

<b>25166-3</b>		
<b>Quesnel Registry</b>		
<b>In the Supreme Court of British Columbia</b>		
<b>(BEFORE THE HONOURABLE MR. JUSTICE BUTLER AND JURY)</b>		
<b>Quesnel, B.C.</b>		
<b>November 4, 2015</b>		
<b>REGINA</b>		
<b>v.</b>		
<b>ROY ARTHUR TOPHAM</b>		
<b>PROCEEDINGS AT TRIAL</b>		
<b>(DAY 8)</b>		
<b>COPY</b>		
<b>Crown Counsel:</b>		<b>J. Johnston</b>
<b>Defence Counsel:</b>		<b>B. Johnson</b>

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RULINGS

NIL

Quesnel, B.C.  
November 4, 2015

(JURY OUT)

THE CLERK: In the Supreme Court of British Columbia, this 4th day of November 2015, continuing with the matter of Roy Arthur Topham, 25166-3.

MS. JOHNSTON: Thank you, My Lord. Jennifer Johnston appearing on behalf of the Crown.

THE COURT: Yes.

MR. JOHNSON: Barclay Johnson appearing on behalf of Mr. Topham.

My Lord, before we start, I'd just like to advise the court that we have had a bit of a delay this morning. I thought we might have solved the technology issue here with proper recording, but it doesn't work, so I'm going to have to go back and use my friend's computer again, which is fine. It's just that I hope that the sound is picked up.

THE COURT: All right. Now, I have a number of matters I would like to discuss which are primarily timing issues and things that we have to do. I guess the first question I would like to ask is, and -- and I -- and I appreciate this is difficult to answer, but how much longer do you think this is going to take? And I got -- I guess, first of all, in chief and then in cross? And -- and obviously, I'm just asking for a general range.

MR. JOHNSON: Sure. Right now, the way things are developing on the case, I believe, that Mr. Atzmon's testimony should be wrapped up no later than noon today.

THE COURT: All right.

MR. JOHNSON: Certainly before the -- the break at 12 --

THE COURT: And that's his examination in chief?

MR. JOHNSON: That's right.

THE COURT: All right.

MR. JOHNSON: And I just wanted to remind the court that he has to have a flight -- catch a flight on Thursday and leave the courtroom by three. He has a flight leaving.

THE COURT: All right.

MR. JOHNSON: And then a connecting flight to London I think two -- three hours after -- three hours after arrival. So if -- if there is a problem with a backup plan, if this is fogged in or something, we're going to have to make arrangements to have him leave on a different airport, so such as the issue that we are dealt with.

THE COURT: All right. And any idea on cross-examination?

MS. JOHNSTON: If my friend is accurate in his estimate and there are no major surprises, I think it's a conservative and safe estimate that I will be finished today. I would also, My Lord, if Your Lordship is willing to consider it, I would be willing to sit to 4:15 if -- if there is a concern about Mr. Atzmon making his flight.

THE COURT: Well, I -- if we are done today or close to done today, then it shouldn't be a problem because if it's -- you know, he needs to be done by three tomorrow, if he's flying from Quesnel that's --

MR. JOHNSON: Right.

THE COURT: -- that's --

MR. JOHNSON: It frees up another issue, My Lord. And I -- and I'm just bringing this up now because if this is in fact the timetable, and I hope -- I hope it is, I'm going to need some time to draft my closing. And obviously, we are going to have to go over the charge as well.

THE COURT: That's -- that was the next items on my list.

MR. JOHNSON: That's -- that's -- we are running -- we are running ahead of ourselves somewhat, but I -- I had some minor technology issues with my computer and a disk that I got. I needed to get some verification on the DARS from the testimony on Monday. And I wasn't able to get that until this morning. And I should have picked it up sometime yesterday to alert them. So they have burned me a new copy today. We are ready to go.

THE COURT: Well, I guess I'm -- and I guess in terms of timing, my -- and I can tell you, first of all, that the -- the charge is -- is extremely difficult to prepare in this case without -- without a model charge to go by. And -- and so we need to -- to have a -- a conference on the charge where I can present to you, if you will, a first draft and get some discussion and input from -- from counsel on that. My -- my thought was, but of course it all depends on -- on how far we get with Mr. Atzmon today, is that it might be possible to do that tomorrow afternoon at say 3 o'clock. But before we even get to that, I need I need to know and I'd like to ask counsel right now if they can tell me what -- which of the defences in subsection (3) should be put to the jury. What is the position of each of you on that? Now, I -- I have your written --

MR. JOHNSON: Yes.

THE COURT: -- submissions which suggested that C and D.

MR. JOHNSON: Right.

THE COURT: And is that the defence position on that?

MR. JOHNSON: Without -- My Lord, without committing myself a hundred percent, that would be fair -- fair to say.

THE COURT: All right.

MR. JOHNSON: I -- I think the first [indiscernible] is truth and that's a pretty tough thing to prove, isn't it? That I think we are -- you are right in assuming that those are the two grounds.

THE COURT: And . . .

MR. JOHNSON: And I will just have a quick look at the second ground.

THE COURT: Well, and -- and -- and I guess I -- I -- maybe we can --

MR. JOHNSON: Yeah.

THE COURT: -- touch on that again at 2 o'clock this afternoon if you can let me know.

MR. JOHNSON: I would be happy to do that.

THE COURT: Because I would like to have a sense of that by the end of the day today. So if we were going to have the charge conference tomorrow afternoon, then my schedule for this would be that counsel's addresses take place on Friday at some point, and the jury be charged on Monday morning first thing.

MR. JOHNSON: Yeah, I think that would be appropriate.

THE COURT: All right. Now, I have one other issue and it's one that I think I may have raised a little bit yesterday. And that is I am simply puzzled by Exhibit 10, which is the letter from Mr. Topham that was published on his website in 2008. And I just don't understand how that is relevant to the charges, to the ingredients of the offence. It took place four or five years before the time in question. It involves a complaint to Human Rights under the Human Rights Legislation. And it relates to materials that were on his website presumably four, five years before this started. And I just can't see how I can -- how that can be relevant in any way to -- to the matters before the case.

MR. JOHNSON: Well, My Lord, the material in the binders is -- are exhibits, and I think we should be able to refer to any portion of the binders, including -- I mean, from -- from my purposes, it was --

THE COURT: I'm just talking about this one exhibit. Of course you can refer to the others because they relate to the time period that -- that to which the charges --

MR. JOHNSON: Sure.

THE COURT: -- are laid.

MR. JOHNSON: If I'm not mistaken, that is in the binder, is it not? Or not --

MS. JOHNSTON: My -- my --

MR. JOHNSON: -- maybe it's not.

THE COURT: And if it is, then --

MR. JOHNSON: We are good.

THE COURT: -- then I stand corrected, but . . .

MR. JOHNSON: Okay.

MS. JOHNSTON: My understanding, and -- and my friend or Mr. -- perhaps my friend could consult his client if he doesn't know off the top of his head, is that there is another article that was on the website during the time period which incorporates -- I don't know -- I haven't done a line-by-line comparison, some of the same concepts.

THE COURT: All right.

MS. JOHNSTON: It was the Crown's -- when I chose the documents, what I wanted to do was not parse. I if -- if I'm choosing a set of documents, I put in the entire set of documents. So the *Killing the Hundred Monkey*, my friend probably is content. This was on the website, this copy. It's currently 2L in Binder 4. And it may be that my friend is happy. It may well be that that solves his issue.

THE COURT: Mm-hmm.

MR. JOHNSON: My Lord, I -- I think that that's fair. This is lifted right out of the binder. I have copied it because I have had Mr. Topham try and get a good, clean copy without the tops and bottoms missing so you can read them. This article is in a different colour of ink which made -- which was problematic before, as you will recall. So this -- if my friend can have a look at this document and compare it with what's in the binders. I'd like to have this entered as an exhibit as to -- as to the truth of the -- of the contents. And I say that because we have an agreement between the two of us on the admissions that he's the author of these documents at the -- the argument is that it -- it goes for everything that he has written on that site. I want to be able to refer to this --

THE COURT: Yes.

MR. JOHNSON: -- obviously in my closing. It's very important.

THE COURT: Okay. You may want to do that.

MR. JOHNSON: Well, we are going to be here for another month.

THE COURT: But it's not for the truth of -- of what's there.

MR. JOHNSON: Well, maybe I should give you a brief on that because I -- I --

THE COURT: I -- I think -- I think you need to.

MR. JOHNSON: Yeah, I think so. Because I am trying to shorten this thing up if I can. I -- I know the *Keegstra* trial went on for three months, My Lord, because Mr. Keegstra took the stand and went through every single possible document. If Mr. Topham has to do that, if we can't -- if we cannot agree that this document is proof of the -- of the truth of the contents, then I am afraid I am going to have to change my mind about having Mr. Topham testify.

THE COURT: Well, I -- I think you have will have to talk -- I think you will have to talk to your friend. And that's why I wanted to raise this this morning because --

MR. JOHNSON: Sure.

THE COURT: -- if -- if that is the case, it -- it -- I mean it strikes me as very odd that -- that a witness could put in a document that -- that --

MR. JOHNSON: Without cross-examination.

THE COURT: Without cross-examination on such a fundamental issue. And that --

MR. JOHNSON: Right.

THE COURT: -- that's my concern about it. And I -- so I just don't see how -- how I can say to the jury --

MR. JOHNSON: Well, the other --

THE COURT: -- you can take this, for example, in -- in relation to one of the -- the -- the defences, the -- you know, I think they have to assess that --

MR. JOHNSON: Sure.

THE COURT: -- from the material and not accept it as true, because it hasn't been exposed to cross-examination.

MR. JOHNSON: Well, I -- I think -- I think that raises an important point and maybe without having to provide Your Lordship with a -- with a brief -- I can either get an undertaking from my client that she doesn't need to cross-examine. I think that solves the issue. Or alternatively, if she is -- if she wants to proceed with cross-examination on the document that we are entering and restrict her cross-examination to this and only to this, then I'm happy with that.

MS. JOHNSTON: I am not willing to do that. This document is already before the jury on the same basis that all the other documents are before the jury. And I'm absolutely content and my friend can make whatever argument is open for him to make it. But this document is not before the jury on some different or special basis. And in light of that, if -- it's never the Crown's call as to whether or not more evidence needs to be elicited.

THE COURT: No, no, I appreciate that. But -- but I -- I think I have to give some instruction to the jury about it. And my instruction would be that that that's not there for the truth. The -- the -- it's there because it was published and exists on the website and was communicated. And and that's the -- the truth, is that it was communicated in that form. The jury has to decide all of those other things that it has to decide including intent on the basis of -- of all of the evidence. And -- but I can't say to the jury, well, you can accept this one as truth of intent or that's -- that's just not, it seems to me, possible.

MR. JOHNSON: Well -- well, then, My Lord, I'm going to have to call Mr. Topham. And I think we better revise the -- the length of the trial. I really think we are going to be on the stand here for a while with him if -- if that's the case.

THE COURT: All right.

MR. JOHNSON: And I -- I am sorry, I have tried my best to see if we can make this trial manageable within a certain time frame. Because I believe that the issues, despite what is going on here, are very narrow at the end of the day for the jury to consider. And I don't know that Mr. Topham's evidence on the stand if cross-examination is going to do much more than what's in the documents, quite frankly. But if that's the way it's going to be, I -- I reserve my right to do that.

THE COURT: Well, I suggest that counsel discuss this at -- perhaps at lunch today or -- or whenever, but I'm -- I just wanted to tell you that it seems to me that I can't admit that document for a special kind of purpose that the other documents are. It -- it's just . . .

MR. JOHNSON: Unless I have my friend's consent.

THE COURT: And -- and I think that would be difficult for the jury to even understand, so that's my concern, but I wanted to raise it.

MR. JOHNSON: Okay. I -- I will talk to my client to get further instructions on that point. I think we are -- I -- I think we have been put in a position now where we are going to have to call Mr. Topham.

THE COURT: Well, then I -- I wanted to have that discussion this morning so that you --

MR. JOHNSON: Sure.

THE COURT: -- you could decide that.

MR. JOHNSON: In which -- which case, I don't think we are going to be needing to meet on to discuss the charge. I -- I think this is going to take -- this is going to extend the trial weeks, in my view. It could be that long.

THE COURT: All right.

MR. JOHNSON: Thank you, My Lord.

MS. JOHNSTON: My Lord, just on the issue of timing: to be blunt, I -- I put at Your Lordship's request for some law on the charge out to the larger Crown net. And I do have some responses, plus I have some things of my own. If it would assist Your Lordship regardless of the 3 o'clock meeting, I can pull maybe not everything, but some of it together quite quickly in an acceptable form. Is it a benefit to Your Lordship to get it as soon as I can pull it together?

THE COURT: Yes. Yes, it would be. And --

MS. JOHNSTON: Thank you.

THE COURT: -- I -- and I have -- I have Mr. Johnson's submissions, which were -- were in a very --

MS. JOHNSTON: Thank you.

THE COURT: -- accessible form.

MS. JOHNSTON: Thank you. It might be in piecemeal form, but I will get something to Your Lordship as quickly as possible. In terms of whether -- I mean, obviously the Crown has -- I don't want to be taken as offering an opinion as to whether or not Mr. Topham should take

the stand, but I don't think I would be forever on cross-examination. I mean, obviously, I don't know what he's going to say. But my guess is, we'd be looking at something in the vicinity of a half a day, that -- that would be my guess.

THE COURT: All right. In any event, obviously counsel hadn't necessarily turned their mind directly to that, so you will have to think about that. And then we have Mr. Atzmon here and we should get going on that. And again, I -- I would reiterate my comments yesterday, Mr. Johnson. You should be asking questions that elicit direct answers, that's what we need to do for the benefit of the jury.

MR. JOHNSON: I -- I -- I didn't want to interrupt him during his explanation, My Lord. And I have spoken to him about that. He tends to be quite determined to explain his --

THE COURT: I -- I got a sense of that.

MR. JOHNSON: -- yeah.

THE COURT: But, in any event, that's difficult for both the jury and for me. It --

MR. JOHNSON: Okay.

THE COURT: -- just to have a speech made rather than questions and answers, which is --

MR. JOHNSON: I -- if I can -- if I can advise the court, there is only one -- one more thing that we need to cover in that same aspect. I think what he was doing is giving people a motorcycle tour of his book because that's a pretty fair condensing of -- of *The Wandering Who*. And then we are going to get into specifics right away on the issues that are in that index.

THE COURT: All right.

MR. JOHNSON: Thank you, My Lord.

THE COURT: Let us bring in the jury and Mr. Atzmon.

(JURY IN)

GILAD ATZMON

a witness called for the Accused, recalled, reminded.

THE CLERK: Sir, I would like to remind you, you are still under oath from yesterday. And could you please state your name again for the court.

A My name is Gilad Atzmon.

THE CLERK: Thank you.

A And I believe that we will need you -- the slides a few times more.

MR. JOHNSON: Yes. We are just putting those up if my friend can assist in -- with the computer.

My Lord, if I might approach the witness?

A I didn't expect to be so early today.

EXAMINATION IN CHIEF BY MR. JOHNSON, Continuing:

Q Mr. Atzmon, I am showing you the next slide, Slide Number 5 on your PowerPoint presentation. And it looks as though it's the slide -- or close to the slide that Mr. Rudner was asked to comment upon in his examination in chief the other day, except there's some words added that were not on -- on display for him to look at. Have you seen this, I'm going to call it a graphic?

A Yes.

Q Have you seen this graphic before?

A Definitely.

Q And can you tell me in terms of Jewish identity politics to what that may represent?

A Yeah. It's actually very important. As you can see, with we are -- we can see the Star of David, but we already recognize that the Star of David is not just a Jewish symbol. It is also a symbol that is associated with politics, with state politics and so on and so on. But we -- we have we can notice some very significant labels here. We see the ADL and this refers also to the *100 Years of Hate*, sub -- referring to B'nai Brith International and so on and so on. ADL, ladies and gentlemen, is not a religious organization. ADL is a Jewish anti-defamation league. It's a human right organization that is concerned with the right of one and only people, the Jewish people. It's not the universal -- the universal setting. It is just about the Jews. B'nai Brith also -- B'nai Brith International is a Jewish exclusive organization that cares only for the interest of the Jewish people. Both B'nai Brith and ADL act as lobby groups for Israel. These are political organizations.

So what we see here, we don't see a single reference to Jews as a race, to Jews, to Judaism as a religion. It is definitely -- it is definitely a political statement. However, there are some slight problematic issues here. The Jew character, it's an [indiscernible/accnt] people Jew. Mr. Rudner commented on the size of the ears, and the eyes, and the nose, and the beard. And I will tell you the truth, if we wouldn't have the ADL, the clear reference to a political organization or to B'nai Brith, I myself would find it's very problematic and find it very odd to defend it. But at the moment, this is actually the complete opposite of an anti-Semitic graphic. Because if we think about the -- the Nazi Germany, the national socialist Germany, anti-Semitic graphic referred to the Jews as a whole, as a biological entity, while in this specific graphic we are dealing, look how big is the ADL, look how clear is the reference. Ladies and gentlemen, this is a graphic that ridicules Jewish hatred if they're -- you know, whether -- whether we accept it or not, and to call an anti-hate statement, a hateful statement is slightly problematic.

Q Thank you, Mr. Atzmon. I am going to ask you about the final slide, and then we are going to move on to the index that you prepared for the benefit of the jury.

A Yeah.

Q This slide has a question mark identifiable, what does that represent, sir?

A If you --

Q In terms --

A -- if you meet this person in the street, would you identify naturally with this guy? Would you identify me with this guy? I don't think so. The whole idea of Jews being identifiable group is very, very problematic. Because we are dealing actually with a very varied politically, ideologically, ethnically group of people that have very little in common with each other unless they specifically identify as with the religion. In this case, this guy -- this guy is definitely a Yemenite Rabbi. I don't think that we are dealing [indiscernible]. I -- I cannot speak on his behalf, but as far as I'm aware. They can identify with the ethnicity -- both this would identify as ethnicity and with the politics. We have to make sure that we make -- make sure that we understand the criticism of Jews' right to celebrate their religion is problematic. Criticizing Jews is biology as a race is even more problematic, criticizing the politics is kosher. Kosher is fine. This is the Jewish word.

