

PROCEEDINGS - DAY THREE

DAY 3 Thursday, 13th January 2000

MR DAVID IRVING, Recalled

MR JUSTICE GRAY: Yes, Mr Irving?

MR IRVING: May it please the court, with your Lordship's permission, I have brought the bundle of the documents that we were referring to last night. Unless your Lordship would see any reason against, I propose rapidly stepping through these documents, pausing at the ones which are significant as far as we can determine so far from the direction and thrust of the cross-examination.

MR JUSTICE GRAY: Yes. You are in the middle of your cross-examination. So, in the ordinary way, we will wait and see when the documents became relevant to Mr Rampton's questions.

MR IRVING: They have been in discovery throughout, my Lord.

MR JUSTICE GRAY: I follow that. But I suspect most of them are going to become relevant to the answers you are going to be giving to some of the questions Mr Rampton is asking.

MR IRVING: I do apprehend it will be useful to the court, I appreciate that it is your Lordship's court, but I believe it will be useful.

MR JUSTICE GRAY: You may well be right. I cannot really tell, I have only glanced at it. Shall I ask Mr Rampton -- because he is cross-examining, so, on the face of it, he has the right to continue to cross-examine.

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MR RAMPTON: I have no objection. In a sense, it is either evidence-in-chief in anticipation of cross-examination, or it is what one might call "premature re-examination".

MR JUSTICE GRAY: Yes.

MR RAMPTON: One way or the other it is going to make no difference.

MR JUSTICE GRAY: If you are happy I will not stand in the way. Before that happens I wonder if I could mention one or two administrative points? The first is, I think we are all agreed through nobody's fault, this is not a very suitable court and I am very concerned that there are members of the public who, I think, are not able to get in and listen and want to. Having made enquiries, as I said I would, I think there are two possible courts to which we could move which were not available or were not thought to be available when we started. One is court 73, which I have looked at and looks to me to be much better than this in almost every respect. There is, apparently, another one, which is in Chichester Rents in Chancery Lane, which is even bigger. I think I would have some slight personal preference for 73, but what I wanted to ask you is that I think we should move anyway, because this is not satisfactory and it seems to me, unless you are going to tell me there are insuperable problems, tomorrow is the day to do the move. Are you in agreement that that is the right thing to do?

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MR IRVING: I would have suggested doing it over the weekend although I have no logistical problems myself --

MR JUSTICE GRAY: Well, I think they have a lot of problems ahead of them, but I think it is better to do it now than to struggle on and regret it every day from hereon.

MR RAMPTON: That would suit us awfully well, if we could make a fresh start in what I call a "proper big court" on Monday morning.

MR IRVING: Not a fresh start.

MR JUSTICE GRAY: We will decide -- not a fresh start.

MR RAMPTON: No, thank you.

MR JUSTICE GRAY: We will decide during the course of today which it is going to be and, obviously, let you know. We will take it that on Monday we will be in a different court.

MR RAMPTON: May I ask where exactly 73 is?

MR JUSTICE GRAY: It is where all those new Court of Appeals are.

MR RAMPTON: In the East Building.

MR JUSTICE GRAY: Yes.

MR RAMPTON: In the end I would have to say, my Lord, it is a matter for you.

MR JUSTICE GRAY: I think it is, if you have strong feelings.

MR RAMPTON: No, I do not know Chancery Lane much at all anyway.

MR JUSTICE GRAY: That is point one.

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The next relates to the TA Law Transcripts which are being done. Really, I think I am saying this on behalf of the lady who is doing the transcribing. She is having the most appalling task. She is here all day, and she is by herself, as it were. It would help her if we could slightly slow down.

Mr Irving, you speak fairly rapidly anyway. That is not a criticism at all.

MR IRVING: I thought I was speaking slowly.

MR JUSTICE GRAY: If you can bear in mind there is somebody trying to take down what you say, if we can try to remember to spell out the German names when they crop up for the first time. That is going to make everybody's life much easier. There is one other point on the transcripts. The Day 2 transcript starts at page 104. My own feeling (and I do not know whether you share it, Mr Rampton) is that it would be better if every day started at 1, so you have Day 2, page 1, rather than page 104. I am told that is physically possible. So that is what I think we will have in the future. That is all that I wanted to raise except that, Mr Irving, I have seen (and I do not know whether Mr Rampton has) your letter about the letter to me about the article in the Stuttgart press. Do you know about it?

MR RAMPTON: No.

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MR IRVING: I was going to ask, my Lord, I might, having given the Defendants time to consider it, if I might address the court briefly on the matter after the lunch adjournment?

MR JUSTICE GRAY: If you would like to do that, that is fine. Mr Rampton?

MR RAMPTON: I have no comment until I have seen it.

MR JUSTICE GRAY: I do not suppose you will, even when you have.

MR RAMPTON: I see. My Lord, the only thing I would mention about the transcript, I do not know what the cure is. Is that, normally speaking, of course, one can deduce what it was, but here and there -- this is not a criticism of the transcriber, far from it -- one sees in square brackets the word "German" which represents something that has been said in German. That is going to repeat itself indefinitely in that case. I do not know what cure is. Whether the word should be spelt out

each time. It is a terribly laborious way of dealing it, or whether we supply at some stage when it is important a list of what we suppose was the word used. As I say, most of the time one can deduce it.

MR JUSTICE GRAY: Is it actually going to be all that much of a burden to spell it out or, at any rate, spell out the key words in the document? I am thinking yesterday "liquidierung". One can spell that out.

MR RAMPTON: There is going to be more of that today.

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MR JUSTICE GRAY: I follow.

MR RAMPTON: Perhaps spell it out?

MR JUSTICE GRAY: I am inclined to think so. I think that is the best way. It is going to slow things down. Would you prefer it, both of you?

MR RAMPTON: Yes.

MR JUSTICE GRAY: It is going to slow things down, but it needs to be done that way. So, Mr Irving, would you like to take me through the...

MR IRVING: Page 1, my Lord, this is a letter -- the sole purpose of this letter is that it indicates the date when I really made use of the Himmler telephone notes, being 1974; some 25 years ago, 26 years ago.

MR JUSTICE GRAY: Can I just ask you this? You there transcribe judentransport, J-U-D-E-N-T-R-A-N-S-P-O-R-T, in the singular, and that is in 1974.

MR IRVING: We have check the original in the German. You are absolutely right, my Lord. You are absolutely right.

MR JUSTICE GRAY: Right.

MR IRVING: In a very vague, and, of course, I am still considering myself to be under oath as I make these remarks, in a very vague way my recollection is that time I regarded the word "transport" as not just meaning like a transport train or one consignment, or a transport ship in the way that you would talk about a convoy of 26 transports but also in the sense that transportation.

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I consider that the words judenstransport meant "transportation of Jews".

MR JUSTICE GRAY: Yes, I note that you make that point.

MR IRVING: This is an alternative inference but now I am quite happy to accept that this particular discussion from external evidence only referred to one particular transport of Jews, and I am indebted to your Lordship for having reminded, or took me back into the mind set of 26 years ago.

MR JUSTICE GRAY: Yes.

MR IRVING: As you know, my presumption is, I will just read the middle paragraph that Hitler had become an active knowledge bearer or accomplice in the destruction of the Jews only in 1943. This is of course a translation of the following page, my Lord. From the attached page, which is a facsimile, which we will see in a minute, it is evident that Himmler, arriving at midday on November 30th, 1941, in the Wolf's Lair, which I explain was Hitler's headquarters in East Prussia, after a brief conversation with Hitler immediately had to telephone Heydrich in Prague, and then comes the phrase, "judentransportest aust Berlin keine liquidierung", which I believe the shorthand writer already had from us. If you take this in conjunction with various other entries, e.g. that of 17th November 1941, in which Heydrich informs the Reich Fuhrer, that is Himmler,

on

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conditions in the general Uberman, Poland.

MR JUSTICE GRAY: That is SS Reich Fuhrer.

MR IRVING: Well, Reich Fuhrer SS would be the full title. There was only one Reich Fuhrer in German -- conditions in the general government Poland-getting rid of the Jews, Beseitigung, this can only indicate that Himmler has been rapped across the knuckles by Hitler. This conversation note has until now evidently slipped through the fingers of the historical research community, as you might call it. Then the other two lines at the bottom are not without interest in the chain of documents I refer to, my Lord. Himmler had to issue a similar "holt" order in April 1942 on account of the liquidation of the gypsies, again after a brief visit to Hitler. "I thought this might be of interest to you." You will see that document too, my Lord, in this bundle. Because it is false to try and draw inferences from one document without looking at other documents in the series. I appreciate in court it is difficult to do this. My Lord, the next document I am going to draw your Lordship's attention to is 03 at the foot of the page. This is another document that was in discovery.

MR JUSTICE GRAY: I have read that. That is you asking Professor Hinsley whether he has any more information.

MR IRVING: Yes, my Lord, except that at that time it does

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indicate at that time he did not have the German originals.

MR RAMPTON: I am sorry, Mr Irving. I beg your pardon. May I intervene to ask your Lordship to insert it in that bundle? It comes from Mr Irving's discovery. There is no mystery about it. Professor Hinsley's reply.

MR JUSTICE GRAY: It was not there.

MR RAMPTON: Yes, we have it now.

MR IRVING: I could not find it last night, my Lord. In is Professor Hinsley indicates that he has obviously not yet seen himself the German originals of the British intercepts.

MR JUSTICE GRAY: Yes.

MR IRVING: It is quite interesting.

MR JUSTICE GRAY: The postscript is perhaps of some significance.

MR IRVING: It is interesting the British Official Historian and British Secret Service had either not been allowed to see or had not found in general chaos the documentation, these are the originals, which are now in the Public Record Office. But the German originals are very, very informative in their scope, breadth and depth. That, my Lord, is 04. This is the first of the notes of the telephone conversations from Himmler's telephone log to the Chief of the SS, and the one on which I rely is the one timed 12.15. It is the fourth

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conversation. I am afraid I have not attached a translation of it, but I will do a translation on reply on the one or two lines that matter. It is a 15 minute conversation with Heydrich who on that day was in Berlin. We do not know who initiated the conversation, my Lord, but Heydrich phoned Himmler or Himmler phoned Heydrich. We never see them. We have to infer. Conference with Rosenberg, conditions in the government general, getting rid of the Jews, beseitigung of the Jews,

and then the third line -- the fourth line rather, juristen nuralseerater, roughly lawyers just as advisers. Nothing else on that page to which I will refer. Merely it shows there were conversations going on between these two gentlemen on liquidation or getting rid of the Jews.

MR JUSTICE GRAY: What is the significance for my purpose of that?

MR IRVING: It is the context in which the principal document is embedded, my Lord. The inference that has been drawn against me is that I have one cardinal document and I would go around the world waving this document and saying "here it the proof". It is, in fact, showing that they were constantly talking about getting rid of the Jews, using --

MR JUSTICE GRAY: There is no issue, is there, that that was something that both Himmler and Heydrich were intent upon

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doing.

MR RAMPTON: Yes. The word "beseitigung" is interesting. You can look at it either this way or that way, literally as getting rid of, which can be sweeping under the carpet or liquidation. I am quite happy to accept that here they were talking about liquidation, these two gentlemen. It now becomes more interesting, my Lord, on page 5.

MR JUSTICE GRAY: Can you just let me highlight?

MR IRVING: We come to the intercepts and Mr Rampton does not wish me at this point to bring in this material. I am quite happy to turn the page, but I think it is useful to bring it in all in chronological sequence.

MR JUSTICE GRAY: When you "intercept" --

MR IRVING: This is the Bletchley Park intercept of the --

MR JUSTICE GRAY: Messages to Berlin.

MR IRVING: Messages between Berlin and the Eastern Front for police commanders, and also a whole number of other SS units, but these are the ones I rely on. No. 35 is a message addressed from Berlin on November 17th, that same day as the previous conversation, to the commander of security police, Dr Lange, L-A-N-G-E, in Riga, concerning, and I use the next word in original German -- these are my translations, concerning the evakierung of the Jews. "Evakierung", my Lord, is one of those words we will probably tussle over. The literal translation is "evacuation", but I am perfectly ready to

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accept for the purposes of this action that "evakierung" is occasionally used by the SS as a euphemism for a more ugly means of disposing. But in this particular case what is significant is that the man in Berlin is telling the recipient in Riga, on November 17th, in other words, that same day, at 6.25 p.m., transport train No. DO 26 has left Berlin for Kovno or Kornas, with 940 more Jews on board. That was usually the rough size of each train load of Jews, about 1,000 Jews. Transport escorted by two Gestapo and 15 police officers. Transport commander is Criminal Overassessor Exner, the man's name, who was two copies of the transport list with him. Transport provided with following provisions, and this is interesting part, my Lord, 3,000 kilogrammes of bread, three tonnes of bread for a two or three day journey. 27 kilogrammes of flour, nearly three tonnes of flour; 200 kilogrammes of peas; 200 kilogrammes of nutriments; 300 kilogrammes of corn flakes; 18 bottles of soup spices. They continue in the next message; 52 kilogrammes soup powders, 10 packets of something or other, we do not know; 50 kilogrammes of salt; 47,200 Reich Marks in crates. Signed Gestapo Headquarters, Berlin. Quite an interesting document, my Lord. It is the first kind of thing we come across in my view to show that these

trains were actually well-provisioned. It is a bit of a dent, a tiny dent in

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the image that we have, the perception, as Mr Rampton calls it, of the Holocaust today. The next one, page 6, is a message intercepted on 20th November. It is unimportant for our purposes on what day it was decoded. It was decoded 10 days. It takes 10 days to decode it. The actual message is dated three days later, 20th November 1941, again, dressed do commander of order police and the SS in Riga, concerning evacuation of Jews. The same kind of thing, transport train No. DO56. Has left Bremen, destination Minsk with 971 Jews on 18th November. Escort command regular police Bremen, transport commander Police Meister Bockhorn, B-O-C-K-H-O-R-N, is in possession of two lists of names and 48,700 Reich Marks in cashiers' credits. Jews are well-provisioned with food and appliances. My Lord, on the next page you will see the actual intercept, page 7 is what the actual intercept looked like. They are headed "Most Secret". It is the second paragraph, my Lord.

MR JUSTICE GRAY: "Most secret" is put on at Bletchley, is it not?

MR IRVING: Indeed, of course. There is no indication on the intercepts themselves, as intercepted here, what security classification they have. But I want to draw attention only to the word "gerat" in the fifth or sixth line of the intercept, which means appliances. Any German speakers in

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the room I am sure would agree the word "gerat" is the tools of the trade, roughly, they are being sent to the East with food, with provisions, and with the tools of their trade.

MR JUSTICE GRAY: You have translated that as what?

MR IRVING: Appliances. It is a rough cover all, tools of the trade would be a little bit too specific, I am sure Mr Rampton will probably eventually object. But the sense of gerat, if a cameraman comes into this room he would bring his gerat with him, his appliances with him. The next one is No. 15, I rely on this because it shows in the first line, I am sorry I am still on page 6, my Lord, the second message on page 6 SS Obergruppen Fuhrer Jeckelm, transferred from Kiev to Riga. So that was the day this criminal was transferred to Riga, round about November 20th, and in fact it is a pretty low level message. They are worried about what happened to motor cars and things like that if I remember correctly. If we can now turn straight over to page 9, my Lord, I took the trouble during the night to dig out of my files, the war diary of Hitler's headquarters, which I have. These are all my documents. All my documents when I obtained them for the book, I had bound in these volumes because I anticipated perhaps Mr Rampton would say, well, we have no proof that Hitler was in his headquarters, that he was at home on the day of crucial

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message November 30th.

MR RAMPTON: No, he would not say that, my Lord, because Himmler recalls that he had lunch with Hitler on that day.

MR IRVING: Well, I am just dotting the Is and crossing the Ts.

MR JUSTICE GRAY: The point is not made, so we need not trouble with that.

MR IRVING: It also talks about the arrival of the Fuhrer's train that very morning. On the following day is the photocopy from the page of war diary at Hitler's headquarters. We then come to the crucial document we were talking about yesterday evening, which I ...

MR JUSTICE GRAY: I still have your copy of that.

MR IRVING: I put it in the bundles for sake of completeness. It is referred to in the third conversation. I draw attention only to the first lines, which says: "Telephone conversation on November 30th 1941". The next line "Wolf stanche" means Wolf's Lair. The next line "ausdemzung" it means from the train. Himmler is still in the train going to Hitler's headquarters. Three lines down, ausdembunker, from the bunker, he is at the bunker now, in the Wolf's Lair, 13.30 he telephones Heydrich, as we know only the third and fourth line of the notes are important, "Jew transport from Berlin, no liquidation".

MR JUSTICE GRAY: Yes.

MR IRVING: If I may proceed now to page 13, my Lord. This is

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the one that I am alleged mysteriously to have misread and the implication being I deliberately misread it or deliberately changed word the Gerhartens Fuhrer (?) into "juden", which would be quite a feat. My Lord on the page 13 the question of the line, the contentious line is third from the bottom, haben zubleiben.

MR JUSTICE GRAY: Have to remain.

MR IRVING: You will notice, my Lord, the word "haben" has obviously been retyped, a bit of squeeze getting it in. It was retyped by me when I realized my error in transcription. That typewriter was disposed of some or ten or 15 years ago. That is how early I realized my error. I do not know if it is significant one way or the other, it may count against me. I do not know. It is also significant to see in the following line, my Lord, I have written the words "truppenschuhe", and this is another misreading by me.

MR JUSTICE GRAY: It does not really matter, does it.

MR IRVING: My Lord, I am just trying to say as you will see from the next page, which I now ask you to turn.

MR JUSTICE GRAY: Before you leave that, I thought there was another point made on this document, which is your translation of the words --

MR IRVING: That is Verwallueys Fuhrer.

MR JUSTICE GRAY: Am I not right about that?

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MR IRVING: This was the point Mr Rampton sought to make, and I corrected him, my Lord, and said that was not the word that I misread. It was the word on the following line haben, which I misread as Juden, and this is why I was going to ask your Lordship, respectfully, to turn to the next page, page 14, where you will see the words in question, three lines from the bottom on the right, that is the quality of the original I was working from. I do not know if your copy is highlighted, the crucial word is not perhaps...

MR JUSTICE GRAY: Yes, it is. What did you originally transcribe that as?

MR IRVING: Juden, I would submit this is a perfectly reasonable kind of mistake to make. If I was to labour the point I would draw your Lordship's attention to all the other versions of the word "Juden" that are correct, you will see they are very similar indeed in the German Gothic handwriting. So what we have, my Lord, to recap at this point, November 30th Himmler for some reason in a telephone conversation with Heydrich saying that train load of Jews from Berlin is not to be liquidated. I believe that is a fair expansion of that sentence. On the following day he has that telephone conversation with SS Gruppen Fuhrer Poll, I am back on page 13, at 4.45 p.m.

They touch on Depervartens (?)

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Fuhrer, but more important now is the conversation, again, with Heydrich about the same time as the previous one, on the previous day, 13.15 on that page 13. He has a conversation with Prague first of all about his scribes, the female scribes and, secondly, "executionen", like "executions", in Riga. I am sure I do not have to translate that. So it is now very much in the air that something has gone on in Riga, my Lord. On page 15, that same day, we are well in the chronology, my Lord, this is a telephone conversation at 7.15 a.m. on that Monday morning, December 1st, 1941. This is coming from Jeckelm to Berlin. This is a very ugly one indeed, my Lord. He is saying in English: "I need by next available air courier 10 Finnish", Finland, in other words, "military pistols with two drum magazines each. Execution of sonder aktionen", special actions, S-O-N-D-E-R A-K-T-I-O-A-N, "request radio telegramme reply. Senior SS and Police Command, North Russia".

MR JUSTICE GRAY: Who is this addressed to in Berlin then?

MR IRVING: The main leadership Hauptamt, would be the body concerned with the procurement of such armaments. The significance of this, my Lord, if you remember the harrowing description by General Bruns of the shootings on the edge of the pit where the men were using machine guns, tommy-guns, and he has run, he has not enough tommy-guns,

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he needs more. You can see the actual intercept of that, my Lord, on the next page. What is the answer he gets? Page 17, again my translation my Lord, Himmler himself contacts him, either in person, that is the second message, or through his Adjutant, Grothmann (who is still alive in Germany now). He sends this message to that same criminal, Jeckelm, at 7.30 p.m. on December 1st: To SS Obergruppenfuhrer Jeckelm, Senior SS and Police Commander, Osla, Riga. Reichfuhrer SS Himmler summons you to him for a conference on December 4th. Please state when you will arrive here and by what means you will be travelling". In other words, he had been summoned urgently to the Headquarters. The very next message explains what is going to happen. "SS Obergruppenfuhrer Jeckelm" -- this is the message we dealt with yesterday, my Lord -- "The Jews being outplaced to Osland", to the Baltic, "are to be dealt with only in accordance with the guidelines laid down by myself and/or by the ... (reading to the words) ... on my orders. I would punish arbitrary and disobedient acts", signed Himmler. A most incredibly important message, I think, for many reasons. He is not talking about a Hitler order here. He is saying: "The guidelines issued by me", by Himmler, "or by the Reichssicherheits Hauptamt" who is Heydrich", his telephone conversation partner. Jeckelm, out on the Eastern front, has overstepped the guidelines.

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He started shooting thousands of Germans. He had been summoned to Himmler's headquarters, to Rastenburg, in East Prussia to account for himself.

MR JUSTICE GRAY: Where do we find the guideline?

MR IRVING: My Lord, we will hear in the course of this trial that these intercepts are not wall to wall. We do not have everything that they sent. There is an enormous mass of trivia, people whose cars have been towed and that kind of thing, people whose wives have died. Occasionally embedded in the trivia, like in a goldmine, in the slurry, there are diamonds like this. The

incredible thing is, although this document has now been in the public domain for about five or six years, the historians and the world have not leapt on this document and said, "Irving was right. This proves that the Fuhrer's headquarters were not only indignant, but were calling people to account. In the way that the wars are, although he is brought back from the Front and he is wrapped on the knuckles, he is sent back to the Front to carry on with his job. He is not dismissed from service; in rather the same way as I know General Patten, for example, went to the Front when General Patten had been liquidating prisoners. He was called before Eisenhower and called to account. He was put on ice for two or three months and then he was given command of one of the best armies, the 3rd American Army, because good men are hard

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to come by in a war. That is, undoubtedly, the way the Nazis viewed this criminal. May I proceed, my Lord?

MR JUSTICE GRAY: Yes, thank you.

MR IRVING: We can see on page 21 the arrival of the unfortunate criminal, the arrival of the unfortunate criminal, SS Obbergruppenfuhrer Jeckelm in Himmler's appointment book, in other words, at Hitler's headquarters. One notices at 1300 they are driving over Hitler's headquarters. Then Himmler visits the barber and the dentist. He sees Hitler at 5 p.m. and at 7 p.m. he sees other SS Generals. At 8 p.m. he has dinner in part of Hitler's headquarters with Jeckelm and at 9.30 he hauls Jeckelm over the carpet, the Jewish question, the SS brigade, economic business. So that is the actual visit.

MR JUSTICE GRAY: Would it be a fair interpretation of this document that the original plan was that Jeckelm should be present with Hitler and Himmler at 5 o'clock in the afternoon?

MR IRVING: I cannot be specific on that, my Lord.

MR JUSTICE GRAY: It looks like it, does it not?

MR IRVING: I do not want to speculate, but these are grey areas. The documents do not tell us everything we would dearly love to know. What we do know is the final two pages I put in the bundle. My Lord, you will see that the last page has some red print on the bottom, the very last

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page. This is the German, I would say, official transcript of Himmler's diary which, my Lord, the Defendants also have on the desk in front of them. It is published this year. It is enormously expensive. It is a very good and highly dependable transcription of Himmler's diaries and appointment book. They put that in as a footnote at 104, I believe, in which they say: "After these signals were exchanged", which, oddly enough, they do not elucidate to the degree that I have, "the killings of German Jews stopped for many months". I have no further submissions to make about these documents.

MR JUSTICE GRAY: You have lost me a little. Where do I find after these messages ----

MR IRVING: The very last line of the red text. This is the comments by the editors, who are a team of German historians, on the Himmler diaries which they have annotated most expertly, and they too have drawn finally on these two mysterious messages that we intercepted.

MR JUSTICE GRAY: But the point that may be made, I do not know, on this is that it is the mass shootings of German Jews that ceased.

MR IRVING: I agree, my Lord. This is why I have been very careful to make a distinction in my evidence and, indeed, in my books.

MR JUSTICE GRAY: That suggests to me -- tell me if I am wrong

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about this -- that the guidelines mentioned in the earlier message were guidelines relating to German Jews.

MR IRVING: This is quite possible, my Lord. I would only ask you in reading, as undoubtedly you will, and re-reading passages from my books on which the Defendants seek to rely, you ask yourself this question, has Mr Irving, the so-called Holocaust denier, at any time implied that this kind of massacre did not go on, and that it was systematic and it was carried out on guidelines from above?

MR JUSTICE GRAY: Yes.

MR IRVING: But you will notice that Mr Himmler talks about "orders that I have issued and the Reichssicherheits Hauptamt". He never says, "On the Fuhrer's instructions" which, obviously, there would be a strong temptation in a message like this to say, "You have not only upset me, but you have put Adolf's nose really out of joint". So, I mean, obviously, I am going to submit that if documents like this exist of a quality like that, to imply that I was speaking off the wall in some way with no kind of documentary basis for the submissions that I make in my books, it would be unfair, unjust and perverse.

MR JUSTICE GRAY: Yes. You have taken me through, and thank you for that ----

MR IRVING: I ----

MR JUSTICE GRAY: --- this little bundle. I am making this point at this stage because it is going to crop up time

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and again. I am rather anxious not to have little one issue bundles cropping up at odd stages because, frankly, in a case of this length, it is all going to get lost and tangled. I imagine that all these documents are in one or other of the existing files.

