



Windsor, Sunday, November 2, 2008

Guardian Newspapers Ltd
• attn.: Legal Department •
119 Farringdon Road,
London EC1R 3ER

Dear Sirs,

Please regard the letter below as being a Letter before Action. *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 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, then I reserve the right to issue without further notice 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 article published in *The Observer* today, as cited below, which has been syndicated around the world and published on your website - see <http://www.guardian.co.uk/media/2008/nov/02/bigbrother-david-irving-endemol>. Your journalist 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:

Protests at Irving's audition for Celebrity Big Brother

by Rajeev Syal

DAVID Irving, the disgraced historian and Holocaust denier, was considered as a contestant for the reality television show *Celebrity Big Brother*, prompting astonishment and anger from Jewish campaigners.

The 70-year-old author, described by a High Court judge as 'anti-semitic and racist', had a 90-minute meeting with the production company Endemol and discussed taking part in the next series in January.

The disclosure follows a week of intense debate over the ethics of entertainment following lewd and insulting comments made by Jonathan Ross and Russell Brand on Radio 2. Endemol was severely rebuked by the media regulator Ofcom last year for allowing former *Celebrity Big Brother* contestant Shilpa Shetty to become the target of sustained racial abuse.

Irving announced on his website that he had received a 'top secret provisional invitation' in September. He was told last week that he had not made the final selection.

Leading historians and Jewish figures were incredulous yesterday at Endemol's apparent invitation. Deborah Lipstadt, the American historian who defeated a High Court libel case brought by Irving, wrote on her blog: 'This is beyond belief.'

Mark Gardner, a director at the Community Security Trust, the Jewish anti-racism body, said: 'It is pathetic in the extreme that a Holocaust denier should even be considered as light entertainment for a reality TV show.'

A spokesman for Endemol said that Irving had not been 'seriously considered' as a contestant.

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.

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 question 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) 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, 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 substantive 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, 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 issue proceedings without further notice, subject to the provisions of the UK Pre-action Protocol for Defamation.

Yours faithfully

David Irving