



# The Pelt Report

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David John Cawdell Irving

Plaintiff

*and*

(1) Penguin Books Limited

First Defendant

(2) Deborah E. Lipstadt

Second Defendant

*Expert Opinion*

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## *Preface*

### 1. The Purpose of this Report

This report is prepared for the purposes of assisting the Court in providing an expert opinion on the issue of David Irving's statements about Auschwitz, its gas chambers and incineration facilities, and its role in the so-called Final Solution of the Jewish Problem, pursuant to the Order of Master Trench dated 15 December 1998 directing that each party may adduce expert evidence to address relevant issues in the proceedings

### 2. My qualifications and expertise

I am a Professor of Architecture in the School of Architecture, University of Waterloo, Waterloo, Canada. I have been teaching at this university since 1987, when I was appointed as Assistant Professor of Architecture after an open and international search. In 1991, after a thorough internal and external peer review of the quality of my teaching and scholarship, I was tenured and promoted to Associate Professor. In 1996, after a thorough internal and external peer review of the quality of my scholarship, I was promoted to Full Professor.

I have earned all the usual academic qualifications necessary for a senior academic position at a major research university. I hold a Doctorate in the History of Ideas,<sup>1</sup> the Dutch equivalent of a Master's degree in the History of Architecture,<sup>2</sup> and the Dutch equivalent of a Bachelor's degree in Classical Archeology and the History of Art<sup>3</sup>—all from the University of Leiden, Leiden, The Netherlands. I am the recipient of a major, internationally recognized academic award, given on the basis of scholarship.<sup>4</sup>

I am the author or co-author of five academic books, one of which (critically acclaimed and translated into two other languages) directly deals with the history of Auschwitz,<sup>5</sup> and another which deals with the historiographical implications of the history of Auschwitz.<sup>6</sup> I have also contributed chapters in thirteen other academic books, three of which deal with Auschwitz<sup>7</sup> and one with the Holocaust.<sup>8</sup> I am the (co-) author of eleven peer-refereed articles in journals and conference anthologies, four of which deal with Auschwitz,<sup>9</sup> and eighteen non-refereed articles, five of which deal with Auschwitz.<sup>10</sup> My work on Auschwitz has been the subject of one BBC documentary,<sup>11</sup> and was featured in one movie.<sup>12</sup> It has been discussed in articles and has been made the object of historiographical discussion and even extended philosophical meditation.<sup>13</sup> I have spoken about Auschwitz at 20 academic conferences,<sup>14</sup> and more than 50 universities, colleges, academies, research libraries and other institutions of (higher) learning in North America, Europe and Israel.<sup>15</sup> In all of these contributions to our knowledge of Auschwitz and the Holocaust, both written and spoken, I have substantiated all my claims and conclusions with solid empirical evidence.

My book on Auschwitz has been given two major awards,<sup>16</sup> and has been positively reviewed by well-known historians in many of the leading newspapers, magazines and scholarly journals in North America and Europe.<sup>17</sup>

I am the Director of the collaborative that was commissioned by several Jewish organizations to produce a Master Plan for the future preservation and management of Auschwitz.<sup>18</sup>

I began to study the history of Auschwitz in a more general way in 1987, and I have undertaken systematic primary research into the history of Auschwitz since 1989. Since that year, I have visited Auschwitz for research purposes almost yearly, staying for longer or shorter times.

### 3. Material instructions

This report has been prepared on the instructions of Davenport Lyons and Mishcon de Reya, the First and Second Defendants solicitors respectively (my “Instructing Solicitors”). I received both written and oral instructions which consisted of a conversation held at the offices of Mishcon de Reya on 24 February, 1998, a letter received from Mishcon de Reya dated June 9, 1998, and a letter received from Davenport Lyons dated August 21, 1998.

