

LAWYER ARRESTED FOR HOLOCAUST DISSENT IN KANSAS

[By Good Information Advocates, www.goodinformation.org]

Activist lawyer Bruce Leichty says he was notified in writing April 19 that he will not be prosecuted for an arrest for criminal trespass to which he was subjected during a Kansas conference on "Mennonites and the Holocaust" held March 16-17 for which Leichty was registered.

At the same conference, one of two Jewish colleagues invited by Leichty to attend the conference was ordered to leave the campus and not return upon threat of arrest.

Upon the demand of college administrators, Leichty was taken away in handcuffs by police from the campus of Bethel College, North Newton, Kansas, Saturday morning, March 17, and forced to spend 18 hours in a holding cell in the nearby county seat of Newton. He was then released on his own recognizance and resumed practicing law in California where he says he is now considering whether to file a federal action for false arrest and defamation.

Henry Herskovitz, a retired engineer from Ann Arbor, Michigan, filmed the verbal exchange that Leichty had with the president of Bethel College before Leichty was arrested, and Herskovitz says he was then ordered off campus on threat of arrest when police arrived to arrest Leichty. Herskovitz founded the group Jewish Witnesses for Peace and leads a weekly pro-Palestinian vigil outside his local synagogue in Ann Arbor.

The Kansas conference for which Leichty registered was sponsored by Bethel College and several other groups including Mennonite Church USA, which until recently was the largest

Mennonite conference in North America. Mennonites trace their roots to 16th century Switzerland and in the succeeding centuries established prosperous settlements based on agriculture and manufacturing not only in North America but in what is now Poland, as well as Holland, Germany and the Ukraine; they are best known as a predominantly pacifist group whose members frequently emigrated in search of more religious and economic freedom.

"I did nothing wrong and committed no crime, nor did Henry," commented Leichty. "I did not disrupt the conference in any way, and I was peaceable in all my interactions, although the response to my witness was very disruptive. My arrest appears to have been based on false statements made by school officials to the police. I was apparently characterized as a dangerous 'Holocaust denier,' and punished for expressing myself."

Leichty notes he had been threatened with arrest previously by various university and church authorities. Mennonite authorities told him to stop distributing literature on a proposed church resolution on Israel or be arrested at a church convention held in July 2017 in Orlando, Florida, at which Leichty was a voting delegate. Ten years before that in October 2007 he was ordered off the campus of Georgetown University on threat of arrest after passing out flyers protesting criminalization of speech in Germany at a German-American Lawyers Association event.

"Both times I complied with the demands of convention officials that I stop distributing my flyers. I did the same thing at Bethel College but college officials seemed determined to punish me for even daring to be present," he says.

"What makes this arrest particularly galling and ironic is that I was at the conference because of my Christian faith, and therefore it is fair to say that I was arrested for both my speech and my faith. My religious faith and my conscience insist that if Jesus were with us today, one of his ministries would be calling predatory Judaic elites to faithfulness as he did in his own day, rather than catering to those elites as they enjoy unprecedented power in both Israel and the United States, due in unfortunate part to the wielding of the standard Holocaust narrative.

"This conference was held in part because American Mennonites had supposedly done too little to address their complicity in the Holocaust or in antisemitism, which is more a function of a political agenda than a carefully conceived theological agenda--nor is it based in reality. American Mennonites have never persecuted Jews but have been largely supportive of the American Jewish community and the nation of Israel, and in past decades uncritically so. The church has also been totally unwilling to address questions about whether war propaganda informs parts of the standard Holocaust narrative notwithstanding a tradition of skepticism toward other governmental warmongering.

"Like most of my fellow church members I am not antisemitic, but I maintain there are distinctions that must be drawn between the religion of Christianity and the religion of Judaism.

"Also, even if that would make me antisemitic under the definitions of some Jews, that I could be arrested for my activism in America in 2018 is a grim harbinger of the state of First Amendment freedoms and growing censorship in the academy and in the

public square, and it is particularly hurtful and outrageous that it happens at the hands of a church--my church--which has long stood for freedom of dissent and peaceable resolution of conflict without use of armed authority."

Leichty is a lifelong Mennonite and former immigration counsel to recently deceased Holocaust revisionists Ingrid Rimland Zundel, a former Mennonite, and her husband Ernst, who was abducted from his Tennessee home by federal authorities in 2003. Ernst Zundel was declared a national security risk in Canada and then sentenced to a five-year prison term in Germany for his speech.

Leichty was brought into the case and litigated against the United States for years after Zundel was taken to Canada, but he says that the politics of the case prevented Zundel from getting justice and being able to rejoin his wife in Tennessee.

