

Appendix Y

**Professor Bing's letter of 7 August 2000
to the Chancellor**

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Mrs. Caroline Bennett,
Chancellor,
University of Waikato

7 August 2000

Dear Mrs. Bennett,

This letter is in response to Professor Bryan Gould's letter of 10 April to members of the Postgraduate Studies Committee and members of Council. The letter was made available to me through a request via the Official Information Act. This letter is now in the public domain.

In his letter Professor Gould makes some very strong categorical statements and these no doubt have influenced Council in its deliberations. Unfortunately most of these statements are misleading. Let me comment on some of the more important statements taken from the April 10, 2000 letter:

A) Professor Gould: **'The evidence so far submitted does not, in my view, support the allegations. This is also the view reached by other University staff and committees and by the Human Rights Commission and the Race Relations Conciliator.'**

My reply: The various Committees (FASS Human Ethics; the University Ethics Committee and Postgraduate Studies Committee) refused to receive the Bing/Franke correspondence of 29 November and the Bing letter of 2 April 2000. The issue raised about the analysis of the contribution of the Jewish refugees and Holocaust survivors as part of Kupka's thesis was ignored by the University Committees and its academic staff, i.e. first by Professors Oettli and Knufermann and later by Mr. Callaghan and the Vice chancellor. As far as the Race Relations Conciliator is concerned, the advice of the Office of the Race Relations Conciliator referred only to the issue of free speech and did not cover the issue of 'cultural safety'. Professor Selby's letter to Professor Delbruck of 11 May 2000 takes up the issue of 'cultural safety' and makes it clear that at the

time when the Higher Degrees Committee approved Kupka's enrolment in July 1998, 'we were unaware of any comments that he had made on the web.' And he goes on to point out that: 'The research for which he was accepted into the University apparently had no relationship to his views on the Holocaust and none of the people in the University of Waikato were aware that this matter would be raised.'

Well, it had in fact been raised by me and by Mr. Franke of the German Department two months before Kupka's enrolment. But it is clear from the attached correspondence that Professors Oettli and Knufermann as well as Dr. McKim chose to not at the time inform the Higher Degrees Committee. See letters Franke to Knufermann 11.5.1998; 12.5.1998 and 18.5.1998 and also Knufermann to Oettli, 18.5.1998 and Oettli to Knuferman/Franke and McKim, 2.6.1998.

B) Professor Gould: **'Mr Kupka's case has been handled by the Postgraduate Studies Committee in an exemplary fashion. The process has been entirely in conformity with our normal procedure. Allegations against particular members of staff...are entirely without foundation.'**

My reply: Professor Selby's letter to Professor Delbruck clarifies that the Higher Degrees Committee did not handle the Kupka enrolment in an exemplary fashion. Professors Knuferman and Oettli as well as Dr. McKim refrained from letting the Committee know what reservations had been made about Kupka's Doctoral proposal. Dr. McKim was a member of the Higher Degrees Committee and consequently that Committee must take some of the blame for not dealing with the issue in July 1998.

About two years after Kupka's enrolment, on 12 May 2000, the PGSC, addressed for the first time, some of the questions raised in our correspondence. Professor Selby acknowledged this in his correspondence to Mr. Michael Nathan. He writes, 'The Committee has not yet considered the detailed research plan which Mr. Kupka will need to

revise if he is to avoid interviewing members of German-speaking origin or people of Jewish descent.' [letter to Mr. M. Nathan, 17 May 2000].

This question should have been addressed in July 1998 when it was raised and not about two years later when the issue had become a matter of public controversy.

Contrary to what Professor Gould suggests, in my correspondence of November 1999 and of April 2000, there is no reference whatsoever to the Dean of Social Sciences.

C). Professor Gould: **'The University takes very seriously indeed all issues of 'cultural safety'. That is why the University Mediator has undertaken a full inquiry into the case and has made a full investigation of all the allegations'.**

On perusal of the Report of the Mediator [21 March 2000] it becomes apparent that the Report did not deal in any way with the issue of 'cultural safety' which Mr. Franke and I had raised on 29 November 1999. The Mediator made it very clear to us that that particular issue was not part of her brief.

Similarly, the Race Relations Conciliator, Dr. Rajan Prasad, has publicly stated that the issue of 'cultural safety' was not covered by the advice his office gave to the University. In fact, Dr. Prasad has publicly supported calls for an independent inquiry into the Kupka affair.

The refusal of the FASS Ethics Committee and the University Ethics Committee to receive our correspondence on 'cultural safety' is a further indication of a lack of understanding of the sensitive moral and ethical issues raised. The Memorandum of Dr. Michael Goldsmith, the Acting Chair of the University's Ethics Committee, clearly indicates that these two Committees were in error not to receive and table our

correspondence and deal with the issue of 'cultural safety'. See attached Memorandum Goldsmith to Human Research Ethics Committee, 22 May 2000.