MR IRVING: They are in this cover, my Lord, but not in such pristine condition as that. I want to very great trouble last night to prepare this particular bundle in the hope that you would say to yourself, well, if he was able to come up with evidence like this on this matter, no doubt he will be able on any other matter ----

MR JUSTICE GRAY: Do not misunderstand me. I am not critical. I think it is helpful to have a bundle prepared like this, but what I need to be sure of is that I know where these documents can be found in the existing files. What I will ask somebody on the Defendants' side to do, if they would be good enough, if they can do this, is to provide me with the cross-reference. Could you ask somebody to do that?

MR RAMPTON: We will think about that. The trouble is at the moment that our files are ordered according to the experts' reports.

MR JUSTICE GRAY: Yes, but most of these documents would be relatively easily traced?

MR RAMPTON: Most of them, I think, are referred to in the expert reports anyway. Whether they are copied in quite that form, I am not sure; I think probably not.

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MR JUSTICE GRAY: You see why I need to have what I am asking for.

MR RAMPTON: Yes, I do. My immediate idea is just to put them with a separate numeration at the back of Professor Browning or that report. It is apparently ----

MR JUSTICE GRAY: I think that is not a bad idea, to put them into J, otherwise there is going

to be proliferation of...

MR IRVING: My Lord, I am using an alphabetical system which requires that there are going to be less than 26 such files over the entire case that I would anticipate putting in of this nature. If you will bear with me, the reason I called this just "Himmler" is that I was intending to produce further documents, for example, the Schlegelberger series (which I am sure your Lordship is familiar with). I would also put that into that binder. So there will just be an Irving series, Irving A, Irving B, Irving C. This is, after all, my case, my Lord, and I do not want my structure to be subsumed into the case for the Defendants.

MR JUSTICE GRAY: I entirely agree with that. This may all seem very boring, but, believe me, in a case like this you ----

MR IRVING: "Boring" is not a word I would use.

MR JUSTICE GRAY: --- really do have to watch the sort of housekeeping. Just so that everybody knows where I have it, I am putting it into J.

MR RAMPTON: Tab C.

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MR JUSTICE GRAY: I have not got a tab C.

MR IRVING: My Lord, I would propose that we now continue where we left off last night.

MR JUSTICE GRAY: I am going to treat what you have told me in the last 20 minutes or so as being part of your evidence, although you told me from counsel's bench. It is up to you; I think you probably ought to go back, if you would be good enough, into the witness box. Cross-examined by MR RAMPTON, QC, continued.

THE WITNESS: My Lord, there is just one other document there that I forgot to refer to and this is No. 23. I will just read it out to you. There is no need for your Lordship to see it.

MR JUSTICE GRAY: I had better follow it.

A: A telephone conversation of exactly the same kind from Himmler's telephone log: On Hitler's birthday, at midday with Heydrich, again that is H-E-Y-D-I-C-H, a conversation with Heydrich in which the last line reads: "Kindly", "Keine vernichtungd. Zigeuner", K-E-I-N-E V-E-R-N-I-C-H-T-U-N-G-D. Z-I-G-E-U-N-E-R.

Q: That is "gypsies", is it not?

A: That is right, my Lord.

Q: How would you translate "vernichtungd"?

A: Literally "destruction" and that is how I will leave it. "No destruction of the gypsies"; the significance being that on this day at mid-day, Himmler is with Hitler

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celebrating a birthday party. It was Hitler's birthday, April 20th. Once again he has had to telephone his chief executioner, so to speak, Heydrich, and say, "The gypsies are not to be liquidated" and yet they were liquidated.

Q: You say Himmler was with Hitler at 12 o'clock?

A: Quite definitely. It was Hitler's birthday and I would be happy to lead evidence to prove that, but I am sure Mr Rampton will not dispute that the head of the SS ----

Q: And this is a phone call to Heydrich from Himmler?

A: It is a telephone conversation between them.

Q: Yes, I take that point.

A: Of significance, it is one more document in that chain that I occasionally refer to.

MR JUSTICE GRAY: Thank you.

MR RAMPTON: Yes, as to that, Mr Irving, the "no liquidation of the gypsies", again that was before there was any meeting between them, was it not, on that day, which is 20th April 1942, Himmler's log said that he met Fuhrer at 12.30?

A: This may well be. It may well be what his log says.

Q: Whereas the telephone call is at noon, I think.

A: Yes.

Q: Rather like 30th November?

A: Yes.

Q: 1941?

A: Yes.

Q: Can we go back to 30th November 1941, please? Did you get

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a transcript of your evidence of the proceedings yesterday -- have you got a copy that looks like this, Mr Irving?

A: Yes I have.

Q: With a quarter page like that?

A: Yes.

Q: Could you turn, please, to the page numbered 289? It is the top left-hand block on one of the pages.

A: Yes.

Q: I was asking you if you remember why it was that you had translated "Judentransport", a singular word, as Jews in general?

A: Yes.

Q: You had said, you can see it there, can you not, that it was a silly misreading of the word. You said at line 19: "I admit I made a mistake in the transcription"?

A: Yes.

Q: This was your sworn evidence on oath yesterday?

A: Yes.

Q: Now would you please turn to the first page of your new bundle?

A: Yes.

Q: The translation you have made for us kindly ----

A: Yes.

Q: --- 23rd January 1974, where you have transcribed it correctly?

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A: Yes.

Q: The answer you gave yesterday was wrong, was it not?

A: That is correct.

Q: Why was it wrong, Mr Irving?

A: Because we are talking about events almost 30 years ago. I was writing this book 32 years ago. I received these documents 35 years ago. I probably transcribed it, as you can see from the letter, round about 1974. It is very difficult to put myself back into my mind set of 25 or 26 years ago. You asked me what the reason for that was and my first presumption was that I misread the word, but ably challenged by his Lordship, questioned by his Lordship, on this matter, I recalled

also that at the time I looked at it, the word "transport", "Judentransport", to me also could be translated as "transportation of Jews". Indeed, it can be translated that way and I refined it later on when I was informed by Dr Flemming, as he then was, who is an expert on the Holocaust, that there was one very clear train load of Jews to which reference was being made. That is so, I think, an accurate answer which should really replace yesterday's answer.

Q: I dare say it should, Mr Irving. Whether I accept it, of course, is quite another question, even in its remodelled form.

A: Yes.

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Q: The answer is, of course, that I do not. Mr Irving, I would like you to think a little bit about what you have just said. You heard me open this case on Tuesday afternoon, did you not?

A: Yes.

Q: Yes. You have to say "yes" just for the recording. That is all. Nodding or so will not do. You had a copy of the written document that I read out, did you not?

A: Which document are you referring to?

Q: My opening statement in this case?

A: Yes.

Q: That was on Tuesday afternoon.

A: Yes.

Q: You realized then ----

A: Yes.

Q: --- that this is one of the points that I was going to make against you, did you not?

A: Yes, that has been repeatedly made, yes.

Q: It has been repeatedly made, has it not? Yet, when you come into the witness box to answer questions on oath, you simply pluck an explanation out of the air, do you not?

A: Mr Rampton, may I explain to you that in the last four days I have had six hours sleep? Is this a satisfactory answer to why one occasionally makes slips of the memory in the witness box? If not, then I will go into it in greater detail.

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Q: What is the truth, Mr Irving? You did not misread it, that is clear.

A: Yes -- not this particular word.

Q: No. So yesterday's answer was a false answer.

A: Misinterpreted.

Q: You now say, "Well, I may have mistranslated it, but my translation was, on the face of it, legitimate"?

A: Well, in this case it is not a translation that is needed, it is an interpretation because it is a cryptic word. "Transport" can mean several different things. There are many words that can mean several different things, and you have to look at the context and you have to take other documents and possibly later information into account in arriving at which of those words is the correct translation. None of the words would be a wrong translation at the time you first make it. You then refine the translation on the basis of external evidence.

Q: Would not a more natural way of putting it in German to be to put it in the plural "Judentransporte" with an "e" on the end?

A: It can also be done that way, yes.

MR JUSTICE GRAY: Would part of the context be that there did happen at this time to be a train load of Jews setting out from Berlin to Riga?

A: There were many train loads sitting out. By this time, by November 30th, there had been five trainloads of Jews

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heading for Riga or Minsk.

Q: Over what sort of period?

A: One week, round about that time -- no, I am sorry, two weeks would be a closer approximation. They were given numbers, "D" for Germany, "O" for East or German, rather, and "O" for East. That is what the numbers in the intercepts are.

MR RAMPTON: Mr Irving, another of the things that you and I disagreed about yesterday was your unequivocal categorical assertion in your various publications that that order from Himmler to Heydrich on that day was given at the instigation of Hitler. You say it was, or at least that is a reasonable inference; you called it a "judgment call", I think, did you not?

A: I called that, the reason I used it, or referred to it in that -- I think we ought to see the actual wording I used. If you say that I said it on a number of occasions, it would be helpful to see the actual wording that I used.

Q: For example, let us just look at how you put it in "Hitler's War 1991". My Lord, that is bundle D1(v). It is in two halves. This is the second half. At page 427, Mr Irving, if you are using the published edition?

A: I am just looking at the 1977 one to pre-empt you.

Q: We will look at that first, if you will. I think there it is round about 300 and something.

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A: At 1.30 p.m.

Q: Well, his Lordship may not have it.

MR JUSTICE GRAY: Yes, I have.

MR RAMPTON: Have you got 1977, my Lord? 332.

A: Yes. I think, with respect, it makes more sense to take it from the chronology that I wrote the various editions.

Q: I was not actually going to look at all the references, but if you wish me to do so, I do not mind in the slightest.

A: Well, it is like a building, the way a building changes over the years, that tells us something also.

Q: "Himmler's personal role is ambivalent. On November 30th 1941, he was summoned to the Wolf's Lair for a secret conference with Hitler in which the fate of Berlin's Jews was clearly raised". Pause there. What evidence that Himmler was summoned to the Wolfsschanze the Wolf's Lair?

A: My very great expertise on this matter.

Q: What?

A: My very great expertise on this matter. Do you wish me to elaborate?

MR JUSTICE GRAY: Yes, I think you had better; I am not quite sure I understand the answer.

MR RAMPTON: I asked for evidence, not expertise.

A: Well, the evidence is that if you go to the archives and work through the files of Hitler's

Chancellory, you will find every year, two or three times, the head of his

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Chancellory, Hans Lammers, issued an edict to all the Reich ministers and all the senior Nazi officials informing them that nobody was permitted to visit Hitler, just ringing the door bell and saying, "Mein Fuhrer, can I drop in and see you for a moment?" They had to have a specific summons and invitation because Hitler was constantly being beseiged by junior and senior officials who were ringing his doorbell in that way and asking to see him. Eventually, it had to be forbidden, first of all, by Lammers and then by an edit of Martin Bormann. So you could not visit Hitler unless you were summoned.

Q: Mr Irving, I am not going away from that topic, believe me, I am not, but it may be we had better get this sorted out earlier rather than later in this case. Where do you place Himmler in the Nazi hierarchy?

A: Nowhere in the hierarchy that it would just turn up on Hitler's doorstep.

Q: Please, we will come to that I promise I not leaving the topic, where do you put him?

A: He had the rank of a Reichsminister, the rank of Reichsminister was equivalent to a field marshal, so it would be the equivalent rank of four star general. He had Hitler's ear, he took orders directly from Hitler, there was no intermediary, is that sufficient?

Q: -- yes, I am going to go a little bit further. This is not hostile interrogation, Mr Irving, this is an attempt

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to see if we can agree on some broad general facts which may be of use in this case. Himmler was, was he not, one of the original putschists of 1923?

A: He is there to be seen marching in the ranks.

Q: Wearing Nazi uniform.

A: One of the old guard.

Q: Have you read Ian Kershaw's book?

A: Whose?

Q: Ian Kershaw's book?

A: I do not read books.

Q: You do not read books. Of course not. He is one of old guard, is he not?

A: Yes.

Q: So was Goring?

A: Yes.

Q: And so was Goebbels?

A: On and off, if you see what I mean.

Q: Yes, I do see what you mean. Is there anything which leads you to suppose --

A: In connection with Goebbels, of course, he was not one of the putschists, he came in several years later.

Q: -- Rosenberg was perhaps, I do not know. Is there anything you know of that prevents one from supposing that Hitler might have telephoned as he apparently was able to use the telephone on the train, was he not?

A: Himmler, you are talking about?

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Q: Himmler I mean, telephoned the Wolf's Lair and said "can I come and talk to you about something"?

A: No reason to suppose that at all, yes.

Q: So why you do use the word "summon"?

A: Because then Hitler would have said "all right, come and see me".

Q: You see in the context, do you agree, the word "summoned"?

A: Yes.

Q: Means that he is being summoned in order to discuss the fate of the Berlin Jews?

A: In the context.

Q: Yes. Amongst other things, perhaps?

A: No, I disagree with you Mr Rampton, on November 30th, he, Himmler was summoned to the Wolf's Lair for a secret conference with Hitler at which the fate of Berlin's Jews was clearly raised.

Q: By whom?

A: We do not know.

Q: Then you go on, at 1.30 p.m. Himmler was obliged to telephone from Hitler's bunker?

A: Yes.

Q: Who could have obliged, that is to say compel, Himmler to do such a thing?

A: His own inner conscience.

Q: That is what it was, was it?

A: That is why I used word "obliged" otherwise I would have

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said "ordered".

MR JUSTICE GRAY: The reality of the way, would you not accept, Mr Irving, of the way it is put in your book is that the reader is going to infer that that was an order from Hitler to him?

A: My Lord, I use my words with utmost care when I write passages like that. I will go backwards and forwards over them looking for a word which I considered to be justified by the evidence but not implying or imputing or inferring too much. If I used the word "obliged" then it was because I hesitated to use the word "order" but for some reason he made the telephone conversation. He did not wait until he got back to his own headquarters, he immediately phoned Heydrich from Hitler's bunker without even getting over to the local phone box, he phoned Heydrich with these instructions saying "stop the killing".

MR RAMPTON: That is what you intended to convey in that passage of that page of Hitler's War 1977?

A: That is all that I felt it was safe to convey on the basis of the very skimpy evidence I had at that time. At that time, of course, I did not even have the decodes, but now the decodes confirm me.

Q: So you say. Let us turn to page (xiv) of the introduction to this book, may we?

A: Yes.

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Q: Perhaps for completeness start at the bottom of page 13: "Many people, particularly in Germany and Austria had an interest in propagating the accepted version of the order of one mad man originated the entire massacre." We are talking here about Holocaust in the old sense, old, in

the Irving history.

MR JUSTICE GRAY: I am so sorry, Mr Rampton, I am lost, page 13.

MR RAMPTON: (Xiii) of the introduction.

MR JUSTICE GRAY: Thank you.

MR RAMPTON: I will start again. Last two lines bottom of page 13: "Many people, particularly in Germany and Austria had an interest in propagating the accepted version that the order of one mad man originated the entire massacre." That is to say the massacre of the Jews, those are my words, my Lord. "Precisely when the order was given in what form has admittedly never been established. In 1939? But the secret extermination did not begin operating until December 1941. At the January 1942 Bunzig conference? But the incontrovertible evidence is", note those words, Mr Irving, in the light of your recent answers, "the incontrovertible evidence is that Hitler ordered on November 30th 1941 that there was to be 'no liquidation' of the Jews (without much difficulty I found in Himmler's private files his own handwritten note on this)." In the light of that, Mr Irving, would you care to revise the

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answers you gave a moment ago?

A: No.

Q: Well, what do those words mean? Do they speak for themselves or do they not, that I have just read?

A: I have done exactly what any normal editor would do, you present the evidence and then you draw conclusions. I present the evidence in the body of the book. I even in this one case print a facsimile of the document which is pivotal to this particular argument and then in the introduction (as a good author should) I put my principal conclusions. Here I am putting my principal conclusion as the author, David Irving, that I draw the conclusion from this episode that Hitler had intervened to stop -- and here is the error, the liquidation of the Jews. What I should have written is "the liquidation of a transport of Jews". That was the state of my knowledge at the time I wrote this version of this book. Subsequently of course I amended it.

Q: I think you told me yesterday that the only evidence you had for the order of Hitler was that Himmler was there at the time?

A: The only evidence that I had for an order of Hitler?

Q: Yes, was that Himmler was at the Wolfsschanze at the time?

A: I think we would have to see exactly what I testified before I would agree to that brief summary.

MR JUSTICE GRAY: I think it is right, but if you want to be

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referred to it then no doubt you should be.

MR RAMPTON: A summary?

A: I hate to agree with vulgarised versions of what I testified.

MR JUSTICE GRAY: Let us have a look and see what you did say.

MR RAMPTON: My Lord, one could start at line 20 on page 285 perhaps?

A: 285?

Q: 285, line 20, I am trying not to take too much of it. I suppose it really begins at line five on page 285, but I hope I summarized it fairly?

A: I do not think you did, but I will certainly stand by what I stated on those two pages.

MR JUSTICE GRAY: Look at line 286, line 3 and onwards.

MR RAMPTON: Yes, please.

A: This is the question, of course, and not the answer.

MR JUSTICE GRAY: Yes, but there is an answer after the question.

MR RAMPTON: At line nine there is an answer.

A: Yes.

Q: My summary was a fair one. There is no evidence beyond the fact that Himmler was at the bunker that day and had lunch with Hitler an hour later, is there?

A: Evidence for what?

Q: For an order from Hitler that Jews -- that the train load of Jews, let us stick with that for the moment?

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A: This is --

Q: Should be not liquidated?

A: -- I do not mean this offensively, but this is the common sense interpretation of the evidence lying before us, rather the perverse interpretation. We will always has versions or two interpretations, one is the obvious one, which is -- and the other is the perverse one. The obvious one is if Himmler goes to Hitler's headquarters and is handed a phone at some time on his way out and he then has to make phone call to Heydrich saying, "stop killing the Berlin Jews", then there is some close connection between that and the fact he has seen Hitler that day.

Q: That is a possible interpretation, we in this court, and I do not know about the court of history, we in this court when we say "evidence" we mean "evidence" not "inference".

A: The issues that are being pleaded are mistranslation, or distortion, deliberately mistranslation, distortion, manipulation and I do not think that the particular avenue we are going down leads in the --

Q: I will put it bluntly to you and then I will leave it, you can deny it, because you will deny it, I am sure; (a) you deliberately mistranslated it, you inflated from one train load into Jews generally, that is number one; and (b) you inserted an order from Hitler for which there was no evidence?

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A: -- I will take those two allegations seriatim; that I inflated it deliberately, there is not a shred of evidence for that. The evidence is quite clear, that as soon as Dr General Flemming brought to me the evidence there was one train load of Jews which was in trouble that day, I immediately and in subsequent editions of the book revised it to the narrow interpretation of the word "transport" rather than the wider interpretation.

Q: And you are sticking with the Hitler order answer?

A: As being the reasonable rather than perverse analysis of the documents at that time before us. I emphasise of course it has now been very amply confirmed by the intercepts I read out in my bundle this morning.

Q: Very well, then, we must look at another document. This is one of your documents?

MR JUSTICE GRAY: Before you do can I ask one rather mundane question.

MR RAMPTON: Yes, of course.

MR JUSTICE GRAY: But I think you will understand why I ask it, Hitler's headquarters or the Wolf's Lair, how big a building or collection of buildings was that?

A: At that time it was not a big formidable complex which exists today, huge concrete bunkers. There were one or two air raid shelters, but it was mostly in the form of wooden barracks scattered around in a compound of a 2 or 3 kilometres area with minefields and forests.

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Q: How many people would work there?

A: Probably in the order of one thousand people including all the escorts and security. It had various inner areas and so called "sperrkreise", which were the security zones and he was in security zone A. But if it is ausdembunker, from the bunker, then it is from Hitler's bunker.

MR JUSTICE GRAY: By which you mean an office or --

A: No, Hitler --

Q: -- a part of the compound where Hitler was himself based?

A: -- in the security zone A there was the bunker in which Hitler resided, lived and conducted his conferences. Later on it was massively reinforced after the Allied air raids started.

MR RAMPTON: This is all on the same topic, Mr Irving, so that the document you are will next need is to be found in bundle D8(iii), somebody will give it to you (same handed).

A: Very well.

Q: The page I want is 1042.

A: Yes.

Q: At the same time could I give you and his Lordship -- I have composed a page of the reprinted Himmler logs for Sunday 30th November 1941 and Monday 1st December 1941, I have taken from that Witte book. I have taken out the footnotes because I wanted the text. I wanted the text to appear unvarnished. First of all would like you to look

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at the page in D8(iii) page in D8(iii), 1042. This is taken from your website; do you recognize it?

A: Yes.

Q: You do, Mr Irving. At the bottom of the page the last entry starts: Meanwhile another page from the Himmler file in the Moscow archives obtained by David Irving on Sunday May 17th 1998, reveals the Reichsfuhrer's appointments for November 30th 1941, see above. The day of the telephone call with Heydrich". Turn over now to page 1043. "This suggests that Mr Irving's original theory that Himmler discussed the matter with Hitler before phoning Heydrich is wrong. Himmler saw SS Sturmbannfuhrer Gunther d'Alquen, a journalist, from 12 to 1 p.m.

(Reisebericht uber SS Pol Division [that is short for politzei] u. [that is an abbreviated U stop] Totenkopfdivision) then worked for an hour ('gearbeitet') during which he made the phone call, received General Dietl from 2 to 2.30 p.m." I will not bother to read the next bit. "And only then, at 2.30 p.m., went for lunch until 4 p.m. with Hitler ('Mittagessen b. Fuhrer') that is short for bei, yes ?

A: Yes.

Q: That is your account, must postdate the 17th May 1998, must it not? According to that entry anyway it does, if

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you look at the first page?

A: Yes. I did not understand the question, last question, it was what?

Q: Well, if you say that you arrive at this conclusion in consequence of the discovery of a Himmler, a file page on 17th May 1998, this, what shall we say, "confession" must postdate that, must it not?

A: Perhaps I should explain to his Lordship, if your Lordship is wondering why it is written in the third person. This is a page.

MR JUSTICE GRAY: I do not think that matters at all.

A: No, right. But in other words I wrote that. This is what is important.

Q: I follow you wrote it.

MR RAMPTON: I had assumed you wrote that. This is why I called it a confession. A Confession implies that something is wrong.

MR JUSTICE GRAY: Put the substance, Mr Rampton.

MR RAMPTON: It is quite inconsistent with the version you have been giving us in this court?

A: It is absolutely consistent with my methods as an historian as saying here is one version, but the audience should know there is an alternative version. This is absolutely consistent with -- you remember how I sent that letter to The Times in 1966 saying there are other figures on Dresden and it is right that the public knows this.

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I know it is unusual for historians to do this, but I do that kind of thing.

Q: But you did not say, but on reflection I think this suggestion that I was mistaken is probably wrong, and I adhere to my original thesis that it was a Hitler order?

A: I draw attention to the first two words on page 1043 "this suggests".

Q: I know that?

A: It does not say "this confirms" or "proves".

MR JUSTICE GRAY: But to be blunt about it, Mr Irving, what I think is the suggestion made on the basis of your website entry is that it was because a journalist tipped off Himmler what had been going on that the message went out to Riga; have I understood it correctly?

A: I think I would be reading very much between the lines, my Lord.

Q: That is what you are saying here, is it not, Mr Irving?

A: No, not at all. I am saying exactly what happened. What his timetable was.

MR RAMPTON: Mr Irving, the position is this, you quite properly in this website entry recognize the possibility, I would say the probability, it does not matter, that your original thesis, that it was an order from Hitler was wrong, do you not?

A: Well, you say "probability" and "possibility"; I would say what I am saying here is it is important that the learned

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public, academics and others who are accessing this website realize there are documents which indicate a discrepancies in The Times. However, we should not lay every word on the gold balance, as the Germans say, because it is quite possible and indeed highly probable that as soon as Himmler arrived at Hitler's headquarters he did not go and have a shower or something, he went straight in to see the boss, and said "boss I am here, what time shall I come past" and the boss said "oh by the way Heydrich I will have to tear a strip off you because of what is happening at the Eastern Front".

Q: Mr Irving, who reads these books of yours? Do not take that as a suggestion that nobody does, at all, I do not mean that, but who are they aimed at?

A: How would I know.

Q: Who do you write your books for? When are you writing a book, if I write something to my wife I do not use the kind of pompous language I use in court, I hope. So you know, you have an audience?

A: Obviously, I am trying to write for as wide an audience as possible so that it is both learned enough for the academics to use as a source book, in the case of the Goebbels biography but also entertaining enough for the general public to look at and read from end to end without putting it down at the end of a chapter.

Q: Exactly. It is meant to be readable and it is also

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scholarly and authoritative, is it not?

A: Yes.

Q: All three of those things. Do you not think, Mr Irving, that the respectable approach to this problem of the Himmler telephone call, for problem it is, historically?

A: Yes.

Q: Would have been to put both possible "theories", as you call them, in this website into your book?

A: Well, here you have another time discrepancy, Mr Rampton, because the book was delivered to the publishers in 1995, and this Moscow diary came to my hands in 1998, three years, so it would have been quite a feat of imagination to imagine what was in the archives and I had not at that time seen.

Q: No, but you had assumed without more, had you not?

A: This is not the point you were just trying to make, you were trying to imply I concealed what I knew, which would fall within the grounds of manipulation and mistranslation.

Q: What I put to you is this, that you inserted an order from Hitler without evidence?

A: I inferred an order from Hitler with very strong evidence.

Q: You state it as a categorical fact?

A: In my introduction to the book, yes, I draw conclusions.

Q: And also in the text, if I may say so.

A: No, in the text I state exactly what the documents say.

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Q: And you mistranscribe the word Judentransport so as to make Hitler appear the more merciful because that is what it is about?

A: No, I applied the wider interpretation of the "transport" rather than the narrow interpretation, which one could subsequently apply once one knew more about the history of that particular train load.

Q: You do not agree now that you have been caught out by the full entry in the Hitler log?

A: Mr Rampton, historians are constantly being caught out by fresh documents that come into their purview and one is -- I am personally very satisfied how infrequently I am caught out. In the entire Goebbels biography initially, for example, without access to the diaries in Moscow. I was pleased to find out how much I managed to work out correctly from secondary sources. So it is with particular episode, the decodes only came into our possession within the last four or five years and yet they confirmed exactly what I inferred 20 years, 25 years ago. I do not think it is a question of being caught out. If one revises and updates information it is not because one has been caught out, with all pejorative implications.

