

PROCEEDINGS - DAY FOUR

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DAY 4 Monday, 17th January 2000

MR JUSTICE GRAY: Yes, Mr Irving?

MR IRVING: May it please your Lordship.

MR JUSTICE GRAY: I think this court is better. I know a lot of work has been put into moving everything and I am very grateful for those who did it.

MR IRVING: I am indebted to the solicitors in this action. An added burden falls upon them, my being a litigant in person.

May it please the court, I have addressed a letter to the court suggesting that we spend some ten minutes this morning dealing with some minor matters that have come up, and also I wanted to propose that your Lordship should appoint a date when we might have a formal argument, lasting perhaps one half hour for each party, on this important question of what is relevant and what is not.

MR JUSTICE GRAY: Are you talking about Auschwitz now?

MR IRVING: About Auschwitz, my Lord, yes.

MR JUSTICE GRAY: I did not realize there was a dispute between you as to what is or is not relevant in the Defendants' evidence for that matter.

MR IRVING: Your Lordship will remember on the very first day in my opening remarks I did draw your attention to the fact in my view what happened 50 years ago was less important than what happened within the four walls of my

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study, as I put it.

MR JUSTICE GRAY: That point I fully understood, but I am not sure that knocks out the much of the Defendants' evidence, but we do not, I think, want to get into that today.

MR IRVING: I do not want to get into argument today, but I wonder whether we possibly ought to steer toward having a discussion about it, so we can clarify our minds about the relevance of this. I have seen that the Defendants have made remarks to various foreign newspapers about the Auschwitz lie or about Auschwitz and such. It is not. It is about specific libels as set out in the Statement of Claim.

MR JUSTICE GRAY: In this court we are all agreed about that, but, yes, do raise that whenever is a convenient moment; I suspect now is not.

MR IRVING: Now is not the right moment.

MR JUSTICE GRAY: Because we are on another topic. You are in the middle of your evidence.

MR IRVING: I suspect we will have to prepare ourselves for it. But if you were to limit it to say half an hour each side maximum. I will try to persuade your Lordship to limit the ambit of the evidence and the argument and the hearing itself which would have a pleasing effect on the length of the trial, but, on the other hand, I am sure that the Defendants would wish to argue in the other direction.

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MR JUSTICE GRAY: Well, perhaps the first thing between you and Mr Rampton is to try to

agree a time when it might be convenient to raise this issue.

MR RAMPTON: My Lord, can I perhaps intervene at this stage?

MR JUSTICE GRAY: Yes.

MR RAMPTON: As matters presently stand, I see that I have just been handed something from Mr Irving -- I expect your Lordship has it too -- containing some sort of a proposed timetable for his witnesses ----

MR JUSTICE GRAY: Yes.

MR RAMPTON: --- about which I have no comment to make except this, that Professor van Pelt, as Mr Irving knows and has known for some time, is arriving in this country at the end of this week with a view to his giving evidence at the beginning of next -- no, sorry not giving evidence being in court while I cross-examine Mr Irving about Auschwitz. It follows from that -- perhaps, two things follow; one that that cross-examination will be discontinuous, that is intermediate because of these other people that are coming. I am not going to stand in their way if it is inconvenient for them. I have few, if any, questions to ask them anyway, I suspect. But it does mean that before I start my cross-examination on Auschwitz, if there is a ruling to be made, it would need to be made before the beginning of next week, preferably before Professor van Pelt steps on an aeroplane to come to Europe.

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MR JUSTICE GRAY: Yes. We have proceeded on the basis that we are having two separate issues or two separate chunks of evidence; one related to Auschwitz and the other relating to everything else. You are in the middle of cross-examining on everything else. My impression is you have a little way to go.

MR RAMPTON: I have miles to go.

MR JUSTICE GRAY: How far to go? We may have to put Professor van Pelt off, may we not?

MR RAMPTON: It depends, because what I call the Evans part of the case is not a narrative I tried to keep it started at the end of 41, and so as far I am trying to keep on that track, and I will I hope this week manage to get to the beginning of the autumn of 1942. Maybe I will get a bit further than. But then there are all sorts of what one might call various things such as Dresden, such as Reichskristallnacht, which have nothing to do with the narrative, but everything to do with Mr Irving's historiography. I shall have to get to those.

MR JUSTICE GRAY: I think having gone down the road of treating those as separate issues, as being taken together and leaving Auschwitz on one side, we must follow that, must we not? It will be hopelessly difficult for everybody to suddenly switch back to Auschwitz and then resume your cross-examination.

MR RAMPTON: Auschwitz is more nearly a part of the narrative

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that I am launched on now, chronologically speaking, than for example Reichskristallnacht, which is 1938. I had in mind to lead up to Auschwitz by the questions I shall ask about other matters arising from the Evans report and Browning and Longerich. So Auschwitz would fit neatly in at the end of my cross-examination this week as part of the historical narrative.

MR JUSTICE GRAY: Mr Irving, I think this is quite helpful to debate this through. I had really understood the point you are on at the moment to be part of your case for saying that Hitler knew, if that is what it all goes to, and kristallnacht goes to that, so indeed did the events of 1924.

MR RAMPTON: This is all to do to with system -- two things, how systematic were the

shootings and the gassings --

MR JUSTICE GRAY: How high up did the instruction come from.

MR RAMPTON: How high up did it go. Embedded in that all are very specific criticisms about the way in which Mr Irving deals with the material.

MR JUSTICE GRAY: Of course, because that is an aspect of ----

MR RAMPTON: The libel.

MR JUSTICE GRAY: --- your case in relation to whether Hitler knew.

MR RAMPTON: Of course.

MR JUSTICE GRAY: Mr Irving has not taken account of all the material.

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MR RAMPTON: That is right.

MR JUSTICE GRAY: But, looking at it from my point of view, I would find it helpful to go through all of that in one bite, as it were, and to treat Auschwitz separately. If that is not practical, well, then we will have to live with it.

MR RAMPTON: I will find out, obviously, in the light of what your Lordship said, whether it is practical, but I have to say I think at this stage it is going to be very difficult. I know, that Professor van Pelt has a significant or substantial academic appointment to fulfil in, I think, March, is it March -- yes.

MR JUSTICE GRAY: That is a fair way off.

MR RAMPTON: Yes, I know.

MR JUSTICE GRAY: We have to keep an eye on this not running out of control.

MR RAMPTON: I quite agree. We have allocated three months, give or take maybe a week or two. I am very anxious, from my clients' point of view, we keep to that schedule if we possibly can.

MR JUSTICE GRAY: Of course.

MR RAMPTON: One of the key elements in all this is I do not know what Mr Irving's position on Auschwitz is.

MR JUSTICE GRAY: That may emerge if we have the debate about how much evidence is really relevant on Auschwitz.

MR RAMPTON: Yes, I have two -- I make it perfectly clear,

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I have always done -- main lines of attack so far as Mr Irving and Auschwitz are concerned, which all really amount to the same thing; either he leapt on the Leuchter bandwagon without having bothered to think about it, which is very good evidence of his poor quality as an historian, or else he did think about it and his position is every bit as bad. So for that reason the detail may or may not be relevant, but since I do not know what his position is ...

MR JUSTICE GRAY: Again, I do not want to get into it too much, but one of the points you make is that there is a lot of evidence, eyewitness evidence, and the like, which, as I understand your case, you contend Mr Irving has not given proper or, perhaps, indeed, any weight to. How does that k-- I mean, that must be part of the case still, must it not?

MR RAMPTON: Of course it is. I could cross-examine Mr Irving for a month about Auschwitz if he will not concede a single point about the convergent evidence which, as a matter of probability, would satisfy the historian that it happened.

MR JUSTICE GRAY: Yes. Well, you have put a few markers down. Mr Irving, I think it is helpful just to see the way the wind is blowing. Shall we try to deal with your witnesses?

MR IRVING: I will reserve my position on Auschwitz. I have

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very powerful material which supports my position. The second point, I am just asking your Lordship to utter a verbal "tut tut" to the Defence as they keep on trickling material at me.

MR JUSTICE GRAY: Yes. You refer to Professor Evans having submitted a closely typed 18 page list of amendments.

MR IRVING: To his already very detailed report.

MR JUSTICE GRAY: I am not totally sure that has reached me, but may I wrong about that.

MR IRVING: It is about 5,000 or 8,000 words, I estimate very detailed, probably about 200 separate points.

MR JUSTICE GRAY: I have, if I may say so, a lot of sympathy with that ----

MR IRVING: The accuracy with which he is working, on the other hand, it inflicts an added burden on us.

MR JUSTICE GRAY: I see that. I am conscious of the heavy burden you are bearing. I am well aware of that.

MR IRVING: My Lord.

MR JUSTICE GRAY: Have I actually got that, Mr Rampton?

MR RAMPTON: I do not know, my Lord.

MR JUSTICE GRAY: The addendum.

MR RAMPTON: If not, I can only apologise on all our behalves; you certainly should have done.

MR JUSTICE GRAY: At some stage I am, presumably, going to have to absorb it. I have noted, Mr Irving --

MR IRVING: The third point, my Lord. I have suggested a

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proposed timetable for witnesses.

MR JUSTICE GRAY: Before we get to that, could I go back to your point (1)? I am a little concerned you feel part of your case has gone by the board.

MR IRVING: Indeed, my Lord. If your Lordship would indicate how and in what manner I would be able to introduce the evidence I propose to lead?

MR JUSTICE GRAY: I thought about that. Your main concern is you are obviously getting it into my head.

MR IRVING: Getting it before your Lordship.

MR JUSTICE GRAY: Quite. Well, if I may say so, I think you have produced enough in writing and, indeed, to some extent in your opening, in your short evidence-in-chief, in regard to your reputation. I do not think you need be concerned about that. That certainly has not gone by the board, as far as I am concerned. As far as the attempt to destroy your legitimacy as an historian, I know what your case is, but I think I have to remind you that this is actually an action on Professor Lipstadt' book, so --

MR IRVING: I anticipated your Lordship would say that, but in view of the fact that the sources on which that book draws have been part and parcel of this campaign to destroy my legitimacy, as I would have attempted to establish in the evidence that I would have proposed to lead, in that respect I consider it to be relevant to this case.

MR JUSTICE GRAY: Well, up to a point. I think the fact is

that if Professor Lipstadt has jumped on board a sort of bandwagon of critics of yours.

MR IRVING: Use that phrase.

MR JUSTICE GRAY: She has to justify what she has adopted from that.

MR IRVING: It is very difficult to justify if one knows in advance this particular witness is not proposing to submit herself to cross-examination.

MR JUSTICE GRAY: You do not have to do it by going into the box yourself, you can do it by calling experts, as appears to be the Defendants' intention. But do not worry about the point about having gone by the board. I know what your case is. I am very well aware of that.

MR IRVING: A case that is founded on documents is far better than a case based upon mere verbal allegations.

MR JUSTICE GRAY: I see that. If I want to try and elicit more from your own expert witnesses when they come to give evidence about your own reputation and, indeed perhaps, about the campaign, well, to a limited extent, of course, you can do that.

