HISTORY ON TRIAL

My Day in Court
with David Irving

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TWENTY

JUDGMENT DAY: PHONE CHAINS, PSALMS, AND SLEEPLESS SURVIVORS

After closing arguments I returned to Atlanta for two weeks. The judgment was scheduled to be handed down on Tuesday, April 11. One morning James called to inform me that the lawyers would receive the decision on Monday, twenty-four hours before it would be read in court. I asked, "Can we talk about it or do we have to keep quiet until Tuesday?" He responded, "We can't tell anyone. Including our clients. We can't tell you until one hour before Judge Gray reads it in court." I was annoyed that they would know and I wouldn't. James explained that this arrangement allowed the victor's lawyers to prepare a "cost order," a request that the loser immediately pay a portion of the costs. I grudgingly accepted James's explanation, until he added that because Irving was serving as his own lawyer, he too would receive it on Monday. I did a slow burn. It seemed patent unfair. I had been an observer to so much of this saga, despite the fact that it concerned my work and my reputation. I had been compelled to sit and listen to misstatements about my beliefs. And now Irving—who had instigated this suit—would know the outcome twenty-four hours earlier than I. At the moment, it seemed more than I could bear. Suddenly, five years of pent-up frustration burst forth in one uncensored stream of anguish. A colleague, who had walked into my office, expressed admiration at my "colorful language."
ADRENALINE AND BANDS OF ANGELS

I returned to London on Sunday, April 9. At dinner I told James and his wife, Ann, of my recurring fear that the judgment would be so restrained that Irving would claim it as a victory. James did not discount my fears. Still annoyed that the lawyers would receive the verdict early, I told James I had devised a scheme. "I'll ask, 'How's the weather?' Depending on the verdict, you can answer either bright and sunny or overcast or dark and stormy." James's dismissive laughter made it clear my plan was a nonstarter.

On Monday a steady stream of reporters and camera crews arrived at my hotel. Aware that the judgment was already in the solicitors' hands, they asked if I had any "inkling" of the outcome. I told them I did not and admitted that it was excruciatingly difficult to remain in the dark when both my lawyers and Irving knew the verdict. Wary of predicting victory, I carefully monitored my words. Even though I could not speak as freely as I wished, it felt liberating not to have to depend on others to speak on my behalf. Though I tried to appear relaxed, the reporter from my "hometown" paper, the Atlanta Journal Constitution, saw things differently:

Over coffee the day before the verdict, Lipstadt—described... by the Times of London as a "striking redhead"—was charged up in a way people often are when they find themselves in a favorable limelight. In Britain, as in the United States, she has been widely portrayed as the defender of good against David Irving's bumbling prince of darkness. In the sitting room at her elegant London hotel—Lipstadt's home away from home during the trial—a waitress brought her a small porcelain coffee pot. "Are you nervous?" the waitress asked politely as she set the pot and cup on the table before Lipstadt. "Adrenaline, adrenaline," said Lipstadt, who apparently decided that was all the stimulant she needed and asked for decaf. Each morning during the trial the uniformed doorman wished Lipstadt good luck as she headed off to court. When she returned at night, he asked her how it went. "The concierge told me to be optimistic because there is plenty of time to be pessimistic afterwards," she said, clearly proud of the quasi-family she acquired at the hotel. Lipstadt seems up to the fight, and believes the cause is worth the struggle.
Douglas Davis, Jewish Telegraphic Agency correspondent, asked me what I had been doing since the end of the trial. "I returned to Atlanta to prepare for Passover. I have twenty people coming for Seder." Astonished, he said: "You did WHAT?!" Other guests in the hotel lounge looked up, intrigued to know what I had done that evoked such a response. Davis found it difficult to fathom that, on the eve of the judgment, I was preparing for Passover. The answer to Davis's next query—"Has the trial changed your life?"—seemed obvious. I had been preparing for Passover for years and no one had ever thought that remotely interesting, much less newsworthy.

During the interviews, a number of reporters commented on my "dignity" during the trial. Since I had done nothing but remain silent, I was, at first, perplexed by their reaction. Then I realized that my silence was a dramatic contrast to Irving's behavior. The Reuters reporter recalled how Irving had told her his "domestic staff" included "very attractive girls with very nice breasts." Two months later, she was still "stupefied" by the encounter. The London correspondent for Israel's Haaretz described how, when he visited Irving together with his colleague, Tom Segev, Irving told his daughter Jessica, the one to whom he had sung "I am a Baby Aryan," that Segev's baldness was a decidedly Jewish attribute. Compared to that it was hard not to appear dignified.