Q: I am afraid they are pejorative. I would like to know why you say that the decodes (we will go it now, I will come back to where I was in a moment) why the decodes confirm your account?

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A: I think I have gone through the little bundle this morning in some detail, I am glad I did.

Q: You show me the decode, I suppose mean the one on page 17?

A: December 1st.

MR JUSTICE GRAY: Mr Rampton, you are moving to a slightly different topic, may I ask one more question?

MR RAMPTON: Yes.

MR JUSTICE GRAY: It is back to your website, looking at it now, forget what you have written in the past, but looking at it now, it is obvious that there was some sort of discussion or meeting between Himmler and the journalists; is that not right?

A: My Lord, I regard this meeting between Himmler and the journalist as being a matter of very low priority, I just put it in purely because it shows what he was doing that morning. It never occurred to me that Gunther d'Alquen who is in fact still alive, I believe -- no, he died three or four months ago in fact, that he would brought to Himmler any kind of serious information about was going on. I have never heard that implied or inferred. D'Alquen has been questioned on very many occasions, both by the courts and by journalists, and I am sure that that kind of information would have come into my possession, if it had had I would have immediately used it.

Q: The entry does suggest that this journalist did have some news to give to Himmler, does it not?

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A: I shall go straight home and change the wording of the entry, my Lord, because was that not what I intended as the author of this passage.

Q: What is Reisebericht?

A: It is a travel report. He has been travelling around, presumably on the Eastern Front and he comes back to Himmler. He reports back to Himmler, tells him what he has seen, when he visited the SS police divisions and whatever --

Q: How would you translate Totenkopfdivision?

A: -- Death's Head Division, which is a division on the Eastern Front which was not connected, as I understand it, with the killing operations, it was actually operating on the Eastern Front. I am prepared to be corrected on this but I believe that the Death's Head Division was one of the elite SS divisions which was fighting on the Eastern Front at Moscow at this time of course in severe difficulties.

Q: Yes, thank you very much. I am sorry, Mr Rampton.

MR RAMPTON: It is of no matter, my Lord.

THE WITNESS: I would be very willing to write material in between the lines here if I thought it assisted the evidence that on this particular case, on the balance of probabilities beyond putting the name in, that is all one can safely do. But your Lordship will notice that I do not hesitate to publicise information which is possibly

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hostile to my own interests.

MR JUSTICE GRAY: I see that.

MR RAMPTON: The original of I imagine the two documents that you are talking about when you are talking about the -- is on page 20 of your little bundle; do you have the little bundle there?

A: Yes.

Q: Items 24 and 25; is that right?

A: 24 and?

Q: 25, items 24 and 25 on page 20?

A: Is this April 20th, you are talking about?

Q: No, I am sorry, this is the summons to Jeckeln?

A: Would you give me the page number.

Q: Page 20.

A: Yes.

Q: Items 24 and 25.

A: I see, this is actual the intercepts.

Q: Yes, we go back to page 17 for the English.

A: Yes.

Q: It is quite clear, is it not, I mean I agree with you, that Himmler was very cross with Jeckeln for what had happened?

A: For overstepping the guidelines.

Q: Sure. We do not know what guidelines are you tell us?

A: I do not know what the guidelines are, no.

Q: It is common ground for once between you and me and the

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people who inform me, teach me, educate me, that following that incident because no doubt the meeting took place between Himmler and Jeckeln on 4th December 1941, yes?

A: Yes.

Q: Probably following receipt of the telegram or whatever it was on the 1st December.

A: Mr Rampton, may I remind you of the very lengthy Bruns Report I read out.

Q: I am coming to that.

A: Can I answer.

Q: Certainly remind me of that if you wish, yes.

A: Yes. In which there is talk in the Bruns Report of Bruns saying we sent an urgent message to Hitler's Headquarters, how could we do it, then the word comes back to the Riga front to the young SS man, he said, we received orders, this kind of thing has to stop. This is the kind of extraneous information one takes on board when one draws inferences from documents.

Q: Mr Irving, I think sometimes you set traps for yourself.

A: I try not to.

Q: Actually what Bruns said was mass shootings on this scale have got to stop, this has to be done more discreetly?

A: Yes.

Q: That is quite different?

A: That is what the local SS officers said to him.

Q: It is quite different, is it not, it is not the same thing

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at all?

A: They wanted to carry on, yes, they wanted to carry.

Q: No, no, Bruns's report of the order through the mouth of Altemeyer was that the order which had come from Berlin was that mass shootings of this kind on the scale have to stop, that has to be done more discreetly?

A: This is Bruns' version four years later of what the 22 year old SS officer who wanted to carry on killing Jews told him. He said, we have gone been told by East Prussia we have to stop, however, the way he phrased it was, they have to stop on this scale and we are going to carry on doing it in a more discreet way because that is what they wanted to do. But of course they did not, they did not carry on, they stopped, as that footnote shows.

Q: We will come to it in a moment. They did stop for a time. They stopped doing what Himmler did not like that Jeckeln had done which was mass, if you like, semi public shootings of people as they go off the trains?

A: The footnote which I printed at the end of bundle says "the killing of German Jews stopped for several months after this exchange".

Q: Yes, that is common ground between you and me, the killing of German Jews by this method. Maybe it stopped --

A: Mr Rampton, you are putting words in which do not exist --

Q: -- we are coming to your use, I add, your use of the Bruns evidence in a moment, but before we do that, I want you to

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look at these two messages, these two intercepts. There is no evidence in that of any intervention or participation by Hitler, is there?

A: -- no.

Q: It is all between Himmler and Jeckeln?

A: Yes.

Q: If you look at the log for the 1st December 1941, I have given you the composite version, having lost --

A: Composite version, yes. This is a composite because it is made up from three or four different sources by the editors.

Q: -- by "composite" I meant composed from different pages in the book.

A: Yes, December 1st.

Q: December 1st. We see when he is making a telephone call he puts "T" is that the editors or is that Himmler?

A: That is the editors who put that.

Q: That is the editors. At quarter past one on the 1st there is an entry, it must be a telephone call because Heydrich is in Prag?

A: It is in my bundle two.

Q: The German for Prague is P-R-A-G I take it, is that right?

A: Yes.

Q: At quarter past 1 he rings SS Obergruppenfuhrer Heydrich in Prag?

A: If I may interrupt, we do not know he rang Heydrich, all

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we can say is there was a conversation.

Q: Heydrich might have rung him, of course?

A: Yes.

Q: The first word is scribedamen; is that secretaries?

A: That is correct.

Q: They have a talk about secretaries, it seems, then they talk about the executions in Riga?

A: Yes.

Q: Is there any inconsistency in that entry and the suggestion that what they actually talked about was the fact that Jeckeln had not followed the guidelines because he was doing it too publicly?

A: That is perfectly consistent. I might add this is the document 24 in -- I am sorry, document No. 14 in my bundle, the original.

Q: Yes. You see there is no evidence in that that that phone call to Heydrich, or from Heydrich, is in any way involved or prompted by Hitler, is there?

A: No, none at all, but you are setting a trap for yourself I am afraid.

Q: Why?

A: Because if I may refer back to the second of the messages, page 17 in my bundle, one in which Himmler contacts Jeckeln on December 1st and reads the riot act to him.

Q: Yes, we looked at that.

A: It says: "The Jews being outplac'd to the Ostland are to

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be dealt with only in accordance with the guidelines laid down by myself and/or by the Reichssicherheitshauptamt on my orders." No mention of Hitler here.

Q: No.

A: So this is vitally important to me. I rely on that to prove that Hitler was not involved in this order. The ordering procedure was not Hitler's. The guidelines were not Hitler's.

Q: Mr Irving, one would not expect, given the way in which Hitler's so-called orders and, they are very rarely orders, they are more often just an airy speech at some dinner table, the words "Hitler's orders" in quotes, were, as it were, dispersed down the hierarchical column of the Nazis, you would not expect Hitler to issue precise guidelines about how the Jews were to be treated on arrival or how they were to be killed, would you?

A: This is your, evidence you are leading or a question?

Q: I am putting it to you that that is right, is it not?

A: I rely only on my interpretation of this document that Himmler in a secret message says, they are my order and my guidelines and you have contravened them. When the temptation would surely have been to say you have contravened the Fuhrer's orders and the Fuhrer's guidelines, which is a very strong point I would make because this is the centre point of my own contention.

Q: Do you not think that in light of Bruns's evidence the

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guidelines were whatever you do you must make sure it does not come to public attention because public opinion in Germany will not stand for it if it does, and that that is precisely what was discussed between Himmler and the journalist on the train or wherever it was on the 30th November?

A: I think that public opinion in Germany would have stood from it from what I know of the Germans -- most Germans would not have batted an eyelash at the knowledge that these mass killings of the Jews were going on.

MR JUSTICE GRAY: Well, they were German Jews, I think you agreed earlier on?

A: German Jews.

MR RAMPTON: They were Berlin Jews.

A: Yes, there was certainly nothing that would have caused the Germans problems on the scale that the euthanasia killings were causing in public morale problems. Maybe my interpretation of the morale in Germany is wrong, you will lead evidence later on to contradict me.

Q: I think that probably is right.

MR JUSTICE GRAY: I am not sure I follow the logic of that, the euthanasia programme did cause unrest to use a neutral term?

A: It caused so much unrest, my Lord, that Hitler had to intervene and stop it.

Q: Would not the shooting of large numbers of, to put it

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bluntly, healthy Jews, have caused even more unrest, or at any rate as much unrest?

A: They are very -- they are parallel programmes and in very many senses. A lot of the killing operations were conducted by the same organizations and the same experts, but the campaign of Dr Goebbels against the Jews, propaganda campaign had, been conducted with very much more vehemence and personal commitment by Dr Goebbels and it had converted a large element of the German population in my opinion, to anti-Semitism of a vicious and poisonous degree. Whereas his attempt to achieve the same results against the crippled and disabled had been limited just to one or two films and articles. There a film called "Ich Klagean", which was a film about the -- it was a film in which the mentally disabled and crippled were portrayed in a repulsive manner so the public would accustom themselves to idea of putting them out of the way, and this kind of propaganda totally failed with the German public. The doctors went along with it but the general public when they found out about it resisted very strongly euthanasia killings. Whereas the Jews were considered to be, I think, in Germany fair game as a result largely of Dr Goebbels' propaganda.

Q: How good is your facility with Heinrich Himmler's spidery Gothic handwriting?

A: The handwriting on these pages is not only Himmler, it is

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also his Adjutant who still alive in Munich.

Q: Never mind. Let us be precise then and put impersonally, with the spidery handwriting, Gothic handwriting on these pages?

A: On these pages, I will have a shot at it, Mr Rampton.

Q: No, I just wonder how used you are to looking at it.

A: Not recently, but over the last few nights I have had to strain my eyes once again, thanks to your imputations.

Q: When did you first see these pages which, apparently, you did not see the whole of the page for 30th November 1941 until 17th May 1998, is that right?

A: He maintained three separate continuous records. He kept the pocket diary. Those pocket diaries are scattered around the world. Some are in Israel now, some are in Russia. I found two in the United States and gave them to the German government. He also maintained a telephone log which was a sheet of paper on his disk, like the ones in front of us, on which he would write down on one side the name of the person he was talking to and on other side what they were talking about. Either he or his adjutant would also keep a daily agenda of whom he was to see and when and what they would talk about or what they had talked about. The fourth series of

documents by Himmler you will also run into is when he went to see Hitler, he would write down on a sheet of paper his discussion points.

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Q: We are coming to one of those later on today, Mr Irving. Can you turn to page 12?

A: I should also explain that these are on microfilm originally in the United States which is the way I used them and accessed them originally in the 1970s.

Q: I want to be clear what it was you had seen when you wrote your books. Can you turn to page 12 in your little bundle?

A: Right. This is the telephone conversations of November 30th.

Q: Bear with me, if you do not mind, just allow me to ask some questions. What is this a page a copy of? Page 12?

A: I just stated that he would have on his desk a sheet of paper on which he would either type or insert in handwriting the words "telephon gesprach" which is T-E-L-E-P-H-O-N G-E-S-P-R-A-C-H.

Q: So that is his what we can ----

A: This is his telephone log.

Q: What we could perhaps imprecisely call his telephone log?

A: Yes.

Q: Would you turn over then to ----

A: I was the first person to find and make use of these.

Q: That is as may be.

A: Well, it is important.

Q: On page 14?

A: Page 14, yes.

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Q: I ask the same question: is that the same document? It looks different.

A: It looks different because that is a photocopy from my blue volume of these which is on the desk at the other end of your bench.

Q: I see.

A: Whereas the page previously, when I used it as a facsimile in my book "Hitler's War", I had it rephotographed by the German Government from the original in their archives as a photograph rather than as a photocopy.

Q: So, looking at page 14, somebody has typed "telephon gesprach Reichsfuhrer SS" from 1st December 1941?

A: Yes.

Q: Who typed that?

A: That was typed by his adjutant. A blank sheet of paper would be typed for him and laid before him with that heading already prepared.

Q: But the other one, the earlier one, has not got that?

A: He did not have it, no. That is taken straight off the microfilm. I can show that to you on the bound volume.

Q: I follow that. Let us understand it. The second one is the thing that he probably keeps in his office?

A: I do not think so. He would sometimes use a presheet -- pretyped sheet that his adjutant had typed and sometimes he would just take a blank sheet of paper if he was in a hurry and write the headings himself.

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Q: Which may be something of the character of the first one.

A: That is correct. They are all in the same file, those ones.

Q: What I want to know is what you had when you wrote your books. Was it these two sheets of paper?

A: I had those two sheets.

Q: You did not have the fuller version which we can now compose?

A: It is not a question of the fuller version. The other page that you are referring to was not his telephone log, but his daily agenda, his appointment book, which is in Moscow and which only became available in 1998.

Q: We really would get on quicker if you would let me finish the question. I said the fuller version which we can now compose from different sources. As the editors of the Witte book have done, they have used a number of different sources to make a diary for the day.

A: Well, they have. They have constructed an artificial diary, yes, a calendar.

Q: Exactly, but in the days when you were writing your books, the books which we are talking about, this is all you had, was it?

A: Yes. The Witte book, which is the one to the left of your box ----

Q: That is new, that one?

A: Yes. It costs about £70 -- not as much as law books, of

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course, but still quite expensive.

Q: I did not buy it.

A: It was only published last year. I only obtained it about four months ago.

Q: Well, now this is not in any sense a trick or an examination question or anything. Can you look at page 12?

A: Yes.

Q: And the last entry which I think is probably quarter past 6 -- it might be anyway, might it not?

A: The last line or the last entry?

Q: No, the last entry.

A: 6.15.

Q: It looks like it, does it not? Then across the line?

A: "SS Gruppenfuhrer ... Berlin".

Q: What is the first word of the entry in the right-hand column?

A: "Transport Nachersatz".

Q: It is the "a" of transport which I ask you to look at.

A: Yes, that is the real problem.

Q: No, it is not.

A: It is because the "a" looks exactly like the "e" in Gothic handwriting.

Q: Exactly. In fact, you might think to an English eye it looks like a "u"?

A: No.

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Q: "Trunsport"?

A: I will explain why it does not.

Q: No, no.

A: Well, no, please.

Q: It might be thought to an English person -- just bear with me, answer my person -- it might be thought to look like a "u", might it not?

A: Yes. My Lord, do you have the facsimile in front of you?

MR JUSTICE GRAY: Yes. I am following.

MR RAMPTON: Now could you turn to page 14, please?

A: 14, yes.

Q: In fact, that thing that looks like a "u" to an English person in "transport" is an "a", is it not?

A: Yes.

Q: Now look at the word which you say you mistranscribed as "Juden" which is three lines up from the bottom of the right-hand column ----

A: Yes.

Q: --- on page 14.

A: Yes, I have it.

Q: It is plainly "haben"; it is the same thing, it is an "a", is it not?

A: That is what we call Monday morning quarter back ring. It is somebody who knows what the answer is. If I had given this page to you, say, six months ago, Mr Rampton, and said, "Would you mind reading that word?"

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Q: I would not have had a clue. I cannot read hardly any of it.

A: That was the position I was in 34 years ago when I looked at this.

Q: Why? But you have never gone back to it?

A: I must have gone back to it in the 1970s because I retyped it on my transcript.

Q: The third letter, you think that is a "d" or you thought it was a "d"?

A: If you look at the word "Juden" which I would ask you to look at variously, for example ----

Q: We will look at it on page 12, if you want?

A: Yes. About eight lines from the bottom. In the third line of that entry you have

"Judentransport", admittedly, it is a bit ----

Q: It is obscured?

A: --- obscured by the word above it.

Q: I agree.

A: But you can already begin to see that there are distinct similarities in the outline.

Q: I am afraid I cannot accept that. Anyway, the point is this, is it not ----

A: Yes, you hasten on, yes.

Q: -- you say, you tell us, that you read that word, that entry as reading: "Verwaltungsfuhrer der SS Juden zu bleiben"?

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A: Yes, and I can produce my contemporary index card on which I made that transcription which shows at that time as "Juden zu bleiben".

Q: Turn, please, to page 13 of this bundle and there you have it correctly?

A: I have corrected it, yes.

Q: You tell us to look at the word "haben". One can see if one looks that the letters are squashed?

A: It has been typed in subsequently with tippex, yes.

Q: Yes, or whatever was existing then because you say that was retyped on a typewriter which you threw away more than 15 years ago?

A: Well, between 10 and 15 years ago -- an old IBM typewriter I had.

Q: Yes, but before 1991?

A: Yes.

Q: Now can you take "Hitler's War 1991", please?

MR JUSTICE GRAY: Can I just ask you this, Mr Irving? You are fluent in German. If you are trying to write that somebody has to stay somewhere, whether it is Jews or whoever, you would not say "haben zu bleiben", would you?

A: They have to stay, "haben zu bleiben" would be the German. Just the same as in English, has to stay, has to remain.

Q: Is that right?

A: Yes. But, on the other hand, the line "Juden zu bleiben" would be also grammatically correct.

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Q: That is abbreviation, but if you are using a verb at all, you would say "haben" would be appropriate?

A: Yes, and you could equally well say the word above it which is "Verwaltungsfuhrer" was a line by itself and a topic by itself which is what I assumed it was in the original transcript.

MR RAMPTON: Can you turn now to Hitler's War on page 427, 1991 edition?

A: I do not have it in front of me, but if you would just read out the passage.

Q: D1(v). I do not have to read very much. My Lord, page 427.

MR JUSTICE GRAY: Thank you.

MR RAMPTON: At the end of the last complete paragraph on page 427 -- is that 1991 you have there?

A: You will not believe this, but I am only person who does not have a copy of that book. People visit my house and they think, "Well, that is nice". It has gone!

Q: 1991, volume 2, it is D1(v).

A: I would be quite ready to concede what you are about to say. We do not really need to go into this.

MR JUSTICE GRAY: I probably ought to know what you are about to concede.

MR RAMPTON: Yes. I do not think we should communicate by telepathy, Mr Irving!

A: Very well.

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Q: Now, we have read the first part of this earlier this morning about "Hitler being obliged to telephone from Hitler's bunker to Heydrich the explicit order that these Jews were 'not to be liquidated'". Then you go on after the semi-colon ----

A: Can you tell me what page you are on?

Q: I am sorry, 427. I beg your pardon.

A: Yes.

Q: "... and the next day Himmler telephoned SS Oswohl Pohl, overall chief of the concentration camp system, with the order 'Jews are to stay where they are'." When that was published, you knew it was wrong, did you not?

A: Published what.

Q: When that was published, you knew it was wrong?

A: No.

Q: Why not?

A: When it was published, yes. You must appreciate this text you are looking at here was set by the Americans, by the American publisher, A1 Books Limited, in probably 1985 or 1986. They published it round about that time, and two or three years later, round about 1990, we approached the English publishers and had this American edition photographed and what is called offset, and reprinted in our own edition which Mr Bateman is holding there, what you call the 1991 edition. So there is very little connection between the

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actual year given as the year of publication and the date when text goes into its final cast in stone form.

Q: Tell me that chronology again, Mr Irving. It is rather interesting. When was the American edition of this work written?

A: Written or?

Q: Written.

A: I have to piece it together from extraneous information. I was in Quay West, I was in Florida. It would have been 1985 and 1986 because I did it before I wrote the Rudolf Hess book which was 1987 published, so it was 1985.

Q: So when were the references to the Holocaust removed from it?

A: The references to the Holocaust?

Q: Yes.

A: That is a good question. That is a good question because that would, in fact, bring it forward to 1988.

Q: Oh, really?

A: Yes.

Q: You see, Mr Irving, let me put my cards on the table, as I habitually do, your Holocaust conversion, if I can call it that, happened as a result, largely speaking, perhaps, of your encounter with Mr Leuchter and his laboratory analyses?

A: Reading the laboratory reports, yes, which was April 6th 1988.

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Q: 1988?

A: Yes.

Q: As a consequence of that, we have been told by you, not in this court but elsewhere and you will, no doubt, confirm it in due course, this book in that respect ----

A: So the sequence of books is different. I wrote the Rudolf Hess book first and then I went to revise this.

Q: If you say so.

A: Yes.

Q: It was radically altered in that respect as compared with the 1977 edition?

A: Taking out the word "Holocaust", yes.

Q: Now, here you have an entry, also as you know accept ----

A: Yes.

Q: --- completely wrong, but it does not ----

A: Yes, but is it not exactly the same wording?

Q: It does not get changed. It is exactly the same wording.

A: In other words, I have not actually actively put in something; I have just left something to stand.

Q: No, you could have taken it out?

A: I could have taken it out, yes. If somebody had come to me and had said at the time, "Oh, Mr Irving, by the way, do you not remember you misread that word and we have now got a better reading", then, believe me, I would have taken it out and I would have contacted the Americans and changed it. But that is not what happens in real life.

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Q: You came to believe in 1988 that the so-called Holocaust, as you call it, so-called, did not happen?

A: I have never used the phrase "so-called Holocaust", Mr Rampton.

Q: No, no. I am in the difficulty, as you perfectly well understand, Mr Irving, there is no way in the world that I am going to concede that it did not happen. That is not what this case is about. I call it "so-called" because in your eyes by then it was the "so-called Holocaust"?

A: You said the "so-called Holocaust, as you call it".

Q: No. As you characterize it?

A: Yes.

Q: Yes -- had not happened so you took steps to have the book altered for its second edition to remove the references to that ----

A: Yes.

Q: --- alleged event?

A: Yes.

Q: You did not bother to remove something which was, first of all, important and, secondly, completely wrong?

A: This is a very subordinate matter in the book. It is a piece of secondary information which adds very little to the principal argument. The argument turns out now to have been correct on the basis of the decodes. This is a book of probably half a million words. One word, admittedly, I should have changed because I had some years

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earlier realized that I had misread it. In all the 500,000 words it never occurred to me that there may be words which I still had not actually changed yet. You are absolutely right.

Q: Yes. Then I suggest that your failure to remove it, as you could easily have done, it now appears ----

A: Yes.

Q: --- was deliberate because you wanted to keep this picture of benign, magnanimous Adolf Hitler holding up his arm to save the Jews before the public?

A: I do not think so, and I do not think you can suggest that just on the basis of that one line. The Jews have to remain, have to remain where? Have to remain in concentration camps.

Q: Where they are?

A: Have to remain in the East, have to remain in the west. It is a pretty meaningless sentence as it is.

Q: In that paragraph it is by no means meaningless, is it?

A: Yes, but now I would certainly replace it with the decodes instead and, in fact, in the latest edition I have. That sentence is out and is replaced by absolute diamond evidence, the decodes, showing that I am right all the way down the line.

MR JUSTICE GRAY: Am I right in thinking that the entry in the log was one of what you have described as the "chain of documents"?

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A: This particular one, I never referred to, not the "haben zu bleiben". It is totally immaterial and unimportant. My Lord, people imagine that books are written in a very precise, military kind of way, but they are written in an extraordinarily ramshackle way. They go back and forth across the Atlantic with all sorts of different people setting their hands to them, including lawyers and readers and experts and sub-editors and publicity people, and it is a miracle that anything finally comes off the end of the line.

MR RAMPTON: Mr Irving, you thought it sufficiently important an event, and it is in the context of an order from Hitler, according to you, the Jews are to stay where they are, it is a coder showing, not only did Hitler say that they are not to be killed, not to be liquidated, an explicit order, but they are actually to stay where they are, they are not to be shunted around from one place to another and they are certainly not to be brought to places of execution. That is why it is there, is it not?

A: No. It is there purely because it was the next entry in the Himmler telephone log as I had misread it at the time.

Q: And is sufficiently important in your mind for you to put an asterisk footnote, is it not?

A: Saying that the facsimile of November 30 telephone conversation is reproduced as a facsimile.

Q: I imagine the reason you did not -- I do not know what the

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verb is from "facsimile" -- you did not reproduce a facsimile of the note of 1st December is that you will say that is because it was not sufficiently legible on the copy?

A: This is what you imagine, is it? Is your imagination what you are leading as evidence now?

Q: Yes. I am asking you, what is the reason why -- you had a lot of pictures in the second edition, did you not?

A: In the 1991 edition?

Q: Yes.

A: Yes.

Q: Why did you not put a facsimile of this message in?

A: I had something like 3,000 pictures to draw upon, Mr Rampton, and it is a judgment call which photographs you use. One facsimile of a first line document where an order is going out, "the transport of Jews not to be liquidated" is for more important than a meaningless sentence like "had to remain".

Q: Now, I want to go to, if I may ----

A: But I would like just to round up that argument between us by saying that I do not think that you have established that I have deliberately manipulated or deliberately distorted or deliberately mistranslated anything. It is a sin of omission. The sin of omission is that I should sometime five years down the road, having realized the misreading, it should have occurred to me that one word

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had been misinterpreted or misread and that I should take that out of the 500,000 other words.

Q: I will be clear about it, Mr Irving, I will lay it out for you. You can deny it. It is not my function at this stage to persuade his Lordship that I am right. That comes later on. You invented a Hitler order. You deliberately inflated it into an order to protect the whole of the Jews?

A: I have not invented a Hitler order, Mr Rampton. I have hypothesized the Hitler order in the way that a scientist should and I have then supported the hypothesis with evidence.

