

IX. Hilberg's Debacle at the First Zündel Trial

In Toronto in 1985 a trial took place against the German-Canadian Ernst Zündel. At the instigation of a “*Holocaust Remembrance Association*” he had been accused of breaking a law against “*spreading false news*”—which was later declared to be unconstitutional—because he had distributed Richard Harwood’s pamphlet *Did Six Million Really Die?* The trial ended with Zündel sentenced to a 15-month prison term. The sentence was reaffirmed by a trial on appeal—in 1988—but the term of imprisonment was reduced to 9 months, and on August 27, 1992, the Canadian Supreme Court threw out the conviction.

Raul Hilberg had been called in the first trial as a witness for the prosecution. Mercilessly pressed by Zündel’s combative attorney Douglas Christie, to whom Robert Faurisson, present in the courtroom, frequently passed notes with pertinent questions, the writer of the “*standard work*” on the ‘Holocaust’ met his Waterloo. He rejected an invitation to testify at the trial on appeal three years later, but prosecutor Peter Griffiths requested that his statements given in the initial trial three years before be read again in court.

In her excellent narrative *Did Six Million Really Die?*—bearing the same title as the Harwood pamphlet that had led to the trial—Barbara Kulaszka has partially summarized Hilberg’s statements and partially quoted them directly from the transcript of the trial.

Christie asked Hilberg about the Hitler order for the extermination of all Jews which had appeared in his first edition (the second edition was then in preparation). After endless excuses, Hilberg finally conceded that there was no proof for such an order.²¹⁴

Later the following exchange occurred between Christie and Hilberg:²¹⁵

“‘*What do you mean by a scientific report?*,’ asked Hilberg.

214 Barbara Kulaszka, *op. cit.* (note 1), pp. 22-25.

215 *Ibid.*, p. 39.



Raul Hilberg during the Zündel trial in Toronto 1985

I don't usually have to define simple words, said Christie, but by 'scientific report' I mean a report conducted by anyone who purported to be a scientist and who examined physical evidence. Name one report of such a kind that showed the existence of gas chambers anywhere in Nazi-occupied territory. (5-968)

'I still don't quite understand the import of your question,' said Hilberg. 'Are you referring to a German, or a post-war—'

I don't care who—German, post-war, Allied, Soviet—any source at all. Name one, said Christie.

'To prove what?,' asked Hilberg.

To conclude that they have physically seen a gas chamber. One scientific report, repeated Christie.

'I am really at a loss. I am very seldom at such a loss, but ... [...]

Judge Locke interrupted: 'Doctor ... do you know of such a report?'

'No,' replied Hilberg."

With respect to Kurt Gerstein, who is quoted as a source in his book a number of times, Christie asked Hilberg whether he would not normally consider someone to be crazy or a liar who maintained that one could stuff between 28 and 32 persons per square meter in a room 1.8 m high:²¹⁶

"Well, on this particular datum I would be very careful,' said Hilberg. 'because Gerstein, apparently, was a very excitable person. He was capable of all kinds of statements [...]

Christie produced the Gerstein statement and proceeded to ask Hilberg whether certain statements appeared in the statement. Hilberg agreed that in his statement, Gerstein alleged that 700-800 persons were crushed

216 *Ibid.*, pp. 31ff.

together in 25 square metres in 45 cubic metres; he also agreed that he had ignored this part of Gerstein's statement in his book. [...]

And he refers to Hitler and Himmler witnessing gassings, right?, asked Christie.

Hilberg agreed that Gerstein had made this statement and that it was 'absolutely' and 'totally' false [...]

Christie asked Hilberg whether he considered Gerstein's statement—that at Belžec and Treblinka nobody bothered to make a count and that in fact about 25 million people, not only Jews, were actually killed—was credible?

'Well, parts of it are true, and other parts of it are sheer exaggeration, manifest and obvious exaggeration. To me, the important point made in this statement is that there were no counting at the point at which people entered the gas chamber,' said Hilberg.

So you take the obviously exaggerated part out and use the part that you thought was credible, that there was no counting. Right?, asked Christie.

'Yes.'

Hilberg had to admit that all the 'proofs' for mass murder in the eastern camps stemmed from Stalinist Soviet sources:²¹⁷

"The whole site, suggested Christie, was within the Soviet sphere of control, and nobody from the west was allowed into those camps to investigate, isn't that right?"

'Well, I don't know of any requests made to investigate ... When you say no one was allowed, it implies some request,' said Hilberg. '... All I could say is, I know of no Western investigators early on in Auschwitz, or any of ...' (5-1072)

Treblinka?, asked Christie.

'Well, there was no more Treblinka in 1945.'

Sobibór?

'That was no more.'

Majdanek?

'Majdanek is another matter.'

Was there anybody from the West that went to Majdanek?, asked Christie.

'Not to my knowledge.'

Belžec?

²¹⁷ *Ibid.*, p. 53.

'Bełżec was the first camp to have been obliterated.'

Chelmno or Stutthof?

'No, sir.'

Auschwitz or Birkenau?

'No.'"

Concerning Rudolf Höß, Hilberg's star witness for the mass murder at Auschwitz whom he cites many times, Christie asked why he had mentioned a non-existent camp, Wolzek:²¹⁸

"'Yes, I have seen that garbled reference,' said Hilberg. 'It may have been Bełżec. It's very hard, if the man did not write anything, if he said things, if he was tired, if he was misunderstood, if he misspoke himself ...'

Christie pointed out that Höß referred to Bełżec as well as Wolzek.

I suggest to you, he said to Hilberg, that there is a reason to believe that this man was not only being obliged to sign a confession in a language he didn't understand, but things were being put into a statement for him that were patently absurd, like Gerstein.

'There was obvious confusion in this one statement,' said Hilberg.

Christie produced Nuremberg document 3868-PS, the Höß affidavit. Hilberg agreed he had seen the document before and agreed he had seen the Wolzek reference. 'Yes, I've seen that reference. It's terrible.' (5-1076)

It's obvious that something wasn't quite right about that individual, would you agree?, asked Christie.

'No, I wouldn't say that something wasn't quite right about the individual,' said Hilberg. 'I would say that something wasn't quite right about the circumstances under which this was made as an affidavit. [...]'

With the "circumstances [about which] something wasn't quite right", Hilberg undoubtedly meant the three days of torture with which the confession was wrung from the man he quotes twenty-six times as the star witness for the annihilation of the Jews.

218 *Ibid.*, p. 54.