By early evening the media madhouse subsided. Ken Stern arrived from Brooklyn. We shared a bottle of wine and a light dinner, which I prepared in my tiny kitchen, and speculated on the judgment. A lawyer who had argued before the Supreme Court, Ken shared my worries about a tentative and ambiguous judgment. Given Judge Gray's questions on the final day, neither of us knew what to expect. Our conversation was repeatedly interrupted by phone calls from France, Germany, Poland, Israel, the United States, Canada, Mexico, and Australia. I learned that the morning minyan at my synagogue would recite Psalm 51—"God, You are right in your sentence and just in Your judgment." Other friends had arranged an international phone chain and e-mail distribution list to spread the word. My cousin, Lady Amelie Jakobovits, known throughout the British Jewish community as "Lady J.," called from Poland, where she was accompanying a group of two hundred teenagers on a tour of Jewish sites. "Deborah," she said, "the young people are praying on your behalf."

Around 11 P.M., Ben Meed, president of the American Gathering of Jewish Holocaust Survivors and a survivor of the Warsaw Ghetto, called. A
compact white-haired man, Ben’s life was the world of Holocaust survivors. “Deborah, tonight you can sleep soundly because none of us will be sleeping.” He did not have to identify the “us.” There is a Jewish aphorism: “Things which come from the heart enter the heart.” And so it was. I found the notion of survivors unable to sleep as they awaited news of the verdict hard to fathom. After a prolonged silence at my end, Ben, afraid that our connection had been cut, said, “Are you there?” I assured him I was and bid him goodnight. I sat at my desk looking out on the London streets, overwhelmed by it all. The adrenaline was gone.

The first night of Passover is called the “Night of Watching” because Jewish tradition posits that God watched over the Israelites as they fled Egypt. On Seder night Jews do not recite bedtime prayers requesting that God keep them safe throughout the night because, tradition has it, God is already on guard. I doubted Ben had this in mind when he told me that survivors would not be sleeping but, when I did go to sleep, I imagined myself surrounded by a band of resolute angels, whose lives had been shaped by the Holocaust and its attendant horrors.

NO MORE WAITING

I arose early the next morning. My workout was determined and deliberate. I avoided chitchat with the other early-morning exercisers. As I walked through the lobby in my sweaty T-shirt and shorts, the hotel staff quietly wished me luck. The bellman gave me a thumbs-up. The concierge showed me that all his fingers were crossed. I carefully timed my preparation so I would arrive at the Mishcon offices precisely at 9:30. I did not wish to arrive early and have to nervously wait in the reception room. I did not wish to be late and delay hearing the news. I fumed as my taxi got stuck in Piccadilly’s perennial traffic jam. At 9:30, I was still a few blocks from the office. I called Anthony: “It’s nine-thirty. Well?” Laughing, he said, “We won… Big.” When I shrieked, the taxi driver hit the brakes. My papers went flying everywhere. I assured the driver all was fine. Anthony continued, “We won on everything except the Goebbels diaries in Moscow.” Ignoring the fact that the glass was essentially totally full, I expressed dismay that we lost on Moscow. Anthony reassured me, “It doesn’t matter. Wait until you see what the judge has to say about everything else.” By then the taxi had reached the office, and I r

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THE AFTERMATH

office, and I ran off without paying. Embarrassed, I returned and gave the driver ten pounds for a five-pound ride.

Too excited to wait for the elevator, I ran up the stairs. This moment British reserve was thrown out the window. Anthony, James, and I exchanged hugs. Laura Tyler arrived, grinning from ear to ear. We did a little victory dance. Over the preceding months, despite being a paralegal, Laura had assumed tasks usually assigned to lawyers. At strategy sessions she contributed as if she were a full partner in this team, which, in fact, she was. Her work had earned her just desserts. Mishcon had invited her to join the firm upon completion of the law course she would begin in the fall. Michaela, Anthony’s secretary, warmly congratulated me and told me she was coming to hear the verdict. I was glad. She had been a stalwart worker throughout this process. James handed me the 355-page judgment. He had already highlighted significant sections of it. “Sit and read. You’ll be pleased.”

