



Windsor, Sunday, March 21, 2010

The Observer  
Guardian Newspapers Ltd  
• Legal dept •  
Kings Place  
90 York Way  
London, N1 9GU

Dear Sirs,

Please regard the letter below as being a Letter before Action. *Begins:*

The purpose of this letter: I have already put your publications (including the *Guardian* and the *Observer*) on notice that if you should print or otherwise publish anywhere including on your Internet website or associated websites any statement carrying the defamatory and now demonstrably untrue meaning, whether implicit or explicit, that I am “**an active Holocaust denier**”, or any variations on that phrase carrying the same purport, or that I deliberately exaggerate historical data, then I reserve the right to issue without further notice a Claim in Defamation against yourselves and the author of the libel, and that I shall produce this letter at the hearing of the action as evidence that you published the said libel in the face of such a written warning in support of a possible claim for aggravated damages.

Despite this written warning, people around the world have today informed me that your today's edition carries an article libelling me with the inference that I am an active Holocaust denier and that I deliberately exaggerated the figures of the Dresden air raid death roll. I refer you to the article published in *The Observer* today, as cited in part below, which has been syndicated around the world and is also published on your website – see <http://www.guardian.co.uk/world/2010/mar/21/dresden-war-crimes-death-toll>.

Your journalist Mr Beaumont, who will be a co-defendant in any action that I may now bring, made no attempt to contact me. The full text of the article is as follows, but my Claim will also rely on previous items recklessly published by Guardian Newspapers Ltd as evidence of malice, indeed a

twenty-five year campaign of reckless vilification; you may know that once before a major Sunday newspaper has had to pay me substantial damages for libel:

### **In Dresden or Darfur, the numbers are important**

A German commission has ruled on the casualty figures during the Second World War firebombing of the Saxon city. Will that at last stop the exaggerations of Holocaust deniers such as David Irving?

Before David Irving's failed libel case against author Deborah Lipstadt a decade ago - she accused him of Holocaust denial - Raul Hilberg, Holocaust scholar and author of *The Destruction of the European Jews*, was asked by DD Guttenplan why the arithmetic of mass murder remains so important.

"There is," said Hilberg, "if you don't want to surrender to nihilism entirely, the matter of a record. Does the record matter? In my judgment it is not discussable, it is not arguable."

I mention Hilberg because of the final unravelling of another of Irving's poisonous "facts": the claim in Irving's 1963 book *The Destruction of Dresden* that 135,000 people died in the firebombing of the German city.

In truth, Irving's Dresden numbers have long been under assault. They were challenged at the Lipstadt trial by the historian Richard Evans, who later accused Irving of "consistent" and "deliberate" falsification.

Other historians have concluded over the years that the death toll was much lower.

Now, in what seems likely to be the last word on the matter, a German historical commission set up to examine the precise numbers of those who died has reported. After five years' work it has established that the toll was around 25,000... a shocking number, but - without diminishing the scale of the death - of quite a different order.

Why this matters so long after the event is not simply because it undermines those on the far right who seek to establish a moral equality between the crimes of Nazi Germany and "Allied crimes", but also because of Hilberg's wider point over the "sanctity of facts". Because the numbers really do matter.

Holocaust deniers like to play with the numbers. Those who seek to deny the genocidal massacre at Srebrenica during the Bosnian war also seek to diminish both the absolute total or redefine the nature of those killed to combatants from civilian men and boys. A similar process has been attempted over Rwandan genocide. And the number who died during the war in Iraq has been one of the fiercest areas of contention. Indeed, it remains disgraceful that we have no accurate count of Iraqi casualties, while we have recorded every dead and injured US and British soldier.

And why this matters is because an accurate accounting - whether of the deaths in Darfur, Dresden or Dachau - supplies real meaning to the narrative of memory and history. It allows us to accurately define events; make comparative judgments both morally and politically, to understand the intention behind acts and the weight of suffering.

None of which means that Dresden was not a terrible act in a terrible war. It does not even mean that it was not a crime, although that remains the subject of continuing historical dispute. But if it was a crime, it was one on a far smaller scale than claimed by the likes of Irving.

The truth, to paraphrase, will always set us free.

Argument: I am a public figure, and the newspaper is sold within the jurisdiction. I refer you to the many statements I have made in public which are a matter of record and will destroy any pleaded defence of justification. These include but are not limited to my biographies of Dr Joseph Goebbels (1996) and of Hitler (1977, 1991, and 2002), where I describe in detail the mass shootings of Jews and others behind the eastern front. The language you have used will not help any attempt at a public-interest defence, particularly since your journalist made no attempt to contact me.

My statements in both the Lipstadt trial (2000) and the Vienna trial (2006) left no doubt that I believe (accepting that the Höfle document and Korherr report are authentic and not forgeries) the Nazis and their accomplices murdered 2.4 million Jews in the “Reinhardt” camps along the Bug River (Treblinka, Belzec, and Sobibor); minor questions arise over Auschwitz, but Holocaust historians including the late Raul Hilberg, who supported in writing my views on Hitler’s role, have also asked them.

I have demonstrably stated so in public since 1991 (my discovery of the Adolf Eichmann files), 1992 (my discovery of the Hans Aumeier manuscripts and subsequently the full exploitation of the CSDIC files): you will find these statements throughout my website (go to [www.fpp.co.uk/search](http://www.fpp.co.uk/search)) and repeated in my interview with *The Guardian* newspaper published on September 29, 2007, which you can read most easily at [www.fpp.co.uk/online/07/09/Guardian\\_interview.html](http://www.fpp.co.uk/online/07/09/Guardian_interview.html), and repeated in *The Forward*, the foremost US Jewish newspaper (*ibid.*, /online/07/09/Forward.html).

The published diaries of my recent visits to these death camps will destroy any doubts you might still entertain:

<http://www.fpp.co.uk/docs/Irving/RadDi/2007/020307.html> *et seq.*

On the matter of Dresden, I stand behind my original figures as related to me by Hanns Voigt, the director of the dead persons section of Dresden’s wartime Missing Persons Bureau, 135,000 being his best estimate given me in writing and supported by the military commandant of Dresden at the time. The fact that a commission of cowardly and conformist German Government historians has now conveniently “found” otherwise, sixty-five years later, is interesting for many reasons but unconvincing.

A few months ago I found, by the tedious process of trawling through nearly fifty volumes, each of one or two thousand pages of flimsy intercepts, the decoded messages of the Dresden police chief, included one dated March 24, 1945, reporting that the mayor of the city has now confirmed to him that eighty to one hundred thousand people are registered, i.e. listed by name, as missing in the raid, and the same officer elucidated, in another decoded signal about two hundred police officers still missing in the same raid, that “missing” means they are most likely now incinerated corpses charred

beyond recognition in the city's ruins. If your journalist has a better source to refute this, he did not say so.

I have now prepared the papers for an action in defamation against Guardian Newspapers and your journalist, and await your immediate response and proposals to rectify the damage that your article has done, subject to which and subject to the provisions of the UK Pre-action Protocol for Defamation, I reserve the right to issue and serve a Claim without further notice.

In the circumstances, furthermore, since Guardian Newspapers Ltd. has repeatedly published these defamatory and untrue words and has ignored previous friendly admonitions, I must this time ask for *a written undertaking* that you will not repeat this damaging libel, namely that I am a current and active Holocaust denier, failing which I reserve my rights to proceed against your goodselves without further notice.

Yours faithfully

David Irving