the only common denominator between all Jews.

8005

15. They do not have common ‘national’ characteristics – many different nations including Australia, the USA, Israel, the UK, etc have Jewish communities.

16. They do not have common ‘racial’ characteristics – there are many different races (for example Arab, Ethiopian, Indian, Japanese, European, Russian etc) in which there are Jewish communities but none of which have any common ancestry and/or biological link – there is no separate DNA database for Jewish people (in Australia or the USA or probably elsewhere).

8010

- 8015 17. They do not have common ‘cultural’ characteristics – Russian, Arab, African, European etc, Jews all have different languages, books, foods, music and clothes.
- 8020 18. The diversity of the many Jewish groups spread across the globe, and the large degree of conversion to the Jewish faith, mitigate against the concept that the Jewish people have a common ethnicity and hence form a single ethnic group.
- 8025 19. The Macquarie Dictionary (Third Edition) defines ‘Ethnic group’ as ‘a group of people, racially or historically related, having a common and distinctive culture’.
- 8030 20. There is no common and distinctive culture between the widespread sections of the Jewish People across the globe, which is recognised by the Australian Standard Classification of Cultural and Ethnic Groups (ASCCEG).
- 8035 21. The ASCCEG skates around the issue but under ‘Definition of Ethnicity’ (page 4) refers to the Macquarie Dictionary (Third Edition) definition and also adopts what is referred to as ‘The Borrie Report’ and quotes (at the top of page 5) a number of distinguishing characteristics that may be taken into account in determining ‘Ethnicity’, they being:
- A long shared history, the memory of which is kept alive;
  - A cultural tradition, including family and social customs, sometimes religiously based;
  - A common language (but not necessarily limited to that group);
  - A common literature (written or oral);
  - A common religion;
  - Being a minority (often with a sense of being oppressed);
  - Being racially conspicuous.
- 8040 22. It cannot be said that all the various Jewish groups across the globe share more than a common religion.
- 8045 23. ASCCEG nevertheless for reasons of statistical convenience and practicality (quoting the last paragraph on page 5 ‘considering ethnicity as a multi-dimensional concept based on a number of distinguishing characteristics using a self-perception approach allows for a practical and useful classification attuned to generally accepted notions of what constitutes ethnicity and cultural identity. This approach supports the collection and use of data in statistical, administrative and service delivery settings.’) classifies Jewish People in Australia as Broad Group 4 North African and Middle Eastern (third last paragraph on page 9) ‘as this is the area of the world in which this cultural and ethnic group originated and developed. because there are no other cultural and ethnic groups in this broad Group with which the Jewish group shares similar social and similar social and cultural characteristics, they form a single entity narrow group.’
- 8050 24. This statistical classification only makes reference to North African and Middle Eastern derivatives and makes no mention of Jewish People originating from other areas of the world such as the Ashkenazi whose origin is Eastern European/Russian and therefore it is submitted cannot be used as any authority to support the contention that the Jewish People form an ethnic group. On the contrary in the same paragraph at page 9 ASCCEG speaks of 42 separate Jewish groups and does not specify whether the inclusion of these groups into the broad Group 4 category is based on ethnic **or** cultural entity.
- 8055 25. The Borrie report referred to above appears to have taken its distinguishing characteristics from the House of Lords case of *Mandala v Dowell Lee* [1983] 2 AC 548, which case when dealing with the question of whether the Sikh people constituted an ethnic group<sup>94</sup> stated that the following characteristics were essential:
- 8060
- A shared history of which the group was conscious as distinguishing it from other groups, and the memory of which it keeps alive; and
  - A cultural tradition of its own, including family and social customs and manners, often but not necessarily associated with religious observance.
- 8065

<sup>94</sup> The Sikhs have even less of a case than Jews do – they are essentially Indians who have only a religious marker to define them as separate from the Indian population. And yet, they were accepted – this is simple ridiculous ignorance built on convenience.

- 8070 ... and that the following characteristics were relevant, but not essential, to a finding that a group constitutes an ‘Ethnic Group’:
- A common geographical origin or descent from a small number of common ancestors;
  - A common language, not necessarily peculiar to the group;
  - A common literature peculiar to the group;
  - 8075 • A common literature peculiar to the group;
  - A common religion different from that of neighbouring groups of the general community surrounding it;
  - Being a minority or an oppressed or a dominant group within a larger community.
- 8080 26. Point 1 – A shared history – the only shared history for the Jewish People is religious history based on religious beliefs.
27. Point 2 – A cultural tradition of its own – cultural traditions of the various Jewish communities around the world vary greatly.
- 8085 28. Point 3 – Common geographical origin or descent from common ancestors – neither of these criteria are applicable to the Jewish identity – this is without taking into account the vast number of Jewish people who are converts.
29. Point 4 – common language – many different languages are spoken (Hebrew, Yiddish, English, Japanese etc).
- 8090 30. Point 5 – Common literature – the only common literature is of religious origin, otherwise literature like music varies greatly between different groups.
31. Point 6 – A common religion – this is the only common factor apart from a shared religious history.
32. Point 7 – Oppressed minority/dominant group – sometimes but not universally present.
- 8095 33. The different cultural traditions (the second of the essential characteristics referred to in the *Mandala* case) of the various Jewish communities around the world it is submitted preclude the Jewish People from being categorised as an ‘Ethnic Group’ and hence the Jewish People do not have the requisite ‘Ethnic Origins’ required for the purposes of Sections 76 and 77 of the *Criminal Code*. hence the accused has no case to answer.
- 8100

It must be noted that the issue at hand is not that the ‘Jews’ *specifically* bringing the complaint are not part of a ‘racial group’<sup>95</sup> (but there exists a Jewish racial group, at some time and some place...somewhere), but that there has *never* been a Jewish ‘racial group’ - only a group of people that are bound by religious belief who were converts at the beginning (starting with Abraham), and who have been intermarrying and converting proselytes ever since – no different to Christians and Muslims:

8105

8110 “...Roman Empire, as well as in the Parthian territory in the east, in numbers vastly exceeding those of the inhabitants of Judea. From North Africa to Armenia, from Persia to Rome, there were thriving Jewish communities, primarily in large cities but also in towns and even villages. Josephus, quoting Strabo, the Greek historian and geographer, wrote: ‘Now these Jews are already gotten into all cities; and it is hard to find a place in the habitable earth that hath not admitted this tribe [phylon] of men, and is not possessed by them.’”

8115

**Professor Shlomo Sand** 2008 “*The Invention of the Jewish People*” p.146 Verso

8120 As he saw it, the reason for the great Jewish increase was mass conversion. This process was driven by a policy of proselytizing and dynamic religious propaganda, which achieved decisive results amid the weakening of the pagan worldview. In this, Rapaport joined a (non-Jewish) historiographic tradition that included the great scholars of ancient history – from Ernst Renan and Julius Wellhausen to Eduart Meyer and Emile Schurer – and asserted, to use the sharp words of Theodor Mommsen, that “ancient Judaism was not exclusive at all; it was, rather, as keen to propagate itself as Christianity and Islam would be in the future. If propagating the faith began in the late Persian period, under

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<sup>95</sup> As argued by Olga Skully and Bible Believers (Anthony Griggor Scott) – that the complainant (Jeremy Jones) was a convert to a religion and not a ‘racial Jew’, therefore they could not use the *Racial Vilification Act* (HEROC). They never argued that ‘racial Jews’ did not exist – just that the complainants were not.

the Hasmonean's it became the official policy. It was the Hasmonean's who truly produced a large number of Jews and a great 'people'".

**Professor Shlomo Sand** 2008 *"The Invention of the Jewish People"* p.154 Verso

8130 "But though the whole world did not convert to Judaism, as the Jewish historian might have hoped, the large numbers of gentiles who were drawn to Judaism, and the full conversion of many of them, added up to the presence of hundreds of thousands, perhaps millions of Jews around the south eastern Mediterranean".

**Professor Shlomo Sand** 2008 *"The Invention of the Jewish People"* p.165 Verso

8135

My lawyer Mr John Bougher handled the Directions Hearing very well. At one stage he turned to me and we were both sure we might actually win on the point that 'Jews' or the 'Jewish People' fail to meet the legal criteria of 'racial group', 'ethnicity'.

8140 Note this part of Mr Boughers submission, point 34:

34. The Borrie report referred to above appears to have taken its distinguishing characteristics from the House of Lords case of *Mandala v Dowell Lee* [1983] 2 AC 548, which case when dealing with the question of whether the Sikh people constituted an ethnic group<sup>96</sup> stated that the following characteristics were essential:

8145

- A shared history of which the group was conscious as distinguishing it from other groups, and the memory of which it keeps alive; and
- A cultural tradition of its own, including family and social customs and manners, often but not necessarily associated with religious observance.

8150

So the above are considered "essential". One would have thought "*common geographical origin*" and "*descent from a small number of common ancestors*" would have been "essential". On this point:

8155

"It is fair to say that the majority opinion about ethnicity among anthropologists and sociologists, as well as by other scholars who draw upon their work, is that ethnicity entails claims of common kinship or descent from a common group or ancestor. That is, such claims are generally viewed as a necessary criterion of ethnicity – if we find these claims, we might have ethnicity; if we do not, then we do not have ethnicity."

8160

**Denise Kimber Buell** 2005 *"Why This New Race: Ethnic reasoning in Early Christianity"* p.9 Columbia University press

8165 Note the use of the term "majority opinion" in the above quote; as in, it is the "majority opinion" of experts in the field that "common kinship or descent from a common group or ancestor" is a necessary criterion of ethnicity. The *Mandala v Dowell Lee* [1983] 2 AC 548 case is used as a major precedent by courts and the characteristic: "a common geographical origin or descent from a small number of common ancestors," is regarded as only a "relevant" characteristic.

8170 ... and that the following characteristics were relevant, but not essential, to a finding that a group constitutes an 'Ethnic Group':

- **A common geographical origin or descent from a small number of common ancestors;**
- A common language, not necessarily peculiar to the group;
- A common literature peculiar to the group;
- A common literature peculiar to the group;
- A common religion different from that of neighbouring groups of the general community surrounding it;
- Being a minority or an oppressed or a dominant group within a larger community.

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<sup>96</sup> The Sikhs have even less of a case than Jews do – they are essentially Indians who have only a religious marker to define them as separate from the Indian population. And yet, they were accepted – this is simple ridiculous ignorance built on convenience.

Denise Kimber Buell notes this:

8185 “Most definitions of ethnicity acknowledge that other factors (language, religion, place, food ways) may be claimed by a given community as more central than kinship or descent. Nonetheless, when kinship and descent are privileged as necessary to ethnicity, these other factors are dismissed as mere ‘markers’ or attributes of ethnicity, rather than being ethnicities constitutive elements”.

8190 **Denise Kimber Buell** 2005 *“Why This New Race: Ethnic reasoning in Early Christianity”* p.9 Columbia University press

8195 If we take the “essential elements” only, then so called ‘Outlaw Motor Cycle Gangs’ are an ethnic group *without doubt* and they fit the essential definition far better than Jews do. They also fill the “relevant” characteristics except: “a common geographical origin or descent from a small number of common ancestors”, but then Jews do not fill that criteria either. I discuss this in detail on page 72 of this letter.

8200 The critical question which no one wants to answer is *what* are the *secular* customs, beliefs, dress, music, literature, cinema, TV, art, food, festivals that bind ‘Jews’ all over the world in the same way we can all identify ITALIAN SECULAR customs, dress, music, literature, cinema, TV, art, food, festivals which bind Australian and American ‘ethnic Italians’? This is a simple question and it should be the most simple basis for the application of the law.

8205 On the above point, there are ISRAELI SECULAR customs, beliefs, dress, music, literature, cinema, TV, art, food, festivals *and* language (Hebrew). Within Israel there are Muslim Arabs and there are Jewish Arabs and Christian Arabs.

8210 “It must be stated, however, that a secular Israeli culture soon began to emerge, and surprisingly fast. Although some of its features – such as festivals, holidays and symbols – derived from Jewish sources, this culture could not serve as a common foundation for the ‘worldwide Jewish people’. With its distinctive elements – from language, music and food to literature, the arts and cinema – the new culture began to demarcate a new society, quite different from what those who are known as Jews and their children experience in London, Paris, New York and Moscow. members of the ‘Jewish people’ around the world do not speak, read or write Hebrew, are not imprinted by Israel’s urban or rural landscapes, do not experience the divisions, tragedies and joys of Israeli society, don’t even know how to cheer their football teams, don’t grumble about the countries Income Tax and don’t eulogize the party leaders, who invariably let down the ‘people of Israel”.”

8220 **Professor Shlomo Sand** 2008 “The Invention of the Jewish People” p.248 Verso

8225 “But since the Jewish masses are not keen to live under the Jewish sovereignty, the Zionist arguments have had to be stretched beyond all national reason. The weakness of today’s Zionist rationale lies in its failure to acknowledge this complex reality, in which Jews may be concerned about the fate of other Jews, yet have no wish to share a national life with them...”

**Professor Shlomo Sand** 2008 “The Invention of the Jewish People” p.303 Verso

8230 What one can say is that there is a ‘Jewish Identity’, but there is not a ‘Jewish Ethnicity’. The legislation cannot confuse ‘identity’ with ‘ethnicity’ as it has, especially at my trial. As Professor Shlomo Sand has stated: “Even cat lovers are an identity”. So too Motorcycle Gangs’ with their similar taste in music, dress, tattoo’s, choice of transport, language and customs. They fit the ‘ethnic profile’ just as well as ‘Jews’. In fact, exactly so. They are oppressed and persecuted by a larger group called ‘The Police’, an even better fit according to the legislation.

8235 As descent from a common group of ancestors must be taken by Jews ‘on faith’, that can apply to anyone who wants to sincerely look you in the eye and tell you they truly, truly, truly believe it. Things then start getting ridiculous.

8240 "... no one can prove that their ancestors were really Biblical Israelites. Their descent has to be taken on faith."

**Steven M. Lowenstein** "*The Jewish Cultural Tapestry: International Jewish Folk Traditions*" p.4

8245 Dr Walsh, as you read the Directions Hearing transcript, keep in mind this passage from Scientology. I'll intersperse the passages with my own comments:

8250 These are the OT levels, the levels above *Clear*, whose contents are guarded within Scientology. **The OT level teachings include accounts of various cosmic catastrophes that befell the thetans.**<sup>[118]</sup> Hubbard described these early events collectively as *space opera*.

Yes, sounds like the Old Testament – accounts of invasion, betrayal, disaster, captivity. See below:

8255 In the OT levels, Hubbard explains how to reverse the effects of past-life trauma patterns **that supposedly extend millions of years into the past.**<sup>[119]</sup> Among these advanced teachings is the story of **Xenu (sometimes Xemu), introduced as the tyrant ruler of the "Galactic Confederacy."** According to this story, **75 million years ago Xenu brought billions of people to Earth in spacecraft resembling Douglas DC-8**

8260 **airliners, stacked them around volcanoes and detonated hydrogen bombs in the volcanoes.** The Thetans then clustered together, stuck to the bodies of the living, and continue to do this today. Scientologists at advanced levels place considerable emphasis on isolating body Thetans and neutralizing their ill effects.

8265 **Melton, J. Gordon** (2000). *The Church of Scientology*. Salt Lake City: Signature Press. ISBN 1-56085-139-2

8270 Scientology goes on to describe the 'common origins' from other planets etc. So, when will Scientologists begin 'sincerely' describing themselves as an 'ethnic group'? They are identifiable and separate from the rest of society. They don't like being criticised and I will be encouraging them to begin describing themselves as an 'ethnic group' according to the common roots of the W.A legislation.

### [A] Directions Hearing Comments

8275 My lawyer Mr Bougher opens the hearing to clarify why we're there:

8280 **Mr Bougher:** The application's brought today on behalf of the accused man, Mr O'Connell, to seek a ruling that there is no case for him to answer in this matter and seek orders dismissing these charges against him, and discharging him, in effect. The basis of it is a consideration of the definition, meaning and effect of the term in the indictment, of a racial group.

8285 The words, racial group, of course appear in all seven counts on the indictment and the defence's contention is that if the prosecution cannot establish that the Jewish people constitute a racial group, then there is no case for my client to answer. The charge simply cannot be made out. I suppose the preliminary issue is whether or not – and there's some debate over this and some contention as to whether it's a factual question that should be decided by the jury in due course.

8290 In my submission, it is a question of law, because it's an interpretation of a term and a section of the Criminal Code where the wording appears, and therefore it should be a matter that can be ruled or should be ruled upon by a judge. I don't know whether the State agrees with that proposition at this stage but it's certainly

8295 a preliminary point, I suppose.

**DCJ McCann:** Now, when you say ruled on by a judge, does that mean that I can try the case and hear it and enter judgement of acquittal, or is this a no case submission?

8300

**Mr Bougher:** A no case submission

*Transcript 19/11/2011 Page 168*

8305 DCJ McCann states to clarify his position which is entirely wrong:

8310

**DCJ McCann:** Well, that's not really the issue, is it? I'm not concerned here today with whether or not the Jewish people are a racial group. I'm concerned with whether there's enough evidence to persuade a jury beyond reasonable doubt that they're a racial group. That's the issue, isn't it?

...

8315

**DCJ McCann:** Because we're not here to have an anthropological debate. It may be a legal debate, as you suggest it is.

The real question is should this case be left to a jury, based on the evidence which the State seek to rely on.

8320

**Mr Bougher:** Yes. Well, actually, that leaves a potential difficulty. If your Honour approaches it in that way, then that would be leaving the question open for the jury.

8325

**DCJ McCann:** Well, I understand you're going to argue that I can't leave it to a jury - - -

**Mr Bougher:** Indeed.

8330

**DCJ McCann:** - - - but this is not a trial of an anthropological issue here today<sup>97</sup>. This is a legal argument about the meaning of some words in the Criminal Code - - -

...

8335

**DCJ McCann:** - - - and about, depending on the outcome of that question, whether the State have got enough evidence.

8340

**Mr Bougher:** Yes. It still leaves me with some doubt as to your Honour's approach in that regard. It requires a ruling from your Honour as to whether the Jewish people are a racial group. Unless that ruling is made then the question remains – if your Honour rules that there is sufficient evidence to go before a jury on that question, then that leaves the entire question open for further consideration by the jury.

8345

Whereas I think the State and I are both at the point where we consider that if your Honour makes a ruling in that regard, as to whether the Jewish people constitute a racial group – if your Honour rules in the affirmative in that regard, then that is an issue that would not be canvassed at trial except where it goes to the defence and the defence raised by the necessity for the accused to have an intention in all but the first of the counts.

8350

Your Honour, I think you are being asked to rule whether or not, to make a ruling, a judicial ruling, as to whether Jewish people constitute a racial group.

8355

**DCJ McCann:** Well, I'll leave it to you to persuade me. And then I'll decide what the issues are after I've heard your submissions.

*Transcript 19/11/2010 Page 169-170*

<sup>97</sup> Yes it is. Do 'Jews' or the 'Jewish People' constitute a 'racial group' under the wording of the legislation. Mr Bougher answers correctly at paragraph 1772.

8360 DCJ McCann then clarifies his position on page 209 at the end of discussion and after a two hour adjournment by stating:

8365 **DCJ McCann:** Mr O’Connell seeks a legal ruling today. In my opinion, if the State witnesses come up to proof and their evidence is accepted by the jury, then as a matter of law, the jury must proceed on the basis that the Jewish people are a racial group by reason of their ethnic origins within the meaning of section 76 of the Criminal Code.

8370 *Transcript 19/11/2011 Page 209*

So, according to DCJ McCann’s ruling, ONLY if the State witnesses come up to proof can the Jury proceed that as a matter of law that ‘Jews’ come under the legislation. Well, in my reading, there are two problems with this comment:

- 8375 1. The two witnesses aren’t even close to coming “up to proof” and their “opinion evidence” was here say and inadmissible. See page 84 of this letter “Admissibility of Evidence - Prosecution”.
- 8380 2. He has it the wrong way around - ‘Jews’ coming under the legislation as a matter of law is not dependant on “State witnesses”. That is a “matter of fact”. The mistake is in “law”, not fact. The simple, self-evident, and ONLY conclusion to be drawn from an analysis of the legislation, and applying it to ‘Jews’, is that they fail to fit the definition of “ethnic group”. The D.P.P has made a mistake, due to ignorance.

8385 I can summarise this entire debate with the one simple question that everyone is avoiding: *What are the COMMON SECULAR marker that links a Jew in Yemen, with a Jew in Russia and a Jew in Ethiopia?* The answer to that question is that there is no link *other* than a religious belief and the attendant practices surrounding that belief. It is really that simple.

8390 “If world Jews were indeed a nation, what were the common elements in the ethnographic cultures of a Jew in Kiev<sup>98</sup> and a Jew in Marrakech<sup>99</sup>, other than religious belief and certain practices of that belief? Despite perhaps everything we have been told, Judaism was simply an appealing religion that spread widely until the triumphant rise of its rivals, Christianity and Islam ...”

**Professor Shlomo Sand** 2008 *“The Invention of the Jewish People”* p.21 Verso

8395 DCJ McCann also mentions in that passage: “In my opinion, if the State witnesses come up to proof and their evidence is accepted by the jury...”, this places the argument that Professor Andrew Markus’s study was irrelevant and hearsay of more importance. Also, Rabbi Dovid Freilich. Please refer to page 64 of this letter.

8400 Mr Bougher makes the obvious points at the beginning of the hearing:

8405 **Mr Bougher:** So, your Honour, the contention by the defense in this case is that given that the State is relying upon the linking of a racial group to the words “ethnic origins” contained within the definition of section 76 of our Criminal Code, because the State is relying upon that definition it is submitted that the racial – sorry, the Jewish people did not fit within that definition of having **sufficient ethnic origins** in order to satisfy that definition, and that is the basis of the – of the underlying basis, if you like, of the submission.

8410 *Transcript 19/11/2010 Page 171*

Then on page 176-177-178:

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<sup>98</sup> Russia.

<sup>99</sup> Yemen.

8415 **Mr Bougher:** That's right. And there seemed to be the two fundamental and then five optional considerations, as your Honour said. And in relation to each of those, your Honour, I've made certain comments in my submissions.

8420 But the major point I think to be made is that one of the essential characteristics, and that is a cultural tradition of its own, including family and social customs and manners often but not necessarily with religious observance, if that is accepted as being an essential characteristic for an ethnic group then, in my submission, the many different varying cultural traditions around the world of the various Jewish communities indicate that that criterion has not been satisfied.

8425 And that being the case, it's submitted that the Jewish people don't constitute an ethnic group; they can't be categorised as an ethnic group because of all the various cultural differences.

8430 **DCJ McCann:** Now you're submitting this to me as a question of law.

**Mr Bougher:** Yes.

...

8435 **Mr Bougher:** One of the surprising aspects of the decisions made by courts in this regard in the past – and as I say, not in terms of making a ruling as such but in terms of comment – one of the surprising aspects to me is that the learned judges referred to what people actually believed themselves to be, as though that had some probative effect upon reality.

8440 **DCJ McCann:** Is the test objective or subjective?

8445 **Mr Bougher:** It's an interesting point. Yes. Well, as I'm saying, it appears to be almost – it's both, but it's being accepted as being a subjective test, to that degree that people believe themselves to be part of a racial group, ethnic – sorry, ethnic group, as opposed to racial group; therefore, they are – which is a bit, in my submission, false logic.

8450 False logic indeed. But 'self-perception' is often cited as a criteria. Look at what it say's on page 52 of this letter, point 23 of the "DEFENCE SUBMISSIONS ON NO CASE TO ANSWER":

8455 ASCCEG<sup>100</sup> nevertheless for reasons of statistical convenience and practicality (quoting the last paragraph on page 5 'considering ethnicity as a multi-dimensional concept based on a number of distinguishing characteristics using a **self-perception** approach allows for a practical and useful classification attuned to generally accepted notions of what constitutes ethnicity and cultural identity. This approach supports the collection and use of data in statistical, administrative and service delivery settings.')

8460 I repeat - "*a self-perception approach allows for a practical and useful classification attuned to generally accepted notions of what constitutes ethnicity and cultural identity*". So basically, if you think you are, you are, and it allows for "practical and useful classification". I'm glad it's "practical and useful" for supporting "the collection and use of data in statistical, administrative and service delivery settings" – that's the problem, the entire legislation and its definitions are "practical and useful" as a matter of *administrative/legal convenience* having little if any bearing on reality and common sense. Further, note the description above: "considering ethnicity as a multi-dimensional concept based on a number of distinguishing characteristics" – this is playing fast and loose.

8465 But "fast and loose" appears to be the central tenant when discussing this issue – especially when it comes to the idea of a Jewish ethnicity:

8470 "Basic differences of conception appear about the structure of Jewish ethnic identity; some participants in the debate sought to separate out the 'religious' and the 'national'

<sup>100</sup> Australian Standard Classification of Cultural and Ethnic Groups

8475 components, while others maintained that they could not be disentangled. While it was  
 widely agreed that there needed to be – in the case of so dispersed a people as the Jews –  
 a commonly accepted criterion (applicable alike in Israel and the diaspora) as to who is  
 a Jew, questions arose about the extent to which it was feasible to speak of a ‘Jewish  
 identity’ existing anywhere as a uniform entity; it was argued by some that the  
 variations which had developed around the quintessential common core were such as to  
 8480 make it more appropriate to think in terms of a pluralistic Jewish society allowing for a  
 diversity of ‘Jewish identities’”.

This next quote by an author is instructive:

8485 “The concept of ethnic and national identity has become increasingly popular in recent  
 years, both among social scientists and among **political actors**. It is an inherently social-  
 psychological concept in that it refers to a **state of mind** shared by the members of the  
 collectivity, formed through social interaction, and anchored in historical and social-  
 structural processes. Yet there has been very little social-psychological work –  
 conceptual or empirical – that has systematically addressed itself to the analysis of  
 8490 group identity. Simon Herman’s book thus represents a pioneering contribution to the  
 study of ethnic/national identity, focussing on the special case of Jewish identity”.  
**Simon N. Herman** 1989 “*Jewish Identity: A Social Psychological Perspective*” p.6  
 Transaction Publishers.

8495 Academic and author Denise Kimber Buell also confronts this lack of a solid foundation for the term  
 ‘ethnicity’:

8500 “Foregrounding fixity/fluidity, rather than some specific content like kinship and  
 descent, risks making ethnicity/race indistinguishable from other cultural categories,  
 such as religion and citizenship, since both of these could also be said to share this  
 dynamic of fixity and fluidity.”  
**Denise Kimber Buell** 2005 “*Why This New Race: Ethnic reasoning in Early  
 Christianity*” – p.10 Columbia University Press

8505 Professor Shlomo Sand sums up the point Mr Bougher expounded on continually, but which was  
 ignored by DCJ McCann, “they can’t be categorised as an ethnic group because of all the various  
 cultural differences” :

8510 “A deeper exploration of the ways of life and communication in past Jewish  
 communities might further expose a wicked little fact: that the further we move from  
 religious norms and the more we focus our research on *diverse daily practices*, the more  
 we discover that there *never was a secular ethnographic common denominator* between  
 the Jewish believers in Asia, Africa and Europe. World Jewry had always been a major  
 8515 religious culture. Though consisting of various elements, it was not a strange, wandering  
 nation”.  
**Professor Shlomo Sand** 2008 “*The Invention of the Jewish People*” p.284 Verso

The above quote sums up the self-evident “fact” that Jews cannot be categorised as an ethnic group –  
 period.

8520 I like the ADL’s commentary on what a ‘Jew’ is. But before I do let me explain what the ADL is:

8525 The **Anti-Defamation League (ADL)** is an international Jewish non-governmental  
 organization based in the United States. Describing itself as "the nation's premier civil  
 rights/human relations agency", the ADL states that it "fights anti-Semitism and all  
 forms of bigotry, defends democratic ideals and protects civil rights for all" while it  
 "[advocates] for Israel [...] with policymakers, the media and the public" and "defends  
 the security of Israel and Jews worldwide".

8530 Founded in 1913 by The Independent Order of B'nai B'rith, a Jewish service  
 organization in the United States, its original mission statement was "to stop, by appeals  
 to reason and conscience and, if necessary, by appeals to law, the defamation of the

8535 Jewish people. Its ultimate purpose is to secure justice and fair treatment to all citizens alike and to put an end forever to unjust and unfair discrimination against and ridicule of any sect or body of citizens."<sup>[1]</sup> The ADL has 29 offices in the United States and three offices in other countries, with its headquarters located in New York City. Since 1987, Abraham Foxman has been the national director in the United States. The national chairman in the United States is Robert Sugarman.

8540 <http://www.adl.org/about.asp>

It has a huge budget of \$70 million dollars per year and is feared by policy makers around the world due to its strong links to Israel and powerful Jewish interest groups.

8545 Here is what it has to say on what a 'Jew' is:

*"Confronting Anti-Semitism, Myths...Facts..."*:

#### MYTH 5 : JEWS ARE A RACE, NOT A RELIGION

8550 "The idea that Jews are not only a religious group, but also a racial group, was a centrepiece of Nazi policy, and was the justification for killing any Jewish person who came under Nazi occupation – regardless of whether he or she practised Judaism." p.28

8555 "What unites Jews as a people, whether they come from Europe, Asia, Africa, or the America's is a common culture, rooted in a common religion. Jews throughout the world are joined by a religious and cultural heritage<sup>101</sup> rather than a racial sameness." p.29

8560 "Can someone be born a Christian and become Jewish? The answer to each of these questions is yes – and together they refute the idea of a Jewish race as anything other than a figment of the anti-Semitic imagination." p.29  
(Downloaded as .pdf file from <http://www.adl.org/>)

8565 This is from the premiere Jewish defense group in the world and shows the complete disarray of views on what a Jew is, and is not. This next quote is relevant:

8570 "... third, while I share the concern to avoid perpetuating the noxious effects of racism, I do not think we avoid them by avoiding the term 'race'. In an era of genocidal 'ethnic cleansing' in Rwanda and the former Yugoslavia, ethnocentrism has proven as noxious as racism. Furthermore, replacing race with ethnicity has obscured the racist aspects of using ethnicity to distinguish Jews from Christians".  
**Denise Kimber Buell** 2005 *"Why This New Race: Ethnic reasoning in Early Christianity"* – p.14 Columbia University Press

8575 No doubt, knowing this, the prosecution was keen for the services of Professor Andrew Markus and his study on specific attitudes of *Australian Jews*. If Professor Markus's study is regarded as right and true, it brings into the whole legal argument that an ethnic group can be defined from country to country based on a 'self-perception' model. This opens up a can of worms. If 'self-perception' is granted as a major component of what constitutes *ethnicity* in the eyes of the law, then all someone has to do is **sincerely self-perceive** their ethnic status. This appears to be the way it is going.

8585 It is noted that when the legislation was debated politicians noted specifically that they wanted Jews under the legislation. Well, that's lovely, but they can put up some religious vilification laws if they want, but Jews cannot in any way shape or form be classed an ethnic group unless law makers want open slather in the interpretation. They can't have it both ways.

Here is an interesting newspaper article of Judge Philip McCann who presided over my own Directions hearing:

<sup>101</sup> That "cultural heritage" that binds all Jews across the planet can only be "religious" in nature.

8590

**Test for judge's 'drug crusade'**

Amanda Banks

West Australian Paper October 20 2012

8595

A District Court judge who twice referred to “cashed-up bogans” when giving a drug dealer a nine-year jail term was on a “personal crusade” and relied on anecdotal views about the drug trade, appeal documents allege.

Submissions to the Court of Appeal also contend that Judge Philip McCann “arbitrarily and single handedly” increased sentences for amphetamine offences with a manifestly excessive jail term.

8600

...

8605

Appeal submissions from lawyer Simon Watters argue Judge McCann was “distracted” by matters irrelevant to the sentencing and his “anecdotal and colourful” language was “obtuse” to the judicial exercise.

He argued the terms used underscored the contention that the judge was seemingly on a personal crusade to highlight for the Court of Appeal the nature of the drug dealing.

8610

“Mr Tanner notes that sentencing remarks should be dignified and should not provide the opportunity for a judicial officer to embark on a process of sounding off to the world at large about perceived evils in the community,” the appeal submission says.

It contends that Judge McCann relied on statistics and research not available to the parties, the sentence infringed the principal of parity and the jail term was excessive compared with similar cases and a move away from trends.

8615

...

8620

**[B] Stanley Keyser's Comments At Trial**

Stanley Elliot Keyser believed he was 'Jewish' and that being Jewish was a matter of 'race':

8625

**Accused:** And you're a Jew – are Jews a race, a literal race, a genetic race? Like an African, Anglo Saxon, European, just loosely. Are Jews a race?---I believe we are. We are a religion and a race, yes.

You're a religion and a race?---Yes.

8630

So when an Ethiopian man or an Indian man converts to Judaism he now becomes, by race, a Jew? Is that correct?---If that's the way you put it, then yes.

*Transcript 17/01/2011 Page 309-310*

8635

The above said much. Stanley Elliot Keyser believes ('sincerely' no doubt) that he is a *biological race*. Perhaps it can be read several ways as was imputed by the prosecutor when he denied Keyser stated he was a *biological race* a day or so later. But I think the above is quite clear.

8640

“In a state that defines itself as Jewish yet does not present distinguishing cultural markers that might define a worldwide secular Jewish existence – except for some depleted, secularized remnants of religious folklore – the collective identity needs a misty, promising image of an ancient biological common origin. Behind every act in Israel's identity politics stretches, like a long black shadow, the idea of an eternal people and race.”

8645

**Professor Shlomo Sand** 2008 “*The Invention of the Jewish People*” p.280 Verso

Despite being “secular” Mr Keyser says he is Jewish because:

8650 **The Witness:** It doesn't – having a circumcised penis doesn't make you Jewish.  
Your mother - - -

8655 **Accused:** Well, in that case, why even have it there then?---My mother being Jewish makes me Jewish. And my mother is Jewish.

*Transcript 17/01/2011 Page 299*

So, the secular Mr Keyser, who hangs with the Ultra-Orthodox sect Chabad Lubavitch has adopted the Halakic religious view of what makes him Jewish.

8660 Keyser also stated in his police statement at Point 7:

**POINT 7:** “When I say that I was brought up as Jewish I mean that I have a cultural and spiritual connection with Israel and the heritage of the Jewish people.”

8665 On the push for the founding of the Israeli state by a small section of the Jewish world community based in Eastern Europe:

8670 “The Zionist idea<sup>102</sup> ... While a significant number of its ideological progenitors belonged more or less to the Germanic culture – Moses Hess, Theodor Herzl, Max Nordau – those who developed, disseminated and implemented its theories came from the intelligentsia of the wide spread Yiddish speaking population, which was densely packed into the cities and towns of Poland, the Ukraine, Lithuania, Russia and Romania. As noted in the second chapter, in these regions there was a secular, modern Yiddish civilization such as did not exist in Jewish communities elsewhere, neither in London nor in Marrakech<sup>103</sup>. It was this distinctive culture, rather than religion, that incubated the proto-nationalist and nationalist ferment ...”

8675 **Professor Shlomo Sand** 2008 “*The Invention of the Jewish People*” p.252 Verso

8680 Stanley Keyser maintains he is ‘secular’:

“A secular Jewishness has severe limitations, and its durability across generations is questionable.”

8685 **Simon N. Herman** 1989 “*Jewish Identity: A Social Psychological Perspective*” P.50 Transaction Publishers.