In the letter from Mishcon de Reya, my task was described as follows:

You will be submitting a report on the gas chambers and exterminations at Auschwitz which will show that what Irving says about the camps in this respect is untrue.<sup>19</sup>

The contract for my work on the matter, which took the form of a letter from Davenport Lyons dated August 21, 1998, stated that there were five points of contention, two of which—(i) and (ii)—directly concern my own expertise:

The Defendants seek to justify the following:—

- (i) That Irving has on numerous occasions denied the Holocaust—ie the systematic extermination of Europe’s Jewish population by the Nazis—and denied that gas chambers were used by the Nazis as a means of carrying out that extermination;
- (ii) That he holds extremist views and has allied himself with others who do so, including individuals such as Dr Robert Faurisson, and Ernst Zündel;

After having established that the “[t]he burden of proof is on the defendants,” the letter continued as follows:

We would like to engage you to be one of the Defendants’ team of experts. Your role will be to provide a written report on the aspect(s) of the case within your area of expertise as instructed by us. You will obviously liaise with Richard Evans who is co-ordinating the expert team.

You are specifically asked to provide a report in relation to the true numbers of Jews killed by gassing at Auschwitz and elsewhere, demonstrating that these numbers have been falsified by Irving and that Irving’s denial of mass gassings and of the existence of gassing facilities at Auschwitz and elsewhere is a falsification or distortion of history. Also show that the supposed “scientific” evidence presented by Irving is false or misleading.<sup>20</sup>

I accepted this description of my task by countersigning the two copies of the letter, returning one to Davenport Lyons.

This report addresses the issues raised in the letters of Mishcon de Reya and Davenport Lyons. It particularly addresses the core issues under dispute listed under sections 1 and 2 of the “Defence of the Second Defendant,” and in Irving’s “Reply to Defence of Second Defendant.” It will demonstrate that there were gas chambers in Auschwitz, that there is wartime archival evidence for this, that the silence in the SS ciphers about the gassings does not mean they did not take place, and that the absence of “one million cadavers . . . produced by killing operations at Auschwitz” does not point at the absence of the crime—as Irving argues in his “Reply to Defence of Second Defendant”—but to the efficiency of the crematoria.

### 4. Relevant documentation in the action

I have been given access to the following documents which have come into the Defendants’

possession in the course of this litigation or have been created for the purposes of this litigation:

- (a) The pleadings:
  - (i) the Statement of Claim served on 5 September 1996;
  - (ii) the Defences of the First and Second Defendants served on the 12 February and 18 April 1997 respectively;
  - (iii) the Reply to both Defences served on the 19 April 1997.
- (b) Documents disclosed by the Plaintiff pursuant to his discovery obligations: various documents from the Plaintiff's various Lists of Documents as referred to in the footnotes to this report.

#### 5. Relevant material and opinions

- (a) The relevant material on which I have based my report and conclusions is detailed in the footnotes to my report.
- (b) The material relating to the history of Auschwitz is derived from various evidential historical sources which can be categorized as follows:
  - (i) contemporaneous documents such as letters, blueprints, minutes of meetings held in the Auschwitz Central Construction Office, budgets, contractors' bids, requests for material allocations, invoices, and so on, which are found in the archive of the Auschwitz-Birkenau State Museum in Oswiecim, the Osobyi archive in Moscow (this collection has been microfilmed, and is available in microfilm format at the United States Holocaust Memorial Museum in Washington D.C.), and the German Federal Archive in Koblenz;
  - (ii) unpublished transcripts of the trials of (a) Rudolf Höss, held in Warsaw in 1947; (b) the Auschwitz architects Walther Dejaco and Fritz Ertl, held in Vienna in 1972;
  - (iii) published transcripts of the trials of (a) Josef Kramer and others held in Lüneburg in 1945; (b) Hermann Goering and others held in Nuremberg in 1945 and 1946; (c) Adolf Eichmann held in Jerusalem in 1961; (d) Mulka and others held in Frankfurt in 1963, 1964 and 1965;
  - (iv) contemporary newspaper articles, magazine articles and other publications reporting on the situation in the concentration camps;
  - (v) contemporary documents and reports, such as the Vrba-Wetzlar report or the transcripts of the Höss interrogations in Nuremberg, published after the war in edited collections;
  - (vi) memoirs, such as the autobiography of Rudolf Höss, written and published after the war;
  - (vii) academic historical studies published after the war.
- (c) The material relating to Holocaust Denial in general, the Faurisson Affair, the Zündel Trial and the Leuchter Report is derived from various evidential historical sources which can be categorized as follows:
  - (i) contemporaneous documents such as letters that became available in Irving's Further Discovery;
  - (ii) unpublished transcripts of the trials of Ernst Zündel held in Toronto in 1985 and 1988;
  - (iii) the published writings of Holocaust deniers like Paul Rassinier, Robert

Faurisson, Arthur Butz, Thies Christophersen, Wilhelm Stäglich, and Fred Leuchter;

- (iv) contemporary newspaper articles, magazine articles and other publications reporting on Holocaust denial;
- (v) published academic studies of Holocaust denial.