Judge Gray began his findings by praising Irving as a “military historian” and describing him as “able and intelligent (emphasis added).” After that it was all downhill for him. Our criticisms of his work were “almost invariably well founded.” Irving had “significantly misrepresented what the evidence, objectively examined, reveals.” Judge Gray’s choice of words to describe Irving’s writings about the Holocaust were unambiguous: “perverts,” “distorts,” “misleading,” “unjustified,” “travesty,” and “unreal.” I lifted my arms in victory, looking more like a prizefighter than a professor.

But there was work to do. We had scheduled a press conference for after the judgment. A few days earlier I had drafted a statement to read. I had written it in anticipation of victory, but my fears about an evenhanded judgment compelled me to keep it decidedly reserved. I edited it to reflect the sweeping nature of our victory. I quoted Judge Gray’s findings: Irving’s “falsehood of the historical record was deliberate and ... motivated by a desire to present events in a manner consistent with his own ideological beliefs even if that involved distortion and manipulation of historical evidence.”

Never had I enjoyed editing so much. I was still scribbling when James announced that the taxi was waiting.

Photographers and demonstrators were crowded behind police barricades in front of the Law Courts. I asked, “Why all the press?” Anthony, sounding somewhat incredulous at my question, replied, “Deborah, they’re here for us.” Emerging from the taxi, I grabbed James by the arm and ran
toward the building. Aware that I was still under embargo and could not yet broadcast the news, I tried to squelch the satisfied grin on my face and waved at the photographers.

Today's session had been moved to the largest courtroom in the Law Courts. It was packed. Reporters and spectators were standing three and four deep along the walls of the courtroom. As I walked to my seat, people whispered, "Good luck." Someone reassuringly patted me on the shoulder. Once I reached the front table, I turned to scan the room. Ninette Perahia, who had included me in a family supper during the first week of the trial and whose husband, Murray, had provided a musical interlude, was there as was her son, who had clearly ditched school to attend. Behind them a high school teacher, who had regularly attended the trial, held up both hands to show me her fingers were crossed. In the balcony Sir Martin Gilbert, Winston Churchill's official biographer, raised his fingers in a Churchillian V. I returned the gesture. The two gestures, though ostensibly identical, conveyed vastly different sentiments. His meant "good luck," while mine said "victory." It was hard not to give Richard Rampton a bear hug. Instead I took his hand in mine and quietly whispered, "Thank you, so very much." I exchanged smiles with Heather, who had promised me many months earlier as I sat despondent in Birkenau, that this trial would be about proving David Irving is a liar. I wanted to remind her of that moment, but it did not seem necessary.

AN UNAMBIGUOUS JUDGMENT

Judge Gray entered and began to read his findings. His flat, unexpressive monotone was in striking contrast to the power of the words. I heard someone whisper, "Sounds like he's reading a grocery list." Referring to Evans's "meticulous" report, he declared that "Evans justified each and every one of the criticisms on which the Defendants have chosen to rely." One reporter caught my eye and mouthed the words "Well done." I saw Julie McCarthy slip out of the courtroom and assumed she was going to broadcast to National Public Radio's Morning Edition, which would soon begin. I was glad to know that my friends and family would awaken to this news.

Regarding Irving's claim that during the 1924 Putsch Hitler sought to maintain order, Judge Gray declared Irving had "embroidered[ed] the incident" in order to liance on "enthusias the Easter his affec1

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in order to depict Hitler as "behav[ing] responsibly." He criticized Irving’s reliance on Kurt Daluge’s summary of Jewish criminal statistics. Daluge’s "enthusiastic membership" in the Nazi Party and his role in the shootings on the Eastern Front, should have made Irving “doubt any pronouncement of his affecting the Jews.”

Irving’s rendition of Hitler’s role in Kristallnacht was “at odds with the documentary evidence.” His claim that “Hitler bore no responsibility” for starting the pogrom and that, upon learning of it, intervened to halt the violence, “seriously misrepresents the available contemporary evidence” and was “based upon misrepresentation, misconstruction, and omission of the documentary evidence.” Irving’s account of the trials of the culprits who participated in Kristallnacht “fails lamentably” to reveal what a “whitewash it was.”

Regarding Himmler’s November 30, 1941, diary entry about his meeting with Hitler, there was “no evidence” that Hitler “summoned” Himmler to his headquarters or “obliged” him to telephone Heydrich ordering Jews not to be liquidated.”

Irving “perverted” General Bruns’s account of the shooting of Jews in Riga. Bruns did not say that instructions had come from Hitler that the shootings were to stop, as Irving had claimed. Bruns had said that he had received orders that there should be no more shootings “on that scale” and those that did occur were to be carried out “more discreetly.” In other words, Judge Gray observed, “the shooting was to continue.”