MR IRVING: What about the historical documents, my Lord? For example, in December 1942, on Friday, we were looking at the December 1942 document -- I am sure your Lordship remembers -- when Himmler sent a report to Hitler saying the 300,000 Jews shot as partisans, roughly speaking, and this is used as evidence against me, or against my

position. There is a similar document from the same month showing a conference between Himmler and Hitler where Hitler is authorising Himmler to sell Jews to foreigners for foreign currency which would indicate in the other direction that he is not hell bent on destroying every Jew that comes into his possession. How will I be able to submit documents like that to your Lordship's attention?

MR JUSTICE GRAY: This is a document not in your discovery at the moment.

MR IRVING: It is in the discovery. All these kinds of documents are in the discovery, but unless I -- I think there are over 2,000 documents in my discovery, many of them of many pages, and I am sure your Lordship will not have had time to consider them all.

MR JUSTICE GRAY: No I do not pretend to.

MR RAMPTON: Might I again, I am only trying to help, I have no doubt at all that Mr Irving is correct -- I have not looked at it myself but when he says he has disclosed these documents I have no doubt he has. What has happened is, of course, that the files, "bundles" the lawyers call them, which your Lordship has, are ours. Little or no material from Mr Irving's side, except in so far as we already had and want to use it. What has not happened in this case, I know not why, is there has not, I do not I think, been any request from Mr Irving to have files made up.

MR JUSTICE GRAY: I follow.

MR RAMPTON: For submission to the court in the normal way.

MR JUSTICE GRAY: Mr Irving is obviously free where they are relevant to say, well, there are other documents that put a different complexion on it.

MR RAMPTON: I do not dispute this at all, what I am uncomfortable about as an advocate is, and I would I think if I were the judge in this case be uncomfortable about, is having documents coming at one with very little notice and at sort of random intervals. I would rather some hearing

time or at some time when Mr Irving is not doing something else he could sit down and make a list of all the documents that he wants to refer to rebut our case against his integrity as an historian. Then we will have them made up into files, which would then become the --

MR JUSTICE GRAY: I think he would say I cannot really say in advance because it depends very much on what tack you adopt in cross-examination. He will hear what you say.

MR RAMPTON: My cross-examination merely follows the scheme of my expert reports. There is nothing -- there is nothing -- there is no ambushing. It is all there.

MR JUSTICE GRAY: No, I accept that.

MR RAMPTON: What is more there were all those written requests for information that we served in October or early November.

MR JUSTICE GRAY: Mr Irving, you hear what Mr Rampton says, the

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problem is time. I mean, you are not going to have a day to sit down --

MR IRVING: I agree, I am looking at practicalities.

MR JUSTICE GRAY: And do a list. I think the answer must to the extent you want to refer to documents you must be free to do so, but I am not inviting you to produce a sort of steady trickle of odd documents as we go along.

MR IRVING: My tactics will be, my Lord, that I will take specific issues, as I intend to this morning for a very few minutes suggest on the basis of documents already in the bundle or otherwise in the discovery that my position is correct, and that the position which they have laboured to establish is incorrect. I was proposing to do that for two or three minutes this morning on two specific issues that we will come to later.

MR JUSTICE GRAY: Yes, to the extent you want to introduce documents then I am not going to stop you. What I am very anxious to do is make sure we know where they are landing up. I am intending to put them all in the bundle called "J". It may be sensible if everybody else does the same, including those documents you produced I think on Thursday. But if you can give Mr Rampton advance notice of any documents that are not already in the bundles then that would be helpful.

MR IRVING: I endeavour to do so, my Lord.

MR JUSTICE GRAY: Now these dates for Professor Watt and so

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on. I have no problem with any of them.

MR IRVING: I have established each date with a view to providing sufficient time for adequate cross-examination and, of course, they are flexible to that extent.

MR RAMPTON: The first one is this Thursday.

MR IRVING: Professor Watt, yes.

MR JUSTICE GRAY: Mr Rampton is still going to be cross-examining, that is what he is going to say.

MR RAMPTON: I will still, but I do not mind my cross-examination being interrupted in the slightest.

MR JUSTICE GRAY: No, it might in some ways be an advantage. I do not, like you, think there is going to be much cross-examination of these witnesses.

MR RAMPTON: I do not even know what Professor Watt is going to say.

MR JUSTICE GRAY: That is part of the point, is it not? Shall we proceed on the basis these dates are all acceptable.

MR IRVING: Professor Watt and Sir John Keegan are appearing on subpoena. This brings up one minor point; Sir John Keegan's subpoena was dated for a different date than the date we proposed now to call on because --

MR JUSTICE GRAY: That is agreed, is it not?

MR IRVING: It is agreed. If your Lordship would agree to amend the summons.

MR JUSTICE GRAY: I am not sure I need formally to amend it. It is agreed and accepted --

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MR IRVING: -- Solicitors are very anxious that they should not be held to be in contempt.

MR JUSTICE GRAY: I can say now they will not be, as long as he is here on February 7th at 10.30. You want to address the court on the Anne Frank diary entry and on Goebbels diary.

MR IRVING: Yes, it is a little bundle of pages I gave you. You will be relieved to hear that I only want to draw attention to five or six passages in them.

MR JUSTICE GRAY: Just pause a moment, would you, Mr Irving. What I am going to treat this as being, as your wishing as part of your evidence to amplify some of the answers you gave on Thursday. So I think it is best if you would do it from the witness box.

MR IRVING: Very well, my Lord.

MR JUSTICE GRAY: That may sound a bit of a quibble, but I think that is the right way of doing it. Is there anything else before you go back.

MR IRVING: I think we have dealt with point 6 already, that is the point about Auschwitz.

MR JUSTICE GRAY: Yes. Mr Rampton, there is nothing else you want to raise?

MR RAMPTON: Not in this letter, no.

MR JUSTICE GRAY: Or at all?

MR RAMPTON: Yes, there is. I have another letter from Mr Irving. It came on Saturday. I do not know if your Lordship has it.

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MR JUSTICE GRAY: I do not think I have.

MR RAMPTON: I will do it, if I may, from memory. It looks like that, it has two paragraphs. A very small point on paragraph 1. Yes, of course, he can show it to people who would help him answer the point, or deal with the point. "I do not know about my friends", I suppose that means "helpers". That is a very small point.

There is a more serious point in the second paragraph. The last sentence says: "Materials collected for the purposes of testing the witnesses' credibility and credentials will not be provided. If they are materials which have relevance to credit only, then that is perfectly correct, they need not be provided: If, however, they have relevance to the issues in the case then they must be provided.

MR JUSTICE GRAY: Yes, Mr Irving, I think that is right as a matter of law.

MR IRVING: Yes.

MR JUSTICE GRAY: I do not know what you are talking about when you refer to these materials.

MR IRVING: My Lord, I can be more specific. We have obviously a number of experts who are assisting me with advice.

Some of them have submitted lengthy letters to me, others have submitted expertise to me in more a formal form, which is very clearly of a nature designed to test the credit of the witness

Professor van Pelt. My

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understanding of the law is that if it is designed to test his credit then I do not have disclose it.

MR JUSTICE GRAY: That is right.

MR IRVING: But it is very difficult to weed out from these reports what is a test as to credit and what is --

MR JUSTICE GRAY: If you have material which suggests that Professor van Pelt is wrong about --

MR IRVING: Specific issues.

MR JUSTICE GRAY: Whatever it may be about maybe points he makes on the Leuchter report, something of that kind, then that plainly has to be disclosed. But if you have some sort of evidence suggesting that Professor van Pelt has an agenda of his own and has miscondacted himself in some way as an expert, out of the context of this case, then I think you probably would not have to disclose that. That may not be a very clear guide to you --

MR IRVING: We will do so with the utmost reluctance, but if it is the law, then we will do so. But it is rather like playing poker with the other person having a mirror over your head.

MR JUSTICE GRAY: The short answer is, if it goes to the accuracy of his observations as an expert, as to what happened at Auschwitz, then I think you ought to disclose it. If it is just prejudicing him as an expert in the general sense, then I think not.

MR IRVING: We will do so within 24 hours in that case.

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MR RAMPTON: Can I pick up one thing Mr Irving said there, it shows not that he is trying to cheat, I do not mean that at all, but he may be under a misapprehension about the way litigation is conducted nowadays in these courts. He said it is rather like playing poker when your opponent has a mirror over your head, of course, litigation is not poker any more. All the cards have to be on the table anyway. It is like playing, what is the other game, patience.

MR IRVING: My Lord, my comment on that in any case there are any aspersions being cast on me, I do not think any Defendant or any party in an action has ever made a fuller discovery than I have, including the disclosure of my entire diaries.

MR JUSTICE GRAY: I think that is fair, from my impression, I think that is right.

MR IRVING: If I am hiding anything, I am hiding it in plain view.

MR JUSTICE GRAY: Can I just mention only in passing something you might like to think about, it relates to the Goebbels' diaries, in Moscow, the Moscow archive. That looks as if it is going to be the subject of a certain amount of factual evidence. I have seen the way the pleadings go, and I have see what the Defendants are saying and what they are not saying I. Just wonder whether we are wise to spending very much time on that issue. I say that perhaps

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for Mr Rampton perhaps to think about.

MR RAMPTON: He has already thought so.

MR JUSTICE GRAY: I thought he might have. In due course he can tell me the result of his thoughts. It is just we have to focus on what matters in this case. I understand your complaint entirely, but in the end is it a matter we want to spend a lot of time in evidence on?

MR IRVING: Two minutes is not a lot of time. In view of the fact that the newspapers around the world from here to New Zealand have picked on the alleged discrepancies in the diary of December 13th has been proof once more of how David Irving cheated or suppressed. The Defendants have over the weekend retrieved from me the entire Goebbels' diaries which I obtained from Moscow I. Was going to draw your Lordship's attention to two pages of the diaries which I produced. We only had the section which I used. We only read that far.

MR JUSTICE GRAY: Yes, you said that on Thursday. I think you are misunderstanding what I mean by the Goebbels' diaries; I am talking about the issue whether there was a breach of an agreement by you. I do not understand the Defendants even to be alleging that now. But Mr Rampton is going to think about it, and shall we leave with it him because I think the ball is really in his court. If you would like to come back we will resume your evidence.

MR IRVING: Do you wish me to deal with that minor point of

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Goebbels' diaries?

MR JUSTICE GRAY: I think it is a matter of evidence because it was raised with you on Thursday and you can do it in your evidence perfectly easily. **MR DAVID IRVING,** recalled

MR JUSTICE GRAY: Mr Irving wants to deal with the point. Can he not deal with it first?

MR RAMPTON: I see. This is going to be evidence-in-chief, is it? I will sit down.

MR JUSTICE GRAY: It is amplification of his answers in cross-examination, I think.

A: My Lord, the first page of that very small bundle is just to show the form in which I had the -- this was the bundle which I gave to you this morning, page 1, as numbered at the bottom -- this was the form in which I was given the Hans Frank diaries by the Institute of History in Munich some 30 years ago.