- (d) The material relating to David Irving's engagement with Auschwitz, the Holocaust, Holocaust Denial in general, the Zündel Trial, and the Leuchter report is derived from various evidential historical sources which can be categorized as follows:

- (i) contemporaneous documents such as letters, audiotapes and videotapes that became available in Irving's Further Discovery;
- (ii) unpublished transcripts of the trial of Ernst Zündel held in Toronto in 1988;
- (iii) the published writings of Irving;
- (iv) contemporary newspaper articles, magazine articles and other publications reporting on Irving;
- (v) published academic studies of Holocaust denial.

In my research, I have considered that there is a hierarchy of reliability in respect of these categories of sources which I have taken into account when preparing this report. The most important reliable source is contemporaneous documents and the published and unpublished trial transcripts. The reliability of the rest of the categories depends on the context in which they have been produced, organized or extracted. I have avoided any over reliance on one evidential source.

I have taken into account the fact that archival records are invariably organized and structured in a particular way when they are first put together and are necessarily set up to serve a particular purpose. The reliability of oral evidence depends on their distance in time from the event they are recalling, their role in the particular event, the interests of the witness in giving his or her account of the event and of the interlocutor in recording the account. I know that historians may be predisposed to accept the information uncritically in order to show that they have made a new discovery, and have tried to consider the evidence in its context, having put aside all political or personal persuasions.<sup>21</sup>

# Introduction

sky (In color): We are moving at a walking pace across a verdant landscape; a blue filled with fluffy clouds.  
 [Narrator:] “A peaceful landscape . . .”  
 Barbed wire nailed to high wooden posts. Then moving along another field; a cottage on the horizon; birds take wing.  
 “An ordinary field with flights of crows, harvests, grass fires.”  
 Moving along another fence, the wires severed and limp.  
 “An ordinary road where cars and peasants and lovers pass.”  
 Moving past abundant grass in bright sunlight. Two walls of wire appear,

weeds growing high between them, a watchtower in the distance.  
 “An ordinary village for vacationers—with a marketplace and a steeple—can

lead all too easily to a concentration camp.”  
 A camp today, surrounded by wires and posts cutting across the field.  
 “Struthof, Oranienburg, Auschwitz, Neuengamme, Belsen, Ravensbruck and Dachau were names like any others on maps and in guidebooks.”  
 Still moving, a closer view of the maze of wires, with weeds growing around

the fence posts.  
 “The blood has dried, the tongues are silent. The blocks are visited only by a camera. Weeds have grown where the prisoners used to walk. No footstep is heard but our own.”  
 Alain Resnais and Jean Cayrol, *Night and Fog*.<sup>22</sup>

The following pages aim to assist the Court in gaining insight in the complex spectrum of issues embodied in the proper name “Auschwitz,” and the nouns “Holocaust,” and “Holocaust Denial,” and seek to establish the way David Irving has engaged this nexus, concentrating on the decade 1987 to 1997.<sup>23</sup> The report attempts to provide material and a consideration of that material that can allow us to answer what I see to be the central issue at stake in the complaint of the plaintiff against the defendants where it concerns my own expertise. This can be summarized in the following 10 questions:

- (i) Has it been proven beyond reasonable doubt that Auschwitz was equipped with homicidal gas chambers, and has it been proven beyond reasonable doubt that these gas chambers were systematically used?
- (ii) Has it been proven beyond reasonable doubt that Auschwitz functioned between the summer of 1942 and the fall of 1944 as an extermination camp for Jews?
- (iii) Has it been proven beyond reasonable doubt that most of the Jews who arrived in Auschwitz were murdered shortly after their arrival in the aforesaid gas chambers?
- (iv) Has it been established beyond reasonable doubt how many Jews were killed in the gas chambers upon arrival in Auschwitz, how many Jews were killed or died from the effect of incidental cruelty, general deprivation, exhaustion or disease whilst in the camp, and how many others died in the camp as the result of various causes?
- (v) Did David John Cawdell Irving deny that Auschwitz had homicidal gas chambers and that these gas chambers were systematically used?
- (vi) Did David John Cawdell Irving deny that Auschwitz functioned between the