And then, finally, there is the clear statement of Dr. Green, the Chairperson of the FASS Ethics Committee. In a memorandum of 11 May 2000 to Professor Selby with copies to the Vice Chancellor and the Dean. She wrote: 'The FASS Ethics Committee then found that Mr. Kupka's research proposal had not previously been submitted to either the School of Humanities Ethics Committee in 1998 or the FASS Ethics Committee, which replaced the former Committee in late 1999. This was despite a written commitment by Mr. Kupka, on page 14 of the PhD proposal presented to the Higher Degrees Committee, to send the proposal to the Humanities Research and Ethics Committee. It appeared that the student's research had not undergone an appropriate ethics approval process, required for all research that involved live human beings'.

This basically confirms what Mr. Franke and I wrote to the University on 29 November 1999. It establishes without a shadow of doubt that the proper University processes were not observed. And just as, in July 1998, Professors Knufermann and Oetti chose not to inform the Higher Degrees Committee of the issues raised by Dr Franke and Professor Bing, so now throughout 1998 and 1999 they chose not to ensure that the Kupka proposal was submitted to the Ethics Committee of the School.

On the radio on 5 July 2000 Professor Gould said 'a great witchhunt was mounted on the basis of false information' against Mr. Kupka'. Professor Gould did not name the persons who (he claimed) mounted the witchhunt, nor did he specify the 'false information' allegedly disseminated in the public domain. But his comment has shocked many people in New Zealand and overseas because they naturally assumed that Professor Gould's target was the Jewish community. It is both offensive and absurd to portray Kupka as the innocent victim.

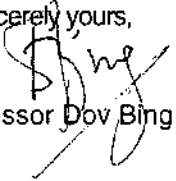
In May of this year, Mr.Hans-Heiko Klein, the wellknown Prosecutor of Holocaust Deniers in Mannheim, Germany, confirmed that he had initiated investigations against Hans Joachim Kupka for the suspicion of 'Incitement to Hatred and Violence against Minority Groups' (German Criminal Code 130) and other offences.

When in April of this year the New Zealand Jewish Chronicle raised the issue of Dr.Hayward's Holocaust Denial Master thesis, the University of Canterbury reacted with sensitivity and swiftness. Its Chancellor, Dame Dr.Phyllis Guthardt announced that the University Council would immediately set up an independent Committee of Inquiry. The Vice Chancellor, Professor Daryl LeGrew, issued a public statement on 20 April 2000 indicating that 'the University is dismayed at the level of upset in the Jewish community and regrets this deeply' going on to stress, 'We wish to work with the Jewish community to resolve these matters'.

The time has come for Council to listen to the requests from the New Zealand Jewish Council, the Waikato Jewish Association, the Law School, the Maori academics in the Law School, the Jewish academics, Professors Ben Gibbs, Marshall Walker and Dr. Douglas Pratt, the Waikato Interfaith Consultative Group (Anglican; Hindu; Jewish, Methodist; Mormon; Muslim; Presbyterian; Quaker and Sikh Communities) as well, as the Goethe Society and to set up an independent inquiry into all aspects of the Kupka affair. I would like to conclude with a quote from Professor Delbruck of Victoria University: 'The academic reputation of the University of Waikato and the moral integrity of this country are also at stake.'

I trust you will discuss the contents of this letter at your Council meeting.
Thank you for your attention.

Sincerely yours,


Professor Dov Bing

cc. Members of Council

ENCLOSURE APPENDIX LETTER BING/BENNETT, 7 AUGUST 2000

- 1) Vice Chancellor to Members of Council and PGSC, 10 April 2000
- 2) Delbruck et al. To Selby, Acting Vice Chancellor, 17 May 2000
- 3) Selby to Delbruck, 11 May 2000
- 4) Franke to Knuferman, 5 May 1998
- 5) Franke to Knuferman. 12 May 1998
- 6) Franke to Knuferman, 18 May 1998
- 7) Knuferman to Oettli, 18 May 1998
- 8) Oettli to Knuferman, Franke, McKim, 2 June 1998
- 9) Selby to Nathan, 17 May 2000
- 10) Mediator Report, 21 March 2000
- 11) Goldsmith to Human Ethics Committee, 22 May 2000
- 12) Green to Selby, 11 May 2000
- 13) Vieregg to Whom It May concern, 2 May 2000
- 14) Vice Chancellor's Witchhunt Interview, Radio Network, 5 July 2000