Irving’s contention that Hitler did not know or approve of the “wholesale shooting of Jews in the East” and was not complicit in the gassing of Jews in death camps had “a distinct air of unreality.” Judge Gray was convinced that the shootings were coordinated and sanctioned by the leaders of the Third Reich. "Irving was misrepresenting the historical evidence when he told audiences in Australia, Canada, and the US . . . that the shooting of the Jews in the east was arbitrary, unauthorized, and undertaken by individual groups or commanders.”

Irving “materially pervert[ed] the evidence” of the Hitler-Horthy meeting." Irving’s claim that Nuremberg judge Francis Biddle thought Marie Vaillant-Couturier a “bloody liar” is a travesty of the evidence.” Regarding Dresden, Judge Gray found that Irving’s comments about the authenticity of TB-47 were “reprehensible.” Irving had charged that Miller, the Dresden
resident who participated in the burning of the bodies and who concluded that the death toll was approximately thirty thousand, was “fantasizing.” Judge Gray dismissed this as “absurd.” He concluded that Irving’s treatment of the historical evidence “fell far short of the standard to be expected of a conscientious historian” and that his estimate of “100,000 and more deaths [in Dresden] . . . lacked any evidential basis and were such as no responsible historian would have made.”

Judge Gray believed the “cumulative effect of the documentary evidence for the genocidal operation” of the gas chambers at Auschwitz [to be] considerable” and “mutually corroborative.” He found it “striking” that the eyewitness and documentary evidence were so “consistent.” The Leuchter Report was insufficient reason for “dismissing or even doubting” the existence of homicidal gas chambers at Auschwitz. Judge Gray concluded that “no objective, fair-minded historian would have serious cause to doubt” the existence of gas chambers at Auschwitz that were used on a substantial scale to kill Jews.

Judge Gray declared it “incontrovertible that Irving qualifies as a Holocaust denier.” He had denied the existence of gas chambers at Auschwitz frequently and “in the most offensive terms,” including in his telephone-booth-cum-gas-chamber anecdote, comments about Senator Edward Kennedy’s car, dismissal of eyewitnesses as liars, ASSHOLS, and the question to Mrs. Altman about earning money from her tattoo.

Irving had “repeatedly crossed the divide between legitimate criticism and prejudiced vilification of the Jewish race and people.” His comments confirmed he was an “antisemite” and a “racist.” His statements about minorities “provide ample evidence of racism.” The ditty he composed for his daughter—“I am a Baby Aryan”—was “undeniably racism,” while some of his other statements—his reference to “one of them” reading “our news to us”—were racism of a more “insidious kind.” Irving’s appearances at gatherings such as the Halle rally demonstrated his “willingness to participate in a meeting at which a motley collection of militant neo-Nazis were also present.” The “regularity” of his contacts with the National Alliance confirmed his “sympathetic attitude towards an organization whose tenets would be abhorrent to most people.”

Judge Gray’s critique became even more pointed when he addressed Irving’s claim that, at worst, he had made some inadvertent historical mistakes.
Irving’s treatment of the historical evidence is so perverse and egregious that it is difficult to accept that it is inadvertence on his part. . . . Mistakes and misconceptions such as these . . . are more consistent with a willingness on Irving’s part knowingly to misrepresent or manipulate or put a “spin” on the evidence so as to make it conform with his own preconceptions. . . . He has deliberately skewed the evidence to bring it in line with his political beliefs.25

When Judge Gray turned to Irving’s motivation for his Holocaust denial, I was reminded of the disturbing question he had posed on the final day of the trial. Could someone be “honestly antisemitic and an honest extremist?” Judge Gray had then seemed unable to recognize the link between antisemitism, extremism, and Holocaust denial. Now Judge Gray declared that Irving “desire[d] to present events in a manner consistent with his own ideological beliefs even if that involved distortion and manipulation of historical evidence.” My fears had obviously been in vain.26

We did not succeed in convincing Judge Gray that Irving had engaged in an unauthorized borrowing of the Goebbels diaries glass plates in Moscow. However, Judge Gray continued, what we had proven was of sufficient gravity that this did not have any “material effect on Irving’s reputation.” Then, after close to two hours of reading, Judge Gray came to the bottom line: “It follows that there must be judgment for the Defendants.”27

We had won and we had done so conclusively. As Judge Gray left the courtroom, Irving rose, turned to Rampton, stretched out his hand, and, somewhat jovially, said, “Well done. Well done,” as if he had just been bested in a rugby match. Rampton rather perfunctorily took his hand but said nothing. I don’t know if Irving intended to offer his hand to Anthony. Anthony had pointedly turned his back on him. We had cleaned the dirt off our shoes.