I draw your Lordship's attention purely to the little omission in the middle, the ellipses. Something has been left out -- we do not know what it is -- just before the vital paragraph which I quoted. I have provided a translation. If you now proceed, my Lord, to page 4 of that bundle.

MR JUSTICE GRAY: So ----

A: I marked it.

Q: --- what is actually ----

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A: We do not know what has been left out.

Q: You do not know what the ellipses represents?

A: That is why one has to be extremely cautious about how one then uses the ensuing lines, in my submission.

If you proceed to page 4, my Lord, this is the list made by my assistant in Moscow of the Goebbels' diaries plates as they came to us out of the boxes. My Lord, you will see that they are in total chaos. There is no rhyme or reason in what boxes they are in. If you proceed to page 9, my Lord, the fourth, fifth and sixth lines refer to the specific entry which we found one day relating to Pearl Harbour and the meeting with Hitler on December 13th. There is one plate for December 13th. The next glass plate carries over from December 13th to 14th.

You will see notice that it says in German four words ^^ "bis vierten zila ^^ gilazin".

MR JUSTICE GRAY: What is "zila"?

A: It means read until the fourth line.

Q: Fourth line?

A: Yes, the fourth line of that particular entry. We were working, I had a very good assistant working with me and we were as minutia as that. We kept very detailed records of what we did. On page 11, my Lord, you will see that I sent to the Sunday Times a confidential survey of the unpublished Goebbels' diaries fragments which were in my possession.

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If your Lordship proceeds to page 14, this is important, right at the bottom, the last two lines, it says: "Among the things which I brought back are 21 pages of typescript from dictation" covering those dates, 9th to 13th December 1941, which is Pearl Harbour.

On page 16, my Lord ----

Q: Just pause a moment. It looks as if you did not touch at all on the entry which straddles 13th?

A: We are just coming to that, my Lord.

Q: 14th?

A: That is a listing showing that there were 21 pages. That is the significance there. On page 16, my Lord, that is the folder containing the extracts which were provided to the Defendants and you will see they put a yellow post-it on it. That is the thing which I have marked. Item No. 45, copy from pages 1 to 21, my Lord.

Q: Yes.

A: And I have included, if you look at the handwritten numbers on the top, those are the last few pages of the bundle numbered pages 1 to 21 which is the entry for December 13th 1941. If I draw your Lordship's attention to page 20 -- I am sorry the page 20 numbered at the bottom -- if I just rapidly translate a couple of lines from line 3 onwards "Nachmittag", "In the afternoon the Fuhrer speaks to the Gauleiters". This was the meeting where we find out now that he mentioned his intentions to

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do something.

Q: That was the 12th, was it not?

A: He spoke the previous day. Goebbels always wrote his diary up on the following day. There is a brief summary here at this point in the diary of the conference with Hitler. Then Hitler goes straight on to talk about the U boat war. There is only half a page on this page, my Lord, but it carries on straight over on the next page on about the U boat war.

I think the reason why I started a new page was that I was having trouble, as your Lordship will see, with the typewriter, and I have probably got out my screwdriver and fixed it. Your Lordship will see from my Moscow diaries that the typewriter had been pancaked by the airlines.

I invited the Defendants on Friday, if they were suspicious about that gap, to contact the library in Germany to whom I donated the entire diaries in 1993 where they could satisfy themselves that that gap is also on the original, my Lord. That is all I have to say on that matter.

Q: You have a gap on page 22 as well.

A: I think that I can establish, in other words, that all that I had in front of me when I wrote the book was the passage that I had in those diaries, and that what has been published since then is moot, is of no consequence to

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this particular action.

Q: The other thing is the reference "Hitler speaking to the Gauleiter" ----

A: This is typical of Dr Goebbels, my Lord.

Q: It is just one sentence and then he goes on to something completely different.

A: He goes on to something else. Then later on he will come back and dictate to his secretary, Richard Otte, a more full account.

Q: But you say you did not have the bit where he comes back to it.

A: That would have been on a subsequent plate, my Lord, or possibly later on on that same plate, but we only read to the fourth line. So it cannot be held properly against me in this court that I had something in front of me which I should, if I had it in front of me, had used, and at the very end of the bundle, my Lord, you will find four pages which are not numbered which is the latest version of the Adolf Hitler biography which went to press some time ago which contains a perfectly proper treatment of this matter, including all the material now available.

Q: Just let me wait for the transcript to catch up.

A: I will try to speak more slowly.

Q: No, it is all right. Yes, thank you very much. I am going to put this also into the J file.

A: Either that or you could discard it, my Lord, because I am

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sure that you have appreciated the point that I wish to make.

Q: Yes, but I will not keep it in my mind for the next two months.

Cross-examined by **MR RAMPTON, QC**, continued

MR RAMPTON: Mr Irving, just so that I understand what you have just been telling us. I am not going to explore it now, but I want to understand what it is that we have got here. These typed pages, 1 to 21, we have not got all 21?

A: Yes.

Q: We have?

A: No, you have not.

Q: We just have the relevant ones.

A: The ones that are relevant, yes, for the entry.

Q: They are extracts transcribed by you, is that right, on a typewriter?

A: Let me be precise. Sitting at the table in Moscow, I indicated to my assistant, I said, "Please dictate from here down to there" from the glass plates. Now let me get this absolutely correct. I read the glass plates, I dictated them, and later on I transcribed them. Either I dictated them or she dictated them. We shared the work on that particular occasion. I think, in fact, she dictated because if you look on page 16, I have 11th December and in square brackets afterwards: "So says Susie". I was a bit doubtful about whether she had got

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the date right on printed page 17.

Q: Printed page 17?

A: And it is on about the seventh line, 11th December, and in square brackets I have put in a little question mark, "So says Susie?"

Q: Susie is your assistant?

A: That is right, because you would have had to go back about 40 pages on the glass plates to find out what the actual date of the entry was.

Q: I have certainly not seen these glass plates. Even if I should, I doubt I would make much sense

of them. Can you tell me about the glass plates? How big is it? There is a point to this. I am not just wasting time.

A: I am sure. The glass plates were about four inches by three inches, a regular photographic glass plate, negative.

Q: This sort of thing?

A: Slightly smaller than a postcard. Some had 25 images on and some had 48 images on, depending on the format.

Q: Each image of those, let us say, is a page, is it?

A: Each image was either one page in the typescript version because from July 16th 1941 onwards he dictated to a secretary from then until the end of the war, he dictated them, so they were typescript. Until 16th July 1941 they were handwritten and there were two pages photographed at a time in a handwritten diary.

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Q: And does each plate represent one day?

A: No.

Q: No?

A: They just filmed continuously and when one plate ran out, they would then put another glass plate in and film the next one. That is why one plate, if you will note on that list, is called December 13th and the next plate is called December 13th to 14th.

Q: Can I ask you -- I will ask you one more question and then I will ask you to look at something -- do you know from memory -- you do not seem to have a record of it -- how many pages the entry for 13th December 1941 was?

A: No.

Q: All right. Well, perhaps I can help you. I do not know. It is a possibility. Could Mr Irving please be given bundle H4(ii)?

MR JUSTICE GRAY: I am afraid I have not got this, Mr Rampton I am sorry. Thank you.

MR RAMPTON: Could you turn to a handwritten FN 156?

A: 156?

Q: It is about two-thirds of the way through the file. It is what I call a sideways document. You have to turn the file around in order to read it.

A: I have it, yes.

Q: It is a German document. It is headed on the right-hand column on page 487, internal page 487, 13th December in

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German 1941, yes?

A: Yes.

Q: Just glance at this. It runs through -- I think it is the whole entry -- to page 501. These are double pages. So it does not involve turning over a lot of pages. 501 is where 14th December starts. Now, do you recognize this printed version?

A: I do. If you look on page FN 156, you find the passage that is on my transcript.

Q: Sorry? They are all 156.

A: I am sorry. It is on printed page, on book page 494. At line 283, 282, you see the sentence beginning "Nachmittags", "In the afternoon the Fuhrer speaks to the Gauleiters".

Q: I see that.

A: That is the passage which I got.

Q: You have got that passage. But you also got more than that, did you not? Where is your U boat war, your boat war?

A: In that same paragraph. It continues in that same paragraph on printed page 494, book page 494. It continues about the U boat.

MR JUSTICE GRAY: And on the opposite page?

A: And on the opposite page.

MR RAMPTON: Yes, I see that, what is puzzling me about this, Mr Irving, is this. I think you translated some of this

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or all of it for the Sunday Times, did you not?

A: Yes.

Q: Can you turn to page 496?

A: Yes.

Q: "Dab wir im Osten", that is the last of your typewritten German passages, is it not?

A: If you say so, yes.

Q: Well, it looks the same, does it not?

A: Page handwritten 21 of my note?

Q: Yes.

A: That is correct.

Q: That is the same one. I think that was the last of the passages on this day that you translated for the Sunday Times, was it not?

A: It was all that I had at the time.

Q: Yes. It is all that you brought back with you?

A: That is correct, yes.

Q: I understood your evidence about that. Can you turn over?

A: 498 you probably want, 498.

Q: 498 has disappeared.

MR JUSTICE GRAY: So it was not 30 or 40 pages further on, it was two pages further on.

MR RAMPTON: No, well, that is---

A: My Lord, when you see these pages, it is printed in the large, I forget the actual technical name for it, but we call it the Fuhrer typewriter, and it is printed with four

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spaces between each line. He has about 100 words on each page, my Lord, so it is very many further pages further on.

Q: Sorry, that is what I was trying to find out. In my version it is very few pages further on.

A: In your photocopy of the original facsimile?

Q: No, in this printed version it is only ----

A: It is only a few pages further on, yes.

Q: Three?

MR JUSTICE GRAY: But the point is that, apparently, in the original diaries it is all very much spread out?

A: For your Lordship's amusement, I will bring one page of it to you tomorrow and you can see what it looks like.

Q: If anything turns on it, I do not know.

A: I think Mr Rampton apprehends that this is a major point; it has been flashed around the world that I was wrong again.

Q: Well, I think you have made the point on Thursday that you did not actually know it was 30 or 40 pages further on because you did not ever read it so you could not tell?

A: Now we know, my Lord.

MR RAMPTON: This is one thing I am concerned about, Mr Irving. You said, and I will read you your words -- have you had your transcript ----

A: Yes, I have.

Q: --- for Thursday? His Lordship is right. It was

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something along the lines of 30 or 40 pages further on which is just not right, is it?

A: What is not right, the exact phrase?

Q: I will find the exact words.

MR JUSTICE GRAY: It is page 153.

MR RAMPTON: That is right. You said: "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 of the report Gauleiters' speech on which Longerich is relying?"

A: Absolutely right. This is probably 30 pages further on, but it shows my guess was absolutely right ----

Q: 30?

A: --- without even having seen it.

Q: Tell me, if you will, if you look at -- this is edited by Elke Frohlich, is it not?