Q Okay. I wonder if you have your index in front of you there?

MR. JOHNSON: And I wonder if the members of the jury have the index as well? Everybody? Maybe I could just show this to [inaudible/away from microphone].

Q Mr. Atzmon, did you prepare the -- and do you have a copy of the document that I am referring to?

A Yeah.

Q Okay. Did you prepare the index and topics that are set out in the document?

A Yeah.

Q Okay. If we could turn to the first item, and perhaps you could tell us about Jewish symbols.

THE COURT: Before we do that, we should mark it as an exhibit.

MR. JOHNSON: Yes, if we can. Mark that --

THE COURT: And there is no objection to that, Ms. Johnston? Yeah, that -- that should be turned off while we are dealing with this, but --

A Yeah. We can -- I think that we can.

MR. JOHNSON: If we are ready.

THE COURT: Ms. Johnston, I didn't hear your answer. Do you have any objection to that?

MS. JOHNSTON: Oh, I am sorry. I -- I am assuming the one in Mr. -- Mr. Atzmon's hand or that one?

MR. JOHNSON: Yeah.

MS. JOHNSTON: If I could just have a quick look of it, My Lord. I don't anticipate any [inaudible/away from microphone]

Thank you, My Lord.

THE COURT: All right. That will be the next exhibit.

THE CLERK: Thirteen, Your Honour.

THE COURT: Thank you.

THE CLERK: Or, My Lord.

EXHIBIT 13: Document labelled "Gilad Atzmon Index and Topics" (was D for identification)

MR. JOHNSON:

Q Okay. Mr. Atzmon, what can you tell us about Jewish symbols in relation to your opinion that you prepared for this -- this court?

A I also already actually spoke about it quite a bit. Jewish symbols are not necessarily religious symbols. They appear in different context, political, ideological. And as I mentioned before, everything that is ideological or political should be subject to political and ideological criticism. So we already saw that the -- just now the context of the -- the Star of David, for instance, didn't appear as a -- as a -- in the Satirical graphics or whatever you want to call it; didn't appear as -- as a criticism of Jewish religion or the Jewish race, but as a criticism of specific political group that identifies with the exact Star of David.

Q You -- you indicate as well, sir, that Israel decorates its airplanes and tanks with the Star of David.

A Yeah. I argue that if Israel is entitled to do so, to decorate its airplanes and bombs with Star of David, we are also entitled to refer to it as when we are critical of Israel and so on and so on.

Q Just so that I recall, it's your third category Jewishness?

A Yeah.

Q Where you feel that it's open for discussion to talk about things that fall under that category?

A Well, sure. As you probably remember yesterday, I argued that some Jews identify as Jews due to their religion. And I argued that this was innocent. Some Jews identify as Jews because they are -- because of their ancestry. You are not going to go and criticize you because this man is Jewish. Nobody is going to do it, and nobody is doing it. But some Jews identify politically as Jews, and this should be subject to criticism, very simple.

Q I understood as well that that -- you use the word "chosenness." How can you -- can you tell me what that means?

A Yeah. Chosenness is the English translation of the word [Hebrew language spoken].

Q Is that Hebrew?

A This is in Hebrew, sorry.

Q You may have to spell --

A Yeah, you have to understand it I'm an Israeli and Hebrew speaker, so I -- this is why my accent is slightly problematic probably for in this region. In -- within the religious context "chosenness" is a beautiful thing. God, that's what the Jews believe, picked the Jews as his chosen people because he wanted to -- wanted them to -- wanted them to serve as a moral, as an ethical exemplary case. Once the process of assimilation of secularization started in the Jewish world in the 19th Century, this sense of chosenness was replaced by, in some cases not all cases, with racial supremacy. And this is not very surprising. This is something that happened also in Europe thanks to Darwinism. You know what happened in Germany and national socialist Germany, a very similar process happened in the Jewish world. And I brought quite a lot of documents that are in your text, and I will elaborate on it if -- if it's needed.

Q Okay. That I think is a good point to ask you about Zionism. Can you tell the -- the jury what your understanding is of Zionism?

A The most traditional understanding of Zionism is the promise to bring the Jewish people to their promised land and to erect a Jewish state. Now, this happened. It happened in 1948. And from that traditional Zionist perspectives, Zionism for Israel is, at least, is a dead concept. I was born in Israel in 1963. I didn't need Zionism.

Q I just want to stop you there. You were born in Israel?

A In Israel.

Q And your parents were Jewish?

A Yeah.

Q Were they Orthodox?

A No.

Q Okay. Were you involved in the political structure of -- of -- of Israel in any way? Did you serve in any capacity?

A Yeah. I was an Israel soldier between '81 to '84. At the time, I served at the time of the first Lebanon war.

Q You fought in Lebanon for Israel?

A Yeah.

Q Okay. I am sorry for interrupting you. I just needed to understand the context. So you've -- you speak firsthand regarding the concept of Zionism having lived in the country?

A I definitely understand the concept of Israel, Jewishness, Judaism and Zionism despite of the fact that I wasn't raised as Zionist. And why? Because my parents were already Israelis, all right. So for us, there was no process of moving to Israel. This is why the traditional understanding of Zionism is pretty irrelevant to most Israeli born -- Israeli natives. However, the early Zionist understanding of Zionism is far more interesting. The early Zionist looked down on their Jewish brothers and sisters. To a certain extent they were pretty anti-Semitic. They sold their Jews -- the Diaspora Jews as --

Q Can I stop you there? What is a Diaspora Jew?

A This is an interesting question because Diaspora Jew is a Jew who doesn't live in Israel. Now, this is very interesting because in the

beginning of the 20th Century, there were very few Jews living in Palestine. So the entirety of Jews were actually Diaspora Jews. I already read to you at least once this, called by Theodor Herzl, *The Father of Zionism*. The most important person in Zionism. In Israel's schools in each class we have a picture of Theodor Herzl. It is the Prophet, the Zionist Prophet. As I said, the wealthy Jews controlled the world. In their end lies the fate of government and nation. They said government once against another. When the wealthy Jews play the nations and the rulers dance. One way or the other, the Jews get rich. Sorry, "They get rich," that's what they said is the exact quote. This quote could be found in any national socialist text. It could be found in *Mein Kampf*, all right. These are very problematic. And I think that you read in the other day many more -- more quotes with you. For the early Zionist Jews, Zionism was the promise to civilize the Jew by means of homecoming. We bring them to their promised land which is a big question whether it's promised or not. And we turn them into civilized people. Once they are home on their homeland, they will go to work in factories. They will be farmers. They start a Kibbutzim. This is something that is very crucial to understand about Zionism and the history of this movement.

Q You mentioned "Kibbutzim," did I pronounce that right?

A Yeah.

Q What -- what is that? Was that a movement or what was it?

A The Kibbutzim was part of labour Zionism. It was the attempt to transform the Jews into, and I am quoting now. This is a very common Zionist called people like all other people. It was the attempt to change the Jews from bankers and -- and the -- and the real estate mobile into working people. People who go and work on the land; on -- in factories and so on and so on. It was a very, very interesting moment in the Jewish history. Unfortunately, it didn't last very long.

Q Why didn't it last very long?

A This is quite embarrassing. There are few reasons. One of the reasons -- one of the reasons is that at a certain stage they found out at quite an early stage that the Palestinians were slightly cheaper.

MS. JOHNSTON: I'm -- I'm just going to -- I have just -- I hate to rise in cross in -- in -- but I just don't know that the state of the Kibbutz is --

THE COURT: Do you want to -- should I ask the jury to -- to step into the jury room or . . .

MS. JOHNSTON: I'm just concerned about relevance. I don't know . . .

MR. JOHNSON: No. I -- I just asked him to explain something that he covered and about the idea of Kibbutzim. I think we have got -- we have got that.

A Yeah. It's okay, I think it's all clear.

THE COURT: All right.

MR. JOHNSON: Okay.

THE COURT: All right. Well, let us move on.

MR. JOHNSON: Let us move on.

A Yeah.

Q There's also another statement that you make, and I will read it to you:

"The Jew is a caricature of a normal, natural human being, both physically and spiritually. As an individual in society" . . .

THE COURT: Well, just -- just a moment. Where -- where are you reading from?

MR. JOHNSON: That's page 4 at the second to last paragraph, My Lord.

THE COURT: Okay.

MR. JOHNSON: I will start again.

THE COURT: That's helpful for the jury and me if you take me to the page.

MR. JOHNSON: Yeah. Sorry about that.

Q If you could turn to page 4 of the index and the topics. It's the second paragraph on the bottom. I will read it. Perhaps you can --

A Yeah.

Q -- just listen to me then.

A Yeah.

Q

"The Jew is a caricature of a normal, natural human being, both physically and spiritually. As an individual in society he revolts and throws off the harness of social [obligation] obligations, knows no order nor discipline."

And then you have a citation there.

A Yeah.

Q Why -- why did you put that into your opinion, sir?

A This is very -- very interesting that you came with this question now because this is a citation from the movement and from the magazine of the movement Hashomer Hatzair. Hashomer Hatzair is one of the three biggest and most important Kibbutzim movement. The Kibbutzim also collective agriculture societies. There is no doubt that this text is anti-Jewish. You cannot get much more any -- any more anti-Jewish than that. And yet, this is -- the comment is quoted from the most Zionist early -- early, early Zionist magazine. It is something that we have to accept, you know.

Q Is this a topic of discussion within the Jewish community necessarily?

A It was definitely a topic at the time. And we are to understand that as far as I can tell, in Israel you still find a lot of criticism of a Jewish culture, Jewish politics what some people define as Jewish power. And this is something that we have -- have to be really, really must accept and take into consideration. Jewish people within themselves allow that kind of criticism. But as we -- we do realize they are less happy sometimes, some of them, when this criticism is aired by a goy, a gentile. Goy is a gentile, is people, who are not Jews.

Q Okay. So again, we are talking about that third classification that you mentioned in the -- in the PowerPoint.

A Yeah.

Q And that would be Jewishness.

A Yeah.

Q So Zionism is part of Jewishness?

A The Zionism is definitely one symptom of Jewishness.

Q Okay.

A Every form of Jewish politics is part of this Jewishness thing and it must be subject to criticism to [indiscernible] criticism actually.

Q I am going to read the other and the final quote that you made under the heading of Zionism:

"The fact is undeniable that the Jews collectively are unhealthy and neurotic.

And I am just reading down at the end of the page there:

Those professional Jews who, wounded to the quick, indignantly deny this truth are the greatest enemies of their race, for they thereby lead them to search for false solutions, or at most palliatives."

And then there is a citation as well. On the next page, page 5:

"The enterprising spirit of the Jew is irrepressible. He refuses to remain a proletarian. He will grab at the first opportunity to advance to a higher rung in the social ladder."

How do those two comments relate to Jewishness?

A This is quite disturbing because at least the -- the previous quote is a clear reference of criticism of Jewish race which is something that doesn't exist really in the world. You know, after -- oh, if -- when it exist, it's really marginal and we usually would tend to -- most people would, I hope, tend to disagree with it. The second -- the second quote is -- was made by Ber Borochov. Ber Borochov is the ideologist, is the main [indiscernible] of -- of label Zionism. And I guess the people talk about him later today, but his argument was very, very interesting. I don't -- I don't know if I'm allowed to do it in the court. If not, please stop me politely.

THE COURT: Well, I'm -- I'm sorry, I don't know what you are going to do, but what -- what is the question so that I -- we can be sure that what's what's . . .

MR. JOHNSON:

Q Yes.

A I am about to talk about Ber Borochov and explain his philosophy in kind of one -- in something like two-and-a-half sentences. It's very simple.

THE COURT: All right.

A All right. Ber Borochov said something very simple, every society, every -- a normal society looks like a pyramid, like a triangle. We have a lot of working class in the bottom, a bit less middle class and a few bourgeoisies, capitalists and so on. He said the problem that we have, the Jews, is that our society look like an upside down pyramid. We maybe have one guy who goes to work in a factory. We have quite a few doctors, and lawyers and so on. And -- and the rest are bourgeoisies. He said in order to become a normal society -- now, this was very damning. This is something that a lot of anti-Semites are saying. He said in order to become a normal society, we have to turn it around to move to Palestine, to start a work to become normal people. This people are demented. That there is something extremely problematic within the Jewish society. This is the Jewish -- this is the authority of Zionism. It is crucial to understand it.

MR. JOHNSON:

Q Okay. I am sure that we could fill the books, but I think I -- like we get the idea that Zionism was an ideology, correct?

A Definitely.

Q And that it was a Jewish ideology?

A Yeah.

Q And that it was an ideology born sometime around the time of Mr. Herzl --

A Mm-hmm.

Q -- in the late 19th Century?

A Yeah. The first Zionist Congress was in 1897.

Q Okay. I'd like you to turn now to your index, and that's at page 6 dealing with Semitism.

A Yeah.

Q You heard Mr. Rudner the other day explain what Semitism was. Because he raised it in the context of anti-Semitism, can you please explain why you have got it in -- in your brief and how it relates to the issues in this trial?

A Yeah. I actually read the Rudner document twice.

Q Twice? How did you -- how did you read it?

A The -- yeah.

Q Well, did you read it the second time to go over it?

A No, no. The first time I read it when it was provided by Mr. Farber, and the document was pretty much -- the first time that you send me a document --

Q Mm-hmm.

A -- was the 30th of September or just after. And this was a document produced by a guy that was supposed to be the expert of the Crown. His name was Farber, Mr. Farber.

Q Farber.

A Farber.

Q I think Mr. Rudner indicated that he had -- he and Mr. Farber had worked on that.

A Okay. So, I read it then, and then I read it a few days ago when I came here. And it was an identical document, so I don't know who wrote it. But, yeah, there are some issues. Semitism is not a race, there are no Semite people. It is a common mistake. Semitism or Semitic is a family of near-eastern languages or middle-eastern languages like Aramaic, Arabic and Hebrew. Mr. Rudner?

Q Yes, Mr. Rudner.

A Referred to -- to a Wilhelm Marr, the founder of anti-Semitism. It's not necessarily -- it wasn't necessarily a racist philosophy. Wilhelm Marr actually opposed the Jewish infiltration into Germany culture. So it was a cultural opposition, cultural and political opposition.

However, we know what happened in Germany in the early 20th Century. Something that started actually in late 19th Century be due to the biological Darwinism and so on and so on. People started to think in racial terms and the opposition to Jews has become -- or had become [indiscernible] driven.

Q So is it correct to speak of Jews as Semites?

A It is very, very problematic --

Q Okay.

A -- because it is not clear at all where there -- to start with. As I said, Semites are -- is not a race. There is not a race called Semite. It's a common mistake. But it is not clear at all whether the Jews, as we know them, as we see them, we -- we be so just a few minutes ago, you know, Woody Allen and the Rabbi from the Yemenite, it is not very clear where they come from. There a lot of debates. I am aware of the debates, but I would like to talk about it as an expert.

Q Okay.

A All right. So -- so let us talk about anti-Semitism. This is far more interesting because if Jews are not necessarily from the east, why do they call them self Semites? Why do they cling to this anti-Semitism business? This is a very, very interesting issue. If I call -- this is a hypothetical statement. If I call you as a Jew, I call you an anti-Semite or are an anti-Semite, it's hypothetical. What I actually do, I refer to myself as a person who has a region in a place I have nothing to do with. This is very, very interesting.

Now, there is another thing that you must bear in mind. For all of those Jews -- for all of those Jews, Judaism is a very clear

concept. They know who they are. They wake up in the morning, there is a prayer. They know what they have to eat. Everything is clear. For the secular Jew, Judaism is not an issue because they don't follow Judaism. Ancestry is not exactly a religion, you don't believe in your mom. For the secular Jews, in order to defend they find themselves and a lot was written about it, they need a form of negation. As long as I'm opposed, and this is, by the way, a lot -- it was written about it in identity politics, the opposition defined who I am and what I stand for. It is -- a lot was written about the fact that Zionism needs the anti-Semites whether you know about it or not. And I'm qualified to talk about it, actually. There was an extensive negotiation between national socialist Germany what some of you call Nazi Germany and the Zionist movement. All right.

So Jews -- secular Jews, third category, secular Jews need anti-Semitism in order to define and push their politics.

Q All right. Can we move on then to the Holocaust because you have sort of segued into that. That's at page 7 of the index. I don't think there is any dispute, is there, that the -- that a form of catastrophe occurred in national and socialist Germany prior to and possibly well into the war years involving a number of deaths of -- of Jews, is that correct?

A Correct. No one denies that Jews were hated by the national socialist regime, by Hitler's regime. No one denies that they were persecuted. No one denies that this was a horrible chapter in our history. Some people dispute the tactics that were used in -- in that mechanism of oppression.

Q Okay. You indicate here or it's your opinion that Professor Yeshayahu --

A Yeshayahu Leibowitz, sorry.

Q Leibowitz.

A Yeah.

Q Came to the conclusion that the Holocaust or I understand the Jewish term is the "Shoah."

A Yeah.

Q Had become the most popular Jewish religion.

A Yeah.

Q Why do you -- why was that important to this discussion here today in terms of the matters that are before the court?

A Okay. A very short introduction. It's actually part of this -- this course. In order to understand what history is or when history is becoming a meaningful event rather than just dates, we have to accept that history is the ability to narrate the past as we move along as we change. Now, since we are changing continuously and constantly, it means that our past is changing all the time. The people who are living now understand Vietnam war in different -- differently than people who lived through the war or just after. And this is obvious. I understand my own history, my own personal history, each of you differently now. I understand now this -- this is normal. If I'm correct here, history is the ability to visit, to revisit and to revise. The only true meaning of history is the ability to explore revisionism of the past.