SWEET BEDLAM

Outside the courtroom bedlam reigned. Irving was nowhere to be seen. Friends and strangers gave me exuberant hugs. Others offered more restrained British expressions of “Well done.” Bruce Soll, who had come to London for the opening of the trial and returned for the end, managed to reach LCS and Abigail Wexner in Paris. He handed me the cell phone. Their voices were filled with emotion. “We are so proud to have been part of this
effort.” They had been far more than “part” of it. I tried to thank them, but could not. I gave the phone to Anthony, who briefed Abigail, a lawyer, on the outcome. Ursula called from Atlanta. She had just received a call from Peter, the concierge at the hotel she and David frequented in London. “Madam, it’s Peter. We won, madam. We won!” I managed to call my mother on my cell phone. She had already heard the news and was thrilled. “Your father would have been very proud.”

Then, from amidst the crowd a familiar face appeared. I momentarily could not identify her. When she touched me gently on my forearm and said, “Thank you,” I realized who she was. I remembered how, on that first day of the trial, she rolled up her sleeve to show me her number. Once again, she transformed a fleeting moment into a more profound one. I turned to the legal team and indicated that I was ready to leave.

As we wended our way through the building, strangers wished us well. Anthony’s wife, a journalist, warned me, “There will be camera crews waiting outside. If you say something to one, they will all want statements.” I assured her that I would be fine; after all, I had not been fazed by the paparazzi who had appeared off and on for months. As I strode through the 250-foot Gothic entry hall with a celebratory group of lawyers, experts, researchers, and friends behind me, intermittent waves of joy and relief began to cascade through my body. Feeling almost giddy with excitement, I punched the air with my fist and let out, what I thought was a sotto voce “YES!” Only when a couple of bystanders quickly pivoted in my direction and I heard Laura Tyler, who was walking about ten feet behind me, begin to laugh, did I realize that this had been anything but sotto. As I approached the exit, my mood quickly changed. The previous three months—if not five years—flashed before my eyes. I thought of all the work that had been devoted to this effort. I thought of the upheaval to my life and the research I had abandoned and students I had neglected. I thought of the survivors. I took a deep breath and, this time, very quietly said to myself, “This chapter of my life is over. This is the last time I walk out of here as the defendant.”

I pushed open the heavy wooden doors and gasped at what I saw. The media representatives who had been present when we arrived had been joined by numerous others. Photographers, reporters, and camera crews were straining at the barricades. Some had ladders to enhance their view. There was a sea of microphones and recording devices, some of which were on long poles so that they extended well over the police barricades. Three
London policemen, clad in bright yellow rain slickers to protect themselves from the steady drizzle, stood by to maintain order.

Reporters were shouting, "Give us a statement." "Say something." "We need a quote for the afternoon news." James reminded them that a press conference was in the offing. "But we are on deadline," they responded. It may have been the need to engage in yet one more act of verbal restraint that prompted me to take the next step. It may have been a desire to give the press "something." It may have been the overwhelming emotion of it all. I impulsively hoisted my arm in the air, raised my thumb high above my head and—depending whom you ask—scowled or gave a look of righteous indignation and triumph. I tried to smile, but could not. Maybe it was the subliminal awareness that, even at this moment of joy, so much pain had been caused by this endeavor. Maybe it was the woman in the sweater with the number on her arm.

IN MY OWN WORDS

Later, in front of a sea of cameras and reporters in the hotel ballroom, I described this not just as my victory but as a victory for all those who fight hatred and prejudice. I paid tribute to Penguin for "doing the right thing" and to the magnificent legal team—lawyers, experts, researchers, paralegals, and even secretaries—who fought this as if it were their own battle.

But I soon learned that some people still did not grasp what this trial had been all about. A reporter asked if I thought Irving’s loss would deter other historians from adopting controversial points of view. I reminded the reporter that Irving had sued me and that my issue with him did not concern his "controversial" views, but his lies and manipulations. Another reporter followed up and, in a thick foreign accent that I could not identify, asked, "Will you have pity for Mr. Irving? Or will you force him to pay your costs, probably causing him to be bankrupt?" Well aware that the press conference was being broadcast live in a number of countries, I modulated my answer, but with some degree of umbrage said, "Pity for Mr. Irving? I think you have it backwards. It’s my life and work that has been disrupted."