A: Yes.

Q: But it is not any sense edited by having things omitted?

A: I do not believe so, no.

Q: It is a continuous text?

MR JUSTICE GRAY: Mr Rampton, is there much mileage in this because I think the next day, I mean the next page, I asked, "How do you know it is 30 or 40 pages further on?" and he makes clear that he did not know it was, but he had a glass plate with 45 pages on it and it was on that, so it must have been on the next one?

A: It would have been 25 pages on that one, my Lord -- no, 48

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single pages.

MR RAMPTON: Is this glass plate that you transcribed, or some of it, the only one for that date that you looked at?

A: Well, this is the reason why I provided you over the weekend with a list of the actual pages that we looked at, the actual glass plates.

Q: Yes, but do you understand there is a difference -- I know you do -- between what you transcribed and what you looked at?

A: We looked at all the glass plates.

Q: You did?

A: Quite simply to establish an inventory. I looked through every single glass plate in the 1500 glass plates with this magnifier, established from the title line across the top what period was covered, put a yellow post-it on the glass side, not the emulsion side, of each plate indicating what date it was.

Q: So you will have read the passage that Longerich relied on?

A: You did not hear what I said. On the top of every page, on the top of every plate there was a title line written in handwriting saying the dates, the actual dates covered by that plate, like 13th to 14th December 1941. You did not have to look actually at the individual pages.

I could see straightaway and say this is 13th to 14th December 1941, it is already out of our period of interest

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because we were looking at Pearl Harbour.

Q: How did you make your selection if you did not read the whole thing?

A: Time made the selection for us. We knew we were only there for a limited length of days. We had a flight to come back to England. You had to make judgment decisions and say, well, Pearl Harbour was December 7th 1941, we are already on December 13th, my commission from the Sunday Times was to get material relating to Pearl Harbour. I had already read as much as I considered was necessary.

Had I known that later on in the same entry he would have gone on about the Fuhrer talking to the Gauleiters at greater length, I might have gone on, but you cannot tell...

Q: You have answered my question, I think, which is that you did not read it at the time?

A: That is correct, and it was not before me at the time.

Even now, to buy these diaries, you have to lay out more than £1,000. So it is quite an expensive task. I have now purchased them, but they have only just been published.

Q: While you have that out, can I ask you a little word about something you said on Thursday? I think you told us, if you look at the passage quoted in Longerich, yes?

A: The passage quoted in?

Q: Well, the passage quoted by Longerich is at the bottom of

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page 498 of the Frohlich edition?

A: Yes, "In connection with the Jewish question, the Fuhrer has decided to make tabula rasa".

Q: Yes, and then it goes on, "He prophesized to the Jews that if they began yet another World War, they would thereby bring about their own destruction", roughly speaking?

A: It is a crude translation, yes.

Q: He is reporting there, is he not, either something Hitler said to the Gauleiters on 12th December, or he is reminding himself of what Hitler said on 30th January?

A: January.

Q: 1939 in the ----

A: You cannot tell from this particular quotation.

Q: You cannot, can you?

A: It is the old gramophone record that Hitler played again and again.

Q: Yes, indeed. Then you say, well, you know from that point on, I think, "Das ist keine Phrase gewesen", that these are no longer Hitler's words because it is in direct speech?

A: It is in direct speech, yes.

Q: So is the first sentence, is it not? "Bezuglich der Judenfrage ist der Fuhrer entschlossen"?

A: Yes, that is correct.

Q: That is also in direct speech?

A: He uses direct speech.

Q: He is reporting that, so far as the Jewish question is concerned, the Fuhrer is determined to make a clean sweep?

A: Yes.

Q: Yes. That is direct speech, is it not?

A: Yes.

Q: If you look over to the other side of the page, the first complete paragraph, the first sentence of the first complete paragraph, "Im Osten sieht der Fuhrer uberhaupt unser kommendes Indien" is in reported speech, is it not?

A: No.

Q: No?

A: It would be in "osten siehe der Fuhrer", S-I-E-H-E, would be reported speech, that would be the subjunctive.

Q: That is fine. The next sentence is also in direct speech, is it not?

A: That is direct speech.

Q: And so is the next sentence, is it not?

A: That is correct, yes.

Q: And the next one, well, this is in the past in the sense that he is reporting that the Germans have overrun and settled in the past?

A: The whole paragraph is in direct speech.

Q: It is, is it not?

A: Yes.

Q: And do you say that those are Goebbels' private thoughts and not a report of what Hitler said?

A: He is reporting in his own words what Hitler's opinions and intentions are.

Q: Precisely. So would you care to withdraw your criticism of Dr Longerich for putting what is in direct speech into Hitler's mouth?

A: Are you not referring to the same passage, Mr Rampton?

Q: No, but it is all part of the same two paragraphs.

A: No, the specific allegation that you made was that Longerich was quoting Hitler when, in fact, he was quoting Goebbels which is my comment.

Q: How can you tell that the first paragraph on the right-hand side is not also just Goebbels quoting Goebbels?

A: We can refer back to the specific sentence that was the subject of your complaint, because we have now moved on to a different paragraph and you are trying to ----

Q: What I am suggesting to you, Mr Irving, is very simple.

It is simply this. You cannot tell from looking at these two paragraphs which is Hitler and which is Goebbels?

A: I think that is a very fair comment, yes.

Q: Yes. So if (and we are dealing in probabilities, as I remind you, not certainties) as seems likely, the second of those two paragraphs is, as you have just told us, Goebbels' version of what Hitler said to the Gauleiters on 12th December, then so is it as likely that the first paragraph is in precisely the same case, is it not?

A: Mr Rampton, that is not what I said. I said it is Goebbels' version of Hitler's intentions, not what he said.

Q: Where do you think that Goebbels derived his impression of Hitler's intention?

A: Over a long period of sitting with him and talking with him over many weeks and months.

Q: So this is nothing whatever to do with what Hitler is supposed to have said to the Gauleiters, is that your case?

A: When you are writing a diary this is what happens. You put in information from what has just been told to you, but also your own external knowledge of what the person is thinking and saying. You cannot encapsulate individual phrases like that. If it was a shorthand record, it would be different. I prefer using shorthand records or even the table talk which is written in the first person form.

Q: Well, I do not think I will push it any further, Mr Irving. We have your answer. I certainly do not accept it. I put it to you that it is perfectly clear that this is Goebbels' version of what Hitler said on 12th December 1941.

A: I think it is possible that you and I and Dr Longerich have different criteria when we are evaluating documents.

Q: Mr Irving, does it not read very naturally as a direct speech account of the Fuhrer's thoughts as expressed on

that occasion?

A: Which sentence are you referring to?

Q: Any one you like.

A: Well, I mean, if I give you a general statement of opinion, then you are going to apply it to one particular sentence and say, "Here you have agreed that this sentence is Hitler's statement on that day" and that is ----

Q: Well, look at the second paragraph. Let us leave out the paragraph you do not like.

A: Yes.

Q: Let us look at the second paragraph at the top of page 499.

A: Yes.

Q: "In the East, the Fuhrer sees above all" -- you correct me where I go wrong -- "our approaching India".

A: Yes. "This is colonial territory that we are going to settle".

Q: Yes. "This is colonial territory that we shall settle. Here great ----

A: "Farmsteads".

Q: "Homesteads" -- what?

A: Yes, "he already established great farmsteads for our peasant sons and the" ----

Q: Yes, and what are the "Kapitulanten"?

A: I do not know what that word means, I must confess.

Q: No. "unserer Wehrmacht gesch werden"?

A: "Created".

Q: "Created", exactly. It is all part of the same thought process, is it not?

A: It may be but it may not be. Nowhere does he say, "This afternoon the Fuhrer said". This is just Goebbels writing down, waffling about what Hitler's views on the future are, and it is not ----

Q: I am sorry. Finish your answer. I do not mean to interrupt.

A: But may I also state and remind the court once more that was material which was not in front of me at the time I wrote the book, so I cannot really see, with respect, I would rise if I was now sitting and say, "What is the relevance of this material?"

Q: It may in the end turn out to be a small point, but, you see, Mr Irving, you are in the habit, are you not -- I drew something to your attention on Thursday -- of asserting certainties where all that a cautious and responsible historian would do would be to say "It looks like it"?

A: I agree, this is absolutely right and in this particular case a responsible historian would say, "On this occasion Goebbels reported and it may well be that Hitler had told him on this occasion".

Q: But you told on Thursday that it was quite certain that this could not be Hitler, it must be Goebbels in the

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contentious paragraph because the tense changes from the past in the first sentence to direct speech in the second, well, from the ----

A: To be more specific, the part that Longerich alleged was Hitler being quoted was not in the subjunctive tense. It was not in the subjunctive.

MR JUSTICE GRAY: We went through that in considerable detail on Thursday.

A: Yes, and also we are not referring to this paragraph, we are referring to one specific sentence.

MR RAMPTON: Now I want to go back, please, and you will see how it is going to develop as we go along. I give you notice of what I am now going to do.

A: If I may just say, what alarms me is the fact that you had from my discovery the documents showing precisely how much of this diary was at my disposal when I wrote the book.

MR JUSTICE GRAY: We are moving on now, Mr Irving. I take your point.

A: I appreciate that, but I think it is dishonest for them to have advanced this kind of argument.

Q: That is a comment you can make at the end of the case but let us get on now with the questions and answers.

MR RAMPTON: You will have that opportunity. What I am going to do is I am going to start with your Kovno train which we dealt with on Thursday of 17th November 1941, and then I am going to use that as a way of opening the door to

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what I call system. Do you understand?

A: Right.

Q: Can we, first of all, start with your Kovno train. Have you that little bundle?

A: I do not, but I am quite familiar with the documents.

MR JUSTICE GRAY: Can you take me to it, Kovno train? I am sorry, the significance of that is completely missing to me.

A: The train from Bremen to Kovno.

MR RAMPTON: Could your Lordship first turn up page 13 of the transcript for Thursday and the other documents, the little Irving documents I call them, are at tab 3 of file J, my Lord, or should be.

MR JUSTICE GRAY: Yes.

MR RAMPTON: I would quite like Mr Irving to have both what he said in court and the Cogno signal.

A: It is the intercept - correct?

Q: Has anybody got a spare transcript? Page 5 is the translation, or the transcription, I know not which and it does not matter. Just have that open. Is it possible for him to have a transcript for Thursday?

A: I think I have the wrong bundle. Are we talking about Cogno?

MR JUSTICE GRAY: That is what is going to happen when you have all these little files knocking around. We must put them all in the same place. I have them in J and I hoped

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everybody else was going to put it in J, tab 3.

A: I have J 1.

MR JUSTICE GRAY: To save time, could somebody pass up the bundle which has the index on the front of it? It is called bundle C, Himmler.

A: This is bundle J 1 again.

MR JUSTICE GRAY: I do not think that is the right bundle. You are talking about the clip that Mr Irving handed in?

MR RAMPTON: Yes, I am.