Q: Mr Irving, this is one occasion on which a "yes" or "no" will do. You invented it in the sense that you made an hypothesis (and I do not say it is an unreasonable hypothesis) you made it into a categorical assertion of fact. Now, do you agree with that or not?

A: Yes, in the introduction.

Q: And do you agree with that as being an irresponsible, deliberately deceptive manner for a historian to proceed?

A: Quite the contrary on the basis of evidence that I have led this morning from my little bundle.

Q: When did you have those Jeckhelm messages?

A: The intercepts?

Q: Yes.

A: Within the last four weeks I have seen the originals.

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Q: You did not have them at the time when you wrote this book?

A: No, but if you have a clean mind when you set out to write a book, untrammelled by what you have seen on the TVs and on the movies or read in other people's book like that by Mr Kershaw, if you start out with a clean mind and you read documents that meet your criteria, you are probably going to be nudged in the correct path that you arrive at the right conclusions.

Q: It may happen, Mr Irving, from time to time in life that you tell what you intend to be a lie and subsequent events, that wonderful friend hindsight shows that you were telling the truth all along. Mr Irving, we are not using hindsight. I am concerned with your state of mind when you wrote these books.

A: You a tell a lie and it turns out to be the truth all along?

MR JUSTICE GRAY: Tell what you intend to be a lie.

MR RAMPTON: Yes, you tell what you intend to be a lie and it turns out to be the truth.

A: Why would I intend something to be a lie?

Q: Because you are trying to exonerate, exculpate Adolf Hitler.

A: Well, this is your opinion, Mr Rampton, and I do not think that this can be sustained on the evidence.

Q: No. There are four limbs to this which you can say, "Yes,

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it is right" (which you will not) or "No, it is not right" (which you will). The second limb to this

is that you deliberately distorted the original German so as to inflate one transport of Jews from Berlin into the whole of the German Jews?

A: I am not going to respond to that because I have made a response to that argument.

Q: Exactly. The third step is that you did not misread by accident the word "haben" as "Juden"; you knew all along that it was "haben" but you wrote it in as "Jews"?

A: I am not going to respond to that because I have stated my position very fully on that too.

Q: The fourth proposition is that in any event, on your own account, by the time this version of the book, the 1991 edition, comes out, you know for a certainty, even if you did not before, that it was wrong and you deliberately chose not to change it?

A: On the contrary, you could use the word "deliberate" if I put it in at this time. A failure to take something out is an omission, a sin of omission, and not a sin of commission, if I may put it that way. I respectfully suggest that it was a sin of omission and a failure to take a word out of 500,000 words is ----

Q: I do not think it matters what words one uses.

A: --- it would be improperly and unjustly described as being the kind of distortion that you are trying to impute.

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Q: Indeed I do. To allow a falsehood once told to remain on the record is just as reprehensible as to have invented it in the first place, is it not?

A: I object to the word "falsehood".

Q: Well, it is a false statement.

A: A misreading of a word which is a perfectly legitimate misreading of a word which, I suppose, every person in this room would have read that way if they had been in exactly the same situation.

Q: These books, Mr Irving, are in some sense, are they not, history books?

A: Which books?

Q: These, the Hitler's War books?

A: They are ----

Q: They are meant to be?

A: --- works of history, yes.

Q: --- meant to be history books. They are meant to be a history of the Second World War seen not through Hitler's eyes, I do not mean that, but with an angle on it that perhaps others have not treated before, that is to say, the Hitler angle. Hitler is at the centre of these books, is he not?

A: Yes.

Q: You use what in the second edition it appears by the time it appears you know to be a false statement of fact about history?

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A: By the time the second edition appears, it is true that five years earlier I had known that a word had been wrongly read. If you know -- when one publishes successive editions of the book, if one is in the fortunate position that I am, you are in the position that you can, if you have the chance, constantly upgrade and update and polish and refine. The latest edition that we put out, before it goes to the printers, I have had it on the Internet for the last six weeks, and I have invited people around the world to spot errors precisely like that, and I have increased the reward to a

present \$8 per error. I have had to shell out 2 or \$3,000 already. I am not in the least bit ashamed because one wants to turn out a work that is as perfect and as error free as possible; but even so, errors go in. There is a very famous case where a man did exactly the same and he offered a very large reward if anybody could spot a typographical error in a book that he had produced, and it turned out that the very title on the title page had been -- can I point out, Mr Rampton, another very serious error?

Q: I am listening; it is just that I have to get ready for my next question. Do continue, yes.

A: I will continue rambling on. There is a very serious error in the book "Hitler's War" which is before you, the 1991 edition, and this is that my name does not appear on it. That you would consider is a most serious error that

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an author can face, that his name does not appear on his own book.

Q: It depends, rather, on one's point of view, Mr Irving, I would have said. Mr Irving, can we turn please to -- what is that? That seems to have your name on it but maybe this is the wrong edition.

A: Not on the jacket, but actually in the book, Mr Rampton, you will not find it.

Q: I have not, I confess, looked, nor do I think I ----

A: I mean, I confess that I am the author for the purposes of this action.

Q: Nor do I think that I will spend the court's time doing it now. Thank you very much. Mr Irving, I want to return to General Bruns. How do you pronounce it, in fact?

A: Bruns, B-R-U-N-S.

Q: With no umlaut though?

A: No umlaut.

Q: If that is the right word. Do you have your two-page English translation?

A: I think I know it virtually off by heart.

Q: I would rather you had it.

A: It is in my opening statement. I have it, yes, I have the opening statement version.

Q: Maybe I should use that. It will make it easier for everybody. I have the TRO version.

A: It is on page 22. You say that Bruns' account has

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verisimilitude?

A: Yes.

Q: Account of what he said he saw?

A: I marked that because later on under oath in the witness box in Nuremberg he said he had not been there, I find that hard to believe.

Q: I agree with you, I think it has verisimilitude for what it matters. It is an horrendous account of an unpleasant -- more than an unpleasant event in human history. That is not what I am interested in. Given that it has verisimilitude, if you look in the middle of page 22, one of the things that Bruns was overheard saying to whoever he was speaking to was this, middle of the page: "I told that fellow Altemeyer?" In fact, Altemeyer, whose name I shall always remember and who will be added to the list of war criminals, listen to me they [that is Jews] represent valuable manpower. Altemeyer: Do you call Jews valuable human beings, sir? I [that is Bruns said] Listen to me properly, I said valuable manpower, I did not mention their value as human beings. He said [Altemeyer said] Well, they are to be shot in accordance with the Fuhrer's orders! I said: Fuhrer's orders? He said, yes, whereupon he showed me his orders." Now that has never

appeared in any of your books, has it?

A: Too true, yes, absolutely right.

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Q: Why not?

A: I discounted it.

Q: Why?

A: Because I am familiar with other sources where people claim to be acting on Hitler's orders because it was the ready answer to shut anybody up if somebody came and complained then the senior officer or the other officer would say: "Do not start criticising me, this is the Fuhrer's orders", and I discounted the subsequent sentence about "then he showed it to me" for exactly the same reason that I discounted the statement at Nuremberg that Eichmann claimed that the -- rather Wisliceny claimed that Eichmann had showed him the orders. There are no orders. They have not been found. We have now been in the archives, in and out of the archives of the world for the last 50 years, since the end of World War II, 55 years and no primary or secondary or tertiary evidence of the existence of these orders has been found as regards the war years. I concede that in interrogations and in War Crimes Trials and elsewhere everyone else is happy to talk about Fuhrer's orders but the fact remains had there been any such order or any such document, and you are tapping this one, this is what I will put in the category of "interrogations", had there been any such order, it would have surfaced by now.

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MR JUSTICE GRAY: You put this in the category of "interrogations", did you say?

A: It is at the end of war, my Lord, he is in the enemy hands.

Q: He is being surreptitiously...

A: I appreciate that, my Lord, but it is in a grey area. He is in the enemy's power and custody and I draw attention to the line a bit earlier up where he says: "His name I shall always also remember and who will be added to the list of war criminals". That is a gentle hint to me that perhaps he is not entirely unaware that somebody may be listening.

MR RAMPTON: What do you know --

A: You must appreciate that, my Lord.

MR RAMPTON: What do you know General Bruns?

A: -- what do I know of him?

Q: What do you know of him, yes.

A: Only what I know from this document and from the writings of Gerald Fleming. I suppose we would describe him now as been an anti-Nazi by the time the war ended, but then a lot of people were anti-Nazi by the time the war ended.

Q: --- what if they happened to be an anti-Nazi all along, there were such people in German during the 1940s, were there not.

A: Undoubtedly, yes.

Q: Quite a lot of the ordinary army, I am not talking about

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the SS, who are not army at all, really, were anti-Nazi?

A: Is this the evidence that you are leading, I am not familiar with any statistical basis for that.

Q: I am suggesting you could give me the answer "yes"?

A: I have not seen any documentary evidence of that. I do not think GALLUP Polls are conducted among the Wehrmacht soldiers who still support Adolf. I always want to see this kind of evidence and if I can just -- if I can just add here we have got very high quality evidence of the morale and opinions of the Germans. We have the SD stinnungsberichge, which were the morale reports where Gestapo agents would hang around in bars listening to what people said. We have sacks and sacks of captured mail, captured by the Allies when a troop ship were caught or when positions were overrun. We know exactly what these people were writing. So we are very well informed about what was going on. I have never seen any kind of statistical analysis.

Q: If this is not an interrogation, which it plainly is not?

A: Yes.

Q: And if General Bruns does not know that he is being recorded, and if it be the case that he simply is chatting to his fellow prisoners in German, which he is, am I right?

A: While you just read that, may I just add a further point, we are dealing here with a 22 year old young man called

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Altemeyer who has been put in SS uniform.

Q: I am sorry, Mr Irving, there are times when you may make speeches and times when you must answer my questions, this is one of them; you said yesterday, no, I think this is on Day One?

A: I will come back to what I was about to say when you have finished.

Q: "This document has, in my submission, considerable evidentiary values... it is not self-serving, the General is not testifying in his own interest, he is merely talking, probably in a muffled whisper to fellow prisoners at a British interrogation centre and he has no idea that in another room British experts are listening to and recording every word. We also have the original German text of this document. I might add my, Lord ... "

MR JUSTICE GRAY: That, I think, was Mr Irving's speech.

MR RAMPTON: That is Mr Irving's speech. That is on page 46 --

A: Can I make it easy for you, Mr Rampton, and say I accept Altemeyer did say those words.

Q: -- right.

A: Or as best as Bruns recalls them.

Q: The whole of Bruns' account in this regard has the ring of truth then?

A: Yes.

Q: So it is likely also then, is it, one cannot be certain, one was not there.

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A: It is very likely that the SS officer concerned used those words.

Q: It is likely also he used the words at the end of this extract on the bottom of page 24 of your opening: "Here is an order, just issued, prohibiting mass shootings on that scale from taking place in future" --

A: Have we now left that previous passage, if so --

Q: -- I am coming back to it, but I want to try and be consistent, if you are saying that we can believe that Altemeyer used the words in the first passage, can we also believe that Altemeyer said this: "Here is an order, just used, prohibiting mass shootings on that scale from taking place in future"?

A: -- that I believe.

Q: "They are to be carried out more discreetly."

A: That I attach less credibility to.

Q: Why?

A: It is the kind of throw away line that soldiers would use, particularly in captivity, adding a gag, looking for a bit of a snigger from someone, saying not to be done on a mass shooting, of course, has to be done a bit more discreetly. If I can draw a comparison, you very rightly read out a passage of a speech I made in Calgary where I protested that I had been called a mild fascist by the newspapers and I said I do not like that word "mild" it is a throw away line, you are looking for a laugh.

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Q: I do not --

A: You then attach great weight to the fact Mr Irving obviously accepts he is fascist, which is untrue. But these things happen in conversation, Mr Rampton. It calls for judgment and integrity before you use any particular part of a sentence.

Q: -- no, you misjudge me, Mr Irving, you should re-read what I actually said and you will find what you just said is a misrecollection. However, that matters not in the slightest.

A: Can I now go back to the previous part you are relying on in that, where he says "here are the Fuhrer's orders" and he showed it to me.

Q: He did not say that. He said "whereupon --" this is important, Mr Irving, you must be accurate, this is an important distinction: "Whereupon he showed me his orders"?

MR JUSTICE GRAY: That is Bruns speaking, not Bruns quoting Altemeyer?

A: Altemeyer says, well, they are to be shot in accordance with the Fuhrer's orders, Bruns said: Fuhrer's orders? Yes, says Altemeyer, whereupon he showed me his orders.

MR RAMPTON: His orders?

A: Yes.

Q: That does not mean the Fuhrer's orders, that means Altemeyer's orders?

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A: I am grateful to you for drawing that to my attention. If you wish to infer from that that he showed to Bruns orders from Hitler, or orders quoting orders from Hitler, because he later on talks about the Fuhrer's orders, can I now comment on that?

Q: I am not going to comment on a suggestion I have not -- I am not going to invite you to comment on a suggestion I have not made.

A: May I nevertheless comment?

Q: No, Mr Irving, you may not. If his Lordship permits it, why, yes. My question is a completely different one; my question is this, it is credible that Altemeyer said what he is here reported as having said?

A: Yes.

Q: It is also credible, is it not, that he showed Bruns a written order saying that these people were to be shot?

A: Yes.

Q: Good, thank you very much. Put those two things together, and there is evidence here which needs to be taken into account; do you agree?

A: Discounted or taken into account, yes.

Q: Take into account, brought to the attention of the public or the historians so that they can make up their own minds whether or not this is evidence of a Fuhrer order for these shootings?

A: You are absolutely right .

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Q: Thank you.

A: Can I continue?

Q: Yes.

A: I have done precisely that.

Q: Where?

A: On my website.

Q: Yes, but what about your books?

A: I am not writing books about the Holocaust, Mr Rampton, I am writing books about Adolf Hitler. The book is already 1,000 pages long. If I was to start going into that detail then I would be sternly reprimanded by the editors saying, Mr Irving, when I wrote the Hermann Goring biography, the American publishers came to me and said Mr Irving will you please cut out 2,000 lines from the printed text. This happens. We do not have a problem that our books are too short, we have the problem that our books are too long.

Q: Yes. Mr Irving --

A: But the entire document is on the Internet and I am the one who placed it there.

Q: -- Mr Irving, you have made reference to this Bruns testimony in your published books?

A: As I said in my opening speech, again and again, it is the most harrowing account and element of the Holocaust.

Q: But without ever mentioning either of these verbal exchanges in their entirety?

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A: Absolutely right.

Q: Why not?

A: Because this is descending into a level of textual analysis which would bore the pants off an audience, which would be totally out of place in a book about Adolf Hitler for which I am perfectly prepared to discuss here in court if you attach importance to you, but you do not want me to discuss it.

Q: I am not trying to prove a case about Adolf Hitler one way or the other?

A: But you will not allow me to discuss it here.

Q: Of course I allow you discuss it here.

A: You stopped me.

Q: I interested in why it makes no appearance --

A: Because I have reasons for discounting it.

MR JUSTICE GRAY: Discounting bits of it I suppose would be more accurate.

A: -- I am discounting the bit about being shown the Fuhrer's order, or being shown orders implicating Hitler.

MR RAMPTON: Why do you discount it?

A: Ah, at last. Because other evidence shows that Hitler had not issued the order; firstly I said that nowhere in all the documentation of all the world's archives has any such order turned up.

Q: That not evidence, that is an absence of evidence?

A: It is evidence in a very powerful sense.

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Q: It is a negative piece of evidence?

A: I hate to remind you of the basic principle of English law that a man is innocent until proven guilty; am I right?

Q: Hitler is not on trial, alas.

A: Is Hitler somehow excluded from this general rule of fair play?

MR JUSTICE GRAY: I think that is a slightly --

THE WITNESS: Mr Rampton talks about absence of evidence not counting, all the world's archive are effectively now open to us, there has not come forward any collateral evidence and as for a 22 year-old SS man's word being believed when he has the power of life and death over thousands of Jews who have just been ordered shot, this SS man obviously has more front than Selfridges, he is going around saying, yes, we have orders, I have orders, do not come criticising me, that is what is going on here. That is the way I read that and that is the way any responsible historian should read it.

MR JUSTICE GRAY: Let us move on. You accept a lot what is in here?

A: -- I do indeed.

Q: But you do not accept that particular --

A: Certainly not to the degree --

Q: As it was reflecting the reality?

A: -- that one general's recollection of what a 22 year old SS man told him in Riga should be taken discounting the

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negative evidence as Mr Rampton calls it of all the world's archives.

MR RAMPTON: Mr Irving, I am not going to take you up on that; you can argue with my experts about that if you like. I am interested in the way you write your books. Both in the Nuremberg book, and we will not need to look at them, because we are looking for a black hole, both in the Nuremberg book and in the Goebbels book you mention, either in the text or in a footnote, or both, the Bruns, call it what you like?

A: Yes, I consider my duty to draw everyone's attention to this report.

Q: But nowhere in either of those books do you mention either of these exchanges that Bruns reported he had with Altemeyer?

A: You are repeating yourself, I will repeat the answer.

Q: You repeat your answer, yes, please.

A: No, I did not.

Q: No, you did not. You actually have done this with the Altemeyer passages; may I show you? Can you find, please, file D3(i), I think it is tab 27 that I want. I will tell you where to look in a moment, Mr Irving, I just want to remind you and his Lordship of what Bruns actually said on Altemeyer's return with an order from Berlin after the shootings had been reported. "Here is an order, just issued, prohibiting mass shootings on that scale from

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taking place in the future." That is your translation of the German.

A: Yes.

Q: It is one that I agree with.

A: This is from my introduction?

Q: Yes, but then it goes on, does the sentence reported by General Bruns: "They are to be carried out more discreetly." That is the full text of General Bruns' words as a report of what he was told by Altemeyer. Will you please look at page 415 of the document which is at tab 27 which is a written introduction by you in the Journal of Historical Review, to your new edition of "Hitler's War". At the end of that article there are some footnotes on page 415.

MR JUSTICE GRAY: Why are we looking at it there as opposed to in the copy?

A: That is what I am wondering.

MR RAMPTON: Copy of which book?

MR JUSTICE GRAY: We have the whole of "Hitler's War".

MR RAMPTON: It is not in the book.

MR JUSTICE GRAY: I thought you said it was.

MR RAMPTON: No.

MR JUSTICE GRAY: I thought this was the introduction to the 1991 edition.

MR RAMPTON: Well, I do not think it is. It is an edition I have not got, that is why. That is why we have it

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separately.

MR JUSTICE GRAY: I follow.

THE WITNESS: We also have a date on that, January 1989.

Q: Two dates '76 and '89.

A: That answers the point.

MR JUSTICE GRAY: Two editions.

MR RAMPTON: Anyhow, if you look at the footnotes in the right hand column on page 415, footnote 7 says this: "The most spine chilling account of... methodical mass murder of these Jews [that is the Berlin Jews] at Riga is in ... 1158 in file etc. in the Public Record Office, Major General Bruns, an eyewitness, describes it to fellow generals in British captivity in April 25th 1945 unaware that hidden micro phones are recording every word. Of particular significance his qualms about bringing what he had seen to the Fuhrer's attention and the latter's [that is Hitler's] renewed orders that such mass murders were to stop forthwith"?

A: Yes.

Q: As an account of what Bruns is recorded as having said that is completely dishonest, is it not?

A: Does it say that the Bruns account is the only source for that final paragraph, that final sentence?

Q: It purports to be an account of what Bruns said, does it not, Mr Irving?

A: It references the Bruns' file as the source of that

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material in the main text, and it adds the comment: "Of particular significance his qualms about bringing about what he has seen to the Fuhrer's attention and the latter's renewed orders that such mass murders were to stop forthwith". In other words, that was of particular significance.

Q: Of particular significance in the Bruns's eyewitness testimony.

A: I do not say that.

MR JUSTICE GRAY: Read it through to yourself again.

MR RAMPTON: Read it through.

MR JUSTICE GRAY: And consider that answer, Mr Irving.

A: Of the particular significance his qualms about bringing what he had seen to the Fuhrer's attention and the latter's renewed orders that such mass murders were to stop forthwith. I see no objection to that as being an encapsulated version of Bruns's report -- may I read out from the Bruns' report the sentences on which I would rely?

MR RAMPTON: No, you may not, Mr Irving. I would like you to read the whole of that footnote and I shall repeat my question, and we will have a "yes" or "no" if you please.

A: You will not let me read out these sentences in the Bruns report on which I rely?

MR JUSTICE GRAY: In a moment. Just do what Mr Rampton is asking at the moment.

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A: Very well. "The most spine killing account --"

MR JUSTICE GRAY: No, read it to yourself.

MR RAMPTON: Yes, I did not mean.

A: Well, because I am accused of being a Holocaust denier it is interesting that I am repeatedly saying this kind of thing, including in journals like this. You do not me read it out loud?

Q: I would like you to read it yourself.

A: You do not want public to hear what I wrote.

MR JUSTICE GRAY: It has just been read out.

A: Yes, I have read it.

MR RAMPTON: You have read it. Now I will repeat my question; do you not agree that read as a whole, as one most read it as a whole, not selecting those little bits which one would rather ignore, and you are relying on the ones you want to be heard, reading that as whole, do you not agree that that is a singularly dishonest account of what Bruns was recorded as having said?

A: I do not agree.

Q: Why?

A: Can I now draw attention to the sentences in the Bruns Report on which I rely?

Q: Whatever you wish in answer to my question.

A: I will summarize them and you can tell me if it is a false summary. They had difficulty, he did not want to write the report himself, he persuaded a junior army officer to

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go down the road and have a look and come back and write up what he had seen. The question then was who is going to bring it to the Fuhrer's attention; they work out a way to bring to the Fuhrer's attention involving Vice-Admiral Canaris, shortly the orders come back, such mass murders have to stop. Am I totally wrong in drawing the perfectly justified inference that as a result of this army officer's report being drawn to the Fuhrer's attention the orders come, which we have seen in the intercepts that such mass murders have to stop.

MR JUSTICE GRAY: Mr Irving, can I put it to you straight, as it were, because this is the suggestion.

A: Yes.

Q: That what you have said as being of particular significance, namely the renewed orders that such mass murders were to stop forthwith, totally perverts the sense of Bruns' conversation in captivity because Bruns makes clear that Altemeyer said that the killings were to continue?

A: I think I have explained the reason why I discounted that part of his remark, my Lord, this was the...

Q: Yes, but are you giving particular significance to a proposition which is the opposite of what one finds in the document?

A: The decision of the little man on the spot in Riga is of no significance to the argument that Hitler had given the

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order quite clearly that such killings had to stop.

Q: Yes.

A: Have I made it plain, my Lord.

Q: Yes, you have.

A: Thank you. I think that --

MR RAMPTON: Do you think, Mr Irving, that if General Bruns were here today he would think what you have done with what he said was fair and honest?

A: -- taken in elements, stage by stage, yes.

Q: Do you? I see. You said it again in that same file you have got there, I think it is at -- it is at tab 30, this is a paper, I think, presented by you at the Institute of Historical Review, a talk given by you?

A: A talk?

Q: Yes, a talk, in October 1992, and the passage which matters is again an account of the Bruns evidence on page 24, ignore the stamped number at the bottom of page, 24 of the article. I think this is an answer to a question very likely. Yes, it is. It is in the bottom part of the left-hand column on that page 'does your Lordship have it?

MR JUSTICE GRAY: Yes, I have.

MR RAMPTON: This is the last thing, my Lord, I do before the adjournment if that is convenient. "But other reports unfortunately have the ring of authenticity. Most of these SS officers, the gangsters that carried out the mass shootings were I think acting

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from the meanest of motives. There was a particular SS officer in Riga who is described in the report by Bruns in which Bruns said the difficulty for us was how to decide to draw what he had seen what we had seen to the Fuhrer's attention, and eventually they sent a lieutenant down the road and got him to write what he saw and they sent this report signed by the lieutenant up to the Fuhrer's headquarters through Canaris. Two days later the order comes back from Hitler 'these mass shootings' [in quotes notice, Mr Irving] these mass shootings have to stop at once so [and this is now you again] Hitler intervened to stop it." As a quotation from the evidence of General Bruns those words in quotes: "These mass shootings have got to stop at once", is a complete perversion, is it not, of what Bruns actually said?

A: What is the difference?

Q: He said these mass shootings have got to stop at once, they have to be done more discreetly?

A: The 22 year old SS man allegedly said that to Bruns --

Q: That is what Bruns is reported as having told his fellow officers?

A: -- yes.

Q: He did not say this, did he, that you have written here?

A: I gave the essential part of the information, which was that the orders -- we are talking about here the chain of

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command from Hitler downwards and that the killings were carried out there, the SS officers on the spot and I make this very clear distinction, the gangsters were in the SS who did the killings on the Eastern Front and for that there is any amount of evidence, a lot of which you have in your own files but the evidence of Hitler's involvement is very tenuous and goes in the direction which I indicated from my small bundle. My I also draw your attention to the fact this is a question and answer session, Mr Rampton.

Q: Yes, I follow that.

A: So there is no script. I am not reading out from a document.

MR JUSTICE GRAY: Yes, I think the point on the quotation marks is not a fair one given that this is which you said in a speech because whoever transcribed it may well have just added the quotation marks?

A: Not just but obviously when one is answering questions from the floor one is giving an encapsulated version of the essence of a document as one recalls it.

Q: I follow that.

MR RAMPTON: My Lord, there are two minutes, so it might help.

MR JUSTICE GRAY: Yes, why not use them.

MR RAMPTON: It might help if we looked at the original German of Bruns said that Altemeyer had said.

A: It does sometimes vary from the translation.

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MR JUSTICE GRAY: Where do we find that?

MR RAMPTON: It is bundle H1(vii), some of Professor Evans documents?

A: It is actually from my discovery.

Q: No, I do not know where it comes from.

A: If it has a number written on the top right hand corner.

MR JUSTICE GRAY: Unfortunately, I have not brought that particular file.

THE WITNESS: I was the person who discovered this document.

MR RAMPTON: The page, have you got that?

A: Not in front of me.

Q: You do not have the German?