Another reporter asked, "Given all that has happened to you, would you write the same book once again?" Over the course of the past ten weeks, I had thought a lot about this and was prepared for it. I immediately said, "No." My answer caused an audible stir in the room. This time I was the one
who paused for dramatic effect. Then I added, “What I would now write would be far more harsh.” As a result of the trove of documents we had uncovered, I now knew that Irving’s assault on history was considerably more egregious than I had previously imagined.

As we neared the end of the allotted time, one reporter asked, “Have you heard from Holocaust survivors?” I started to relate Ben Mead’s admonition that I could sleep soundly because “none of us are sleeping,” when suddenly my voice began to tremble and tears welled up in my eyes. The room grew quiet as reporters waited. Drawing on whatever emotional reserves I could muster, I regained control and finished the anecdote. When Penguin’s publicist stopped the conference shortly thereafter, I was relieved.

After months of depending on others to articulate my position, I felt liberated. For the first time in a long time, I was in control. After the press conference Richard Rampton approached me. He was smiling broadly: “You are really very good at this,” he said. “Richard,” I teased him, “you sound a wee bit surprised. Remember, answering questions is my stock and trade.” I realized that neither Richard nor any member of the defense team had ever heard me “perform” publicly before. James came over to say that Prime Minister Barak’s office had been furiously calling Mishcon looking for me. He was in the midst of negotiations with President Clinton but took time out of those meetings to acknowledge this important victory “on behalf of the Jewish people.”

Later that day, I returned to my hotel to freshen up for another round of interviews. As I entered the lobby, activity stopped. Other guests were momentarily left in the lurch, as the desk staff, doormen, and bellmen all began to clap. Sally, the hotel manager, came running from her office with a bottle of champagne and a gorgeous array of flowers.

Within a few moments I was on my way to an evening news show. Walking into the studio building, I spotted Professor Donald Watt, who was also scheduled to appear. I recalled Watt’s dismissal of Irving’s argument that Hitler did not know of the Holocaust as “difficult . . . to accept.” After he testified, Watt sent me a letter reassuring me that he had no sympathy for deniers. Smiling, I extended my hand in greeting and said, “Professor Watt? Deborah Lipstadt.” Without indulging in any niceties, he blurted out, “Penguin was out for blood.” Unsure that I had heard correctly, I mumbled, “Excuse me?” “None of us,” he continued, “could have withstood that kind of scrutiny.” I said nothing but turned away perplexed.
When I reached the "green room," or its British equivalent, someone handed me the *Evening Standard*. Watt had written an op-ed column, which must have been composed prior to the release of Judge Gray's judgment. Entitled, "History Needs David Irving," its opening line confirmed that I had indeed heard him precisely right.

Penguin was certainly out for blood. The firm has employed five historians, with two research assistants, for some considerable time to produce 750 pages of written testimony, querying and checking every document cited in Irving's books on Hitler. Show me one historian who has not broken into a cold sweat at the thought of undergoing similar treatment.

After praising Irving's ability to ferret out new documents, Watt argued that Irving suffers from the "characteristic faults of the self-taught" and was "seduced by the notion of conspiracies." Watt claimed that other British historians could also be accused of having "allowed their political agenda and views to influence their . . . selection and interpretation of historical evidence." 24I recalled the fact that Watt had written a lengthy introduction to one of Irving's books and wondered if he felt obliged to somehow defend Irving, even though in his testimony he had been quite dismissive of Irving's theories about Hitler. Shortly before the show began, as the host was reviewing how he would identify each of us, he described Watt as having "co-authored a book with David Irving." Watt sternly corrected him: "That is not correct. I just wrote an introduction." In any case, I found it hard to believe that Watt had actually read the judgment, particularly since his column appeared in the afternoon paper a few hours after it had been handed down. While historians often let politics influence their writing, they did not weave a web of inventions and suppressions, as Irving did. Anyone reading Watt's column might have assumed that I had sued Irving to drive him underground.

After the broadcast, when I left, the young man whose responsibility it was to make sure guests found their way in and out of the rabbit Warren of studios and offices, quietly said, "I'm Jewish. Thanks."