8690 “But the main unifying basis for international Jewry, apart from the painful memory of the Holocaust – which unfortunately grants anti-Semitism a permanent, if indirect say in defining the Jew – remains the old, depleted religious culture (with the genetic demon slithering quietly behind). There has never been a secular Jewish culture common to all the Jews in world, and the well-known argument of Rabbi Yeshaiahu Karelitz – that ‘the [secular Jewish] cart is empty’ – was and remains correct. But in his traditionalist naiveté, the great Rabbinical scholar expected the empty secular cart to make way for the loaded religious cart.”

8695 **Professor Shlomo Sand** 2008 “*The Invention of the Jewish People*” p.285 Verso

8700 “...seeking to build a bridge that could connect Jewish Believers – mainly former believers, whose languages and secular customs were polyphonus and diverse – they were unable to build on the lively popular mores and turn them into a homogenous, domesticated modern culture, as the Bund tried to do. To achieve their aim, the Zionists needed to erase existing ethnographic textures, forget specific histories, and take a flying leap backward to an ancient, mythological and religious past.”

**Professor Shlomo Sand** 2008 “*The Invention of the Jewish People*” p.255 Verso

8705 I quote extensively from Sand on this issue as the notion of a “Jewish Ethnicity” has simply not existed in any concrete form until the advent of the Zionist movement in the late 1800's on. It has been “invented” and propagated for multiple purposes including money:

<sup>102</sup> Stanley Keyser is a member of the Zionist Youth Group ‘Habonim Dror’.

<sup>103</sup> Yemen, Middle East.

8710 “Amid all these developments, Jewish ‘ethnicity’ has enjoyed a resurgence. In the United States this has been a noticeable fashion for some time... The person may not have preserved elements of the great Yiddish culture, but the need to belong to a particular community meant finding a focus of identity amid the sweeping cultural vortex ... Since the late 1970’s, the perpetuation of the Jewish ethnos state has paid handsome dividends ... It is not only rested on the weighty mythological past and was sustained by simple ignorance – it has also been reinforced by profit and power derived from the existence of the overseas ethnos, which is content to subsidize it”.

8715 **Professor Shlomo Sand** 2008 *“The Invention of the Jewish People”* p.310 Verso

...and as justification for colonization of the largely Muslim lands of Palestine:

8720 “The concept of the nation as an ethnic entity was upheld, with varying intensity, by all the different Zionist camps, which was why the new biological science captivated so many. The idea of heredity helped justify the claim to Palestine – that ancient Judea that the Zionists ceased to view as a sacred centre from which deliverance would come, and by a bold paradigmatic shift revamped as the destined national homeland of all the Jews of the world. The historical myth required the appropriate ‘scientific’ ideology – for if the Jews of modern times were not the direct descendants of the first exiles, how would they legitimize their settlement in the Holy Land, which was the exclusive homeland of Israel?”

8725 **Professor Shlomo Sand** 2008 *“The Invention of the Jewish People”* p.257 Verso

8730

Author Allan C. Brownfeld comments on this:

8735 There can be little doubt that the philosophy of Zionism - Jewish Nationalism - is in retreat among American Jews. Zionism holds that Judaism is not a religion of universal values, but an ethnicity. It believes that Israel is the “homeland” of all Jews and that those living outside of Israel are in “exile”. Zionists urge immigration to Israel, “Aliyah”, as the highest Jewish value.

8740 Most American Jews, quite to the contrary, believe that Judaism is a religion, not a nationality. They believe that they are American by nationality and Jews by religion, just as other Americans are Protestant, Catholic or Muslim. While they wish Israel well, they believe themselves to be fully at home in America. This is nothing new. As early as 1841, at the dedication ceremony of Temple Beth Elohim in Charleston, South Carolina, Rabbi Gustav Poznanski declared: “This country is our Palestine, this city our Jerusalem, this house of God our temple.”

8745 **Allan C. Brownfeld reviewing Peter Beinhardt's book “The Crisis of Zionism”**  
Allan C. Brownfeld is a nationally syndicated columnist and serves as associate editor of *Issues*. The author of five books, he has served of the staff of the U.S Senate, House of Representatives and the Office of the Vice President.

8750

You will note that from page 299-310 17/01/2011 I press Keyser on what he considers a ‘Jew’ to be. He uses evasive language and sounds ‘confused’ but he knows exactly what I am trying to do, he has been heavily coached. He states over and over to my questions, “my heritage and my culture,” but he can’t name the components of that culture because it can only be religious in nature and he cannot by way of tactics mention “religion”:

8760 **Accused:** It’s a simple question, Stanley, and the – the jury wants to hear it. What is the main group of books that tell you all about yourself?? That without these books you wouldn’t be, there’d be nothing. None of those books, Stanley. I can an – aren’t – well, I’m going to let you. What are those books?---I – again, I don’t understand what you’re asking. You’ve asked me, time and time again, what is my – what makes me Jewish? And I’ve said it time and time again. My history, my heritage and my culture is what makes me Jewish. I don’t know what else I have to say.

8765

8770 I am trying to point out that the common heritage/history is one of a religion based in religious books – not history books. Professor Shlomo Sand points this out:

8775 “Yet, as this chapter has tried to show, it was only the appearance of pre nationalist Jewish historiography in the latter half of the nineteenth century that gave the Bible a leading role in the drama of the rise of the modern Jewish nation. The book was transferred from the shelf of theological tracts to the history section, and adherents of Jewish nationalism began to read it as if it were reliable testimony to processes and events. Indeed, it was elevated to the status of mythistory, representing incontrovertible truth. It became the locus of secular sanctity that was not to be touched, and from which all consideration of people and nation must begin. Above all the Bible became an ethnic marker, indicating a common origin for people of very different backgrounds and secular cultures yet all still hated for their religion, which they barely observed”.

**Professor Shlomo Sand** 2008 *“The Invention of the Jewish People”* p.127 Verso

8785 I was trying specifically to get Keyser to admit that the “culture” and “heritage” he speaks of is a religious culture and heritage. He played dumb and confused at every turn on this point.

The only time I ever got a spontaneous and impassioned response from Stanley Keyser was his remarks about the defining nature of the Holocaust<sup>TM104</sup> towards his belief in being ‘Jewish’:

8790 **Accused:** ... I want that bond; the cultural, ethnic markers that are put down as food, clothing, cinema, books, music. These are all the standard things. What is it – not because you utter a few Hebrew words every now and again. What is the linkage?---What is the link? I do know one linkage. It doesn’t matter if you’re an Ethiopian completely assimilated Jew or if you’re a – a Chinese completely assimilated Jew, [of] if you’re a Russian Ethiopian Jew, if you grew up in Nazi Germany and you didn’t speak a word of Hebrew, and you didn’t wear a yarmulke, and you didn’t go to – in fact, if you called yourself a Catholic priest, you would still have been sent to the death camps in Auschwitz, Treblinka and Birkenau. It doesn’t make a difference. If you wear the clothing of if you wear the – or if you wear the head covering of if you go to synagogue, or if you eat – if you break bread on – on – on Pesach or if you go to the Seder of Passover, it makes no difference. You would have still [be] sent to the slaughter in – in Nazi Germany.

8805 *Transcript 17/01/2011 Page 303*

So, National Socialist legislation from 1933 defines Mr Stanley Elliot Keyser’s ‘self-perception’ of being Jewish. That’s extremely ironic. I fear most people will have missed this irony. But, this is commonly quoted as a major determinant of what it is to define yourself as ‘Jewish’:

8810 For my money it is much the same sense of specialness found in religious Jews but with a special reference to victimhood. “Yes, but only in the Hitlerian sense”, answered philosopher Maxime Rodinson when asked if he still considered himself a Jew. For many of these Jews it is their identity as a threatened and victimized people that makes them Jews. “Hitler said I was a Jew, so I may as well be a Jew” is one response or “To be a Jew somehow denies all those who have ever persecuted Jews a victory – so I’m a Jew”.

8815 **Paul Eisen “Jewish Power”**  
**<http://www.rightousjews.org>**

8820 “But the main unifying basis for international Jewry, apart from the painful memory of the Holocaust – which unfortunately grants anti-Semitism a permanent, if indirect say in defining the Jew...”

<sup>104</sup> The <sup>TM</sup> is there because the extremely powerful Jewish defense group the ADL demanded of several groups that they refrain from using the term ‘Holocaust’ when describing their own suffering - such as the Ukrainians, with 7 million dead from a deliberate famine brought on by Stalin. They withdrew the term ‘Holocaust’ from official descriptions. Clearly it’s a trademark and an excellent money maker.

Professor Shlomo Sand 2008 *"The Invention of the Jewish People"* p.285 Verso

8825

Stanley Keyser espouses the post Holocaust™ identity marker. He has no religion apparently (though he hangs with *Chabad Lubavitch*) and therefore he needs to cling to something to identify himself as "Jewish". His reasoning is a *childish reactionary thought process*, not worthy to be taken seriously in a court of law. He is entitled to his 'self-perception' but these sorts of arguments should not be sending people to jail. If only I could have convinced the jury with some 'evidence' to the contrary? Please refer to Professor Andrew Markus's 'study' in the coming passages.

8830

### [C] Rabbi Dovid Freilich's Comments At Trial

8835

#### Matthew 15:1

Then some of the Pharisee's and teachers of the law came to Jesus from Jerusalem and asked, <sup>2</sup>"Why do your disciples break the tradition of the elders? They don't wash their hands before they eat!"

8840

Jesus replied, "And why do you break the command of God for the sake of your tradition? <sup>4</sup>For God said, 'Honour your father and mother' and 'Anyone who curses his father or mother must be put to death.' <sup>5</sup>But you say that if a man says to his father or mother, 'Whatever help you might have otherwise have received from me is a gift devoted to God,' <sup>6</sup>he is not to 'honour his father' with it. Thus you nullify the word of God for the sake of your tradition. <sup>7</sup>You hypocrites! Isaiah was right when he prophesied about you:

8845

<sup>8</sup>"These people honour me with their lips, but their hearts are far from me.

8850

<sup>9</sup>They worship me in vain; their teachings are but rules taught by men."

8855

The above quote Dr Walsh is in regards to Rabbi Freilich's admitted occupation as head 'Pharisee' of Perth. I asked him directly if he was a 'Pharisee' like those described in the Old Testament and he answered in the affirmative. He didn't like being asked that but I wanted to point out that Jesus considered his ilk as liars and "children of hell" so why should a word he says be taken at face value?

8860

The dominant sect of Judaism is *Rabbinic Pharisaic Judaism* - Orthodox Judaism. They have completely turned the Old Testament and its straightforward commandments on its head via their 'commentaries' and 'rabbinic debates' recorded in the 'Babylonian Talmud' and 'Shulkan Aruk'.

8865

It should also be noted that page 495 of his testimony is missing from both my copy and yours. This days transcript was the only one removed from me on walking out of the court. It has been heavily altered but I do not have the energy to take Mr Michael Gething of the Perth District Court to task on this as you are well aware. It will all come out in the wash.

8870

Mr Freilich did have some interesting things to say. I believe this is the first time ever, in a modern court, that a Rabbi has been on the stand and under an oath. One thing I noted was that he wavered back and forth between Jews being a "race" based on "bloodline" and also on some vague notions of "culture" that he believed also made them a race:

8875

**FRIELICH:** so they can never lose, either by bloodline or by conversion to Judaism, once they're accepted to be part of the nation of Israel, whether they keep the laws or not, they are then Jews for eternity.

8880

*Transcript 21/01/2011 Page 486*

**FRIELICH:** ... but the truth of the matter is they're - there is - they are still part of the Jewish race, they still have a Jewish bloodline.

*Transcript 21/01/2011 Page 487*

8885 An interesting part of the transcript on Rabbi Freilich's willingness to proffer up his "opinions" on many subjects:

8890 **ACCUSED:** What I'm trying to get across is do - you're asking people to take, as a history book, books that are up to 4,500 years old and are in fact religious books. It is as if I must make people believe that a man rising from the dead and walking on water is a matter of historical fact, whereas I know I take this on faith. Surely you take on faith these matters that happened 4,500 years ago?

8895 **FRIELICH:** No, the - the truth is that - that there have been archaeological digs which have proven some of the matters that I am telling you in this - - -

**ACCUSED:** Could you - could you please provide detailed information on those digs and so on and so forth?

8900 **FRIELICH:** well, I - I am not an archaeologist.

**ACCUSED:** Correct.

*Transcript 21/01/2011 Page 492*

8905 But no doubt the jury heard it all and were suitably "awed" at the appearance of the Rabbi in contrast to little old crazy me. I'm surprised DCJ Wisbey wasn't "on the ball" and pulled him up on that line of questioning as he wasn't an "expert" in archaeology. He had no problem telling the Rabbi and every other witness to shut up when it suited the prosecution case however.

8910 Here I try to get the Rabbi to tell the court the "secular marker" that links Jews all around the world into a "ethnic" group. This is the question no one will, or can, answer Dr Walsh and DCJ Wisbey doesn't mind protecting Rabbi Freilich and telling me to move on from the subject:

8915 **ACCUSED:** I merely quote that to you to point out that Rabbi Yeshaya Karelitz is an Orthodox Jewish Rabbi, I believe, in Israel, and that is in direct contrast to your statement that Jews are, most assuredly a race, which I presume contains a heavy biological component?

8920 **FREILICH:** It does contain a biological component because as I mentioned before, it - it also contains a common culture, language and history.

8925 **ACCUSED:** That - that aside from religious culture, could you explain to the jury, what are the common secular cultural traditional markers outside of religion, that link a Jew in Yemen, a Jew in Ethiopia and a Jew in Moscow outside of religious observance, religious clothing, religious texts, religious history, religious music and so on. What, outside of the religious side of things, links all these people into an ethnic group? Or race, if you were to say that?

8930 **FREILICH:** The - the yearning to one day return to the land of Israel rebuilt, and to see the - the - the establishment of what we know as the - the temple - what - in - in its full glory, which will be in the Messianic Era where peace will - will reign all around the world. Peace for every human being.

8935 **ACCUSED:** Rabbi, respectfully, that's taken from religious books. I've asked you, is there any music and - - -

**DCJ WISBEY:** You - you tell him it's taken from religious books. He's just told you - you asked him a question and he's answered it in that way, so - - -

8940 **ACCUSED:** Well, he's failed to - he's just quoted back to me in religious - - -

**DCJ WISBEY:** He hasn't failed to.

**ACCUSED:** From a religious book.

8945

**DCJ WISBEY:** He's given you an answer.

*Transcript 21/01/2011 Page 498*

8950 If that's not grossly over protecting a witness and interfering in the cross examination I don't know what is. It is THE point of the trial, and Wisbey is desperately moving me on. I have every right to point out to the Rabbi that he has just (again) quoted from a religious book. This exemplifies the point I have been making over and over - no one can give me a "secular" marker that links all Jews all over the world. Of course they can't - because they are a religion only. Wisbey knows this, that's why he's

8955 moving me on. He has been instructed to do this and he did it through the trial.

This from the above is interesting:

8960 **FREILICH:** The - the yearning to one day return to the land of Israel rebuilt, and to see the - the - the establishment of what we know as the - the temple - what - in - in its full glory, which will be in the Messianic Era where peace will - will reign all around the world. Peace for every human being.

8965 For the Temple to be rebuilt will mean the tearing down and destruction of the Muslim Mosque that sits on the alleged site: 'The Dome of the Rock'. This would guarantee an all-out war with the Arab Muslim world and the Muslim world in general, without doubt. But this is central to Judaism. It is no secret in Israel/Palestine that this is fully what the Jews intend to do. They even have little stalls in Jerusalem where you can go and see models of the new Temple to be built when the Dome of the Rock is destroyed. This is through the Old testament:

8970

**ISAIAH 61:4**

They will rebuild the ancient ruins  
and restore the places long devastated;  
they will renew the ruined cities  
that have been devastated for generations.

8975

8980 There are also several million Arab Muslims and Christians living in the area. They will have to go of course unless they are happy to live as "aliens" in the region and be "water carriers" and "wood cutters" and do "forced labour" for their Jewish masters as also directed by their holy books explained previously.

In the following, Rabbi Freilich also has his "bet each way" by indicating even secular Jews believe in this aspect of the Jewish faith - but they are still regarded as secular:

8985 **ACCUSED:** Well, Rabbi, I'll put to you; you just quoted me back a religious aspect of Judaism which is the return to the land of our fathers.

**FREILICH:** No, a secular Jew would believe that.

8990 **ACCUSED:** A secular Jew would believe that? So when are you all returning to occupy Palestine, which you yearn for so earnestly? Is there a time frame?

**DCJ WISBEY:** Well, don't - don't answer that thank you Rabbi.

8995 **ACCUSED:** Well, it's a simple question. You just said that there is a yearning - - -

**DCJ WISBEY:** No. It might be - it may be simple, but I've told him not to answer it.

*Transcript 21/01/2011 Page 498-499*

9000

So, if I said I believe Jesus rose from the dead and healed the sick, could I still call myself “secular”? Stanley Elliot Keyzers considered himself “secular” and prosecutor Antony Eyers made much of it and yet Keyser, like the Rabbi, likes a bet each way on this point - here, taken from Keyzers statement to police, sworn over one month AFTER I was charged on 3/06/2009:

9005

**POINT 7:** “When I say that I was brought up as Jewish I mean that I have a cultural and spiritual connection with Israel and the heritage of the Jewish people.”

9010

So he’s “spiritual” but not religious? He’s taking from the Jewish Bible - a religious book - but he’s not religious?

I get the Rabbi to admit that his identity is based on a religious book:

9015

**ACCUSED:** So you have an identity? A group identity based on religious books?

**FREILICH:** Based on religious books - well, it’s based on the Bible, yes.

*Transcript 21/01/2011 Page 499*

9020

Rabbi Freilich deliberately lied when he stated he had never heard of the ‘*Anti-Defamation League of B’nai B’rith*’ - the most well-known and powerful Jewish lobby in the world:

9025

**ACCUSED:** Are you aware, rabbi - and I hope to get this ADL publication up. You’re aware of course of the Anti-Defamation League of B’Nai ‘Brith based in New York?

**FREILICH:** No.

9030

**ACCUSED:** Forgive me rabbi. I am astounded that you, as a leader of your community - - -

**DCJ WISBEY:** We’re not - we’re not interested in whether you’re astounded or not.

9035

*Transcript 21/01/2011 Page 499*

9040

You see DCJ Wisbey immediately protecting Freilich from any meaningful cross examination. I contrast that with the recent trial of a Mr Troy Mercanti - well known bikie personality - where his former partner was grilled for 5 days under cross examination without a single objection from the prosecutor or judge. I would have liked the same opportunity.

9045

Rabbi Freilich did not like it when I pointed out that he was a ‘Pharisee’ - the same people Jesus rebuked 2000 years ago. The transcript in my opinion is not accurate on the following example. I remember clearly Rabbi Freilich stating unequivocally “Yes” to my question which is not apparent in the transcript:

9050

**ACCUSED:** And Jews at that time were severely persecuted by the Rabbinic Elite, of which you would be regarded as one. They would be your spiritual forefathers, would they not? The Pharisees, Sadducees?

**FREILICH:** The - the Pharisees actually were the Rabbinic - were the founders of the Rabbinic traditions of Judaism, yes.

9055

**ACCUSED:** And you would therefore be a modern day Pharisee. Would that be correct?

9060 I remember quite distinctly Rabbi Freilich stating a firm and straightforward “Yes”. That is not in the transcript, it follows straight on:

**FREILICH:** I was unaware that I was going to discuss the - the theological background to - to Christianity here.

9065 **ACCUSED:** Well, I didn’t mean to make you, uncomfortable. I’m just trying to get the linkage here between - - -

**FREILICH:** I’m fine.

9070 **DCJ WISBEY:** He’s - he’s not uncomfortable. I think he just has some difficulty appreciating what you’re trying to suggest to him.

**ACCUSED:** Well, I thought you would have been more than happy to discuss these issues.

9075 You are a rabbi are you not?

**FREILICH:** Well, I - I have been asked to give testimony at this court on the - on the issue of Judaism being a race or religion or both. This - this is particularly - this is - I don’t see the relevance to - to my - to - to my -my evidence here.

9080

*Transcript 21/01/2011 Page 499*

9085 I wanted to ascertain many things about the Rabbi and what he believes in. One thing I wanted to do is discredit him as a witness and also point out he has a predilection to lying just as Jesus accused them 2000 years ago. Here is what Jesus had to say about the ‘Pharisees’, a ‘Rabbinic Sect’ that Rabbi Freilich belongs:

**JOHN 8:13**

9090 The Pharisees challenged him, “Here you are, appearing as your own witness; your testimony is not valid”.

...  
<sup>19</sup>Then they asked him, “Where is your father?” “You do not know me or my Father,” Jesus replied. “If you knew me, you would know my Father also.”

9095 ...  
<sup>37</sup>“I know you are Abrahams descendants. Yet you are ready to kill me, because you have no room for my word.”

...  
<sup>39</sup>“Abraham is our father,” they answered.

9100 If you were Abrahams children,” said Jesus, “then you would do the things Abraham did. <sup>40</sup>As it is, you are determined to kill me, a man who has told you the truth that I heard from God. Abraham did not do such things. <sup>41</sup>You are doing the things your<sup>105</sup> father does.”

9105 “We are not illegitimate children,” they protested, “the only father we have is God himself.”

<sup>42</sup>Jesus said to them, “If God were your Father, you would love me, for I came from God and now am here. I have not come on my own; but He sent me. <sup>43</sup>Why is my language not clear to you? Because you are unable to hear what I say. <sup>44</sup>You belong to your father the devil, and you want to carry out your fathers desire. He was a murderer from the beginning, not holding to the truth, for there is no truth in him. When he lies, he speaks his native language, for he is a liar and the father of lies. ... <sup>45</sup>Yet because I tell the truth, why don’t you believe me? <sup>46</sup>Can any of you prove me guilty of sin? If I am telling the truth, why don’t you believe me? <sup>47</sup>He who belongs to God hears what God says. The reason you do not hear is that you do not belong to God.”

9115

<sup>105</sup> He means their father the devil.

So, so far Jesus has pointed out that Rabbi Freilich belongs to a religious sect that has as its “father”, “the devil” and that he is the “father of lies” - meaning, the Pharisees were congenital liars.

9120 But wait there’s more. Jesus had plenty more to say about the ‘Pharisees’ to which Rabbi Freilich belongs:

**MATTHEW 23:2**

9125 “The teachers of the law and the Pharisees sit in Moses seat. <sup>3</sup>So you must obey them and do everything they tell you. But do not do what they do, for they do not practice what they preach.

<sup>4</sup>They tie up heavy loads and put them on men’s shoulders but they themselves are not willing to lift a finger to move them.

9130 <sup>5</sup>“Everything they do is done for men to see; they make their phylacteries wide and the tassels on their garments long; <sup>6</sup>They love the place of honour at banquets and the most important seats in the synagogues; <sup>7</sup>they love to be greeted in the market places and to have men call them ‘Rabbi’.

**MATTHEW 23:13**

9135 “Woe to you teachers of the law and Pharisees, you hypocrites! You shut the kingdom of heaven in men’s faces. You yourselves do not enter, nor will you let those enter who are trying to.”

**MATTHEW 23:15**

9140 “Woe to you, teachers of the law and Pharisees, you hypocrites! You travel over land and sea to win a single convert, and when he becomes one, you make him twice as much a son of hell as you are.”<sup>106</sup>

**MATTHEW 23:25**

9145 “Woe to you teachers of the law and Pharisees, you hypocrites! You clean the outside of the cup and dish, but inside they are full of greed and self-indulgence. <sup>26</sup>Blind Pharisee! First clean the inside of the cup and dish, and then the outside will be clean.”

**MATTHEW 23:27**

9150 “Woe to you teachers of the law and Pharisees, you hypocrites! You are like white washed tombs, which look beautiful on the outside but on the inside are full of dead men’s bones and everything unclean. <sup>28</sup>In the same way, on the outside you appear to people as righteous but on the inside you are full of hypocrisy and wickedness.”

**MATTHEW 23:29**

9160 “Woe to you, teachers of the law and Pharisees, you hypocrites! You build tombs for the prophets and decorate the graves of the righteous. <sup>30</sup>And you say, ‘If we had lived in the days of our forefathers, we would not have taken part with them in shedding the blood of the prophets.’ <sup>31</sup>So you testify against yourselves that you are the descendants of those who murdered the prophets. <sup>32</sup>Fill up then the measure of the sin of your forefathers.”

**MATTHEW 23:33**

9165 “You snakes! You brood of vipers! How will you escape being condemned to hell? <sup>34</sup>Therefore I am sending you prophets and wise men and teachers. Some of them you will kill and crucify; others you will flog in your synagogues and pursue from town to town.”

9170 I guess that’s about as discredited a witness as you could possibly get. DCJ Wisbey was not, under any circumstances, going to let me show what Rabbi Freilich is all about. This is why I said so plainly later on in the trial that the man is a congenital liar - not just from his reputation according to Jesus, but on what he had stated under an oath/affirmation.

9175

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<sup>106</sup> I guess that puts pay to the notion that Judaism is not a “proselyting” religion.

With the above comments of Jesus in mind - would he escape the this Western Australian legislation? The answer is “no”. Jesus Himself would be up on charges. It’s actually extremely funny when you think about it.

9180

**[D] Professor Andrew Markus’s Comments At Trial**

Professor Andrew Markus makes the claim that ‘Jews’ are an ethnic group based on his ‘study’. It’s worth going into this in detail.

9185

An interesting comment is made by Professor Markus that relates to the fact that in his much referred to ‘report’ – out of 144 questions and 5100 respondents – not once is the pre-eminent question in Jewish communities asked:

9190

*“Do you consider yourself as being Jewish as defined by race? By ethnicity? By religion? Or by a combination of both?”*

**Imagine, the ‘defining’ question is not asked at all!** The very question that is the defining point of what constitutes a ‘racial group’ under incredibly important legislation is not asked by the premiere ‘*Professor of Jewish Civilization*’ in Australia, in his landmark study. I point this out to Professor Markus:

9195

**Accused:** Well, I am charged under the racial vilification legislation, sub group ethnicity. And yet your paper doesn’t even mention, perhaps a question such as; “Do you regard being Jewish as a race or ethnicity?” Not a single question. Is that so?---On that specific question, yes, that is correct.

9200

Why would you not have put that very, very important question there? I put to you, could you explain perhaps why that question was not put into your paper?---Because when we did the survey, we didn’t have in mind this trial that’s going on now.

9205

So you would have done it if you’d known the trial - - - ?---So it wasn’t of the purpose of doing the survey.

9210

So I put to you would have done it if you – it was - - -

**DCJ Wisbey:** He doesn’t know what he would have done. You cant speculate about what - - -

9215

**Accused:** Well, he just said then, he said he didn’t know - - -

**DCJ Wisbey:** If you’re worried - - -

9220

**Accused:** - - - the trial would be on.

**DCJ Wisbey:** If you’re worried about the issue, put the question to him.

9225

**Accused:** Well, look – what – I mean put it to your Honour, can we just throw this out into the bin, please, I’m charged under racial vilification? What has this got to do with it?

**DCJ Wisbey:** Well, you can do what you like with it but the one copy is exhibited and I gave it to the jury.

9230

**Accused:** Well, that’s fine. I hope they enjoy the reading.

9235 So I put to you then that the issue amongst Jews, the issue of being a race or ethnicity? Is it not an issue? I would presume it would have been in your paper?--  
--Is – no, it’s not an issue. It’s not an issue.

*Transcript 19/01/2011 Page 451-452*

9240 This was an important finding of ‘fact’ according to the view of Professor Markus – that in his opinion, *Jews defining themselves by race or ethnicity is not an issue*. The very heart of the legislation I was charged under. I should have summarized that at my grossly inadequate summing up and then perhaps DCJ Wisbey might have pointed that out to the jury.

The argument continues:

9245 **Accused:** (cont.) So it’s not an issue?---Jews today are not obsessed with whether they’re a race or an ethnicity or a religion because, as I tried to explain to you, there is no such thing as “The Jews”. There’s a multiplicity of views within the community.

9250 I’m – I’m – it’s wonderful and I’m – wonderful to know that. I – I appreciate you stating that, professor, because I reiterate again that I’m charged under the racial vilification law subgroup ethnicity. And I note that in your very extensive paper, according to you very academically well received - - -

9255 **DCJ Wisbey:** Don’t make speeches. Just ask him a question, if you have a question ask.<sup>107</sup>

9260 **Accused:** Is – is being regarded as a race or ethnicity – and this is a question to you personally as – could I gather, professor, you regard yourself as a “Jewish person”?---Yes.

So if I was to say, “Are you a member of the Jewish race?” how would you reply to me?---I’d say no, I’m not.

9265 Do you believe a Jewish race exists?---No.

Do you believe there’s such a thing as Jewish ethnicity?---Yes.

9270 Would you – I’m just curious. Would you not have found that an important question to put in your paper?---When you do a survey, if I could just explain this to you, you don’t necessarily ask people straight out. Like, for example, I wouldn’t put in a survey, “Are you a racist?” What I would do would be to ask a series of questions and then, by analysing the responses to a series of questions, determine the answer to that question. So that’s what this report does. It gives you a response from a number of different angles which establish that the Jews form an ethnic community without question, just as the Italians do, just as Chinese Australians do, just as a number of groups in Australia do.

9280 *Transcript 19/01/2011 Page 452*

So, the professor is having the ubiquitous Jewish *bet each way* – on the one hand his survey makes zero mention in any way, shape or form of notions of Jewish race or ethnicity. There is absolutely zero mention whether specific or incidental or potential or inferred. He claims, as indicated above:

9285 When you do a survey, if I could just explain this to you, you don’t necessarily ask people straight out. Like, for example, I wouldn’t put in a survey, “Are you a racist?” What I would do would be to ask a series of questions and then, by analysing the responses to a series of questions, determine the answer to that question. So that’s what this report does. It gives you a response from a number of different angles which establish that the Jews form an ethnic community

<sup>107</sup> Note Wisbey’s tone - I AM asking him a question. He was extremely defensive with witnesses as you are aware.

without question, just as the Italians do, just as Chinese Australians do, just as a number of groups in Australia do.

9295 But the title of the Professors study is '*Jewish Identification In Australia*'. The term 'identification' is used throughout the paper. Nowhere is any conclusion reached; nowhere is it mentioned; inferred; discussed; re-iterated; stated; that the study is making findings as to the terms 'Jews' or 'Jewish' being an 'ethnicity'. The Professor made these findings apparently when he was called to give evidence at my trial.

9300 "Because when we did the survey, we didn't have in mind this trial that's going on now".

9305 The mind boggles as to why such a self-evident *commonality* like 'attendance at synagogue' is not mentioned. It seems to me that the definition is studiously avoiding any mention of religion if it can. This is a specific goal of the study. A bit like John Cleese in the TV comedy '*Fawlty Towers*' where whenever a German guest stay's at his hotel he always whispers loudly to his wife, "Just don't mention the war!"

9310 The actual questions (144) are not mentioned in the study but the professor makes it clear that the most asked<sup>108</sup> specific questions on exactly 'what' a Jew is – race, ethnicity, religion – **are not part of the study**. The 10 page report – '*Jewish Identification In Australia*' – simply lists these *commonalities* as part of the grouped together findings:

9315 [1] Knowledge of the Holocaust  
[2] Fear of/experience of anti-Semitism  
[3] Bar/ Bat-mitzvah  
[4] Passover Seder  
[5] Family Connectedness  
9320 [6] Jewish identity  
[7] Friendship patterns  
[8] Israel

9325 It is worth writing out from the study, the details under each heading which are extremely wishy washy and in my opinion worthless and having zero relation to the ACTUAL definition of 'racial group' and 'ethnicity' as used as the foundation for the legislation itself. My lawyer John Bougher pointed out at the Directions Hearing on whether Jews formed a 'racial group' according to law.<sup>109</sup>

9330 **[1] Knowledge of the Holocaust**

9335 Practically all Jews know the history of the Holocaust and it remains a continuing source of sadness and insecurity. Knowledge of the great tragedy that was inflicted on the Jewish people is taught in Jewish schools and youth groups and is commemorated in synagogues. Major Jewish communities have annual events commemorating the Holocaust. Holocaust Museums have been established in Melbourne and Sydney and they run education programs which reach the wider Australian community – for example, over 15,000 school children from non-Jewish schools visit the Jewish Holocaust Centre in Melbourne each year. Funds are raised to sponsor study visits by Australian school teachers to Yad Vashem, the Holocaust museum in Israel.

9340 A large number of survivors of the Holocaust migrated to Australia in the period 1947-61. Some 25% of respondents to the Gen08 survey across Australia indicated that they had lived under a 'Nazi or Nazi collaborator regime'.<sup>110</sup> A

<sup>108</sup> Simply Google "jews + religion + race + ethnicity" and you will get hundreds of thousands of hit's with the vast majority of definitions claiming "religion" or "family". In fact, I could not find a single web site dedicated to describing Jews as a race or ethnicity.

<sup>109</sup> 19/11/2010 - " **Mr Bougher:** ... It seems to me that Marcus is merely relating statistics, which is really hearsay evidence, and I don't see that that has any probative value at all. That's another issue that may be taken up."

<sup>110</sup> Note the constant use of the term 'Nazi'. The correct term is 'National Socialist'. Imagine if it was worded, "...indicated that they had lived under a 'Commie or Commie collaborator regime'".

9345 larger proportion indicated that family members (grandparents, parents, other relatives) had been in concentration camps during the Second World War – 37% in Melbourne, 31% in Sydney, 17% in Perth.

**[2] Fear of/experience of anti-Semitism**

9350 There is a relatively high level of discrimination in the form of anti-Semitism reported by Jewish Australians. 60% of respondents in Melbourne, 57% in Sydney and 57% in Perth reported that they had experienced anti-Semitism in Australia. In Melbourne 29%, in Sydney 26% and in Perth 30% reported experience of one or more incidents of anti-Semitism over the last 12 months. In most cases the reported experience was of verbal abuse.

9355

**[3] Bar/ Bat-mitzvah**

9360 A Bar / Bat-Mitzvah ceremony is an important rite of passage for a young Jewish person. According to Jewish law, when Jewish children reach 13 years of age for boys and 12 years for girls they become responsible for their actions, and “become a Bar or Bat Mitzvah” (Daughter (Bat) or Son (Bar) of the commandments). This follows a period of intense Jewish learning and includes reading in Hebrew from the Bible during a Saturday service in a synagogue. Of all respondents to the Gen08 survey, 64% in Melbourne, 67% in Sydney and 65% in Perth had a Bar/ Bat-Mitzvah. The proportion is considerably higher amongst the younger generation, highlighting the strengthening of socialisation experiences in the Jewish communities of Australia: over 80% of Jewish respondents aged 18-34 had a Bar/ Bat Mitzvah.

9365

9370

**[4] Passover Seder**

9375 Each year, Jewish families gather with family and friends for a festive meal to celebrate Passover. This occasion commemorates liberation from Egypt, as told in the Book of Exodus. The occasion can also serve to remembering other times of suffering endured by Jewish people during their long history. Although the Passover Seder is of deep religious significance, with its origin in Exodus: “And you shall tell it to your son on that day, saying ‘Because of this God did for us when He took me out of Egypt’”, it is commemorated by religious and many secular Jews alike. The Gen08 survey indicates that 86% of respondents in Melbourne, 84% in Sydney and 87% in Perth attend a Passover Seder every year.