Leichty says that as he prepared to participate in the scholarly conference at Bethel College, he contacted historical revisionists who had met Zundel and who share his skepticism about Holocaust orthodoxy and Jewish power, and that this led him to arrange for both Herskovitz and Daniel McGowan, a retired college professor from New York and founder of the organization Deir Yassin Remembered, to speak at an off-campus event just blocks away from the college campus on Friday evening, March 16 titled "Two Revisionist Jews Consider the Holocaust," at which Leichty would host.

Conference organizers for the Mennonite conference closed down registration for their conference after they were informed by a nearby Kansas Mennonite editor that McGowan and Herskovitz would be

speaking near the campus, and then refused to allow the two Jews to register or attend any non-public sessions of the conference; however, Leichty himself had already pre-registered for the event. "I paid my registration fee of \$100, and flew to Kansas from California and paid for several nights of lodging, not at that time expecting any hostility from conference organizers," he says.

"I had once lived in central Kansas, knew some of the organizers personally, and attended classes and have donated money to Bethel College at various times. I have been a frequent researcher in the church archives located on the Bethel College campus."

Leichty says he checked in to the conference and got his registrant badge without incident, but that administrators then tried to prevent him moments later from distributing flyers, on threat of arrest. When he asserted his right to share information on the Holocaust with fellow registrants at a conference on the Holocaust and continued his distribution of flyers, local police were called.

Leichty says he then agreed that he would not distribute flyers (announcing the presentation of the two Jewish revisionists) in exchange for remaining at the conference. But he later incurred the wrath of one of the conference organizers, Bethel College history professor Mark Jantzen, who "became furious and ordered that my microphone be cut when I attempted--during a question and answer period at the final afternoon session devoted to Mennonite-Jewish relationships during the second world war--to announce the event that evening featuring Herskovitz and McGowan."

The session chair ended that session after Jantzen's outburst, Leichty says, and Leichty says he was already leaving the campus when the town's police chief arrived for the second time. Leichty added that he had walked out of the building with a different conference co-organizer, John Sharp, and agreed to have further discussions with Sharp about his witness the following day on the campus, when police chief Randy Jordan pulled up in his vehicle. Leichty says he spoke amicably with Jordan through his vehicle window as the cars passed in the parking lot, with Leichty indicating he was leaving in order to prepare for the nearby event featuring Herskovitz and McGowan, sponsored by RighteousJews.org and Good Information Advocates.

Leichty says after he set up the rented community meeting room where his own event was to be held, the police chief dropped by and engaged the three revisionists in conversation for about a half hour and accepted some of the literature that Leichty had brought for distribution, including a pamphlet on "Holocaust Skepticism" written by noted Holocaust dissident Germar Rudolf, who has also been imprisoned in Germany for his speech. Leichty also presented Jordan with copies of two books: The First Holocaust (Heddesheimer) and Auschwitz: A Three-Quarter Century of Propaganda (Mattogno) (Castle Hill Publishers: 2018). "We had a civil, substantive conversation," says Leichty. Police chief Jordan later told Leichty that he was not aware that Leichty had been "trespassed" at any time Friday, March 16.

"In other words, as I now understand Kansas law enforcement use of the term 'trespassed' as an adjective, the chief was telling

me that he had no knowledge at any time prior to my arrest that I had been ordered off the campus on threat of being arrested if I were to return," notes Leichty. "Neither did I."

Leichty recounts that later that evening, after Herskovitz and McGowan had spoken to a small handful of attenders at their off-campus event, and after the end of the evening film session at the college campus that was open to the public, Leichty approached conference co-organizer Jantzen about the possibility of organizers reconsidering the exclusion of his colleagues for the second day of the conference, a conversation which he said had been scheduled earlier in the day. Notes Leichty, "Jantzen did not call police to immediately arrest me, which he supposedly could have done had I already been told not to come back on to college property."

Instead Jantzen informed Leichty that "not only are your friends not going to be allowed to register for the second day of the conference, you're out of the conference, too," says Leichty. Leichty says that he pointed out to Jantzen that he was a conference registrant, but Jantzen was unyielding.

At no time, he says, did Jantzen or any other conference organizer offer to reimburse him for either registration or travel or lodging expenses. "Under Kansas law, to prove criminal trespass one must show that the trespasser has knowledge that he has no right to be where he is. That did not describe me as a registered conference attender and licensee for the days of March 16-17."

"Moreover I was interested in the presentations being given. I told several persons including the president of the college that I did not believe there would be any basis for me to challenge most

of the scholarship presented at the conference, which for the most part derived from new discoveries about connections between Mennonites and Nazis in Germany and Ukraine. But I stated that Mennonites and other attenders should be made aware of other dimensions to Holocaust historiography--and I was also concerned about the context for the church's sudden keen interest in the subject, which had been used as a kind of defensive weapon when pro-Palestinian activists asked the church for support."