Now, what is the opposite of such a perception? Religion. When you stop, when you don't allow the past or the story to be revised and this is exactly what Professor Yeshayahu Leibowitz understood in the 19 -- in 1970s. He realized that the Holocaust has become the Jewish religion. If I'm quoting correctly, he said, "Jews believe in many things in many religion. They believe in many things, but they all believe in the Holocaust."

Now, this was a very, very strong insight. Since then, other philosophers like another younger Israeli philosopher, Professor Adi Offir came -- managed to write to formulate the 10 Commandment of the Holocaust religion. And --

Q Does -- if it is a religion, how does it -- does it have the classic markers of a religion?

A For sure. For sure. It is our -- it is now seen by those scholars, and I actually agree with them, that we are dealing with all the symptoms of organized religion -- religion. We have shrines, Holocaust museums and we have priests like Ali Faysal. And we have Prophets like Benjamin Netanyahu. If you don't -- don't be around, there will be another Holocaust. This is a prophetic frightening statement. And we have a God figure. The God figure of the Holocaust religion is the Jew. And why? The Jew who was just about to be annihilated. It has faced the most evil regime; Genocidal regime. They were sent to Auschwitz and all those concentration camps and died in millions, according to the religion. And then look at them now. They managed to resurrect themselves to have a state, to prosper, look how successful is this country. And this is -- this is quite problematic. Why this religion is so problematic? I don't have any problem with any -- any religion including the Holocaust religion, you know, myself. The Holocaust religion is slightly problematic because we missed a few things; hope.

Q Hope?

A Hope, mercy. It's not an ecumenical religion. It's a religion that celebrates the primacy of one people, the Jews. It is very problematic. And the most problematic aspect of the Holocaust as a religion is the fact that the people who follow it believe in the destruction of other people in the name of Jewish suffering. And this is very problematic for me as a religion, as the Holocaust religion is very problematic for me.

Q Well, you said they believed in the destruction of other people, who are you referring to?

MS. JOHNSTON: I am going to stand now. This is not on his expert report. I -- I don't see it as part of identity politics. And I don't see it's of any use whatsoever.

THE COURT: Well -- well, I think what we will do is we will take the morning recess now, excuse the jury.

(JURY OUT)

MR. JOHNSON: My Lord, do you want the witness out?

THE COURT: Yes. Yes. Please step outside. We are taking the morning --

MR. JOHNSON: Mr. Atzmon, I think --

A I . . .

THE COURT: -- we are taking the morning recess. I'd ask you to -- to step outside --

A Oh, okay. Okay.

THE COURT: -- Mr. Atzmon.

A Can I -- can I just -- I am sorry, sorry.

THE COURT: No. You have to step outside.

A Okay.

MR. JOHNSON: All right.

(WITNESS STOOD DOWN)

THE COURT: Ms. Johnston, I think given the nature of the case that that objection should be made in the absence of the jury really.

MS. JOHNSTON: I am sorry, My Lord.

THE COURT: Now -- now, can hear the objection?

MS. JOHNSTON: My Lord, I -- I received Mr. Atzmon's report yesterday. I don't know where he is going. It looks very problematic at this point. It sounds like he's going into -- and he may not be, sounds like he's going to an area that the Holocaust religion demands the sacrifice of other people. I don't see how that connects to his area of expertise which is how Jews define themselves as a people in terms of their identity. I think we are going well outside say, for example, what the Holocaust might mean to them as a -- as a symbol and -- and crossing the line into it sounds like it's really foreign policy and what the effect is and what the motivation of it is.

THE COURT: Mr. Johnson?

MR. JOHNSON: Well, My Lord, I probably have to say that you can't separate religion out from politics throughout history. My submission would be that it --

THE COURT: Well, that's --

MR. JOHNSON: -- probably be responsible for most wars.

THE COURT: But I think that's -- I think that's his point.

MR. JOHNSON: Yeah.

THE COURT: But -- but going beyond that is -- is problematic when you --

MR. JOHNSON: Well --

THE COURT: -- you haven't -- when --

MR. JOHNSON: -- let us --

THE COURT: -- when the Crown has not been given notice of certainly that last matter that was raised.

MR. JOHNSON: I -- I think when we consider the built-in defences to this charge under s. 319(3)(b):

... if, in good faith, the person expressed or attempted to establish by an argument an opinion on a religious subject or an opinion based on a belief in a religious text;

I believe that this is certainly within the realm of this expert to express an opinion on.

THE COURT: But --

MR. JOHNSON: And I think if we --

THE COURT: -- first of all, you told me 45 minutes ago that you weren't -- that defence wasn't relying on that --

MR. JOHNSON: No.

THE COURT: -- defence, so . . .

MR. JOHNSON: I did -- I -- I said "probably." I didn't say I wasn't. I -- I mean, I still have to look at the evidence that's going in.

THE COURT: And -- and I don't see --

MR. JOHNSON: And I -- I -- I'm not --

THE COURT: -- where that last comment from Mr. Atzmon is covered in either of the two notices that were given.

MR. JOHNSON: Right.

THE COURT: And -- and, you know, it comes back to my my comment to you which is -- initially which is that you should be asking a question that's -- that's directed at getting a response which covers his opinion as -- as --

MR. JOHNSON: Sure.

THE COURT: -- notice of which was given as opposed to making that an entertaining speech. And he -- he likes to do that, obviously. I appreciate there is a concern about it, but -- but we are supposed to stay on --

MR. JOHNSON: Well, he is very --

THE COURT: -- topic.

MR. JOHNSON: He is very professorial and I -- and I think that that's the -- the best description of of Mr. Atzmon. He has written about this extensively in his book. I have provided a copy of the book to my friend a month ago. And --

THE COURT: But -- but the -- the book is not part of the evidence.

MR. JOHNSON: Not yet.

THE COURT: And it's not part of his -- anyway.

MR. JOHNSON: Not yet. I -- I may -- I may on that basis mark it as an exhibit.

THE COURT: Fine.

MR. JOHNSON: I -- I think he is entitled to say what he is saying, My Lord.

THE COURT: I -- I am not with you on that one. In any event, what we are going to do is break. I -- I sustain the objection. He shouldn't be speaking about tenants of a religion which have not been set out in the notice. And when I say a religion, I mean the Holocaust religion.

MR. JOHNSON: Okay.

MS. JOHNSTON: My Lord, I'm going to request a -- an instruction to the jury that they should disabuse anything I said, that's the appropriate thing to do. And I think needs to be done that I shouldn't -- I should have just simply asked that the jury be excused.

THE COURT: Sorry?

MS. JOHNSTON: I should have simply asked that the jury be asked to leave --

THE COURT: Yes.

MS. JOHNSTON: -- so that I can address Your Lordship. And I'm -- I'm requesting a limited instruction so that they disabuse their minds of anything I may have said during the objection.

THE COURT: That -- that anything you may have said?

MS. JOHNSTON: Anything I said, yes, before the jury left.

THE COURT: All right. All right. So -- so that's all I will tell them is that -- that objections should be made in the absence of the jury and they are to disabuse themselves of anything that Ms. Johnston said.

MR. JOHNSON: And that's it. I don't think we are going to get into why the objection was made, are we?

THE COURT: No, no.

MS. JOHNSTON: Absolutely.

THE COURT: I'm -- we don't get into that.

MR. JOHNSON: Okay. I'm fair -- I'm good with that.

THE COURT: All right. We will take the morning recess.

THE CLERK: Order in court. Court is adjourned for 15 minutes.

(PROCEEDINGS ADJOURNED FOR MORNING RECESS)

(PROCEEDINGS RECONVENED)

THE CLERK: We are back on record.

THE COURT: All right. Let us bring in the jury and Mr. Atzmon.

(JURY IN)

GILAD ATZMON  
recalled.

THE COURT: Now, before we get started again, I just wanted to -- to remind you of something I told you at the -- the start of the trial, which is that when I ask you, as the jury, to -- to step outside, it's to ensure that the evidence, which is presented is -- is admissible evidence and it's proper for you to hear. I have asked counsel to make sure they don't make their objections while you are still here. And I know that Ms. Johnston did make that objection before you left just before the break this morning. And so you should disregard anything she said. Because the reason you are asked to leave the courtroom is so that counsel can make their arguments to me and I can make a ruling on whatever the issue is in your absence.

So, Mr. Johnson.  
MR. JOHNSON: Thank you, My Lord.

EXAMINATION IN CHIEF BY MR. JOHNSON, Continuing:

Q I wonder if we could turn now to the index at page 9. I am going to skip the page, Mr. Atzmon, regarding the Talmud. I -- I take it, you are not a Talmud scholar?

A Yeah. I'm not -- definitely not a Talmud scholar and I wouldn't like to -- to deal with any kind of Talmudic interpretations.

Q Okay. In that regard, I think you are in the same boat as Mr. Rudner. I heard him to say he was not a Talmudic scholar as well. I -- I take it, sir, that that means that you're -- you have to be a Rabbi in order to be a Talmudic scholar?

A Not at all. Actually I would argue that some of the most important Talmudic scholars are actually secular. But it's not my domain of scholarship. I am very aware of some segments in the Talmud and I can probably refer to them. But I'm not an expert on Talmudic discussion. It's a very -- it's a very complicated -- it's like a legal thing. It's a legal text.

Q Okay. Thank you. So if we could now turn to page 9 of the index. This was the -- I guess this marks the beginning of you having to review some books that were published on Mr. Topham's website, "radicalpress.com." Have you read *Germany Must Perish!* and *Israel Must Perish!*?

A No. I just read the *Germany Must Perish!*. I didn't realize what became aware. In fact, it was the satire that was the -- produced by Mr. Kaufman that made me aware of this text. It's a very important text actually.

Q What satire was that?

A What it did, it took this pretty vile text and he -- what he did, he just changed two words, I assume, by copying and pasting. It is a book that -- do I have to explain about the book again or -- or everybody is aware?

THE COURT: Well, it's before the jury.

MR. JOHNSON: It's up to you.

THE COURT: You don't have to explain what -- what the book is or what it is. They have already seen it.

A Yeah. Yeah. Because -- because I'm aware that you learn about the book. In short, this book is a book that is called to -- to -- for the destruction of the German people and the Nazi party. What the author did is just replace the word "Germans" and "Nazi" with "Israel" and "Zionism."

Now, I became aware of this text. Now, this text is very important text because it was an integral part of the Nazi propaganda in the -- in -- from '41 onwards. It look at this Jews. They are calling for our destruction. Now, what was very interesting for me about this -- this text or the criticism of this text that it was actually Mr. Topham satire that made me aware of this text. And I think that in order to understand it in terms of identity politics, we have to understand what is a satire.

MR. JOHNSON:

Q I was going to ask you if you could define satire, please, for us. I believe --

A I --

Q -- I believe you have a quotation from Wikipedia.

A I -- I have a quotation from Wikipedia. I just -- you know, and I -- and I realize that some people don't regard Wikipedia as a serious source, but I have a few other quotes here, if needed. But what it say is a genre -- of about satire, it's:

... a genre of literature, . . . in which vices, follies, abuses, and shortcomings are held up to ridicule, ideally with the intent of shaming individuals, corporations, government or society itself, into . . .

And this is most important, "improvement."

Satire is an attempt to put a mirror in front of you, look at you. Look what you are doing, look what you are saying. And I think that this is a very, very, very -- just very important part of our culture, western culture. In particular, satire is the most peaceful means towards change, towards improvement. I wouldn't like to live in a society where a satire is not -- is not --

THE COURT: Well, I don't -- I don't think we need --

A No.

THE COURT: -- to know what kind of society you want to live in.

A You are right, I accept it.

THE COURT: You are here to -- to say certain things, though.

A I -- I accept it. But I assume that most people I assume that most people -- western people would agree that satire is needed and it is peaceful. However, and maybe if I'm -- if I'm saying something that I'm not allowed to say, I'm not a legal person, so please stop me and I will I will accept it.

MR. JOHNSON:

Q No, that's -- that's okay. We have two lawyers and a judge here to make sure that you don't go too far.

A I was --

MS. JOHNSTON: My Lord, I'm -- I'm going to stand because if Mr. Atzmon is worried about what he says, maybe Your Lordship should hear it first.

THE COURT: I -- I -- I'll ask the jury to --

A I -- I can -- I can skip it if you want.

THE COURT: -- to -- Mr. Atzmon, could you just wait.

A Yeah.

THE COURT: I will ask the jury to please step outside for a moment. And, Mr. Atzmon, you can stay here.

A All right. I'm sorry about it. Sorry.

(JURY OUT)

A No, you -- you can stay here.

THE COURT: I -- I take it that your -- your comment was that you think Mr. Atzmon should provide the answer first before we -- all right.

A Yeah.

THE COURT: What -- what is the -- what is the question, sorry?

A Well, I -- I'm -- I'm sorry, I didn't . . .

THE COURT: Let me understand what the question is and that might --

MR. JOHNSON: Yeah. I -- I think what we -- what we are -- the road we are going down here, My Lord, is that satire is a useful tool so that it's a -- it acts as a mirror so that people can look at themselves. And I think he highlighted the fact that that's needed so that there is improvement that people can learn. And it's a -- it's a peaceful thing.

THE COURT: So what more does he have to say to add to that? I -- I really --

MR. JOHNSON: I don't think --

THE COURT: -- don't understand?

MR. JOHNSON: -- I don't think much more than that, but if --

THE COURT: Because . . .

MR. JOHNSON: I was simply going to ask him if he felt that *Israel Must Perish!* was a -- was a satire fact.

THE COURT: Is his opinion as to whether or not it's a satire something that he can give an opinion on when -- when he's here to talk about Jewish identity politics, I -- I think not. I mean I -- I have allowed this to remain in here and it makes it very clear that that's what Mr. Atzmon thinks. But -- but I -- I think that's not an area of his expertise what is or is not a satire.

MR. JOHNSON: Yeah.

THE COURT: And -- and so I -- I -- I mean, I have allowed you lead in it. It appears that Mr. Topham has made a contribution to satire.

MR. JOHNSON: Okay. I think we are --

THE COURT: And -- and I think that's there, but -- but I don't think --

MR. JOHNSON: I think we are good. We will move on to the next --

THE COURT: -- we need to go further.

MR. JOHNSON: Sure. We will move on to the next tab.

THE COURT: All right.

MR. JOHNSON: Booklet or book. Okay. Are you ready to go?

THE COURT: Let us bring in the jury.

A Clarification, can I just step -- I'll -- I'll --

THE COURT: We are moving on to the next question that is asked by counsel.

A No, I understand.

MR. JOHNSON: No.

A I understand. Do you want me -- because I'm not following the text. Do you want me to be . . .

THE COURT: Just -- just . . .

MR. JOHNSON: No.

THE COURT: That we . . .

MR. JOHNSON: Just stay within your area of expertise, that's all.

A Okay. That -- that's what I mean, all right. So, thanks.

THE COURT: Yes. All right.

A Sorry.

THE COURT: Sorry, I was -- I thought the jury was coming back. But, yes. No, you're -- you're supposed to stay within the -- your area of expertise.

A All right. Okay. Fine. Fine.

THE COURT: And stay within what has been given notice of to -- to the Crown. All right.

(JURY IN)

THE COURT: Mr. Johnson.

MR. JOHNSON:

Q If we could turn to page 10 of your index, please.

A Yeah.

Q Now, we have heard from Mr. Rudner, and we have heard from a previous Crown witness about *The Protocols of the Elders of Zion* that was published on Mr. Topham's website. Have you read *The Protocols of the Elders of Zion*?

A Yes.

Q Did you -- can you give us sort of a basic understanding just briefly of what that is about from your perspective?

A It is widely accepted that this text is a fictional. Most people believe it is a forgery of an alleged meeting between numerous Rabbis, I think, behind the tomb in a Jewish graveyard. And they are discussing in this text their methods and means to control the world in the interest -- in the best interest of jury.

Q Do you have a sense of how long this *Protocols of the Elders of Zion* has been around?

A It came into print in late 19th Century in Russia. And it has been spreading since then on different publications. The Jewish Lobby was very concerned with the fact that it is a best seller in some Arab countries. One of them is in -- in Egypt and so on.

Q Okay. Do you know whether it's available on the Internet?

A Certainly.

Q Okay. Where did you get the book for the first time to read it?

A I definitely have few copies of it, but I may even have it on Kindle. It is also available as an audio book on the -- on the Net. Actually, in fact I listened to it as an audio text last month.

Q Okay. You say in paragraph 2 that:

In 2006 . . . American academics, Mearsheimer and Walt published 'The Israeli Lobby And US Foreign Policy', . . .

And then you go on to say:

... a study that confirmed that Israel dominated American foreign policy.

And then you go on to say --

A Yeah. Mearsheimer and Walt are two of the leading political scientist [indiscernible]. And in 2006, actually they published an extended article in *London Review of Books*. And this made it into a book that was a best seller. And they argue unequivocally that the Israeli Lobby is dominating American foreign policy.

Q So the -- as I understand it, one of the things that *The Protocols of the Elders of Zion* puts out is that there is a domination of a country's political system?

A Yeah. We have to understand that while the protocols are fictional, there are more than a few scholars that arguing that the reality of Jewish politics is domineering. And we are dealing with over-representation of Jews where they are in judicial system in the United States, in Britain, in America in financing Hollywood. I provided few quotes, you know.

Q Yes.

A That by Jews that actually confirm that the -- this is the case. Now, I argue in my work that while pretty much every scholar agree that we are dealing with a fictional -- with a fictional text, it is actually the debate about the authenticity of the text that is there to divert the -- our attention from the reality of Jewish domination.

Q Okay. It also mentioned, a quote here, I hope I'm pronouncing this correctly, is it *Haaretz*?

A *Haaretz*, yeah.

Q *Haaretz*. Ran a headline that read --

A It's an Israeli paper, sorry. An Israeli paper, yeah.

Q It's an Israeli newspaper. And who is -- who is Netanyahu, the fellow that apparently --

A He is the Israeli prime minister.

Q Okay. Is he the Israeli prime minister today?