A: No.

Q: It is 233, which looks to me like the British transcript it is the transcript of Bruns' actual words -- before I ask the question I must look in the dictionary because I have not got my own.

MR JUSTICE GRAY: "Massen" is underlined, is it underlined in the translation?

MR RAMPTON: Yes, I do not know who did that.

MR JUSTICE GRAY: No, it looks original.

A: It is original.

MR RAMPTON: Shows how important it is, Mr Irving, to go back to source, does it not.

A: That is a "yes".

Q: Do you know how those transcripts were made? They were

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secretly recorded, presumably by some hidden microphone.

A: It is still very secret but in the next door room everything was taken down outside large disks like the old fashioned 78s.

Q: Now can we assume that this is an accurate transcript; there is no reason to doubt it, is there?

A: They are normally very accurate transcripts. They had research teams who would have extensive catalogues and indices to check on words and names.

Q: Let us look at the German, you will help me when my German strays off course as it very likely will, the relevant passage is at the bottom of page 233. It is line beginning der Altemeyer something triumphantly said quotes: "Hier ist eine Vorgugung" that is an order?

A: Not necessarily, that is a strange kind of order. It is more of an ordinance.

Q: Yes. Here is an ordinance come, just come?

A: Yes.

Q: That says, yes?

A: Yes.

Q: To the effect that, let us say, shall we, dass?

A: Yes.

Q: This kind of or these kinds of "derartige"?

A: That kind of, yes.

Q: These kind of?

A: Mass shootings.

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Q: Mass shootings, do you hear how I read it, mass shootings?

A: Yes.

Q: In future, in Zukunft... which means must not take place any more, does it not?

A: Yes.

Q: "Das soll vorsichtiger gemacht werden"; that means this shall in future be more cautiously or discreetly done? Yes?

A: Very good, Mr Rampton, yes.

Q: Well, not very good, but it is not very difficult, is it, two things about it?

A: Yes.

Q: It translates not as "shootings on this scale", it translates as "shootings of this kind"?

A: Yes.

Q: And the word "mass"?

A: Yes.

Q: Is underlined. Do you agree that that is likely to reflect the transcriber's impression of the emphasis which Bruns placed upon that word when he spoke it?

A: Yes.

Q: Good. It is a very significantly different version from the one you have, if I may use a colloquialism "been punting"?

A: You mean by leaving off the corollary?

Q: Yes, it fits in with the last part of the sentence, "it

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must be done more discreetly"?

A: Yes.

Q: Does it not?

A: Yes.

Q: Now why do you reject the second half of that message and embrace the first half?

A: We have been over this, but we will attack it from a different angle. We are dealing not with a verbatim transcript of what Altemeyer said, we are dealing with the recollection by a German army general four years later of what Altemeyer had said. We are dealing with a triumphant SS young officer, triumphantly he declaims this. The SS were eager to kill Jews. They were very indignant when orders had come down from whoever that this killing had to stop. They were eager to carry on somehow and so they were eager to find some kind of loophole that they allowed them to go on bumping off their enemies. So he tells the army officer, well, we have the orders but we are going to carry on doing it anyway.

Q: Nudge nudge, wink wink, we are going to do it more quietly.

A: Yes.

Q: It is perfectly plausible.

A: I am glad you accept this.

Q: That is quite a different thing from suppressing it entirely and perverting its meaning into something

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different.

A: I do not accept that I have done that.

Q: Which is what you have done.

A: I do not accept that.

Q: Very well.

MR JUSTICE GRAY: Whatever it means, it is not Altemeyer saying, well, we are going, as it were, off our own bat, carry on as before, because the words make it plain it is part of the order that the mass shootings shall be carried out more discreetly in the future.

A: When I am writing this up, and also when I am talking about it, I am not just taking this document into account, I am taking into account what we know at both other ends and also the killing of the Germans thereupon stopped.

MR JUSTICE GRAY: Yes. Right.

A: Thank you.

MR JUSTICE GRAY: Will you show Mr Rampton if you want to pursue the Stuttgart business.

A: After lunch.

MR JUSTICE GRAY: Provide it to him. 5 past 2

(Luncheon adjournment)

MR JUSTICE GRAY: Mr Irving and Mr Rampton, it is court 73 as from Monday. There were problems about Chichester Rents that made it unsuitable.

MR IRVING: Thank you very much, my Lord. My Lord, first, one minor matter. I have one minor application to make which

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I would make about this time tomorrow concerning the date of one of the witnesses who is appearing on summons that it would be proper to make to your Lordship.

MR JUSTICE GRAY: Yes, I know.

MR RAMPTON: He may mean Monday, may he not, my Lord?

MR JUSTICE GRAY: Yes, Monday.

MR IRVING: Thank you very much, Mr Rampton.

MR JUSTICE GRAY: We are going to review whether we sit on Fridays, but for the moment I think it probably is, in everybody's interests to have, not least yours, Mr Irving, actually.

MR IRVING: Thank you very much, my Lord. My Lord, you will have seen the press clipping which I put to you this morning ----

MR JUSTICE GRAY: Yes, I did.

MR IRVING: --- from the German newspaper. I will not read it out.

MR JUSTICE GRAY: Have you seen it, Mr Rampton?

MR RAMPTON: Yes, I have.

MR IRVING: It refers to the year 1996. According to this press clipping, the German government have asked for my extradition to Germany on an allegation, an alleged offence that I committed in 1990. The substance of the allegation is neither here nor there. I am only concerned with the coincidence of time; the fact that after 10 years suddenly this should have occurred now, just as our action

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here is being heard.

MR JUSTICE GRAY: I do not want to cut you short, but I rather sympathise with your view that it is unlikely to be a pure coincidence, but what on earth can I do about it?

MR IRVING: Put my mind at rest, my Lord. If we could ask the Defendants whether they have had any advance or prior knowledge in any way at all of this or whether they were contacted at all with the prosecuting authorities in Stuttgart, or whether they contacted the prosecuting authorities. The reason I have to say this, my Lord, is because, as my discovery shows, one of the bodies which I mentioned in my opening statement has corresponded in the past with both the German Embassy and the Austrian Embassy asking for my arrest.

MR JUSTICE GRAY: I am not going to compel Mr Rampton to stand up and give an answer to that question. There are two ways in which you can deal with it if you want to pursue it, and I do not myself feel that you would be well advised to do so, but if you want to pursue it, you can either lay the foundations in your own evidence for me to draw the inference that it must have had something to do with the Defendants -- that is one way of dealing with it -- or you can cross-examine whichever of the Defendants' witnesses you think would be able to answer your questions on this topic.

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I appreciate you understand that Professor Lipstadt will not be being called to give evidence so you will not be able to ask her, but there may be other witnesses, I do not know, who are going to be called by the Defendants whom you could ask. But, to be candid, my feeling is that we have quite enough to gnaw on this in this case without really going down what are effectively side alleys.

MR IRVING: Very well I did wish to draw it to your Lordship's attention in case the morning should arrive when this end of the bench was suddenly empty.

MR JUSTICE GRAY: If that were to happen (which I think is unlikely) I will do my best to prevent it. Does that help?

MR RAMPTON: So indeed would I. Although your Lordship said you are not going to compel me to answer, but if I may respectfully say so, rightly, Mr Irving did ask me to ask. I did ask and

the answer is no.

MR JUSTICE GRAY: There you are. You do not have to accept that, but that is what you are told.

MR IRVING: Quite clearly, I am sure that Mr Rampton would not have made that statement if it was in any way ^^-- I will accept that assurance, but I will also advance this particular episode as an instance of the kind of hatred that I have faced and the problems that I have faced in view of the allegations and the repugnant suggestions made

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by this Defendant and others.

MR JUSTICE GRAY: You have dealt with that very clearly in your evidence and, of course, I have that well in mind.

MR IRVING: It has a certain actuality about it which is quite impressive.

MR JUSTICE GRAY: That is true. Yes, if you would like to go back?

MR DAVID IRVING, continued. Cross-Examined by

MR RAMPTON, QC, continued.

MR JUSTICE GRAY: Mr Rampton, have we finished, at any rate for the time being, with H17, because if so I will hand it back because I have your copy. That is the German version of Bruns' statement.

MR RAMPTON: Yes. I am afraid I have not quite finished with Bruns. I thought I had, but, as usual, that is the trouble with adjournments; things occur to one that one might have asked and did not. But, for completeness, I will ask. (To the witness): Mr Irving, do you still have there the file D3(i) which is the file of published articles or talks by you?

A: D3(i), yes.

Q: I am looking at tab 30 which is the print of your speech, the JHR conference in October '92.

A: Yes.

Q: And the questions which followed it. You remember -- you need not look it up, but it is on page 24, if you want of

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tab 30, internal page 24, not final page 24 -- I drew your attention towards the bottom of the left-hand column to the words in quotes as a report of what Bruns had said that Altemeyer had said: "These mass shootings have got to stop at once". Do you remember that this morning?

A: Yes.

Q: And I think your answer was to this effect, that it was justified anyway but you could not rely on a transcript of an extemporary answer to a question. I am summarizing. I am not quoting your words directly.

A: On this transcript of my extemporary answer?

Q: Yes, on this example?

A: Yes, that it would be -- yes, continue.

Q: Is it right, Mr Irving, that, in fact, before this version of your words as printed in this way, you went through them and approved them?

A: Occasionally I did.

Q: This particular article?

A: I am sure, Mr Rampton, you will be able to refresh my memory; if I did, then I did.

Q: You have recently told us so in your answers to our requests for information.

A: I do not want to be specific about this one, and I am not being clever, but frequently they

would send me a transcript to read, and sometimes I would proof read it and send it back and sometimes I would not.

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Q: You are right to be cautious, Mr Irving, not because I am setting traps, but because memory is fallible. You served on us, that is to say, our side, something called ---

A: "Answers to requests for information".

Q: "Some answers".

A: Yes.

Q: Fair enough because there were only some answers, on 27th December of last year?

A: Yes.

Q: And one of the answers was this. This is No. 13 on page 5, my Lord. It is tab 9 of the main pleadings bundle, A1.

MR JUSTICE GRAY: Yes, I do not think I have it.

MR RAMPTON: No, but it does not matter; it is very short. Is very short. (To the witness): "In October 1992 I spoke at an IHR conference"?

A: Is that this one?

Q: Yes. It is the only one I know of in October 1992. "As on previous occasions, I attended my booked table and paid no attention to the other speakers. Once again I corrected the text of my talk before it was published."

A: Very well, yes.

Q: Also it is right to say, is it not, that the whole of that, including the questions and answers, appears on your web site?

A: The whole of this?

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Q: Yes.

A: No, it is not correct to say that.

Q: It is not?

A: No, it is not correct.

Q: That particular passage does, does it not?

A: Will you give me the web site address?

Q: Yes, I will. In fact, I had better you see the hard copy.

A: Www.

Q: File D2(iii). It is HTP.www.fpp.co.uk.speeches. Speech ----

A: Yes.

Q: --- 111092 HTML?

A: In that case, that is correct, but does this particular passage also appear on that or just the speech?

Q: Yes, it does. I have the page here. By all means, I will pass it up.

MR JUSTICE GRAY: I think you will take that on trust, I suspect, will you not?

MR RAMPTON: You can trust me if I say something like that.

A: No, the reason I say that is because in some of the witness reports things have been said to be on my web site whereas, in fact, they are just links on my we site somewhere else.

MR JUSTICE GRAY: Anyway, do not let us take more time on this. I think it is accepted it is

on the web site.

MR RAMPTON: I think the answer is yes.

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MR JUSTICE GRAY: Yes, it is.

MR RAMPTON: So, first of all, you corrected the transcript of the talk before ----

A: Yes.

Q: --- it was published and, secondly, you put the whole thing in that form on to the web site?

A: Without in any way reviewing it.

Q: No, I understand that, but the fact is we can then take it that you have no quibble with the quotation marks around the words "These mass shootings have to stop at once"?

A: Not the kind of thing I would quibble about, I do not think, no.

Q: Quite, good, I am glad to hear. There is one more, slightly more substantial point that I want to go back to which I apologise for having missed this morning. I am grateful it has been drawn to my attention. Have you got your 1977 "Hitler's War" with you there?

A: 1997?

Q: In 1977?

A: Yes, I have.

Q: I am apt to '97 when I mean 1977, excuse me.

A: This is the English edition of it, yes.

Q: Yes. I think the words are probably the same though, are they not?

A: The English and American, yes.

Q: Page 332?

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A: Yes.

Q: I am not going to read it again. We have heard it too often. In the middle of the page, there is the passage dealing with the Berlin Jews, is there not?

A: Yes.

Q: You have written: "The fate of Berlin's Jews was clearly raised". So the context of that passage is, at any rate, foreshadowed as being Berlin's Jews, is it not?

A: The context of the paragraph is the prior responsibility of the SS for the murders and not Hitler.

Q: Sure.

A: Yes.

Q: But we are talking here in this little bit about a discussion about Berlin's Jews between Hitler and Himmler?

A: Yes, in that sentence.

Q: Yes. Then you say in the next sentence: "At 1.30 p.m. Himmler was obliged to telephone from Hitler's bunker to Heydrich the explicit order that Jews were not to be liquidated"?

A: Yes.

Q: Let me ask you this. You remember what you put in the introduction?

A: Yes.

Q: When you wrote that, did you mean to say that these Berlin Jews or Berlin's Jews in general were were not to be liquidated, or that Hitler had made a general prohibition

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against the slaughter or murder of Jews anywhere?

A: It is nit-picking.

Q: It is not.

A: What I am about to say is nit-picking.

Q: Oh, I see.

A: But there is a period after the word "Judentransport aus Berlin", Jew transport from Berlin. In other words, there is a full stop at the end of that and a new line. Then comes the phrase "Keine Liquidierung" as a separate phrase. Operating as we were at that time, 1977, totally in the darkness about this particular -- we now know a lot more, but at that time we were operating totally in the darkness. I was going through a jungle of new documents that no other historian had set foot in. It was perfectly rational to say, is the "Keiner Liquidierung" a phrase which is attached to the line above, or is it a separate subject; just in the same way, if you look, there are four lines in that facsimile. The first one is -- I will say it in English so we have no problem -- arrest of Dr Jakelius. The next line after a period is "Apparently son of Molotoff" or "apparent son of Molotoff". The next line is "Jews transport from Berlin", full stop. The next line is "No liquidation".

Q: Yes.

A: I appreciate that in the light of our present knowledge the fourth line clearly refers to the third line. Are you

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with me, Mr Rampton?

Q: I am absolutely with you, Mr Irving. Carry on.

A: But in the state of my knowledge in 1977, when I am still in darkest jungle of new documents, it was perfectly reasonable to accept the fourth line as being as detached from the third line line as were the first and second lines from each other and from the rest.

MR JUSTICE GRAY: So answer to Mr Rampton's question is that you were conveying in that passage what you thought was an explicit order relating to Jews generally, not just Berlin Jews?

A: Based solely on the fourth line with Jews being the topic of conversation, my Lord, yes.

MR RAMPTON: I am coming back to that.

A: That is why the full stop is so important.

Q: You say that, but it has this possible effect as well which is something evidently you did not even pause to think about; it might not have had anything to do with Jews at all, might it?

A: You are absolutely right.

Q: You inflated it on the basis of what one might call a speculative inference into a general order against the liquidation of Jews in general, did you not?

A: I object to the word "inflated". I said that I interpreted that line from the clear evidence that the previous topic of conversation had been Jews.

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Q: Berlin's Jews?

A: Yes, Jews all the same. I interpreted the fourth line as being a reference to "no liquidation". We now know that this was, in all probability, a reference purely to that train load.

Q: We do not want to get ahead of ourselves, at least I do not want to get ahead of myself, Mr

Irving, though you should not feel sorry for me.

A: Right, but please do not forget that full stop in the line above.

Q: Of course I do not forget it. I can see it in the original.

A: We had a lot of discussion about whether the "K" of "Keine" was actually a large "K" or a little "k" among historians, believe it or not.

MR JUSTICE GRAY: If you have a full stop, it does not matter?

A: Well, people wondered if that was a full stop or a blemish, my Lord. This is the kind of level to which one sinks.

MR RAMPTON: The fact is, Mr Irving, that full stop or no, the first line of those two lines concerns Jews from Berlin, as it happens, one transport?

A: Well, it concerns Jew transport or transportation from Berlin.

Q: The second line, if it is to be read disjunctively from the first line, refers to "no liquidation".

No

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liquidation of what? Businesses, gypsies?

A: It would have to be a very perverse mind indeed which accepted there was no connection between the fourth and the third lines, general topic.

Q: The natural meaning of those two lines taken together, whether you insert the full stop or not, is that there is to be no liquidation of the Jews from Berlin?

A: You say whether you accept the full stop or not; the full stop is there.

Q: No difference. It might have been a ----

A: Pardon?

Q: There might have been nothing. It is a note in a man's handwritten telephone log.

A: I agree. One cannot put it on the gold balance.

Q: If you say, Mr Irving, the "liquidieren" refers to Jews at all, then it is most probable, most probable -- I do not have to deal in certainties, you see, Mr Irving -- that it refers to the Jews referred to in the previous line, is it not?

A: Yes.

Q: Yes. So why, what was the warrant for your inflating this (and I use that word advisedly because it is an inflation, objectively regarded) into a prohibition against the liquidation of all Jews anywhere?

A: I remind you of your previous question; you are saying it is most likely that it was, and you are talking in the

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present tense, but was it most likely in 1977 when I wrote the book or published the book?

Q: I am looking at the German as it was written in 1941.

A: No, are you asking me was it most probable that the fourth line referred to the third line in the 1960s when I wrote the book? The answer to that is it not so likely, it is not so evident because at that time we did not have the documents that we do now.

Q: Ignore the extraneous material completely, if you will, Mr Irving.

A: You cannot when you are writing books.

Q: I will. I am trying to get back to your state of mind in 1970 something when you first wrote this passage which got replicated in 1991. I look at what you had in front which you told us this morning was just the sheet. You did not have the surrounding material. German is an ordinary, Western European language. They think like us, they speak somewhat like us, and the entry is:

"Jew transport from Berlin", full stop, "no liquidation". Now, if the "liquidation" refers to Jews, it refers to those Jews and no other Jews?

A: Mr Rampton, you have four topics referred to in that conversation, one, two, three and four. One, two and three are all totally different topics from each other, and it is very reasonable to assume that the fourth topic is probably also yet another fourth topic.

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Q: That is interesting.

A: But you say there was no other document before me at that time. Of course, there were the rest of these telephone logs. For example, the reference to "no destruction of the gypsies" which clearly shows the way which decisions are going at the top.

Q: So you mean the fourth line, "Keine Liquidierung" could refer to the verhaftung of Dr Jakelius?

A: Equally.

Q: What is the verhaftung of Dr Jakelius?

A: The arrest of Dr Jakelius. Dr Jakelius, my research has established, was an euthanasia doctor in Vienna who had been arrested for some reason.

Q: OK. He has been arrested. What is the Angeblich Molotoff?

A: Somebody who was, apparently, claiming to be a son of Molotoff. Molotoff, the Foreign Minister, had no sons.

Q: And then there is the "Judentransport aus Berlin"?

A: Then come -- yes.

Q: Then the fourth line is "Keine Liquidierung", so this could mean that none of those three groups, categories, is to be liquidated. Is that what you are telling us?

A: I do not think I said that. I am saying that all four lines can be taken separately because the first three lines are quite clearly separate topics from each other.

Q: Let us go through it. Plainly, it is an utter nonsense to

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talk about the "angeblich sohn Molotoff" as being subject to an injunction against liquidation, is it not?

A: Subject to?

Q: Being subject to an injunction against liquidation?

A: Well, very clearly it is. If somebody was the son of a prominent Soviet leader, they would definitely be kept in a very special confinement.

MR JUSTICE GRAY: He was thought at one time to have been on that train.

A: The usual trick was that a prisoner would be taken and he would claim to be Churchill's son or nephew or cousin or something like, and knowing that they would not be able to kill him. But it would be dangerous to read too much just into three words. All we know is that Molotoff had no sons and that, obviously, there is no connection between the Jakelius and Molotoff.

MR RAMPTON: No, but, of course, there is no full stop after "Jakelius" either, is there, so it might be asserted that he was arrested because he was pretending to be the son of Molotoff, might he not?

A: I am not sure how much time the court wishes to...

MR RAMPTON: Well, this is fanciful.

MR JUSTICE GRAY: I am wondering whether we have not thrashed through this document

sufficiently.

MR RAMPTON: Is it not? The "Keine Liquidierung" refers to the "Judentransport aus Berlin" whether there is a full stop

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or not.

A: This is your opinion, but it is not mine, Mr Rampton, when I am writing my book in early 1970s and ----

MR JUSTICE GRAY: It comes to this. In the early 1970s you took that, as you now accept wrongly, to have been a reference to Jews generally?

A: At large or at larger than is justified. I took it to be transportation, the transporetation of the Jews as ----

MR RAMPTON: No, in the introduction it is "at large", not "at larger". In the introduction it is all Jews.

A: Yes. This was the inference that I drew ----

Q: This is the incontrovertible evidence that Hitler had ordered, no liquidation of any Jews anywhere.

A: Into account I take when writing that sentence my entire expertise based on all the other documents that we have by that time already collected, and, of course, now we know a great deal more which proves I was absolutely right to write what I wrote at that time.

Q: Mr Irving, we are not here to find out whether you were right or wrong; if we were, we would be here until the next Millennium.

A: I doubt it.

Q: No doubt. We are here to test your credentials, your honesty and your integrity, as an historian, a chronicler of these events. The proposition which I put to you for you to deny is that you deliberately distorted the sense

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of these two lines so as to make the reference to "Keine Liquidierung" without any warrant whatsoever appear to be a reference to Jews everywhere?

A: This sentence would only stand up in court, in my view, if you were able to establish that at the time I wrote those sentences I knew different and better. I think it would be very difficult to make that stand. To show that one makes a mistake in interpreting a translation of the word "transport", that one chooses the wider interpretation rather than the narrow narrower definition that we now know to be correct from the other documentation, this is not a deliberate wilful and perverse distortion or manipulation or translation of a document.

Q: I put it to you, Mr Irving, that, on the contrary, it quite plainly is -- shall we leave it there -- which you deny? Just while we are on the question of full stops, since you have raised it, if we go to page 14 in your little bundle, we see the rather worse photograph, I agree, of the same sort of document that the log for the beginning of December, the first day of December?

A: Precisely, yes.

Q: Yes, and I do not know, this is not a very good copy, are you certain whether or not there is a full full stop after word ----

A: "SS"?

Q: --- "Verwaltung", yes, "SS"?

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A: The second rune, you know what I mean by the rune, the lightening flash that the SS ----

Q: Yes, SS thing.

A: --- the second rune is right off the photocopy.

Q: I know.

A: So we cannot tell if there is a full stop or not.

Q: Have you got the original?

A: I have got it in my volume at the end -- the blue volume marked "Himmler Diary".

Q: Have you got that printed transcript of these documents?

MR JUSTICE GRAY: It is in this file, is it not?

A: Well, I am afraid that I do not trust this ----

Q: OK.

A: --- to that degree. Let me just explain why I will not trust this for being that kind of evidence. On two or three occasions I spotted instead of writing "u." for "und", they have written out "Und" in full.

Q: My fault entirely. I used the wrong document. One does make mistakes. I quite agree. Turn back to page 13 of your own documents, will you? This is your carefully retranscribed version of the Himmler log?

A: Yes.

Q: Where you correct the mistake "Juden" to read properly "haben"? **A:** "Haben" with a small "h".

Q: And there is no full stop after "SS", is there?

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A: It would have been highly improper of me to have put a full stop in if there was not one visible on the photocopy.

Q: Exactly. What would in German the sentence or phrase (because is not really a sentence) "VerwaltungsFuehrer der SS haben zu bleiden" mean -- I mean "Juden zu bleiden", I beg your pardon. What would it mean?

A: Jews to remain.

Q: No, no. I will read it in English: "Administrative officers, leaders, of the SS Jews to remain"?

A: Read like that, it would mean nothing at all. It would be quite meaningless.

Q: Exactly. It would be a complete nonsense, would it not?

A: Yes.

Q: Thank you. Be patient with me, Mr Irving. I am just going to a new topic now. Mr Irving, you are conscious, I suppose and, in fact, I know you are, that Adolf Hitler made a speech I think to Reich and Gauleiters in Berlin on 12th December 1941. I am still in the same period of short period of history.

A: 4th December?

Q: Yes, 12/12/41.

A: Yes.

Q: We know that because there is a report of it in Goebbels' diary for 13th December, is there not?

A: There is a reference to it.

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Q: Yes. Well, there is rather more than that, I think. Have you got -- have you got your Goebbels book there?

MR JUSTICE GRAY: The answer is "no" can he be provided with a copy?

MR RAMPTON: Yes, please somebody give him a Goebbels.

A: It is here. I have it here.

Q: If you turn to page 383 you see in the first complete paragraph you start like this: "Addressing the... whilst still in Berlin Hitler opted for greater candour. He confessed that he had spent sleepless nights... whether he was doing the right thing in declaring war on Roosevelt." Then you quote Goebbels: "The Fuhrer" Goebbels reported to his diary "is convinced that he would have had to declare war on the Americans sooner or later. Now the conflict in the Far East drops into our laps as an added bonus". "He viewed the battle of the Atlantic" etc. etc. down to the end of paragraph "an unavoidable hitch". Footnote 72. In footnote 72, which is on page 646, you explain that those references are taken from Goebbels diary on 13th December.

A: That is correct, and that is true.

Q: Yes.

MR JUSTICE GRAY: Mr Rampton, I am sorry, what page?

MR RAMPTON: 646, the footnote.

MR JUSTICE GRAY: No, what page in the text?

MR RAMPTON: 383, I am so sorry.

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A: The second paragraph.

Q: Then I ask you to note, I will wait until his Lordship has it, I ask you to note on the same page in the second part of the next paragraph these words, because I am coming back to this:

"Returning by train on December 16th to the Wolf's Lair" yes?

A: Yes.

Q: So that you are saying means that -- I take it what are you saying means that Hitler having addressed the Gauleiters on the 12th went back to the Wolf's Lair in East Prussia on the 16th?