McGowan stated his own belief at the Friday evening alternative event hosted by Leichty that the Holocaust lobby was engaged in a "shakedown" of non-Jews in the United States and that the effort was now finally reaching Mennonites. Says Leichty, "our event drew exactly five people who were brave enough to listen to a revisionist viewpoint. We allowed and responded to questions. We had literature. Ironically, I dedicated the event to incarcerated Holocaust dissenters who had spent time in prison for their beliefs, or had been threatened with prison time, not realizing that the same fate awaited me, although on a much smaller scale. There are at least four women incarcerated in Europe right now for speech crimes concerning the Holocaust."

"I thought I was part of a church that encouraged dialogue in a country that permitted it. But the organizers of the nearby conference were successful in their efforts to demonize our event, and to deny conference attenders access to any information about the event."

On the morning of his arrest, Leichty says that because he was concerned about what Jantzen had told him the prior evening--namely

that he was "out of the conference"--and because he did not wish to be arrested but yet strongly believed he had the right to participate in the conference as a paid registrant, he took it upon himself to go to the small North Newton police station at about 8 a.m. before the morning session, hoping to speak with police chief Jordan. However, a different officer, Don Stovall, was on duty.

Leichty says that he explained to Officer Stovall what had happened the prior day, including the fact that the police chief had already been called to the campus about his participation, and that he asked that officer, who he knew would be responding to any Saturday calls, if he would be arrested on the spot or if he would not instead be entitled to voluntarily leave the campus if told by police to do so.

"At that time I was still hopeful that Bethel College would not actually act against me if I exercised my right to participate at the conference, but I wanted to be prepared. I did not want to risk arrest."

"I was told in a neutral informational manner by Officer Stovall that if the college called on police that day I would be given a warning to leave and not to come back to the campus on threat of arrest."

Leichty says that based on that assurance he then went to the campus building where the day's sessions were being held, with his registrant's badge, where he was confronted by Bethel College president Jon Gering who listened to Leichty speak for a few minutes and then, without responding to anything Leichty said, told him for the first time that he had to leave the campus--despite his

status as a registrant and even though Leichty told Gering that another conference co-organizer (Sharp) had arranged to meet with him at the conference later that day.

"Whether my participation in the conference could be terminated like that seemed like a civil dispute to me. For all those reasons--and because no police officers were present--I declined to leave, and I then entered the hall where the sessions were held, and I listened to and applauded two informative presentations on the topic of Mennonite assistance to Jews during World War II; however, after about a half hour Mark Jantzen then suddenly appeared at my seat in the company of Officer Stovall and said I would have to leave. I got up to do so, thinking I could do so voluntarily, as discussed with Officer Stovall. Since I was still unhappy about my ejection I announced to those assembled as I made my way out of the auditorium that 'fascism has come to Bethel College.'

"I also told the audience that I was a paid registrant just like they were, and that college administrators were responsible for my ouster and that the law enforcement officer was just doing his duty--but of course that was before I knew what awaited me.

"Only when I exited the room did I see other armed officers outfitted in riot gear and learn that I would be arrested. Apparently Officer Stovall had been convinced by the college president or other campus officials that I had already been told to leave the campus premises the day before and not return on threat of arrest--which was not true, nor had any of these new arresting officers been involved in that day's events. But Officer Stovall

told me I had not told him 'the whole story,' and that I did not have the option of leaving voluntarily after all."

Leichty says that after protesting briefly to no avail he then told the officers he would cooperate with them peaceably and that he did not even have to be handcuffed, but he was led away after being handcuffed with his hands behind his back based on "department policy."

"It was a sad day in Mennonite history. I had already said precisely that the previous day when my microphone was cut and when others in the room tried to shout me down to prevent me from even making an announcement about our revisionist event. I was at a church-sponsored event but I certainly did not feel like I was in the presence of peace-minded people.

"I believe in giving my adversary his due. And so I will admit that I had risen to speak during a time which was set aside for questions to speakers, and I didn't have a question per se. But neither of the two prior commenters from the audience had posed questions, either, and they had not been reprimanded or threatened with expulsion from the campus. One had made a comment about another past event, a family reunion involving one of the speakers, and the other commenter, a Jewish attender, said she had been offended by laughter which came during a presentation by that same speaker that involved his ancestors benefitting in Poland from expropriated assets of Jews. The speaker apologized for the humor he had injected into his treatment of the subject."