9380

**[5] Family Connectedness**

9385 An important distinguishing characteristic of Jews in Australian society is the strength of family ties. In both Melbourne and Sydney more than 70% of respondents indicated that they spent Friday evening Sabbath with their family on a regular basis, with 50% of respondents indicating that they spent ‘every week’ with their family and 23% ‘most weeks’. In Perth 52% indicated that they spend every Friday evening Sabbath with their family, 26% most weeks, a total of 78%.

9390

**[6] Jewish identity**

9395 Jewish identity continues to be of central importance in the lives of Jewish Australians. When asked ‘how important is being Jewish in your life today?’ close to 90% of respondents in Melbourne and Sydney and 91% in Perth indicated that being Jewish was ‘very important’ or ‘important’ for them.

9400

**[7] Friendship patterns**

9405 Jews see themselves as very much part of Australian society: 95% were either born in Australia or are naturalised; they have a ‘very strong’ or ‘strong’ sense of belonging in Australia, indicated by 84% of respondents in Melbourne, 82% in Sydney, and 82% in Perth. There were almost no respondents who indicated lack

9410 of belonging in Australia. But Jewish Australians also maintain strong Jewish friendship networks. Thus 89% of respondents in Melbourne, 86% in Sydney, and 86% in Perth indicated that ‘half or more’ of their close friendships are Jewish.

### [8] Israel

9415 Identification with Israel unifies the Jewish community. There is evidence of division of opinion in response to many issues, but much of the difference disappears when Israel is considered; close to 80% of respondents indicated that they regarded themselves as Zionist (82% in Melbourne, 78% in Sydney and 85% in Perth), while only 13% did not. Zionism was defined for survey respondents as ‘connection to the Jewish people, to Jewish history, culture and beliefs, the Hebrew language and the Jewish homeland’. There are, however, a wide range of views on the policy to be followed in pursuit of peace with Palestinians.

9425 It is common for visitors to Australia to comment on the strength of identification with Israel and Zionism within Jewish communities. Thus Professor Fania Oz-Salzberger of Monash and Haifa Universities recently observed:

9430 I am yet to find a single Australian Jew who is indifferent towards Israel. There is a level of proximity here that one cannot find amid British or American Jewry, where many individuals are unstirred by their Jewish ancestry, uninvolved with Israel, or both. I like telling my Jewish-Australian friends that they are first cousins to us Israelis, while many other communities are second cousins at best. (*AJN*, 5 June 2009)

9435 When asked for their reaction to international events which put Israel in danger, a large majority indicated that they felt a ‘special alarm’ (56%) or as if their ‘own life was in danger’ (20%)

9440 Close connection with Israel is maintained by regular visits. 87% in Melbourne, 86% in Sydney and 89% in Perth indicated that they had visited Israel at least once. In the last four years, some four out of ten respondents had visited Israel; 45% in Melbourne, 38% in Sydney and 39% in Perth. 79% of Melbourne respondents have family in Israel, over 68% in Sydney and 79% in Perth.

9445 What has just been described by Professor Markus is Jewish *Identity* and NOT Jewish *ethnicity*. By the definitions described above, Catholics, Muslims, Scientologists, Motorcycle Clubs, Bogans, Fat People, Surfers, Cat Lovers, Heavy Metal Music Lovers and ANY other *identifiable group* can fit the definition of *ethnicity*.

9450 Professor Shlomo Sand<sup>111</sup> points this out:

9455 “...nationality is not merely a sense of belonging to some collective body; it is more than a feeling of solidarity and a common interest, for otherwise Protestants would be a nation, and so would cat lovers.”

**Professor Shlomo Sand 2008 “The Invention of the Jewish People” p.303 Verso**

The above coincides with this comment by Professor Markus:

9460 **Professor Markus:** ... So the idea of commonality as we deal with groups which are ethnic groups, sometimes called racial groups, is that there is something that binds them together. And so what this part of the discussion in the paper is designed to show is – is what is it that binds people together such that they identify as a Jewish person.

9465

<sup>111</sup> Book – ‘The Invention Of The Jewish People’.

**Mr Eyers:** And did you find under the broad heading of “Commonality” that there were a number of different aspects of life and culture and – and, the broader sense, the way in which Jews looked at the world that founded points of commonality?---Yes. And that’s what is illustrated then in this report.

9470

*Transcript 19/01/2011 Page 436*

The above comment Dr Walsh, if it is considered “defining”, *guarantee’s* that Catholics, Muslims, bikies, Scientologists, Surfies, Cat Lovers, Goths, Gay’s, Old People, Young People, and on and on and on. This is ‘group identity’ and it is NOT as a person off the street would describe as ‘ethnicity’ as it is understood by ordinary people with an ounce, or perhaps a gram of common sense. It is like watching the Pharisee’s “strain at gnats” while swallowing large camels.

9475

Along the same lines, this quote:

9480

“No one confuses the Catholic faith with the ethnic culture of Italians, Poles, Austrians, Spaniards, or Brazilians – Catholics all. To be a Lutheran is not necessarily to be a Finn, Dane, Swede, Norwegian, or German. Everyone understands that there is a Catholic or a Lutheran faith that is distinct from the various ethnic cultures that take shape in dialogue with that faith, that transcends the particularities of circumstance. Brazilian and American Pentecostals know the difference between nationality and religion. So, too, Judaism is not an ethnic religion, and the opinions of an ethnic group cannot serve to define that religion”.

9485

**Craige R. Prentiss 2003** “*Religion And The Creation Of Race And Ethnicity: An Introduction*” p.88 New York University Press.

9490

Let me apply these standards to a group commonly referred to as ‘Bikies’. Here is Professor Andrew Markus’s ‘*commonalities*’ again:

9495

- [1] Knowledge of the Holocaust
- [2] Fear of/experience of anti-Semitism
- [3] Bar/ Bat-mitzvah
- [4] Passover Seder
- [5] Family Connectedness
- [6] Jewish identity
- [7] Friendship patterns
- [8] Israel

9500

Let’s apply it to ‘Bikies’:

9505

- [1] Knowledge of Eureka Stockade and Ned Kelly<sup>112</sup>
- [2] Fear of/experience of being targeted by police
- [3] Associate status
- [4] Patched Member
- [5] Club connectedness
- [6] Bikie identity
- [7] Friendship patterns
- [8] Clubhouse

9510

9515 What’s the difference? ‘Bikies’ wear the same clothes, use the same language and ‘slang terms’ that is unique to the culture, they go to the same bars, listen to the same music, watch the same movies, ride the same motor bike, have a Clubhouse where they can be amongst other ‘bikies’ and feel safe (their Israel), have initiation rites, rites of passage etc.

9520

Here again is the defining legal precedent quoted often by various courts when dealing with the legal concept of *ethnicity*:

<sup>112</sup> In ‘Bikie’ culture, the Eureka Stockade incident and Ned Kelly’s shootout with police are major points in history where individuals – the 1%’ers – have not conformed with authority and fought back. They identify with this.

9525 *House of Lords: Mandala v Dowell Lee* [1983] 2 AC 548, in the case of dealing with the question of whether the Sikh people constituted an ethnic group<sup>113</sup> stated that the following characteristics were essential:

- A shared history of which the group was conscious as distinguishing it from other groups, and the memory of which it keeps alive; and
- A cultural tradition of its own, including family and social customs and manners, often but not necessarily associated with religious observance.

9530 ... and that the following characteristics were relevant, but not essential, to a finding that a group constitutes an ‘Ethnic Group’:

- A common geographical origin or descent from a small number of common ancestors;
- A common language, not necessarily peculiar to the group;
- A common literature peculiar to the group;
- A common religion different from that of neighbouring groups of the general community surrounding it;
- Being a minority or an oppressed or a dominant group within a larger community.

9540 Again, apply the above to ‘Outlaw Motorcycle Gangs’, Catholics, and virtually anyone you want.

Without:

- **A common geographical origin or descent from a small number of common ancestors...**

9545 ...as being **utterly essential**, ethnicity becomes meaningless, indistinguishable from other ‘grouping definitions’ as this previous quote warns:

9550 “Foregrounding fixity/fluidity, rather than some specific content like kinship and descent, risks making ethnicity/race indistinguishable from other cultural categories, such as religion and citizenship, since both of these could also be said to share this dynamic of fixity and fluidity.”

9555 **Denise Kimber Buell** 2005 *“Why This New Race: Ethnic reasoning in Early Christianity”* – p.10 Columbia University Press

I’ll repeat Professor Andrew Markus’s defining comment:

9560 **Professor Markus:** ... So the idea of commonality as we deal with groups which are ethnic groups, sometimes called racial groups, is that there is something that binds them together. And so what this part of the discussion in the paper is designed to show is – is what is it that binds people together such that they identify as a Jewish person.

9565 **Mr Eyers:** And did you find under the broad heading of “Commonality” that there were a number of different aspects of life and culture and – and, the broader sense, the way in which Jews looked at the world that founded points of commonality?---Yes. And that’s what is illustrated then in this report.

9570 *Transcript 19/01/2011 Page 436*

Again, apply it to ‘Catholics’ and ‘Muslims’ and there is absolutely no excuse to not include them as a ‘racial group’ utilizing the *same standards*. This is not a mind trick - according to the discussed definitions they fit, without question.

9575 So called “experts” in this field are jamming round pegs into square holes as a matter of *political and administrative/legal convenience* and nothing more.

<sup>113</sup> The Sikhs have even less of a case than Jews do – they are essentially Indians who have only a religious marker to define them as separate from the Indian population. And yet, they were accepted – this is simple ridiculous ignorance built on convenience.

9580 The transcript (19/01/2011) from page 431-441 has Mr Eyers going into detail with professor Andrew Markus on each of the above eight points:

- [1] Knowledge of the Holocaust
- [2] Fear of/experience of anti-Semitism
- [3] Bar/ Bat-mitzvah
- 9585 [4] Passover Seder
- [5] Family Connectedness
- [6] Jewish identity
- [7] Friendship patterns
- 9590 [8] Israel

Please read and note how easily you can apply the same standards to *anyone* who ‘identifies’ with a ‘group’ of people.

9595 The foundation of the legislation is moving away from the *common perception* of ‘ethnicity’ and ‘race’, into *Group Identity* which leads to *Group Defamation* whereby anyone who believes they are part of an ‘identifiable group’ could swear “hurt feelings” if some sort of ‘animosity/hatred’ is perceived at being directed at the group or individuals in it. That could be fat people complaining about the way the media portrays fat people; or women complaining at the way the media portray women; or politicians complaining about some sort of ‘vilification’ in the media – I’m sure Stalin would have liked that one on the books but then he had his own version, and on and on and on. The skies the limit.

9600

**Perhaps this final passage from transcript sums up the legislation as it applies to Jews:**

9605 **Accused:** ... And perhaps your Honour could prompt me? Have I asked the question to the professor; do Jewish religious books such as the Tanakh or Old Testament or the Babylonian Talmud, Rabbinic commentaries, which describe in a lot of detail, Jewish life and you could say, not that I believe it, but you could say Jewish ethnic markers, are they reliable history books or are they religious books?

9610

**Prof Markus:** My understanding is that they are religious books.

9615 **Accused:** And as a well-respected academic who – who conducts fairly in-depth studies, *would you say it’s wise to base legislation on a religious book?*

**DCJ Wisbey:** Well, that’s not relevant and you needn’t answer that, professor?--  
-Thank you.

9620 *Transcript 10/01/2011 Page 462*

Professor Shlomo Sand asks the simple question in his book *‘The Invention Of The Jewish People’*: “What are the secular markers that denote an ethnic connection between Jews all over the world?”

9625 The answer is there aren’t any and it’s time someone made obvious that the emperor has no clothes on. The legislation has moved into ‘self-perception’ as a defining argument which again opens up a Pandora’s box for ANYONE who wants to have a weapon they can use against critics.

9630 Here is a quote from a random Jewish website that discuss what the definition of ‘Jewish’ is. It would have been good to have been able to go ONLINE<sup>114</sup> and show the jury – in real time – that not one website describes themselves as a ‘race’ nor ‘ethnic’ group. NOT ONE. I went through at least 20 popular Jewish websites dealing with the issue. Here is but one example:

<sup>114</sup> With such unique legislation and the internet being such a big part of it, they should have been able to go online – in the court room - and see what is freely on offer as ‘information’. They would also see that while I was being prosecuted, hundreds of websites and blogs, maintained by Australians, are not. This would show the highly selective manner in which the legislation was being applied.

## Is It A Culture or Ethnic Group?

9635

Most secular American Jews think of their Jewishness as a matter of culture or ethnicity. When they think of Jewish culture, they think of the food, of the Yiddish language, of some limited holiday observances, and of cultural values like the emphasis on education.

9640

Those secular American Jews would probably be surprised to learn that much of what they think of as Jewish culture is really just Ashkenazic Jewish culture, the culture of Jews whose ancestors come from one part of the world. Jews have lived in many parts of the world and have developed many different traditions. As a Sephardic friend likes to remind me, Yiddish is not part of his culture, nor are bagels and lox, chopped liver, latkes, gefilte fish or matzah ball soup. His idea of Jewish cooking includes bourekas, phyllo dough pastries filled with cheese or spinach. His ancestors probably wouldn't know what to do with a dreidel.

9645

9650

There are certainly cultural traits and behaviours that are shared by many Jews, that make us feel more comfortable with other Jews. Jews in many parts of the world share many of those cultural aspects. However, that culture is not shared by all Jews all over the world, and people who do not share that culture are no less Jews because of it. Thus, Judaism must be something more than a culture or an ethnic group.

<http://www.jewfaq.org/judaism.htm>

9655

Note from the above:

9660

Those secular American Jews would probably be surprised to learn that much of what they think of as Jewish culture is really just Ashkenazic Jewish culture, the culture of Jews whose ancestors come from **one part** of the world.

9665

As the United States is the culture from which all of these new laws are springing, it is only natural that the concepts - philosophical, historical and legal - are based around the American experience. With 'Jews', that means *Ashkenazi Jewish* experience from the Jewish peoples of Poland, Russia and to some extent Germany. This is a very specific *Yiddish culture* that has some claim to a specific ethnicity in the traditional sense...but it is not found anywhere else in the world and does not in any way cross the cultural divide – only the Jewish *faith* does that. Again, note the above quote:

9670

Jews have lived in many parts of the world and have developed many different traditions. As a Sephardic<sup>115</sup> friend likes to remind me, Yiddish is not part of his culture, nor are bagels and lox, chopped liver, latkes, gefilte fish or matzah ball soup. His idea of Jewish cooking includes bourekas, phyllo dough pastries filled with cheese or spinach<sup>116</sup>. His ancestors probably wouldn't know what to do with a dreidel.

9675

9680

When the average person thinks "Jewish", he or she is thinking of *Ashkenazic Jewish American* culture which has stemmed from the vast immigration of Jews from Russia and Poland from the late 18<sup>th</sup> century on. "Seinfeld", the hugely popular American comedy series, is based on American Jews; their ethnic background as the average person would know it is Polish and Russian; their genetic makeup indistinguishable from their surrounding neighbours; their day to day secular habits indistinguishable from the people in their village and towns back in Europe and Russia.

Here, the major Israeli newspaper Haaretz quotes U.S government education officials not deeming Jews a racial group:

9685

**HAARETZ.com**

**Can the U.S government officially protect Jewish students?**

<sup>115</sup> Sephardic = Arab Jew

<sup>116</sup> These are specifically 'Arab' culture foods.

9690 **Jewish groups exert communal effort to get the U.S Department of Education more deeply involved in probing the allegations of anti-Semitism on college campuses.**

**Published 12:51 19.04.10 Latest update 08:52 20.04.10**

9695 **By The Forward and Josh Nathan-Kazis**

Are Jews an ethnic or a religious group?

9700 This perennial question is now at the heart of a Jewish communal effort to get the U.S Department of Education more deeply involved in probing allegations of anti-Semitism on college campuses.

9705 Thirteen national Jewish organizations have sent a letter to Secretary of Education Arne Duncan arguing that the department's Office for Civil Rights has adopted a policy that fails to protect Jewish students from anti-Semitic harassment on college campuses.

9710 The March 16 letter urges the department to address incidents of campus anti-Semitism under its mandate to investigate instances of discrimination on the basis of race and national origin. The Jewish groups letter expressed concern that the department is treating campus anti-Semitism solely as a manifestation of religious bias, over which the Education Department lacks jurisdiction.

9715 "Jewish students should have some recourse and some remedy if they're subject to intimidation or harassment on the basis of their **identity** of being Jewish," said Richard Foltin, director of national and legislative affairs at the American Jewish Committee. "We want to make sure that the resources of our national institutions, our federal government, are in place for those students when they're needed."

9720 ...

9725 "The current policy is not to address anti-Semitism at all," said Kenneth Marcus, who headed the department's civil rights office from 2003 to 2004. "The only way a complaint will be addressed is if it's by a black Jew who faces racism, or a female Jew who faces sexism, or a disabled Jew who faces disability discrimination. But a Jew who faces anti-Semitism will not be addressed."

...

9730 Jewish organizations point to written statements from Education Department officials as evidence that the OCR has changed its policy. In a series of letters issued between 2006 and 2009, officials wrote that the office will not investigate allegations based purely on religious discrimination. They do not, however, definitively state whether a student's Jewishness constitutes a solely religious **identity**.

9740 In a 2009 letter responding to an enquiry from Rep. Brad Sherman, a California Democrat, Ali wrote: "It has long been OCR's policy...that title VI does not cover discrimination based solely on religion, including anti-Semitic harassment, intimidation, and discrimination... However, when cases include allegations of race, colour, or national origin discrimination in addition to religious discrimination, OCR would have jurisdiction over the portion of the complaint alleging discrimination on the basis of race, colour, or national origin."

9745 There is that word "identity" again and again. Race and ethnicity are not identity. As Professor Shlomo Sand points out again and again in his book *'The Invention Of The Jewish People'*, even "cat lovers" are an identity.

9750 Dr Walsh, simply Google “jews + ethnicity + race” and every one of those websites will answer they are some form of ‘family’ – until of course they need to use the term ‘ethnicity’ or ‘race’ to get a result they want. I’m sorry, they are that duplicitous.

9755 It should also be noted that Professor Markus states EMPHATICALLY that there is NO ISSUE in the Jewish community as to whether they are a race or ethnic group. **This is a complete and utter lie.** Professor Markus knows very well that it is THE number one issue amongst Jews.

This confusion and difference of views is not an unwelcomed confusion in the eyes of what I would call the *Jewish Crime Network*:

9760 So these secular Jews often end up being just another round of Michael Neuman’s “veritable shell game” of Jewish identity. “*Look! We’re a religion! No! a race! No! a cultural entity! Sorry—a religion!*” Because this is the key to maintaining Jewish power – if it’s indefinable, it’s invisible. Like a Stealth Bomber (you can’t see it on your radar but you sure know when you’ve been hit) Jewish power, with its blurred outlines and changing forms, becomes invisible. And if you can’t see it you can’t fight it. Meanwhile the assault on the Palestinians continues.

9765 **Paul Eisen “Jewish Power”**  
<http://www.rightousjews.org>

9770 **The High Court:**

There are three possible ways they will go, assuming the matter makes it there –

9775 1) Restate/affirm that ‘Jewish Identification’ be based on the *House of Lords: Mandala v Dowell Lee [1983] 2 AC 548* case and these criteria:

9780 • A shared history of which the group was conscious as distinguishing it from other groups, and the memory of which it keeps alive; and

• A cultural tradition of its own, including family and social customs and manners, often but not necessarily associated with religious observance.

... and that the following characteristics were relevant, but not essential, to a finding that a group constitutes an ‘Ethnic Group’:

9785 • A common geographical origin or descent from a small number of common ancestors;

• A common language, not necessarily peculiar to the group;

• A common literature peculiar to the group;

• A common literature peculiar to the group;

• A common religion different from that of neighbouring groups of the general community surrounding it;

9790 • Being a minority or an oppressed or a dominant group within a larger community.

2) Make the definition a “self-perception” model with the above criteria as some sort of base line. This will include the “self-perception” of the accused as to the complainants status as an ‘ethnic group’.

9795 3) Make “*a common geographical origin or descent from a small number of common ancestors*” an essential criteria and not a “relevant” criteria.

9800 Somewhere during their deliberations they are going to have to wrestle with the concept that *identity* is not *ethnicity*. Ethnicity can be a component of identity – in fact anything can be a component of identity – but the relevant ‘racial vilification’ laws relate to the specifics of ‘racial group’ and the sub group ‘ethnicity’.

9805 If the High Court deliberates along the lines of *identity* and the likes of Professor Andrew Markus's study<sup>117</sup>, then the way is open for anyone, and I mean ANYONE – according to the legal definition – to come under the definition of 'racial group' as a matter of law. After all, these will be the affirmed guidelines admitted as essential...

- 9810
- A shared history of which the group was conscious as distinguishing it from other groups, and the memory of which it keeps alive; and
  - A cultural tradition of its own, including family and social customs and manners, often but not necessarily associated with religious observance.

9815 ...and that can be literally anyone. All anyone has to do is argue it 'sincerely'. Even the "relevant" criteria section can be applied to anyone to some degree.

9820 The marker that makes the legislation what it was meant to be – what the "man/woman on the street" took it to be – is "*a common geographical origin or descent from a small number of common ancestors*" as part of the **essential** components that define ethnicity. Then it makes some sense.

Hopefully, common sense will reign and point 3 will be affirmed with a component of "self-perception" of the accused coming into play in the specific matter of 'Jews'.

#### 9825 [4] Admissibility of Evidence - Prosecution

This is perhaps THE major purely *legal point* of the trial.

9830 "What is vastly influential," Archer says, "is what confronts them in the alien and sometimes over awing environment of the court room. This is a realm for which many people have few reference points and where they are inclined in good faith to accept the knowledge and authority of the judge and senior barristers involved. It's an environment where expert witnesses, simply by virtue of their titles, are presumed to be eminent and respected sources. We know this is regularly and very far from the case. However, ordinary people very often don't have the critical skills to analyse what's being presented."

9835 **Robin Bowles** 2007 "*Rough Justice - No Justice*" The Five Mile Press. p.71

9840 I note this local newspaper article that appeared recently on the matter of a re-trial being ordered because *prejudicial opinion evidence* was allowed into the trial. Justice Mazza presided and C.J Wayne Martin also:

#### 9845 **Prejudicial evidence leads to new trial**

Natasha Boddy  
THE WEEKEND WEST  
December 15-16, 2012

9850 Two men convicted of drug offenses have won a retrial because a detective was allowed to give "inadmissible" and "prejudicial" evidence to the jury at their District Court trial.

In a decision published yesterday, the Court of Appeal ruled that the convictions of Domenic Italiano and Cameron and Robert Barnes for drug offenses should be overturned after finding there had been a miscarriage of justice during their trial in June last year.

9855 Following a 17-day District Court trial, Mr Italiano was found guilty of a charge of possessing methamphetamine with intent to sell or supply while Mr Barnes was convicted of a charge of supplying methamphetamine.

This week, Chief Justice Wayne Martin and Justices Pullin and Robert Mazza found the trial had been tainted by the "inadmissible" and "prejudicial" evidence of Det-Sen Const. Peter Gerard Shanahan.

9860 Justice Mazza said it was extraordinary "how much **inadmissible opinion evidence** was adduced which was prejudicial" to the two men.

<sup>117</sup> Which was *inadmissible opinion evidence* anyway.

He added that “equally as extraordinary was the failure of defense counsel to object to it”.

9865 Please note DCJ McCann’s comment at the November 2010 directions hearing on Jews being a racial group:

9870 **DCJ McCann:** The State’s case relies on two expert witnesses and the case law in various jurisdictions. The expert witnesses are Rabbi David Freilich and Professor Andrew Markus and the State also relies on the evidence of Mr Keyser. I’ll come back to that evidence later. At the moment there is no challenge to the qualifications of any of these witnesses to give opinion evidence.

*Transcript 19/11/2010 Page 204*

9875 Neither Professor Andrew Markus’s *opinion evidence* nor Rabbi Dovid Freilich’s *opinion evidence* was admissible and I should have vigorously opposed its introduction by the prosecution. This includes Professor Andrew Marcus’s “study” which was hearsay, nothing more.

9880 DCJ Wisbey’s summing up is extremely important:

9885 **DCJ Wisbey:** Now, there is one matter that I must specifically refer to and that’s what we call expert evidence. You’ve heard evidence from Professor Markus, the foundation research professor for Jewish Civilization at the Monash University and you have his research paper, which is exhibit 4, and you also heard from Rabbi Freilich, the Chief Rabbi of the Perth Hebrew Congregation. Their evidence was directed to the issue of whether the Jewish people are a race or ethnic group and in terms of the offence, whether they constitute a racial group. As I say, that evidence was lead because the state must establish as one of the elements of the offence that Jewish people are a racial group.

9890 *Transcript 27/01/2011 Page 719*

9895 Rabbi Freilich was *not* an “expert witness”. He was specifically a “lay witness” giving “opinion evidence”. Professor Andrew Markus was an “expert witness” giving “opinion evidence”. In other words, they were talking about what they ‘think’ *other people* ‘think’ (in the case of Professor Markus) and Rabbi Freilich was merely extrapolating on his ‘beliefs’ via an interpretation of a religious book along the lines of his specific Jewish religious sect – Orthodox Judaism. Even the Chief Justice of the Supreme Court agrees. Here are his comments from the appeal hearing on 13<sup>th</sup> December 2011 on another point which have direct relevance to Rabbi Freilich’s inadmissible opinion evidence:

9905 **CJ MARTIN:** Asking the Rabbi whether other people can be proud of their race and their culture and their heritage and wish to marry amongst their own is plainly an irrelevant question. It is asking the Rabbi to speculate about other people’s state of mind.

9910 ...  
None of that is evidence, is it? How would the Rabbi know the position of Anglicans in England? How would he know the position of other people in Western Australia and whether they are proud of their race on the face that the question was plainly objectionable?

*Transcript CACR 28&29 of 2011 13/12/2011 Page 23*

9915 Besides the Chief Justice explaining that the Rabbi should never have been allowed in the court room (which of course I agree with) - he got the gist of the question wrong. I was asking the Rabbi’s opinion of whether “other” people are allowed to be proud of their race, culture and heritage, and demand to marry amongst their own “race”, as he demands. The point was to show that by definition

the Rabbi sounds like a racial supremacist - which he is; and Israel is a racist apartheid state - again, by definition. They can't have it both ways.

9920

At a Directions Hearing two months before the trial, these comments were made that are instructive on this point:

9925

**Mr Bougher:** Well, I think, whether or not the State considers that those witnesses need to be called, depends a bit upon the rulings that your Honour makes today. It seems to me that Marcus is merely relating statistics, which is really hearsay evidence, and I don't see that that has any probative value at all. That's another issue that may be taken up.

...

9930

**DCJ McCann:** But for the purposes of this hearing this morning I'm going to proceed

9935

**Mr Bougher:** No, your Honour. Although, as I say, I comment that the statistical evidence really is hearsay and it's not probative, so I think that it can be disregarded. The Rabbi's opinion and evidence in his statement is something that at this stage, of course, can be taken into account by your Honour.

9940

**DCJ McCann:** Sorry, I was making a note and I missed half of what you just said. I can take into account Rabbi Freilich's evidence?

9945

**Mr Bougher:** Yes. As it's here on the papers; as it stands now. It's untested, of course. But the statement of Markus – I think it's Professor Markus, is it? – he really just gives a statistical outline, basically, which in my submission doesn't have any probative value.

*Transcript 19/11/2010 Page 183-184*

DCJ McCann at the 19 November Directions Hearing makes some more comments on the status of both Rabbi Freilich and Professor Andrew Markus:

9950

**DCJ McCann:** The State's case relies on two expert witnesses and the case law in various jurisdictions. The expert witnesses are Rabbi David Freilich and Professor Andrew Markus and the State also relies on the evidence of Mr Keyser. I'll come back to that evidence later. At the moment there is no challenge to the qualifications of any of these witnesses to give opinion evidence.

9955

*Transcript 19/11/2010 Page 204*

9960

On the point of Rabbi Freilich, he was making statements only in his capacity as head of the Hebrew Orthodox Religious Community – *not* as a representative of "Jews" in general. It was as if the Arch Bishop of the Perth Catholic Community was making 'defining' statements as to what a "Christian" was and believes, all while the fact that there are wildly differing interpretations amongst dozens of different Christian sects is ignored. DCJ Wisbey should have clarified and amplified to the jury that Rabbi Freilich was only a "lay witness" and only expressing his "opinion" on what a Jew was/is in his capacity as the *specific head* of the Perth Hebrew congregation. The simple fact is he should never have been on the stand.

9965

Let me quote from Professor Andrew Markus's much discussed 'report' on the above specific point to do with Rabbi Freilich. Under the heading '*Divisions Amongst Jewish Australians*'<sup>118</sup>:

9970

#### **Divisions amongst Jewish Australians**

Amongst Jewish Australians, as amongst all groups of people, there are significant divisions. There are marked divisions, for example, along lines of

<sup>118</sup> Full report name '*Jewish Australians And Jewish Identification*'.

9975 **religious belief**<sup>119</sup> (and non-belief), with the main forms of identification being  
the Ultra-Orthodox, Strictly Orthodox, Modern Orthodox, Conservative,  
9980 Traditional, Progressive and Secular. These divisions impact on the way people  
lead their lives – for example, the frequency of synagogue attendance, the  
following of religious observances, including dietary laws and the way children  
are raised.

So, Rabbi Freilich is representative of the Perth Jewish Community and Jews in general? DCJ  
Wisbey's summing up 'on the evidence' on this vital point was grossly inadequate and one sided.

9985 Rabbi Freilich's testimony is not even relevant as he is a religious leader and there was **never any  
contention that Jews were not a religious group**. Mr Justin Whalley in a letter to my lawyer dated  
28<sup>th</sup> of July 2010 made this statement about Rabbi Freilich's statement and testimony to come at trial:

9990 ...  
Whilst the definition of 'racial group' in Code s.76 makes no reference to  
religion it does refer to "*ethnic origins*." The dictionary definition of "ethnic"  
includes "*a social group having common national, racial, cultural and  
9995 religious...characteristics*." Accordingly the State will contend that the evidence  
of Rabbi FREILICH is relevant to this issue.

Freilich was never relevant to the case and his testimony and statement should not have been  
allowed. It was never in dispute that Jews were a 'religious group'. I object to him taking the stand  
early on:

10000 **DCJ Wisbey:** Mr O'Connell, I've got three applications for the evidence of Mr  
Peach, who's in the United Kingdom, Mr Markus, who is in Melbourne, and Mr  
Freilich, who is in Israel, to give evidence by video-link. Do you have any  
problem with that?

10005 **Accused:** Adjudicator, other than it's merely hearsay. I mean, Rabbi Freilich is a  
religious man. That's hearsay. He's going to be talking from a religious  
perspective. That's not relevant at all to this – to this matter. That's faith. That's  
not relevant at all.

10010 ...

10015 **DCJ Wisbey:** In the circumstances, having regard to the provisions of the  
Evidence Act, in particular section 121, I propose to make orders that the  
evidence of the witnesses Peach, Freilich and Markus be taken by way of video  
link.

*Transcript 17/01/2011 Page 313*

10020 On specifically Professor Andrew Markus's 'report', becoming an 'exhibit' – this made what is  
essentially hearsay from un-named sources into something it was *not*, in the eyes of the jury. I should  
have refused to allow it to be entered as an 'exhibit' and fought sternly to have it labelled hearsay and  
inadmissible, just as both DCJ Wisbey and prosecutor Eyre's had done to me. I discussed this with Mr  
Eyers before the commencement of proceedings and agreed to let him have it entered because I  
10025 thought that be being 'nice and co-operative' I might get my own material entered onto the record.  
Please don't laugh, that's the way I 'think'. I realise that is not the way to think in court.

10030 **DCJ Wisbey:** Mr Eyers, in respect to the matter of the report, I would not accept  
the report into evidence as an exhibit. It will be necessary for the witness to  
articulate those matters you wish to put before the court.

**Mr Eyers:** Well, your Honour, can I just address that?

<sup>119</sup> Professor Markus's 'bold' emphasis.

**DCJ Wisbey:** Yes, certainly.

10035 **Mr Eyers:** I think Mr O’Connell – it’s obviously subject to your Honours view and ruling, would welcome me putting the report before the jury also.

**DCJ Wisbey:** Well - - -

10040 **Mr Eyers:** So it would be put in by consent.

**DCJ Wisbey:** - - - if Mr O’Connell wishes – is content that it go before – the report go in evidence, then there would be no difficulty.

10045 Yes Mr O’Connell?

**Accused:** ... Your Honour, the only thing I have with the material is that it’s – it’s basically hearsay. And as long as the jury know that it’s pretty much hearsay, then the professor can - - -

10050 **DCJ Wisbey:** Well, the issue is whether the jury get the report as an exhibit. Do you wish them to have it as an exhibit or do you just wish the witness - - -

10055 **Accused:** Yeah. They can knock themselves out, have a read. I’m happy with that, your Honour.

**Mr Eyers:** Yes. So it was an application by consent. I did canvass it with Mr O’Connell.

10060 **DCJ Wisbey:** Yes. Well, in those circumstances, perhaps we should have the jury in and start.

*Transcript 19/01/2011 Page 424-425*

10065 I have run out of energy Dr Walsh. You get the idea.

### [5] Admissibility of Evidence - Defence

10070 I know that many jurors endure sleepless nights when they find out more details of the story after the case is over. Many ask themselves, ‘Why didn’t they just tell us the whole truth and nothing but the truth?’ If jurors are considered responsible adults who have been co-opted to make serious decisions about a fellow member of their community, shouldn’t they have all the facts, not just the selected bits that both sides want to let them hear? But giving the jury the whole story is perilously close to plain common sense, which as juror ‘Bluey’ says, “it aint that common.”

10075 **Robin Bowles** 2007 *“Rough Justice - No Justice”* The Five Mile Press. p.72

10080 Before going on, please refer back to *page 67* of this letter and the article about a British Judge, Bathurst-Norman, who made positive comments about the accused in a trial where the accused had damaged property to prevent harm coming to the Palestinians in Gaza:

10085 Describing evidence shown in court, Judge Bathurst-Norman told the jury that he could only describe the “horrific” events shown as, “scenes which one would rather have hoped to have disappeared with the Nazi regimes of the last war”.

Evidence “shown”. Exactly what I wanted to do so the Jury could see the psychological motivating factors behind my behaviour. This is extremely important.

10090 It’s not like the court didn’t know from very early on that I wanted to present large amounts of material to dispel the prejudice of the jury:

10095 **ACCUSED:** Just finally, I'm very happy with that - was it five to ten days for a trial? That's wonderful because there will be extensive background information needed to be given to the jury from my part, including documentaries - mainstream documentaries.

*Transcript 24/04/2010 Page 93*

10100 As you are aware, I was continually promised the chance to present evidence by first presenting it to DCJ Wisbey who was concerned it would violate the premise of 'hearsay'. I was promised by both DCJ Wisbey and prosecutor Antony Ayres that chance. I had argued that section 80B (Conduct likely to racially harass) was defensible under 80G (b) (ii) and (c) and I was at least entitled to present the material that formed my views so the jury could ascertain if in fact my actions were in the public interest etc.

**80G. Defences**

10110 (1) It is a defence to a charge under section 78 or 80B to prove that the accused persons conduct was engaged in reasonably and in good faith -  
 (b) in the course of any statement, publication, discussion or debate made or held, or any other conduct engaged in, for -  
 (ii) any purpose that is in the public interest; and  
 (c) in making or publishing a fair and accurate report or analysis of any event or matter of public interest.