A: Yes, I can easily check it from the war diary.

Q: No. I am sure you are right about that, I am not about to dispute it, you will be surprised to hear. Could you now please be provided with a copy of Professor Evans' report? No, I am sorry that is the wrong reference I beg your pardon. Can somebody retrieve that mistake by me, and give Mr Irving Professor Longerich.

MR JUSTICE GRAY: This point is dealt with by Evans?

MR RAMPTON: I know it is, but I have not got the reference in Evans.

MR JUSTICE GRAY: I think it is page 320.

MR RAMPTON: I have put it away.

A: I am looking forward to it actually.

MR JUSTICE GRAY: What?

A: I am looking forward to it.

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MR RAMPTON: It is very well known passage in Goebbels diary, or seems to be. Thanks perhaps in part to Mr Irving, I know not. If you have got Dr Longerich's report now, could you

turn to page 61 of the first part?

A: Yes, I have it.

Q: We are on 12th December still. His report reads as follows, at the bottom of page 61, paragraph 17.3: "One day after the declaration of war on the USA on 12th December Hitler addressed the... of the party"; so far is that correct, Mr Irving?

A: That is correct, yes.

Q: "In this speech he returned once again to prophecy of 30th January 1939", that is the one in the Reichstarget about the fate of Jews, is it not?

A: Yes.

Q: "And now announced the approaching extermination of the Jews living under German domination, as we can read in the Goebbels diaries." Now please look at footnote 156, and I am not going to read it out because that is a strain for me and worst still for the transcribers. It is the original German. Tell me if it is accurate, your German is very good.

A: The German text is accurate apart from the fact it has transcribed some of the diacriticals incorrectly.

Q: Fair enough.

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A: German SZ, things like that.

Q: You have read it now, have you?

A: I read it and I disapprove of the translation, but we will reach that moment.

Q: We will come to that because that is over the page, but --

A: It is a tendentious translation.

MR JUSTICE GRAY: But nothing wrong with the German?

A: -- nothing wrong with German --

MR RAMPTON: I will come back, because the translation will be important many times during in the course of the case. Dr Longerich translates it at the top page 62.

A: -- he is, of course, German translating into English.

Q: I know he is, but it may be, I know not, you can ask him when he comes to court. He had some help. His English is pretty good, but not perfect: "As concerns the Jewish question the Fuhrer is determined to make a clean sweep"; what I suggest we do, Mr Irving, is to take out page 61 and fortunately the German text is on a separate page.

A: Right.

Q: As we go through the English you can tell me in answer to my questions where you think Dr Longerich has gone wrong in his translation.

A: Yes.

Q: "As concerns the Jewish question the Fuhrer is determined to make a clean sweep" (German spoken)?

A: Tabula rasa they say in Latin.

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Q: Maybe, but this is fortunately in these courts we do not speak much Latin any more.

MR JUSTICE GRAY: No, but it is closer actually, the Latin than the English.

MR RAMPTON: Probably.

MR JUSTICE GRAY: That is the point are you making.

A: Yes.

MR RAMPTON: Yes, a tabular rasa is a blank surface.

A: So I am more accurate than yourself --

MR JUSTICE GRAY: There is no distinction in terms of the sense of it, is there.

MR RAMPTON: I do not know.

A: -- does the word tabula rasa exist in English?

MR RAMPTON: Yes. It is frequently used by people who do not know what it means, as so much Latin is. But if you wish tabula rasa is rather a perhaps stronger word than "clean sweep".

A: Cleansing.

MR JUSTICE GRAY: Do you dispute clean sweep gives sense?

A: Not at all, perfectly good line.

MR RAMPTON: "He had prophesied to the Jews that if they once again brought about a world war they would experience their own extermination." The words in German are (German spoken); what do those words mean?

A: Well, of course, to translate "vernichtung" as extermination is highly tendentious.

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Q: Why?

A: If you look in your yellow dictionary, see what "vernichtung" says.

Q: I think I will.

A: I have no idea. I am prepared to say meaning No. one is extermination.

Q: You do not have to say that, Mr Irving. The root of the word is "making to nothing" annihilating, is it not? Let us see what that says. I have very little knowledge of German, but it seems to me obvious, but it means, according to Langscheidt, annihilate, destroy, exterminate, eradicate-shatter.

A: It is the third possible meaning and he has chosen the third meaning rather than the first.

Q: Did you see a distinction --

A: Yes --

Q: In this context -- weight between annihilate and exterminate?

A: -- I am not going to put the words on the gold balance because this is not Hitler speaking, this is Goebbels reporting, am I correct?

MR JUSTICE GRAY: No.

MR RAMPTON: Apparently --

A: On the following day.

MR RAMPTON: Unless it come from Goebbels diary?

A: -- this is Goebbels diary. This is a third person report

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by Goebbels of what Hitler said the previous day.

MR JUSTICE GRAY: He is reporting what he recalls him having said.

A: Yes, so it is rather meaningless to attach too much importance to the actual words contained in the diary.

MR RAMPTON: On the contrary, Mr Irving, often enough in the course of your books you attach a kind of uncritical credulity to the utterances of Dr Goebbels.

A: Yes.

Q: Notwithstanding he is merely reporting what somebody else has said. Furthermore why

should -- Dr Goebbels in December 1941 misreport what his leader had said?

A: Because if you had read my book with the assiduity that I am sure you have you will remember that Dr Goebbels is an evil little genius who is capable of lying in the most malicious and perverse way and he will translate every single statement through his own distorted brain.

MR JUSTICE GRAY: In his own diaries?

A: Yes.

MR RAMPTON: Why?

A: This is the way people do things. They have a tendency to write down things they wished they had heard. If he wished to hear Hitler talking about the extermination of the Jews, then he would prefer to use that word when for all we know Hitler may have used a different one. I have no objection at all, Mr Rampton, when you bring to me the

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verbatim transcripts of which there are any number of Hitler actually said when he says things that are very similar.

Q: We do not have --

A: We should not rely on this kind of second order evidence on matter of this importance.

Q: -- you do it repeatedly when it suits your book, Mr Irving.

A: You are accusing me of double standards.

Q: Yes, I am most roundly.

A: I disagree. I am very careful with the criteria I apply. In a matter like this of such importance I look at the actual translations with greatest detail and if they are, I mean in law too you have to give somebody the benefit of the doubt when they are ambiguities. You certainly do not go for the third meaning of the word rather than first meaning.

Q: You see, you continually assume that I am using one document, one utterance, to prove the guilt of Adolf Hitler. In fact I am trying to do neither, Mr Irving. What I am trying to do is to suggest to you that the convergence of the evidence of which this is just one small example.

A: Yes.

Q: Is that on the balance of probabilities, as though it were a civil case at court, the reasonable historian would say:

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on the balance of probabilities the evidence is that Adolf Hitler was at the heart of all of this? Do you follow me?

A: It is a rather vague sentence, that Hitler was at the heart of all this.

MR JUSTICE GRAY: I think it probably clear what Mr Rampton is getting at, can I put a related question, I would be interested to know what your answer is; do you "vernichtung" would be a word that would be likely to be used if what was being talked of was deportation to Madagascar or anywhere else?

A: I agree it would not and there are definitely cases where word "vernichtung" is used in the sense of murder. For example, in the German phrase (German spoken), the destruction of people who are not entitled or should not be allowed to live. It is quite definitely a killing operation, but there are so much better sources where you have the actual transcript of what people are speaking that I hesitate to waste the court's time looking at the kind of document when undoubtedly you have the verbatim transcript of what Hitler said where he uses similar words or the same words.

MR RAMPTON: Fortunately for everybody, Mr Irving, it is not in your hands whether the

court's time is wasted. If I try to waste the court's time I will be told not to, if I am thought not to be wasting the court's I will not be told.

A: If I was sitting there wearing a wig I would have jumped

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to my feet and made this point.

Q: You have made it.

A: I am wearing my other hat if I say that.

Q: If you want to invite his Lordship to stop this line of cross-examination please do so.

MR JUSTICE GRAY: Come on, I think you are not asking me to and if you did, I would not.

MR RAMPTON: Thank you. Now then you do not like Dr Goebbels use of the word "vernichtung". You are not certain that that is a word Adolf Hitler would have used on that occasion.

A: Well, we know exactly what speech Hitler made on January 30th 1939, there we have the verbatim text.

Q: Turn back to page 38 of the same report.

A: We know exactly what Hitler said there, so why we are using a second hand version of a version of it repeated four years later.

Q: For the very fact that it was repeated on 12th December --

A: Hitler constantly repeated this speech.

Q: -- please, Mr Irving, be patient and listen to my questions. Its importance you may agree is that it occurs again on 12th December 1941 at the time when the German Jews were being transported in large numbers to the East?

A: Yes.

Q: Right. If you go back to 811 of Dr Longerich's report you find the relevant English of the Reichstag speech on 30

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January 1939?

A: I know the speech off by heart.

Q: In that case you will agree that the last words in citation are: (German spoken); which means the annihilation, extermination or eradication of the Jewish race in Europe, does it not?

A: Can we just be absolutely certain what German words he uses.

MR JUSTICE GRAY: It is same word, take it from me.

A: In German, very well, my Lord, yes.

MR RAMPTON: It is at the bottom of the page in German (German spoken)?

A: In this case I would say that the word "race" implies that he is not talking about an actual killing operation and certainly January 1939 nobody was talking about killing Jews.

Q: What does word "genocide" mean, Mr Irving?

A: Genocide?

Q: Yes, genocide.

A: An English word genocide?

Q: No, it is not English, it is Latin.

A: It is not a Latin word, you mean Latin origin?

Q: Yes. What does it mean?

A: You explain to the court.

Q: No, you tell me if you know what it means.

A: Killing of people by virtue of their race.

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Q: Yes, it means killing of a race of people.

A: Yes.

Q: Is it any different from the "vernichtung" of a "rasa"?

A: You destroy races in other ways than killing them. Nobody in January 1939 and I would be very surprised if you can establish the opposite was talking about killing Jews.

Q: Yes. I am going to go on with this little comparison between --

A: Yes.

Q: -- if you forgive me and as long as I am not told by his Lordship it is waste of the court's time, but there is little comparison between what Dr Longerich has written in English and what the original German of Dr Goebbels diary was. We have finished with the word "vernichtung erleben geben", which means "they would experience", this was not just an empty phrase. The German is: "Das is keine frazig vasen"?

A: That is correct.

Q: What does that convey to you? This was --

A: Dr Goebbels is saying that is not an empty phrase. This is not Hitler saying this is an empty phrase, this is Goebbels saying it is an empty phrase.

Q: -- so you say.

A: Well, this is Goebbels diary.

Q: How do you know it is not a report what Hitler said?

A: Let me educate you in the German language. If this was

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Goebbels saying this is Hitler saying it would have been in the subjunctive. German language reports reported speech in the subjunctive. It would be (German spoken) not (German spoken) I am sure every German in this room would agree with me.

Q: Everything in the rest of this quotation is not attributable to Hitler; is that your position?

A: We are taking this sentence by sentence; is that correct?

Q: Let go on, the world war is there, the extermination and again the words are (German spoken) that is of Jewry, Jews in general if you like, must be the necessary consequence. (German spoken)?

A: Here he has the same word, vernichtung, but he has given it a totally different translation, extermination, am I right?

Q: What do you mean?

MR JUSTICE GRAY: No.

MR RAMPTON: I see the two words "extermination" one on top of other.

MR JUSTICE GRAY: I think you mean different from the 1939 translation.

A: Yes, but the word that is different of course is Judentums what does your Langscheidt tell us about that?

MR RAMPTON: I doubt it has it in, I am not going to bother with it.

A: Can I ask that you look in Langscheidt because I do not

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have a copy here.

MR JUSTICE GRAY: You accept "Jewry" is the right translation?

A: Jewry, Judaism, but not Jews. If somebody talks about wiping out Christianity that would be the parallel, my Lord.

MR RAMPTON: This is only Dr Goebbels speaking, does it matter?

A: What is the standard dictionary?

Q: You cannot -- we cannot believe a word Dr Goebbels says, can we?

A: This is your Judentums.

Q: I am just looking to see if it is in, it may be Jewry collective... there is a choice Mr Irving, which would you like to choose?

A: Wiping out Jewry, wiping out Judaism, it is not the same as exterminating the Jews this is a manipulated translation.

Q: It has Jewry?

A: He is saying that this is evidence of the wiping out of the Jews.

Q: No, look at it "Jewry" big letters, extermination of Jewry?

A: Extermination of Jewry.

Q: Yes.

A: Is not the same as annihilating Judaism.

Q: No, but the two meanings are both there?

A: He has chosen once again the tendentious meaning, which

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highly is disreputable for an historian to do.

Q: Perhaps that is because it is consistent with the rest of the text?

A: No, it is incumbent upon an historian, just as a lawyer to give the benefit of the doubt to the person you are impugning; am I correct?

Q: No, you are not correct. Not in this case.

A: In an ambiguity.

Q: No, there is not ambiguity here --

A: There is a total ambiguity.

Q: Mr Irving, I go back: "He had prophecised to the Jews that if they", nothing to do with Judaism, "once again brought about a world war they would experience their own" that is to say the Jews own extermination "vernichtung", the same word in the next sentence.

A: This is Dr Goebbels, right?

Q: Yes, yes.

A: OK.

Q: No, that is Hitler.

A: Hitler as reported four years later by Dr Goebbels.

Q: By Dr Goebbels. The world war is there. The extermination of Jewry must be the necessary consequence. The one flows quite naturally and logically from the other.

A: In the first case he has taken the third meaning of the word. In the second case he has taken the second meaning

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of the word. In neither case has he taken the primary meaning of the word, primary translation. If I was to do that I think I would be hearing about it shortly in this court.

Q: Eradication, extermination, annihilation all mean the same thing --

A: I do not think so. I gave an example if one talked about eradicating Christianity, drug addiction, you do not go about wiping out the drug addicts.

MR JUSTICE GRAY: I think I have the point.

A: -- I think there is room for manoeuvre on something like this and it is incumbent on people not to take the evil meaning of a word when there are much better sources.

MR RAMPTON: There is only room for manoeuvre for those who want to find room to manoeuvre?

A: Like people who pay witnesses for expert cases like this.

Q: I must make a note to prompt you to put that allegation to Dr Longerich --

A: I shall, to all the witnesses.

MR JUSTICE GRAY: Let us press on with the translation.

MR RAMPTON: This question must be seen without sentimentality "die frage ist ohne jede sentimentalat so betrachten" correct?

A: -- that is a fair translation.

Q: Good. We are not here in order to have sympathy with the Jews, "wir sind nicht dasu da, mitlied mit den juden"

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correct so far?

A: Yes.

Q: "Sondern nur mitleid mit unserem deutschen volk so haben"?

A: Just to have sympathy.

Q: Rather we should sympathise with our own German people?

A: A loose translation, but I am not tendentious.

Q: If the German people have now once again sacrificed as many as 160,000 dead in the eastern campaign, then the authors of this bloody conflict must pay with their lives (German spoken) authors?

A: Yes.

Q: (German spoken) of this bloody conflict, therefore -- with their lives -- account for, must account for or pay for?

A: Yes, this is Dr Goebbels.

Q: It may be?

A: I am sorry it is, because it is not in the subjunctive. If it is not in reported speech. If he was reporting what Hitler had said, it would be not "hat" but "ete", that is the way reported speech is done in German.

Q: You see no ground for thinking that Hitler said anything like this?

A: This is Dr. Goebbels' gloss on what Hitler had said.

Q: You think it is just a gloss on what Hitler said. Do you think it is a invention?

A: That is what the language tells us Mr Rampton it is not in subjunctive, so it is not him reporting what somebody else

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said.

Q: Could you answer my question.

A: I have given you the answer.

Q: Do you think it is an invention?

A: Is what an invention? He is writing down his own opinions. Goebbels --

Q: None of this is attributable to what Hitler said on this occasion when he addressed the Reich and Gau leaders on 12th December --

A: -- Mr Rampton, you do not know and I do not know because we do not have a transcript of that speech.

MR JUSTICE GRAY: How much do you say Mr Irving of this little snippet is a report of what Hitler said to the gaulieter?

A: -- as I say, in all my editions of Hitler's War, Hitler made the original speech on January 30th 1939 and he repeatedly and ominously repeated and recorded what he had said on that occasion, saying I prophecised then and I will say it again and those who laughed then they are laughing on the other side of their faces now. This kind of thing. He said it something like eight or nine times during the war on 8th November 1942 and so on.

Q: Answer my question.

A: It was one of his stock speeches. So I know with a pretty fair degree of certainty how much of this quotation Hitler actually said because Hitler was always saying the same thing and how much is probably Goebbels adding his own

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private gloss.

MR JUSTICE GRAY: But this is something, this is in part at any rate a report by Goebbels of what Hitler said in 1941 to the gaulieter?

A: I appreciate that, yes.

Q: Nothing to do with 1939. My question, if I can ask you for an answer, is how much do you say of this snippet from Goebbels' diary is a report of what Hitler said to the gaulieter?

A: I would say half is.

Q: Which half? Half in reported speech and half where he repeats exactly the kind of sentence that Hitler had said so many times before, but what I will not accept is that he necessarily used the word vernichtung, when Hitler frequently used other equally vague and ambiguous words and indeed euphemisms. I am quite happy to accept that. And personally I would consider it deeply shocking if an historian was to pin any kind of hypothesis just on this third order information which is what this actually is. I know it has been done quite recently by Dr Christian Gerlach who is a young Hungarian historian. He has tried to pin a major hypothesis on it, but he is on the wooden path as the Germans says, and the fact that the sentences are not in the subjunctive makes it quite plain that Goebbels is not reporting what Hitler said. We can ask Dr Longerich this on the question of language if I am

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right about the subjunctive.

MR RAMPTON: You will have the opportunity to do that and you can ask Professor Evans too whose German is probably as good as yours.

A: I doubt it but I would prefer to ask Dr Longerich.

Q: He wrote it. Tell me this, is it your belief that Hans Frank, Governor General, was a Poland, Eastern Poland, at this meeting on 12th December?

A: He was a Reichsleiter. This was a speech to the Garleiters and the Reichsleiter, so the likelihood is that he was present.

Q: And the word "vernichtung" is not really capable of what we might call being characterized as a Goebbels' invention or exaggeration because it was after all the word that Hitler used in his speech in the Reichstager in 1939?

A: Yes.

Q: So it would not be the least bit surprising if Hitler had used the same word on this occasion, would it?

A: Yes.

Q: Why?

A: The word "vernichtung" is not killing. It is not unambiguously killing. It is destruction.

Q: So you say. You say that. I do not know accept that answer?

A: It is the primary meaning of the word.

Q: Whether you call it extermination or annihilation, which

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are his two primary senses, it is a literal ----

A: Excuse me, extermination was not the primary sense.

Q: No annihilation was?

A: It was the third sense. You said extermination or annihilation which are its primary senses. Extermination is not. It is number 3.

Q: What difference do you see between annihilation and extermination?

A: Can you read out the three meanings?

Q: No, I ask you in English. What difference do you see?

A: I have been annihilated by these books but I have not been exterminated. Is that sufficient for you?

Q: Yes, and I annihilate you in cross-examination but I do not exterminate you, I hope! Of course I see the difference. Seriously, Mr Irving, please, annihilation of the Jewish race, come, it is not difficult. German is not a mystery language any more than English. What does it mean, be honest?

A: If Adolf Hitler was considering annihilation to be the biological liquidation of the Jewish race, why would he have been talking the entire time about the Madagascar Plan.

Q: He talked about the Madagascar plan I think as late as sometime in 1942 by which time he had already issued an order that the Madagascar plan was to be put to sleep?

A: He talked about it on July 24th 1942.

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Q: Yes, and it was a dead duck?

A: This is your word, but why would Hitler talk about even in private with his staff?

Q: Because Hitler it would appear, if one reads his table talk ----

A: He is talking about it in a conversation with Bormann and Himmler, the people who we know were the actual murderers.

Q: It is not to be taken seriously. It cannot be. The Brits had occupied Madagascar in May of 1942?

A: The British had occupied large parts of the world which the Germans subsequently reoccupied.

Q: Like Crete. So your thesis is that Hitler had it in mind the German Navy would travel all the way to the East Coast of Africa, that huge island, and spend a lot of ships and men capturing the island so they could put the Jews on it in 1942?

A: I know I am not supposed to ask you questions, but you are not suggesting that the table talks are fake, are you?

Q: No, no that they are fake, no, far from it. On the contrary, the table talks are very good evidence of a man who sometimes waffles, sometimes deceives, sometimes talks at endless length about nothing very much?

A: Rather like counsel in this case!

Q: If you say so.

MR JUSTICE GRAY: Do not let us let it descend into...

A: Mr Rampton -- my Lord, I am not sure if I can say this,

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but Mr Rampton rather left the innuendo in the air -- I am not sure if you are returning to this -- but I had this diary passage in front of me and ignored it when I wrote the book.

MR RAMPTON: Indeed.

A: Are you going to state that?

Q: I was going to ask you. You can be personal about it if you like, I do not mind, but I am going to ask you whether you knew about this at the time you wrote these books.

A: Thank you very much indeed. The answer is no.

Q: Why?

A: I did not have it.

Q: You did not have it?

A: No. This was part of the diaries that were in Moscow.

A: Goebbels', typical Goebbels' diary entry would run to 70 or 50 or 100 pages. One Goebbels' diary entry in September 1943 is 143 pages of typescript for one day. In Moscow, we were extremely limited for our time, the days we were allowed to view these pages. I did, by chance, look at these pages around the German declaration of war on the United States as it was a matter of interest. My commission from The Sunday Times was to obtain the material relating to Germany's declaration of war on the United States, obviously for commercial reasons. I read those passages, those pages, copied them down.

MR JUSTICE GRAY: Mr Irving, I just want to make sure I am

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understanding what the question is directed to. Are you saying that you did not have the passage quoted ----

A: By Longerich.

Q: --- in Longerich ----

A: That is correct.

Q: --- at page 61, 62, when you wrote Goebbels?

A: Indeed, my Lord, yes I did not have it. It has only recently been published by the Institute of History in Munich. They obtained the diaries in 1992, shortly after I obtained take them, and it has taken them six or seven years to make them available to the general public. I still have not received the volumes that I ordered from the publishers.

MR RAMPTON: I am not sure what you did have.

MR JUSTICE GRAY: Can I just pursue this? I am still a little bit puzzled. You do make reference though in Goebbels to the speech that Hitler made to the Gauleiter?

A: Purely because we know that there was a speech from Martin Bormann's diary.

MR RAMPTON: You quote from it?

A: And because Goebbels being a typical diarist, he kept on rambling back and forth as he dictated the diary to his Private Secretary, and he kept on coming back to the previous day's

speech, but not the passage there.

MR JUSTICE GRAY: So what are you saying -- just bear with me -- I am trying to follow.

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MR RAMPTON: I am sorry, my Lord. I will shut up!

MR JUSTICE GRAY: If I can just speak for a minute? Are you saying that what you say about Hitler's speech to the Gauleiters in your book, Goebbels, comes from Bormann's diary?

A: No, my Lord. It comes from a previous passages of the Goebbels' diary. Had I read all 100 pages, I would have stumbled across this paragraph too; but I can make it very easy for your Lordship and for the Defendants by drawing their attention to the fact that in my discovery were the entire Goebbels' diaries that I obtained from Moscow. They could have come to court producing the pages which they had found in my discovery, proving that I had had them at the time I wrote both Goebbels and Hitler, and saying, "Here, he had them here, and yet he ignored them when he wrote that", and the answer is they have not done so because those pages are not in my documents because I did not get them.

Q: I am still puzzled. What exactly did you base what you write in Goebbels about the Gauleiters speech upon?

A: I read the Goebbels' diary for December 13th 1941, just a few pages. On each page there would be about 200 pages in a big typeface. I read all the pages relating to the German declaration of war on the United States which had just been made that day; and then Goebbels mentions the fact that the previous day Hitler had delivered a speech

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to the Gauleiters, and he mentions it in the terms that I have quoted in full -- believe me, I quoted everything that I had in my hands when I came back from Moscow because it was interesting material. Had I read on another 30 or 40 pages in the diary for that day, I would probably have come across the full length description, the report of the Gauleiters' speech on which Longerich is relying. But I have not seen it from the Moscow day in 1992 to about the middle of last year when it was finally made available and quoted by Christian Gerlach in his book and elsewhere. I am still not very impressed by it, but I do wish to make the point in case it was going to be inferred that I had had the material and not made use of it.

MR JUSTICE GRAY: I think I understand.

A: It would have been in my discovery and it was not.

MR RAMPTON: How long are these daily entries in Goebbels' diary? I have not understood it.

A: They vary in length depending on what is happening.

Q: How long is this entry for 13th December? It reports the previous day's events. How long is the entry for the speech of Hitler?

A: I have no idea. I have not seen it.

Q: Well, you quoted from it.

A: The previous entry?

Q: No, you quoted from it on page 383 of Goebbels. This is

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what I find baffling.

A: Yes, but, you see, he kept on coming back to it, something like that he would keep on coming

back to as things occurred to him. He is sitting in the room with his Private Secretary, Dr Richard Otte, his chief stenographer, dictating the following morning the events of the previous day and he would keep coming back to something. The diaries were not really intended for publication in that form; they would have been edited. I came across an earlier reference to it in the diaries which I then have used here; but to this day I have not seen any full length description of the Gauleiters' speech.

MR JUSTICE GRAY: How do you know it is 30 or 40 pages further on?

A: Well, presumably it was because, anyway, it was not on the glass plate that I had, my Lord. The glass plate would have had 45 pages on it. The glass plate was either five times five or six times eight, depending on when it was made, pages per glass plate, and they were in complete disarray. So I would have had the plate which contained the bits I used, but not the bits which contained the speech on it. I had no commission from The Sunday Times to look into this kind of thing.

MR RAMPTON: My Lord, may I take some instructions because I have just been given a rather important document?

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MR JUSTICE GRAY: Do you want to have five minutes?

MR RAMPTON: Yes, I think I need five minutes actually because it is not a document I am not aware of.