As the driver worked his way through the London traffic to the next interview, I phoned my friend Bill Lowenberg in San Francisco. Bill, a Holocaust survivor, is a tough, no-nonsense kind of guy. When he heard about
my defense fund, he took responsibility for raising over $100,000. Bill’s secretary said, “I am sorry, Mr. Lowenberg is indisposed.” I smiled at her delicate euphemism and said, “Just tell him Deborah Lipstadt called.” When she repeated my name, I heard Bill’s daughter, Susan, yell, “Deborah’s on the phone! Someone get my dad.” Within a few moments a breathless Bill Lowenberg picked up the phone. “Deborah, Deborah, is that you?” “Yes, Bill. I just wanted you to know that I was thinking of you.” Bill’s voice, usually so confident, trembled. “We were joyous when we heard the good news. We are so happy.” And he began to weep. “Thank you. Thank you. In the name of my family, thank you.”

Ernie Michel, another survivor who had spearheaded raising funds for my defense, reacted similarly. “We did it. We did it,” he said. I called Rabbi Herb Friedman, who two years earlier had demanded to know how I was going to fight this. I told him, “Without you, I could not have done it.”

The day ended with a late-night appearance on Newsnight, the BBC’s equivalent of ABC’s Nightline. While James and I sat in the BBC cafe eating a late supper prior to the show, a bottle of champagne arrived at our table. The waiter said it came from a young couple sitting in the corner. I invited them to join us. They described themselves as “just two members of the British public who very much appreciate what you did.”

Irving was in one studio and I was in another. Jeremy Paxman, the host, countered Irving’s attempt to reinterpret the judgment. When Irving argued that the judge had not ruled against him, Paxman replied, “Typical of your methods.” Paxman then recited a litany of Irving’s racist and antisemitic statements. Irving, obviously a bit nonplussed, burst out, “You’re not Jewish, are you?” When asked by Paxman whether he would, in light of the judgment, “stop denying the Holocaust,” Irving responded, “Good Lord, no.”

As we left the studio, the morning papers arrived. The trial was the lead story on all the front pages.

It was well after midnight when I returned to the hotel. Physically spent, yet bursting with emotional energy, I turned on my computer. I found over three hundred emails from friends, family, and complete strangers. Many were expressions of joy: “HOORAY!” My research assistant, Maureen, noted that her message would be very short as she was too busy “dancing around the...
around the room.” An Emory student related that his professor announced the news to his class early that morning. “We all began to whoop and holler. We made so much noise that other professors came in to ask what was going on. Soon their classes were celebrating as well.” A colleague had been in O’Hare Airport waiting for a very early morning flight, when CNN broadcast the news. The coffee and bagel he was carefully balancing on his knees went flying as he stood up, threw his hands in the air, and yelled, “Yes.” A group of my students from the Wexner Heritage Foundation emailed me: “You taught us well in class and you taught us—and so many others—well in court.” Many of the notes were sobeting:

On behalf of my grandmother, aunts, uncles and cousins who died at Treblinka I thank you. . . . Now, enjoy Pesach, because you can doubly enjoy your freedom. Moe Stein

Dear Dr. Lipstadt,

Thank you for defending the historical truth of the Holocaust. My father-in-law came of age in a concentration camp, so I have witnessed the physical and emotional scars first hand. . . . Perhaps there will now be a few less such horrors in the world. Sincerely, Gloria Klatman

Thank you in the name of my grandparents Bertha and Max Steiner and my uncle Robert Steiner, killed by the Germans in Poland in 1943, and in the name of my great-aunt Paula Weiss, killed by the Croats in 1942. Gratefully yours, Professor Félix Dothan

These messages were very much on my mind as I crawled into bed. They made me feel decidedly uncomfortable, though I could not figure out why. I turned off the light and fell asleep.

Early the next morning, as I prepared for the BBC Breakfast News, I hurriedly glanced at the Daily Telegraph. The lead headline on the front page was unambiguous:

"JUDGE BRANDS DAVID IRVING A HOLOCAUST DENIER WHO FALSIFIED THE FACTS TO EXONERATE HITLER: RACIST HISTORIAN FACES £2M BILL FOR LIBEL DEFEAT"
Under the headline was a cartoon showing a man in a bookstore inspecting David Irving’s new book. Its title: *The Libel Trial That Never Happened*. The lead editorial declared that “this trial has done for the new century what the Nuremberg tribunals or the Eichmann trial did for earlier generations.” Irving had “damned himself.”