A He is the Israeli prime minister today. And this is referring to his pre-election and -- just a year ago and he was the Israeli prime minister then as well.

Q And he states:

"Netanyahu's Address to Congress Is Not a Speech. It's a Coup."

And that's a headline --

A Yeah.

Q -- for the newspaper.

A Yeah. Obviously, we are referring you to the United States Congress. And after his election, Benjamin Netanyahu gave a speech to the American Congress against the will of the American president.

MS. JOHNSTON: My Lord, I am just going to stand here. I would like to address -- address Your Lordship.

THE COURT: All right. I will have to ask the jury to be excused for a moment.

(JURY OUT)

THE COURT: And I will ask Mr. Atzmon to step outside.

MS. JOHNSTON: No. He can stay.

THE COURT: You don't -- you don't need to? All right.

Now, Mr. -- Mr. Atzmon?

A Sorry.

THE COURT: You may -- you may stay.

A Ah, ah, sorry. I thought that I had -- yeah. I thought that I understood that [inaudible/away from microphone]. I am sorry.

THE COURT: No. That's --

A Yeah, sorry.

THE COURT: -- the procedure as to whether you stay or not changes --

A Oh, I understand now. Yeah, okay.

THE COURT: -- depending on what the objection is.

A Sorry.

MS. JOHNSTON: My Lord, I don't see what -- I don't see this as part of Mr. Atzmon's report. And I don't know what he is going to say.

And I want to know what he is going to say to see whether or not I have any concerns.

THE COURT: Well, I -- and I -- I guess, Mr. Johnson, I -- my difficulty with it is that, you know, we have the -- the reference to this, and that's fine. It's there. But where we go from that, I don't see how there is any relevance to --

MR. JOHNSON: Well --

THE COURT: -- to very much. Somebody has -- has --

MR. JOHNSON: -- well, My Lord, I -- I --

THE COURT: -- run a -- an article in an Israeli newspaper that says that.

MR. JOHNSON: Yeah.

THE COURT: And that's -- that's fine.

MR. JOHNSON: My Lord, I -- I think this is going to be a long tedious process if Mr. Atzmon is going to be shackled to what he has written and only be able to refer to the exact words in this index, I don't think that that's the purpose of having him here as an expert. I think that these are basically talking points for him, and that's what he is doing. And that's what he has been doing. I don't understand why he would have to explain what he is going to say next in the absence of the jury unless my friend has got a really firm position on this. The -- the order -- if -- if we read --

THE COURT: Well, no, she has made an objection on -- on -- on relevance.

MR. JOHNSON: I know.

THE COURT: And on going down --

MR. JOHNSON: But -- but we were talking about -- we are talking about The Elders -- or *The Protocols of the Elders of Zion*. We dealt with the political message that comes through in the protocols. We -- we've -- we've dealt with the media and -- and the domination of the media. These are things as he -- as he says the -- the protocols are fiction, but they are used as a foil to discuss Jewish power in these areas. He is simply now saying that Mr. Netanyahu, the prime minister of Israel, is saying, yeah, we've -- we've got control over the American

political system, essentially talking about Congress. This is just an example of what con -- what is contained in the protocols.

THE COURT: Well, that -- but what -- what we have here is a reference to an article. And I think that Mr. Atzmon could be asked what was -- what did the author suggest by it's a Coup? What -- what did the author say?

MR. JOHNSON: Sure.

THE COURT: But -- but going beyond that is -- is irrelevant and it's particularly irrelevant given that this is something that happened long before or long after the -- the events which gave rise to this charge.

MR. JOHNSON: Well, I think we are talking about -- I mean, if we are going to limit it to simply matters that happened after the charge, it wouldn't make any sense to have Mr. Atzmon here. Because what he is talking about is an evolutionary, an involving issue. And I think he is -- he is entitled --

THE COURT: No. I'm -- I'm -- I'm saying not after the

MR. JOHNSON: -- to go back.

THE COURT: -- I said he -- he shouldn't be talking extensively about matters after the charges were laid. It's not --

MR. JOHNSON: Oh, after the charges were laid.

THE COURT: Yeah. And which is what this is. I mean, that was -- Mr. Netanyahu spoke to -- addressed Congress within the last year, I believe.

MR. JOHNSON: Okay. All right. Well, that's the point. Point well taken --

THE COURT: That's -- that's . . .

MR. JOHNSON: -- My Lord.

A Okay. Okay, I understand.

MR. JOHNSON: Point taken.

THE COURT: All right.

MR. JOHNSON: But I think in terms of the -- the basis of is -- is there any -- is there any reason to discuss the administration of government? Is there any reason to discuss the control of the media? Is there anything that we should not be talking about in the protocols, because Mr. Topham published the entire protocols. He brought up examples of it. And all that we are saying here is that that's fair comment. That's fair game.

THE COURT: Well, I -- I understand. But -- but it has been said. It's -- you know, it -- it sets it out very clearly here. But I --

MR. JOHNSON: Okay.

THE COURT: -- I'm not going to let Mr. Atzmon take off on the -- on an academic lecture which he is very good at doing. Because that's --

MR. JOHNSON: Can we use that as an endorsement on his next book?

THE COURT: But that's -- you know, it -- it's just way beyond what -- what an expert is permitted to do.

MR. JOHNSON: I agree. We will -- we will move on.

THE COURT: And -- and so . . .

MR. JOHNSON: I'd like to get this witness finished, if I could.

THE COURT: All right.

MR. JOHNSON: Thank you, My Lord. Coming down the homestretch.

THE COURT: Let us bring in the jury.

(JURY IN)

EXAMINATION IN CHIEF BY MR. JOHNSON, Continuing:

Q THE COURT: Mr. Johnson.

MR. JOHNSON:

Q Mr. Atzmon, I understand that your purpose in putting some of these remarks together is to show that *The Protocols of the Elders of Zion* can serve as a basis for debate of Jewish identity politics; is that correct?

A This is one way to see -- one way to see it. It definitely opens enough room for discussion and certainly not about the authenticity, but about the reality in which we live. Again, a contemporer -- contemporary of *The Protocols of the Elders of Zion* was Theodor Herzl. And I -- I read it at least two or three times in this court, who manage to sum up the idea of the protocols in the next quote. He said, Theodor Herzl, "The most important person in Zion is" --

THE COURT: Right. I think -- I think we have heard this four times now.

A Yeah. But I -- I --

THE COURT: So we don't have to read it again.

A -- I agree. I'm aware of it. Thank you so much for saving -- for saving for reading. Theodor Herzl actually agreed with the gist of *The Protocols of the Elders of Zion*, and so did all other Zionist. And my argument that if Herzl agreed, we know he is entitled to talk about it, everyone else is entitled to deal with it.

MR. JOHNSON:

Q Okay. In the last paragraph, you state that -- that you:

. . . tend to believe that the endless Jewish and Zionist attempts to refer to the Protocols as an anti-Semitic forgery is a tactical move that is intended to divert attention from the reality of forceful Jewish lobby groups such as AIPAC, CFIJA, . . ."

And then you list a couple more.

A Yeah.

Q I wanted to ask you what CFIJA stood for, please.

A I probably go the wrong -- the wrong -- I don't know if this is how they abbreviate it. I was referring to the Canadian -- the Canadian equivalent of AIPAC which as far as I understand this is exactly the organization that Mr. Rudner is a member of.

Q Okay.

A But, we also saw the ADL -- the ADL and may I be brief, these are very forceful organizations, very forceful organizations. And we -- we have to deal with it. These are political organizations are to be subject to criticism.

Q And are they organizations that lobby on behalf of the State of Israel?

A Yes. These are organizations that are promoting the interests of foreign country, namely, Israel, the Jewish State.

Q Okay. There's another book which we spent quite a bit of time on in -- with Mr. Wilson. And it was the -- *The Jewish Religion: Its Influence Today*. And that's found at page 12 of your --

A Yeah.  
Q -- index. Have you read *The Jewish Religion: Its Influence Today*?  
A I read it in the past, yeah.  
Q Okay.  
THE COURT: Sorry, I missed that. You read it?  
A I -- I read it in the past.  
MR. JOHNSON:  
Q Yes.  
A Yeah.  
Q It's not something that you read before you go to bed?  
A I try to read as many text that are relevant to my field as possible.  
Q Okay. In the first paragraph, you make a quote that:

... that the "purpose of Judaism is to exterminate or enslave Christians and that the Jews studied the Talmud to learn how to undermine [christianity or] Christianity."

Can you -- can you tell me why you selected that quote of Ms. Dillings?  
A I -- I selected this quote because this was a very alarming quote, and it is an alarming quote.  
Q Yes.  
A That I found in the documentation provided to the court by Mr. Farber as well as Mr. Rudner.  
Q The next paragraph deals with an expansion of the -- of the first paragraph where you state that:

... chief Israeli Sephardic Rabbi and Talmud sage Rabbi Ovadia Youssef, confirms ...

A Yeah.  
Q ... that at least some top Jewish Rabbis totally agree with Dilling.

A Yes.  
Q Did you read out the -- the quote for the ...  
A Yes. This is very devastating. I read it yesterday, but I will read it once again:

"Goyim" ...

When slated into gentiles, non-Jews:  
... "were born only to serve us. Without that, they have no place in the world -- only to serve the People of Israel."

This is Israeli ex-chief Rabbi and one of the most important Talmudist in the Jewish world in the 20th Century and people say maybe in the last millennium.

Q Okay.  
A This is devastating.  
Q Then the next line you -- you, I think, have a Hebrew word, "*Torat Ha'Melech*."  
A *Ha'Melech*.  
Q *Ha'Melech*.  
A *Torat Ha'Melech*, to --  
Q Which is *The King's Torah*?  
A *The King's Torah*, yeah.

Q And that's a book about Jewish? That's a Jewish Genocide text?  
A This is a very problematic Jewish Genocide text, and it is not mentioned here. But I must mention that the Israeli police was very disturbed by this text and they actually arrested the guy who at least attending. I don't know where it stands. All right. But the teaching of this *Torat Ha'Melech* which is a new book is totally devastating. It's a book by a Rabbi Yitzhak Shapira. And he basically wrote a manual text how or in what circumstances Jews are entitled to kill gentiles. And I have some frightening quotes from this book according to Shapira:

"Non-Jews are 'uncompassionate by nature' and should be killed in order to 'curb their evil inclinations.'"

This book also tells us in what circumstances Jews -- I must mention that this is not the way most -- the vast majority of Jews see -- see their -- see their religion. It is a rare text, but it is there. Yeah. This book, *Torat Ha'Melech*, also tells Jews in what circumstances they should kill babies of other people:

... "there is justification for killing babies if it is clear that they will grow up to harm us, and in such a situation they may be harmed deliberately, and not only during combat with adults."

Q Okay.  
A This is a very disturbing text. What I'm saying what I'm saying -- what I'm saying is that as much as the segment by Dilling is troubling these segments or interpretation and while interpretations are available in the Jewish universe is something that we should bear in mind, you know. It is -- and I think that we should address these issues because this is again we are dealing here now with the religious text, but with the political interpretation of it. We are entitled to criticize text that are Genocide. We are not entitled. It's our actually moral duty.  
Q It sounds to me, Mr. Atzmon, that the line between religion and politics gets blurred?  
A Yep. As -- as I mentioned yesterday, do you remember there was this triangle where I showed how race, religion, politics are intermingled. And I describe it as a very problematic issue. Now, in order to stop people dealing with these issues, we have the anti-Semitic slur, and we just try to block it. One thing that I noticed in the -- the commendation to the court that was made by  
Q Mr. [inaudible/voice fades away]  
A -- with Mr. -- Mr. Farber.

Q Oh, Mr. Farber.  
A Or Rudner. I don't know what version you use now.  
Q Mr. Rudner. Okay.  
A Is that occasionally [indiscernible] that we were dealing with the criticism of politics or ideology, but they were offended as a people, as a race, as a religion while no one actually was referring to race. Even this troubling text by Dilling, he is referring to religion.  
Q Okay.  
A All right.  
Q Let us turn the page to your index, page 13.  
A Yeah.  
Q At the heading, *The Controversy of Zion* by Douglas Reed.  
A Yeah.  
Q Are you familiar with that book?  
A Yeah.  
Q And how did you come into possession of that book?  
A It is available on -- on many shops and -- and online. And I have both in online version, Wikipedia version and I have a physical version of this book.  
Q Okay. You state that:

According to Reed, "Judaism is responsible for the creation of the theory of the master race and that the implication of this belief is that the master race becomes God itself."

Why did you select that --  
A Again --  
Q -- out of a huge book?  
A -- again because this was the segment that I found most interesting in the -- the commendation presented by Rudner. It is true that this is what Reed -- Douglas Reed sees in his interpretation of the Jewish universe. But far more disturbing is the fact that the father of right-wing Zionism, Ze'ev Jabotinsky, who is the mentor of Benjamin Netanyahu, and that he could party -- a party that basically rule Israel since 1977 subscribe to an identical philosophy to Douglas Reed. And I have a quote, either myself or maybe you would like to read it, a quote from Ze'ev Jabotinsky, the most important person in right-wing Zionism.  
Q I will read that and maybe you can comment --  
A All right.  
Q -- on it. That's in the middle of the page where you state:

In 1914 Jabotinsky wrote: "the source of national feeling ... lies in a man's blood ... in his racio-physical type, and in that alone ... a man's spiritual outlooks are primarily determined by his physical structure ... For that reason we do not believe in spiritual assimilation. It is inconceivable, from the physical point of view, that a Jew born to a family of pure Jewish blood ... can become adapted to the spiritual outlooks of a German or a Frenchman ... He maybe wholly imbued with that German fluid but the nucleus of his spiritual structure will always remain Jewish" ...

And then he goes on to state:

"There can be no assimilation as long as there is no mixed marriage"

Why did you refer to that, sir?  
A Yeah. Because the -- the one thing that is very clear is the extreme vision of racial-centric philosophy in that specific Jewish political school of thought. He said, "We are Jews, we are a race, we must sustain our racial purity." You have to understand that we are talking about a text from 1914. Douglas Reed, I think it's from the 1930s. I don't remember exactly when it was published. Yeah. In this time and era, a lot of people around the world referred to race. They took it very, very seriously. What is more concerning is that some -- the government in Israel is still following Jabotinsky school of thought. Israel is the Jewish state. The Israeli law of return is a -- is a law that is subscribing to radical ethnicity to -- to -- it's subscribed to -- to a -- to a -- it's a filter that is based on ethnicity and some people would say race. So this racial centric is fundamental in Jewish -- in -- in the right-wing school of Jewish politics.  
Q Okay. Did you come across anything in the documents that you looked at on radicalpress.com as represented by the binders here that are in evidence that would give rise to -- or it would help explain, I suppose, your -- your comment:

Reed's [stated] opinions mirror those of some Jewish agitators of his era.

THE COURT: Now, just a sec. I didn't quite understand that question. Maybe --  
MR. JOHNSON: Okay. You --  
THE COURT: -- my fault, but . . .  
MR. JOHNSON: I will -- I will turn that around so that -- so we get a little clearer understanding.  
Q That you state at the bottom:

Reed's [stated] opinions mirror those of some Jewish agitators of his era. The duty of the intellectual is to find such critical links within our cultural heritage.

A Yeah. I think -- I do believe that in our free society that subscribe to the notion of scholarship, we must be able to read and to elaborate on everything that is out there. Now, this is something that I should have said before. We see -- we come across -- and when I looked at the *Radical Press*, and I was looking at Dillings or Douglas Reed, we may come across some ideas that are very uncomfortable. But then there are the reason -- you know, for me as a scholar, you know, I ask myself, what are -- what are we -- what can we do with it? Are we going now to start to shut out a text out of books?

MS. JOHNSTON: My Lord, I am going to ask to address the jury in the absence -- address Your Lordship in the absence of the jury.  
THE COURT: In the absence of the jury. I will ask the jury to be excused for a minute.

(JURY OUT)

THE COURT: Ms. Johnston.

MS. JOHNSTON: It sounds like --

THE COURT: Actually, do we want to have Mr. Atzmon here or not?

MS. JOHNSTON: I don't know if it's absolutely necessary, but it may be more prudent, My Lord.

THE COURT: All right. I will ask you to step outside.

A All right. Okay.

(WITNESS STOOD DOWN)

THE COURT: Ms. Johnston.

MS. JOHNSTON: It sounds very much like Mr. Atzmon is about to give a stirring speech about freedom of expression. And that is well outside of one, his expertise and two, an area where the jury is going to have to consider. I did -- I didn't stand at the "as a scholar." I think that ties back to private communications or at least arguably does, but I think he is absolutely prepared to go well beyond that -- well beyond that boundary. And arguably, I could have stood up earlier than I did.

THE COURT: Mr. Johnson.

MR. JOHNSON: I -- I don't think we have to be an expert in this country to start talking about freedom of expression. This is not a *Charter* case. And if we are only going to argue or bring forth freedom of expression in the context of our *Charter of Rights and Freedoms* and only argue them at the end of a court case as we are possibly going to do in this case should Mr. Topham be found guilty here, because you are aware, My Lord, that we -- we have raised that issue, that is a very technical issue. It has nothing whatsoever to do with everybody's understanding of being able to freely communicate in a -- in a society especially with scholars like Mr. Atzmon who have been able to write text and books based on that freedom. I don't think there is anything wrong with him explaining to this jury that you must have that unrestrained freedom except in certain cases. I don't think, as I understand my friend to say, we have got the *Charter of Rights and Freedoms*. It can be up on the wall, and the only time we can talk about that is if we are challenging something. That's not what this case is about, My Lord. This is about free discussion. And I believe that it goes to the very heart of -- of this expert's opinion. He has -- he has -- he has arrived at these things because he has had the freedom to do that. That's all he is going to tell the jury. We are not arguing the points --

THE COURT: Well, I -- I have a --

MR. JOHNSON: -- of law here.