MR JUSTICE GRAY: I think, bearing in mind the transcribers' task, but shall we say quarter past? (Short Adjournment)

MR RAMPTON: I am grateful to your Lordship. Can I say this? I will say it to Mr Irving, if I may? Mr Irving, I say two things now and I undertake to come back to it on Monday, not more this afternoon because I am not clued up enough yet, but I will be. First, I do not accept that the failure to use a subjunctive is necessarily a bar to the written material being a report of what somebody else says in German. You do not have to comment on this. I tell you this so that you will know what is coming. Second, that the Goebbels' diary entry which you quoted in the book is not as long as you said that it was. All right?

A: I am sorry. I do not understand the second part of that, the Goebbels' diary entry which I quoted? The original entry you mean?

Q: Yes.

A: The original entry from which I quoted.

Q: I do not know because I have not looked at your discovery. That is one of the things I want to do, is how long is the entry from which you quoted. I also want to

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find out for certain what proportion of that bears to the whole of the entry?

A: Can I suggest, therefore, that when we resume on Monday I bring the entire December 1941 Goebbels' Diary that I brought back from Moscow with me and can see what I had and what I did not because it was in the discovery and you must have seen.

Q: I have not seen it, but I am sure we must have it.

A: Well, if you did not see it, it is not my fault. It was in your discovery and it was available.

Q: I am not criticising you, Mr Irving. I am quite happy to take blame for negligence, idleness, whatever you like. Mr Irving, I want, therefore, to pass away from that, if I may, and, if his Lordship will allow me, to come back to it on Monday when I have done my homework and ask

you about something else, which, as you said, it is probable that Hans Frank as one of the Reichleiters?

A: He was ----

Q: He was General ----

A: --- he was a Reichleiter and he would have been of the rank to attend that meeting.

Q: Surely he would; he was General Governor, was he not?

A: Yes. In fact, he went to Berlin for the meeting, so there is no reason to dispute he was there.

Q: The odious (and it is not really meant to be a pun) Globocnik was one of his subordinates?

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A: Of Hans Frank? At this time he was the Police Chief in Lublin, I believe.

Q: Yes.

A: Yes -- no, this is not true. The SS was -- they conducted an independent existence in the Government General.

Q: Right, OK. It does not matter. It is not important.

A: Do you wish me to expand on that?

Q: No, not now.

A: No? There was no hierarchy bringing the two together. The name is Globocnik -- G-L-O-B-O-C-N-I-K.

MR RAMPTON: Odilo Globocnik.

MR JUSTICE GRAY: I think the surname will suffice.

MR RAMPTON: Otherwise known as "Globos". May Mr Irving please be provided please with Professor Browning's report?

A: Have we finished with Dr Goebbels?

Q: I have finished with that for the moment. As I say, I am coming back to that later on. I am trying to keep some semblance of chronological order. I am still in December 1941. Have you got Dr Browning there?

A: Page 30 and 31?

Q: 30 and 31, correct. Dr Browning also quotes the speech of Hitler, but in abbreviated form, in other words, he does not quote as much of the Goebbels' diary entry as does Dr Longrich.

A: Yes.

Q: Do you see that?

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A: Yes.

Q: He goes down as far as saying (which you agree is a correct translation, well, I do not know if you do), that was no figure of speech, top of 31, "The World War is here. The Vernichtung", whether it is destruction, extermination, annihilation or whatever, "of the Jews must be the inevitable consequence".

A: Well, that is again a contentious and tendentious translation.

MR JUSTICE GRAY: Well, we have been through that I think sufficiently.

MR RAMPTON: We have been through that. That is why I used the word "vernichtung"?

A: Well, but it is the word "Jews" also that we have to look at there, is it not? Destruction of the Jews. But this is ----

MR JUSTICE GRAY: That is quite plain because he refers to "des Judens", so there really

cannot be any argument about that, can there?

A: No. "[German].. Judentums", no.

Q: There is not reference to "Judentums".

A: It is the fifth line, so he has allowed himself a lot of poetic licence in his translation. My Lord, I have to be careful about what I accept here I cannot be heard to accept something that is not ...

Q: You are quite right. I think I was wrong. You are quite

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right?

MR RAMPTON: You were in that respect, my Lord, but not, in fact, in the earlier part of which forms the context. "Zeeda ... [German] ... Vuren" and "ihre" there is "their" which is the Jews' is it not?

MR JUSTICE GRAY: But in connection with "Vernichtung", it is "Judentum".

MR RAMPTON: Both have "vernichtung" attached to them.

A: But I believe it is the next part you wish to continue with.

Q: It is the next part. It is what Hans Frank is reported as having said when he got back to the General Government on 16th December 1941. This is printed in what one might call the official common place book, would it be right? It is the Tagesbuch. That is an official record, is it not, of some kind?

A: It is the abridged version of the multi-volumed diaries and conference records of the General Governor, Hans Frank.

Q: And you have used it yourself?

A: I used the original manuscript, yes. I did not use the printed edition. It is in my discovery.

Q: You have used this passage?

A: I have indeed and I used the original manuscript and not the printed version.

Q: Maybe so. At the end of this first page, 31, in

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translation, perhaps here the German does not really matter, perhaps you will agree. The first complete paragraph at the bottom of -- sorry, last paragraph on the page: "What is to happen to the Jews? Do you believe that they will be lodged in settlements in Osland?" That is the Baltic countries, is it not, Osland?

A: Yes.

Q: "In Berlin we were told, 'Why all this trouble? We cannot use them in the Osland or the Reichcommissariat either. Liquidate them yourselves!'" Then goes on, apparently, Governor Frank: "We must destroy the Jews wherever we encounter them and wherever it is possible in order to preserve the entire structure of the Reich". I would ask you to turn over the page, Mr Irving, where at the bottom of page 32 you will find the German of ----

A: That is what I have just been reading, yes.

Q: Yes. Has Professor Browning translated it correctly?

A: Yes. I used a different translation in my own book, but this is an adequate translation.

Q: That is right, is it not?

A: Yes.

Q: But he has not translated the last two lines on page 32. Would you please read those and tell us what they mean?

A: Well, it is an incomplete fragment.

Q: He has put an ellipsis?

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A: He has put what?

Q: He has put an ellipsis in, has he not, to show that ----

A: Yes, but it is the second half of a sentence and, as you know, in German, the Germans put their verbs at the end, so it...

Q: Yes. Be kind enough just to translate what we have.

A: "But if we then undertake incursions which in some way lead to a destructive result or success and, indeed, in connection with the measure -- in connection with the great measure which is to be conferred upon at the Reich" -- this is a reference to the coming Bunzig conference, presumably.

Q: That is right.

A: It is a truncated sentence it is difficult to find your way into without the beginning.

"Vernichtungs Erfolg" is the word you want to see. V-E-R-N-I-C-H-T-U-N-G-S E-R-F-O-L-G.

Q: Does it mean this, Mr Irving, at any rate the last part of that first of the two bottom lines: "It will anyway come to a complete or successful destruction", "Vernichtungs Erfolg"?

A: That would be a rigid and unacceptable translation. I would say, "If we succeed in wiping them out".

MR JUSTICE GRAY: Which does "Erfolg" mean?

A: "Success", "If we succeed in wiping them out", "Vernichtung" or "If we succeed in destroying them".

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MR RAMPTON: A successful wiping out?

A: A successful wipe out, yes, but German sentences you frequently have to break up and recast in order to make them acceptable.

Q: I am not playing tricks. I will try to find the whole of that.

A: I am trying to help you, Mr Rampton.

Q: I am being passed ----

MR JUSTICE GRAY: Can I just be clear? Are you accepting that what Hans Frank is recording here is what Hitler said in Berlin to the Gauleiter?

A: Yes -- no, he has not made a reference to the Gauleiters specifically.

Q: I know he has not made a reference to it ----

A: No.

Q: --- but he says: "In Berlin we were told", and I rather inferred that Mr Rampton was suggesting that that was from Hitler's speech to the Gauleiter?

A: I think it would be quite a dangerous leap to make.

Q: Am I wrong about that?

A: It is put in ----

MR RAMPTON: No, it is not quite what I had put because I do not have the evidence to make that kind of suggestion. I am suggesting that while Hans Frank was in Berlin, somebody told him, and he was there probably amongst other reasons for the occasion of Hitler's speech ----

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A: Yes.

Q: -- somebody told him, it might have been Hitler, it might have been Heydrich, that they have to see to the liquidation of the Jews themselves in the East. That does mean that, does it not?

A: I do not think the word they use is "liquidation". He says "wipe out", "If we have a success in wiping them out, destroying them", "Vernichtung", which can be done in a number of ways as I gave the instance with Christianity or with drug addiction.

Q: I am not sure you are right about that. The word is "liquidieren selbe"?

A: I am sorry, I was looking at the wrong part.

Q: No the quote is: "Man hat uns in Berlin gesagt", "We were told in Berlin"?

A: Oh, unquestionably, yes.

Q: "Liquidate them yourselves"?

A: Yes.

Q: So ----

A: And the reason that Browning knows about this is because he found this quotation in my books. I am the first one to have dug it out.

Q: Brownie points to you, Mr Irving, but the fact is that Hans Frank is saying on this occasion when he gets back to Poland -- I think this took place in Krakow, did it not?

A: His headquarters is in Krakow, yes.

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Q: He is saying: "When we were in Berlin" ----

A: "They told us".

Q: --- "they told us, 'We can't solve the Jewish problem for you. We can't house them. Liquidate them yourselves'?"

A: Yes. Berlin, of course, was the seat of the Reichssicherheits Hauptamt, of Reinhardt Heydrich.

Q: I know, that is Heydrich's headquarters too.

A: Hitler's headquarters, well, in East Prussia, not in Berlin.

Q: Certainly it is though, whether Hitler took part in those discussions or not, I cannot tell you. I do not propose that he did. I do not ----

A: I think it is a very interesting fragment, a verbatim transcript to which one can attach a great deal of importance rather than reported third person subjunctive, non-subjunctive stuff. This is Hans Frank's actual words taken down by a stenographer and that is why I was very pleased to quote them in full.

Q: Yes, surely. We are not here necessarily, Mr Irving, talking about the Jews that the Einsatzgruppen found in Russia; rather the contrary, do you not think?

A: The German Jews.

Q: We are talking about two groups of Jews if we are talking about Hans Frank and the General Government?

A: Yes.

Q: We are talking about German and other Jews, Slavakia or

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wherever else, French, Dutch, Belgium and so on, that were shipped to East, transported I mean, but we are also talking about the indigenous Jews at Poland, are we not?

A: Primarily at this time the indigenous Jews. I do not think that any major shipment of Jews had started from Western Europe in Poland or the General Government at this time.

Q: Do you agree that Eichmann said at the Bunzig conference, I think it was he, it may have been somebody else, it may have been somebody else who gave the figure, there were roughly two and a quarter, two and a half million Jews living in Poland at that time in early 1942?

A: That is almost certainly the right figure, but Eichmann did not speak at the Bunzig conference. He just kept the minutes as I understand it.

Q: But that is the figure that was given at the Bunzig conference?

A: I will take your word for it, Mr Rampton.

Q: You have read it. I am sure you have read the protocol, the minute or whatever it is. So what Hans Frank is saying here is: "The Jews that we are responsible for (getting rid of) numbering roughly two and a quarter million, we have been told by Berlin we have to liquidate ourselves". That is what it is saying, is it not?

A: No. What he is saying is: "Do not start dumping Jews on us. We have got no room for the ones we have got. Solve

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your own problems".

Q: No, "in Berlin we were told"?

A: Yes.

Q: Not, "I said to the people in Berlin"?

A: Yes.

Q: "Man hat" is passive?

A: Yes.

Q: "Uns gesagt" means "they told us in Berlin"?

A: "Why all this bother? Why all this fuss and bother?"

Q: That is right.

A: They are talking about what they are going to be doing with the Jews that people are talking about now tossing out of Western Europe, and Hans Frank has been fighting hand and foot at having any dumped in his domain.

Q: Yes. He has been told he has got to do it himself?

A: No, he has been you take what you are given. He is saying, "I don't want them." I know the background to this story, Mr Rampton.

Q: What do the words mean, I am sorry, Mr Irving, I thought you had agreed this was an accurate translation?

A: It is accurate.

Q: "In Berlin we were told, 'Why all this trouble? We cannot use them in the Osterland or Reichskommissariat either. Liquidate them yourselves.'"

A: No. No one is talking about shipping Jews from the Osterland or the Ukraine into Berlin. The shipment is

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going other way round.

MR JUSTICE GRAY: What Mr Rampton is putting to you is that that phrase "liquidate them yourselves" is in effect a direction from Berlin to the General Government.

A: No, sir. I read it differently both in the original and even now. This is Hans Frank recalling what he told the Berliners saying, "Stop dumping your Jews on us, you solve your own problems, you liquidate them yourselves".

MR RAMPTON: I am going to refer you to the full text of what Hans Frank said in a moment.

Can you first of all read your own version of this, please, on page 428 of Hitler's War 1991.

A: Can we look at it in the earlier version because it is totally unchanged?

Q: No, it is not in the earlier version so far as I know.

A: It definitely is. It is in every book that I have written. Which page, Mr Rampton?

Q: If you want the earlier version, I am not sure it is in the earlier version, but I will check that. Yes, it is. If you want to use the earlier version, first, I have no problem with that. Page 332.

A: Yes, "Yet the blood purge continued".

Q: Yes. I am waiting for his Lordship's file to emerge.

MR JUSTICE GRAY: Hitler's War.

MR RAMPTON: It is 1977 Hitler's War, my Lord, I think the first volume.

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MR RAMPTON: It is I think more or less identical to what is in the 1991 edition.

MR JUSTICE GRAY: Have you got a reference for that?

MR RAMPTON: Yes, that is page 427 it starts, the last large paragraph, the last three lines. I will read. It immediately follows the reference to the Himmler telephone note of 1st December. Mr Irving writes: "Yet the blood purge continued".

A: Shall I read it? It is my book.

Q: No, Mr Irving. No, I will read it: "Yet the blood purge continued. The extermination programme had gained a momentum of its own. Hans Frank announcing to his Lublin Cabinet on December 16th 1941, that Heydrich was calling a big conference in January on the expulsion of Europe's Jews to the East, irritably exclaimed: Do you imagine they are going to be housed in neat estates in the Baltic provinces! In Berlin' - and with Hitler in East Prussia this can only be taken as a reference to Heydrich's agencies -" -- I am coming back to that -- "they tell us", they, the people in Berlin, "tell us", the people in charge in the General Government: Why the caviling? We've got no use for them either ... liquidate them yourselves!" The "yourselves" are the people in Poland?

A: Yes. Well, no, not necessarily. Of course I would just like to comment. That is an odd passage for a Holocaust denier to put into a book, is it not, this entire passage;

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somebody who is allegedly denying the Holocaust he puts in this extraordinary passage?

Q: It is there, is it not?

A: It is indeed, and I am accused of being a Holocaust denier.

Q: Maybe. Mr Irving, the true sense of that is that Hans Frank was told while he was in Berlin that it was his problem how to liquidate Poland's two or three million Jews, is it not?

A: Mr Rampton, I am sure you have read any number of transcripts of verbatim conferences. Hans Frank is quite clearly not speaking from a prepared script. He is addressing a meeting, his mind darting here and there. He is giving snatches of what he was told in Berlin by them. He is giving snatches of what his retort was. He is not telling the stenographer, "close quotes, open quotes, close quotes again", and the stenographer is taking it down as it said.

MR JUSTICE GRAY: That may be, but you would have to accept, would you not, that the way you have recorded this in Hitler's War is that Frank was talking about what Berlin had told him and the General Government?

A: I cannot say, my Lord. I do not know who what is talking to whom in that final three words, "liquidate them yourselves". It is not evident on the transcript either. So I have left it, I saw no

reason to be specific in my

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book as to who was talking to whom. I would have introduced probably an ambiguity one way or the other. So I left it just as it was in the transcript which I thought was the most accurate thing I could do. We do not know if it is Poland talking to Berlin or Berlin talking to Poland.

Q: But if you are disassociating Hitler from what is said, as you plainly are, does that not indicate that you must be seeking to conveying to readers that the instructions are coming from Berlin?

A: It is unimportant to me, my Lord, which way those instructions are coming. It is coming all at the same level. Berlin is shrieking at Krakow and Krakow is shrieking at Berlin, and Hitler is somewhere else. This is a biography of Adolf Hitler. It is not a book about the Holocaust.

Q: If there were instructions going from Krakow to Berlin there would be no point in disassociating Hitler from it?

A: Hitler was not in Berlin, my Lord. Hitler at this time, December 16th, was in his headquarters in East Prussia.

Q: I think you understand the question.

A: That is the point I make.

MR RAMPTON: Mr Irving, that simply will not do. In Berlin you break off to parenthesize, if I can invent that word, "and with Hitler in East Prussia this can only be taken as a reference to Heydrich's agencies (in Berlin)"?

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A: Yes.

Q: "They" Heydrich's agencies "tell us: Why the caviling? We" in Berlin "have no use for them either. Liquidate them yourselves", you, the people in Poland?

A: These are your interpolations you are putting in of course.

Q: No, I am reading your words, Mr Irving?

A: No, I did not put in those interpolations.

Q: That is what it means though, is it not?

A: That is what you submit.

Q: Do you disagree?

A: I rest entirely on the way that I quote this very ambiguous fragment of stenographic text without making any interpolations one way or the other. As I explained in the Hitler biography, I did not consider it to be necessary really to point out or to try to work out who was talking to whom. I found it such an extraordinary ----

MR JUSTICE GRAY: So your evidence is, I am sorry to interrupt you, that this is capable at any rate of meaning that Krakow was telling Heydrich in Berlin "liquidate them yourselves", that is your evidence?

A: This is the far more logical interpretation, because I know from all the other documents at this time that Hans Frank was hysterical at the mention that train loads of Jews would be sent to the Governor General where he had

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problems housing and feeding people anyway, and he was saying to Berlin: "Stop trying to shift your problems into Poland. We are not just a dumping ground for your Jews." This comes up in

very many of the conferences at that time. There is one particular record I remember taking by Martin Bormann in October 1941, and that emboldens me in putting the alternative interpretation, the alternative arrow direction, shall we say, on that final three words, but rather than get involved in that rather irrelevant discussion in this book which is about Hitler, I just left this extraordinary fragment of stenographic record, this transcript, as it is, because it is so pregnant with hatred and brutality and total callousness towards human life, and it indicates the kind of level at which these decisions were taken and the kind of gormless mentality of the people who took these decisions who were later quite rightly hanged for it.

MR RAMPTON: My Lord, I am not going to push that particular point any further. I am going to come back, perhaps not today, to the full text of what Hans Frank said for context. I am getting some clever people to translate it as I speak.

A: Mr Rampton, can I then in that case bring on Monday the text I have, which may or not be identical with the text that you have.

Q: I think you certainly should.

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A: It may be shorter or longer. This is the reason why I say it.

Q: You certainly should.

A: I have the pages in the original photocopy.

Q: That is absolutely fine. Bring whatever you like you feel you need to defend yourself with. It is right, is it not, that having written both in 1977, as I say if you want to check it, on pages 427, 428 of 1991 Hitler's War, which I think is identical ----

A: Yes.

Q: --- having written "man hat uns gesagt" or "in Berlin" and then a quote, on page 386 of Goebbels you write this.

A: Yes.

Q: I will read it out: "Hans Frank's Government General was flatly refusing to accept any more", Jews that is. "Frank had exclaimed irritably at one of his cabinet meetings in Krakov that Berlin was telling them they got no use for the Jews either, 'liquidate them yourselves', was his, that is Frank's, retort?

A: Yes.

Q: I notice, and perhaps you did too, as I read that there is no reference there to Heydrich's agencies or to Hitler being absent, is there?

A: We are talking about Berlin and we are talking about Frank retorting. Having now advanced something like ten years down the road of research and read a very large number of

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further documents relating to this particular context and these questions, I am that much more certain that the arrow goes from East to West rather than from West to East as far as those three words are concerned.

Q: Be honest, Mr Irving, in Hitler's War ----

A: Excuse me, I am speaking here on oath, I am being honest.

Q: I do not believe you are. In Hitler's War the arrow went firmly from West to East. You changed the account for Goebbels, did you not? That is why there is no reference to Hitler or to Heydrich in this text?

A: I do not accept that contention at all. In Hitler's War I gave the transcription exactly as it

occurs in the records and I left it for the reader to make up their own mind. Here I am that much more certain which way the arrow went.

Q: Why did you insert in Hitler's War the parenthesis "and with Hitler in East Prussia this can only be taken as a reference to Heydrich's agencies"?

A: This is like an obiter from on high where the judge says to the jury, "I think that you need to take account of this but of course make up your own mind", and where you are telling the reader, well, make up your own mind, here is what is what the transcript says, but just in case you have forget it, Adolf Hitler lives in East Prussia and he is not in Berlin on the day this speech is being made.

Q: He was not in Berlin on 16th December 1941, Mr Irving?

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A: Yes.

Q: Because on 16th December 1941 he went to the Wolf's lair, did he not?

A: He was certainly, at the time that Frank was speaking here Hitler was back in East Prussia.

Q: On page 383 ----

A: May I also say that if he was referring to Hitler by the use of the word "man", which is the equivalent of the French "on".

Q: I did not say that.

A: If he was referring to Hitler then he would have said, "at the very highest level we have been told". He would not have used the rather offensive "man".

Q: "On" in French, I do not know any German but I have quite good French, Mr Irving, "on" in French is not the least bit offensive. It is merely a form of expressing a passive sense.

A: Yes, but he would have been specific. He would have said "uns getstella(?)" or [German spoken] but more likely "uns getstella(?)" at the highest level.

Q: According to your first version, "Heydrich's agencies".

A: Had he wished to refer to Hitler by that, yes.

Q: To what?

A: If by the use of the word "man" in Berlin he would not have used the very impersonal version of saying "man".

Q: Anyway, you have got Hitler away from whatever Frank was

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told because you have got him in East Prussia?

A: Continue, yes.

Q: Yes. In fact he did not go to the Wolf's lair until 16th December, did he?

A: He probably left Berlin on the night of the 15th, took the overnight train back to East Prussia. I could tell you from the Hitler's War, the headquarters' war diary which I have in the blue volume there.

Q: All I can tell you is that in Goebbels Mastermind of the Third Reich on page 383 you write this: "Returning by train on December 16th to the Wolf's lair"?

A: Yes.

Q: "Hitler dictated a famous order", something like that?

A: Yes, but I can tell you whether he left Berlin on the night of the 15th or not.

Q: So he was in Berlin when Hans Frank was in Berlin receiving this instruction?

A: You are now referring to 12th December?

Q: Whenever. He did not leave Berlin until the night of the 15th or the morning of the 16th. Hans Frank has got to go further. He has got to go all the way back to Krakov which is further than East Prussia?

A: I am sorry to admit I am now totally at sea. Which times in Berlin are we talking about?

Q: Hans Frank is reporting what he was told in Berlin. When he was ----

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A: Yes, by somebody whom we have not identified.

Q: Maybe, but Hitler was in Berlin at that time?

A: He was in Berlin on, well, he was in Berlin on the 12th, 13th and 14th definitely.

Q: Yes, and probably on the 15th as well?

A: Yes, but we do not know if he is referring to Hitler. He says "man". "We have been told in Berlin". Berlin's population is two million.

Q: I wish you would not make speeches, Mr Irving, but listen to my questions. Why was it relevant to observe, if it is perfectly certain or more or less certain or as certain as an historian would like, that Frank and Hitler were in Berlin at the same time, why do you say "in Berlin" close quotes, " - and with Hitler in East Prussia this", that is to say Berlin, "can only be taken as a reference to Heydrich's agencies"?

A: In Berlin people tell us -- had it been Adolf Hitler who had told him this, he would not have said the slightly deprecating "in Berlin people tell us", certainly not in the company of Reichsministers and Reichsleiters. Somebody would have reported back.

MR JUSTICE GRAY: You are slightly at cross purposes. I think all that Mr Rampton is putting at the moment is that they were in Berlin at the same time?

A: This I accept.

Q: Namely, Frank and Hitler.

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A: This I accept.

Q: So your point on "man" and whether that is significant is a different point.

A: Perhaps I am jumping the gun on that, yes.

MR RAMPTON: You are. You are not seeing, whether deliberately or not I know not, you are not seeing what I am putting to you. What I am putting to you, and I will put it directly, although I would have thought it was pretty obvious, is that with this little phrase in Hitler's War both editions and with Hitler in East Prussia, this can only be taken as a reference to Heydrich's agency, "continue, they tell us", etc., "to liquidate them yourselves". By doing that what are you actually telling the reader is that Hitler was not in Berlin at the time when Hans Frank was given this instruction?

A: I think probably the parenthesis should have been shifted forward two or three words to include "also people tell us", "in Berlin people tell us", so that it makes it quite plain that I am relying on the parenthesis both on the "in Berlin" and the rather deprecatory word "people tell us".

MR JUSTICE GRAY: That is not quite an answer to the question.

MR RAMPTON: It is not.

A: Very well. Yes, I will accept the point which you make, yes.

MR RAMPTON: Had you sought historical accuracy, that parenthesis would have been attached

to December 16th

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1941, would it not, at the top of the page: "Announcing to his Lublin cabinet on December 16th 1941 Hitler was in East Prussia at the time", if it was of any interest to anybody. What you have tried to do, you have distorted the chronology in order to make perfectly certain that Hitler cannot have anything to do with this appalling instruction to Hans Frank?

A: I have not distorted any chronology at all. The dates are perfectly certain. On December 16th, at the time of this speech by Governor Frank to his cabinet, Hitler is in the Wolf's lair in East Prussia, as I said.

Q: Mr Irving, perhaps you are tired, perhaps I am tired.

A: I am not so tired that I do not remember dates that I have written in books.

Q: Mr Irving, I am sorry, it is not the problem that you do not remember the dates. I am afraid I think you remember them only too well. I will try once again then and I am going to leave it.

Why do you not have the text of Hitler's War in front of you?

A: I have it open, yes.