Notes Leichty: "At that awkward point I stood up and the student handling the microphone didn't even want to give me the

microphone. However, Jantzen told him to do so, while warning me to 'stay on point.' I made an opening observation that just as there were various Mennonite perspectives on the Holocaust, so also there were different Jewish perspectives, and then began referring to the opportunity to hear from two Jewish revisionists at a nearby meeting, and that's when all Hell broke loose as Jantzen yelled at me and stormed up the aisle telling technicians to cut my mike and angrily using his cellphone to call 9-1-1 as he did so. Other attenders also approached me and yelled at me in a threatening manner. Thus ended the session."

Leichty says that Jantzen was also the person who was responsible for refusing to allow Herskovitz and McGowan to even attend the sessions, for which "they were prepared to pay a full registration fee while foregoing meals that were part of the registration. Everyone could see that there was never a problem with seating capacity in the auditorium in which sessions were held, so I am forced to conclude that these two Jewish revisionists were excluded because of their views," he says.

"Indeed, there is also no other way--short of open antisemitism--to explain why Henry Herskovitz would be ordered off the campus the following morning, after my arrest, and told not to return or face arrest. Even if I had somehow violated conference rules--and there were certainly no rules shared with me in advance that I violated, including rules against distributing literature to fellow conference-goers--Henry hadn't done so, and he wasn't trying to surreptitiously attend the conference, he was just engaging in conversation with attenders outside of the building. One man told

Henry he was intrigued by Henry's cap, which read, 'America First-- Not Israel.' So maybe that was the problem.

"When I had first spoken with Jantzen upon my arrival at the conference about the attendance of Herskovitz and McGowan, Jantzen huffed about the fact that organizers had spent a long time preparing for the conference and these were serious researchers that were going to be making presentations, that this conference was about 'history.' But of course I wasn't questioning that; I approve of serious research; I am supportive of Mennonite history; I wasn't trying to get McGowan or Herskovitz on the program, just in the audience, and none of the three of us planned to disrupt the presentations in any way nor did we; I simply wanted my two guests to be able to attend and also be able to inform other attenders of an opportunity to hear them and think outside the box.

"Jantzen did not acknowledge another important official purpose of the conference, supported as it was by a denominational body, Mennonite Church USA, which was essentially to make overtures or amends to Jews instead of only showing solidarity with oppressed Palestinians. In other words, I knew the denomination had taken some heat about its instincts to stand with the oppressed in the nation of Israel, and advocates for Jews or Israel had stepped in to insist that the Jews were the real oppressed, and this event in Kansas was to be a dazzling display that Mennonites were also serious about addressing Jews as victims. Meanwhile I was prepared to offer some thoughtful analysis about that victim narrative and about its foundation and its function in present-day America.

"Ironically, instead of reaching out to Jews, Jantzen wanted

to suppress the two dissenting Jewish voices on hand in Kansas because they weren't saying the right things.

"Jantzen and his fellow organizers were prepared to do history only when it was in the service of ideology. Just like my arrest, that attitude ends up having a lot more in common with the worst features of Nazism than with either American patriotism or true religion, and it is especially inconsistent with Mennonite willingness to listen to others and to challenge dogma when it props up the interests of empire."

Leichty, who said he has never been previously arrested, says he was treated courteously while in custody. "It is ironic that I was treated with more courtesy by some of the law enforcement officers than I was by my fellow church members."

"I know how I have been characterized by fellow Mennonites and other political liberals, and I know how I will be characterized as a result of this latest incident. People will say I am unbalanced, that I have an unhealthy fixation with the Holocaust, or a need for attention, etc. etc. None of that is true.

"It stings, but on the other hand, I have always been told that one who is true to his faith can expect to suffer persecution. I am regarded unfairly as a Holocaust denier or a 'kook' only by people who don't know me or know my legal career working with many marginalized people. I am not even given an opportunity in church circles to explain exactly what I believe and what I find questionable. History is not a closed book, and the keynote speaker at the 'Mennonites and Holocaust' conference herself said that more research into the Holocaust is needed.

"I have been called both antisemitic and racist whereas neither are true. One would think that there would be a few Mennonites out there who might want to hear me out, or who indeed might even entertain some suspicion that based on my profession I have seen things they have not seen, obtained insights they have not obtained, and that I am genuinely attempting to apply my faith to a subject of pressing contemporary concern. But thus far I see a church of conformists who merely imagine themselves to be nonconformists or who are content to revel in the historic nonconformist stances of their forebears, and it is particularly sad to me that this applies to our church colleges as well, whether it be on this subject or others, places that are supposed to be home to divergent opinion but are instead being converted to antiseptic sanctuaries where Germanic Mennonite students are made to feel guilt for their heritage and culture and where white students are made to feel guilt for their skin color.

"I continue to pray that true willingness to listen emerges, that the ability to engage in self-criticism and to entertain revisionist ideas flourishes, and that the silencing and arrest of politically incorrect dissenters does not become the new symbol of the Mennonite Church of the 21st century."