THE COURT: -- I have a different view of this, Mr. Johnson. What we are dealing with here is a specific charge under the *Criminal Code*. And Mr. Atzmon has been qualified to give opinion evidence in a fairly narrow field. It did sound to me like he was about to give a speech about the benefits of freedom of speech. And that is not an issue before this jury. And he has said, and I have permitted him to say that what he is -- why he believes that these matters should be discussed. And he set that out in his report, and you said it a few times, but that's very different from embarking upon a speech about the benefits of freedom of expression, because that's not the issue. The charge that Mr. Topham is charged with is a very specific charge. And there's elements to that, ingredients to it, that Crown has to prove. And they have nothing to do with the jury considering --

MR. JOHNSON: Well --

THE COURT: -- that. And so --

MR. JOHNSON: My Lord, if I am permitted to disagree with you, I -- I do on -- on just about every point you have raised. And I say that because we are talking here in the defence 319(3)(c). The statements were relevant to any subject of public interest. The discussion of which was for the public benefit. I can't think of anything more important than freedom of expression to try and explain that defence. I -- I don't know that I can -- I think all I -- all I can do here is sit down and say Mr. Topham --

THE COURT: Well, I -- but I think he's --

MR. JOHNSON: -- has committed the offence by -- by mentioning hatred here, and he is being foreclosed in terms of discussing what's in the public interest and for the public benefit. I don't think you have to be an expert to have -- have an opinion or to -- to state how important it is to have --

THE COURT: But he is not here to give an opinion --

MR. JOHNSON: -- freedom -- freedom of expression.

THE COURT: -- on that. He is -- that is something for the jury to decide themselves.

MR. JOHNSON: Well . . .

THE COURT: He is here to give an opinion on Jewish identity, politics. And -- and he has -- he has expressed that he is -- he is of the view that -- that it's important to discuss these issues. But -- but it's -- it's up to the -- the jury to have to decide that.

MR. JOHNSON: Okay.

THE COURT: He can't -- he can't go on and offer an opinion on -- on that. And so I -- I think you have to watch the questions that you ask him and restrict it to -- to what is set out here and not invite him to -- to make speeches just as --

MR. JOHNSON: No, I -- I agree. I don't think --

THE COURT: -- just as you objected to -- to Mr. Rudner when it was getting close to the -- the critical issue of the promotion of hatred. Does this promote hatred? Because, you know, his opinion on that is not of -- of relevance to the jury.

MR. JOHNSON: Well, that's the ultimate issue, isn't it?

THE COURT: And he can't give a --

MR. JOHNSON: That's the ultimate issue.

THE COURT: It is.

MR. JOHNSON: But -- but the -- but the concept of freedom of expression --

THE COURT: And -- and so --

MR. JOHNSON: -- is not the ultimate issue, but it is an underlying fact. I'm going to ask him with Your Lordship's permission, how did you arrive at all of these notions and how did you write your book? Were you hamstrung by something? Were you able to --

THE COURT: How he wrote his book is not an issue

MR. JOHNSON: -- were you able to freely discuss the issues?

THE COURT: -- before the court.

MR. JOHNSON: Pardon me?

THE COURT: How he wrote his book it's not an issue before the court.

MR. JOHNSON: Well, I think how he got his ideas and -- and how he came to these -- came to the -- become an expert in this area certainly is.

THE COURT: You -- you have heard my -- my comments, Mr. Johnson.

MR. JOHNSON: Yeah.

THE COURT: And --

MR. JOHNSON: Okay.

THE COURT: -- and I -- I'd ask that you have your questions focused on matters that are in the area of expertise that he has and -- and we will continue with that.

MR. JOHNSON: I am -- I am going to respectfully disagree, but I'm not going to ask the questions, My Lord. I will -- I will -- if we have to, we will revisit that issue.

THE COURT: All right.

MR. JOHNSON: Thank you, My Lord.

THE COURT: We will bring the jury back in and Mr. Atzmon.

(JURY IN)

GILAD ATZMON

recalled.

THE COURT: Mr. Johnson.

EXAMINATION IN CHIEF BY MR. JOHNSON, Continuing:

Q I am going to ask you, sir, whether there are any academic restrictions on you discussing any of the books or materials that I have asked you to consider?

A What do you mean academic restriction, where?

Q Are you prevented by anybody from discussing these books?

A I guess that some people are -- some people or institutions are unhappy with me dealing with these issues. But as far as I'm concerned there is no -- I never come across any academic restriction on my work.

Q Okay. I -- I wonder if you could turn to page 14 of the index. *The Biological Jew*, that's a book by Eustace Mullins. The book was brought out in 1968, is that correct?

A Yeah.

Q And what do you have to say about Jews and them having characteristics as parasites is something that you looked at, is that correct?

A Yeah. To start with, it is very clear that we are not talking about biological definition of -- of parasite. We are talking -- we are dealing here with a metaphor. And this metaphor is disturbing. It is disturbing. However, once again, this vision of the Jew -- of the Jew, as I say, is disturbing, is identical with the views that were expressed by quite a long list of labour Zionist labour early Zionist. We already spoke about Ber Borochov, Bill Katzenelson. And I guess that if Jews can talk about these issues, it is not surprising that a guy, like woman's rights, writes about it unless there are some topics that only Jews should be able to talk about. But this is beyond me. I cannot establish such a -- such a method.

Q Okay. You -- you indicate that the early Zionists sought Diaspora Jews -- and I -- again, they are referring to Jews that live outside of Palestine?

A Nowadays, it's out of Israel.

Q Okay.

A Jews that don't -- don't follow the Zionist, the Zionist project.

Q But at the time that the early Zionists were writing, that would have been Palestine, correct?

A Yeah.

Q Okay. And the early Zionists referred to the Diaspora Jew as a parasitic character that it was inclined towards usury and speculative capitalism, people who are removed from farming and manufacturing, and a nation that lacks elementary working class.

A Yeah. And I already described this Borochov -- this Ber Borochov pyramid. This is the whole idea behind it. Zionism was there to amend. In their words, it was they -- they refer to it Zionism was there to civilize the Jews and to make the Jews into people like all other people. They believed that something is fundamentally wrong who is the Jews. So if they are entitled to do it, maybe other people are also entitled to think -- to -- to follow the same -- the same thoughts.

Q Okay.

A This is all I have to say about it.

Q You mentioned the early Zionist Jews. And we have covered the topic of Zionism earlier on, correct?

A Yeah.

Q And you also mention here Zionist socialists.

A Yeah.

Q What do you refer to by Zionist -- Zionist socialist, please?

A I refer to it earlier on is label Zionist, but they also define themselves as Zionist socialists. Socialism was very popular precepts among secular, emancipated Jews especially in the east of Europe. And they believed that the redemption of the Jewish people would happen through labour, through the transformation of the Jewish people into working class people. Now, it is quite a problematic ideology because as we know, socialism is usually -- usually realized as a cosmopolitan ideology. When it comes to Jewish -- to Jewish socialism, we are actually dealing with a unique model of national socialism. I don't know if you want me to go into it, but it's a problematic it's a problematic concept and it matured into a very problematic politics.

Q Okay.

A As we know, the -- the Palestinians were the first to pay the price for it.

Q So what -- if I understand you correctly, you are saying that the notion of describing Jews as essentially parasites isn't new within the writings of the early --

A Certainly not. Certainly not.

Q -- Zionist writers?

A You can -- certainly not. It is something that -- that is embedded at the core of a label Zionism -- early label Zionism and early socialism which is pretty much the same thing.

Q So it wasn't just Eustine -- Eustace Mullins?

A No, definitely not.

Q It was Zionist Jews were --

A Definitely not.

Q -- were writing --

A Definitely not. In fact, from the early days of Zionism 1897, let us say as a starting point, the first day of Zionist Congress, till 1977 where the [indiscernible] party took over, we are talking about 80 years of labour Zionism. So this idea of the Jew being a parasite was dominated the Zionist discourse for 80 years.

MR. JOHNSON: Okay. My Lord, I wonder if this is an appropriate time to break for lunch.

THE COURT: Yes.

MR. JOHNSON: I hope that we are finished, but I'm going to ask my --

THE COURT: All right.

MR. JOHNSON: -- my client if there's a couple of other questions I'd like to have put to this witness.

THE COURT: We will excuse the jury for the luncheon recess.

(JURY OUT)

THE COURT: We will adjourn to 2 o'clock.

THE CLERK: Order in court. Court is adjourned till 2 p.m.

(WITNESS STOOD DOWN)

(PROCEEDINGS ADJOURNED FOR NOON RECESS)

(PROCEEDINGS RECONVENED)

THE CLERK: We are back on the record.

THE COURT: Yes. We are ready to go?

MR. JOHNSON: We are ready to go, My Lord.

MS. JOHNSTON: My Lord, I have some but not all of the binders. I have nine -- I gave my friend one, so I have nine more copies. I don't know when Your Lordship -- does Your Lordship want to wait till we have all 12? I can certainly give one to Your Lordship right now.

THE COURT: Mr. Johnson, do you have any . . .

MR. JOHNSON: I -- I haven't had an opportunity to look at them yet. But I -- if they are the same as the one that I saw the other day --

THE COURT: Well --

MR. JOHNSON: -- we are good.

THE COURT: -- I -- I am assuming they are. That it's a . . .

MR. JOHNSON: We are good, yeah.

THE COURT: But should we distribute --

MS. JOHNSTON: Eight.

THE COURT: -- eight or wait? I -- I don't know. I -- I don't think it matters greatly, but . . .

MS. JOHNSTON: Well, how about if I give this one to Your Lordship. I will wait till I get the last four and we will -- we will distribute the entire group at once.

THE COURT: All right.

MS. JOHNSTON: If something happens they could always share. We could do six --

THE COURT: I'm in --

MS. JOHNSTON: -- if -- if I refer to it.

THE COURT: Are you -- are you finished with your examination in chief, Mr. Johnson?

MR. JOHNSON: I am.

THE COURT: Because you didn't refer to those -- to 3 and 4. Are you intending to refer to them in cross-examination?

MS. JOHNSTON: I think I will bring up just -- and mainly just for convenience, I will use the disk we -- the USB we already have entered and look at page 305, which is the same image that Mr. Atzmon already commented on. I just rather not use my friend's USB. It is possible that there will be some other references. I think that all the Binders 3 and 4, I can bring them up on the screen. At this point, My Lord, the jury has seen the binder so much they might be just as content to follow along on the screen. Although, I'm -- I'm -- if it's Your Lordship's wish that every time I bring something up in the binders, they have the binder in front of them obviously, that's what we will do.

THE COURT: Well, I -- I guess I was really asking if you wanted to refer to the new large binders. And I think you are saying you don't need to do that for -- for your cross-examination.

MS. JOHNSTON: My feeling is that they have had the physical copy in their hands many times. And I doubt -- I mean there might be some passing references, but I think my feeling is at this point it would be sufficient to simply bring it up on the screen.

THE COURT: All right.

MS. JOHNSTON: Sometimes in actual practice --

THE COURT: Well, I -- I will be guided by -- by that then and we won't pass them up until we have all of them then.

MS. JOHNSTON: Thank you, My Lord.

THE COURT: All right. Bring in the jury.

THE CLERK: Mr. Atzmon?

THE COURT: Yes.

(JURY IN)

GILAD ATZMON,  
recalled, reminded.

THE CLERK: And again, I just remind you, sir, you are still under oath. Thank you.

THE COURT: Mr. Johnson.

MR. JOHNSON: My Lord, that ends the examination in chief of my witness.

THE COURT: Okay. Ms. Johnston?

MS. JOHNSTON: Thank you, My Lord.

CROSS-EXAMINATION BY MS. JOHNSTON:

Q Mr. Atzmon, you will give me a minute just to move over to the other podium.  
A Sure.  
Q And not spill anything on the way. Now, Mr. Atzmon, I understand that you are a jazz saxophonist, is that correct?  
A Yeah. I'm a -- I'm a professional musician and a producer.  
Q You -- I am sorry, I didn't mean to cut you off.  
A Producer and jazz artist.  
Q And actually you come here en route from a concert in Asia, am I right about that?  
A Yeah. I was touring in Asia before I came in here.  
Q After you leave here, it's your plan to go back to your home in England?  
A London.  
Q In London?  
A Yeah, to continue my tour; yeah.  
Q I see. And this detour to Quesnel, B.C., that has been at your own expense has it not?  
A No.  
Q No? Have you been paid to come here to Quesnel?  
A No.  
Q But the trip portion has been financed?  
A Correct.  
Q I see. So I think to sum that up, you are volunteering your time but not your travel expenses?  
A Correct.  
Q Now, sir, going through some of your index, we started you showed us an image which we actually find at page I believe 305 of the binder. The jury and His Lordship have had lots of opportunities to have the hard copy. What I'm going to do, sir, is I'm going to bring the image up from the binder on the screen.  
A Mm-hmm.  
Q And then we can go from there.  
A All right.  
MR. JOHNSON: My Lord, I have page 304 in this new binder. I don't know if that . . .  
MS. JOHNSTON: I'm sure that's correct. I was doing it from memory on that.  
A Yeah. I can -- I can see it here fine.  
MR. JOHNSON: Oh, here.  
MS. JOHNSTON:  
Q Sorry for the delay, sir. I got the page number wrong and I'm going to have to look it up on the hard copy.  
THE COURT: Well, I -- I think you fully looked at 305 to 308 on the -- on the disk. And -- and it's 304 according to Mr. Johnson, so . . .  
MS. JOHNSTON: Thank you.  
MR. JOHNSON: In the big binder.  
MS. JOHNSTON:  
Q I am sorry, sir, this took longer to set-up than I had thought.  
A It's okay.  
Q You can see it there? Now, Mr. Atzmon, we talked about already.  
A Yeah.  
Q My friend asked you some questions about it.  
A Yeah.  
Q And as I recall from the evidence you already got, you obviously identified the Star of David, that's in the middle of the hat?  
A Mm-hmm.  
Q You described the hat as being consistent with hats associated with the Jewish religion, is that correct?  
A Actually I didn't refer to the hat, but -- but you are correct.  
Q Okay. And you also talked about the problematic aspects of this image, do you remember that?  
A Yeah. I said that if there wouldn't be a clear reference to the politics, I, myself, would be troubled by this image. However, and let me contribute because I tried to cut my argument very short. This -- the most interesting aspect of this imagery is the relationship between the puppeteer and the puppets. Yeah. Now, in Judaism, we have a notion of Shabbos Goy. I guess that people are not familiar with this notion. Shabbos Goy is a goy, a gentile, a non-Jew who works for the Jews on Saturday. In political -- in political terms, this is something that is now quite widely discussed in the contemporary politics. And what this -- this imagery of puppeteer and puppets is suggesting that this body -- this is the meaning of this graphic -- graphic, this body B'nai Brith ADL are actually using this two puppets. Now, this may be a [indiscernible] man, I am not so sure. I am not sure, and I don't recognize this person. But I assume that it is a Canadian -- a Canadian character of -- of a certain political importance.  
Q Fair enough. Now, sir, you had discussed earlier that some of these images, and I believe you specifically referred to the nose and the ears, you saw that in -- you have seen images such as this in Nazi propaganda --  
A Yeah.  
Q -- from the social -- from the era?  
A For sure.  
Q All right. So you had discussed at some length, sir, about the three groups --  
A Yeah.  
Q -- that you described. And I don't want to quote you wrong, so I'm going to put the correct page and I'm going to read it back to you, all right?  
A Yeah.  
Q Now, sir, what you had described was those who followed Judaism, the religion --  
A Mm-hmm.  
Q -- those who regard themselves as people who happen to be of Jewish origin.  
A Yeah.  
Q And a third group which you described as Jewishness, do you recall that?  
A Yeah.  
Q Now, you used the word "innocent" which sadly has a particular meaning in a court of law, so I won't use it. But your evidence was that the first two groups are -- are non-problematic in any way, is that right?  
A As categories.  
Q As categories?  
A You know, you can be a religious Jew --

Q Mm-hmm.  
A -- and involving some unfortun -- unfortunate, unsavoury doings, but it's not the category that is to be blamed.  
Q Exactly.  
A Yes.  
Q Whereas you are concerned about some of the political ideology --  
A Yeah.  
Q -- that some of the Jewish people have picked up along the way?  
A Yes.  
Q And if I'm -- if I'm accurate about your point, sir, you are strongly in favour of criticism of a political ideology?  
A Certain.  
Q You are not in favour in any way of a general vilification of the larger group of Jewish people?  
A Certainly.  
Q And that the interplay say between Groups 1, 2 and 3, lumping them all together to make one super group. You are not against the general criticism of all those people at once?  
A I think that you are taking it a bit too far because as I mentioned yesterday, the three groups are not -- are in -- are exclusive -- in-exclusive. So a person could subscribe -- a person or an institution or ideology can subscribe to 1, 2 and 3. For instance, B'nai Brith maybe some -- some of them are religious or are subscribed to one. ADL [indiscernible] I am not too sure, ADL the [indiscernible] ADL definitely sees himself as an observant Jew, is definitely Jewish -- Jew by ancestry, but the problem that we have with ADL is the politics.  
Q Fair enough.  
A Yeah.  
Q Fair enough.  
A Yeah.  
Q Now, you would agree with me that using the reference to the ears, the eyes; the mouth, the image that you have also seen in Jewish propaganda coming out of the Nazi era, that's not just hitting Group 3, that's hitting Groups 1 and 2 as well?  
A No, I don't agree with you. I don't agree with you. And the reason, I mentioned already earlier today that if this image wouldn't refer to politics like yourself, maybe, I would be very disturbed with it and would find it odd to defend. However, when we are using within our culture Satire or cartoons, we are sometime using imagery. I thought that it would be right to examine it to show the interplay between Number 3 and Number -- interplay between Number 3 and Number 2. They make it very clear that there -- that -- that the criticism of this specific graphic. I'm not talking about every graphic on the -- on the side. I didn't -- I cannot say to check out any graphic. This specific case is clear -- clear criticism of certain kind of politics.  
Q All right. In your mind, what bills out this image is the addition of the ADL and the anti-definition link and the bottom, correct?  
A Yeah -- as well as B'nai Brith. And --  
Q All right. That's not part of the graphic, though. You are talking about the title?  
A Sorry. I -- I --  
Q You would agree --  
A -- I see it as a one piece unless -- unless I'm -- unless I'm wrong here. I -- I could see them on one page. When I found it on the website, it was on one page.  
Q All right.  
A B'nai Brith, ADL are two Jewish exclusive groups. They are both operating as lobby groups for the Israel state, closed shop.  
Q Don't you think that they are drawing on the imagery used by the -- by the German socialists in the Nazi era in order to contribute to their vilification of the anti-definition link?  
A I am not qualified to answer on this question. I am not the person who put this graphic together. I am just an identity politics scholar who try to -- to produce an interpretation of this graphics.  
Q I see. So as a Jewish identity scholar, you don't have any opinion on whether or not drawing on the imagery popular in the Nazi era to vilify Jews is problematic in the terms of the overall graphic?  
A This question is not a question that I'm qualified to answer. I would -- I would -- how do you define problematic?  
Q All right. Well, you used --  
MR. JOHNSON: My Lord, I wonder -- I wonder if we could have the jury out?  
THE COURT: All right. I ask the jury be excused.