MR JUSTICE GRAY: Probably on Wednesday.

MR RAMPTON: Yes.

MR JUSTICE GRAY: He has called it Claimant bundle C Himmler.

I had hoped everyone was putting it in J but, wherever it is, can somebody hand it up because every minute that goes by is a waste of time.

A: I am very familiar with the document, if you wish to proceed.

MR RAMPTON: I think we can get most of it anyway, Mr Irving, from what you said in the witness box. We will not spend any more time.

A: I read most of the document out, I believe.

Q: Yes. Can I read from line 4 on page 13 of the transcript? "In this particular case what is significant is that the man in Berlin is telling his recipient in Riga on November 17th", in other words that same day at 6.25 p.m., "transport train number blah has left Berlin for

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Cogno or Kaunat" -- in fact it is K A U N A S, is it not, and sometimes Mr Irving, pausing there, sometimes in German K A U E N?

A: That is the problem. A lot of these towns have three or four different names.

Q: But it is all the same place, is it not?

A: Yes, Cogno and Kauen.

Q: Cogno is an old fortified, or fortress in the Latvian country side, or is it Lithuania? It matters not perhaps very much. "With 940 or more Jews on board, or 940 more".

In fact it was 944, was it not?

MR JUSTICE GRAY: It obviously was. I think that is probably just a mistranscription. Understandable.

MR RAMPTON: I think so too. "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 Ober SS Exner (?), and the man's name, who has two copies of the transport list with him.

Transport provided with ...". We have not got the German of this. What is the German that you translate "as provided with"?

A: I would not like to hazard a guess.

Q: All right. "With following provisions"?

A: Vorversehen (?)

Q: Provided?

A: Yes, literally.

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Q: For seeing, as it were?

A: We must not mention the word Latin.

Q: "Provided with following provisions", and this is the interesting part, my Lord: "3,000 kilograms of bread, 3 tons of bread for a two or three day journey, 2700 (it should read) kilograms of flour, nearly 3 tons of flour, 200 kilograms of peas, etc. 300 kilograms of cornflakes, 18 bottles of soup spices", -- then continuing in the next message, 52 kilograms of soup powders, ten packets of something or other, we do not know, 50 kilograms of salt, 47,200 reichmarks in crates. What do you suppose those were for?

A: It was credits, credits.

Q: Yes, for whom?

A: I am sorry.

MR JUSTICE GRAY: What is the point of having them on the train? That is really the question.

A: I imagine it was the same with bomber crews. When they flew to Germany, they carried money with them. One always needed money. You cannot send a train load of people around Europe without money to pay for things.

Q: This money was for the 944 Jews, was it?

A: I do not think I applied that it was.

Q: I am asking you.

A: No, presumably not. Presumably it was to cover transport costs.

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Q: All right. Signed Gestapo Headquarters, Berlin, and then this is Mr Irving speaking: "It is 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 the image we have, the perception as Mr Rampton calls it, of the Holocaust today." Why do you say that?

A: The image that we have from the literature is of coal trucks and cattle trucks being filled. I am not saying that this did not happen, but I am saying that the image we have is that all that happened was that these wretched victims were stuffed into trains, with no food and water for three or four days, and shipped across Europe to their deaths, when this and the subsequent telegram which we British intercepted, which I quote, indicates that very substantial quantities of food were put on board these trains for the short journey, and that, in the next telegram, you will remember, it also added the fact that they were carrying their appliances with them, food and appliances. So obviously people were sending them, at least the system that was sending them apprehended that they were going to be doing something at the other end when they got there.

Q: What was German word for the appliances?

A: Gerat.

Q: And plural gerater?

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A: No. You would use it in the singular form.

Q: That can just as easily mean kitchen utensils, can it not?

A: Could be kitchen sink. If a photographer comes in mit gerat, then he would be carrying his camera and not his kitchen sink. It is the appropriate appliances.

Q: We used to have tinkers in the old days in Scotland, Mr Irving. They would carry utensils with them. Pots and pans.

A: The Germans would have a different word for that. It would be klamotten. It would be their things.

Q: Anyway, your immediate interpretation of this document, it is clear now, is that this food was to keep the Jews well fed during the journey?

A: Well, it certainly was not for just 15 policemen.

Q: Mr Irving, how far is it from Berlin to Cogno, do you know?

A: Off the top of my head, I would say of the order of a thousand miles.

Q: It is about 600, in fact.

A: Correct. In other words, a two or three day train shipment in wartime conditions.

Q: Those trains went very slowly because they had to keep stopping to give priority to other trains.

A: Yes. The journeys took three days. We know the train load of Jews on November 27th. It left Berlin on November 30th,

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it arrived at Riga and they were shot. It is a three day journey.

Q: That is Riga. That is about 200 miles further East from Cogno?

A: I am trying to give a sense of space and time.

Q: I am going to ask you some questions. Again, you have leapt to a conclusion. Have you actually stopped to think what the evidence is that this food was to feed these Jews during that journey?

A: None whatsoever.

Q: No.

A: But it would be perverse to assume that it was not. Excuse me. If a train is provided with provisions, then the provisions are quite clearly for the people on the train. It cannot clearly be for just 15 escort personnel.

Q: Mr Irving, would you not be so hasty. Wait for my next question, please. Do you know how many loaves of bread you can make with 3,000 kilograms and 2,700 kilograms of flour? 500 gram loaves of bread, an average size loaf?

A: I did exactly the same calculation as you were reading out to me just now, and I thought, if there are a thousand people on a train, they are getting 3,000 kilograms of bread, then this seems to be very substantial provision.

Q: In fact, it is about 6,000 loaves from the loaf figure alone, and about another just less than, it is about 5,400 loaves from the flour.

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A: Actually, he is talking about 3,000 kilograms of bread, so that is 3 kilograms of bread per person.

Q: What about the flour? Are they going to make loaves on the train?

A: Why do we not just stick with the bread for the time being?

MR JUSTICE GRAY: No, there was flour there too. That is the point.

MR RAMPTON: 2,700 kilograms of flour.

A: I have no idea what they were going to do with the flour.

Q: The point is this, Mr Irving. There is no evidence that this food was going to be eaten by those Jews. I can tell you, if you do the calculation, at half a loaf a person per day, they have enough bread and flour to last them for 24 days, 944 people.

A: Yes, but the reason for that is that the people at the receiving end are protesting bitterly. They say, we have food shortages here already and you are dumping these people on us, so the Reich was sending the people not only with the food for the journey, but presumably enough food to get them started when they arrived at the camps they were going to.

Q: That is right.

A: I am speculating here, I do emphasise. I am just trying to give an explanation that may have escaped your attention.

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Q: No, it had not, you see. I am concerned not with what actually happened, Mr Irving, but your readiness to leap to conclusions in favour of the SS and the Nazis on every single occasion.

A: I strongly object to that kind of aspersion.

Q: This is exactly what you have done here.

A: I strongly object to that. Here is a British telegram, a British intercept of an SS telegram, which has not been quoted by any of your experts, because of course it does not fit into the perception they are trying to create, which presents a subtly different image of how this deportation programme, brutal and cruel though it was, initially was started by the system. The train loads of Jews were sent off with food for two or three days and, as you quite rightly pointed out, enough food to carry on once they arrived at the other end, enough flour to make their own bread.

Q: They had enough cornflakes for about eleven days, as it happens, at 30 grammes per serving according to Messrs Kelloggs.

A: They were going to arrive in the camp, where presumably the provisions would be inadequate.

Q: That is right. They must have eaten their cornflakes dry because there is no milk?

A: No doubt there were cows in Riga when they got there, or Cagno.

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A: Of course, how long would milk last on board a train for three or four days?

Q: I should have thought in November, in that part of Europe, quite a long time. Would your Lordship excuse me for just one moment?

MR JUSTICE GRAY: Yes.

MR RAMPTON: Mr Irving, I am going to ask you this. I do not normally ask a question to which I do not know the answer, but on this occasion I will. Who paid for this food to go on this train?

A: I do not know.

Q: You do not know?

A: No.

Q: You have assumed, though, from the way in which you characterized it last Thursday, that it was the Nazis, the SS who paid for it?

A: I can go into some detail on this in fact. Before the Jews were kicked out of Berlin, they were robbed. They were robbed blind.

Q: So one way ----

A: The German Finance Office asked them to fill in a form listing all their assets. These assets were formally seized by the German state. Page by page of these documents are still in the Berlin Finance Ministry files.

They were robbed blind. I am not sure what the relevance is to your particular question, because I cannot prove

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that happened on this occasion.

Q: The relevance is this, Mr Irving.

A: I stated that in my books, too.

Q: Mr Irving, the relevance is this. So far from this being a dent in Holocaust, whatever you call it----

A: Perception.

Q: -- Perception, it is quite possible, is it not, that, one way or another, directly or indirectly, this food was paid for by the Jews?

A: Quite possible, yes.

Q: The kindly SS provision the train so far as they have and the camp when they get there at the Jews' own expense?

A: But it is still not the perception we now have of cattle trucks of Jews being shipped across Europe with no food and water for three or four days and arriving half dead at the other end. It may very well have happened in the later phases of the war.

Q: Yes. That is the trouble. You are muddling up two pictures are you not, Mr Irving? There is the early stage of the German Jews. They do not even get started on killing the German Jews in a big way until much later on.

A: If you wish to talk ----

Q: And then there is the much later, from the summer of 1942 onwards, when we get into cattle truck country, are we not?

A: I remember reading in the private papers of Adolf

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Eichmann, which I found in Argentina, that he describes the steps he took to ensure that the trains were properly provisioned when they left Hungary and his indignation when he found that the Hungarian police officials had embezzled a lot of the money and food and so on so that the trains were not being properly provided. This just goes marginally to what you are saying.

Undoubtedly, there was a lot of hardship and cruelty and barbarism.

But the point I would wish to make is why is it that your experts have not quoted the documents I have put before the court.

MR JUSTICE GRAY: Have you come across any other intercepts or any other messages referring to the provisioning ----

A: There are, my Lord.

Q: For the transcript, just wait until I have asked the question -- any other documents evidencing the provisioning of these transports of Jews?

A: I have, my Lord, and I have put one or two more into that particular bundle.

Q: I have found one more. I am not sure I have seen more than one.

A: It is not strictly relevant, my Lord, to the pleadings, otherwise I would have stuffed the bundle with even more paper.

Q: But there are more?

A: I intend asking Dr John Fox. He is an expert on these

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police decodes and we can ask him about them.

MR RAMPTON: Mr Irving, tell me why you think my experts paid no attention to these documents?

A: I certainly have not seen any reference in expert reports to those intercepts relating to the provisioning of the trains.

Q: Why would that have any relevance if these documents do not suggest what you say they assert? What if these documents are no more than they appear to be, records of train loads of Berlin Jews going to the East with provisions on board for whom one knows not, but quite possibly to feed the Jews to some extent when they get to the camp before they are shot? What is so significant about that?

