



Windsor, Friday, October 31, 2008

The Jewish Chronicle.

• attn.: Legal Department •  
25 Furnival Street  
London EC4A 1JT

Dear Sirs,

### **Letter before Action**

I do not appear to have received a response to, or an acknowledgment of, a previous warning letter in the same or similar matter, and you should now therefore please take this letter as being a Letter before Action as prescribed by the Pre-Action Protocols for Defamation. *Begins:*

The purpose of this letter: This letter puts your publication on notice that if you should print or otherwise publish anywhere including on your Internet website 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, then I shall without further notice issue a Claim in Defamation against yourselves and the author or authors of the libel, and 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.

I refer you to the anonymous article published on the front page of the Jewish Chronicle today, which has also been published today on your website at <http://www.thejc.com/node/7486>. The full text of the article is as follows:

*David Irving invited on Celebrity Big Brother*

TV production company Endemol, which makes the reality show *Celebrity Big Brother*, was condemned this week for inviting Holocaust-denier David Irving to take part in the next series.

Mr Irving states on his website that he received a "top secret provisional invitation" in September asking him to take part in series planned to start on January 2. He was told last Friday that he had not made the final selection.

He met producers for ninety minutes at a Kensington hotel on October 7 and wrote on his website: "They seem very keen, pleased that I am so up front, open and uninhibited. Comes easily to me."

He also notes that his teenage daughter advised him against accepting, but he told her he was encouraged by the fact that "financially [the programme makers] have made a killing".

He said he was annoyed at the decision not to take him, saying "the fee would have been nice" wondering "who had put the 'no' stamp on it".

Stephen Smith, director of the Beth Shalom Holocaust Centre in Nottingham, said: "Broadcast is fast becoming a spectacle of outrageous views that can bring harm to others. If the makers of *Celebrity Big Brother* even considered David Irving for their next broadcast, it demands a full explanation.

"It is just as well they thought twice. David Irving has convictions for Holocaust denial in Austria and is well known to be an apologist for the Nazi regime. He has no place on prime-time television."

A *Big Brother* spokesperson said Irving had not been "seriously considered" as a contestant.

David Irving did not return the JC's request for comment.

Argument: I am a public figure, and your 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.

My statements in both the Lipstadt trial (2000) and the Vienna trial (2005) 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 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.

Notice: Should you recklessly and maliciously repeat the lie as defined in the first paragraph to this letter – as you may feel tempted to do now – I reserve the right, subject to the provisions of the UK Pre-action Protocol for Defamation, to issue and serve a Claim in Defamation without further notice.

In the circumstances, 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 issue proceedings without further notice.

Yours faithfully

David Irving