10115 Also, what I have read, watched, and listened too over ten years regarding Jewish power and the underlying racial and religious supremacism goes to the heart of *intent* under section 77 of the code as well as the argument that the jury is so tainted and prejudiced from the beginning on matters of Jewish persecution and their status as a vulnerable minority group that I should have been allowed to clarify this heavily. 'Jews' are without doubt, I repeat, without doubt, the most powerful "group" of people in the world. This is a matter of the simple historical and present day record. This influenced my behaviour and would go a long way to creating inferences for the jury as to my state of mind and subsequent intent.

10125 From page 662 to 667 of the Transcript you see me arguing that I should be able to present material. DCJ Wisbey and the prosecution raise the issue of hearsay again despite stating earlier that I would be able to present material for the inspection of both Judge and Prosecutor.

10130 Mr Eyers has finished his cross examination of me. Now DCJ Wisbey is inviting me to raise any matters that have come out of cross examination:

**The Witness:** Will I be able to - when do I get to present my material? So it goes to the heart of intent, good faith, innocent intentions.

10135 **DCJ Wisbey:** Are there - are there any matters you wish to raise arising out of cross examination? ---I just raised these matters, and we can move on when - when that is respected. Perhaps - - -<sup>120</sup>

**The Witness:** I have mountains of material.

10140 **DCJ Wisbey:** - - - ladies and gentlemen, would you retire for a short time, and perhaps you'll use the time to select a new foreperson. Thank you.<sup>121</sup>

(At 11.11 am the jury retired)

10145 Now a debate between judge, prosecutor and myself ensues in the absence of the jury around admissibility of evidence - again. Previously I had been told that I would be able to present the

<sup>120</sup> This appears to me be me saying this but I suspect this is the prosecutor, not me.

<sup>121</sup> A new foreperson so late in the game?

individual evidence that would elucidate for the jury my ‘intent’ to DCJ Wisbey for him to review individually. Clearly they had no intention of ever doing this. Pages 662 to 667 27/01/2011 11:10:

10150

**DCJ Wisbey:** So are there any issues that have arisen out of the cross-examination? Which is probably unlikely since you refused to answer most of the questions. Are there any issues that you wish to raise?--I wish to present material to the jury. It’s as simple as that. I mean, how much simpler - look, I want to conduct a defence. Is that too hard for you, Mr Wisbey? Which - - -

10155

Well - - -?--Which law school did you go to?

10160

It’s not too hard for me, but it appears to be too hard for you?---Can I read stuff into the record?

No, you - - -?---Could I read it to the jury?

10165

Well, if you can - first of all, what do you want to do? And for what purpose?--- Well, it goes to the heart of intent, sir.

No, what do you want - what do you want to read to the jury?---I can conduct a defence based on 80G, which is the first - the first matter of the indictment.

10170

Did you - did you hear what I asked you?---What I want to present? What is it to you what I present?<sup>122</sup> He can cross examine on that. He can be advised for his little - his little rabbis that are coming in.<sup>123</sup> They can advise him on that at a later date. I’d like to read about “The King’s Torah: A Rabbinic Text or a Call to Terror” by Haaretz, one of the major newspapers in Israel. I want to read it to them.

10175

**Mr Eyers:** Well, I’d object on the basis of, firstly, relevance; secondly, it’s hearsay - - -

10180

**The Witness:** What are you talking about? Straight out of the rabbi’s mouth.

...

Which is backing my material. This is the material that’s formed my world view.

10185

Note DCJ Wisbey’s question from above: “So are there any issues that have arisen out of the cross-examination? Which is probably unlikely since you refused to answer most of the questions.” I should have said, “Yes, I wish to cross examine myself.” He knew that is what I wanted to do – to cross examine myself with access to the material I wished to make known to the jury so I could answer Mr Eyers questions in detail and **in context**. Because I do not state clearly that I wish to cross examine myself, Wisbey can claim he had every right to end the trial.

10190

I might add he ended it (trial) on January the 27<sup>th</sup>, 2011 - *Holocaust<sup>TM</sup> Remembrance Day*. A nice touch. Maybe DCJ Wisbey got a free trip to Israel, business class, to see the Holocaust<sup>TM</sup> memorial there?

10195

The debate rages on for several pages. How could I then at least defend myself (using 80G) on charge 1 of the indictment - 80B. Conduct likely to racially harass.

10200

### **80G. Defences**

(1) It is a defence to a charge under section 78 or 80B to prove that the accused persons conduct was engaged in reasonably and in good faith -

<sup>122</sup> I don’t believe I ever said this...”What is it to you...” This is a mistake on the part of the transcriber.

<sup>123</sup> Prosecutor Mr Ayres had an Orthodox Jew barrister in his ear when I came in that morning advising him.

- 10205 (b) in the course of any statement, publication, discussion or debate made or held, or any other conduct engaged in, for -  
 (ii) any purpose that is in the public interest; and  
 (c) in making or publishing a fair and accurate report or analysis of any event or matter of public interest.

10210 How could I show the jury that my conduct *was engaged in reasonably and in good faith for a purpose that is in the public interest while making or publishing a fair and accurate report or analysis of any event or matter of public interest?* I can't show anything? I can't show that what I say, and my view of Stanley Keyser as an obvious stooge and agitator, is 'reasonable'. Please refer to page 10 and the concept of the 'Sayanim'.

10215 I insist on the above point almost continuously throughout the trial. In particular, in relation to the confrontation with Stanley Elliot Keyser and section 80B:

**Page 600** on...

10220 **Page 609:** "Can I please present to the jury the documentary video's I have describing how Brendon Lee of the family O'Connell came to these assumptions?"

**Page 610:** "Mr Eyers, I'd like to answer your question by showing to the jury some of the material of how I've come to believe Mr Keyser as having said he's a member of the Jewish community, why I can make these assumptions reasonably. Let me show those documentaries."

10225 **Page 611:** "In my heart of hearts made perfectly reasonable assumptions, based on my knowledge and direct experience, and the direct experiences of others. Let me show that to the jury."

**Page 614:** (Mr Eyers) - "This is your assertion of views into a factual vacuum, isn't it?---According to you."

10230 It is constantly stated outright or insinuated by the prosecution that, "*a little bit of knowledge is a dangerous thing*", that I have no idea what I am talking about. Surely, it would be prudent to show a jury EXACTLY how I came to my 'views' which are directly related to the defence of 80G:

#### **80G. Defences**

- 10235 (1) It is a defence to a charge under section 78 or 80B to prove that the accused persons conduct was engaged in reasonably and in good faith -  
 (b) in the course of any statement, publication, discussion or debate made or held, or any other conduct engaged in, for -  
 (ii) any purpose that is in the public interest; and  
 10240 (c) in making or publishing a fair and accurate report or analysis of any event or matter of public interest.

10245 The following long passage from the trial shows the idiocy that can take place with regards the application of this legislation. Here, the prosecutor Mr Antony Eyers claims my "intention" must have been to vilify Jews because I had not properly researched the subject matter!

**MR EYERS:** Thank you your Honour.

10250 Ladies and gentlemen, when it comes to consider intention, what was Mr O'Connell's intention? This exchange, and its page 504 on the transcript for the record, may assist you. And it was a question put by Mr O'Connell to Rabbi Freilich. And he asked this, that's to say Mr O'Connell:

10255 What is the holiest book? What – what are your main books? Just to clarify the main books. Would it be the Babylonian Talmud, the books of the Mishnah, Gemara, Rabbinic Commentaries, or would it be the Tanakh or Old Testament. Which would be your favourite and most – most important books that define whether you're a race or a religion or both?

10260 The rabbi replied in this way:

10265 None of those actually. The most important book is the Shulkan Aruk, which is the final decisions of those particular discussions by the rabbi's and from – from the Torah down to the Mishna, the Gemara and then finally the Shulkan Aruk gives the final Halakah.<sup>124</sup>

10270 I don't understand the context of that, but perhaps you can infer the context. And so the rabbi said:

So if I had to have one book – if I had to have one book to make this -

Mr O'Connell interrupted:

10275 Forgive me, sorry. I don't mean to interrupt. So, okay, so according to you then, there are rabbinic commentaries and so on make no final decisions whatsoever. There is no final clarification within the books?

Answer from rabbi Freilich:

10280 No.<sup>125</sup>

Question by Mr O'Connell:

10285 None?

And the rabbi said this:

10290 The Torah has laws which of course are very – are actually very straightforward but again they have – they're discussed in the Talmud and then finally, the final decisions are in the Shulkan Aruk. Now – now, there are many opinions by a number of the rabbis in the Talmud discussing those laws in the Torah and in fact you could – you could take any of those opinions out of context and say, you know, "This is the opinion of Judaism". But it's not. The final – the – and as – as it is with many law books, you can have various opinions of various judges, but – but there's – there's a – there's a final decision on a situation.

10300 All right. Well, that's a very important point -

Said Mr O'Connell. And then the rabbi finished in this way:

10305 Now, the same as with Judaism, the Shulkan Aruk is the final decision.

10310 I just want to re-iterate that the rabbi has just given the classic answer to deflect criticism of the Talmud etc. He is lying and he knows he is lying. The various Rabbinic Commentaries ALL give a final answer on many subjects. Also, one must ask whether it is necessary to debate whether sex with an animal is the right thing to do or whether sex with a 9 year old boy or a 3 year old girl is the right things to do or whether Noah had sex with all the animals on the Ark<sup>126</sup> – obviously they had some weird legal problems in those days.

10315 Just to give an example of the way the Talmud and other Commentaries are twisted to deceive Gentile eyes - there was the case of Hollywood director Steven Spielberg using a quote from the Talmud on the poster advertising the movie 'Schindlers List'. It said: "He who saves a life, it is as if he has saved the whole world". The 'Jewish Talmud' is quoted as the source on the poster. What the Talmud actually says is: "He who saves a **Jewish** life, it is as if he has saved the whole world." You

<sup>124</sup> "Religious Law"

<sup>125</sup> This is a common lie by the rabbi's to deflect away criticism of the sick and twisted ravings contained within their various Rabbinic Commentaries.

<sup>126</sup> No! I'm not making this up!

10320 see the difference a word makes. This is in perfect congruence with Talmud and other Commentaries stating that non-Jewish lives are worthless. That the difference between a Jewish soul and a non-Jewish soul is like that of a human to an animal. Or such classic Talmud comments as: “*The best of the Gentiles should be killed. The best of snakes should have their heads crushed.*” This is a classic comment from who is said to be the “nicest” of the great Rabbi’s, *Maimonides*.<sup>127</sup>

10325 Mr Eyers continues:

10330 Now, that may or may not be the case. Whether it is or not is irrelevant. But the point may be this, for your consideration, ladies and gentlemen. Mr O’Connell has not read the Shulkan Aruk<sup>128</sup>. Okay? In his critique and in reaching the views that he holds, and he’s entitled to hold views and any views he wishes. That’s not what this is about.

10335 Correct. It’s not what it’s about but that’s EXACTLY what they made it about – they did not like my “views” and they have called them “abhorrent”, over and over again, making it plain that the legislation is being used to stifle knowledge, not encourage reasoned debate.

Mr Eyers continues:

10340 But when he expresses himself in public, when he publishes, when he cranks up the modern day equivalent of the medieval printing presses, ask yourself this: in light of that breath taking omission to read a book advanced as the final word, is he intending to approach the subject on a balanced, rational basis or is he intending, through the omission of his research and the partialness of his approach – is he intending not to enter into a reasoned, balanced, rational debate in possession of all possible materials to enter such a debate – for instance, actually doing his homework, as you’d have expected, being armed with requisite knowledge to enter a debate, a free and open and fair debate, an exchange of ideas and opinions, or is he intending to create, promote and increase animosity towards the Jewish people?

10350 So, was this legislation debated and passed to ensure “accurate reports”? Is Mr Eyers on medication or has he forgotten to take his medication? Mr Eyers, and just about all the comments by people I have read on this subject make the same mistake, over and over – they focus on **content/views** and not the **delivery/tone/inflection** and political background of the person charged. It was clear I was angry when I made certain comments and statements online and I have explained those. The DPP knew all about it but they carried on with their ridiculous indictment because they were too embarrassed to stop. Mr Eyers even states: “for instance, actually doing his homework, as you’d have expected, being armed with requisite knowledge to enter a debate, a free and open and fair debate, an exchange of ideas and opinions”, so, is Mr Eyers saying that only “fully informed” and “suitable qualified” persons may enter a “free and open debate”? This argument reminds me of the Soviet Union where a young poet was charged with ‘seditious poetry’. When he told the judge he was a legitimate poet the Communist Judge roared back, “*You have no qualifications as a poet! Which university did you attend?*” I kid you not. In the Soviet Union you really DID have to attend a State approved course to comment on anything. Sound familiar?

10365 Mr Eyers goes on:

10370 You see, at that point, that exchange with rabbi Freilich may well shine a light upon where Mr O’Connell comes from. One can collect selective quotations from all over the place, and as you appreciate, I think Professor Markus said, “Two Jews, five opinions.” Two Australians, five opinions. We’re all entitled to hold our opinions. But the moment that we generalise the particular – an Afghani suicide bomber blows up 35 people in Kabul. The moment we attack or approach an Afghani on the streets of Perth in saying, “You are a racist, homicidal maniac,” we’re generalising the particular.

<sup>127</sup> See Mr Michael Hoffman on this subject <<http://www.revisionisthistory.org>>

<sup>128</sup> Lie. I made it quite plain that I had not read the original but respected commentaries on it.

10375 This brings me back to the point Dr Walsh of being able to present EVIDENCE of my views. My  
 view of Stanley Elliot Keyser was perfectly reasonable under the circumstances of having known  
 him for 5 minutes before I called him a racist. For instance - he was at the rally stalking people and  
 photographing them. He yelled repeatedly that, "What you're doing is disgusting!" He lied to the  
 10380 F.O.P organisers by stating the shopping centre security had asked them to move on. He was  
 obviously a committed activist and Zionist. With all of that in mind, and what you know now Dr  
 Walsh about mainstream Jewish racial and religious supremacism from this synopsis – was it so  
 unreasonable to call him a "racist homicidal maniac"? If I had of been able to present the material  
 that formed my views to the jury they would have seen that I obtained my "views" from perfectly  
 reasonable sources and my delivery was understandable under the circumstances. But even that's not  
 10385 the point. The point is Mr Eysers is making the mistake of linking 'truth' and 'accuracy' to the  
 legislation. It has been said over and over that 'Truth' is not a defense in this watered down 'group  
 defamation' legislation as someone could ostensibly use 'Truth' with the "intent" of creating  
 animosity against a racial group. Like having a knife in your possession, it is not the possession of  
 the legal knife, but your "intent" while carrying it. If Mr Eysers wishes to raise the accuracy of my  
 10390 "views" then he should have had the decency not to object to me presenting evidence to the jury of  
 where I had gotten my views from and that many other high profile and highly respected activists  
 also shared my views and expressed them forcefully.

Mr Eysers continues:

10395  
 And that's the danger in the approach, and that's why we submit to you that Mr  
 O'Connell's intention is precisely that; to generalise deliberately the particular with  
 a view of creating, promoting and increasing animosity towards the Jewish people.  
 And that is borne out, we say, if you put into context that final exchange with rabbi  
 10400 Freilich and the breath taking omission – conceded omission in the learning of Mr  
 Brendon Lee O'Connell.

Thank you your Honour.

10405 *Transcript 27/01/2011 Page 684-687*

As we see clearly, Mr Eysers contends that his view that I was not fully informed of certain matters  
 meant that I could *only* have had the intent of increasing hatred of Jews. This is ridiculous logic. It  
 shows that Mr Eysers "intent" was to get a conviction at any cost.

10410  
 The Hansard debate shows clearly that the legislation was aimed at 'true blue racist' of the ilk of Jack  
 Van Tongeren and the activities of the 'Australian Nationalist Movement'. Even then I find the  
 legislation a dangerous tool of the State to stifle political movements – however "unpalatable" they  
 might be. The High Court must surely see this. I'm sure Adolf Hitler had the best intentions when he  
 10415 outlawed the Communist Party. I'm sure Lenin, Trotsky and Stalin had the best intentions when they  
 sent "unpalatable" poets, writers, political activists, politicians and house wives to the Gulags and  
 firing squads. The legislation is to easily turned against the very people it was supposed designed to  
 protect and it should be completely got rid of.

10420 Below is a "parable" of sorts to emphasise the point that "intent" cannot be linked to "views" that the  
 State finds unpalatable.

10425 A parable on the above point would be something along the lines of me finding written, audio and  
 video material that indicated to me that a particular man/family in my community was/were  
 extremely dangerous to the community - *an important matter in the public interest.*

Seeing the man nearing my own family in the street, and convinced of the danger I believe he  
 posed, I rugby tackle the man to the ground. A crowd gathers, the police are called. The man says,  
 "What are you doing! Are you crazy?" I reply, "I know what you are doing. I have evidence to show  
 you are a great danger to the community!"

10430 Imagine charges are laid and the prosecutor alleges that I ‘intended’ through my actions, to incite the community against the man and his family based purely on his ethnic origins and my ‘irrational hatred’ of him.

10435 I defend myself by explaining that I have perfectly reasonable information that he is in fact a great danger to the community and supports murder of innocent people in another State, this explains my sudden actions on seeing him in the street.

10440 I then attempt to show the jury the material that led me to garner my belief as to the danger he posed, to show that my *behaviour* was not based on an ‘intent’ to vilify and incite against him and his family out of an irrational hatred based on his ‘ethnic origins’, but on a *sincere belief* that he posed a great danger to my community which then explains for the jury my behaviour of rugby tackling him to the ground. The judge refuses, and my statements sound like that of an extremist, a madman.

The man then plays on his fine reputation. The jury does not have to assess whether the material is *true*, just that any *reasonable person* would react similarly in such a situation after having been informed by the material – no matter if it turned out to be true or false.

10445 There was no ‘intent’, just an understandable reaction on having viewed perfectly reasonable material on the subject. I was never able to clarify this for the jury. The jury are poisoned and biased from the beginning.

I clarify this in court:

10450 **Accused:** But regardless, isn’t – intent seems to be the heart of the matter sir, and if the blog is going to be read out then surely intent, part of that is convincing the jury that what I had written about or made statements of is reasonable and in good faith. Now, if I were to produce even non-academic or even non mainstream sources which are perfectly reasonable in the eyes of the jury – to make a decision, they will

10455 make a – a judgement as the highest authority in the court, whether that’s a reasonable point of view to take, which then goes to the heart of intent.

*Transcript 27/01/2011 Page 519*

10460 Again, British Judge Bathurst-Norman appeared to have no problem with this:

...  
Describing evidence **shown** in court, Judge Bathurst-Norman told the jury that he could only describe the “horrific” events shown as, “scenes which one would rather have hoped to have disappeared with the Nazi regimes of the last war”.

10465 In his summing up, he gave his backing to his evidence of one defendant, Ornella Saibene, a former Greenham Common activist.

10470 The judge said, “She took us through the horrors, and there is really no other word for it than horrors, that emerged in the press and on the news and the footage as to what the Israeli’s were doing in Gaza.

You may think that perhaps ‘hell on earth’ would be an understatement of what the Gazan’s endured.”

10475 ...  
<http://www.dailymail.co.uk/news/article-1297219/Judge-faces-anti-semitism-probe-speech-attacking-Israel-helps-free-arms-factory-protestors/>

10480 I need to clarify that I had prepared a *detailed list* of evidence including written, audio and audio-visual. It was headed “JURY PRESENTMENT AND CLARIFICATION OF PARTICULARS”. It contained my defense, the relevant legislation, and a detailed and explanatory accounting of what was on the 17 DVD disks I had prepared for each member of the jury and the prosecution. I had planned to enter it into evidence as to my state of mind under Section 77 of the legislation and under Section 80b with regards to “in the public interest”. Some of it I planned to show to the jury during

10485 the trial itself to answer specific questions and some of it I expected the jury would watch while they made deliberations after closing arguments.

I initially did not know how to do this. I watched prosecutor Antony Eyers give material to the jury at the beginning of the trial and it did not occur to me that I could do the same. Several days into the trial I was told that I should be doing the same. Over the weekend I worked 18+ hours a day to prepare the material and by the Monday I had it ready. DCJ Wisbey would not let me present it as you are aware. Whenever you see the argument on “presenting evidence”, please be aware that it refers to the document “JURY PRESENTMENT AND CLARIFICATION OF PARTICULARS” and the associated material that had been meticulously collected and presented.

On page 620 Mr Eyers states outright the problem:

**Mr Eyers:** Your Honour, again, as an officer of the court in a broader sense, rather than merely prosecuting counsel, Mr O’Connell has referred repeatedly, or made mention repeatedly before the jury to material which he’s been prevented from putting before the jury.

Now, initially, of course, I made the submission and your Honour agreed with the basic principal that out-of-court statements, by persons not called as witnesses, or opinions by persons who were neither present nor expert witnesses, were prima facie inadmissible.

*Now, that’s a general statement of principal, legal principal. It’s very basic. If Mr O’Connell wishes to seek a separate ruling in relation for his satisfaction on - or he believes he’s got any evidence which he wishes to put before the jury which is properly admissible, in other words, it’s not hearsay or the opinions of others who aren’t experts, then I would invite him and I’d invite your Honour, as the officer of court and a duty to see that these matters are conducted properly to make an application and put the evidence before your Honour.*

Because I’m just concerned that if he feels aggrieved or he feels that he has any evidence which isn’t categorised as inadmissible in the way that I’ve outlined, he should properly be given the opportunity to draw it to your Honours attention and if it is admissible rely upon it before the jury.

It’s been mentioned repeatedly that I think we have to grasp the metal, with respect, your Honour.

Let me continue along the same theme, page 624, I state:

**Witness:** So just quickly - just, sorry, very brief - just to quickly clarify. So what I find difficult is your asking me a question and I wish to - not - I’m - I’m - not going to give a yes/no answer. I’m going to say, “Well, let me show to the jury on that point how I came to that assumption.” You keep saying, “You’re making assumptions.” Well, let me show you how I made that assumption.

If you’d been living the same way of life three to four thousand years long, and your heritage and your culture is based on those religious books, I mean, what else is there? Your holiest of teachings. The law. *Then you wont let me show you what they are, then it’s going to sound funny when I say, “You’re a bunch of racist, homicidal maniacs.” But if I could show the jury and the context, and suddenly they go, “Oh, that’s how he came to that conclusion.”* But I can’t do that, according to you.

You are fairly aware of the above argument which I put to you in previous submissions which the WASCA refused to consider, stating the submissions were not put in on time.

In my opinion there was never any intention of letting me present material and I draw your attention Dr Walsh to the official critique of racial vilification legislation (‘So Far So Good’) where they state the greatest fear of using the legislation is that ‘abhorrent views’ may be spread about the community. **This was a constant theme of both the trial and appeal process.** It was even stated to me by a prison officer at Casuarina prison that the Minister of Corrective Services himself (Redman)

10550 had issued instructions that I was to be prevented from spreading ‘my views’ using DCS computers and photocopiers, hence why I had so much difficulty in accessing them, and my WASCA submissions disappeared and the Sworn Affidavit to this effect disappeared from my mail sent to you.

10555 Both lawyers - Rod Keeley and John Bougher - had been briefed (in my opinion) to only allow a defence of “bad temper” with no ‘intent’ under section 77 but I would not be able to spread my *abhorrent views*<sup>129</sup> to the jury and accompanying media. This meant I would not be able to remove the prejudice the jury is bound to have against anyone claiming Jews or Judaism are anything other than collective Saints.

10560 **[6] Accusing the Senior Prosecutor of Corruptly Colluding With the Local Jewish Community and the Nine network**

Before making these statements at the 20/11/2009 hearing, it is worth noting that I had been harassed intensely including:

- 10565
- Car brake lines interfered with - mechanics report.
  - Turning off of house alarm, front door left unlocked and ajar.
  - Outside bedroom door unlocked during night.
  - Being regularly followed. I have footage of this. One person in particular had been present at two rallies in support of the people of Gaza filming protestors. The same man had followed me to the Bell Tower and sat next to me listening while I filmed (I have this on video). Followed me to a café, when I pulled out a camera he about faced and almost ran to get away from me (I have a photo of this). The same man was security at the ‘Friends Of Israel’ gathering which the Israeli Ambassador attended (I have this on video). He is an Israeli.
  - 10570
  - A local production of ‘A Current Affair’ had made grossly defamatory statements against me. They had imputed and inferred I was somehow affiliated with neo-Nazi and white supremacist groups. They had grossly re-edited the video at the heart of the case. I am an avid critic and observer of the media and I have *never* seen a more grossly done ‘hit piece’ as produced by the Nine Network. They were the only media outlet to do this to me.
  - 10575
  - A friend in the United States had been harassed intensely. Stalked at her home, her work. Her cat and chickens killed. Her dogs tasered. People entering her house regularly.
  - 10580
  - Both myself and my friend in the United States had our computers hacked. Files deleted - material I had collected on Stanley Elliot Keyser. Emails deleted off both our computers and our relevant I.S.P email servers. In one case, my friend in the U.S had her Yahoo email account give the official Yahoo site “email sent” confirmation message, not as the name she was using on that particular account, but as her well known online name “America” - as in “*Your message has been sent America ☺*”. This is an astounding degree of high end hacking.
  - 10585
  - Telephone conversations interfered with - important points in messages were garbled such as the giving of Western Union money transfer numbers. The line was clear until the number was given and then electrical interference would obscure the voice on the other end. This happened numerous times when either myself or my friend were attempting to give the number so money could be collected by the other. Please note, the Israeli company ‘Verint’ have access to the U.S and Australian telephone exchanges in their capacity as hardware and software providers for state and federal police *data intercepts*. A local Western Australian police officer - Mr Robert Critchlie - was found guilty of tipping off the leader of a local neo-Nazi gang (Daniel Hort) that his telephone communications were being intercepted. Clearly, this specialist police unit might have a few problems in it. Incidentally, the above member of that gang received a paltry 7 month *suspended* sentence for firing three high powered rifle rounds into the rook of a local Perth Mosque.
  - 10590
  - 10595
  - 10600
  - Threatened by police, “When this court case is over, it won’t be over.”

<sup>129</sup> All *mainstream views* easily knowable by a person interested in the subject. Most people know nothing about Quantum Physics but they can find out if they want.

I had told police at the initial raid on my house - on video - that I would be using the trial to highlight Israeli Intelligence activity. Perhaps this explains the harassment? Later, Inspector Barry Shelton (Counter terrorism) would comment via email, that, "We all respect your work". Perhaps this explains the Israeli Ambassador's arrival at a 'Friends Of Israel' rally a few months later?

On 20/11/2011 I was brought back to court and charged again 5 more times after I had put up a blog to defend myself from the grossly defamatory media reporting. **The start of the postings happened 2-3 months after I was initially charged.**

I had no doubt the Nine Networks reporting was not a random event but part of a co-ordinated campaign by the Western Australian D.P.P, Jewish Community and Nine Network to prevent me garnering general public support as a 'Free Expression' issue, hence why I was so grossly defamed in the way I was. I state at page 3 of the 20/11/2009 transcript:

**Accused:** Your Honour, before we go on, is this Mr Alan Troy?

**DCJ Martino:** This is Mr Troy, yes.

**Accused:** It is Mr Troy. Your Honour, *Mr Alan Troy has literally conspired with the media, Channel 9, and members of the Jewish community, it's come to my attention, to slander me, to intimidate me.* The State Security Investigation Group under Detective or Comrade Detective Timothy Richard Pains and his boss from the State Security Investigation Unit - - -

**DCJ Martino:** Mr O'Connell - - -

**Accused:** - - - have sought to intimidate me.

**DCJ Martino:** Mr O'Connell, stop. Mr O'Connell, stop. This is not the position for you to make speeches. I'll give you an opportunity to make submissions - - -

**Accused:** Your Honour, I'm just making a statement that I am being harassed intensely and - - -

*Transcript 20/11/2009 Page 3*

DCJ Martino stated shortly after this exchange... "*Mr O'Connell, I will allow your allegations to stand on the record.*" This does not appear in the transcript.

Shortly after this hearing, Mr Alan Troy resigned from the D.P.P. It was said he was going anyway. One week after this hearing the local Nine Network production of 'A Current Affair' was axed. I remind you Dr Walsh that on contacting the Nine Networks lawyers (Freehills) on this matter, the head of Nine News resigned suddenly (Mr Adrian Beatty) just two days later it was reported in the West Australian newspaper that colleagues were "shocked" at his sudden departure.

### **[7] Difficulty Contacting Expert Witnesses**

At a Directions Hearing on 19/11/2011, my lawyer (Mr John Bougher) and DCJ McCann discussed variations to my bail conditions to facilitate my ability to contact expert witnesses. This is an important point as much was made that I should have ensured I had 'experts' of my own to present material that would add to my defence. Mr Bougher makes it clear to DCJ McCann that I am having extreme difficulty doing this.

**Mr Bougher:** Excuse me your Honour.

Your Honour, my client is indicating that there is difficulty making communication with some of these people who we're talking about because

10660 of their involvement, because of the subject matter, because of the exposure that some of these people have had that have caused them difficulties. Hence, they are difficult to make contact with.

10665 So in other words, my client is saying that he needs to go to forums via the internet to try and find these people in the first place. So although I know we have some names, we don't have all of those names and I wouldn't be able to provide your Honour with an exhaustive list of contacts that we'd need. We're talking about the never-never, the internet, the stratosphere, virtually, and my client - - -

10670 **DCJ McCann:** It sounds to me like a fishing expedition and - - -

10675 **Mr Bougher:** Well, with respect, your Honour, it's not a fishing expedition. My clients been charged with these serious criminal offenses and he is striving to obtain evidence to defend himself, and that's what it's all about. It's not a fishing expedition.

10680 **DCJ McCann:** Well, what I'm driving at, he doesn't even know who his experts are. You see, if it was Professor Bloggs of such and such a university, just email the fellow saying, "Dear Professor, are you available to give a report on these issues?" and he comes back and says, "Yes, no problem at all. Here's my fee."

**Mr Bougher:** If it were that simple your Honour - - -

10685 **DCJ McCann:** "Once you pay the fee to me, I'll start work." That's the way it usually operates.

10690 **Mr Bougher:** If it were that simple your Honour, that's what would have been done, but it's not that simple, unfortunately.

**DCJ McCann:** Look, I'm sympathetic to your position, but there have to be rules. Is he the only one who's prohibited from using – it's only him that's prohibited from using the internet?

10695 **Mr Bougher:** Prohibited; yes, your Honour. I don't think I'm prohibited from doing anything at the moment, as far as I'm aware, but that's the case.

...

10700 **DCJ McCann:** I can't see why you cant come back to us with a list of people that your client wants to communicate with via the internet. He can ring them up, if he likes. He can get on a plane, if he likes. He can write to them. The only prohibition is on using the internet. He can get someone else to contact them on the internet.

10705

...

10710 **DCJ McCann:** Okay, Well, I'm not going to give legal advice on the meaning of those bail conditions, but you might want to look at them carefully and then make a decision as to whether emailing a named person seeking their assistance in a court case was a breach, and if you have any doubt about it, you've got liberty to apply on an urgent basis.

10715 **Mr Bougher:** Very well, thanks.

**DCJ McCann:** But speaking for myself, I'd be very sympathetic to allowing a communication with a nominated person, particularly if that person – I had reason to believe that that person would not find the approach unwelcome.

10720

...

**Mr Bougher:** Your Honour, can I give you one name? That name is Mark Glenn, G-l-e-n-n. He's in the US. He's a contact that is believed will be able to source the other witnesses involved.

10725

**DCJ McCann:** Is there any reason why you can't email him? Or phone him, or write him a letter?

10730

**Mr Bougher:** There's many reasons. I'm not sure that there's any your Honour wants to hear, but there are numerous reasons.

10735

**DCJ McCann:** It's just that it's the traditional manner of getting expert evidence. It's highly undesirable for a client to be briefing the witness. Its all very well to make a couple of phone calls, find out if Professor Bloggs or so and so is available, but then the solicitor should contact that person and say, "I understand you're available" and then send them a brief.

10740

**Mr Bougher:** Your Honour, I could certainly make contact with Mark Glenn, but what I'm saying about him is that he is the person in the US who can coordinate these witnesses.

10745

**DCJ McCann:** Yes, okay. Well, I don't know who Mark Glenn is, so you'll probably have to give me a bit more information if you want the bail conditions varied to explicitly stipulate that that communication is allowed. Whether or not you need that is debateable.

*Transcript 20/11/2011 p.212-216*

10750

This comment by DCJ McCann, taken from above, shows the disconnect between the judiciary and the unique problems I faced in this case:

10755

**DCJ McCann:** I can't see why you can't come back to us with a list of people that your client wants to communicate with via the internet. He can ring them up, if he likes. He can get on a plane, if he likes. He can write to them. The only prohibition is on using the internet. He can get someone else to contact them on the internet.

10760

Not only could I not "get on a plane" as my passport and visa to the U.S had been confiscated and I was declared a 'flight risk', my own telephone and mail had been interfered with. Here is an extract from a letter I recently wrote to Mr Mark Glenn asking him to provide a Sworn Affidavit as to the difficulties he had been experiencing in contacting 'expert witnesses' for me. Included in the below extract of that letter dated 3<sup>rd</sup> December 2012, is background information that explains to some degree the involvement of the Israeli Ambassador to Australia in my case:

10765

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#### START OF LETTER

...

10770

The State of Western Australia seemed to lack understanding of the complexities of the issues involved and the 'sensitivities' in that many people would be reluctant to come forward and expose themselves. Also, I had been so vilified in the press and online it would obviously have been better for a well-respected independent journalist such as yourself to co-ordinate contacting people.

10775

As you know, I attempted to contact you for nearly a year with no success. Then, all of a sudden, you received one of my emails.

10780

- Mark, many people as you know, simply do not understand the power of the Israeli state and independent operators affiliated with various Jewish defence groups (ADL, JDL etc) to interfere with a political dissident's ability to communicate. Such things as:
- Hacking an email account and either deleting emails or moving them to the 'spam' folder.

- 10785 • Interference in telephone calls. The Israeli state runs most billing services for telecommunication providers via ‘AMDOC’s’. Hence they can see immediately who is calling whom and when and how many times. Within a day of obtaining a Telstra Mobile Broadband connection I was *intensely* hacked. I know this because of the software firewall I was using. AMDOC’s do the billing for Australia’s largest telco Telstra. When I obtained an Optus connection in a fake name I had no problems.
- 10790 • The Israeli company ‘Verint’ do data intercept work for various policing and intelligence agencies around the world. You will remember *Fox News* doing the four part series (available on YouTube) on the *Drug Enforcement Agency* circulating a top secret memo complaining that DEA Agents believed *Verint* had hardware ‘backdoors’ in their data intercept equipment and were warning Jewish American and Israeli drug dealers.
- 10795 • Under ‘*Operation Talpiot*’, the Israeli State trained Military Intelligence Officers in the art of hardware and software design in communications – both corporate and military – database security, encryption etc, giving the Israeli State *unprecedented access to other nations most sensitive communications and information*.
- 10800 • Internet social networking/communication services like Facebook, Google and G-mail (your particular email provider) are owned and operated by American Jews. Israel fosters close relationships with Jews outside it’s borders. Viktor Ostrovsky, a former Mossad Officer wrote in his book - “*Wage War By Deception: The Unmasking Of A Mossad Officer*”, that the Israeli state uses these Jews as *Sayanim*’s or ‘helpers’ in matters important to the Israeli state.
- 10805 • My writing on these matters that lead to the local head of Counter Terrorism stating in an email, “We all respect your work”.
- The arrival in Western Australia of the Israeli Ambassador to Australia to support the complainant in my matter – Stanley Elliot Keyser – at a ‘Friends Of Israel’ rally where 30 local and federal members of parliament attended and over 100 expressed their support but did not attend. This, just two weeks out from the original August 16<sup>th</sup> start of my trial should leave no one in any doubt that the State of Israel was DIRECTLY interested in my case.