A: The relevance is, Mr Rampton, that, if your experts are doing their job conscientiously, then it is incumbent on them, according to their own averments at the end of their reports, to do so impartially without fear or favour to either side. They should also have included any materials like those which go against the notion that this was a systematic programme to exterminate the Jews. If you are going to exterminate Jews, you do not send them to the East on trains properly provisioned with tons and tons of food and appliances with which they can set up a new future in the East when they get there, which is the inference which is clearly to be drawn from those decoded

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messages. I would be interested to see if you can draw any other inference from those messages.

Q: That is what we are now going to do, as I promised you I was going to do, Mr Irving. Could Mr Irving please be given file H 3 (i)?

MR JUSTICE GRAY: Yes. This one I have got.

MR RAMPTON: My Lord, that is the first volume of Professor Browning's documents. Could we please turn to footnote 8? Again, the document is identified for these purposes not by any stamped or printed or typed number, but by a handwritten F N 8 at the bottom right hand corner of the document.

A: Very well, yes.

Q: I expect you recognize this document, do you not?

A: The Jaeger report.

Q: This is the Jaeger report. If you turn to its 5th page, blatt 5 at the top of the page, this is a copy of, I suppose, either an original typed or an original carbon copy, I do not know. You do not have any qualms about the authenticity of this document, do you?

MR JUSTICE GRAY: For my benefit, can you say what it is? Is it a report from an Einsatzgruppen.

MR RAMPTON: It is a report of one Einsatz commandos, Einsatz Commando 3, which is part of Einsatzgruppe A, and they are in charge. Geographically it runs, A is in Ostland, the Baltic states, and then B is in White Russia, C in the

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Ukraine and D in South Russia, roughly speaking I think. Your Lordship will see at the top of the first page, Mr Irving as well, it has place and date, Kauen um, 1st December 1941. That is perfectly good German, is it not?

A: No.

Q: So this makes you wonder about this report, does it?

A: You are asking me if it is good German. I would say no, a German would say Kauen den aus December einefurtzig (?)

Q: But you have seen it elsewhere, have you not?

A: No, I have not.

Q: You have. You have seen it on some of the Auschwitz documents, have you not?

A: Are we going to get into a discussion now on authenticity of documents?

Q: No. I just want to know what you say about that little word?

A: I am saying that it is not regular German.

Q: No, but it is a mistake, if it be a mistake, that a German could easily make, is it not?

A: It could be a mistake that an ill educated German would make, as would be, for example, on blatt 7, if I may turn to that.

MR JUSTICE GRAY: Before you do that, whereabouts on this page are you, 1st December, Mr Rampton?

A: Very first line top right.

MR RAMPTON: Top right hand corner underneath handwritten 119.

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MR JUSTICE GRAY: Page 5.

MR RAMPTON: I asked your Lordship to go back to page 1, just to identify it, because your Lordship wanted it identified.

MR JUSTICE GRAY: Sorry I missed you. Right.

MR RAMPTON: Kauen is one German form of Cogno?

A: For Cogno.

Q: 1st December 1941. I am going to look at much more of this in a moment, but it is a report. I cannot read the first one gezondt aus stellung (?), is it?

A: Gezundt aus stellung.

Q: A full ----

MR JUSTICE GRAY: Collective presentation.

MR RAMPTON: Presentation.

Q: Der imber Reich (?) -- What does that mean?

A: In the area of.

Q: E K 3, up to the 1st December 1941, of executions carried out. Is that right?

A: Yes. Do you wish to address briefly the authenticity of this document.

MR JUSTICE GRAY: If you are denying it, you ought to say so.

A: He has asked me would I accept that um ersten (?) December is authentic German and I would say no, it is not. It would be incorrect irregular German.

Q: Do you say this is not an authentic document?

A: My Lord, I am not saying that. I am answering his

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question. I also wish to draw attention on page 7, about 15 lines down in the third complete paragraph, das zeil (?), halfway down there, my Lord, you will see that the rank of SS Oberstum Fuhrer and SS is typed as two capital Ss.

Q: So?

A: All the high ranking SS officers had typewriter with the SS runes, my Lord. They would not type SS. It would be very rare to find an SS document in which SS is typed as two capital Ss. It is not entirely impossible, but it is very rare.

Q: I am baffled by this. Are you challenging the authenticity of this?

A: My Lord, it is not a document I have relied upon. It is not a document laid before me when I wrote my book and I am quite happy to answer questions on the content of it. But Mr Rampton asked me my opinion about the document and I spotted straight away those two discrepancies just by leafing through it.

MR RAMPTON: You may have done, Mr Irving, but that really does not answer his Lordship's question. I have no doubt that you recognized this document immediately as soon as we opened the file, did you not?

A: I know what it is about. I have heard about it, yes.

Q: No, you recognized it. You said this is the Jaeger report.

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A: Yes, by the date, 1st December 1941.

Q: You have never read it?

A: No. I have never analysed it in detail, let's put it like that, and I certainly did not read it when I wrote my books.

Q: Either you have X-ray eyes or you read very quickly because you seemed to have spotted a mistake, as you call it, on blatt 7 immediately.

A: That is what I was looking for. That is the real giveaway.

MR JUSTICE GRAY: You knew it was there?

A: No, my Lord, you would have seen it. When he asked me to look for it, I began leafing through it and looking for SS, which is the first thing you would look for in a document you are suspicious about. But, for the purpose of this morning, I will accept that it is authentic, with reservations.

MR RAMPTON: Then we have had an interesting but wholly academic discussion.

A: Mr Rampton, you asked me if I considered it to be authentic.

Q: I asked you whether you accept that this is an authentic document.

A: That is right.

MR JUSTICE GRAY: Anyway, now we all accept it is.

MR RAMPTON: Now we know that it is so far as this discussion

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is concerned.

A: With reservations.

Q: Yes. Page 5?

A: Yes.

Q: Under the middle of the page, months of November.

A: Yes.

Q: Third line, 25th November of 41, Kauen F 9 is Fort 9. It was divided up into different sort of fortresses, was it not?

A: Yes.

Q: They kill, execute, 2,934 Jews, Jewesses and Jewish children?

A: That is correct, yes.

Q: In brackets underneath it says, again roughly speaking: Evacuees from Berlin, Munich and Frankfurt?

A: Yes.

Q: Do you agree that it is likely that that is where your train load of 944 well provisioned Jews wound up?

A: I would say it is not impossible. It is eight days later. There were several train loads, of course. I cannot speak specifically that that particular train load would have ended up in that particular atrocity.

Q: I can tell you that there are no other references to Jews from Berlin in this document.

A: In this document?

Q: Yes, and this document is a complete report of the doings

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of that unit or formation.

A: Yes.

Q: In that place and all over Cagno up to the beginning of December.

A: May I say that this particular page was supplied to me by Dr Gerald Fleming in fact, two or three years ago. I relied on that when I wrote my Goebbels biography.

Q: Sorry?

A: This particular page was supplied to me by Dr Gerald Fleming, and I relied on the statistics in it when I wrote my biography of Dr Joseph Goebbels. You will find that I have quoted his statistics.

Q: We are looking at it now, Mr Irving, as you no doubt noticed.

A: I recognized the figures. You will find that page in my discovery.

Q: What you say in the Goebbels book is a little more generous in point of truth or accuracy than what you said just now. You said it was a possibility that it was the same one. In the book you said on page 377: "So much for Minsk". I do not know what you are saying about Minsk, but it may not matter.

A: Very much the same.

Q: The train load of Berlin's Jews sent to Kanas, Cagno, in Lithuania on November 17th probably fared no better". You cite the Jaeger report and that entry in it.

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A: Yes. How can I be called the Holocaust denier when again and again I put these statistics in my books, if I may ask the question?

Q: Let's get the position clear. You keep asking that question rhetorically as though it answered itself, Mr Irving. It does not. So far as the shooting of Jews is concerned, what do you reckon is

the total number that were disposed of by shooting? We maybe had this discussion on the first day of the trial, I cannot remember, but tell me again if we have.

A: Disposed of by shooting? Where? In the East?

Q: Yes.

A: Order of magnitude I would say at least half million, and probably as many as one and a half million.

Q: Where we part company, Mr Irving, I think, is that you have repeatedly said, have you not, that these were, and you rely for example on the message to Jekiln (?) Of 1st December from Himmler? You have repeatedly said that these words, quasi or not even quasi, were criminal shootings by high Maverick commanders of the SS out in the East?

A: The phrase used by Himmler is arbitrary actions.

Q: We are coming back to Himmler very shortly.

A: And actions against the guidelines.

Q: Your position is that these mass shootings and other shootings in the East were not in any sense part of a

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system, but were local acts of criminality?

A: The system ended when the train arrived. The system put the Jews and the other victims on the trains and sent them to the East with the food and equipment to start a new life. Once they arrived on the spot, the system broke down, and the murderers stepped in.

MR JUSTICE GRAY: But these reports coming back from the Einsatzgruppen are going to Berlin, are they not?

A: We do not know, my Lord, because there is no kind of indication on it or initialling on whom it went to.

Q: Where do you say they were going then?

A: They certainly went -- unfortunately we do not know, my Lord, because my copy of the report ends on page 9, I think, so it has not even got a signature on it. It has a signature Jaeger, but no address list, so we do not know where it went to. But it would be reasonable to assume that the report went to the Reichzeike heis haufdampt (?) Of Heydrich.

Q: Which is in Berlin?

A: In Berlin.

MR RAMPTON: Because Mr Irving, in Berlin, in Heydrich's headquarters, from time to time -- I do not know whether they were regular or how frequent they are -- but there were these things called areignis meldungen (?)

A: Yes.

Q: Which were actually composed in that office in Berlin, and

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many of them carry summaries of this kind of material?

A: Yes.

Q: Do they not?

A: Yes.

Q: So the probability is that that went back to Berlin?

A: The probability is that this went back to Berlin, yes, as I said.

Q: Is that not evidence of some kind of system operating at the behest of and under the control of the authorities in Berlin?

A: I draw your attention to the fact this is the very day when the very sharp reprimand went from Hitler's headquarters, signed by Himmler, to the people carrying out the murders saying these arbitrary actions are to stop forthwith, and the murder of the Jews stopped for many months, the German Jews.

Q: These Jews?

A: The murder of the German Jews stopped for many months, so that is indication that the system had broken down.

MR JUSTICE GRAY: Yes, but you agreed on Wednesday or whenever it was that that message related only to German Jews and these reports cover all other manner of Jews?

A: The message did not relate only to German Jews but certainly the effect was German Jews. The killing of German Jews stopped and these are the numbers to which Mr Rampton has drawn attention to, Jews being evacuated

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from Berlin and Munich and other cities, I believe.

MR RAMPTON: The shooting of these Jews, Mr Irving, I quite accept, if you are right that there was to be no mass shootings under any circumstances of German Jews, these few, and in the context of this report alas there are few, these few German Jews, probably also the ones from Vienna and Bresslau in the next entry, probably would have infringed the Himmler order if the Himmler order had got to Jaeger in time to save them, which evidently it did not.