Q: 428, it does not matter which edition: "Hans Frank announcing to his Lublin cabinet on December 16th 1941 that Heydrich was calling a big conference in January on the expulsion of Europe's Jews to the East, irritably exclaimed", blah-blah-blah "!'In Berlin' and with Hitler in East Prussia, this can only be taken as a reference to

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Heydrich's agencies", blah-blah-blah, "liquidate them yourselves."

A: Yes.

Q: Now that is apt to suggest to any person who is even marginally literate that Hitler was not in Berlin at the time when Hans Frank was and was given that instruction?

MR JUSTICE GRAY: You have got a "yes" to that already, Mr Rampton.

MR RAMPTON: I have, have I?

A: I fully understand the point you are trying to make and that is a narrow interpretation of those words which you are trying to slant or guy rope in the direction you want them. The point I am making is that Hitler's headquarters is historically in East Prussia. The seat of the Reichssicherheitshauptamt under the SS is in Berlin, and Governor Frank making his speech is in Krakow. When he talks about Berlin he is talking about the SS. When he wants to talk about Hitler he will say "East Prussia". When he says, "in Berlin they tell us this or tell us that", he is not talking about a specific meeting or a specific event where they have been given these instructions. He is just talking about these block heads, these mutton heads in Berlin who imagine that life can be made so easy that they just put the people on trains and send them to Poland.

Q: Yes, Mr Irving. Then why insert the reference to Hitler

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at all in relation to what Frank was told in Berlin?

A: Because I was trying to put into one terse line of text given the constraints of writing a book that is going to be less than 1,000 pages what I just set out to you in probably ten lines of text.

Q: Why? What has Hitler got to do with this?

A: This is his Hitler's biography. This is about Adolf Hitler.

Q: Unless there is evidence that Hitler said this to Frank himself, you would not bother even to

mention Hitler?

A: It may be that ignorant people will assume that because Adolf Hitler is the Reichschancellor and his capital is Berlin, therefore, the reference to "people" is Adolf Hitler. I am trying to make sure that ignorant people do not draw the wrong reference.

Q: In order that ignorant people should not have to have it explained why it is not likely this order came from Hitler, I beg to differ with you about that, but in order that ignorant people, as you call them, should have that explained to them neatly, you actually tell a neat little fib. You get Hitler out of Berlin when in fact he was there?

A: But there is nothing that is the least bit wrong about the sentence I put in there. With Hitler in East Prussia, his headquarters were in East Prussia, the references to Berlin can only be taken as references to the SS, the

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Heydrich's agencies, who were in fact wholly responsible for these operations. As we know from other sources, Hitler was intervening constantly to stop these things being done.

MR JUSTICE GRAY: I have got the point anyway.

MR RAMPTON: Yes, I am not going on.

A: It is the reference to general geography; not to specific meetings or conferences that you have only recently heard about, no matter how dramatic these discoveries may be or made to seem.

Q: Will your Lordship forgive me a moment? May Mr Irving please be given bundle H3 (ii). I think these are Professor Browning's documents.

MR JUSTICE GRAY: That is one I have not got here I am afraid.

A: This is the actual conference.

MR RAMPTON: At tab 11, no sorry.

A: 10.

Q: It is open at the right place but I just want to identify the document.

MR JUSTICE GRAY: Tab 9, page 458.

MR RAMPTON: It is called "Footnote 88" which is the Hans Frank extract which is printed in Professor Browning's report at paragraph 5.1.13 on pages 31 and 32. He has quoted some of that diary, but there is another passage here which I would like you to look at in the German, please, Mr Irving, while I read slowly a translation.

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A: Presumably the second paragraph?

Q: The first complete paragraph on page 458. This is the Hans Frank so-called "diary". Correct me as soon as I go wrong. No, I will read it once and then when we go through it again you tell me how this translation is in error, if it is. "For us the Jews are also particularly useless, might be damaging, consumers of food, mouths. We have approximately 2.5, perhaps with those related to Jews and all that belongs to that 3.5 million Jews. We can't shoot these 3.5 million Jews. We can't poison them. But we will, however, be able to undertake interventions which in some way lead to a successful annihilation, and indeed in connection with the large scale measures to be undertaken from the Reich and to be discussed. The General Government must become just as free of Jews as the Reich is. Where and how that happens is a matter for the institutions which we must put into action and create here and the effectiveness of which I will report on to you in good time." Is that roughly an accurate translation of that paragraph?

A: Just two minor beefs, as I would call them. I would say in connection with, where he says "in

connection with the measures to be discussed from the Reich", I would say "in the context of" is probably a more apposite description.

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When he talks about "the institutions", "is a matter for the institutions", "instansun(?)" would be more accurately translated as "departments" in the sense of government departments.

Q: Yes. I am happy to wear that correction for the moment. I do not know whether the translator is. I will find that out later. Does that not, Mr Irving, completely demolish the idea that in Berlin it was Frank who was telling the people in Berlin "liquidate the Jews yourselves"? Is he not here expanding on the instruction from Berlin, "liquidate them yourselves"?

A: May I first of all make plain that I had not seen this passage at the time I wrote the book. So this is not something that lay before me when I wrote my books. Can I make that quite plain on oath?

Q: Yes.

A: You will find this when I produce the materials that I had that were given to me by the Institute from the Hans Frank diaries. Secondly, it confirms what I said about them already having more Jews in the Government General than they could handle. They could not feed and house the ones they did have and they were very indignant at any more being dumped on them given the problems they had of feeding the mouths they already had.

Q: He is saying: "We have got two and a half, maybe three and a half million Jews in this part of the Reich occupied

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territories, we cannot shoot them all, we cannot poison them."

A: He says "we can't shoot them". He does not say "all". There is a subtle difference there.

Q: Is it?

A: Yes.

Q: Oh.

A: Yes, otherwise it implies they can shoot some. If I am saying I cannot shoot all the people in this room, that implies half the people in this room have a rather bleak lookout.

MR JUSTICE GRAY: Yes, but making the phrase "Judenfrage" is pretty unambiguous.

A: No, the actual phrase that has been translated here, he says: "These 3.5 million, we can't shoot them. We can't poison them", and Mr Rampton just slid in the word "all".

MR RAMPTON: Oh, no. I am paraphrasing. Be kind to me, Mr Irving.

A: You put in the word "all". We all heard you say it.

Q: Of course it does, but that is what it means?

A: No. What it means is quite plain. "We can't shoot them".

Q: How do you make the General Government "Judenfrage" if you do not get rid of all the Jews, if you do not achieve a vernichtung serfolg?

A: I do not want to labour the point. If you say that we cannot shoot them all, that implies we can shoot some of

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them. If he says we cannot shoot the Jews that implies we cannot shoot any of them.

Q: That will do. We cannot poison them. We cannot shoot 3.5 million. We cannot poison 3.5 million?

A: But we will be able to do something, he goes on to say, which will lead to wiping them out, getting rid of them, vernichtung.

Q: Getting rid of?

A: Vernichtung.

Q: Vernichtung is to get rid of?

A: I am just saying the sense of this sentence is, "we can't kill them, we can do something that will get rid of them."

Q: It is not.

A: He just said, "We can't poison, we can't shoot them". Whatever ways would you suggest?

Q: Gas, Mr Irving, gas?

A: Vergeltung? It sounds like poisoning to me, poison gas.

Q: "Gift gas" is poison gas. Vergeltung is poison?

A: That is right, he says "we can't do it".

Q: Yes. He does not say anything about gassing. This is an evolutionary document.

A: No point using gas if it is not poison gas.

MR JUSTICE GRAY: Mr Irving, I am not sure I got your answer to the initial question which was, does this or does it not show that the instructions were from Berlin to the General Government as to what was to be done in the General

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Government?

A: I am sorry, my Lord, if I did not make myself plain. I thought that this in fact supported my version that Hans Frank was saying that they already had all the Jews they could handle. They could not even feed the ones they had got: "So please don't send us any more, get rid of them yourself".

MR RAMPTON: So the word "vernichtung serfolg" is not talking about a liquidation?

A: If you want to wipe out Christianity you do not have to liquidate the Christians.

Q: I do not see anything about Judaism in this passage. It is all about Jews, numbers of Jews, 3.5 million?

A: He says here explicitly, "We can't kill", he says, I will translate it for you and it is exactly the same as your translation there. "These 3.5 million Jews, we can't shoot them, we can't poison them, but we will be able to do something which will one way or another lead to a successful wipe out, destruction".

Q: Annihilation?

A: "We will get rid of them". We are back on that word vernichtung again, which Germans who like using these words in the knowledge they are going to be providing endless humour for lawyers 50 years down the road.

Q: I do not think it is very humorous, Mr Irving, I am bound to say, not humorous at all.

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A: That is why I prefer to sit on documents where it is absolutely unambiguous where we do not have to waste time about the meanings of words.

Q: You mentioned I think, whether it was this morning or yesterday I am afraid I cannot remember, somebody called Wisliceny?

A: Wisliceny, W-I-S-L-I-C-E-N-Y.

Q: Yes. He was I think on Eichmann's staff, was he not?

A: A member of Eichmann's staff who was responsible for the Final Solution in Slovakia and other countries.

Q: He made some statements after the war, did he not?

A: Under duress, yes.

Q: What do you mean by duress?

A: In Allied captivity, inside the gallows, which is about as much duress as you can imagine.

Q: You are not saying he was tortured?

A: Good Lord no.

Q: You say that Rudolf Hess was tortured, do you not?

A: I say that he was maltreated. He had a torch rammed into his mouth.

MR JUSTICE GRAY: Let us stick with Wisliceny for the moment otherwise we are going to get confused.

MR RAMPTON: That is my fault, my Lord.

A: He richly deserved it, people like that.

Q: No, I do not agree with that as it happens, Mr Irving. Can you see if you still have Professor Evans' report

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there? It was handed to you in error earlier.

A: Yes.

Q: I am sorry. Let us turn to page 344, will you?

A: Yes.

Q: Evans' report. It is at letter G and Professor Evans writes this, Mr Irving. I will not read the heading except to say it says "Testimony of Dieter Wisliceny".

A: It also says: "Manipulation and Suppression of Evidence".

Q: I was going to save your blushes. Yes, it does, does it not?

A: Yes.

Q: "As described above, Irving claims that Dieter Wisliceny, one of Eichmann's top officials, described Goebbels' article in Das Reich as a watershed in the Final Solution of the Jewish problem. Once more Irving makes it very difficult to verify claims. According to his footnotes, Wisliceny's postwar report of 18th November 1946 can be found in the IFZ file F71/8. However, this file does not exist and Wisliceny's report has to be located elsewhere." It is a minor point, Mr Irving. Do you accept that you gave a wrong reference?

A: No. I saw this file probably 30 years ago, probably before Professor Longerich was born.

Q: This is not Professor Longerich. This is Professor Evans.

A: Well, even more to the point. That being so, it is

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extremely likely that they changed the reference number since the archives are constantly changing reference numbers.

Q: It is a small point. "In his report Wisliceny states that after the invasion of the USSR in June 1941 Nazi policy against the Jews was transformed dramatically in a step-by-step process, completed in the Spring of 1942. One these radicalising steps was taken in late 1941. As Wisliceny reported: 'The second wave of radicalization began after the USA entered the war. This could clearly be felt in the internal German propaganda too. Externally it was expressed in the introduction of the yellow star as a mark of the Jews. Reference in this connection also to the Goebbels' article that 'Jews are guilty' in an edition of the magazine Das Reich'. "In this period of

time, after the beginning of the war with the USA, I am convinced must fall the decision of Hitler which ordered the biological annihilation of European Jewry" -- biologische vernichtung des europaischen Judentums befaehl.

A: Yes.

Q: You are well aware of that passage?

A: Yes, and I draw attention to the fact that in order to emphasis that the word "vernichtung" here means killing he adds the adjective "biologische", biological, because without that it does not mean it with sufficient emphasis.

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MR JUSTICE GRAY: Do not let us go back on that.

MR RAMPTON: You can argue about it. Eventually, you see, Mr Irving, whatever you may think and whatever I may put to you, his Lordship will make a decision about what the natural meaning of the word is in these various contexts.

A: But without input from me he will only hear input from you.

Q: Of course you must say what you think it means. Whether I or anybody else accepts what you say is quite another matter.

A: But I think it is quite useful to say it here in view of the fact that this man obviously thought that "vernichtung" does not mean killing unless he adds the word "biologische" in front of it.

MR JUSTICE GRAY: I do not think that is right actually, but I have the point. It is obvious what it means if it has "biological" attached to it. If it has not, you say it does not mean extermination. Mr Rampton says it does. I think we really have thrashed that one.

MR RAMPTON: I am afraid I am going to take up, argumentative person that I am, one little point on this. You notice, do you not, that although you stress the use of the word "biologische" to qualify "vernichtung", what is it that is being biologically annihilated?

A: Judentums.

Q: Judentums?

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A: Yes.

Q: European Judentums?

A: Yes.

Q: What is "Judentums"?

A: In this case quite clearly he is talking about the Jews because he has added the word "biological in advance" and you cannot have biological in reference to provision.

Q: There is no rule of German which says that the word must mean Judaism. It can easily mean Jewish people or Jewry as a collective, can it not?

A: I do not want to labour the point, but this is why dictionaries give orders of priority for the meanings of words, the first meaning, second meaning and third meaning and so on.

Q: Wisliceny thinks or says that he things, is reported as saying that he thinks, that the order for the biological annihilation of the European Jews came from Hitler. He is saying that, is he not?

A: He could set that conviction of his to music and play it to the mass bands of the Cold Stream Guards, but it does not make it proof.

Q: He says it again and again. Is it right that you have consistently ignored what he said?

A: What is the date of this report, Mr Rampton?

Q: It is 1946, 18th November 1946.

A: Just two or three weeks after the unfortunate Nazi

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gangsters have been hanged at Nuremberg. Where is he writing this report?

Q: Is the answer to my question, yes? Give the explanation afterwards, please, Mr Irving. The answer to my question is, yes, you have ignored it. Now the reason ----

A: No. The answer to the question is that I have discounted that kind of evidence as being the fact that he does not say he saw an order. He is saying it is his opinion. He thinks that, yes, there must surely have been some such kind of order. What kind of evidence is that given by a man sitting in the face of the gallows just after the Nazi leaders have been hanged at Nuremberg, and he is sitting in Czech Slovak prison knowing that he is going to be hanged as well, and he is sitting down there writing the first thing that comes into his head, and he says: "Well, surely Hitler must have given an order." What kind of evidence is that? What kind of historian would I be who in the absence of any kind of documentation whatsoever of any concrete diamond value of the war archives then decides to pollute his work with relying on this kind of documentation? Material that Wisliceny himself is an expert on -- I remind you of the Trevor Roper criteria, something that he himself has experienced, something that he is in a position to know. That I would accept, but for him to speculate, as he clearly is here, that is neither here nor there. It is information of janitorial level.

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Q: Yes. Janitorial, this is to anticipate something we are going to come to perhaps next week or the week after, Mr Irving, but "janitorial level" is a phrase you often use. Is not "janitorial level" very often the place you expect to find the diamonds?

A: Janitorial level is not the kind of place that I frequently inhabit, Mr Rampton.

Q: That is very patrician of you, Mr Irving. If you are an historian you must look even in the basement, the sewer, if you want to find the gems, must you not sometimes?

A: If one fails to find the gems, my opponents and my jealous rivals they have gone down among the sewers looking for things, but I found the gems because I have done the work.

Q: You saw some of them, did you not, in Professor van Pelt's report, "janitorial gems"?

A: We shall have great enjoyment discussing this with van Pelt when the time comes.

MR JUSTICE GRAY: Can I just understand why Wisliceny is being put into the janitorial category at all? He is one of Eichmann's top officials.

A: He is one of Eichmann's top officials.

Q: And Eichmann was one of the senior officials within the Reich carrying out the extermination programme.

A: Mr Wisliceny is a man who is in deep trouble. First of all he is facing ----

Q: That is a different point, if I may say so. He is not a

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janitor.

A: He is also a man of very dubious character. He is a man who has been not an officer in the SS, but he has been involved in corrupt schemes, in stealing and robbing and disposing of stolen Jewish property and all sorts of things that got him in trouble even with the SS. He is a man

whose character I would not give a fig for. He is sitting in a prison cell in a Slovak prison knowing that he is going to be put on trial for his life.

Q: That is a different point.

A: I am sorry, let me cut to the bottom line and say what he is actually saying here, I have lost it, he is not saying "I know this for a fact"; he is just saying, "I speculate that probably this happened." I have lost it totally, the actual reference.

Q: "I am convinced it must fall the decision of Hitler".

A: Yes, but his conviction that something must fall within, I mean, that is not evidence of any kind at all, my Lord, and I am sure no court would accept that kind of evidence in a matter of great seriousness, somebody's conviction that something must surely have happened, not in the total absence of any kind of qualifying documents.

MR RAMPTON: I am sorry, Mr Irving. Sometimes my questions involve quite a lot of paper chasing. You are quite content to use Dieter Wisliceny when it suits your purposes, are you not?

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A: If it fits the criteria which I mentioned earlier.

Q: If it fits the bill, I would suggest, Mr Irving.

A: That is not what I said. I said if it fits the criteria.

Q: Have you got your Goebbels' book there?

A: Yes.

Q: You say on page 379 -- has your Lordship got one?

MR JUSTICE GRAY: Yes, I have. 379, you say?

MR RAMPTON: Yes.

A: Yes, I have that.

Q: We are talking here about an article written by, or probably written by, Dr Goebbels?

A: It is one of the two most important articles he wrote.

Q: You say that; it was written and published, I think, on 16th December?

A: November.

Q: I am sorry, November?

A: 1941.

Q: 1941, as virulently anti-Semitic as anything that Hitler ever said?

A: Far more so.

Q: You say that, do you?

A: Far more so.

Q: You say here on page 379 in the last paragraph, the complete paragraph, on the page: "Dieter Wisliceny, one of Eichmann's closest associates, would describe the Goebbels' article in Das Reich", that is the one I

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have just mentioned, as a watershed in the Final Solution of the Jewish problem". Then footnote 40 is a reference to the Wisliceny Report, date November 18th 1946. That is to be found on page 645. You go on in the text ----

A: I also reference his interrogations I see.

Q: You did.

A: Yes.

Q: "The SS took it as a sign from above Adolf Eichmann would admit in his unpublished

memoirs it is quite possible that I got orders to direct this or that railroad to Riga", and I don't know where we go from there quite. Yes, I will read the whole paragraph. "On the last day of November, on the orders of the local SS Commander, Friedrich Jeckelm, 4,000 of Riga's unwanted Jews were trucked five miles down" -- the Germans called that Dinoberg, I think, did they not?

A: Dunoberg, yes.

Q: -- "a highway to Skiaturbe plundered and machine-gunned into two or three pits. According to one army colonel", this is Bruns, is it not----

A: It is.

Q: --- who witnessed it, a trainload of Jews from Berlin, those expelled three days before, arrived in the midst of this aktion. Its passengers were taken straight out to the pits and shot. This happened", and here we go again, even has Hitler's hundreds of miles away, "Hitler", I

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emphasise, hundreds of miles away in the Wolf's Lair, "was instructing Himmler that these Berlin Jews were not to be liquidated. I am not going back to that hoary old chestnut, you will be glad to hear, but I do want to take you back to the beginning of this paragraph.

A: It is a remarkable paragraph for a Holocaust denier to write, is it not?

Q: I have no idea, Mr Irving, and anyway I am not going to answer your question. "Dieter Wisliceny, one of Eichmann's closest associates, would describe the Goebbels' article in Das Reich as a watershed in the Final Solution of the Jewish problem"?

A: Yes.

Q: Where did he give that description?

A: What, whether he actually used the word watershed?

Q: Yes.

A: You see that I reference his manuscript written in Bratislava or Presburg and I also reference the interrogations in the associated footnote.

Q: But if you read what we find here in Professor Evans' report which is an English translation of some part of the Wisliceny report, what you immediately realize, you do not learn it from Mr Irving's books, you learn it from Professor Evans' report, what you immediately realize is that Dieter Wisliceny did not see the Reich article as a watershed. He saw the watershed as being an order from

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Adolf Hitler?

A: Can we have a look at the passage you are relying on, please?

Q: The which?

A: The passage of the Wisliceny report you are relying upon in the Evans...

Q: One would have to go back now to ----

A: I no longer trust your paraphrases, you see, Mr Rampton.

Q: --- where I was.

MR JUSTICE GRAY: It is page 340, I think.

MR RAMPTON: Yes. 345, sorry, my Lord. The passage -- I am not going to read it again, I have read it once already. Read what is said there. The German is at the bottom of the page, so if you are going to criticise Professor Evans' translation, say so now.

A: The English is a slightly vague translation. I am looking at the paragraph at the top of page 345, where he says this is just simply "reference in this connection also to the Goebbels-article" --

--

Q: Yes?

A: --- "The Jews are guilty".

Q: What does the German say?

A: The German says: "In this connection, I draw attention also to the Goebbels-article 'The Jews are to blame' in an edition of the newspaper Das Reich" which is possibly a slightly more coherent way of translating it.

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Q: But he is talking about German propaganda, that is to say, domestic propaganda, is he not?

A: Yes.

Q: After 11th December when Hitler, perhaps rather stupidly, declared war on the United States?

A: Yes.

Q: He is talking about the Yellow Star and he is talking about the article in Das Reich as examples. He then said: "In this period of time, after the beginning of the war with the USA, I am convinced must fall the decision of Hitler which ordered the biological annihilation of European Jews". So how is it, if that is the piece you were referring to, that that gets converted into Dieter Wisliceny saying that the article by Goebbels in Das Reich was a watershed?

A: I beg to differ with you. I think that even this source bears me out. He said the words you omitted in your summary, he says: "The second wave of radicalization began" and the instance of this he gives is the publication of the article. This is what triggered off the off the second wave of radicalization. But you have also overlooked, and I am sorry I tripped you up on this when you referred to the Goebbels' Diaries, would you like to read out the reference for the passage that I gave you? You implied that it relies only on the Wisliceny report.

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Q: No, you refer to something else, but so what? Sorry, I am not following you.

A: If you look in the source reference, it clearly says: "Wisliceny report and interrogations of Wisliceny in the national archives" which Professor Evans has obviously not bothered to look at.

Q: I am quite open-minded, Mr Irving. If you tell me that in the interrogations, as opposed to the report, there is a positive statement by Wisliceny to the effect that Goebbels' article was the watershed or a watershed, then I will accept it, if you tell me to find it?

A: Mr Rampton, I am under oath and I am not going to make a statement from memory for something that I cannot back up without going home and checking the files All that I do say is that Professor Evans has made no reference to the fact that I used other sources to justify that one sentence and that he, apparently, has not bothered to go and have a look at those interrogations of Wisliceny because they are so many thousands of miles away.

Q: We may just have time to go over to the other side of this page in Evans' Report, 346 at paragraph 4. This is a further extract, says Professor Evans -- of course, you may prove that he is wrong about it -- this is an extract from the same document, apparently, where Wisliceny says this: "According to Eichmann's own report, which he

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made to me, Globocnik (sic) was the first to use gas chambers for the mass extermination of

humans. Globocnik had set up big labour camps for Jews in his area of command, and he got rid of those who were unable to work in the manner described. As Eichmann explained, this 'procedure' was 'less conspicuous' than the mass shootings". The German is "Massenerschiessungen". Do you remember those words? Do they ring a bell?

A: Yes, indeed.

Q: Something to do with General Bruns? Does that ring a bell?

A: Well, there were mass shootings occurring all over the Eastern Front. It is not specifically a reference just to that one. There were mass shootings at Riga, there were mass shootings at Minsk, mass shootings elsewhere in the Ukraine. So it would be specious just to say this is a reference to the Bruns Report.

Q: My point is a slightly different one. Indeed, it is not a reference to the Bruns Report.

A: Well, you mentioned the Bruns.

Q: Exactly, and I will tell you why. What Bruns said he was told by Altemeyer was to precisely the same effect, "These mass shootings, or mass shootings of this kind, mass shootings, must stop. That must be done more discreetly"?

A: Yes.

Q: It is almost a mirror image of what Wisliceny reports

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Eichmann having said, this procedure, gassing, was less conspicuous, "unauffälliger" ----

A: Yes.

Q: --- than the "Massenerschiessungen"?

A: This was the tendency in the SS; they did not like shooting people. Shooting took it out of them.

Q: Sure.

A: Yes.

Q: And that is why they took to gassing people, is it not?

MR JUSTICE GRAY: But you accept, do you, Mr Irving, that ----

A: Gassing did occur, yes.

Q: --- the Bruns Report corresponds with what is, apparently, recorded in Eichmann's report?

MR RAMPTON: In Wisliceny's report, my Lord.

MR JUSTICE GRAY: Sorry, in Wisliceny's report.

MR RAMPTON: It is double hearsay, if you like, but so what if you are an historian.

A: It is indeed and the word "report", of course, is slightly sharpening it up. He is actually just saying, "According to what Eichmann said", he is saying.

MR RAMPTON: Do they not echo one another?

A: Yes.

Q: Bruns is talking about shootings in the Osland in Latvia?

A: Yes.

Q: Here Wisliceny is talking much more generally, is he not?

A: Indeed, yes, and we do not know about what period he is

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talking about, we do not know about what region he is talking about.

Q: Do you not detect in the convergence of those two completely otherwise unrelated pieces of evidence ----

A: Yes.

Q: --- even a hint of a suggestion that the reality was that mass shootings were embarrassing because they could get out because it upset the soldiers too much, because it was expensive in bullets, a shift in policy from shooting to a more discreet means of disposal, that is to say, gassing?

A: I am afraid that was such a long question that I had lost you halfway through again.

MR JUSTICE GRAY: Well, I think it is the end of a longish day for Mr Irving and I think we will...

MR RAMPTON: I will repeat the question first thing on Monday morning.

MR JUSTICE GRAY: Will you?

MR RAMPTON: It will be on the transcript.

A: Can you put it in two halves so that ----

MR JUSTICE GRAY: It was a long question. Anyway, we are adjourning now.

A: --- a bear of limited brain can follow it, but I lost it.

MR JUSTICE GRAY: So it is 10.30 on Monday in court 73

(The court adjourned until 10.30 p.m. on Monday, 17th January 2000)

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