(JURY OUT)

THE COURT: I will ask Mr. Atzmon to step outside as well.  
A All right. Sorry, sorry, okay.

(WITNESS STOOD DOWN)

THE COURT: Mr. Johnson.  
MR. JOHNSON: My Lord, my friend is referring to images from hopefully a bygone era, a Nazi era without putting anything to this witness and then asking him to compare that with something that's on the screen. I'm not sure that's a proper question. I -- I -- I don't think that it's fair to have him presume to know what all of the propaganda is or what -- even what my friend is referring to. I -- I just don't think it's a fair question of the witness.  
THE COURT: Well, the question was prefaced by saying, "Is this consistent with the images used for Nazi propaganda?"  
And he said, "Yes, it is." So he's obviously familiar with it. So that then becomes a subject of cross-examination.  
I don't have to hear from you.  
MR. JOHNSON: Well, I -- I --  
THE COURT: Well, just --  
MR. JOHNSON: -- I still don't see any -- any imagery to compare this with. It -- it's -- it's really a very -- it's leaving the jury with the --  
THE COURT: It's a bit -- like most of the other questions we have been asking, they are quite vague. But he understands the question, and he understands the reference to similar images. And so it's a valid area of cross-examination. Whether or not there is a point to be made at the end of the day from it is another matter, but that's -- it's not an objectionable question in the way it has been put and especially given Mr. Atzmon's answer.  
MR. JOHNSON: Thank you.  
THE COURT: Okay. We will have the jury back and Mr. Atzmon as well.

(JURY IN)

GILAD ATZMON  
recalled.

A I am sorry, sorry. Thank you. Okay.

CROSS-EXAMINATION BY MS. JOHNSTON, Continuing:

Q Sir, I have too much paper here which is why I'm not prompt on my next question. I am re-organizing it so I can bring it up. If you could please look, sir, at page 4 of the outline you provided to the court. And you will see at the top, sir, that the -- actually, page 3 -- page 3, sir.

A On -- on my document?

Q On your document.

A Yeah.

THE COURT: So this is Exhibit 13?

MS. JOHNSTON: Exhibit 13.

A Yeah.

Q We have Jewish symbols at page 3.

A Yeah.

Q Now, it's my understanding, sir, that the Star of David is the central image on a flag of Israel, am I correct when I say that?

A Totally.

Q Yes. And as you have already pointed out, the Star of David is also placed on Israeli fire planes, you told us that as well?

A Correct.

Q You will agree with me, sir, that it is common for countries to put a symbol from their flag on their military armament, is that correct?

A Absolutely.

Q If we could, please, flip over, sir, to page 4, "Zionism."

A Yeah.

Q Now, you have said in paragraph 2 of this document

A Mm-hmm.

Q -- you have the line:

... their language was often virulently anti-Semitic.

Do you see that?

A Yeah.

Q And you actually define "anti-Semitic" for us. You do that, of course, on page 6.

A Mm-hmm.

Q And you tell us in the second paragraph, first line --

A Mm-hmm.

Q -- that:

Anti-Semitism is commonly used as a general term for [Jewish hatred].

Is that correct?

A It is one of the -- one of three or four common interpretations.

Q Fair enough. Fair enough.

A Yeah.

Q So what you are telling us here is, you are giving us some examples of Jewish hatred, anti-Semitism, hatred towards Jews stated by Jewish people themselves, is that correct?

A Yeah. Yeah.

Q Fair enough. And you certainly agree with me that just because it was uttered by a Jewish person doesn't make it any less anti-Semitism, correct?

A Correct.

Q All right. Now, sir, I'm going to flip over to page 7.

A Mm-hmm.

Q Whereupon you talk about the -- you talk about the Holocaust?

A Mm-hmm.

Q Now, you elaborated a little bit on this --

THE COURT: Sorry, just a moment, I'm a bit behind you. What page?

MS. JOHNSTON: Page 7 of Exhibit 13, My Lord.

Q And you elaborated a little bit on this when my friend Mr. -- Mr. Johnson was asking you a question?

A Mm-hmm.

Q You used words like, "No one denies that it was a horrible chapter in our history," correct?

A Yeah.

Q And no one denies that that -- and I didn't get this one exactly, but the Nazis hated the Jews, is that correct?

A Yeah.

Q All right. Now, you use "no one" which is sort of a -- a fairly wide term.

A Yeah, I actually refined it and said that those who deny the fact that the -- the Nazis -- I don't like to say "Nazis," national socialists.

Q Mm-hmm.

A German national socialists opposed Jews are very marginal. As I said, the people they dispute when it comes to the Holocaust refer to completely different issues, mainly -- mainly the method -- the method of -- of oppression. This is the most kind of wide way to put it.

Q I see. You personally don't deny that millions were killed by the national socialist during the Holocaust, do you?  
A I'm -- I'm not in denial.  
Q Okay. And when you spoke, and I did -- I did write down what you said about "marginal." You said -- I thought I had it for you. You talked that you would hope that that would be a marginal group of people that denied the -- the central truth of the Holocaust, is that correct?  
A What do you mean by the central truth of the Holocaust?  
Q That it was a planned annihilation of the Jewish people in which millions died.  
A This is exactly the language that I define as a religious concept. If we are talking about history, those questions must be subject to revision and to questioning.  
Q Fair enough. So why don't I read you the definition that we had from Mr. Rudner to see whether or not it's a definition that you agree with.  
A Mm-hmm.  
Q And you have already had the opportunity to read Mr. Rudner's report, of course.  
A Yeah.  
MR. JOHNSON: My Lord, I wonder if the witness could be shown that document, please.  
MS. JOHNSTON: I think that's fair. I'm just trying to remember the number of the exhibit. I'm afraid I don't. It might be 6. If it's not 6, it's probably 7.  
THE COURT: I believe it's Exhibit 8 actually.  
MS. JOHNSTON: Thank you, My Lord.  
THE CLERK: [inaudible/away from microphone]  
A Sorry. Thank you. And it will be right [inaudible/away from microphone]  
MS. JOHNSTON:  
Q Sir, if you go to Tab F.  
A F, yeah.  
Q And you flip in four pages, you are going to find a page that says "Holocaust" at the top.  
A I am looking for it, I can . . .  
Q Are you with me? Tell me when you are.  
A Yeah. Sorry, I'm a bit slow. Yeah.  
Q And there is a definition at the top?  
A Yeah.  
Q I will read along.  
A Mm-hmm.  
Q [As read in]:

The systematic murder of Jews and others . . .

A Mm-hmm.  
Q . . . perpetrated by the German Nazi regime of Adolf Hitler prior to and during the Second World War.  
A Mm-hmm.  
Q And then down at the bottom, there are three -- four points actually?  
A Mm-hmm.  
Q And the sentence says:

I concur with the elements which identify the murder program as being one, systemic; two, directed at Jews; three, perpetrated by the Nazi regime; and four, the time period prior to and during the Second World War.

You would agree with those elements were present in the Holocaust? You include those elements in the Holocaust definition?  
A I actually see this kind of approach to the Holocaust as what I try to define before. And I'm not the only one as part of the Holocaust religion. It's not that I deny those facts. I think that history is the ability to let -- to let the past narrate itself as we move along. So I prefer to -- all those points, which I don't deny, to be subject to scrutiny and revision. And I'm actually I was very, very troubled by the way Mr. Rudner defined the Holocaust, his idea that we have to decide whether between five to six. And I don't think that it's all about numbers. For me, the Holocaust is an ethical lesson. An ethical lesson must be dynamic.  
Q Now sir, back to what Mr. Rudner said about --  
A Yeah.  
Q -- the five to six million.  
A Yeah.  
Q You -- I'm assuming you were present in the courtroom.  
A I was.  
Q All right.  
A I was allowed to.  
Q So what he was -- he was telling the court about is that --  
A Yeah.  
Q -- there is an academic debate as to the actual number of Jewish victims during the Holocaust?  
A In academic debate, we don't restrict ourselves to margins. We let the margins --  
Q Fair enough.  
A -- define themselves.  
Q But don't you think that that kind -- isn't that sort of academic debate about the exact number of Holocaust victims exactly what you want to see when you talk about the continual exploration of history? Is that not a good example of exactly what you are advocating?  
A No, definitely not. For me, and this is -- this must be very clear, the Holocaust is a horrible part of our history because one people or more than one people, you know we know about gays and and the Romani were persecuted because of their race. Once we understand the Holocaust in such an ethical manner, the issues to do with number and the restricting numbers is not relevant anymore. It's not about the primacy of this Jewish suffering, it's about the primacy of suffering in general. This must be very clear.  
Q So you don't think it's a valid area of academic study to explore the number of victims?

A I -- listen, I do understand that there are some people are obsessed with the -- with numbers. For me, the understanding of the Holocaust, is also understanding of the reasons that -- and the -- and the -- the historical consequences that led toward such a chapter in our history. The numbers are for me the least important issue, I am sorry.

Q There may be, but my question was, you agree that that's a valid area of academic study?

A It's a -- not exactly an area. And you -- you -- you were obviously here. I remember that another number was mentioned, the Yad Vashem count that they reached until now we are talking about 60 years, 2.4 million. So I think -- I really think that making -- reducing the Holocaust into a battle of numbers is very, very wrong approach. And actually, I -- I think that it's -- it's -- it's almost crimes -- almost a crime against the victims of this era. Because they didn't see themselves as a number -- as numbers and we should not see them as numbers.

Q Sir, what could possibly be wrong with academic study into determining the accurate number of Jewish victims? Why, as an academic pursuit, would that not be valid?

A I didn't say that it won't be valid. But, what I'm saying is that if the Holocaust is primarily a human disaster, we better approach it from an ethical perspectives rather than from a numerological perspectives. If people wants to deal with numbers, it is their business. I -- myself, I started my -- my academic career as a mathematician and far more interesting things to do with -- with numbers.

Q There may be, but certainly the debate about numbers is an example --

A There is no --

Q -- of the historical revisionism that you support in your testimony?

A By the way -- by the way, I -- I am familiar with the historical revisionism. It's part of my -- of my work. I -- this is -- I -- I dedicated the third part of my book to those issues. As far as I can tell, the issue of numbers is largely a Jewish, let us say, scholarship. Revisionist are not that concerned with numbers, they are concerned with the methods.

Q Fair enough. Now, I'm going to ask you some questions about *Germany Must Perish!*, *Israel Must Perish!*, which is on the next page of your -- of your outline, page 9.

A Yeah.

Q I am skipping over Talmud as well.

A Yeah.

Q And it's not even Friday yet, sir, and I have misplaced the piece of paper that was just in my hand.

MS. JOHNSTON: I'm sorry, My Lord, if I could have just a second.

A You look at them again. Sorry. Yeah, for sure, sorry. I try to keep it together. I am very bad with papers.

MS. JOHNSTON: I am sorry, My Lord, I can't find it.

A Thank you.

THE COURT: Perhaps you can move on to something else and then look for it at the break.

MS. JOHNSTON: I can't. I -- I -- I have an outline and I just want to make sure I get the quotes right. And I need it.

My Lord, I'm going to ask that we stand down for just one minute. I am very sorry. It was just here. I just had it in my hand.

THE COURT: All right. I will excuse the jury.

(JURY OUT)

THE COURT: We will stand down briefly, but before we do that, Mr. Atzmon, I must tell you now that you are under cross-examination.

A Yeah.

THE COURT: And when you are under cross-examination, you are not permitted outside the witness stand to discuss your evidence with anybody; not with counsel, not with anybody else.

A So you want me to stay here?

THE COURT: No. No, no. I'm just saying --

A All right.

THE COURT: -- you can't discuss your evidence.

A Okay.

THE COURT: You can talk about the weather. You can talk about --

A Right.

THE COURT: -- something else.

A There is a lot of weather here.

THE COURT: But you can't discuss your evidence with anybody when you are under cross-examination.

A For sure.

THE COURT: And you are not in the stand and in the courtroom.

MS. JOHNSTON: I am back. I am sorry.

THE COURT: Well --

MS. JOHNSTON: I found it. I am so sorry. I am so sorry, My Lord. I have it now.

THE COURT: Okay. Well, then I don't have to give you that direction at the break.

A Okay.

THE COURT: Let us bring in the jury.

(JURY IN)

THE COURT: Ms. Johnston.

MS. JOHNSTON:

Q Sir, before that unfortunate and unscheduled break, we were about to discuss *Germany Must Perish!*.

A Yeah.

Q Which we find on your outline at I believe page 9.

A Nine.

Q Now, you have a description of satire in the middle of the page?

A Mm-hmm.

Q Which you described as:

... a genre of literature, ... in which vices, follies, abuses, and shortcomings are held up to ridicule, ...

Is that correct?

A Mm-hmm.

Q Now, you would agree with me that usually satire is used to show something up when the vices, follies, abuses, and shortcomings would not otherwise be obvious to the -- to the observer, is that correct?

A I am not sure that I understand the question.

Q Well, what I'm suggesting here, sir, is, you -- you had some discussion about *Germany Might Perish -- Must Perish!*, in your examination in chief?

A Yeah.

Q And one of the things you told us about *Germany Must Perish!*, is, it was your understanding that it was used during the Nazi era by the Nazis as one of the documents to help justify their persecution of Jewish people, is that accurate?

A This is definitely a common interpretation. This is [indiscernible] apparently Adolf Hitler, so the significance of this text.

Q I see. What I am suggesting to you, sir --

A Yeah.

Q -- is, given the nature of *Germany Must Perish!*, there is no need to hold it up to ridicule in order to illuminate its vices and shortcomings? Its vices and shortcomings are blatantly obvious on the face of it and no satire is required?

A I think that if you may -- if you allow me to say it, I think that the -- it's as if you missed the point that I was trying to make. I am happy to make this point once again. I argued that the satire was made by Mr. Arthur Topham. And it is this satire that made us aware of this text in current days of the original text. And this text deserves our attention. Because if we want to understand the past, we understand the past and [indiscernible] the past as we are moving along. And suddenly a very important significant text come along -- comes along and this help us to understand better maybe what happened in Germany 1941 and 1942.

Q So this is the -- this is the idea and this is completely irrelevant to the -- the way you present the satire. The satire -- the satire is not the German text, it is the text that was made out of this text, out of the German text, by Mr. Topham.

Q Yes. But the satire is of *Germany Must Perish!*? That's what he's attempting to satire, Germany according to you, *Germany Must Perish!*, correct?

A The satire in terms of physicality --

Q Mm-hmm.

A -- yeah. It is built on *Germany Must Perish!*. But in terms of the context, it is the Jewish call -- I say Jewish and I am referring to the -- the author who is selling himself as a Jew or identified politically as a Jew, so I don't refer it to all Jews obviously. Yeah, we are talking about one author and one very [indiscernible] guy. You know, with dealing with the satire is the attempt to position a mirror in front of the people within the Jewish world who may repeat the same ideology for instance in the case of Palestinians.

Q I see. So you would agree with me that there is no need to hold up any sort of mirror to *Germany Must Perish!*, it speaks for itself, is that correct?

A No. Because -- because it didn't speak to -- to itself because we were not aware of this text. Mr. Rudner, who is your expert, the Crown expert

Q All right. I am --

A -- admitted -- admitted --

Q -- just going to pause you here. All right.

A All right.

Q When you say, "We weren't aware of *Germany Must PerishQ*" --

A Yeah.

Q -- because it had fallen out of popular discourse

A Correct.

Q -- is a hateful book, you would agree with me?

A That's correct.

Q It is so hateful that the Nazis actually used it against the Jews as part of their propaganda?

A Correct.

Q And it is also obviously very hateful on the face of the document, hateful towards the German people to whom the book was directed by Theodore Kaufman, correct?

A The last sentence?

Q Theodore Kaufman was, I understand, the author of *Germany Must Perish!*?

A Yeah. The author, yeah. Yeah.

Q And what I'm saying is the book is hateful towards Germans?

A For sure. We say it. You said it, yeah.

Q All right. And all of that is blatantly obvious on the face of it, correct?

A Absolutely.

Q All right. So the only satire then can be is *Israel Must Perish!*?

A I am not too sure. I am not too sure. A person a person who is kind of deciding to criticize, for instance, [indiscernible] conservatives, yeah, can produce a very similar text by placing Muslims and Iraqis instead of the German and Nazis. You can do whatever you like with the text. The question is how this text -- if you remember this you just -- you just quoting me, how it leads us into improvement. For me, the fact that we can see that I am an ex-Israeli, that I can see that my people, yeah, are following the past that was taken, it was so wrong by the Germans at the time. This is exactly -- this is exactly what ethical thinking is -- that what ethical thinking means. And this is as I -- as -- as I can -- as far as I can tell, this is exactly what Arthur did.

Q I see. So the fact that it was hateful when you said it against the Germans, as you agreed *Germany Must Perish!*, does?

A Mm-hmm.