A: That is the reason why I submit that the system broke down upon the arrival of these train loads of Jews in the East.

Q: Right.

A: And the people on the spot said: Let us just get rid of them, liquidate them ourselves.

Q: And they had food for a maximum of about three weeks anyway?

A: A start up food supply, yes.

Q: I see. So Berlin was expecting the SS in Cogno to feed them indefinitely?

A: No. The instructions were to build camps for them. They had to build their own concentration camps to live in. They were expected to build the camps and set up their own work shops there and start a new life in the East, anywhere but Germany. That sounds very nice for the planners in Berlin, but it is less practical on the spot

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when you have got a military disaster looming.

Q: I am afraid, Mr Irving, I cannot possibly accept that the planners in Berlin had any such idea in their head by late 1941 whatsoever.

A: Mr Rampton, you and I operate from different criteria.

MR JUSTICE GRAY: Before you go on, Mr Rampton, can I just ask this? My impression is -- I may be completely wrong about this -- that these reports from the Einsatzgruppen continued to come in after the 1st December 1941.

A: Oh, yes. There is the famous one of December 1942 that we read.

Q: The invasion of Russia.

A: That is Russian Jews being liquidated.

Q: Going back to Berlin?

A: They are going back to Berlin and Hitler is in East Prussia. I have to keep on reminding the court of this.

Q: We are not so much concerned so much with Hitler at the moment, but Berlin. Berlin must

have known that the shootings were continuing on, as you would accept, a massive scale?

A: I accept this my Lord, yes.

Q: To that extent, would you accept it is systematic, or would you say not?

A: I think to the extent that Mely was systematic, the Vietnamese war was systematic, and these things happen. They are subsequently covered up by the people in charge.

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But it is very difficult to make definitive statements in the absence of any evidence one way or the other. I prefer just to leave the facts to speak for themselves, rather than try and fill in the gaps and join the dots.

MR JUSTICE GRAY: Thank you.

MR RAMPTON: Look at the bottom of this document, Mr Irving.

A: Yes.

Q: Just above the handwritten "FN8", you will see Jaeger's total?

A: Yes.

Q: Of executions carried out, 137,346?

A: Yes.

Q: From all over the Einsatz commander 3 area, whichever that was?

A: Yes.

Q: But it included Kovno and Vilner amongst its places.

A: Yes.

Q: Have you gone done the figures on this report?

A: No, but I will walk through them with you if you wish.

Q: Well, it is going to be easier, of course you will have time to check whether I am right or not, of 137,000 roughly speaking, people executed, about 98.5 per cent are identified as having been Jews; men, women and children?

A: Yes.

Q: And this report goes back to Berlin?

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A: Yes.

Q: What happens to Herr Jaeger, whatever his rank might have been? Was he sacked?

A: That I do not know.

Q: Imprisoned?

A: That I do not know.

Q: Court martialled?

A: Nothing happened to Jeckeln either, who was told by the chief of the SS he had overstepped guidelines. I would have thought that was about as serious a reprimand as you can get.

Q: This is completely at random, really, because one can take any number of examples; the massacre of 33,000 Jews in one go, Jews from Kiev in two days 29th and 30th September 1942?

A: Do you wish to lead evidence on that?

Q: No, I want to know if you know about it.

A: You wanted to?

Q: I want to know if you know about it.

A: About Babiyar (?)

Q: 1941, yes.

A: I do not know in detail about it. I do not know any forensic detail about it. I know what the perception is.

Q: That is contained in one of these Heydrich --

A: If you say so.

Q: Do not these things jump out at you, Mr Irving? This vast

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number of recorded deaths is being shipped back laboriously, and carefully typewritten reports by the murderers to the head of the security service, call it what you like?

A: I accept that, but this is of great interest to a Holocaust historian, but not to an Hitler historian, if you appreciate the difference.

Q: I do not think there is a difference, Mr Irving. There is two reasons, at least, why I -- or more than two but the two will do for the present without going the documents out. The first is that letter from Muller to the Einsatzgruppen at the beginning of August 1941, which I am sure you are familiar with?

A: I think the Fuhrer takes an interest in ----

Q: No, I am saying the Fuhrer will be getting continuous reports on the work of the Einsatzgruppen?

A: The Fuhrer has asked to be given.

Q: Or whatever, the Fuhrer has asked to be given continuous reports on the work of the Einsatzgruppen?

A: Can you remind us when this letter came into the public domain?

Q: No, Mr Irving, please do not keep changing the subject.

A: Well, this is important, because I am accused of manipulating documents before me when I wrote my books, this letter has only recently come to the attention of historians.

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Q: You say, you do accept it as evidence of system, I think this is the effect of your answer, going as far up the tree as Heydrich, but not as far as Hitler?

A: There is now evidence from that document that Hitler asked to be kept informed of the activities of the Einsatzgruppen.

Q: I cannot tell you myself when that document first came into the public domain. I will find out.

--

A: Well, I can tell you from my knowledge, it came when the Moscow archives debouched what they had and historians started going through them.

Q: -- you are, however, fully familiar with what we shall certainly propose is one of the progeny of that order, that Hitler should see what the Einsatzgruppen were doing, at least, which is report No. 51 signed by Heydrich Himmler on September 1941?

A: I do not accept there is a direct connection between that stray document of August 1941 and the December 1942 stray document, which is one of a long series of reports by Himmler to Hitler on interesting things.

Q: It is not a stray document in any sense at all. It is a sheet that actually went straight into the pen. It was destined for Hitler, and as you accepted -- I cannot remember which day -- Hitler probably saw it.

A: December 29th.

Q: Yes.

A: Yes.

Q: It is not a stray document?

A: I think I referred to in my books. I have given the figures. I have stated the facts and I said it was shown to Hitler. I have not concealed these documents. I am the first person to have found them, and immediately brought them to the attention of the world.

Q: Why then do you turn your face so firmly against any possibility that Hitler was at the heart or the root or the origin of this exercise?

A: Mr Rampton, the distinction may be a bit too subtle, but I am not saying that, what I am saying is there is no evidence that he was. Possibly we are on the same side, but I am saying that there is a total shortage of evidence that Hitler was being informed of what was going on in these mass shootings and that when he did know he took steps to stop it, and that there is this one instance of a document going from Himmler to Hitler which obviously has to be brought to the attention of my readers, which I do. But otherwise there is very little evidence to support any contention such as are you trying to make out.

MR JUSTICE GRAY: Well, the Muller document, which I understand you did not know about because it had not emerged does now provide some support for the ----

A: Indeed, I put it in the latest edition of the book, my Lord, because it is clearly a relevant document for people

to know about. I think so far before the December 1942 document it would be adventurous to try and draw a causal link between them.

MR RAMPTON: There is no evidence at all that these mass shootings of Jews generally did stop, is there, on account of any order from anybody?

A: Mass shootings of German Jews stopped for several months.

Q: That, as I said the other day, is common ground between us.

A: Then they gradually picked up again because of the general criminality of the officers on the Eastern Front who had these victims in their charge.

MR JUSTICE GRAY: But you are now talking about non-German Jews or Jews who are not German?

A: I do not think there was any pause in the killing of non-German Jews. I think they were quite happy to get rid of them.

MR RAMPTON: As a matter of fact there was. Again this was something which I do not know whether you have seen it before or not, I can tell you in a moment where it came from. Have you got H3(i) there still?

A: Yes. Page?

Q: Could you turn to footnote 50. It is about halfway through the file.

MR JUSTICE GRAY: To what, Mr Rampton.

MR RAMPTON: Footnote 50, FN 50. It merely reflects the

footnote in Professor Browning's report. This is one of these -- I think it is one of these (German spoken) that he tells us that it is. No. 10 for February 1942. No I have given it the wrong name. If you look at its first page, this is a reprint.

A: Yes.

Q: Which he translates, and no doubt correctly, as activity and situation of the Einsatzgruppen of the security police and the SD in the USSR; do you see that at the bottom of left hand column, Mr Irving?

A: Yes.

Q: Yes. If you turn over the page, the right hand column, halfway down the page, at letter C, you see a separate entry; "Juden"?

A: Yes.

Q: Will you please, it says: "Nacht... Juden as... kind"; tell me what that means.

A: After in the Baltic provinces the Jewish question can be regarded as virtually solved and dealt with.

Q: Carry on.

A: The clarification of this problem, the solution of this problem in the remaining occupied territories of the east is continuing, making further steps; do you wish me to continue.

Q: No, there is no need for that. That is Heydrich reporting that in the Ostland, that is --

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A: Well, we do not know that because I have only two pages of this report but. You are saying it is a report by Heydrich.

Q: -- I do not know, it may not be. That is what Professor Browning tells us. It may be something else, in fact. He says on page 16 of this report in early 1942 Heydrich reported -- you can take it up with him if you do not accept it is Heydrich.

A: I just do not have the complete document, so I cannot tell.

Q: That means, does it not, in effect this, no need to shoot any more of the Jews in Ostland because they would all have gone, nearly all gone?

A: It does not say that. It just --

Q: That is what it means.

A: -- the problem has gone away --

Q: Yes, I know, look at it as an historian as opposed to a literary critic; that is what it means.

A: -- I read out what it meant. I gave you the literal translation of it.

Q: I am not asking for a translation, the input, significance of what you read out is that there is no need to do any more mass shootings in the Ostland because they have all been killed?

A: This conclusion can be drawn from it, yes.

MR JUSTICE GRAY: "Ostland" there is referring to what?

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A: Baltic provinces, three Baltic states.

MR RAMPTON: Your Lordship will see the problem in other Einsatzgruppen areas in a moment.

MR JUSTICE GRAY: Because the East is sometimes a reference to the front with Russia, is it not?

A: Well --

MR RAMPTON: Yes, the Ostland is specifically though I think, am I right?

A: It is a reference to Baltic provinces.

MR JUSTICE GRAY: The Baltic States.

A: Sometimes "the East" is also a euphemism for something uglier, too as I point out in my books.

MR RAMPTON: The very next document, Mr Irving, says Professor Browning, is a protocol, it is a German word, my Lord, it is FN 51, just the next document after the divider, I hope.

MR JUSTICE GRAY: Yes.

MR RAMPTON: The protocol, it is very difficult to read. Of a meeting held, I think, in Minsk on 29th January. You see somebody has also written "um" 29th January, do you see that Mr Irving?

A: Yes, but it is not a date, the formality for writing a date like "London" and December 1st 1941, in German you would always have "dien".

Q: What does it mean here?

A: Here it is a sentence, effectively, saying the protocol on

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the sequence of events in the meeting of the main department and department heads on January 29th 1942. It is not the same thing at all. It is not a letter head.

MR JUSTICE GRAY: It is actually short for "an dien", is it not?

A: Yes, thank you very much, my Lord, yes, indeed. But in a letter, the formalities -- I would be very surprised if anyone would disagree with me with that. Although I have to say one or two Auschwitz documents also say "um" for letter heads.