10810 I had tried repeatedly to communicate with people such as:

- 10815 • **Professor Shlomo Sand.** Professor of history at an Israeli university and author of “The Invention of the Jewish People”.
- **Kay Griggs.** Wife of Marine Colonel George Griggs who Kay stated ran the assassination and dirty tricks program for NATO. She speaks in some detail about the actions of the Israeli state in such programs.
- 10820 • **Professor Kevin MacDonald.** Professor of Psychology at California State University. I contacted him repeatedly without success for a year and then suddenly, after this hearing, he replied to an email. I kept regularly in touch and he agreed to appear via video link on my behalf on the issue of Jewish power and control in the United States, and elsewhere. Unfortunately, with the case so rigged and Professor MacDonald agreeing with the prosecution that Jews conformed to the definition of a ‘racial group’, I decided not to use him which was a mistake in hindsight.
- 10825 • **Doctor Alan Sabrosky.** Ten year Marine veteran and ‘*Director of Studies U.S Army War College*’ for 5 years. You interviewed Dr Sabrosky at some length about Israeli involvement in 9-11 where he verbalised his belief that:

10830 [QUOTE]”What Americans need to understand is they [Israel] did it. They did it. And if they do understand that, Israel is going to flat ass disappear, Israel will flat ass disappear from this earth.”[END QUOTE]

[QUOTE]”If Americans ever know, ever know, that Israel did this, they’re going to scrub them off the earth and they’re not going to give a rats ass what the cost is.”[END QUOTE]

10835 [QUOTE]”And my dream is that we take the U.S 5<sup>th</sup> and 6<sup>th</sup> Fleet and take Israel and cream it.”[END QUOTE]

<http://theuglytruth.wordpress.com>

- **Lebanese Ambassador to U.S.** I believe you were trying to contact him without success.

10840 Mark, you verbalised to me over the phone that you were having an incredible amount of trouble contacting people – more than usual. With the above information as background, it is

understandable why this was so. Especially now that you have such a close relationship with close advisers to the President of Iran, I expect it will get worse. Certainly they are listening closely to your telephone and email communications.

10845 The key with having the above people appear on my behalf was to remove from the jury the *extreme prejudice* that the main stream media and movie industry has instilled in the average person – *that Jews are a powerless minority, eternal victims of an irrational oppressor* when in fact they are a world power, dominating the most influential points on the planet. This was the heart of my defence, that I had no ‘intent’ to vilify Jews but was at worst, simply expressing my anger and frustration at dealing with such a powerful criminal network. I was never allowed to do this in court as you well know, and I was mocked and vilified by both the media and Jews online after the case. Still to this day Jews online continue to spread the lies that I had been physically threatening them and their children and had been stalking them for ten years.

10855 With the above background in mind, would you be able to complete a *Sworn Affidavit* detailing who you are, who you have interviewed, your relationship with the Islamic Republic of Iran and Press T.V, and the impossibility you found in contacting people?

...

**END OF LETTER**

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10860 The above information should go some way to explaining the capacity of the State of Israel or in fact any local policing or intelligence agency to interfere in my communications. Please note that on obtaining back a encrypted laptop from the W.A D.P.P, my Internet Service Provider I.P ceased going from the CBD of Sydney and instead went into the middle of the South Australian desert. I believe 10865 *that* I.S.P trace location was the last public exchange point before my internet connection was routed into Pine Gap and *Defence Signals Directorate*. On enquiring about this, a Telstra employee stated he had never seen anything like it.

## 10870 **[8] Getting Ordinary Witnesses To Appear**

It would have been extremely beneficial to have witnesses from the ‘*Friends Of Palestine*’ (F.O.P) appear to back up my side of the story. When I rang the head of the F.O.P – *Alex Whisson* – to ask him and others to do this, he said he was extremely reluctant to become involved. Mr Whisson refused to give a statement to police. I asked Mr Whisson about others who were present appearing as witnesses and he stated they were reluctant to become involved for various reasons - one of which was the fear of harassment or words to that effect. I actually recorded that phone call to Alex Whisson. Admittedly unethical,<sup>130</sup> but I felt ‘under siege’ and was sure Mr Whisson would not play ball before I rang due to his refusal to give a statement and the comments he had made about me in the press.

10880 Mr Bougher (lawyer at this stage) suggested it was not wise to force the F.O.P witnesses to appear but I certainly wish I did. I believe they would have given vital testimony about exactly what happened that day. Simple issues like:

10885 1) Stanley Elliot Keyser claiming that “I” came up to him when it was Keyser coming up to us. This was an important point. “He” engaged with the group with the deliberate intention of causing a scene<sup>131</sup>. I approached this at the trial from *page 354-363 on 18/01/2011*. I ask him about standing near to the group (listening in) and buying a grapefruit which I had him doing on film<sup>132</sup>. He actually reaches across me and gets one off the shelf while I talk to Alex 10890 Whisson. He was trying to make a point, to provoke the group. He instigated the confrontation by walking through our group, refusing a flyer and stating these exact words from halfway up the steps, “We’re Jews from Melbourne and what you’re doing is disgusting!” You will see

<sup>130</sup> As I did not inform him I was recording him.

<sup>131</sup> Interestingly, Stanley Keyser’s ‘mentor’ – Steve Lieblich – did this to a group of us outside the District Court. He burst through the centre of the group, mounted the top of the steps and beckoned me to join him. I refused to do so believing he was quite capable of instigating a scene and then claiming I had assaulted/abused him.

<sup>132</sup> ALL of the original unedited footage was deleted off my hard drive which included Stanley Keyser standing around us. Detective Sargent Mark Rubidge of W.A Technology Crime stated during a phone call that only he had access to my lap top.

- 10895 from those pages him at first denying, then not remembering etc... He continues the claim that "I" came up to him. This was a rehearsed theme he was sticking to. With witnesses from the friends Of Palestine group in court this could have been cleared up quickly.
- 2) Keyser's general behaviour on that day. Provoking the group. Claiming that IGA 'security' had asked the F.O.P to move on. Continually stating, "What you're doing is disgusting!"<sup>133</sup> Taking peoples photo's, quite deliberately, quite openly and more than once. This could have been extrapolated on by several of the F.O.P.
- 10900 3) My general behaviour that day at the IGA Supermarket on May 2<sup>nd</sup> 2009. What we were talking about. How we were quietly going about our business. Members of the F.O.P could have commented on my demeanour.

10905 As it was, the jury no doubt wondered why no one from the F.O.P was there to defend me. They would most likely have inferred that they were distancing themselves from me as they were. Alex Whisson stated they were keen not to appear due to fears of harassment. I have that on audio.

10910 I also asked John Bougher to subpoena the Commissioner of Police Karl O'Callaghan. Mr Bougher scoffed at the idea. Mr O'Callaghan made statements to the media that, "we will be following the case closely". I wanted to get across to the jury that this was a highly political and media driven prosecution and they could tie that in with the appearance of the Israeli Ambassador to Australia. This goes to my 'state of mind' and 'intent'. That I felt (and was) being hounded and persecuted, not prosecuted.

10915 I would also have liked to subpoena the producers of 'A Current Affair' who did the media hit piece on me. This was relevant to my 'state of mind' when I put up the blog 6 weeks after my arrest. I had been so vilified in the media and online I felt I had to defend myself. **Had this not occurred, I would never have put up the blog which has resulted in two years jail.** I also wanted to show the jury the actual media reporting which I had recordings of. This was all deemed inadmissible by DCJ Wisbey.

10920

### [9] Matter May Be Taken Back To The Magistrates Court

10925 On the 11<sup>th</sup> of February 2010, I was granted a hearing on several matters – amendment to bail conditions; an application relating to either having the indictment dismissed or an order for particulars; and thirdly, an order seeking a return of a video camera.

10930 The new senior prosecutor Mr Whalley attended and argued for the state. He was, I feel, a far less combative prosecutor than the previous prosecutor Mr Alan Troy and appeared to want to 'de-escalate' the matter. This was my feeling anyway.

10935 Discussed at this hearing was taking the matter back to the Magistrates court. I presume this was to lower the seriousness of the charges and was to take place within the context of redrafting the indictment as mentioned previously. On page 5 of the 11<sup>th</sup> February 2010 transcript Mr Whalley states:

10940 **Mr Whalley:** I can say this. That it's most unlikely that the prosecution in its entirety will be discontinued; I'm simply talking about amending charges. The jurisdiction may, and I take it no further than that, may be affected such that any trial might take place in the Magistrates court.

#### *Transcript 11/02/2010 Page 5*

10945 So, the Western Australian D.P.P was about to embark on its fourth version of the indictment, 37 weeks in, and considering taking the matter BACK to the Magistrates court? I take it there is some confusion and I believe – in *totality* – there was great confusion on the D.P.P's behalf as to how to proceed with the matter as I will try to point out in this letter to you.

<sup>133</sup> Protesting the slaughter of innocent people in a 8km by 20km cage by a first world high tech military giant.

10950 I left that hearing greatly relieved, believing that things would be de-escalated and perhaps the charges dropped and a town meeting would take place. I went outside to make my video diary of the proceeding and the media came after me and stood just a few feet away – three video crews - in what I believe was an attempt to provoke me, especially as my sister had just died suddenly. In the verbal exchange that followed I said something like...”You’ll all be embarrassed when the charges are eventually dropped”! This was recorded by their camera’s.

10955 That was the last I heard about the matter being taken back to the Magistrates court.

10960 This is important as much has been made about the “seriousness” of the charges, especially at the appeal stage by both the DPP and WASCA.

### [10] Lawyer Stating He Had Gone Over Trial Process

10965 **This is very important.** On page 233-234 – 17/1/2011 – Mr Bougher states he has gone through the entire trial procedure with me. He states he has a detailed note about this. In fact, Mr Bougher went over nothing with me except the jury selection process (briefly in court) and we discussed out of court - briefly – my wish to present evidence that attested to my state of mind which would give the jury a chance to ascertain my ‘intent’ more clearly under both section 77 and 80B of the legislation. Ultimately, on this issue, it would have been beneficial if Mr Bougher had suggested that instead of trying to ‘lead evidence’, an alternative strategy of a long and detailed statement could have been read onto the record from the witness stand. Mr Bougher had clearly, in my opinion, been asked to LIMIT my options to an ‘anger’ defence with no ‘intent’ involved. Again, in my opinion, this was to prevent/limit, ‘abhorrent views’ becoming more widely known by the public.

10970 I became very suspicious of Mr Bougher when he told me in an e-mail that he would be away in Melbourne for a few days. Just previously, the head of Counter Terrorism had also indicated he would be in Melbourne and would speak to me on his return. Secretary of State Hillary Clinton was attending a Counter Terrorism conference in Melbourne at this time. When Mr Bougher returned, I met him and he was now in possession of a ‘smart phone’, a piece of technology he had previously told me he abhorred. He placed it on the table face down between us – I believe he was recording our conversation. I believed, and still do, that Mr Bougher was present – in some manner – at that counter terrorism conference and that he was receiving instruction on how to handle me and the case. Keep in mind my writing on Israeli Intelligence activity, Collins Class sub, Israeli Ambassador to Australia supporting complainant etc. I confronted Mr Bougher on this in an email. He vehemently denied he had met or discussed my matter with anyone in Melbourne.

10985 I do not allege misconduct by Mr Bougher. I would heartily recommend Mr Bougher in a more normal criminal case. I doubt any lawyer could of handled things much better than Mr Bougher under the circumstances. I liked him personally.

10990 However, what Mr Bougher has stated is simply not in congruence with my memory and the impression he gives that I am fully informed about the trial process is incorrect. I should have raised this immediately but was determined to press on to the 78B issue which I thought would result in an adjournment.

10995 **I ultimately had no idea what I was doing.** I expected an adjournment after completing the necessary 78B paperwork. I knew nothing about court procedure and I asked regularly for assistance from DCJ Wisbey to clarify matters. Mr Eyers to his credit did try to give me some advice from time to time during breaks.

11000 Chief Judge of the District Court Kennedy made some comments about what assistance I could expect from a trial judge:

11005 **CJDC KENNEDY:** All right. And so the judge will have to explain to you the procedures, you know, not talking about your actual charge, but the procedures. The judge will go to some length to explain that at the time. But have you ever been involved in a jury trial?

...

11010 The second thing is, and it's hard to say this to people; one of the advantages that having a lawyer makes is that the lawyer is a shield. I mean, if you get obsessive about these issues, if you've got a lawyer, the jury will never know that. But if you're acting for yourself, you are very, very exposed as a human being.

11015 *Transcript 01/02/2010 Page 6*

### [11] Sacking Lawyers

11020 This was made much of - that I had insulted the court and legal process endlessly. Squandering both the chance to defend myself and the good will of the State of Western Australia in providing the resources to conduct a defense. On the matter of both Mr Rod Keely and Mr John Bougher (lawyers), the prosecutor includes them in this statement regarding the calling back of a detective for cross examination:

11025 **Mr Eyers:** Well, the position we've reached is that the detective has returned, because he was asked to given the application and the provisional fact that he may or may not be required to go back to the stand.

11030 If I can assist, your Honour, we strenuously object to Mr O'Connell having the opportunity cross-examine Detective Paini further. He's been given the services of not one but two lawyers and elected, as is his right, to conduct his own defense. He was given opportunity yesterday by your Honour, at some considerable length, to ask questions of Detective Paini.

11035 He was explained that the time had come and it was his right and it was his opportunity so to do. And despite not one but many invitations to simply conduct his defence in that way, he chose not to against the background of the fact that he elected to represent himself. It's not a question of funding; it's not a question of anything save his own volition and his own choice.<sup>134</sup>

11040 So in those circumstances, your Honour, although the court would grant a degree of latitude to a litigant in person, a self-representing accused man, it has to be viewed against the background not only of the fact that he's dispensed with the services of two lawyers provided on Legal Aid, he's also refused repeated invitations from your Honour to ask questions of Detective Paini, asserting that this court had no jurisdiction and various other observations which are on the transcript. So we oppose his recalling - or Detective Paini being recalled. That's the States position.

11050 *Transcript 18/01/2011 Page 416*

11055 I sacked Mr Rod Keely because I did not trust him. He was organised for me by the arresting detectives, something I found amusing. I decided to go along and see what happened, giving Mr Keely the benefit of the doubt. Mr Keely would always carry a smug smile when I saw him in person and tried to get him to do anything other than arrange a defense of being 'angry'. He did not write letters to the A.F.P cybercrime department as I asked him too when I was being severely hacked. When Detective Paini found out I had asked him too, Mr Paini insisted that the letter be addressed to the S.S.I.G<sup>135</sup> of which he was a part.

<sup>134</sup> No, it's a question of 18 months of continual harassment leading up to the trial and a political witch hunt which detective Paini and his friends at *State Security Investigation Group* were a part of.

<sup>135</sup> *State Security Investigation Group/Counter Terrorism*.

11060

Here's what I said about Rod Keely at two hearing's, well before the trial:

**ACCUSED:** Your Honour that takes money. I have to get full-time employment. It means I'm no longer entitled to legal aid.

11065

also, on the matter of the lawyers or barristers assigned to me, there may be a slight indication that I, on a whim, have decided to sack them. The last - Rod Keely was arranged for me by the arresting detective and there were several things that happened between myself and Rod Keely I was very upset about. It wasn't a whim that I sacked Rod Keeley.

11070

...

And just so I can clarify why - because I'd hate you to have the feeling that I'm just running around and sacking people for no reason. I just need to clarify that.

11075

...

I was told by Rod Keeley when I went - I had a job and he said, "Don't take the work, you'll lose your legal funding." This is the advice I'm getting.

11080

*Transcript 23/04/2010 Page 92*

**ACCUSED:** and I'm not sure if you're the person to ask, but what I'm concerned about and why I'm reluctant after - I don't want to denigrate Mr Rod Keely for the sake of it, but where there were certain things I asked, and he didn't say, "no", he wouldn't do them", he said, "Yes", and never did them.

11085

And I don't want to be in that position again and that's what I'm concerned about and why I had been reluctant, I've been untrusting. And particularly since the legal fraternity are obliged when they take the law society oath, that in some cases they can't do - that has been my concern and I'm not sure what advice you give, or if you can. But am I able to at least give some sort of instruction.

11090

*Transcript 16/06/2010 Page 142*

11095

Mr Bougher was very good but very reluctant to press the issue of presenting evidence of the material that had formed my views. That is, until I sacked him, after which he appeared quite keen that my argument that it was relevant was sound. The passage below explains the main reason for parting:

11100

**Accused:** Sir, obviously there were amicable reasons with Mr Bougher to do with parting ways and obviously legal counsel's a highly advisable thing to have. I asked Mr Bougher, "Is there any way I can speak freely?"...This was a - state of affairs I found very difficult to contend with at the - under Judge McCann at the directions hearing where a lot of material was passed over that I could have added to.

11105

So I find now that I'm - not being familiar with the particular rules of evidence and presentation and so on and so forth, I've made a package up for the jury. ... And yeh, I don't know what to do.

11110

**DCJ Wisbey:** Well, I'm not in a position to advise you as to how you go about giving evidence. ...

11115

*Transcript 24/01/2011 Page 515*

I had even asked Mr Bougher if I could sit next to him at the trial and pass him notes. He said this was not possible.

11120 **Please let it be known Dr Walsh – it was my express wish to be represented by counsel.** I was not doing a ‘stunt’ or trying to destroy any chance of the trial being a ‘precedent’ by sacking Mr Bougher.

### [12] Statement regarding Judge Running Trial

11125 On page 234 – 17/1/2011 – Mr Eyers states he has no objection to me self-representing under section 144 of the criminal procedure act. He says, “Subject to your honours power to control proceedings under the Evidence Act and the questioning of witnesses and so on and so forth.”

11130 DCJ Wisbey’s role was to prevent me asking too many embarrassing questions regarding Judaism and Jewish attitudes. This was what the trial essentially became – damage control.

### [13] DCJ Wisbey’s Comments At Trial

11135

#### [A] DCJ Wisbey Misleads On Options As To What A ‘Jew’ Is

This point by DCJ Wisbey – taken from the above transcript quote – is extremely important:

11140

Their evidence was directed to the issue of whether the Jewish people are a race or ethnic group and in terms of the offence, whether they constitute a racial group.

11145

*Transcript 27/01/2011 Page 719*

11150 DCJ Wisbey should have expounded HEAVILY on this very important point. He should have especially put up the alternative argument in my defence, that Jews constitute neither a race or ethnicity but are in fact a religious group *only*, by any standard definition and common sense. **He does not even mention my alternative view anywhere in his summing up.** He does not even mention *lightly*, the possibility that they are a religious group or a combination of all three. He actually narrows the jury focus down to a point where the prosecution wins – whether race or ethnicity, they come under the legislation.

11155 A quote from Jewish activist Paul Eisen sums up the comedy that is the subject of what ‘Jews’ are, or aren’t:

11160 So these secular Jews often end up being just another round of Michael Neuman’s “veritable shell game” of Jewish identity. “*Look! We’re a religion! No! a race! No! a cultural entity! Sorry—a religion!*” Because this is the key to maintaining Jewish power – if it’s indefinable, it’s invisible. Like a Stealth Bomber (you can’t see it on your radar but you sure know when you’ve been hit) Jewish power, with its blurred outlines and changing forms, becomes invisible. And if you can’t see it you can’t fight it. Meanwhile the assault on the Palestinians continues.

11165

**Paul Eisen “Jewish Power”**  
<http://www.rightousjews.org>

#### [B] Wisbey Misleads Jury That There is No Opposing View To Expert Evidence

11170 **DCJ Wisbey:** As I say, these two witnesses gave what is called **expert evidence**. That is, evidence from persons having special expertise in a particular subject or area, and thus possessing knowledge of that subject over and above that generally possessed by lay members of the community. In each case their evidence was

11175

tested by cross-examination. There is no opposing view expressed by any other expert.

*Transcript 27/01/2011 Page 720*

11180

That is an extremely prejudicial statement – “There is no opposing view expressed by any other expert”. He should of added – “in this court,” at least. The jury would naturally be led to believe that what Rabbi Freilich and Professor Markus stated was uncontested in any manner, anywhere and at any time.

11185

I quoted extensively from works by ‘experts’ during the trial.

### **[C] Prejudicial Comment By Wisbey Against Me**

11190

Wisbey makes a statement to the jury that is extremely prejudicial against me:

11195

**DCJ Wisbey:** Now, you may think, and it’s a matter entirely for you, that in his alleged conduct and in his evidence before you the accused has demonstrated that he views Jews as a distinct group within the world community. He does not differentiate between them, you may think.

*Transcript 27/01/2011 Page 721*

11200

Neither *before* this statement nor *after* does DCJ Wisbey elaborate on this comment. It comes from left field. He appears to be leading the jury down some track. The only “distinct group within the world community” that I believe Jews belong to is a “religious group”. This is the only point I can think DCJ Wisbey is referring to. In which case why doesn’t he say “religious group”. The term “religious group” is never uttered by him even though I am stating it over and over in my defense. All of the prosecution’s witnesses – except Professor Markus – did everything in their power to never admit to any concept of Jews being called a ‘religious group’.

11205

### **[D] Wisbey Misdirects Jury – Definition Of Jews/Jewish**

11210

Again, DCJ Wisbey misdirects the jury with his instructions on establishing whether Stanley Elliot Keyser is a member of a ‘racial group’.

11215

**DCJ Wisbey:** And the fifth element that the State must establish is that Mr Keyser was a member of a racial group. The racial group means a group defined by reference to race, colour or ethnic or national origins. So that’s what the law defines as a racial group; a group defined by reference to race, colour or ethnic or national origins. The Oxford Dictionary defines ethnic as including:

11220

Pertaining to race, ethnological, peculiar to a race or nation, indigenous, of a population group sharing a distinctive cultural and historical tradition, often associated with nationality or religion, by which the group identifies itself and others recognise it belonging to or characteristic of such a group.

11225

So that’s the definition of what ethnicity is, that it refers to pertaining to a group, pertaining to ethnological, pertaining peculiarly to a race or nation, indigenous, of a population group sharing a distinctive cultural and historic tradition, often associated with race, nationality or religion, by which the group identifies itself and others recognise it belonging to or characteristic of such a group. For a group to constitute an ethnic group, it must regard itself and be regarded by others as a distinct community by virtue of certain characteristics.

11230

11235 Some of the characteristics are essential; others are not essential, but one or more of them will commonly be found and will help to distinguish the group from the surrounding community.

11240 The essential conditions are that they have a long-shared history of which the group is conscious as distinguishing it from other groups, and the memory of which it keeps alive the long-shared history.

11245 And the second essential condition is that it has a cultural tradition of its own including family and social customs and manners often but not necessarily associated with religious observation.

11250 In addition to the essential characteristics, the following characteristics are relevant and often present. Firstly, are a common geographical origin or descent from a small number of common ancestors. Secondly, a common language not necessarily peculiar to the group. Thirdly, a common literature peculiar to the group. Fourthly, a common religion different from that of neighbouring groups or from the general community surrounding it. And fifthly, being a minority or being oppressed or a dominant group within a larger community.

11255 And as I say those characteristics are relevant and are often present. You don't need to have them all to say you have an ethnic group, but they're characteristics that are commonly found in an ethnic group.

And race is defined in the Oxford Dictionary as:

11260 A group of persons connected by common descent or origin. A group of several tribes of people forming a distinct ethnical stock, one of the great divisions of mankind or having certain physical peculiarities in common.

11265 **So it's a matter entirely for you** but it would be open to you to conclude that you could be both an ethnic group and a race or one other. But you look to those characteristics in making a determination.

*Transcript 27/01/2011 Page 723-724*

11270 Not once – and I cannot emphasise this enough –not once, anywhere, at any time, does DCJ Wisbey state explicitly or subtly, the option that Jews are a 'religious group' only. He uses the term, "or one other" – does that mean religious group? He simply avoids mentioning my long discussions along these lines with Professor Andrew Markus, Stanley Keyser or Rabbi Dovid Freilich where I argue this over and over. This was a major part of my defense – that as a matter of law and fact, Jews do not fit the legal definition of 'racial group' but are a 'religious group' only. THIS IS A MAJOR MISDIRECTION.

11280 I stated over and over to all prosecution witnesses: "What are the "secular markers" (outside of religion) that bind a 'Jew' in Yemen to a 'Jew' in Russia and a 'Jew' in Ethiopia? Answer – none. The witnesses all avoided answering the question directly by referring to vague notions of 'history and culture and heritage', as did DCJ McCann at the directions hearing in November 2010 on this very issue.

11285 DCJ Wisbey has not even mentioned that *my* belief to their being a Jewish racial group is relevant. It was argued very heavily by the prosecutor Antony Eyers that "I" believed they were a racial group because I said in the offending video... "*It's in your religion and race.*" There is context to that statement made in a street debate. Mr Eyers focus's heavily on that because of this sub section to the legislation:

11290

**80F. Belief as to existence or membership of racial group**

For the purposes of proceedings for an offence under section 77, 79, 80A, 80C, 313, 317, 317A,338B or 444 it does not matter whether a group of persons was a racial group

11295 or whether a person was a member of a racial group as long as the accused person believed at the time of the alleged offence that the group was a racial group or that the person was a member of a racial group, as the case may be.

11300 Nowhere does DCJ Wisbey sum up the relevant issues on my behalf raised at trial. He does not mention that MY belief is relevant and that I have argued vigorously that they are a religious group only. He will not even mention “religious group”, just, “or one other”...

So it’s a matter entirely for you but it would be open to you to conclude that you could be both an ethnic group and a race or one other. But you look to those characteristics in making a determination.

11305 Note here DCJ Wisbey:

The Oxford Dictionary defines ethnic as including:

11310 Pertaining to race, ethnological, peculiar to a race or nation, indigenous, of a population group sharing a distinctive cultural and historical tradition, often associated with nationality or religion, by which the group identifies itself and others recognise it belonging to or characteristic of such a group.

11315 So that’s the definition of what ethnicity is...

That’s not the legal definition. That’s an Oxford Dictionary definition.

11320 We just argued for some time the various experts definition of what ethnicity is and is not. I had dozens of quotes from leading experts on this which I argued with professor Andrew Markus. **DCJ Wisbey does not even mention my defense as an option to the jury.**

### 11325 **[E] Wisbey Makes Prejudicial Comment Against Me**

11330 **DCJ Wisbey:** In respect to counts 2 to 7, it is the accused’s position that he, as a result of his readings and research, has a jaundiced view of the Jewish people, and that he was bringing that to public attention, but that he was not doing so with the intent of causing animosity towards them.

*Transcript 27/01/2011 Page 730*

11335 I have a problem with Jewish racial and religious supremacism and the behaviour this encourages in Jewish people. Any comments I make at the trial are said in anger based on the way the trial was run. The term ‘jaundiced view’ is not appropriate. I have a “view” based on facts which I was never allowed to show at trial. The “view” would then not be “jaundiced” but quite appropriate.

11340 Wisbey makes directions to the jury to:

11345 **DCJ Wisbey:** You can’t produce an exhibit as to someone’s state of mind. Often a person may have said something which clearly indicates his intent, but intent, as I say, is a state of mind and you infer a person’s intent by what that person does, by what that person says, by that persons particular characteristics and by all the surrounding circumstances.

And when looking at this question of intent, it will be necessary for you to bear in mind the direction I will shortly give you on the drawing of inferences.

...

11350 Now, as I have said, you draw – it’s necessary for you to infer a person’s intent, and so it’s necessary to draw an inference, and an inference of course is simply a

logical deduction which you draw from facts which you find proved. So apart from taking into account the direct evidence from witnesses and exhibits, you're entitled to draw inferences from facts which you've found established.

11355

...

And considering whether you can draw the inference which the State says you should draw from the material that has been placed before you, that is that he had the relevant intent, you would be entitled to consider not only what he has said or published, but all the surrounding circumstances, including the views he holds and has expressed before you as to his regard for Israel and Jewish people.

11360

*Transcript 27/01/2011 Page 726-727-728*

So, I am not allowed to show the *mainstream nature* of my views, but the jury is:

11365

...entitled to consider not only what he has said or published, but all the surrounding circumstances, including the **views he holds and has expressed before you** as to his regard for Israel and Jewish people.

11370

I expressed those views in court after the endless baiting and sarcasm of DCJ Wisbey and the refusal of Wisbey to allow me to conduct a defense.

11375

### **Activist gets 10 years for subversion**

#### **CHINESE CRACKDOWN**

Beijing

The West Australian Paper

March 10<sup>th</sup>, 2011

11380

A staunch Chinese democracy activist was jailed yesterday for 10 years for advocating government change in online articles that authorities say slandered the Communist Party leadership as autocratic.

The trial came amid a crackdown on activism in China that may reflect government anxiety about unrest inspired by uprisings in the Middle East and North Africa.

11385

Dozens of well-known Chinese lawyers and activists have vanished, been interrogated, held under house arrest or detained for subversion.

...

Ms Chen said her husband was composed and calm and looked relatively well, but that the judge frequently interrupted Liu and his lawyers attempts to present a defence.

11390

China's hard-line government routinely uses the vaguely worded subversion charge to jail activists it considers trouble makers.

An indictment advice issued by the Suining public security bureau points to articles Liu wrote between April 2009 and February last year that were posted on overseas Chinese pro-democracy websites.

11395

Liu wrote articles that "slandered" the Communist Party leadership as "autocratic rulers" and "on many occasions incited others to subvert the countries state power and socialist system", the police notice said, according to a China-based rights group.

Yes, I know how he feels.

11400

You are aware of DCJ Wisbey deciding what was said on the video. I just note hear again how blatantly he does it. Page 573:

11405

**DCJ Wisbey:** He's saying, "Are you". We've been through that.

**The Witness:** He said, "Are you saying all Jews are racist?" Based on what I said before. I'm sorry, I don't see the linkage. I see a man trying to set me up.

11410

**DCJ Wisbey:** Well – don't worry about the linkage, just if you correct what was said and not - - - ?---Well, in your opinion, sir, what was said?

And not – and not misrepresent it?---Well, in your opinion, sir, what was said?

11415 **Mr Eyers:** Look, can I suggest that it's rewind, it's played then we – we hear it. It's part of the evidence, now carry on.

**DCJ Wisbey:** Well, I think the jury have heard it.

11420 I think Mr Eyers cottoned on to DCJ Wisbey's deciding he would decide matters of fact and interjected we should 'carry on'.

11425 -----  
Whilst playing the video to the jury and Stanley Elliot Keyser:

**Accused:** Well, we've come to the end of that. I'm sure his Honour is pleased. But, Mr Keyser, I'm still waiting for where I said – where you're emphatic that I said – you said to me, "Are you anti-Jewish or anti-Zionist?"

11430 **DCJ Wisbey:** And he's answered that I think at least six to eight times and said he is, in fact - - -

**Accused:** So it's not in the video, because it never happened. The video is clearly unedited, your Honour.

11435 **DCJ Wisbey:** No, it's - - -

**Accused:** Clearly unedited.

11440 **DCJ Wisbey:** That's a statement by you. He has said he said it. It's for the jury to determine whether he did or whether he didn't on the material that's placed before it.

11445 It's not just a "statement" by me – the video is right in front of the jury and it is clear that the video is not edited in any way. DCJ Wisbey is dismissing this – where is the prosecutor Mr Antony Eyers? He sits in silence with his arms folded across his chest. Stanley Elliot Keyser makes claims that he asked me a very important question – "Are you anti-Jewish or anti-Zionist" – and this was the reason for him becoming 'extremely offended' when I supposedly answered "anti-Jewish". It never happened. The video proves that but DCJ Wisbey moves things along quickly as he does thought the  
11450 trial.

11455 -----  
DCJ Wisbey sums up previous statements of witness (Stanley Elliot Keyser) prejudicially:

**Accused:** - - - they could be used against their families back in Palestine. This is common practice--I explained what it was used – what the photos were going to be used for.

11460 Why didn't you do it? What happened to the article?---Because I got racially assaulted. And it then wasn't appropriate to write an article to The Maccabean at that point.

11465 Really? And yet all those Jewish blogs and Jewish things were – were running around claiming I'd threatened to wipe out all Jews. Channel Nine said I'd threatened to wipe out all Jews. [Rare] did a video. And we'll show that to the jury at a later stage. And you're saying you were so concerned about, what, my reputation?---It wasn't about your reputation.

11470 **DCJ Wisbey:** No. What he's saying is that he was racially assaulted, he went to the police, and it wasn't appropriate to take the matter further.

*Transcript 17/01/2011 Page 297-298*

11475

-----

Judge Wisbey tells witness (Stanley Keyser) not to answer a question:

11480

**Accused:** ... I put to you that if a man emphatically states that he's hurt and he's upset and he just wants to get away but I'm allegedly, according to you, yelling and screaming and following you, that casually wandering; and I call it casually wandering, and just going, "Come on. You can film this one", to a complete stranger is the behaviour of a man seeking to enact the racial vilification legislation?---Is that a question?

11485

You can answer yes or no.

11490

**DCJ Wisbey:** Yes. The question effectively is you were seeking to engage the racial vilification legislation by your behaviour?---No. As I said before, I've – I've never read the Racial Vilification Act.

11495

**Accused:** Okay. Are you aware that part of the Act is that you must be humiliated in public, preferably with as many people as possible?

**DCJ Wisbey:** Don't answer that.

**The Witness:** As I said, I've never read it.

11500

**DCJ Wisbey:** Don't answer that, thank you.

11505

**Accused:** Mr Keyser, do you think it's normal for a human being who's – who's allegedly emphatically that he was upset and he was – I don't want to put words into your mouth, but, you know, scared to some degree, intimidated to just casually walk up and say, "Come on, you can film this one"? We can watch it again.

**DCJ Wisbey:** Don't answer that either. You've already answered it.

*Transcript 18/01/2011 Page 406*

11510

Now why on earth is DCJ Wisbey so emphatic that Stanley Keyser should not answer that question? It was an important point. Keyser is claiming he is scared, intimidated, humiliated – the very heart of section 80b. But there he is on the video arguing with me of his own free will, running up to complete strangers (4-5 in total) and saying, "Did you know this man says all Jews are racist?" And he goes up to another complete stranger, bends down to him while he is sitting in his chair having a coffee, minding his own business, and beckons to me to come over while saying, "Come on, you can film this one." It is the central point to my defense: Stanley Keyser is voluntarily engaging – enthusiastically, in a vigorous street debate) – and beckoning for me to film him. DCJ Wisbey does not want the point emphasised.

11520

DCJ Wisbey exhibited an extreme dislike for me from the beginning. I reciprocated. Admittedly, I was certainly not helping. I was extremely angry and previous submissions to you explain why, and I apologised to the court and DCJ Wisbey for my behaviour in those submissions. This was a sincere apology.

11525

When I read the transcript I cringe at my behaviour. At times I am quite embarrassed. I am embarrassed for DCJ Wisbey as well. He has a reputation as a unpopular Judge amongst legal professionals. He was dragged out of retirement at the age of 77 because of a shortage of District Court judges. He was 80 years old when he presided over my trial.