Q Suddenly becomes something else magically just because you changed German to Jew and Germany to Israel? It is exactly the same book, is it not?

A Yeah -- but there -- but there is only one author to this book, Mr. Kaufman. Arthur Topham didn't write *Israel Must Perish!*.

Q All right. Let us just say we take --

A All right. This is very crucial to understand. He didn't write the book. He made it clearly in the open as a satire in order to put a mirror to tell listen Israelis, listen Zionist what you are doing here, you are following the people who chased you, who destroyed you, who want to annihilate you. This is what he is doing. He didn't write this book. He just replaced -- copy and paste two words.

Q Let us look at Binder Number 1.

MS. JOHNSTON: If the witness could please be shown Binder Number 1 and flip to Tab 2 of that binder.

THE CLERK: Do you want the jury to have it?

MS. JOHNSTON: My Lord, we have already looked at this quote a number of times, so I don't know if it's necessary. I am looking at page 3 of 104. I certainly have no objection.

A Will you find it for me?

MS. JOHNSTON: Perhaps it would be best to hand up --

A Oh, I will look.

MS. JOHNSTON: -- the binder. Thank you, My Lord.

THE COURT: I -- I think it would be best.

A So what -- what do I have to look for?

MS. JOHNSTON:

Q You are going to -- well, we have to wait for the binders to be handed up soon. But if you could please look at Binder 1, Tab 2, page 3 of 104 --

A Three -- page 3 -- I -- I really don't --

Q -- of 104. If you look at the bottom right-hand -- bottom left-hand corner of the pages, in Tab 2. Are you in Tab 2?

A Yeah. Yeah.

Q Now, the bottom right-hand corner, you can see 1 of 104, 2 of 104, 3 of 104?

A Yeah.

Q Three of 104.

A 3104.

Q Three of 104.

A Yeah, yeah. Yeah, yeah. Now, I got you.

Q Are you with us?

A Yeah.

Q All right. Now, after I made you do all that work, flip back to page 1 just so I can show you what book we are discussing, *Israel Must Perish!* You can see that?

A Yeah.

Q Flipping through we have got the -- we have got the author -- author's preface which we see in 2 of 104, correct?

A Yeah.

Q And then page 3 of 104, we are continuing with the -- with the author's preface. Now, you have said in terms of satire --

A Yeah.

Q -- that it's:

... a genre of literature, ... in which vices, follies, abuses, and shortcomings are held up to ridicule, ...

That's -- that's your definition you are using from Wikipedia, correct?

A It's not my definition, it's a -- it's a -- it's a large definition that address different genres of satire.

Q Fair enough.

A Obviously -- obviously only part of it applies to our case.

Q Fair enough. And you also agree with me that satire -- one of the purposes of satire is to use humour? That's commonly what satire does, it makes something funny, correct?

A In the case of satire, in the definition that I -- I brought, yeah, it's actually the humour is the means. The improvement is the purpose.

Q Okay. Perfect. So we are on the same page on that. I am going to read you the third paragraph down. And I am taking the first paragraph as the partial paragraph at the top.

A On 3 of 104.

Q We are -- we are on 3 of 104. And I am going to read you the first sentence:

The striking thing about the vileness of the text is how, today, it seems to roll off the mind's tongue as if it were as truthful and factual as the rising sun. As such I firmly believe that all of what the Zionist Jews write about others is actually but a reflection of their own inner, perverse, dislocated self.

Continuing on:

By projecting outward on to others their innate paranoid and deep-seated hatred for the rest of the world they're able to meet the requirements of the Israeli state's motto which reads, "By Way of Deception Thou Shalt Cause War" and feel a sense of superiority and self-righteousness in doing so.

Now, sir, what about that uses humour at all? What -- where is the humour there?

A In fact, this is not humorous at all. This is clearly criticism of Zionism. It doesn't even say Jews. It specified Zionist Jews. He refers to the Israeli society. He makes it clear, black and white. He's actually far more careful than most commentators. All right. This is not satire. The satire is what comes after when we read this vile text. And it is shockingly frightening and we understand, oh, my God, this is actually a text that was written by a Jew.

Q Yes. And it's a text written by Arthur Topham about the Jews as well --

A No, it's not.

Q -- is it not? I am going to read you the final paragraph.

A It's definitely not. This is -- this must be very clear. This is a text where Mr. Arthur Topham replaced the word "Israelis" with "Germans," and "Nazis" with "Zionist." It's not his text.

Q I want to read the bottom paragraph, the one just under the paragraph we were discussing.

A Yeah.

Q

I would humbly ask the reader to be aware of these features as they read both the text and the context in which [they were first reading]. I have, [I am sorry, first written. I have,] as the saying goes, only changed the names to protect the innocent. As for any further extrapolation I will leave that up to the reader.

A Mm-hmm.

Q Sir, as he changes the words "German" to "Jew" or "German" to "Israeli" --

A Yeah.

Q -- this is really a plan for the sterilization in the original book of the Germans in this book of the Israelis, correct?

A No.

Q You have read the book? Have you read the book?

A I -- I read the German.

Q I see. I see.  
A Yeah, as I mentioned.  
Q And -- and Kaufman ultimately wanted the sterilization of Jew people -- of German people?  
A Yeah, for sure -- for sure. But you said the other way, you said and the annihilation of the Israelis. The original is the annihilation of the Germans.  
Q Fair -- fair enough.  
A Yeah. You -- you got it wrong, sorry.  
Q Fair enough.  
A Yeah.  
Q So you would agree that there is nothing humorous about that either?  
A No. For the -- the original text is not humorous at all. It's a Genocidal text. It's a text to -- that calls -- by -- by -- it's a text written by a Jew that calls to -- for the destruction of a nation. Now, as you probably see, you know, this text wasn't -- although, it was self-published, this text was reviewed by the *Time Magazine*, *The Washington Post*, *The New York Times*, so -- and the -- *The Philadelphia* [indiscernible]  
Q Now, I'm just going to ask you a question for your source there.  
A Yeah.  
Q What you just did, sir, is you -- you turned to page 2 of 104 and you looked at -- at the graphic situated at the top?  
A Yeah.  
Q But that's where you get that information?  
A This is correct.  
Q And nowhere else?  
A This is correct.  
Q All right.  
A This is correct. And I -- I didn't read any review of this -- of the original text, but I don't have any --  
THE COURT: Well, you're here -- Mr. Atzmon, you are here as an expert witness. And so you are not here to assume that something is written is true. You are here to give your opinions about things.  
A Yeah, yeah, for sure. I just mentioned.  
THE COURT: So I don't want you to do that, okay.  
A Yeah. Okay. Thanks, sorry.  
MS. JOHNSTON: Your Honour -- or, sorry, My Lord, I am happy to go on farther, but it's five to three. Should we -- this is probably a reasonable break if Your Lordship wishes the afternoon break.  
THE COURT: All right. We will take the afternoon break. We will excuse the jury.

(JURY OUT)

THE COURT: And my earlier warning to you applies. You can't discuss your evidence or anything about your evidence with anyone during the break.

A For sure. I understand it very well.

THE CLERK: Order in court. Court is adjourned for 15 minutes.

(WITNESS STOOD DOWN)

(PROCEEDINGS ADJOURNED FOR AFTERNOON RECESS)

(PROCEEDINGS RECONVENED)

THE CLERK: We are back on record, My Lord.

THE COURT: All right.

MS. JOHNSTON: And just so we know, Ms. Johnston, how are we doing on time or . . .

MS. JOHNSTON: Does Your Lordship have a preference if I think I'm almost finished to go to 4:15 as opposed to tomorrow morning?

And I will tell Your Honour quite -- Your Lordship quite honestly, if I have overnight, I will think of more things to ask.

THE COURT: Well, I mean, it seems to me that given the discussion we had this morning that I suspect that Mr. Johnson will want to discuss issues with Mr. Topham tonight to decide what is going to happen. And so I don't think there is any great rush to finish Mr. Atzmon as long as you are going to be done in let us say a half hour tomorrow morning, so . . .

MS. JOHNSTON: I would -- I would -- save and except something completely unexpected, I would say that's a very safe estimate -- estimate, My Lord.

THE COURT: All right.

MR. JOHNSON: My Lord, if -- if she is able to finish by quarter after, I can't speak for everybody else, but I'm certainly willing to go till quarter after.

THE COURT: Well, I think my preference would be to do it in the morning under the circumstances I have heard. So . . .

MR. JOHNSON: It's just that I would like to be able to speak to Mr. Atzmon as well, obviously. He is not here for very long. And I mean if it's --

THE COURT: Well, we could deal with that if Ms. Johnston would permit that.

MR. JOHNSON: Oh, okay.

MS. JOHNSTON: I have no -- if that's my friend's wish, that's fine. If I -- I will tell the court honestly at 4 o'clock if I think I can finish by 4:15, I will -- I will let the court know that. If I think that's not a realistic estimate, I will say that as well. I don't mind going to 4:15 to finish Mr. Atzmon tonight if that's everyone's wish.

THE COURT: Well, as I say, I think doing it tomorrow morning would not be a problem at all. And as long as Mr. Johnson could speak to Mr. Atzmon tonight, obviously not concerning his evidence, but concerning the other matters related to the case.

MS. JOHNSTON: Thank you, My Lord.

THE COURT: All right.

(JURY IN)

THE COURT: Ms. Johnston.

GILAD ATZMON, recalled.

CROSS-EXAMINATION BY MS. JOHNSTON, CONTINUING:

Q Sir, just before we broke for the afternoon break, we had been discussing satire. And in that case, at least, we were discussing it in terms of *Israel Must Perish!*.

A Mm-hmm.

Q Now, I'm actually going to ask you to flip back a couple of pages in your outline and if you could please look at page 7 which has the title "Holocaust" at the top. And just --

A You are talking about my document?

Q Yes, I am talking about your document.

A Yes.

Q And, sir, I am going to read you the last sentence of the first paragraph because I want to ask you a question about it.

A Mm-hmm.

Q So:

In the 1990's American historian Norman Finkelstein published . . .

A Mm-hmm.

Q

. . . 'The Holocaust Industry,' a scholarly academic work that confirmed Abba Eban's (legendary Israeli diplomat, ambassador and . . .

Help me out here, sir, how do you pronounce it?

A "Knesset member."

Q

. . . Knesset member)' 1950s adage that 'there is no business like the Shoah Business.'

A Mm-hmm.

Q First of all, I want to ask you, sir, a question about the source of this quote. Is your sole source *The Holocaust Industry* that was written by Norman Finkelstein?

A You -- you mean Abba Eban quote is from Norman Finkelstein?

Q Yes. I am asking if that is --

A No.

Q -- why you know that's where it comes from?

A No. It's -- it's a -- it's one of the most famous quotes of this --

Q Quotes --

A -- of this legendary Israeli diplomat. He was the foreign minister for many years.

Q Fair enough.

A Yeah.

Q Fair enough. So what you are saying is, yes, I got the quote there, but I know the quote anyway?

A I could provide the -- the reference --

Q Fair enough.

A -- in no time.

Q Fair enough. Now, "There is no business like Shoah business," I take it that that is a takeoff of the song, *There is no business like show business*, is that how you read it?

A Definitely. It was --

Q All right.

A -- I guess that it was at the same time.

Q Okay. And that in itself is an example, of satire, is it not?

A This is one kind of satire.

Q Yes. And it's also, sir, the kind of example of the self-criticism that you in fact would advocate on the part of such an illustrious person as Mr. Eban, is that correct?

A Can you repeat it, I just want to make sure that I understood it correctly?

Q Well, you have discussed that you'd like to see more self-reflection and criticism of --

A Mm-hmm.

Q -- some aspects of --

A Mm-hmm.

Q -- Jewish foreign policy?

A Yeah.

Q And what I'm suggesting to you is that very comment is an example of Mr. Eban doing exactly that?

A It is obvious I spoke here today for two hours about labour Zionist being very critical of their own people. Abba Eban was an arch labourer Zionist and obviously, he was critical of the Holocaust being reduced into Shoah business.

Q We are now going to skip ahead a few pages, sir.

A Yeah.

Q And I am going to ask you to look at page 10 which is *The protocols of the Elders of Zion*.

A Yeah.

Q All right. Now, that's the next book along and it's also the next book when you answered questions from my friend this morning --

A Yeah.

Q -- in terms of -- of -- in terms of the -- in terms of the order. Now, I want to read you this sentence. It's the bottom sentence in the first paragraph:

However, critical study of Israeli and Jewish identity politics reveals that Israel and Jews are widely over represented in Western politic, cultures, finance, media and so on.

A Yeah.

Q So based on that, sir I want to ask you a question.

A Mm-hmm.

Q You have discussed, and you discussed it in examination in chief, that we need to look at -- at Jewish people as being individuals of -- and specifically, you talked about the innocent categories of one and two, Jews as individuals.

A This is not what I said. This is definitely not what I said. When I referred to innocence, I referred to categories. When it comes to people, individuals, I am not going to pass a statement of Jews as individual people. I -- I just -- I know just two million.

Q Exactly.

A All right.

Q That's -- that's a better way of saying what I tried to say. You agree with me that you have to take Jews as individuals and not as a group?

A This is not what I said just now. Seeing as we are dealing also with Jewish politics and institution of politics, we can deal in my work -- in my work -- I make it very, very clear in my work I don't talk about the Jew. I don't talk about the Jew. I don't talk about the Jews, I talk about the category about Jewishness, about people who identify politically and ideologically as Jews. And I'm critical of this -- of this kind of -- of some -- some symptoms of that politics and ideology. And as far as I can see in my reading of -- of this document, I read it actually on the Net because it was too small for me. Actually this is not too bad. I -- I can see that when Arthur -- we just saw it a second ago --

Q All right. Sir, I am going to try and ask -- get you back to the question --

A Yeah.

Q -- I was asking which is about this paragraph under *The Protocols of the Elders of Zion*.

A Okay. Sorry.

Q You would agree with me that there is nothing wrong within the individual Jewish person being in western politics, culture, finance, media --

A Absolutely.

Q -- so on? And in fact you yourself have done very well in culture. You are an internationally recognized jazz musician, is that right?

A Absolutely.

Q Now, I'm looking at the quote that you have from Theodor Herzl, the quote you attribute to Theodor Herzl which is the fifth paragraph, the bottom paragraph on your --

A Yeah.

Q -- page? And it's indented.

A Yeah.

Q Now, you can see at the end of that, you have in brackets (Theodor Herzl) and I'm sure your pronunciation is going to be much better than mine, but I can take a stab at --

A *Deutsche Zeitung*.

Q Thank you for bailing me out. That's German spirit of the times, is it not? Is that that means?

A The -- it's the *Deutsche Times*, the *German Times*, sorry.

Q The *German Times*, so it's a newspaper?

A Yeah. Yeah. Theodor Herzl was actually Viennese Jews. He was a very established writer actually for the biggest Viennese paper. But this is actually from the *Deutsche Zeitung*.

Q Okay. What -- what I want to ask you, sir, is that where you got this quote that you are attributing to Mr. Herzl was from that newspaper, *The German Times*?

A You mean you want me to identify the date and the reference so you can look at it?

Q No. Well, what I'm saying is because you put it in brackets at the end of the quote --

A Yeah.

Q -- you are telling us that that is your reference from where you got the quote from?

A Yeah. This is -- this is -- this is what I -- this is the -- the reference that I found. If you need the more precise reference, I'm sure that we can produce it. It's -- it's a common -- it's a very, very common quote. It appears on many text. I guess that on Lenni Brenner's 53 -- Lenni Brenner's book, *53 Documents of Nazi Collaborates -- Collaboration for Zionism* we will be able to raise the exact reference.

Q Sir, do you know when *The German Times* published this quote that they attributed to Theodor Herzl?

A I believe that it's early 20th Century.

Q I see.

A But I cannot give you the date.

Q I see. Now, *The German Times*, I -- I -- to be honest, I'm not familiar with it. Is this -- was this a major paper in Germany at the time?

A I won't be able to --

Q That's beyond your knowledge?

A It's -- it sounds big, but I cannot tell you more than that.

Q Fair enough. I got that far myself.

A Yeah. Yeah.

Q Now, you talk in the first paragraph, sir, about the effort to prove the protocols as a forgery as well as fictional. And I'm just reading from the first paragraph.

A Yeah.

Q Now, your second statement:

This is slightly puzzling considering the fact that there are no reasonable opponents arguing . . . the Protocols are an authentic document.

A Mm-hmm.

Q Now, I'm assuming, sir, that when you say, "No reasonable opponents," what you mean by that is, there's no serious academic debate that the protocols are anything other than a forgery. That's what you mean when you say "reasonable opponents," --

A Yeah.

Q -- is it not?

A Yeah.

Q All right. You appreciate that there are, you know, sadly world is full of unreasonable people and there might be unreasonable arguments that the protocols are indeed a legitimate document from I think it's somewhere in [indiscernible], is it not, the -- the metre -- the meeting of the learned -- learned elders of Zion?

A Yeah. But as I mentioned I didn't see in our contemporary environment -- I'm talking about the west as well.

Q Mm-hmm.

A Anyone who tries to claim that it is an authentic document, if you are really interested in the topic, in the Arab world some people are actually convinced that intellectual as well -- intellectuals --

Q Mm-hmm.

A -- as well that it is an authentic documents.

Q All right. Now, when you -- and you did talk about that at the examination in chief that this is a best seller -- this book is a best seller in the Arab world.

A Yeah.

Q In the Arab world, this is -- is taken as authentic, and you would agree with me -- well, I'm asking if you would agree with me, would you agree with me, sir, that if you take this book as authentic, this is very damning to the Jews as an overall group, would you agree with that?

A The -- and, no, actually I don't -- I don't agree with you at all. And the reason is that for me, and this is why I put the few other quotes here. For me what is happening actually in the domineering aspect of Jewish politics in some countries actually makes the protocol -- *The Protocols of the Elders of Zion* looks like a naïve text.