- summer of 1942 and the fall of 1944 as an extermination camp for Jews?
- (vii) Did David John Cawdell Irving deny that most of the Jews who arrived in Auschwitz were murdered shortly after their arrival in the aforesaid gas chambers?
  - (vii) Did David John Cawdell Irving deny, without having done any serious research in the matter, the results of studies into the number of people who died in Auschwitz done by responsible scholars?
  - (ix) Did David John Cawdell Irving ally himself with well-known Holocaust deniers, including individuals such as Dr Robert Faurisson, and Ernst Zündel?
  - (x) Was David John Cawdell Irving, by the time Deborah Lipstadt's *Denying the Holocaust* went to press, a Holocaust denier?

The report seeks to contribute material that allows us to answer these questions. To that end, it is organized in five distinct parts.

Part One, entitled "Concerning History," seeks to introduce the reader to the most important elements that shape current knowledge of the Auschwitz extermination camp, and discuss the great complexity of the camp's history and the way this occasionally creates confusion for the uninitiated and opportunity for those who seek to deny the Holocaust. In this section of the report, I will discuss why Auschwitz became the symbol of the Holocaust, and the attempts by modern scholarship to come to an assessment of the number of victims.

Part Two, entitled "Concerning Evidence," presents and reviews the blinding evidence of the use of the camp as a site for mass extermination as it became slowly available during the war as the result of reports by escaped inmates, as it was narrated in the eye-witness accounts by former Auschwitz inmates immediately after their liberation in other concentration camps, as it was confirmed in forensic investigations undertaken in 1945 and 1946, and as it was corroborated by confessions of leading German personnel employed at the camp during its years of operation. In this section of the report it will become clear that it is highly implausible that knowledge about Auschwitz was a war-time fabrication by British propagandists, as Irving has claimed. Instead it will be shown how our knowledge about Auschwitz emerged from a convergence of independent accounts, how it emerged cumulatively, in geometrical progression, acquiring an epistemological status located somewhere in the realm framed on the one hand by a judgement that knows a fact "beyond reasonable doubt," and on the other hand by the always receding horizon that promises unqualified certainty. It will be shown that, in the words of John Wilkins, we may assert as "moral certainty" the statement that Auschwitz was an extermination camp where the Germans killed around one million people with the help of gas chambers, and where they incinerated their remains in crematoria ovens.<sup>24</sup>

Part Three, entitled "Concerning Documents," discusses the few surviving German documents, produced during the war, that confirm the use of Auschwitz as an extermination camp, and allow us to gain an insight into the course of development that changed an "ordinary" concentration camp designed to incarcerate (political) opponents into an extermination camp for a whole ethnic group. Only a few documents survived the general systematic destruction of evidence which took place as the Final Solution unfolded in Auschwitz, and which was completed with the burning of the archives of the Auschwitz Kommandantur in January 1945. Together, the first three parts will amply establish beyond reasonable doubt that Auschwitz was an extermination camp that claimed by means of purposefully designed crematoria equipped with gas chambers the deaths of at least a million people, most of whom were Jews.

Part Four, entitled "Concerning Denial," analyzes why Auschwitz became the focus of Holocaust denial, and reviews the most important aspects of the so-called "Faurisson Affair" which brought Holocaust denial into the public eye. It reviews the false dichotomy that forces everything that cannot be established as absolute truth into the rubbish-bin of manufactured falsehood, and refutes the hermeneutical and pseudo-scientific arguments created by various Holocaust deniers such as Paul Rassinier, Arthur Butz, Thies Christophersen, Wilhelm Stäglich, Fred Leuchter and, most importantly, Robert Faurisson to cast doubt or even reject the use of Auschwitz as an extermination