11530

At the completion of Professor Andrew Markus's testimony DCJ Wisbey states:

11535 **DCJ Wisbey:** Well thank you very much for your assistance Professor Markus. And I say that you're now free to go, I couldn't stop you if you wanted to anyway.

11540 **Accused:** Your Honour, can you please stop such comments. It shows your incredible bias. I've got so many – you on the transcript so often, it's going to be funny.

It was said extremely sarcastically. What the transcript has had edited out is DCJ Wisbey saying: "Sorry to have wasted your time Professor". This is not in the transcript – as are many memorable passages. This is an extremely important indicator of DCJ Wisbey's attitude to me and the trial itself.

11545 **[14] Refused Access To Audio Of Trial To Correct Transcript**

11550 In early February 2011, District Court Registrar *Michael Gething* immediately sent me on request, to Hakea Remand Centre, audio of the trial to correct the transcript. Knowing you required the transcript urgently, I sent it straight to you as you had to have the basic appeal points in before 21 days were up. I also believed I would have time to correct the transcript later. This was based on a lack of knowledge on how the W.A legal system worked.

11555 Despite 10 letters (over 18 months) to both *Michael Gething* at the Perth District Court and Registrar *Bush* at the W.A Supreme Court, they have refused to allow me access to the audio.

11560 DC Registrar Michael Gething has offered to allow me to send him corrections and he would review the audio. I have written to him repeatedly that the transcript is so inaccurate, with so many blatantly missing comments, I would need to review the entire trial.

Despite sending him just a few obvious examples, he did not agree to review those, but simply "extended" the invitation previously made. Dr Walsh – they know that transcript is so bad it will embarrass them. They did not know this initially.

11565 I fear that they will destroy the audio. They may have already.

I wrote to the Chief Justice of the WASC:

11570 8<sup>th</sup> January 2013

**Chief Justice Wayne Martin  
Supreme Court of Western Australia  
Stirling Gardens, Barrack Street  
PERTH, WA  
6000**

11575 PH: (08) 9421 5333  
FAX: (08) 9421 5471

11580 CC: Dr John Walsh/Mathilda Evans – Counsel

**Questions On Administrative Matters – IND 1767 of 2009/CACR 28 & 29 of 2011**

11585 Your Honour,

It is my understanding that you have ultimate authority over the day to day running of the Western Australian courts.

I have two problems that relate directly to administrative rules of court.

11590

1. Access to audio of trial and hearings to compare to transcript.
2. Confirmation of the date appeal submissions were received by WASCA in the matter of CACR 28 & 29 of 2011.

11595

I have written (in total) approximately 8 letters requesting access to the audio of the trial to correct gross errors in the trial transcript and some hearings. This includes to both Registrar Bush of the Supreme Court of W.A and Registrar Gething of the District Court of W.A.

11600

I began requesting the audio in August of 2011. My counsel has also been actively involved in assisting me to correct the transcript and I have included two letters in reply to Registrar Bush which clarify the problem dated 17/11/11 and 10/11/11. A reply from Registrar Bush dated 24 November 2011 is included with this letter to you.

11605

I had in fact received the audio of the trial and a copy of the transcript in hard copy from Registrar Gething in February of 2011 whilst incarcerated at Hakea Remand centre after sentencing. I did not take the opportunity to correct the transcript at that time due to my lawyer (Dr John Walsh) urgently requiring a copy of the transcript which I sent to him in Melbourne. My belief, based on ignorance of the W.A legal system, was that I could obtain bail on leave to appeal being granted after the initial submission of grounds of appeal and then correct the transcript whilst outside the prison system. In hindsight this was obviously a mistake. An innocent one.

11610

Mr Michael Gething of the Perth District court has indicated to me that he is prepared to correct the transcript on submission from me of a hard copy of the transcript page with my correction on it – presumably drawn from memory of a trial from two years ago.

11615

I have submitted to Mr Gething that there are several matters that relate to comments made by DCJ John Wisbey that are not present in the transcript. Also, the testimony of Mr Stanley Elliot Keyser does not ring true to my memory, nor Professor Andrew Markus. Of particular note is the testimony of Rabbi Dovid Freilich where the transcript was removed from my bag on leaving court that day by security and not given to me until the next day.

11620

Respectfully, it is not a matter of a line here and a word there – there are entire conversations missing such as a discussion with the jury not present - between myself, prosecutor Antony Eyers and DCJ Wisbey where I request time to stay in court during the afternoon break to look up a reference in a book that the prosecution had referred to. Discussions had also taken place as to myself returning to the stand to cross examine myself. This is important as DCJ Wisbey suddenly ended the trial knowing it was my intention to return to the stand as discussed – a discussion not in the transcript.

11625

11630

Pre-trial hearings are also not correct to my memory. One particular incident is acting Chief Judge Martino stating to me, “I will allow your allegations to stand on the record” after I accused the Senior Prosecutor of corruption. That statement is not in the transcript.

11635

Mr Michael Gething wants me to point out individual sections – there are too many and I suspect more to find.

In the interest of justice, a correct transcript is vital especially as I prepare paperwork to go to the High Court.

11640

I am imprisoned in a high security prison. There are facilities here to go over the audio and correct the transcript and surrounding hearings including the very important directions hearing under DCJ McCann on whether Jews constituted a racial group.

11645

I am asking you to instruct Registrar Gething of the Perth District Court to send me the audio as he has done before so I can correct the transcript and surrounding hearings.

11650

...

Sincerely,

Brendon Lee O'Connell

11655

I have just received a reply from Chief Justice Wayne Martin after I enquired why Mr Michael Gething of the Perth District Court was refusing to allow me to correct the transcript:

7 February 2013

11660

Mr Brendon Lee O'Connell  
Locked Bag 2  
ALBANY WA 6330

11665

Dear Mr O'Connell

Thank you for your letter of 8 January 2013, received at these Chambers on 14 January 2013. I apologise for the delay in responding to your letter, but the letter was received whilst I was on leave, from which I have only recently returned.

11670

The first portion of your letter is concerned with alleged inaccuracies in the transcript of the proceedings in which you were involved in the District Court. As that court has responsibility for the accuracy of the transcription of proceedings before it, I do not propose to comment on those matters. Any issues which you have in that regard must be pursued with relevant officers of the District Court.

11675

...

So, even the Chief Justice of the Supreme Court passes the buck. *Michael Gething* refuses to allow me access to the audio. *Michael Gething* will give no reason as to why. Where does one go from here? Are these people accountable in any way?

11680

#### [15] Prejudiced By State Dignitary Protection Unit Being Present In Court

11685

On page 235 – 17/1/2011 – Mr Eyers states, “But he needs particular security arrangements in place. We have no objection”, in relation to me sitting at the Bar table.

The next day, two large men in suits from the *State Dignitary Protection Unit* sat behind me. This would have created a great bias in the jury against me as a ‘dangerous man’. Strangely, when I asked trouble makers to be removed, G4S guard ‘Neville’ stated the judge would have to order it. DCJ Wisbey did eventually remove one trouble maker several times but allowed him back the next day for another run. Surely the effect of two large men in suits – clearly police – sitting behind me was extremely prejudicial and angered me to a great extent.

11690

11695

#### [16] Lack Of Detailed Indictment

I remember several rulings of the High Court being made known to me by Mr Wayne Glew. The most recent ruling was March 2010(I think) – *Kirk v Industrial Relations Commission*. The High Court insisted that an accused was entitled to a ‘detailed indictment’.

11700

The hearing was under DCJ Sleight on the matter of a more detailed indictment with new and better particulars. On page 2 DCJ Sleight says:

11705

**DCJ Sleight:** There’s three applications before me this morning as I understand it. An application by Mr O'Connell seeking an amendment to his bail conditions; an application by him relating to either having the indictment dismissed or an order for particulars; and thirdly, an order seeking a return of a video camera.

11710 *Transcript 11/02/2010 page 2*

I was late for court and DCJ Sleight decided to adjourn sine die but before doing so made this comment:

11715 **DCJ Sleight:** Yes, thank you. Can I just indicate that my preliminary view is that the state ought to provide particulars of each of the charges? The state might like to consider it's position in relation to that, and decide whether those particulars should be provided before the listings conference.

11720 *Transcript 11/02/2010 page 2*

11725 My complaint had been that the indictment was extremely vague. I noted that in three previous similar matters which were argued before the Federal Court – *Jones v Toben*, *Jones v Anthony Griggor Scott (Bible Believers)*, *Jones v Scully* – that the respondent had received a detailed indictment that laid out *exactly* the words, phrases, sentences that were believed to constitute racial vilification albeit in a differing legal jurisdiction. The difference in detail is stark compared with what I had received from the W.A D.P.P. Jeremy Jones lays out, line by line, the exact words that he believed constituted vilification of the Jewish 'race'.

11730 Mr John Bougher – barrister who appeared for me later in the year – agreed in principal with my argument and commented that he too could not identify what words and actions the state believed to constitute the offence. It was my opinion that the state should identify *exactly* what words and actions constituted the offence. It should not be up to me to 'guess' and build my defence. I should add that the only defence the state seemed content for me to take was that I was simply *angry* and did not  
11735 'intend' to racially vilify anyone even if it did happen, hence I would be innocent of the more serious Section 77 charges of which there were six – 'engaged in conduct *intended* to create racist animosity/hatred'. My argument, as you know, is that I would first need to diffuse the obvious bias of the jury towards the issue of Jewish power and behaviour by presenting my 'views'<sup>136</sup> as based in fact or at least 'facts' that were reasonable to believe by the average person – even if found to be wrong.  
11740 Only then would a jury be able to make a clear judgement on my 'intent' when presenting these 'facts' under the particular circumstances of the time whether on the blog or on the video.

The state seemed to believe that the jury would decide 'what' constituted the offence with the D.P.P just giving a 'broad outline'.

11745 Senior Prosecutor Mr Whalley commented at the hearing:

11750 **Mr Whalley:** Now, I'm not going to get into a discussion about the merits of the States case. It seems clear what Mr O'Connell's asking for in his application is better or particulars, specific particulars relating to the offences with which he's been charged. Clearly that is important, particulars, given his self-represented status, that he understands fully the case that he's required to meet.

11755 Now the State is cognisant of that obligation. The situation though as it presently stands is I have reviewed this matter and the evidence in this matter, and the indictment as it's presently drafted, and here I'm referring to the indictment dated 19 November 2009 containing six counts.

11760 I have taken a view that the indictment may not best reflect the alleged criminal conduct involved in terms of the offences charged and/or the particulars of the offences as pleaded in that indictment.

*Transcript 11/02/2010 p.4-5*

<sup>136</sup> You'll remember D.P.P head Mr McGrath stating my views were 'abhorrent' at the December 13<sup>th</sup> 2011 appeal. Views that are a matter of the undisputed historical record and expounded by highly respected authors, journalists, politicians.

11765 Mr Whalley then presented the new (fourth) indictment on Friday the 26<sup>th</sup> of February 2010. I again asked the prosecution to provide a detailed indictment. Here are some extracts from the transcript of the days hearing. The first is to do with the video and the first charge on the indictment under Section 80B – ‘Conduct likely to racially harass’:

11770 **CJDC Kennedy:** All right. Can we have that? Thank you. Do you have a copy of the particulars?

11775 **Accused:** Yes, your honour. Although I still don’t think that’s satisfactory. I mean just – the prosecution still haven’t even – sort of like, what are the statements? What are the words? I need the words. I mean they need to state the words and the actions that actually happened.  
**p.27**

11780 ...  
**CJDC Kennedy:** And we want to make sure that you do have the particulars.

11785 **Accused:** Can you actually tell me the statements, the words? What is the offending?

**Mr Whalley:** It is a fair question, your Honour. The state will rely on all the words.

11790 **Accused:** Can you name those words?

**CJDC Kennedy:** Well, have you got it? I don’t know anything about it.

11795 **Mr Whalley:** There is no transcript of it, but it is essentially every word spoken between - - -

**CJDC Kennedy:** But you’re going to show the video to the jury?

**Mr Whalley:** Yes, that’s - - -

11800 **CJDC Kennedy:** And it’s every word spoken.

**Mr Whalley:** Yes, essentially.

11805 **CJDC Kennedy:** And how long does it go on for?

**Mr Whalley:** Well, it will be about nine minutes for that particular charge. The entire thing - - -

11810 *Transcript 26/02/2010 p.28*

...  
**CJDC Kennedy:** Well, that doesn’t really matter, we’re asking for particulars. The particulars on count 1 are every word you said to these people on that DVD.

11815 **Accused:** I think the prosecution needs to be a bit more specific.

**CJDC Kennedy:** Well, I just don’t understand in what way you mean they need to be more specific.

11820 *Transcript 26/02/2010 p.28*

...

11825 **Mr Whalley:** Your Honour, I haven't committed the words to memory simply because the charge is harassment. It's the entire conduct and the words that's spoken, rather than and specific words.

11830 **CJDC Kennedy:** I can understand your frustration Mr Whalley. But the fact is that this man is acting for himself, he is likely to go on acting for himself. And therefore greater attempts to assist him are going to have to be made. And I'm just not quite sure whether – so when you say the whole nine minutes, are there actions, or is it only words?

11835 **Mr Whalley:** No, there are actions your Honour, in terms of following the individual, coupled with the words. It's difficult to isolate it. It's really the totality of the conduct that the State will be putting to the jury and saying "That's harassment". And then obviously that'll be a matter for the jury to determine. I will arrange for a transcript to be provided. As I say, Mr O'Connell has the footage for himself to view. And as I say, the State will rely on those parts particularised, but if it will assist him to have a transcript that he could follow, it is - - -

11845 *Transcript 26/02/2010 p.28-29*

...

11850 **Accused:** Your Honour, I was just standing in with camera. But if the prosecution said I had, for instance, caused grievous bodily harm to Stanley Elliot Keyser, it would be reasonable to expect they would say what that action was; that I had struck him about the head causing him concussion - - -

11855 **CJDC Kennedy:** No. Well, what they are saying – but what they are saying, they're saying you used words that were racially harassing.

**Accused:** Sorry, sorry. Surely they should name those words.

11860 **CJDC Kennedy:** Well, they are telling you, "Every word you said in the nine minutes." There you are. Every single word you said in that nine minutes, they're relying on. And they're relying on everything - - -

**Accused:** Every single word? So "and", "if", "where the suns shining"?

11865 **CJDC Kennedy:** Yes, that's right, yes. Yes, you can put those – if you think that that's a valid argument, you can put that to the jury.

**Accused:** But your Honour, you said "every single word".

11870 **CJDC Kennedy:** Yes, I did. No, "every single word" they're relying on, and your actions as well in the video. So that's what they're relying on in relation to that. So - - -

11875 **Accused:** But they also – well, I have to say, your Honour, I mean, obviously I'm very naïve with the matters of the law. But I had to – could the record just show that I object to this? I think that it's up to the prosecution to be very specific. These are serious charges from the start. It is now 37 weeks in and I've just received a new indictment. And also, in the whole thing, they had not specifically stated once. They just say "search video" or "transcript", or can they actually just give me a list of the words, actions, give me the specifics that were to create racial harassment or animosity? It's a fairly – I thought it was a fairly simple point your Honour.

11880 **CJDC Kennedy:** Have you had a good look at the schedule of particulars?

11885 **Accused:** I have. Well, it depends what you mean by “good look”. I think I’ve had enough of a look. Like, for instance, blog dated 25 October, brief page 113 to 129. I think I’m – it’s incumbent upon them to actually put it down.

11890 **CJDC Kennedy:** What, you want them to actually rewrite pages 113 to 129?

**Accused:** Well, no, I want them to say, “This part here, he said, ‘Blah blah blah blah blah’. This is the statement here, this statement here. That is the statement we allege is racist or racial harassment”.

11895 **CJDC Kennedy:** Look, they are not going to be tied down to a couple of words, Mr O’Connell. What they’re talking about is not only – they’re talking about passages of transcript. It’s not just that you will have little arguments about “Is this particular word racial?”

11900 *Transcript 26/02/2010 p.30-31*

...

11905 **CJDC Kennedy:** All right. Look, I don’t propose to go further through that, Mr O’Connell. The fact is that what they are saying is that that – and it’s a matter for the jury to make that determination. You’ve got the documents, and it’s not a matter of specifying particular words and - - -

11910 **Accused:** But, your Honour, surely the relevant passage that the prosecution claims - - -

11915 **CJDC Kennedy:** I’ve made my ruling. I’ve just made a ruling. I’ve just made a ruling, and the ruling that I have just made is this. The whole of the blog is what they are referring to. The whole of the blog, they are saying, is conduct intended to incite racial animosity or racial harassment.

*Transcript 26/02/2010 p.33*

...

11920 **Accused:** But surely, the prosecution can actually hone in on something.

**CJDC Kennedy:** But they don’t have to. They don’t want to hone in, and they don’t have to.

11925 **Accused:** Your Honour, this is bizarre. Surely they have looked through and gone, “Yes, that is a passage. That is the statement right there.”

11930 **CJDC Kennedy:** No.

**Accused:** Because if I had said, “I am going to kill Stanley Keyser”, the prosecution would be able to say, “That is the passage. That is the word. That is the intent there”.

11935 **CJDC Kennedy:** Okay. My ruling is that the particulars are sufficient in the circumstances. Now - -

*Transcript 26/02/2010 p.33-34*

11940 On the 20<sup>th</sup> of July 2010, my lawyer Mr Bougher wrote to the D.P.P:

Dear Sir

11945 I have now looked through a great deal of material relating to this matter and request that by way of further and better particulars you provide the following details:

- 11950
1. In relation to count 1, details of what statements it is alleged constitute or partly constitute the conduct that was likely to harass Mr Kaiser;
  2. In relation to counts 2-7, details of the statements in each case alleged to have been made with intent to create or promote animosity towards a racial group; and
  3. In relation to all Counts on the Indictment, what is the 'racial group' referred to in each case.
- 11955

I realise in relation to 2. Above certain rulings were made by then Chief Judge Kennedy on 26 February 2010 (page 33 of the transcript), but if the Prosecution is able to be more specific that would be helpful, particularly given the close proximity of the trial.

11960  
On 28 July 2010 Mr Justin Whalley of the D.P.P replied:

Dear Mr Bougher,

11965  
Thank you for your letter of 20 July 2010. I apologise for the delay in replying. I will respond to your queries as they are enumerated in your letter.

- 11970
- 4) It is not realistic to isolate individual statements or utterances in an attempt to particularise the conduct that was likely to harass Mr Kaiser. It is the totality of the conduct that represents the particulars of this count. The States position is that whilst any given statement in isolation may not constitute their combined effect is capable of constituting harassment.

11975  
In addition, the verbal statements cannot be viewed in isolation divorced from physical conduct and demeanour. The State relies on the totality and combined effect of the conduct, words, gestures and demeanour as particulars of the harassment the subject of Count 1.

- 11980
- 5) The same principal applies to Counts 2 – 7, particulars of which are contained in a Schedule of Particulars that has previously been provided to Mr O'Connell.<sup>137</sup>

11985  
Individual comments in the blogs the subject of Counts 4 – 7, regarded in isolation, may not ground an inference that their posting on the internet evinces an intention to incite racial animosity / harassment but, viewed as a whole, they are capable of doing so. There is really nothing that I can usefully add to the information provided in the aforementioned Schedule of Particulars.

...

11990  
This is 'playing' with the indictment. The 'totality' of the conduct must by definition be made up of 'particulars' that the D.P.P could easily have summarised in detail.

11995  
With the above in mind, at the trial summing up, Mr Antony Ayers went about directing the jury to **exact paragraphs** of what he thought constituted 'racial vilification'. On the 27<sup>th</sup> January 2011, starting from roughly page 672 to 680, Mr Ayers goes to specific points of reference in the video and blog but the D.P.P was unable to do this on the indictment particulars giving me a chance to hone in on their argument before the trial.

### [17] My Need For Coffee

12000  
Dr Walsh, this was actually no joke. I was at an extreme disadvantage as a heavy coffee drinker who could not leave the building like everyone else to buy whatever refreshments they wanted during breaks.

<sup>137</sup> The 'particulars' were PAGES of material – not individual statements or paragraphs.

12005 I was kept ‘in the dungeon’ – bail room. They would not give me coffee without permission from the judge and he considered it a joke:

**Accused:** Your Honour, what are my rights with – I’m having a lot of trouble concentrating. Can I call Mr Keyser back tomorrow - - -

12010

...

**Accused:** That’s good.

12015

Let the record show, your Honour, need to think clearly – I need coffee, but I understand that’s not going to happen.

**DCJ Wisbey:** Well, I don’t think the record will show you need coffee. The record will show you said you needed coffee.

12020

18/01/2011 Page 412

**Accused:** I would like a coffee your Honour.

12025

**DCJ Wisbey:** - - - what you want - - -

**Accused:** I’ve had an apple all day, because I’ve got a wheat intolerance, and in the dungeons I get no food.

12030

**DCJ Wisbey:** You need more than coffee.

*Transcript 18/01/2011 Page 395*

12035 The inflection and clear tone and imputation of the comment, “You need more than coffee”, was that I was “mentally ill” and in need of medication.

Eventually, after much begging, around day four I was allowed to receive coffee from the café in the court house. I could not take it back to the bail room/cell to drink it slowly with food. I had to sit in a cell outside the court room and ‘scull’ it, then go back to the bail room/cell.

12040

My understanding is that Western Australia is one of the few States to do this. Other States have the jury sit in the jury room and the accused – still on bail – can go outside and get whatever refreshments they feel they need.

12045

Being self-represented, I should have been given some latitude. They knew I would be self-representing two weeks before the trial. DCJ Wisbey simply disliked me intently. The feeling was mutual.

12050

Without coffee I was completely unable to think two to three hours into the trial. It put me at an extreme disadvantage that should not be underestimated. This is a matter the High Court should rule on - it is not a trivial matter. When an accused is self-represented they should be able to source the relevant sustenance that allows them to be at their best.

12055

I was not able to get a non-wheat diet either while in the bail room. Bread interferes in my ability to think.

#### [18] Incidental Points

12060

[a] Holocaust™ Discomfort

12065 From page 581 to 591 I range freely over subjects brought up in the video. Virtually without interruption. However, when I get into so called ‘holocaust denial’ and spell out the persecution of dissidents, DCJ Wisbey interjects:

**DCJ Wisbey:** Mr O’Connell, we’ve given you considerable latitude but you’re not really -- -

12070 **The Witness:** Well, I’ve made statements in the video.

**DCJ Wisbey:** - - - not really addressing – you’re not really addressing the issues? ---I’ve made statements in the video.

12075 DCJ Wisbey does not interject again. I noted the discomfort when this issue came up. The judge knows that I have been charged surrounding comments I made about the so called Holocaust<sup>TM</sup>. He knows very well the statements are relevant. I make extensive statements in the offending video as well where I defend the right of people to question history without being the subject of persecution.

12080 I am still astounded that people would be so sensitive about simple facts related to the subject coming up in a public forum. They were certainly terrified (in my opinion) of Dr Frederick Toben appearing. Unfortunately, Frederick was in the U.S and could not make it. I link this in with their general attempt to prevent material being presented at the trial and the spreading of ‘abhorrent views’. Refer to the ‘So Far So Good’ official over view of racial discrimination legislation.

12085

### [19] Quick Notes On WASCA Decision - May 4<sup>th</sup> 2012

12090 The appeal decision was at the very least, a one sided farce. There is so much to say that I will instead simply make some observations.

12095 The appeal against conviction was “sprung” on me the day that the appeal against sentence was to be heard. I had completed no submissions of my own and as you know I had experienced great difficulty just in getting to the library computers.

The WASCA then “lied” when they said that they had not received from you the legal versions of my submissions on time:

12100 *At paragraph 60, page 14 in the WASCA appeal decision, Justice Mazza states:*

The court wrote to the appellants solicitor and counsel, giving the appellant until 21 February 2012 to file any application, failing which they were put on notice that the appeals would be decided only on the material that was before the court at the hearing on 13 December 2011. **No application was filed.** Therefore these applications for leave to appeal will be decided on the proposed grounds of appeal which were before the court on 13 December 2011 and on the material and evidence in the court below: s39(1) Criminal Appeals Act 2004 (WA).

12110 Dr Walsh, we have already discussed from the outset of the decision that this is a lie by the WASCA. They did receive the submissions in on time and you have the paperwork to prove it. I asked in writing for the paperwork showing when the WASCA received your legal submissions. Some other paperwork requested by me was sent immediately to me but there was no reply regarding the submission paperwork.

12115 Here is my letter to the Chief Justice of the Supreme Court of Western Australia:

8<sup>th</sup> January 2013

12120 **Chief Justice Wayne Martin**  
**Supreme Court of Western Australia**  
**Stirling Gardens, Barrack Street**  
**PERTH, WA**  
**6000**

12125 PH: (08) 9421 5333  
FAX: (08) 9421 5471

CC: Dr John Walsh/Mathilda Evans – Counsel

12130 **Questions On Administrative Matters – IND 1767 of 2009/CACR 28 & 29 of 2011**

Your Honour,

12135 It is my understanding that you have ultimate authority over the day to day running of the Western Australian courts.

I have two problems that relate directly to administrative rules of court.

12140 3. Access to audio of trial and hearings to compare to transcript.  
4. Confirmation of the date appeal submissions were received by WASCA in the matter of CACR 28 & 29 of 2011.

...

12145 \_\_\_\_\_  
On the matter of the date that the WASCA received my submissions to the WASCA, here is a comment from Justice Mazza's decision handed down on my appeal of which you were a part. At *paragraph 60, page 14* in the WASCA appeal decision, Justice Mazza states:

12150 The court wrote to the appellants solicitor and counsel, giving the appellant until 21 February 2012 to file any application, failing which they were put on notice that the appeals would be decided only on the material that was before the court at the hearing on 13 December 2011. No application was filed. Therefore these applications for leave to appeal will be decided on the proposed grounds of appeal which were before the court on 13 December 2011 and on the material and evidence in the court below: s39(1) Criminal Appeals Act 2004 (WA).

12155 "No application was filed". This is untrue according to my counsel Dr John Walsh who filed the submissions before the February 21 2012 deadline.

12160 I have requested Registrar Bush provide evidence of when Dr Walsh filed the submissions but he has neglected to do so. I am now asking you to direct Registrar Bush to provide evidence as to when the submissions were filed.

12165 Sincerely,

Brendon Lee O'Connell

12170 Here is the recent reply from Chief Justice Wayne Martin on the WASCA's decision to not allow my submissions to be included in the appeal:

7 February 2013

12175 **Mr Brendon Lee O'Connell**  
**Locked Bag 2**  
**ALBANY WA 6330**

Dear Mr O'Connell

12180 Thank you for your letter of 8 January 2013, received at these Chambers on 14 January 2013. I apologise for the delay in responding to your letter, but the letter was received whilst I was on leave, from which I have only recently returned.

12185 ...

The second topic raised in your letter concerns your assertion that Justice Mazza was incorrect to state that no application was filed to enable receipt of the written materials which were provided to the court following the completion of the hearing on 13 December 2011.

12190 I have carefully reviewed the file and concluded that Justice Mazza was entirely correct in his observations. The position is as follows.

12195 After various written materials were received from you during December and January, Justice Mazza's Associate wrote to your solicitors, copied to your counsel, by letter dated 1 February 2012 advising that if you wished the court to consider the materials which had been provided, it would be necessary for an application to that effect to be made, accompanied by written submissions dealing with certain topics. The letter advised that any such application, accompanied by the relevant submissions, would have to be lodged not later than 4pm on 21 February 2012.

12200 Your solicitors responded to that letter dated 9 February 2012 seeking further information in relation to the documents required to constitute the application referred to in the letter of 1 February from Justice Mazza's associate. Justice Mazza's Associate responded to that letter by a letter to your solicitors dated 15 February 2012, and which was sent to them by email on that date, advising that any application to receive further submissions following the completion of an appellate hearing was governed by the Rules of Court, and could not be conducted through correspondence. Your solicitors were advised that the appropriate application to be made was contained within schedule 1 of the Supreme Court (Court of Appeal) Rules 2005.

12205 Notwithstanding that advice, no such application was received within the time specified in the earlier correspondence, or at all.

12215 As indicated, I have therefore concluded that the portion of Justice Mazza's reasons to which you refer is entirely correct.

Yours sincerely

12220 The Hon Wayne Martin AC  
Chief Justice of Western Australia

12225 Justice Mazza outlines the State's case from *page 6, paragraph 13 to page 10, paragraph 35*. I will focus on these *grossly one sided* comments and put the paragraph number before each extract. Nowhere does Justice Mazza deviate from the prosecution's case and statements from the accused. No mention of my recollection or the video showing Stanley Elliot Keyser clearly lying and agitating the rally:

12230 **13) Mr Keyser took a photograph of the protest group when they arrived.**

12235 No, he took *many* photographs and *stalked* the 'Friends Of Palestine' group. He listened in and stood next to the group for over an hour with Timothy John Peach at his side. His accomplice Daniel Ari Lazareth had joined the F.O.P for the express purpose of infiltration. All of these three are members of the *Australian Union of Jewish Students, Habonim Dror* and/or *Chabad Lubavitch* – a violent racist criminal cult by any measure. These three were not little Boy Scouts out for an outing. They were committed Jewish activists, out for a confrontation.

12240 **13) After leaving the store, the appellant, who was present to observe and record the protest, approached Mr Keyser and Mr Peach.**

I *approached* them AFTER Mr Keyser took our photo, walked through the group, refused a pamphlet and said from half way up the steps at the back of the store, “We are Jews from Melbourne, and what you are doing is disgusting”. Justice Mazza could of added, “Mr O’Connell then commenced filming the two men and said, ‘You’re Jews from Melbourne, you were taking our photo, why didn’t you just come up to us, shake our hand, introduce yourself and give us your side of the story?’”<sup>138</sup> But I guess that would make me look half way decent and rational.

12250 **13) The appellant made statements to Mr Keyser such as, “You are a racist homicidal maniac”<sup>139</sup>, “You are a racist Jew”, “You belong to a racist homicidal organization”, “You are anti-Goy...it is in your religion and race”, and “You kill little Palestinian children and you support it” (count 1). The State alleged that the appellants statements seriously or substantially abused or severely intimidated Mr Keyser as a member of a racial group.**

12255 Note that Justice Mazza has listed the *statements* as being a part of count 1. That’s nice. Why were those statements not listed to me in the indictment? Why was the D.P.P so determined not to give me the specific statements that Justice Mazza chose to quote?

12260 Dr Walsh, I have given you an extensive background as to where I get my views from. If the State can make a case out of those comments then we had all better keep our mouths shut.

12265 The State made much that I could not have possibly known anything about Mr Stanley Elliot Keyser such that I could have reasonably made them without my real intention/or likelihood, being that it was likely he would feel ‘racially vilified’.

12270 I made it known to the prosecutor that I knew Stanley Elliot Keyser 10 minutes before those comments were made as we debated vigorously. I know exactly what he is about. I know he is a committed activist – why else is he down there and by the force of his views he is a committed hard core Zionist<sup>140</sup> and therefore – ergo sum, a racist homicidal maniac who *defends* the slaughter of 1,500 largely innocent civilians (500 children) by a first world military juggernaut within a 8km (at its widest) and 20 km long cage called The Gaza Strip.

12275 I could have shown to the jury EXACTLY why I could reasonably have that view and why it was fair and reasonable to call Mr Stanley Keyser exactly those things. But, as you know, I could not show anything so the jury made a *reasonable* conclusion that I was at least an emotionally unstable man with an irrational hatred of Jews and Judaism. I would have done the same thing under the circumstances.

12280 That 80b section of the act is a joke – ‘conduct *likely*’. I mean, ANYTHING is *likely* to cause this or that. Here is count 1 on the indictment:

12285 (1) On 2 May 2009 at South Perth Brendon Lee O’Connell, engaged in conduct, otherwise than in private, that was likely to harass Stanley Elliot Keyser as a member of a racial group namely pursuing Stanley Elliot Keyser and making a series of comments to Stanley Elliot Keyser.

12290 Note the term ‘pursuing’. I never ‘pursued’ Keyser. He was at *our* protest. He was *pursuing* us. He was *stalking* us. I *followed* him as he went up to F.O.P members, the general public, and the F.O.P table out the front of the shopping centre where he *attempted to make a scene* and even lied to the organizer telling him that store security had asked us to move on. In fact, he is clear, calm and devious in word and deed. It’s right there on the video. He is a highly experienced political activist and organizer –

<sup>138</sup> This is not in contention. My words and actions are on the video.

<sup>139</sup> No, I actually said, “You are a BUNCH of racist homicidal maniacs”. There’s a big difference.

<sup>140</sup> The foundation of Zionism is Jewish racial and religious supremacism expounded on in their religious books.

12295 playing victim. He knows exactly what he is doing. His friend and mentor – Steve Lieblich – is a Jewish community leader and lawyer. They were both instrumental in organizing the ‘Friends Of Israel’ gathering that the Israeli Ambassador to Australia attended. I accused Stanley Keyser of deliberately making statements to entrap me in the legislation which he denied. He denied he knew anything about the racial vilification legislation or in fact he actually specifically stated:

12300 **Accused:** ... I put to you that if a man emphatically states that he’s hurt and he’s upset and he just wants to get away but I’m allegedly, according to you, yelling and screaming and following you, that casually wandering; and I call it casually wandering, and just going, “Come on. You can film this one”, to a complete stranger is the behaviour of a man seeking to enact the racial vilification legislation?---Is that a question?

12305 You can answer yes or no.

12310 **DCJ Wisbey:** Yes. The question effectively is you were seeking to engage the racial vilification legislation by your behaviour?---No. As I said before, I’ve – I’ve never read the Racial Vilification Act.

“I’ve never read the Racial Vilification Act.” Yes, but he knows all about it even if he’s never read it. He knew what he was doing.

12315 When I said to him in court he could at least have the decency to answer my questions as I was looking at 4 years jail he hissed back at me, “*I hope you get more. It’s 14 years actually*”.

I’m not able to finish this section. Out of time - too tired.

12320

## [20] Why I Went On A Hunger Strike

12325 Assistant Editor of the West Australian newspaper (Colleen Egan) wrote an article on Mr Wayne Glew and his relationship with slain mother Heather Glendinning who ‘apparently’ murdered her two daughters with a knife and then committed suicide.

Mr Glew was advising Mrs Glendinning on constitutional matters in relation to her family law case. Mr Glew also gave me advice on constitutional matters in relation to my case.

12330 The article appeared on December the 17<sup>th</sup> 2011, just four days after I appeared with your Counsel at the WASCA on December the 13<sup>th</sup> 2011 in front of Chief Justice Wayne Martin.

Mr Glew is in a long running dispute with the W.A courts and has a well-known personal dislike for Chief Justice Martin. In fact, Colleen Egan writes:

12335

Mr Glew did not believe Ms Glendinning was delusional and claimed the entire court system, including Chief Justice Wayne Martin, was corrupt.  
“Justice Martin is a liar and a fraudster,” he said.

12340 Seeing this report made me decide to go on the hunger strike as I believed there was no hope for an unbiased outcome especially considering everything that had occurred both before and after the trial.

12345 Mr’s Egan wrote the excellent book on the W.A legal system, “*Murderer No More*”, about the wrongful conviction of Mr Andrew Mallard. She is scathing of elements of the Western Australian legal fraternity and police.

It’s my understanding that Chief Justice Wayne Martin rang Mrs Egan and expressed (strongly) his annoyance at the article.