Q Okay. I'm just going to stop you there because you are about to comment on international foreign policy which is a bit beyond my question. If you take the --

A But -- but --

Q -- protocols as being accurate, don't you agree, it's critical of the Jewish people?

A Actually, no. Because *The Protocols of the Elders of Zion*, this is my problem is the text itself is actually very critical of a small section of Rabbis -- of Rabbis of Jewish elite. It doesn't talk about the Jewish people. Some people can interpret it differently. But the way I see is the text that is critical of a bunch of Rabbis that plan how to dominate the world. Now, I'm troubled by the protocols because this is the most problematic aspect I find in this book because it's actually not Rabbis who are running AIPAC or CFI or the Canadian Jewish Lobby and so on and so on. It's not Orthodox Jews. This is actually a significant problem.

[RECORDING MALFUNCTION FROM 3:38:39 TO 3:39:33]

THE CLERK: We are back on record. Test. I am back on record.

THE COURT: All right.

THE CLERK: Thank you.

MS. JOHNSTON:

Q Nothing freezes the courtroom faster, Mr. Atzmon, than when our computer system goes down and we are no longer recording.

A Mm-hmm. I understand.

Q All right. Sir, we are going to go back to what we were talking about before. And you were talking about *The Protocols of the Elders of Zion*.

A Yeah.

Q And -- and I asked you if you thought it was problematic, and you said you referred to the elite that -- that this protocols is talking about the elite. If you take the protocols as being the statement of the Jewish people, Groups 1 and 2, you would agree with me then that the protocols are problematic, is that -- is that fair to say?

A I prefer not to deal with hypothetical questions.

Q I see. I see. Now, I'm going to refer you, sir, to something in -- no one is going to be happy when I say this. I am going to actually ask that we look at Binder 1. So -- and I think Binder 1 is still -- is still out. So --

A It is. Yeah.

Q -- I just want to make sure I get you to the right page. We are looking at Tab 2.

A Yeah.

Q Tab 2, page 21 of 104.

A Yeah.

Q And you can see the start of an article that says "By Arthur Topham" in the middle of the page.

A Yeah.

Q And you can see at the top, sir, it says *The Protocols of Learned Elders of Zion*. I understand this to be a photocopy -- or like a graphic depicting the front of the book itself.

A I -- I think that this is the photo of one of the editions of this book, yeah.

Q Fair enough. And the actual quote I want to look at, I just want to orient you as to the article. Flip over the page, 22 of 104.

A Yeah, 22.

Q Twenty-two. Yes, page 22 of 104.

A Yeah.

Q And I'm just going to read the paragraph ahead because I want to put it in context. I'm looking at the bottom full paragraph on page 22. Actually the second to bottom full paragraph.

A Yeah.

Q *In true Zionist Jew fashion*. So I'm going to read it to you:

In true Zionist Jew fashion Kay states,

"All this came to pass despite the fact that the Protocols was debunked within months of its dissemination."

What Kay fails to include in his remark though is the fact that it was only the Jews and their Jewish media and Jewish "investigators" and their sycophantic slaves who proclaimed that the document had been "debunked."

Next paragraph.

A Mm-hmm.

Q

What was easily debunked of course was the actual source of the document itself NOT the contents and the design contained within it, but that small detail was not something that Kay nor the Jewish media of the day ha[d] ever wished to focus upon.

I am flipping over to the next page, sir.

A Mm-hmm.

Q

Douglas Reed, the British journalist and foreign war correspondent for the London Times during the 1930's and 40's, in his monumental classic study of Zionism written in 1956 and titled *The Controversy of Zion*, has provided the world with an abundance of evidence showing how this conspiracy on the part of the Zionist Jews, clearly delineated in the Protocols, is beyond dispute in terms of its actual

existence and that the Protocols (which he agrees cannot be verified as to source) are living proof that the program contained within the document had unfolded precisely as planned up to the time of the completion of his book in 1936 and . . .

And I am going to stop reading partway through the sentence.

A '56 -- '56.

Q All right, sir. So this is Mr. Topham. And I read it, what he is saying is that the contents of the protocols in terms of the design are accurate even though the actual source of the protocols may not be true.

A It depends how you read it --

Q All right. And I know you are going to point --

A -- you know. It depends -- it depends --

Q -- Zionism is on the next page. That's what you were going to go to, wasn't it, sir?

A Sorry?

Q Please continue.

A To be continued, we will listen to you.

Q Go ahead.

A All right. Sorry. It depends how you interpret it. And I'm not -- maybe not the right person to interpret Mr. Topham, but it is very clear to me at the first glance, that the usage of language is actually quite careful. In true Zionist Jew fashion, this refers precisely to a Zionist school of thought. And when we continue in the next page, the Douglas Reed he also doesn't talk about the Jew or the biological Jew or the ethnic Jew or the race. He also refers to Zionism as a political movement. Now, there are quite a few people who believe that Zionism is an expansionist, political movement with some global ambitions. Whether they are right or wrong, it's down to the jury in general, not -- not you. Yeah, it is -- this is -- this is very clear. And we have to make sure that we understand this is not a reference to Judaism or to race. This is criticism of the category.

Q Okay, sir. I want you to flip back to page 22 of 104, all right.

A Twenty-two of 104, yeah.

Q And we have in the second to last paragraph --

A Yeah.

Q . . . it was only the Jews and their Jewish media and Jewish "investigators" . . .

A Yeah.

Q Now, sir, arguably, does the reference to Jews, Jews media and Jewish investigators drag it back to referring to Jews in Groups 2 and 3 and not simply referring to a few Jews that may have an objectionable political philosophy?

A It is all depend. I can see your point, and it depends how you interpret those terms within the context of this paragraph that starts with a clear reference to Zionist, you know. One can argue that it refers to Zionist Jews, Zionist Jews within the media or with [indiscernible] or within politics. I cannot really produce -- produce a conclusion at this stage, but I think that we have enough signs to raise question marks.

Q Fair enough. And I -- I agree with you that ultimately this is a question to be left with the jury. But if we go one paragraph back further --

A All right.

Q -- on the same page, 22 of 104, "After having attempted . . ."

After having attempted, purposely and falsely, to associate the document with Herzl and then afterwards, with seemingly self-assumed wit and credibility, proclaiming the contents of the document[s] to be but a "fairy tale;" one that conveniently could also be used to indict Adolf Hitler and the German people, via the Jewish ploy of 'guilt by association', Kay shifts his thesis to what he hopes will be clinching, rock hard proof that such a 'conspiracy theory' actually had its origins elsewhere beyond any association with the Jews.

And arguably, that pulls Zionism out of a criticism of [indiscernible] to criticism of the Jewish people including Groups 1 and 2?

A It is again we see the reference to Herzl which is, in other words, reference to Zionism.

Q Theodor Herzl, the founder of Zionism, fair enough.

A Theodor Herzl, the father -- the father figure of Zionism. And it is very hard for me to produce a conclusion at this stage at the moment without digging into this specific -- specific segments and reading it thoroughly. But, as a -- as again a clear reference to Zionism. Now, you have to understand that within the context of the Zionist universe, the Zionist world view, there are no Jews. Haim Weizman, we -- we didn't mention Haim Weizman today. Haim Weizman was the Zionist who took over from Herzl. Haim Weizman said -- and it's actually -- it's very hard to identify where he said it. But it's definitely something that is

THE COURT: Sorry, I missed that. It's hard to identify where he said it?

A Yeah, yeah. It is a -- it is a quote that attributed to Haim Weizman. And I actually looked in a lot of -- in a lot of Zionist books, but I myself didn't manage to identify where exactly he said it, but I -- I can produce the -- the references in Zionist books.

THE COURT: But I -- I think we are getting away from the question which was about this passage and --

A No, no. It will -- I think it will -- I think -- I think it --

THE COURT: You think it will bring it back in, all right.

A -- I think it -- I think it will make it very clear. Haim Weizman said allegedly -- okay, allegedly, "There are no American Jews, French Jews, British Jews. There are Jews who live in Britain. Jews who live in American. Jews who live in France." For him, the understanding of Zionism is the Jewishness is a primary quality. And when we understand that this is how the Zionist see themselves as Jews, they see as a category that is inclusive as far as all Jews are concerned. If you are -- you are -- if you are Diaspora, you are just in the process of becoming a Zionist Jew. So within the context of Zionist Zionist Jews, those quotes are not really problematic and they are not really difficult to understand.

MS. JOHNSTON:

Q I see. All right, sir. Now, you spoke of the book being a best seller in the Arab world.

A Yeah.

Q You would agree with me -- well, I'm going to ask if you would agree with me. Would you agree with me -- you -- you don't see this as -- are you willing to concede there is the possibility that those readers in the Arab world would see this book as referring to a plan for all Jews Groups 1 and 2? I mean, can you really go as far as to say you can rule that out based on the --

A I'm -- I'm Jewish identity politic expert not Arab identity politic expert.

Q Fair enough. And -- and fair enough. All right. I am going to look at the biological Jew. I am going to skip *The Controversy Zion By Now*.

A Okay.

Q Actually before I do that, I'm going to ask you one question about this *Controversy of Zion* which we see on page 13.

A Yeah.

Q Did you read the entire book, sir?

A Quite a few years ago -- yeah.

Q Quite a few years ago, all right. *The Biological Jew*, this is book by Eustace Mullins?

A Yeah.

Q Have you read this book as well, sir?

A I read segments, and I am familiar with his -- his work.

Q When you say that you have read the segments, what do you mean when you say, "I have read the segments"?

A I -- I cannot say that I am overtly familiar with every corner of this text. I'm familiar with Mullins' work. I saw videos, and audio, lectures. And I was referring in this text, to a specific segment that appear as the prime criticism of your expert.

Q I see. So would it be fair then to say that what you have read -- that you are familiar -- I mean, obviously, you just told us you are familiar with Mullins' work generally.

A Yeah.

Q Is it fair to say that all of the -- the only parts of *The Biological Jew* you have read are the parts that were directly quoted in Mr. Rudner's summary?

A No. I read -- I read different parts of it, but I never had the opportunity to read his book from page 1 to the end. I am not a saint.

Q Pardon?

A No, no. I said you know I have my own faults, you know.

Q Well, sir, you read *The Controversy of Zion* --

A Yeah.

Q -- which is much longer.

A For sure.

Q So I think we can give you full credit for that. All right. So you already said when my friend Mr. Johnson was asking you questions that the quote that we see at the top, I believe you called it very problematic when you were describing it in examination in chief. Was that -- did I quote you correctly, sir?

A Yeah.

Q Admittedly going on by memory?

A Yeah. Yes.

Q All right. Now, we have already discussed, at some length there -- because we see it in your report already. We see it from your comments about Zionism at page 4.

A Yeah.

Q That other Jews use other language that was often virulently anti-Semitic. And we saw on page 6 that anti-Semitism is a term that describes Jewish -- that connotes hatred towards Jews.

A This is one of the possible interpretations.

Q I see. I see. So you certainly don't deny that Jewish people can be guilty of anti-Semitism and making hateful speeches towards Jews as well?

A You I think pushed it one step too far. I say that they express themselves in a manner or a fashion that can be seen as anti-Semitic if you follow a certain definition of anti-Semitism.

Q Well, sir, just to make sure I understand you. When we go back to -- when we go back to page -- I have lost the page.

A Yes.

Q Page 4.

A Yeah.

Q When you give the quotes and you will lead them off with, "their language was often virulently anti-Semitic," you are telling us that those quotes are anti-Semitic. That that is still your opinion, is that correct?

A Yeah.

Q All right.

A Yeah.

Q Absolutely. So you do agree with me that anti-Semitism can come out of the mouth of Jewish people and it remains nonetheless anti-Semitism?

A The last sentence again?

Q Anti-Semitism can come out of the mouth of Jewish people and it remains nonetheless anti-Semitism?

A Yeah. But the issue is -- the issue is that it depends what definition you -- you prefer to take when it comes to anti-Semitism. Obviously, those people -- those people -- those Zionists, yeah, were very critical of their brethren. You ask them, "Are you -- do you see yourself as an anti-Semite?" Probably not. This is kind of a political question. Unfortunately, we cannot ask A.D. Gordon or Borochov because they died more than 100 years ago.

Q Well, fair enough then. But the --

A Well, the point that I tried to make here is that if Borochov or Herzl are entitled to say what they say about the Jew, I believe that Arthur Topham was married to a Jewish woman can also say --

THE COURT: Well, just -- just a moment.

A Sorry.

THE COURT: I -- I think we are going beyond Jewish identity politics. And -- and you're --

A I don't know. I don't know. I think that the Jewish -- I think the Jews are part of the world. And if Jews are allowed to say some things, I believe that everyone else is allowed to enjoy the same freedoms.

MS. JOHNSTON: All right. All right. I'm -- I'm --

THE COURT: All right. I -- I think I understand that. That's fine. You can -- you can say it.

A Okay.

MS. JOHNSTON:

Q Mr. -- Mr. Atzmon, Theodor Herzl is -- is dead, is he not?

A Certainly.

Q Yes. And he lived in the later part of the 19th Century and early 20th Century?

A Yeah.

Q All right. And anti-Semitism out of the mouth of a Jew be it Mr. Herzl or anyone else remains anti-Semitism, correct?

A No. No. And I tell you why not. Because anti-Semitism or whatever you call it, Jew hatred, the way you want -- want to define it.

Q Well, let us just pause here because I think it's important before we go onto your explanation that we have the terminology correct. I am simply taking the definition you gave us on page 6 whereupon you say --

A Yeah.

Q

Anti-Semitism is commonly used as a general term for [Jewish hatred].

A I say that it is commonly used. And in this -- in this argument on this page --

Q All right.

A -- I actually show the complexity with it because even Semite doesn't even refer -- refer to race. All right. So we discussed it. It shows that there is some issue with it. However, anti-Semitism is a dynamic notion. So we heard Mr. Rudner talking about the origin of anti-Semitism, which he actually failed to define what it was. I -- I guess that -- I don't know. It's either Farber or whoever wrote it, didn't know what it really means. He was referring to Wilhelm Marr. Wilhelm Marr actually wanted just to stop Jews from infiltrating into German -- Germanic politics. Later -- later, a decade -- two decades later, the rise of biological determinism, anti-Semitism evolved into a racist ideology. And this leads us to World War II. And now, we are dealing with a very different fashion of this forms of a position to jury. Because you can also identify I am sorry, define anti-Semitism as a position to jury, a position to Jewish politics, a position to Jewish ideology. There are very -- there are many ways to define what is anti-Semitism. And as I say on page 6, I say "commonly" -- "commonly," but there are more than -- more than one way. And we have to understand that this dynamic we are living in the vibrant world. People have different ideas and express different political views.

Q Fair enough. So what I'm going to do, sir, is, I'm going to take anti-Semitism out of my question.

A Okay.

Q I am going to rephrase it. I am going to ask it again.

A All right.

Q Would you agree with me that hatred towards Jewish people remains hatred towards Jewish people whether the person mouthing that is Jewish or non-Jewish?

A I insist that you define the notion of hatred. How can I answer this question --

Q All right. Well --

A -- without knowing what you mean by "hatred."

This is the core of the matter.

Q All right. Let's --

THE COURT: Well, I think we will get to that tomorrow.

MS. JOHNSTON: Thank you.

THE COURT: We are going to excuse the jury today and we will pick up tomorrow.

(JURY OUT)

THE COURT: No.

A May I . . .

THE COURT: We are going to have a discussion, first of all, about Mr. Johnson's ability to discuss with you --

A All right.

THE COURT: -- because normally, I have given you the direction, and that direction is that you can't discuss your evidence and what you are going to say in court with other people. And that still applies.

A For sure.

THE COURT: But Mr. Johnson may want to talk to you about other matters that are obviously of concern to this case, but not directly about what you should say in court. Is that what I understand, Mr. Johnson?

MR. JOHNSON: Yeah. We have got a lot to speak -- a lot to talk about in terms of his flight arrangements. I'd just like to remind the court of his departure time.

THE COURT: I am fully aware of that. And --

A And can -- can me -- I'm just in the middle of a tour. You realize it.

MS. JOHNSTON: Yes. In spite of having gone longer than I would today --

A Yeah.

MS. JOHNSTON: -- I really am confident I am going to finish tomorrow morning. I really do.

A Yeah. You know, I would [indiscernible]

MS. JOHNSTON: And I know you have to catch a flight. I -- I am aware of that and I --

A All right. Okay.

MS. JOHNSTON: -- I'm --

THE COURT: I mean I can say from my sense of the trial up to this point, I have that sense that that is likely to take place. And I would encourage you to make sure that it does. And so you are allowed to have discussions about things not related to evidence --

A I am aware. I am aware.

THE COURT: -- and you are allowed to have discussions about general subjects.

A No worries.

THE COURT: But not about what you have said in the court and what you are about to say in court.

A Yeah, just make sure that I finish around lunchtime.

THE COURT: All right.

MS. JOHNSTON: I am going to do my best, sir. And, to be -- to be honest, I was obviously off of my estimate. But I do think we are going to finish tomorrow morning, I really do.

A We better make it.

MS. JOHNSTON: And hopefully by 11. I don't want to promise that for sure, but let us try.

A This is great. Thank you.

THE COURT: Well, what we do is, we will sit straight through from the start till we are done with Mr. Atzmon.

MR. JOHNSON: My Lord, I am going to suggest that if my friend -- I mean, I don't want to put her in a box, but if -- if the court so directs or wishes to explore a 9:30 start, I am -- I am available.

MS. JOHNSTON: I am available as well. But we would have to decide that quickly.

THE COURT: We may have sent the jury off. Now, I think I have a 9-o'clock -- or a 9:15 phone conference, so I don't think that's possible. I think we will stick with the 10-o'clock start.

MR. JOHNSON: Okay.

THE COURT: All right. We are adjourned for the day.

THE CLERK: Order in court. This court is now closed.

(WITNESS STOOD DOWN)

(PROCEEDINGS ADJOURNED TO NOVEMBER 5, 2015, AT 10:00 A.M. FOR CONTINUATION)

Transcriber: L. Oliver