As I waited in the hotel lobby for a car to take me to my next interview, I noticed that Sir John Keegan’s column in the *Daily Telegraph* was also devoted to the trial. As I turned to it, I recalled his courtroom testimony that Irving’s claim that Hitler did not know about the Holocaust was “perverse.” This time, however, Keegan’s tone was very different. Keegan opened his column by bemoaning the outcome of the trial. “The news that David Irving has lost his libel case will send a tremor through the community of 20th-century historians.” I read the sentence twice to make sure I had grasped it correctly. Apparently Keegan did not think that forcing an academic to defend her scholarly work at tremendous personal and professional costs would upset historians. Keegan then turned to Irving’s Holocaust denial. Seeming to discount the repeated outright inventions and falsifications that our experts had documented, Keegan described Irving’s denial as “nonsense” that constituted a “small but disabling element in his work.” Keegan did not address the fact that Irving’s work on Dresden—a decidedly non-Holocaust topic—was riddled with the same falsifications and distortions. Engaging in what sounded to me like armchair psychology, Keegan posited that Irving simply sought to shock people and may “not really believe what he says.” How Irving’s putative failure to believe what he says made his lies any less egregious Keegan failed to explain. Then, changing tacks and contradicting himself somewhat, Keegan declared that Irving was only guilty of errors of interpretation. The “judge has now decided that an all consuming knowledge of a vast body of material does not excuse faults in interpreting it.” Keegan ignored the fact that Judge Gray’s devastating judgment had nothing to do with “faults” in interpretation but with outright falsifications.

In one of the stranger parts of the article, Keegan waxed rhapsodic about Irving’s appearance. “He is a large, strong, handsome man, excellently dressed, with the appearance of a leading QC,” who asked his questions in “a firm but courteous voice.” Irving, he declared, “is certainly never dull.” Keegan then turned to me. “Prof Lipstadt, by contrast, seems as dull as only the self-righteously politically correct can be. Few other historians had ever heard of her before this case. Most will not want to hear from her again. Mr.
Irving, if he will only learn from this case, still has much that is interesting to tell us.” The hotel concierge, who noticed me reading the column, said in a stage whisper as he walked by, “Sir John seems besotted with Mr Irving.” Then, possibly reacting to the concerned look on my face, he added, “And we at the Athenaeeum know you are certainly not dull.” A bellman, who was walking by, added, “That’s right.”

Thinking about how Watt and Keegan had leapt to Irving’s defense, I wondered if this was not an expression of England’s “Old Boys” network, a network that would certainly have more sympathy with someone who attended one of England’s more prestigious private schools and looked like a “leading QC” than with an American who also happened to be both a woman and an openly identifying Jew.

My ruminations were interrupted by the arrival of a car from the BBC. The driver peered at me, looked down at the front page of the morning paper, and then looked back at me. Apparently reassured that it was the same person, he emerged from the car, rushed to open the door for me to enter and said, “Madam, someone should have done it to that bloke long ago.”

When I reached the BBC studio, all the morning papers were on the table in the waiting area. It was only then that I realized that the trial was the lead headline in every single British daily as well as many foreign papers.

**THE GUARDIAN:**

“Irving: Confined to History as a Racist Liar”

**THE INDEPENDENT:**


“David Irving lost his case—and we can celebrate a victory for free speech”

**THE LONDON TIMES:**

“Racist who twisted the truth”

“David Irving’s reputation as an historian is demolished”

Numerous editorials hailed the judgment. The *New York Times* declared that the verdict put an end to the pretense that Irving was anything but “a self-promoting apologist for Hitler.” The *London Times* said that “history has had its day in court and scored a crushing victory.”

The *Sydney Morning*
Herald editorialized that Judge Gray’s finding that Irving was an “active Holocaust denier, that he is antisemitic and racist, and that he associates with right-wing extremists who promote neo-Nazism” confirmed Irving’s “real reputation.” Neal Ascherson, in the Observer, described Judge Gray’s judgment as “one of the most crushing judgments ever dumped over an English plaintiff.” The Fort Worth Star Telegram, adopting a bit of a down-home Texas style, declared: “Good man, that Judge.” The Economist expressed the hope that “although Mr. Irving will go on talking and writing, fewer and fewer people will be listening.” The Irish Times believed the judgment “blunt... to the point... entirely justified and much to be welcomed.” Even Helen Darville, the Australian whose true identity had been uncovered by other reporters during the trial and who had written two flattering pieces about Irving, now declared that Irving had been “seduced by Hitler,” and dismissed his views on Hitler and the Holocaust as “bunk.”

That afternoon, as I crossed Piccadilly Circus, a driver leaned out of his car window, hoisted his thumb in the air, and yelled, “Bravo!” This time I smiled, an unambiguous smile.