12350 Here is the long news article in full:

**Ex-cop: I helped mum fight law**

Colleen Egan  
WEST AUSTRALIAN PAPER  
17<sup>th</sup> December 2011

12355 Port Denison mum Heather Glendinning was encouraged to persue long running legal cases by a self-taught constitutional adviser who believes no WA courts have legitimacy and Supreme Court judges are frauds.

12360 Former policeman Wayne Glew is part of “a group of likeminded people” who challenge the decisions and powers of courts and governments, claiming they are not properly formed under the constitution.

12365 Mr Glew, an inventor who has a long running battle with the City of Greater Geraldton because he refuses to pay rates, this week handed over to regional broadcasters GWN7 several emails written by Ms Glendinning.

In the emails, written earlier this year to Mr Glew and a court official, Ms Glendinning claimed that she was in fear for her life and that judges and lawyers were conspiring against her.

12370 The bodies of Ms Glendinning and two of her daughters, Jane and Jessica Cuzens, were found in her Port Denison home two weeks ago.

They had all suffered extensive injuries in an attack that police believe was a murder-suicide by Ms Glendinning, who friends say was obsessed with lengthy battles against her ex-husband and his family in the Family and Supreme Courts.

12375 Mr Glew said Ms Glendinning contacted him five years ago for help with her legal cases.

He said people often sought him out after seeing his many interviews on YouTube.

“I studied the constitution for a long time and now I’m now teaching people about it,” he said.

12380 “The constitution is the rule above all rules. Every verdict that comes out of any court in WA is invalid because they do not sit under the crown.

“I told her the courts are, in my opinion, corrupt.”

Mr Glew prepared court documents for Ms Glendinning, who represented herself in the protracted cases.

12385 “She sent me documents and I rewrote them for her,” he said.

“I put the Constitution and the Family Law Act in there. She presented it to the court and they just threw it out.

“I do not give legal advice; I do not profess to be a lawyer. I profess to be a sovereign subject of the Queen. I’ve got a high IQ and a good memory.”

12390 Mr Glew said Ms Glendinning was made to “look like a nut” in the legal battles.

“I found her to be a very well-spoken and intelligent woman,” he said.

“She was very upset that they were trying to make out that she was mentally unstable.

12395 “I told her to keep going and get what she’s entitled to.

“We weren’t out stirring trouble, we were trying to win the case for her.

“She was told enough times that she was a nut case. I advised her to go to a psychiatrist and get a certification that she was not.”

One of WA’s foremost researchers on violent crime, Associate Professor Guy Hall, examined the emails and described them as “paranoid ideas”.

12400 “The language is odd and that’s an indicator of schizophrenia,” he said.

12405 “Delusions is a belief system: she misplaced a knife and that becomes someone has stolen the knife; she doesn’t remember a court hearing right so she assumes that the transcripts have been altered. All of us remember things incorrectly but when we are faced with a transcript most of us accept that our memories were wrong, not that the judge altered the transcript.” Professor Hall said the stress of legal cases and sense of injustice could make delusions worse.

Mr Glew did not believe Ms Glendinning was delusional and claimed the entire court system, including Chief Justice Wayne Martin, was corrupt.

“Justice Martin is a liar and a fraudster,” he said.

12410

Mr Glew said he believed Ms Glendinning was murdered and that he had urged her to go to the police over her fears, including once when he overheard a man threatening her while they were on the phone.

“I don’t think she trusted the police and that was probably her downfall,” he said.

“I’m convinced she would not have hurt those kids. A man did it.

12415

“You can clean a crime scene. I spent 17 years in the police and you can make anything look like anything.”

Mr Glew has not offered his information to police investigating the Port Denison tragedy.

12420

I was told over the phone that Wayne Glew had said Ms Glendinning had stab wounds to her back indicating she and her daughters were murdered.

I felt what had happened to Ms Glendinning and her two young daughters were a message to myself and people pushing constitutional issues as well as Israeli intelligence issues, for these reasons:

12425

- I used to live in Port Denison.
- Wayne Glew had also advised me on constitutional issues to do with my case, and in fact, I had visited Wayne Glew’s house twice and interviewed him several times. I had also edited a video of an interview he had done available on “Vimeo” video hosting site.
- I had expressed a concern to Hakea staff that my family may be targeted, especially my sister with two young daughters, a single mum.
- I had been constantly vilified as being “mentally ill” and a “nut case”.
- I was trying desperately to have the transcript corrected due to the obvious fact that it was grossly incorrect - a matter Professor Guy Hall considered to be “delusional” in Ms Glendenning’s case.

12430

12435

12440

I was on a long hunger strike at this time in response to Chief Justice Wayne Martin appearing on my appeal with such a strong conflict of interest and the fact that the entire case and appeal process contained such a gross abuse of process.

12445

Also, it must be noted that on September the 1<sup>st</sup> 2011 I attended a consultation with forensic psychiatrist Dr Mark Hall<sup>141</sup> at the privately run Serco prison - Acacia. Dr Hall informed me that the interview was to ascertain whether I had a “mental illness that was treatable”. It was ordered by Serco head of ‘Intel’ Mr Bill Boshe who was perhaps upset that I had been making enquiries as to his activities whilst a member of South African intelligence before coming to Australia. Dr Hall asked if I would “leave the state”? I was absolutely incensed that in a supposed 1<sup>st</sup> world parliamentary democracy a citizen could be offered “exile” as an alternative to incarceration - Soviet Union style. But then, as Governor Malcolm McCusker noted a year ago in the West Australian newspaper: “Western Australia is a racist state only interested in digging up rocks to sell to China.” Western Australia has certainly earned its reputation as “The Wild West”.

12450

12455

Also, I had been privy to many prisoners stories about W.A and its legal system which did not in any way give me confidence in the impartiality of the judiciary.

All of the above must have interfered in the then current appeal process – especially as the WASCA stated they had not received your submissions by the due date when in fact they had. This was in keeping with the abuse of process all along the line and Legal Aid W.A and it’s games.

12460

Some quotes from Ms Egan’s book – *‘Murderer No More’* – which have some relevance to the appeal:

My heart sank. Malcolm was right – these judges didn’t like us one bit. It was one thing for the court to express concern at the possibility that reporting could sometimes

<sup>141</sup> No relation to psychiatrist mentioned in newspaper article - Guy Hall.

12465 influence witnesses. It was quite another to foreshadow that ‘public expectation’ might  
be ‘extremely disappointed’ by the outcome. It was clear now: they saw us as a bunch of  
trouble makers who were slandering the good name of the police and prosecution  
services in the name of a viscous killer who shouldn’t be let out of jail. It was written all  
over their faces.

12470 **p.173**

Upstairs, I grimaced and held Jacquie’s hand. She had tears in her eyes: frustration,  
indignation, anger. I was angry too. I also felt a surge of pride and gratitude. Some  
lawyers in our small city tended to back down when they knew they were going to lose,  
otherwise4 things just got uncomfortable when they were next before the same judges,  
or dining at the Weld Club, or attending functions in the Western suburbs. Malcolm  
[McCusker] [Q.C] had stood up for the principals of fairness and justice, as instructed  
by his client and he’d refused to yield.

12475 **p.182-183**

12480 All of the above contributed to my deciding to go on a 79 day hunger strike and lose 30kg.

## [21] Sentencing

12485 While Archer acknowledges that the article was probably fair, he says it also displays the  
sycophantic approach many court reporters adopt in dealing with prominent legal figures.  
He says, “This kind of journalism simply adds to the mystique of lawyers and judges as  
wise and intellectually adroit combatants to whom we all should pay due respect. In fact  
12490 they are no more special than any other senior public servant. They are fallible, subjective  
and in some cases as ill equipped as anyone else working in the higher levels of our large  
public bureaucracies.”

**Robin Bowles** 2007 “*Rough Justice - No Justice*” The Five Mile Press. p.162

12495 Before I begin explaining the particulars of my sentencing it is extremely enlightening to compare  
the three year prison sentence given to me and the punishment given to an extremist racist neo-Nazi  
group (Combat 18) who fired three high powered rifle rounds into the roof of a Perth Mosque:

### **Mosque shooter fined more than \$9000**

12500 August 23, 2010

A man who pleaded guilty to firing shots at a mosque in Perth has been ordered to pay  
nearly \$10,000 in reparation and criminal damage costs.

12505 Bradley Neil Trappitt and three accomplices, who are allegedly part of a race hate group  
called Combat 18, fired three shots at the dome of the Suleymaniye Mosque in Queens Park  
in Perth’s south on February 4. The court heard they were drunk at the time.

12510 Trappitt, of Greenmount, was charged with wilfully damaging property, possessing an  
unlicensed firearm and unlawfully discharging a firearm from across the road.

In the Perth’s Magistrates court, the 25 year old was fined \$5000 for criminal damage,  
\$3750 for his part in the reparation costs for the Mosque, \$1000 for the two firearm  
offenses and \$62.60 in court costs.

12515 Magistrate Steven Heath said the fine needed to be a “substantial one to reflect the  
seriousness” of the crime.

12520 He said Trappitt’s involvement could be distinguished from his co accused as a “lesser  
role” and accepted that he co-operated when he was questioned.

But he said it was still a “foolish decision” to participate in the crime.

12525 Trappitt’s lawyer Curt Hofmann said his client drove the car to the Mosque but never got  
out of the vehicle.

He said Trappitt was trying to show “bravado” among his friends and was acting out of “stupidity”.

12530 “It was an incredibly stupid thing but it was not racially motivated,” Mr Hoffman argued in court.

Outside court, Trappitt remained tight lipped, flanked by two burley minders.

12535 Trappitt lost his job as a track maintenance officer with Westrail over the shooting incident. He is now working as a Crowd Controller on \$300 a week. He had previously trained as a sign language interpreter.

12540 One of Trappitt’s co-accused, Jacob Marshall Hort, 24, had been earlier sentenced after pleading guilty to similar charged and was considered the main perpetrator of the shooting, the court was told.

12545 Hort, of High Wycombe, told the three men that he “was a real man” and insisted on being driven to the Mosque where he and two others fired a round each, using a .303 calibre rifle, the court heard today.

The damage to the Mosque was \$15,000.

12550 Hort was given a 7 month sentence suspended for 12 months.

Originally based in the United Kingdom, Combat 18 has chapters across the world and is based on the ideas of neo-Nazism and white supremacy.

12555 The number 18 is derived from the initials of Adolf Hitler, with A and H being the first and eighth letters of the alphabet.

**-AAP, with Aja Styles**

Let me make some basic corrections:

- 12560
- Combat 18 is not just “any” neo-Nazi group, it is THE neo-Nazi group considered a terrorist outfit in Germany responsible for murder, firearms dealing and explosives.
  - Their lawyer stated, “*It was an incredibly stupid thing but it was not racially motivated*”. Are they joking? How could it not be? If you are a part of a ‘racist extremist group’ and you are pumping high powered rifle rounds into the symbol of the Arab world, how is it not racially motivated?
  - All of them received a sentence that was suspended.
  - They did not fire “at” the Mosque, they fired *directly* into the domed roof in a tight bullet grouping with a high powered rifle. Mr Daniel Jewell, a former Australian soldier bragged he had fired all three rounds and the police knew it was him because of the “tight grouping”.
  - Mr Trappitt lost his job apparently at Westrail. The man who fired all three shots - Daniel Jewell<sup>142</sup> - was still employed in a Class A infrastructure facility (Telstra exchange Pier Street) when he approached me on the street in just before they were all sentenced.
- 12565
- 12570
- 12575

12580 I am aghast at this decision. Why were they not charged with a terrorist act? Why were they taken to the Sheraton Hotel and interviewed by the Australian Federal Police? Is it open season on Muslim Mosques? What would I have gotten for shooting three rounds into the local Perth synagogue? Words utterly escape me.

<sup>142</sup> Daniel Jewell claimed to be a highly trained infantryman and bragged that the police knew it was him because of the tight grouping of the impacting rounds.

Further, a serving police officer who had “tipped off” the group that their phones were being surveilled, had his conviction quashed after serving 7 months of his 18 month sentence:

12585

### Case against ex-cop dropped

Amanda Banks  
WEST AUSTRALIAN PAPER  
15<sup>th</sup> February 2013

12590

State prosecutors have dropped a case against a former policeman after an appeal court quashed his conviction for attempting to pervert the course of justice.

Robert David Critchley’s appeal against his conviction was upheld unanimously by three Court of Appeal judges in a decision that was delivered in October.

12595

The appeal court did not publish its decision until this week.

Mr Critchley, who pleaded not guilty to the charge and was convicted after a District Court jury trial in February last year, served more than seven months of his eighteen month jail term before being released after his appeal.

12600

During the trial, it was alleged that he had tried to “tip-off” a suspected white supremacist that he was under covert surveillance.

Mr Critchley rejected suggestions he was sympathetic to nationalist extremist groups and denied speaking to anybody during two calls from public telephone boxes.

The Court of Appeal ordered Mr Critchley to face a retrial, but the charge against him was formerly discontinued on November 2.

12605

A spokeswoman for the Office of the Director of Public Prosecutions said the case was not being pursued because of evidentiary problems.

Note the quashing was not reported until four months after the quashing.

12610

- *A spokeswoman for the Office of the Director of Public Prosecutions said the case was not being pursued because of **evidentiary problems**.*

Maybe it’s a “hint” Dr Walsh? The West Australian paper has a lot of “hints” in it at times ☺ I noted this at a hearing in 2010:

12615

**ACCUSED:** Yes your Honour. I’m at the - being gagged as I am with the Israeli Station Chief being thrown out of the country on Monday, its rather good timing, the West Australian ran Saturday “Suburban Terrorists Combat 18 Fascist Nazi’s Ready To Eat Jew Babies” - well, I’m exaggerating, but that’s the tone of it all - “With Suitable Deaths Head”, and I notice the reporter is Ronan O’Connell. I take that as a shot across the bow.

12620

And your Honour, I hope that the media acts responsibly, and I hope that the D.P.P and various policing agencies and the judiciary do not come under any undue pressure from a certain very powerful minority who brag as Joel Stein, the opinion piece in the LA Times, that they run the media and they are very proud of it.

12625

*Transcript 31/05/2010 Page 138-139*

12630

With regards Mr Robert Critchley who was employed with the W.A Police within its communication surveillance system, it is worth noting that other related employees within the W.A Police like to assist members with the public - this, related to the Loyal Rayney case:

12635

*“The State alleged Mr Rayney revealed his desperation and willingness to commit crime in that he paid then police I.T worker Timothy Pearson \$2000 to install a phone bug at the family home so he could secretly uncover his wife’s plans.”*

**West Australian Newspaper  
3<sup>rd</sup> November 2012 - Page 61**

12640

I wonder what else these police are getting up to? Detective Mark Rubidge of *W.A Technology Crime* was in charge of my computer when large amount of data was deleted off it. I complained and 7 hours

12645 later my house was raided again and all the computers taken - I was then charged under Section 77  
 12650 five more times. Detective Rubidge has a very, very, very cosy relationship with one of Australia's  
 largest Internet Service Providers - *II Net*. *II Net* were going broke in 2005, then, suddenly, they were  
 sporting brand new multi-million dollar business headquarters in Subiaco and were buying up other  
 ISP's hand over fist. How so? Perhaps their former offices one floor below W.A Technology Crime  
 on St Georges Terrace explain it? I say *II Net* has done a deal with the State Government and is a  
 virtual government office reporting directly to police giving them unlimited access to their network  
 and customers. I would also add that when I was blatantly hacked and important e-mails deleted off  
 both my hard drive (right in front of me) and *II Net* mail server I went straight to *II Net* in Subiaco and  
 requested the 'logs' for the I.P number of the person who had logged in. The head of security claimed  
 that *II Net* did not keep logs which is absolutely ridiculous. She was very nervous and I have no doubt  
 she was on the phone to Detective Mark Rubidge when I came into the office.

12655 The above all contributed to my behaviour in court. The feeling was I was in a "fixed game" from the  
 beginning.

I repeat my earlier apology to the court contained within hurriedly prepared court submissions which  
 were ultimately never considered by the WASCA:

12660 With this in mind, and being aware that jail - though inherently dangerous - holds no fear  
 for me; that I have been assaulted, shifted constantly and suddenly transferred to a  
 maximum security facility, and do not shift my mainstream acquired knowledge of Jewish  
 racial and religious supremacism one iota' please then take the following statement as  
 12665 sincere and from the heart:

"I unreservedly apologise for my behaviour in court. I am 40 years old and should have  
 taken into account that the court system in general, and DCJ Wisbey in particular, was not  
 responsible for the emotional stress I suffered in the lead up to the trial. With a good  
 working knowledge of psychology and human behaviour, I should have taken measures to  
 gain insight into, and improve my physical and emotional well-being well before the trial  
 began. I should have been aware of the limits of the legal system and taken into account  
 there are well defined and appropriate ways to settle matters which will not always be to  
 my liking but are appropriate under the circumstances. I treated the legal process as a game  
 of sport between myself and Stanley Keyser - a game I wanted to win out of personal pride  
 where I forgot even about the reason I went to the IGA in the first place; to protest the  
 slaughter of innocent human beings in Gaza. All that became forgotten in the events that  
 followed. The Australian legal system is not perfect but it could be said to be the envy of  
 many around the world. Finally, in the Orthodox Christian tradition it is said...'God brings  
 together, Satan tears apart.' I hope my sincere apology to the court and W.A Legal system  
 in general, including Mr John Wisbey, court staff on the day, Mr Antony Evers, G4S staff,  
 police, Mr Justin Whalley and DPP staff is seen and accepted as sincere."

**COPY OF HANDWRITTEN LETTER TO PERTH SUPREME COURT OF APPEAL IN THE MATTER  
 OF CACR 27&28 OF 2011**

12685 I have subsequently been assaulted again. I am a minimum prisoner (4 points) constantly over ridden  
 to medium security. In the assault that took place on September the 11<sup>th</sup> 2012 in Casuarina maximum  
 security prison, I suffered a significant loss of consciousness, displaced fracture of my right Ulna and  
 severe bruising down the right side of my body. I was rushed to Royal Perth Hospital.

12690 With over 2 years already of my 3 year sentence completed, my apology to the court should have  
 added sincerity. *I do not have to apologise*. I remain of the view I was treated badly and continue to be  
 treated badly by the Western Australian legal system. Some things are outright corruption and gross  
 abuse of the legal process. However, I can only account for my own behaviour and would most  
 12695 certainly do things differently with the knowledge I have now.

I continue to apologise for my bad behaviour in court but insist that DCJ Wisbey MUST be held  
 accountable also. DCJ Wisbey absolutely added fuel to the fire with his unprofessional comments and  
 constant sarcasm and baiting. My previous comments apply:

12700

12705 Further to DCJ Wisbey's behaviour, which was raised in relation to mine, is the fact that DCJ John Wisbey is a paid professional with many years' experience. His job is maintain an attitude "above the fray" and not descend into it. He mocked me continually from literally the moment I stood and many of his comments have been removed from the record which is perhaps why, after 4 months of begging, I am being refused the right to correct the trial transcript.

12710 As a professional in my own field which included working in Emergency departments and I.C.U's, I am expected to use my high qualification and training to not only diffuse situations but to get to the heart of the matter to ensure a good outcome for all. Nurses are not expected to descend to the level of the drunk, drug affected or mentally ill or in emotional distress patient, although this sometimes happens. Nurses are expected to...act professionally. This is why they are paid what they are paid, and not McDonald workers rates.

12715 Respectfully, DCJ Wisbey added fuel to the fire and exhibited a huge bias through the entire trial, all the time smugly hiding behind his professional credentials and the good will afforded him by the public. When a supporter muttered, "answer the question", he was immediately removed by DCJ Wisbey and banned for the entire trial. When a 'blow in' appeared and caused disturbances, DCJ Wisbey warned and only removed at the last straw. I repeatedly asked the G4S Guard "Neville" to please remove the man from the gallery but he refused. I believe DCJ Wisbey was quite happy to have him there as an example to which he could refer later on in his summing up as, "one of my supporters" when the man was simply someone who began appearing at my court appearances.

12725 It is my firm opinion that DCJ Wisbey acted so unprofessionally that it exacerbated the feeling I had from the beginning that I was in a "rigged game".

12730 DCJ Wisbey's over protection of witnesses was so one sided I was quite amazed. With regards Professor Andrew Markus, I remember DCJ Wisbey - at the completion of his testimony - saying to him... "*Well thank you very much for your assistance, Professor Markus. And I say that you are now free to go, I couldn't stop you if you wanted to anyway.*" (T p.479 19/01/2011). I reply, "*Your Honour, can you please stop such comments. it shows your incredible bias. I've got so many - you on the transcript so often, it's going to be funny. It's going to be funny.*" What's missing from the transcript is DCJ Wisbey saying to Professor Andrew Markus... "*Sorry to have wasted your time Professor,*" in the same passage.

12740 DCJ Wisbey dripped sarcasm constantly. You will note that my behaviour with Professor Markus was polite at all times and it seems DCJ Wisbey was keen to embarrass me and bait me the moment I got hold of myself and calmed down enough to focus on the matters at hand. I cannot believe you cannot see how badly he behaved. If you were to listen to the audio his baiting and sarcasm become more obvious. The transcript as I have mentioned before, is missing large chunks and that is no accident.

12745 **COPY OF HANDWRITTEN LETTER TO PERTH SUPREME COURT OF APPEAL IN THE MATTER OF CACR 27&28 OF 2011**

12750 DCJ John Wisbey is notorious amongst both criminals and lawyers as being thoroughly disliked. He is an obnoxiously arrogant character. 'Respect' is earned - it is not simply given. I contrast Mr John Wisbey's behaviour with Chief Judge Martino and former Chief Judge Kennedy who were firm but fair and respectful to me. I was rebuked frequently by them and I always apologised to them.

12755 Judges need to understand they are employees of the State - nothing more. They are entitled to the same amount of respect as ANY member of the public. I gave back what I got from Wisbey. Was this mature behaviour on my part? Absolutely not, and as a supposed Christian I feel shame at my behaviour. Even reading the transcript has been difficult as I 'cringe' at my comments. The whole experience with John Wisbey in his capacity of a Judge of the District Court reminds me of the popular joke amongst Nurses about Doctors:

12760 Q: What's the difference between God and a Doctor?

A: God knows he's not a Doctor.

12765 I again apologise - sincerely - for my behaviour in court. I have paid dearly for it with over two years served in jail so far. I have been seriously assaulted in jail. I have been vilified in the press and was not able to defend myself. When I tried from Hakea prison to write a letter correcting media reporting I was told by the Senior Officer I would be charged with "stalking" and my letter to the West Australian newspaper editor was shredded.

12770 It is time judges in superior courts in Western Australia<sup>143</sup> understood their loyalty is to the rule of law and the rules of court - not their "Brother Judge".

Perhaps Justice Buss' comment at the WASCA on December 13<sup>th</sup> 2011 sums up the sentencing?

12775 **JA BUSS:** One can readily understand that a suspended sentence would have been appropriate had someone in your clients position pleaded guilty even if not at the first opportunity, had expressed some remorse at some stage or even given an apology. If these had been the facts, then it is very difficult to see how a term of immediate imprisonment could possibly have been justified, but those are not  
12780 the facts.

*Transcript 13/12/2011 Page 18 WASCA*

12785 If I'd just said "sorry"? Apparently that works if you shoot up a Mosque with a high powered rifle as well.

Should I have been charged under Section 77 or at all? Well, on *page 186* of this letter I go into detail about the new Senior Prosecutor Mr Justin Whalley stating he may take the entire matter back to the Magistrates Court:

12790 **MR WHALLEY:** I can say this. That it's most unlikely that the prosecution in its entirety will be discontinued; I'm simply talking about amending charges. The jurisdiction may, and I take it no further than that, may be affected such that any trial might take place in the Magistrates court.  
12795

*Transcript 11/02/2010 page 5*

12800 But according to everyone I was basically a lunatic, anti-Semite, hater, nazi, racist...you name it. But Jews? They just keep on keeping on. Hiding behind the Holocaust<sup>TM</sup> and fanciful delusions of persecution. Playing 'victim' to the hilt. People get angry because they are sick of being labelled such things when they have a sincere and self-evident concern about Jews and their activities.

### **[A] DCJ Wisbey's Rush To Sentencing**

12805 If you go to the transcript where I have been found guilty on the Friday you will find comments by DCJ Wisbey that he wishes to proceed to sentencing "quickly" - on the Monday.

12810 I don't have it on me as I rush to send this synopsis to you.

I believe the rush was because I had told the G4S guard "Neville", that some Palestinians were going to be coming into the trial and that is why DCJ Wisbey ended the trial suddenly and why he rushed to sentencing.

12815

### **[B] Specific Precedents**

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<sup>143</sup> I cannot speak for other states.

12820 Dr Walsh, this is just a quick run-down of relevant precedents to compare to my comments which I received three years jail for. Both the prosecution at sentencing and appeal said there were really no relevant comparable cases but this is untrue. On the specific comments that the DPP and WASCA found so “abhorrent” there is plenty of examples.

12825 You used *Jones v Toben 2002 [FCA]* as the main example but this was not the best. The two best examples are:

*Jeremy Jones, and on behalf of the Executive Council of Australian Jewry v The Bible Believers Church [2007] FCA 55 (2 February 2007)*

*Jones v Scully (2002) 120 FCR 243*

12830 In the *Bible Believers* case, Mr Anthony Griggor Scott ran a website that made regular comments along the same lines as myself. He was charged under *Section 18C of the HREOC Act* which is almost identical to Section 80B of the *W.A Criminal Code Racial Vilification Act*. The key words being “likely” and “offend”. Here, to give you an idea, is the complaint written to the Federal Court by  
12835 Jeremy Jones:

We write to lodge a formal complaint under the anti-racial-hatred provisions (Part IIA) of the *Racial Discrimination Act 1975 (Cth)* in respect of material published on the Australian website <<http://biblebelievers.org.au>> (“The Website”).

12840 The Executive Council of Australian Jewry, the peak representative organisation of the Australian Jewish community, complains that:

- 12845 (I) the material on the website is reasonably likely in all circumstances to offend, insult, humiliate and intimidate Jewish Australians; and  
(II) one of the reasons that the material has been published is the race or national or ethnic origin of Jewish people, including Jewish Australians.

12850 The specific matters complained of are as follows:

**1.** At <<http://www.biblebelievers.org.au/nl242.htm>> under the heading ‘Lies and the First Anniversary of the 9/11 Conspiracy’ where the following words appear:

12855 *We have all seen how the holocaust hoax of six-million Jews claimed to have been gassed and cremated by Germany in World War 1 failed to deceive the mob in 1919. Whereas monopolistic control of the media, film, and more boldly pursued holocaust hoax of six-million Jews gassed and cremated by Germany in World War 11 has produced such powerful psychological and material results the entire world is enslaved to the beneficiaries of the lie and temples of Equivocation affront the intelligence of humanity in major cities world-wide.*

12860 **2.** At <<http://www.biblebelievers.org.au/wasthere.htm>> the following words appear:

12865 *The Holocaust has become the greatest instrument of sympathy which any nation has ever been able to use to gain support for wars, expansion and foreign-aid: This has made Israel the world’s sixth strongest military power. The gravest threat to all this wealth and influence is the growing doubt over the question of whether or not a real holocaust of 6 million Jews actually took place.*

12870 **3.** At the “[wasthere.htm](http://www.biblebelievers.org.au/wasthere.htm)” webpage the following words appear at the conclusion:

12875 *The main theme of Jewish fund-raising is the holocaust and has been for 38 years. When they don’t use the holocaust the money collection sharply drops off. Thus the more the Press, TV and Hollywood promotes the holocaust the more money the United Jewish Appeal and other Zionist funds can extract from gullible people... Jewish leaders have discovered that by repeating holocaust stories over and over again they can instil a guilt*

*complex within all Gentiles. This effectively silences most critics of Zionist political goals... Why doesn't the Jew-controlled press, TV and film industry give massive media attention to real victims and to prove holocausts of Gentiles in recent history.*

12880

Let me now contrast the above comments with professor Norman Finkelstein and his book "*The Holocaust Industry: Reflections on the Exploitation of Jewish Suffering*" which has been mentioned previously:

12885

*'The Holocaust Industry: Reflections on the Exploitation of Jewish Suffering'* was published in 2000. Here, Finkelstein argues that Elie Wiesel and others exploit the memory of the Holocaust as an "ideological weapon." This is so the state of Israel, "one of the world's most formidable military powers, with a horrendous human rights record, [can] cast itself as a victim state" in order to garner "immunity to criticism."<sup>[18]</sup> He also alleges what he calls a "double shakedown" by "a repellent gang of plutocrats, hoodlums and hucksters" seeking enormous legal damages and financial settlements from Germany and Switzerland, moneys which then go to the lawyers and institutional actors involved in procuring them, rather than actual Holocaust survivors.<sup>[19][20][21]</sup>

12890

12895

...  
Finkelstein also had his supporters however. Raul Hilberg, widely regarded as the founder of Holocaust studies,<sup>[24]</sup> said the book expressed views Hilberg himself subscribed to in substance, in that he too found the exploitation of the Holocaust, in the manner Finkelstein describes, 'detestable.' Asked on another occasion if Finkelstein's analysis might play into the hands of neo-Nazis for anti-semitic purposes, Hilberg replied: 'Well, even if they do use it in that fashion, I'm afraid that when it comes to the truth, it has to be said openly, without regard to any consequences that would be undesirable, embarrassing.'<sup>[25]</sup>

12900

12905

<sup>[19]</sup> Finkelstein, N. (2003). *The Holocaust Industry: Reflections on the Exploitation of Jewish Suffering* ((2nd ed.) ed.). Verso. pp. xiii.

<sup>[20]</sup> *Where did the Shoah money go?* Ynetnews October 12, 2006  
<http://www.ynetnews.com/articles/1.7340.L-3338282.00.html>

12910

<sup>[21]</sup> *Lawyer's \$4.1 Million Fee Angers Holocaust Survivors* New York Times February 25, 2006  
[http://www.nytimes.com/2006/02/25/nyregion/25lawyer.html?\\_r=1&oref=sloslo](http://www.nytimes.com/2006/02/25/nyregion/25lawyer.html?_r=1&oref=sloslo)

12915

<sup>[24]</sup> Felix Kellerhoff (25 January 2003). "'Raul Hilberg und die Quellen des Holocaust'". *Die Welt*.  
[http://www.welt.de/printwelt/article351516/Raul\\_Hilberg\\_und\\_die\\_Quellen\\_des\\_Holocaust.html](http://www.welt.de/printwelt/article351516/Raul_Hilberg_und_die_Quellen_des_Holocaust.html)

<sup>[25]</sup> Roberto Antonini (31 August 2000). "'Interview with Raul Hilberg'". *Swiss National Radio (SBC-SSR)*. <http://www.normanfinkelstein.com/article.php?pg=3&ar=202>

12920 Let's just elaborate again:

- Finkelstein argues that Elie Wiesel and others exploit the memory of the Holocaust as an "ideological weapon." This is so the state of Israel, "one of the world's most formidable military powers, with a horrendous human rights record, [can] cast itself as a victim state" in order to garner "immunity to criticism."<sup>[18]</sup>
- He also alleges what he calls a "double shakedown" by "a repellent gang of plutocrats, hoodlums and hucksters" seeking enormous legal damages and financial settlements from Germany and Switzerland...
- Raul Hilberg, widely regarded as the founder of Holocaust studies,<sup>[24]</sup> ... Asked on another occasion if Finkelstein's analysis might play into the hands of neo-Nazis for anti-semitic purposes, Hilberg replied: 'Well, even if they do use it in that fashion, I'm afraid that when it comes to the truth, it has to be said openly, without regard to any consequences that would be undesirable, embarrassing.'<sup>[25]</sup>

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12935

Mt Anthony Griggor Scott of the 'Bible Believers' website has essentially said the EXACT same thing as Professor Raul Hilberg and Professor Norman Finkelstien, both pre-eminent and highly respected scholars. No one is calling for the blood of these Jewish Professors - apparently.

It would seem that the sole problem these various *Acts* and *Statutes* have is that the framers of the legislation, and the judiciary applying the Acts, have literally ZERO historical knowledge of 'Jewish

12940 Issues?. They believe that the ONLY reason people could have for raising these issues in public is to  
 “exterminate Jews” because they have some “irrational hatred”. The decision of these two judges of  
 the Federal Court bears this out:

12945 **9.** I observe moreover that in the concurring appellate judgment of *Kiefel J in Toben*  
 [2003] FCAFC 137; 129 FCR 515, her Honour concluded, at [77], that:

‘[t]he likelihood that the appellant wrote only to pursue the truth of those  
 subjects is rendered implausible by this unnecessary aside, which appears to  
 have no real purpose in such a debate other than to disparage Jewish people. In  
 my view, it confirms what a reading of the article as a whole raises as a  
 12950 prospect, namely that it was published with Jewish people in mind, as those  
 responsible for concocting the Holocaust and, indeed, as an attack upon them.

**10.** In the further concurring judgment of Allsop J, his Honour made the following  
 observation at [98]:

12955 ‘98. The above history (taken from the works of scholars, Lerner and Schwelb,  
 working contemporaneously with events) is given to illuminate what it was that  
 the international community was dealing with. By this time in the twentieth  
 century, the nations of the world had experienced a century stained by, amongst  
 12960 other catastrophes, racial slaughter, pogroms, forced removal and relocations of  
 whole peoples, religious and ethnic genocide, and were undergoing the trauma  
 involved in the break-up and disintegration of colonial empires and national and  
 regional political structures based on racial characteristics. The unexpected  
 recrudescence, in the winter of 1959-1960, of some of the most recent and  
 12965 horrific manifestations of racist behaviour enlivened the world community to act  
 swiftly and (with an inevitable degree of variation in political perspective)  
 unanimously, to take steps towards the *elimination* of the perceived evil. The  
 perceived evil was *all* forms of racial discrimination and racial prejudice, the  
 manifestation of which had been, in recent generations, at times horrifically  
 12970 violent and strident, at times overt, and at times less overt and less brutal, but  
 nevertheless insidiously pervasive. In any form, it was recognised, by all nations  
 in the international community, to strike at the dignity and equality of all human  
 beings.’

12975 Thereafter at [100]-[101], his Honour added:

‘100. Racial hatred was one form or manifestation of the perceived evil.  
 Unhappily, it was a form with which the nations in the General Assembly in 1960  
 to 1965 were all too familiar. It was the form of the perceived evil most likely to  
 12980 lead to brutality and violence, but it was not the only form of the perceived evil  
 antithetical to the dignity and equality inherent in all human beings upon which the  
 Charter of the United Nations was based. It was to *all* such forms and  
 manifestations that the Convention was directed.

12985 In *Jones v Olga Scully* - the ‘theme’ is the same. Her “views” were painted the same way.

The same ‘theme’ was presented by DCJ John Wisbey when sentencing me on 31/01/2011 where he  
 stated I had an “irrational hatred of Jews” and my comments and actions were “catalytic of civil  
 unrest”.

12990 The fact that we could all be simply ordinary people concerned at the actions of a seemingly out of  
 control ‘psychopathic cult’ escapes apparently intelligent judges and legislators. I hope the last 200  
 odd pages of information - gleaned from mainstream sources - on Jewish Power and machinations can  
 begin to dispel such “abhorrent views” from judges and legislators and we can have an adult  
 12995 discussion about this very important subject.

In the end, both Olga Scully and Anthony Griggor Scott of ‘The Bible Believers’ had their convictions  
 over turned on appeal. You can find no mention of this online.

