

Summary of a Presentation by Deborah E. Lipstadt,
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Good afternoon. It's a pleasure being here. It is a pleasure and honor to be addressing an august body such as this and I don't say that lightly. I begin by thanking you for your service to our nation.

I'm the author of four books and the trial I want to talk about was precipitated by a book I wrote that was published in 1993, called *Denying the Holocaust: the Growing Assault on Truth and Memory*. It was an attempt to explicate who the true Holocaust deniers were, their modus operandi, and the impact they were having. It was not an attempt to answer them, because I think even before I wrote that book I was convinced that debating Holocaust deniers is akin to nailing a blob of jelly to the wall--you can't do it. They are essentially liars, they twist the information, they twist the evidence, so it's impossible to debate them and I didn't want to debate them thereby suggesting there was a chance this didn't happen.

I was intrigued by how they were getting some people to believe them and their approach to the material. In the interest of full disclosure, I approached the topic and in my investigation became utterly convinced of the fact that at its heart, at its core, Holocaust denial is a form of anti-Semitism, and in many cases a form of racism and I think that will become clear in the course of my presentation.

In the book I mention very briefly a man named David Irving. He is a British writer, a writer of historical works. I don't call him an historian, not because he doesn't have degrees in history, but because he proved himself not to be a historian, and again, more of that as we move along.

I mentioned him in the book and referred to him as a Holocaust denier; and as someone who knows the truth but manipulates it and bends it for his own foregone conclusions. In other words David Irving, a well know writer of historical works from World War II, his first work was on the bombing of Dresden that came out in the mid-60's. He has written many others, and virtually all his works share a common thread running through all of them and that is that the Allies weren't so right and the Nazis weren't so bad. And that's why I mentioned his first book on the topic of Dresden where he went to a topic where he thought he could show the Germans as victims and the Allies as perpetrators.

He once described himself, somewhat facetiously, as a mild Fascist. He was definitely intrigued with Adolph Hitler, as became exceptionally clear in his 1978 book *Hitler's War*, which he described as an analysis of the war from behind Hitler's desk. In the first edition of that book he made what should sound to you like a ludicrous contention, and it is a ludicrous contention, that Hitler didn't know about the Holocaust and when he found out about it he tried to stop it, because he was trying to sort of whitewash Hitler's reputation and here was something that needed to be eliminated.

The interesting thing, by the way, of the reviews of that book is that his books were taken seriously. Invariably they would be reviewed and people took his work seriously. He had a way of coming up with documents people hadn't seen before, and which were by and large thought to be genuine, which I think they were. He would get letters from the front. He would get somebody's diary who was the second-in-command of the mobile killing unit on the Eastern Front, or something, probably given to him by the families of Germans who appreciated his historical approach to this material.

What was striking about the reviews of *Hitler's War* is that many of the reviews said that "It was of course is ludicrous that anybody could argue that Hitler didn't know about the Holocaust. That just flies in the face of the history of what we know about the Third Reich, flies in the face about what we know about the Final Solution, etc, but with that set aside the rest of the book is worth considering." I was struck by that when I began my research because you would think that for someone who would pose such a ludicrous argument, the reviewer's response would be that, "Anybody could make that kind of argument and I'm going to check every detail about anything else he says." Many people began to sort of question him and in the subsequent decade question his findings, but again there was still an acceptance of him. In the subsequent decade, in the 80s he began to move closer to the Holocaust deniers. He would show up at their meetings, would show up at their conferences, and although he wouldn't deny the Holocaust. They loved having him there because it gave them their meetings a certain prominence and a certain attention and they appreciated that very much.

Then in the very end of the 1980s there was a case going on in Canada. The Attorney General of Canada sued a man named Ernst Zundel, a German ex-pat, living in Canada many years, for Holocaust denial under Canadian Hate Speech laws. The trial was in Toronto. In the first trial the judge did not take judicial notice of the Holocaust and the trial really turned into a nightmare I guess would be the right word in the sense of prominent historians in a debate with Zundel's lawyer over details of the Holocaust, etc. There was a hung jury.

There another trial and in this trial the judge did take judicial notice of the Holocaust, but one of the witnesses in the second trial was David Irving. He came to the trial and he announced publicly, one of his first statements was that he had become convinced there was no Holocaust, that the gas chambers were a scientific impossibility, and he made some very very extreme statements in that regard. He then went on a speaking tour and said things like I'm going to sink the battleship Auschwitz, the Holocaust is a myth, it never happened, etc.

That was around the time I was writing my book and I heard this and I immediately included it in the book. I didn't think I was doing anything edgy by calling this man a Holocaust

denier. He had gone into court and under oath that he thought the Holocaust was a myth. My book came out in the United States to positive reviews and the rights were bought by Penguin UK, was published in the United Kingdom and within about four months of being published in United Kingdom I received word that he was bringing suit against me for libel for calling him a Holocaust denier. Under British libel laws the burden is on the author so that immediately restricted any option that I had. Many of my colleagues in the academic community said I should just ignore it and I explained that if I ignored it he would win by default. In England there is no public figure defense so that is one of the reasons he waited until the book was published there before suing me.

Why he chose me, I don't know. I hadn't written anything worse than others had written. I think there are a number of reasons. First, as the Brits say I was from "across the pond" so maybe there was a greater chance I wouldn't fight this, number one. Number two, he is a misogynist of the first order and I think he thought that going after a woman added a certain spice. And three, I am a member of the Jewish community a scholar and in many of the things I write I am a committed Jew, and he wanted to argue there was an orchestrated conspiracy by the Jewish community against him and I was its puppet.

Initially I depended on Penguin's lawyers to handle the matter in the United Kingdom, and then hired my own representation on advice of my attorney. I hired Anthony Julius, a Solicitor in the United Kingdom, which ratcheted up press coverage in the case. First and foremost we wanted to do everything to ensure that if the case went to trial it would not become a question of whether the Holocaust happened. Number two, we were going to comb through the David Irving's works and look for documents to support claims in the footnotes. We decided to rely on the testimony of expert historians about the Holocaust, rather than testimony of survivors, because we didn't want witnesses of fact. We also decided to go with a bench trial because of the massive amount of documents.

We won a decisive victory. The judgment is 350 pages long and is a devastating verdict against Mr. Irving. An important part of the judgment was the judge's finding that Mr. Irving drew his conclusions deliberately and the conclusions were not the result of mistakes. We were struck by the strength of the judge's decision. The decision is at www.hdot.org.