13000 Olga Scully's case has disappeared from the online case library.

13005 In *Jones v Toben (2002)*, Dr Frederick Toben was simply asked to remove the "offending passages" from his website. This he refused to do. He served 3 months at Yatala Prison in South Australia for contempt of court. His website - 'The Adelaide Institute' - continues to be published by a supporter. It has not been altered in any way or complied with the Federal Courts instructions.

13010 It is clear that it is not the WAY people express their views but WHAT people are expressing that troubles the interpreters of the relevant legislation in all jurisdictions. They state it quite clearly from the beginning where they judge the "views" themselves. It was said from the outset that the legislation would not impinge on notions of "free expression" because it would focus on the WAY people expressed things and this is clearly not the way judges and prosecutors are using the legislation. Simply look at the way the prosecutor and judges use the term "aberrant views" in my matter:

13015 **DCJ WISBEY:** There can be no doubt that imprisonment to be immediately served is the necessary sentencing decision required to act as a specific deterrent for you and a general deterrent to others, including particularly the small group of supporters whose behaviour in court during the trial suggests that they share your aberrant views.

13020 *Transcript 31/01/2011 Page 746*

13025 The "small group of supporters" share my views on the un-constitutional nature of the court, not necessarily my views on Jews. Also, he said it again - "aberrant views". Wisbey, like everyone else, is simply dead bones ignorant of the simple mainstream history of Jews and what they get up to but which I have scratched the surface of in this case synopsis. Do my views sound so "aberrant" now Dr Walsh? Certainly you could argue that I could have articulated them better but that is not the point. It is not the "Speak Nicely Act".

13030 Here, head of the DPP McGrath makes the same mistake at the WASCA on 13/12/2011:

13035 The appellant was not a young man, being 40 years of age, and was firmly entrenched in his aberrant views, despite being an intelligent man holding tertiary qualifications. Those personal features, combined with the appellants demonstrated repeated course of offending, as well as his complete lack of remorse, reinforced the need for the sentence to reflect specific deterrence, given what could only be assessed by the learned sentencing judge as the appellants high risk of re-offending in a similar way.

**Point 68**

13040 I love the way McGrath adds, "*despite being an intelligent man holding tertiary qualifications.*" Well whose the fool? The head of the DPP is a complete illiterate fool on simple Jewish history. I'm quite sure they are not so sure of themselves these days.

13045 This is right through all of McGraths comments at the WASCA hearing:

13050 **MCGRATH:** In my submission your Honour Buss JA, whilst I would accept that the two videos are the high water mark<sup>144</sup>, these blogs remain extremely serious offending because of what is said in there and they require, with respect, very close reading and the significance is, as the Law Reform Commission says quite properly, the correlation between exhortations and actual acts of violence.

*Transcript 13/12/2011 Page 26*

<sup>144</sup> I state that I am angry in the video's. I also clarify in the video's what I mean by, "Your days are numbered" and "camps".

13055 Again - judged for WHAT I said. As for the Law Reform Commission, just WHAT “exhortations” and “actual acts of violence” are they talking about? The only acts of violence I see being perpetrated in WA are by neo-Nazi’s shooting up Muslim Mosques and they walked away with a suspended sentence.

13060 And again, McGrath judges the “views”:

13065 **McGrath:** So in respect to the totality it would be a number of points I would conclude on about the seriousness. I have just spoken about the legislation and the 14 years. This is a point your Honour the chief justice made and that is the manner in which the information has been disseminated. The use is the World Wide Web and we deal with that in our submissions at paragraph 66. Number 2 is the nature of the actual material and that needs, with respect, to be closely considered.

*Transcript 13/12/2011 Page 26*

13070 McGrath, I presume, to have the job as head of the DPP, must be at least half as intelligent as a retarded monkey who I’m sure could work out that the legislation is supposed to be about HOW the material is presented and not “the nature” of it. All of my remarks are based in F-A-C-T as stated in mainstream history books, documentaries and even Jewish activists themselves.

13075 And finally McGraths last statements at the WASCA on 13/12/2011:

13080 **MCGRATH:** Three is the actual circumstances of the offending. It’s not a momentary act of madness where a person enters into a fray. This was extremely well considered for it reflects a deeply held set of beliefs which the appellant does not resilie from. Counts 5 and 7 - three counts were committed after the charging of the appellant which in itself shows is an aggravating factor and the fifth is the simple no remorse whatsoever.

*Transcript 13/12/2011 Page 27*

13085 No, I do not “resilie” from simple facts of history. I do not “resilie” from the truth of a matter no matter how much it offends Mr McGrath, the Jewish community or DCJ John Wisbey.

13090 It is actually incredible that they could all be so dead bones ignorant of history.

13095 And what of Brendon Lee O’Connell? He got three years but if he had said “sorry” it would have been suspended? The senior prosecutor Justin Whalley was going to take the matter back to the Magistrates Court. I have been denied justice, vilified by the media and Jewish community and had my ability to prepare for the appeal severely hampered quite deliberately. I have served just over two years now. I have not seen my family in that time. I have been held in maximum security despite being a minimum security prisoner. I have been badly assaulted and hospitalised on September the 11<sup>th</sup> 2012.

13100 **AT NO TIME DID THE COURT REQUEST MY VIDEO’S OR BLOG BE TAKEN DOWN.  
NOT AT ANY STAGE.**

My “abhorrent views” were so bad - the court decided they should just stay there?

13105 My “abhorrent views” were so capable of creating “civil unrest” the court never asked for them to be taken down?

13110 I took my blog down out of fear for my own safety and as a last gesture to the Jewish community to begin a dialogue. If they do not own up to their behaviours and cease their criminal and subversive activities then I will have no option but to continue highlighting them to the public.

## CONCLUSION

- 13115 1) The Hansard indicates that the legislation was designed to nab “racists” and “extremists”. It is even stated explicitly that it was directed at the activities of the ‘Australian nationalist Movement’. The legislation is therefore no different from the National Socialist party in German outlawing the Communist Party.
- 2) The Hansard specifically indicates it is not to be used for words said in anger. It is aimed at a particular type of activity.
- 13120 3) Jews do not fit the definition ‘racial group’ in the standard sense. No one is able to state explicitly WHAT are the common secular markers linking “Jews” around the world. The question is avoided at all times by all parties.
- 13125 4) Under the definition “racial group” as used by both Australian and English courts, the marker “descent from a small number of common ancestors” and “common geographical location” has been made optional. This makes the term ‘racial group’ indistinguishable from ANY “identifiable group”.
- 5) The further 5 counts under section 77 only occurred after I was vilified in the press and was stalked. I put the blog up to defend myself. I went to the relevant authorities - no one gave a damn.
- 13130 6) My behaviour in court was based on various types of harassment over the 18 month lead up to the trial and DCJ Wisbey’s dismissive and mocking tone to me.
- 7) I was never accorded procedural fairness.
- 8) Both Rabbi Freilich and Professor Andrew Markus’s testimony was ‘prejudicial inadmissible opinion evidence’.
- 13135 9) My “views” were continually judged instead of the “intent” behind those views.
- 10) Clearly few people know what Judaism is and how it feeds Jewish racial and religious supremacism.
- 11) Jews are a world power. This should not be in contention.
- 12) I’m sick of being labelled a racist, nazi and hater for pointing out the self-evident.
- 13140 13) I again apologise to both the court and general Jewish community for losing my temper. I hope they have all learnt a lesson too. Let’s move on? As President Armedinejhad of Iran stated so eloquently: “This is the age of peace and dialogue, not bullets and bombs.”

13145 That is all I have to say Dr Walsh. It has taken over 4 months to write this. It would have taken a week on the outside.

I just want to get this burnt to CD and posted to you. I look forward to Iran where ironically I am sure far more ‘justice’ prevails.

13150 At the end of this long synopsis I have placed this extract from a book about the cousin of the Prophet Muhammad - Imam Ali (Commander of the Faithful). It is instructive. I would long for such a man to enter politics here in Western Australia:

### ‘The Voice Of Human Justice’

(Sautu’l ‘Adala ti’l Insaniya)

*A biography on the life of Imam Ali (Commander of the Faithful), cousin of the Prophet Muhammad.*

By George Jordac

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EXTRACT 16 pages

Page 212-228

13165

The English historian Edward Gibbon stated:

13170 *"The zeal and virtue of Ali were never outstripped by any recent proselyte. He united the qualifications of a poet, a soldier, and a saint; his wisdom still breathes in a collection of moral and religious sayings; and every antagonist, in the combats of the tongue or of the sword, was subdued by his eloquence and valour. From the first hour of his mission to the last rites of his funeral, the apostle was never forsaken by a generous friend, whom he delighted to name his brother, his vicegerent, and the faithful Aaron of a second Moses."*

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*The Decline and Fall of the Roman Empire*, London, 1911, (originally published 1776-88) volume 5, pp. 381-2

13180

### Preface

13185

The history of great men is a fountain of experience, faith and aspirations for us – a fountain which will never dry up. The great men of the world are like lofty peaks of mountains which we aspire to climb with great eagerness and ardent desire. They are the lighthouses which keep darkness away from around us. It is due to the examples set by them that we have gained self-confidence. They have made us hopeful of life, taught us it's aim and objects and helped us to avail of it's amenities. If these great souls had not been there, we would have fallen prey to despair while combatting with the unseen and intelligible forces and would have surrendered ourselves to death.

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However, the righteous persons have not so far surrendered themselves before despair nor shall they do so in the future, because they are entitled to victory and success. This is proved by the facts that in history many persons have been successful and victorious and Ali is one of them. These people who conquered death are always with us. Although time and space separates them from us, neither time prohibits us from hearing their words nor the distance prevents us from seeing their faces.

13195

The best proof of what has been said above is the present book. It is the biography of a great man. Although he was born in Arabia his person is not meant for Arabia only. Although the fountains of his kindness and favours sprang from Islam he is not confined to the Muslims. If he had been for the Muslims only a Christian would not have been prompted involuntarily to analyse the events of his life and eulogize like a poet his fascinating judgements, his stupendous feats of valour and interesting incidents of his life.

13200

Championship of Ali was not confined to the battlefield. He was also matchless in the matter of faith, piety, purity, eloquence, magnanimity, help for the deprived and the oppressed and support for truth. So much so that even after the passage of more than fourteen hundred years his wonderful achievements are a beacon of light for us and extremely useful for making our lives sublime.

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The author has explained the various events in detail and also mentioned at length the views and beliefs of the Imam regarding religious, political, social and financial matters. Furthermore, he has explained the events of the life of Ali with great dexterity and in a manner in which they had not been penned before.

13210

No historian or writer, however deft and dexterous he may be, can draw a true picture of the Commander of the Faithful even in a thousand pages, nor can he explain the dreadful events which took place in his time. The things which this wonderful and unmatched person thought of, and acted upon, had not till then been seen or heard by anyone. They are more than a historian can cover even in a very detailed treatise. Hence, whatever picture of Ali is described by a writer will inevitably be incomplete.

13215

However, the object of an author in writing a book like this is to collect the details of the actions and words of the Commander of the Faithful from all possible sources and to ponder over them very carefully and then to present them in such a way that it may be possible to see a glimpse of the Imam as he was. This is what the author has done in this book.

13220

I am sure that George Jordac, a research scholar and an unbiased person as he is, has been successful in describing the life of the Imam to a large extent and those who read it will be obliged to say that it is the biography of a person who was second to the Prophet of Islam.

13225

Michael Na'imah

13230 After having come to know that the behaviour of the Commander of the Faithful with the human society was absolutely just and he adopted a very correct policy to establish mutual relations of the human beings on the basis of equity and justice, it appears necessary to reproduce here the testament which he wrote for Malik Ashtar while appointing him as Governor of Egypt. This testament of his is more detailed than all others and is very important from the point of view of its grandeur and elaborateness.

13235 While writing about the character of the Commander of the Faithful we have made use of many of his letters, orders and testaments, because in almost all of them he has mentioned the rights of the individuals as well as of the society. However, the testament written by him for Malik Ashtar is very comprehensive and embraces all his views and beliefs on the subject of public administration. **It reads as follows:**

13240 In the name of God, the Beneficent, the Merciful

Be it known to you, O Malik, that I am sending you as Governor to a country which in the past has experienced both just and unjust rule. Men will scrutinize your actions with a searching eye, even as you used to scrutinize the actions of those before you, and speak of you even as you did speak of them. The fact is that the public speak well of only those who do good. It is they who furnish the proof of your actions. Hence the richest treasure that you may covet, should be the treasure of good deeds. Keep your desires under control and deny yourself that which you have been warned against. By such abstinence alone, you will be able to distinguish between good and bad.

13245 Develop in your heart the feeling of love for your people and let it be the source of kindness and blessing to them. Do not behave with them like a barbarian, and do not appropriate to yourself that which belongs to them. Remember that the citizens of the state are of two categories. They are either your brothers in religion or your brothers as human beings. They are subject to infirmities and liable to commit mistakes. Some indeed do commit mistakes, but forgive them as you would like God to forgive you. Bear in mind that you are placed over them, as I am placed over you. And then there is God even above him who has given you the position of a Governor in order that you may look after those under you and to be sufficient for them. Remember! You will be judged by what you do for them.

13250 Do not set yourself against God, for neither do you possess the strength to shield yourself against His displeasure, nor can you place yourself against His displeasure, nor can you place yourself outside the pale of his mercy and forgiveness. Do not feel sorry over any act of forgiveness, nor rejoice over any punishment that you may mete out to anyone. Do not rouse yourself to anger, for no good will come out of it.

13255 Do not say, "I am your overlord and dictator, and that you should therefore, bow to my commands," as that will corrupt your heart, weaken your faith in religion and create disorder in the state. Should you be elated by power, or let in your mind creep the slightest feeling of pride and arrogance, then look at the power and majesty of the divine governance of the universe over which you have absolutely no control. It will restore the sense of balance to your wayward intelligence and give you the sense of calmness and affability.

13270 Beware! Never put yourself against the majesty and grandeur of God and never imitate His Omnipotence, for God has brought low every rebel of His and every tyrant of man.

13275 Let your mind respect through your actions the rights of God and the rights of man, and likewise, persuade your companions and relations to do the same. For, otherwise, you will be doing injustice to yourself and to humanity. Thus, both man and God will become your enemies. There is no hearing anywhere for one who makes himself an enemy of God. He will be regarded as one at war with God until he repents and seeks forgiveness. Nothing deprives man of divine blessings nor excites divine wrath against him more easily than oppression. Hence it is that God listens to the voice of the oppressed and overpowers the oppressor.

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#### **The Common Man**

13285 Maintain justice in administration and impose it on your own self and seek the consent of the people, for the discontent of the masses sterilises the contentment of the privileged few and the discontent of the few, loses itself in the contentment of the many. Remember! The privileged few will not rally round you in moments of difficulty. They will try to side track justice. They will ask for more than what they deserve and will show no gratitude for favours done to them. They will feel restive in the face of trials and will offer no regret for their shortcomings. It is the common man who fights the enemy. So live in close contact with the masses and be mindful of their welfare.

13290 Keep at a distance one who exposes the weakness of others. After all, the masses are not free from weaknesses. It is the duty of the ruler to shield them. Do not bring to light that which is hidden, but try to remove those weaknesses which have been brought to light. God is watchful of everything that is hidden from you, and He alone will deal with it. Cover up the faults of the public to the best of your ability so that God may cover up your faults which you want to keep hidden from the public eye. Untie every knot of hatred for the people and cut asunder every string of enmity between them. Protect yourself from every such act as may not be quite correct for you. Do not make haste in seeking confirmation of tale-telling, for the tale-teller is a deceitful person, appearing in the garb of a friend.

13300 **The Counsellors**

Never take counsel of a miser, for he will vitiate your magnanimity and frighten you of poverty. Do not seek advice from a coward too, for he will weaken your resolutions. Do not take counsel of a greedy person, for he will instil greed in you and turn you into a tyrant. Miserliness, cowardice and greed deprive man of his trust in God.

13305 The worst counsellor is he who has served as a counsellor to unjust rulers and shared their crimes. So, never let men who have been companions of the tyrants or have shared their crimes be your counsellors. You can get better men than these, men gifted with intelligence and foresight, but unpolluted by sin, men who have never aided a tyrant in his tyranny nor a criminal in his crime. Such men will never be a burden to you. On the other hand, they will be a source of help and strength to you at all times. They will be friends to you and strangers to your enemies. Choose such men alone for companionship both in private and in public. Even among these, show preference to those who have a habitual regard for truth, however trying to you at times their truth may prove to be, and who offer you no encouragement in the display of tendencies which God does not like His friends to develop.

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13315 Keep close to you the upright and the god-fearing and make clear to them that they are never to flatter you and never to give you credit for any good that you may not have done, for the tolerance of flattery and unhealthy praise stimulates pride in man and makes him arrogant.

13320 Do not treat the good and the bad alike. That will deter the good, and encourage the bad in their bad pursuits. Recompense everyone according to his deserts. Remember that mutual trust and goodwill between the ruler and the ruled are bred only through benevolence, justice and service. So, cultivate goodwill among the people, for their goodwill alone will save you from troubles. Your benevolence to them will be repaid by their trust in you, and your ill treatment by their ill will.

13325 Do not disregard the noble traditions set by our forbearers which have promoted harmony and progress among the people, and do not initiate anything which might minimise their usefulness. The men who had established those noble traditions have had their reward; but responsibility will be yours if they are discarded. Try always to learn something from the experience of the learned and wise, and frequently consult them in state matters so that you might maintain the peace and goodwill which your predecessors had established in the land.

13330

**The Different Classes of People**

13335 Remember that the people are composed of different classes. The progress of one is dependent on the progress of every other, and none can afford to be independent of the other. We have the army formed of the soldiers of God. We have our civil officers and their establishments, our judiciary, our revenue collectors and our public relation officers. The general public itself consists of Muslims and Zimmi and among them are merchants and craftsmen, the unemployed and the indigent. God has prescribed for them their several rights, duties and obligations. They are all defined and preserved in the Qur'an and in the Hadith of the prophet.

13340 The army, by the grace of God, is like a fortress to the people and lends dignity to the state. It upholds the prestige of the faith and maintains the peace of the country. Without it, the state cannot stand. In its turn, it cannot stand without the support of the state. Our soldiers have proved strong before the enemy because of the privilege God has given them to fight for Him, but they have their material needs to fulfil and have therefore to depend upon the income provided for them from the state revenue. The military and the civil population which pays the revenue, needs the co-operation of others – the judiciary, civil officers and their establishment. The judge administers civil and criminal law, the civil officers collect revenue and attend to civil administration with the assistance of their establishment. And then there are the tradesmen and the merchants who add to the revenue of the state. It is they who run the markets and are in a better position than others to discharge social

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13355 obligations. Then there is the class of the poor and the needy who's maintenance is an obligation on the other classes. God has given appropriate opportunity of service to one and all; then there are the rights of all these classes over the administration which the administrator has to meet with an eye for the good of the entire population – a duty which he cannot fulfil properly unless he takes personal interest in its execution and seeks help from God. Indeed, it is obligatory on him to impose this duty on himself and to bear with patience the inconveniences and difficulties incidental to the task.

13360 **The Army**

Be particularly mindful of the welfare of those in the army, who in your opinion, are staunchly faithful to their God and the prophet and loyal to their chief, and who in the hour of passion can restrain themselves and listen coolly to sensible remonstrance, and who can succour the weak and smite the strong, whom violent provocation will not throw into violent temper and who will not falter at any stage.

13365 Keep yourself in close contact with the families of established reputation and integrity and with a glorious past, and draw to yourself men brave and upright in character, generous and benevolent in disposition, for such are the elite of the society.

13370 Care for them with the tenderness with which you care for your children and do not talk before them of any good that you might have done to them nor disregard any expression of affection which they show in return for such conduct inspires loyalty, devotion and goodwill. Attend to every little want of theirs not resting content with what general help that you might have given to them, for sometimes, timely attention to a little want of theirs brings them immense relief. Surely these people will not forget you in your own hour of need.

13375 It behoves you to select for your Commander-in-Chief one who imposes on himself, as a duty, the task of rendering help to his men and who can excel in kindness every other officer who has to attend to the needs of the men under him and look after their families when they are away from their homes; so much so, that the entire army should feel united in their joys and in their sorrows. This unity of purpose will give them added strength against the enemy. Continue to maintain a kindly attitude towards them so that they might feel ever attached to you. The fact is that the real happiness of the administrators and their most pleasant comfort lies in establishing justice in the state and maintaining affectionate relations with the people. Their sincerity of feeling is expressed in the love and regard they show to you, on which alone depends the safety of the administrators.

13380 Your advice to the army will be of no avail unless and until you show affection for both men and officers in order that they might not regard the Government as an oppressive burden or contribute to its downfall.

13385 Continue to satisfy their needs and praise them over and over again for what services they have rendered. Such an attitude, God willing, will inspire the brave to braver actions and induce the timid to deeds of bravery.

13390 Try to enter into the feelings of others and do not foist the mistake of one on another and do not grudge dispensing appropriate regards. See to it you do not show favours to one who has achieved nothing but merely counts on his family position and do not withhold proper reward from one who has done great deeds simply because he holds a low position in life.

13395 **The Real Guidance**

13400 Turn to God and His prophet for guidance whenever you feel uncertain regarding your actions. There is the commandment of God delivered to those people whom he wishes to guide aright: "O people of the faith! Obey God and obey His prophet and obey those from among you who hold authority over you. And refer to God and His prophet whenever there is a difference of opinion among you". To turn to God is in reality to consult the Book of God; and to turn to the prophet is to follow his universally accepted traditions.

13405 **Chief Justice**

13410 Select as your Chief Justice from the people, one who is by far the best among them - one who is not obsessed with domestic worries, one who cannot be intimidated, one who does not err too often, one who does not turn back from the right path once he finds it, one who is not self-centred or avaricious, one who will not decide before knowing the full facts, one who will weigh with care every attendant doubt and pronounce a clear verdict after taking everything into full consideration, one who will not grow restive over the arguments of advocates and who will examine with patience every new disclosure of fact and who will

be strictly impartial in his decision, one whom flattery cannot mislead, one who does not exult over his position. But such people are scarce.

13415 Once you have selected the right man for the office, pay him handsomely enough, to let him live in comfort and in keeping with his position, enough to keep him above temptations. Give him a position in your court so high that none can even dream of coveting it and so high that neither back biting nor intrigue can touch him.

13420 **Subordinate Judiciary**

Beware! The utmost carefulness is to be exercised in it's selection, for it is this high office which adventurous self-seekers aspire to secure and exploit in their selfish interests. After the selection of your Chief Justice, give careful consideration to the selection of other officers. Confirm them in their appointments after approved probation. Never select men for responsible posts either out of any regard for personal connections or under any influence, for that might lead to injustice and corruption.

13425 Of these, select for higher posts, men of experience, men firm in faith and belonging to good families. Such men will not fall an easy prey to temptations and will discharge their duties with an eye on the abiding good of others. Increase their salaries to give them a contented life. A contented living is a help to self-purification. They will not feel the urge to tax the earnings of their subordinates for their own upkeep. They will then have no excuse to go against your instructions or misappropriate state funds. Keep a watch over them without their knowledge. Perchance they may develop true honesty and true concern for the public welfare. But whenever any of them is accused of dishonesty, and the guilt is confirmed by the report of your secret service, then regard this as sufficient to convict him. Let the punishment be corporal and let that be dealt with in public at appointed place of degradation.

13440 **Revenue Administration**

Great care is to be exercised in revenue administration, to ensure the prosperity of others, particularly of the masses. Indeed, the state exists on it's revenue. You should regard the proper upkeep of the land in cultivation as of greater importance than the collection of revenue, for revenue cannot be derived except by making the land productive. He who demands revenue without helping the cultivator, ruins the state. The rule of such a person does not last long. If the cultivators ask for reduction of their land cess for having suffered from epidemics or drought or excess of rains or the barrenness of the soil or floods damaging their crops, then reduce the cess accordingly, so that their condition might improve. Do not mind the loss of revenue on that account for that will return to you one day manifold in the hour of greater prosperity of the land and enable you to improve the condition of your towns and raise the prestige of your state. You will be the object of universal praise. The people will believe in your sense of justice. The confidence which they will place in you in consequence will prove your strength, as they will be found ready to share your burdens.

13455 You may settle down on the land any number of people, but discontent will overtake them if the land is not improved. The cause of the cultivators' ruin is the rulers who are bent feverishly on accumulating wealth at all costs, out of the fear that their rule might not last long. Such are the people who do not learn from examples or precedents.

13460 **Clerical Establishment**

Keep an eye on your establishment and your scribes and select the best among them for your confidential correspondence; such among these, as possess high character and deserve your full confidence - men, who may not exploit their privileged position to go against you, and who may not grow neglectful of their duties, and who in drafting of treaties may not succumb to temptation and harm your interests or fail to render you proper assistance and save you from trouble, and who, in carrying out their duties, can realise their serious responsibilities, for he who does not realise his own responsibilities can hardly appraise the responsibilities of others. Do not select men for such work merely on the strength of your first impressions of affection or good faith for as a matter of fact, the pretensions of a good many who are really devoid of honesty and good breeding, may cheat even the intelligence of the rulers. Selection should be made after due probation - probation which should be the test of righteousness. In making direct appointments from people and who enjoy the reputation of being honest for such selection is agreeable both to God and the ruler. For every department of administration, let there be a head, whom no trying task might cause worry and no pressure of work annoy.

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13475 And remember that each and every lapse of scribes, which you may overlook, will be written down against you in your scroll of deeds.

#### **Trade and Industry**

13480 You are advised to treat well business men and artisans and direct others to do likewise. Some of them live in towns and some move from place to place with their ware and tools and earn their living by manual labour. They are the real source of profit to the state and provider of consumer goods.

13485 While the general public are not inclined to bear the strain, those engaged in these professions take the trouble to collect commodities from far and near, from land and from across the sea, and from mountains and forests and naturally derive benefits.

13490 It is this class of peace-loving people from whom no disturbance need be feared. They love peace and order. Indeed they are incapable of creating discord. Protect them whether they are transacting business at your place or in other towns. But bear in mind that a good many of them are intensely greedy and are immured to bad dealings. They hoard grain and try to sell it at a high price and this is most harmful to the public. It is a blot on the name of the ruler not to fight this evil. Prevent them from hoarding; for the prophet of God has prohibited it. See to it that trade is carried on with the utmost ease, that the scales are evenly held and that prices are so fixed that neither the seller or the buyer is put to a loss. And if, in spite of your warning, should anyone go against your commands and commit the crime of hoarding, then inflict upon him a severe punishment.

#### **The Poor**

13500 Beware! Fear God when dealing with the problem of the poor who have none to patronise them, who are forlorn, indignant, helpless and are greatly torn in mind - victims of the vicissitudes of time. Among them there are some who do not question their lot in life and who, notwithstanding their misery, do not go about seeking alms. For God's sake, safeguard their rights for on you rests the responsibility of protecting their interests. Assign for their uplift a portion of the state exchequer (*Bayt al Mal*), wherever they may be, whether close at hand or far from you. The rights of the two should be equal in your eye.

13505 Do not let any preoccupations slip them from your mind for no excuse whatsoever for the disregard of their rights will be acceptable to God. Do not treat their interests as of less importance than your own and never keep them outside the purview of your important considerations and mark the persons who look down upon them and of who's condition they keep you in ignorance.

13510 Select from among your officers such men as are upright and god-fearing and who can keep you properly informed of the condition of the poor.

13515 Make such provision for these poor people as shall not oblige you to offer an excuse before God on the Day of Judgement for, it is this section of the people which, more than any other, deserves benevolent treatment. Seek your reward from God by giving to each of them what is due to him and enjoin on yourself as a sacred duty the task of meeting the needs of such aged among them as have no independent means of livelihood and are averse to seeking alms. It is the discharge of this duty that usually proves very trying to rulers, but is very welcome to societies which are gifted with foresight. It is only such societies or nations that truly carry out with equanimity their covenant with God to discharge their duty to the poor.

#### **Open Conferences**

13525 Meet the oppressed and the lowly periodically in an open conference and conscious of the Divine presence there, have a heart-to-heart talk with them and let none from your armed guard or civil officers or members of the Police Department of the Intelligence Department be by your side, so that the representatives of the poor might state their grievances fearlessly and without reserve. For I have heard the prophet of God say that no nation or society, in which the strong do not discharge their duty to the weak, will occupy a high position. Bear with composure any strong language which they may use, and do not get annoyed if they cannot state their case lucidly. Even so, God will open for you his door of blessings and rewards. Whatever you can give to them, give it ungrudgingly and whatever you cannot afford to give, make clear to them with the utmost condescension.

13530 There are certain things which call for prompt action. One of them is correspondence regarding the redress of grievances which your heedless staff has been unable to tackle. See to it that petitions or applications submitted for your consideration are brought to your

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notice without any delay, however much your officers might try to intercept them. Dispose of the day's work that very day, for the coming day will entail its own task.

#### **Communion With God**

13540 Do not forget to set apart the best of your time for communion with God, although every moment of yours is for Him only, provided it is spent sincerely in the service of your people. The obligation which you directly owe to God, should be included in your over-all duties. Therefore, devote some of your time each day and night to prayer so as to be in communion with God. Let your prayer be as perfect and as free from blemish as possible, notwithstanding the physical discomfort it may involve.

13545 And when you lead a congregational prayer, do not bore people by a needlessly long prayer, nor spoil it by unwarranted shortness.

13550 When, on receiving an order to proceed to Yemen, ask the prophet of God how I should lead the congregation there, he said, "Perform your prayers even as the weakest among you would offer and set an example of considerateness to the faithful".

#### **Aloofness Not Desirable**

13555 With regard to the observance of all that I have said, bear one thing in mind. Never, for any length of time, keep yourself aloof from the people, for to do so is to keep oneself ignorant of their affairs. It develops in the ruler a wrong perspective and renders him unable to distinguish between what is important and what is unimportant, between right and wrong, and between truth and falsehood. The ruler is after all a human being; and he cannot form a correct view of anything which is out of sight.

13560 There is no distinctive sign attached to truth which may enable one to distinguish between the different varieties of truth and falsehood. The fact is that you must be one of the two things. Either you are just or unjust. If you are just, then you will not keep aloof from the people, but will listen to them and meet their requirements.

13565 But if you are unjust, the people themselves will keep away from you. What virtue is there in your keeping aloof? At all events aloofness is not desirable, especially when it is your duty to attend to the needs of the people. Complaints of oppression by your officers or petitions for justice should not prove irksome to you.

#### **Nepotism**

13570 Make clear to yourself that those immediately about and around you, will like to exploit their position to covet what belongs to others and commit acts of injustice. Suppress such a tendency in them. Make a rule of your conduct never to give even a small piece of land to any of your relations. That will prevent them from causing harm to the interests of others and save you from courting the disapprobation of both God and man.

13575 Deal justice squarely regardless of the fact whether one is a relation or not. If any of your relations or companions violates the law, mete out the punishment prescribed by law, however painful it might be to you personally for it will be all to the good of the state. If at any time people suspect that you have been unjust to them in any respect, disclose to them and remove their suspicions. In this way, your mind will become attuned to the sense of justice and people will begin to love you. It will also fulfil your wish that you should enjoy their confidence.

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#### **Peace and Treaties**

13585 Bear in mind that you do not throw away the offer of peace which your enemy may himself make. Accept it, for that will please God. Peace is a source of comfort to the army. It reduces your worries and promotes order in the state. But beware! Be on your guard when the peace is signed, for certain types of enemies propose terms of peace just to lull you into a sense of security only to attack you again when you are off your guard. So you should exercise the utmost vigilance on your part and place no undue faith in their protestations.

13590 But, if under the peace treaty you have accepted any obligations, discharge those obligations scrupulously. It is a trust and must be faithfully upheld and whenever you have promised anything, keep it with all the strength that you command, for whatever difference of opinion might exist on other matters, there is nothing so noble as the fulfilment of a promise. This is recognized even among the non-Muslims, for they know the dire consequences which follow from the breaking of covenants. So never make excuses in discharging your responsibilities and never break a promise, nor cheat your enemy, for breach of promise is an act against God and none except the positively wicked acts against God.

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13600 Indeed Divine promises are a blessing spread over all mankind. The promise of God is a refuge sought after, even by the most powerful on earth for there is no risk of being cheated. So, do not make any such promise which you cannot fulfil, nor attack your enemy without ultimatum because none, except a wretched ignorant being, would dare defy God who, in His infinite mercy, has made pacts and treaties as tools of utmost sanctity for His creatures; in fact, peace provides shelter under the lively shade of which all seek asylum and in the vicinity of which all listen for a sojourn and deception.

13605 Never execute a pact open to interpretations, but once it is executed, don't exploit equivocation, if any; nor repudiate any treaty concluded in the light of Divine injunctions, even in the face of grievous difficulties. As there is reward in life Hereafter, it is better to face difficulties rather than violate the treaty with a traumatic sense of accountability on the Day of Judgement.

13610 Beware! Abstain from shedding blood without a valid cause, as it invites the wrath of the Almighty, exposes one to His severest punishment, deprives one of His blessings and shortens one's span of life. On the Day of Judgement it is this crime for which one will have to answer first. So, beware! Do not wish to build the strength of your state on blood for it is this blood which ultimately weakens the power and undermines the authority and shakes its very foundations; power then slips to other hands.

13615 A murder is a crime which is punishable by death. If, on any account the corporal punishment dealt by the state for any lesser crime results in the death of the guilty, let not the prestige of the state stand in the way of the deceased's relations claiming blood money.

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#### **Last Instructions**

Shun self-adoration; do not indulge in self-praise nor encourage others to extol you, because of all the ruses to undo good deeds of pious men, Satan relies most upon praise and flattery.

13625 Neither over-rate nor indulge in tall talks about the favours you have showered on people. Breach of promise annoys God and man alike. God, the Most Exalted, says in the Qur'an: ***"God is much displeased if you do not act upon what you say"***.

Do not make haste to do a thing before it's time, nor put it off when the right moment arrives. Do not insist on doing a wrong thing, nor show slackness in rectifying a wrong thing. Perform everything at its proper time and let everything occupy its proper place. When the people as a whole agree upon a thing, do not impose your own view on them and do not neglect to discharge the responsibility that rests on you in consequence. For the eyes of the people will be on you and you are answerable for whatever you do to them. The slightest dereliction of duty will bring it's own retribution. Keep your anger under control and keep your hands and tongue in check. The best way to restrain your rage is to defer punishment till you are calmed and restored to yourself. You cannot achieve it unless you remember that you have ultimately to return to your Sustainer.

13630 It is imperative that you carefully study the precepts which have inspired just and good rulers who have preceded you. Give close thought to the example of our prophet, his traditions, and the commandments of the Qur'an and whatever you might have assimilated from my own way of dealing with things. Endeavour to the best of your ability to carry out the instructions which I have given here and you have solemnly undertaken to follow. By means of this order, I enjoin on you not to succumb to the promptings of your own heart, nor to turn away from the discharge of duties entrusted to you.

13635 I seek refuge in the Almighty and His unlimited sphere of blessings, and invite you to pray with me that He may give us together the grace to surrender willingly our will to His will, and to enable us to acquit ourselves well before Him and His creation, so that mankind cherishes our memory and our work survives. I beseech God for His blessings and pray that He may grant you and me His grace and the honour of martyrdom in His cause. Verily, we have to return to Him. I invoke His blessings on the prophet of God and his blessed progeny.

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**End of chapter**

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Warmest Regards,

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Brendon Lee O'Connell

13665 2<sup>nd</sup> of April 2013