MR RAMPTON: I have not been able to find in the brief scan I have just given it the actual German quoted by Professor Browning; that is not to say it is not there; simply I have just not picked it up at once. Maybe the best way of dealing with it is to look at the German Professor Browning cites. Could Mr Irving have Professor Browning's report, please.

A: What page of report?

Q: It is page 16. Mr Julius -- yes, that is interesting while we are trying to find the actual text, Mr Irving, on the first page, at the bottom of the page, the last paragraph?

A: Yes, I see that.

Q: You see that. You have seen what you might call the "anomalous SS"?

A: Yes.

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Q: How odd, one in Minsk and the other one in Kovno?

A: Yes.

Q: The same illiterate chap with the same rotten typewriter going round from one place to another?

MR JUSTICE GRAY: The passage you are looking for is at page 1382 at the bottom.

MR RAMPTON: I am grateful to your Lordship. It is the third sentence of the last paragraph on page 1382. That is using the stamp on page 3 of the document.

A: Yes.

Q: It says, something like this, does it not, a complete liquidation of the Jews is not possible due to frost; and the word which is used for "liquidation" is "liquiduren" is it not?

A: Absolutely specifically. They do not use "vernichtung" or ----

Q: Because the ground is too frozen to dig pits, which would then be available as mass graves for the Jews. Not much doubt what they are talking about there, is there?

A: None at all.

Q: We are in January in Minsk, which is in the Ukraine, yes?

A: Yes.

MR JUSTICE GRAY: Who are the people who are coming to that conclusion? I do not quite know what the document represents.

A: It appears to be a session of local department heads and

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their subordinates on the spot out there rather than in Berlin.

Q: Yes.

MR RAMPTON: Yes, my Lord, Professor Browning tells us that it is written by somebody called SS Sturmlandfuhrer Hoffman of the Security Service in Minsk and that he explained this to a meeting to officials --

A: I do not see how signature on page 6 can be made to be Hoffman.

Q: -- it may be like you, Mr Irving, Professor Browning has a considerable knowledge of this period and this aspect of this period.

A: We shall see.

Q: Because he knows from extraneous evidence that it is Hoffman who says this.

A: Is there any reference to Adolf Hitler in this document? To the originator of this system, as you call it?

Q: Mr Irving, can I say at once I hope I do not have to invoke help from his Lordship, you will get a chance to make your clever speech at the end of this case, I do not answer questions.

A: It was not a clever speech it, was just an observation. This is a sample of the quality of documents which are now available to historians which go into the most intimate detail about the killing operations going on.

Q: That is not why I am looking at it at all.

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A: I look at it as a Hitler historian. I try to find anybody saying, it is OK, fellows, the Fuhrer has ordered this. We are covered.

Q: Well, that is a very literal minded way of looking at things if I may say so.

A: A very safe way of looking at things, being literal.

Q: Very literal. If you do not have a Hitler order "shoot all the Jews in the East" signed Adolf Hitler, then you have to look at the circumstantial evidence.

A: This is evidence of shooting was going on, which I have never denied.

Q: As a lawyer would, to see what evidence there is which might suggest that this was a centrally organized and approved operation. That is stage one. If you get that far, and then you see a report telling Hitler that 363,000 Jews have been caught, have been shot by these people, and put two and two together, and you make four, not five, or three.

A: It is a poor substitute for the real thing, and it is the real thing that I have been would have been looking for.

Q: We do not have the real thing, but what is your task as an historian, Mr Irving? It is, is it not to give an objective, fair, interpretation to the cumulative effect of all the evidence, is it not?

A: It is surely not suggested that I have concealed any of that evidence in my book? The evidence is there for

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people to read.

Q: I know. You see you will not draw the obvious conclusions from the evidence before you, simply because you have not got a piece of paper signed by Adolf Hitler saying, "Do it". Where on the other hand you have a piece of paper which says simply "from Himmler"; it has not got Hitler's name on it either, which simply says to Heydrich "do not shoot these Berlin Jews, this train load of Berlin Jews", immediately that becomes incontrovertible evidence that Hitler gave the order. Do you say anything about double standards in that?

A: At least there is good quality evidence you advance in the opposite direction and I give both kinds of evidence in my books and I allow my readers to draw their own conclusions. My readers are not stupid, they are capable of drawing their own conclusions from what I write.

Q: Not only did that Himmler phonelog become evidence of an order from Hitler that those Jews should not be killed, but it became incontrovertible evidence that Hitler had made an order that no Jews anywhere were to be killed, did it not?

A: I think we are testing the patience of the court if you go over this old ground all over again, Mr Rampton.

Q: No, not at all.

MR JUSTICE GRAY: Well, we did go over it.

MR RAMPTON: I know that, but Mr Irving, my Lord, supposes that

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this evidence is useless, or at any rate not much use without a Hitler order on a piece of paper.

A: That is not what I said.

Q: Double standards, Mr Irving.

A: I said I would expect to find in a document of this kind, where you have people discussing crimes of this magnitude, that one person would have said, would have made reference to ... Fuhrer liquidierung or something like that, just so that everyone at the meeting is covered. What the cowardly call a (German spoken), a piece of paper that covers them if things go nasty. And they do not bother to do it.

Q: This puzzles me, you have used this argument in relation to some of the entries in the Goebbels' diaries, you have used it in relation to entries occurring, for example, 27th March 1942, that in some sense Goebbels, by referring to Hitler for the more excessive anti-Semitic sentiments appearing in those diaries, as some kind of alibi; why in March 1942 or here we are in January 1942, should anybody think that they needed an alibi for what they were doing?

A: Because the war is going very badly at this moment for Germany. All sort nasty things can happen. People here on the Eastern Front can see the writing on the wall. They lost half the German army to frostbite.

Q: Stalingrad is not until the next year, is it?

A: The winter of 1941/42 42 was touch and go for Germany

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already. Thinking people if they had any brains would start covering their tracks.

Q: These are just run of the mill janitorial level, to use your attractive phrase, janitorial level routine military reports back to headquarters in Berlin, we are doing as we are told, here is the number of Jews that we have killed, this is why we do not do it any more in the East land, the reason is we have done it already, does not need doing, we cannot do much in Minsk at the moment because the ground is too hard, but it goes on, does it not --

A: Can I correct one point you said, you said this was a report back to Berlin.

MR JUSTICE GRAY: Yes, that is not right, Mr Rampton?

A: -- minute of a meeting somewhere in East.

MR JUSTICE GRAY: That is why this document to me does not seem to carry the issue very much further in terms of whether it was authorised at the highest level.

MR RAMPTON: Except for this, Mr Irving, if this was unauthorized, unsystematic, contrary to orders, it would not be reported at all, would it?

A: If the calling was unauthorized -- I am afraid you escaped my attention there for a moment, my mind wondered.

Q: I am sorry. I will repeat it. I will put it in different way. when, what was his name Lieutenant Kalley?

A: K-A-L-L-E-Y.

Q: He did what at Mi Li, this is a parable you used yourself,

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so you know what I am talking about.

A: In a climate of barbarism he took revenge on a village and wiped out every man, women and child.

Q: Did he or his adjutant or his NCO sit down and write a laborious, typewritten report about it?

A: I think there were documents, there was a paper trail established at the court martial.

Q: Was there a written report signed by Kalley, "this is what I have done", and no reports of such atrocities sent back from Vietnam to Washington on a regular basis?

A: Mr Rampton, neither you nor I am is an expert on the Vietnam war and it would be wrong for me to speculate.

Can I just point out, my Lord, even if this document had established the kind of evidence Mr Rampton is looking for, I would submit it could not be held against me because it is only recently submerged from the Moscow archives. It could not have been on my desk at the time I wrote my books. I could not have manipulated, mistranslated or distorted it.

Q: You would have known, this document serves three purposes; one it shows it was happening, but we all know that anyway, we do not need this document for that, the other is that somebody thought worth writing about it in a formal written note of a protocol for a meeting. And the other is it gives two very good reasons why there might have been a lull in the Eastern shootings --

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A: Because the ground was frozen.

Q: -- yes, and in the Ostlands the job had already been done?

A: I appreciate that.

Q: You said you did not know about that document, it has only recently come out in Moscow. I am in no position to dispute that. Have you been aware of the EMs, I say that to avoid my awful German; have I got it more or less right?

A: Yes, commendably so.

Q: Thank you very much. They do go back to Berlin, or rather they are composed in Berlin from information sent from the East by the Einsatzgruppen; have you been aware of those reports?

A: I am aware of their existence, yes, I have not studied them in detail.

Q: No. Have you been aware of those reports, was my question?

A: Yes.

Q: Since when?

A: Certainly since the beginning of this case. Over the last three to five years I would say I have become familiar with them.

Q: Have they all come out of Moscow as well?

A: They have come out in dribs and drabs. Some turned up in the Nuremberg trial, some of them turned up subsequently.

Q: If they were in the Nuremberg files they were sitting

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there where they could be looked I assume, I do not know where the Nuremberg files are?

A: How big they are? A lifetime task.

Q: But you see, Mr Irving, if you are looking for evidence both ways, what was known in Berlin about what was going on in the East, and before launching yourself into an assertion that these were their unauthorized crimes of some wicked people in the East, you ought to be looking at things like that if they exist, ought you not?

A: I did indirectly, if you remember I offered a major reward for anybody who could find the kind of evidence. If it is provided, the kind of evidence I am sure people would stepped forward with outstretched hand --

Q: I think, Mr Irving, you are shortly going to try his Lordship's patience if you are not careful.

A: -- that was a short and perhaps cheap answer.

Q: That was not an answer to my question. If you assert that these killings were the unauthorized criminal acts of certain wild SS cowboys in the East, then you ought to be looking for evidence both ways before you make that assertion?

A: Which killings are we taking about, the killings of German Jews, or killings of the rest, if I may put it that way?

Q: We will have to do the paper chase after lunch. --

A: There is a very significant distinction, I think, in the statement I made that the killings stopped.

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Q: -- no, Mr Irving, sometimes -- I know it is tiring to concentrate hard all the time, I know that, sometimes I think you just do not hear what I say. I am talking about the killings in the East. Leave the German Jews out of it for a moment, because at the beginning they were in tiny minority anyway.

A: But my reference to the wild minority carrying on was a reference to German Jews.

Q: No. You, I think, have asserted -- if I am wrong then I say after the adjournment we will do a paper chase to see whether I am wrong, if you say I am wrong -- you have asserted on a number of occasions, have you not, that this sort of thing, like what happened in Kovno, like the sort of thing we have seen in that Minsk document, were not part of policy, they were just things that happened. You said just now about those Berlin Jews, they got to the end of line, that was that and after that they were in hand of the wicked witch?

A: The system operated from Berlin out to the East. I think we have conceded this, so far as there was a system. But I think that what you failed to establish, if I may say so, is to establish that the system operated from Berlin outwards to Hitler headquarters as well, and that I should have known about and I ignored it.

Q: No. Do I have now a clear concession that what the SS were doing in the East, whether they were Polish, Russian

or Berlin Jews, no, leave the Berlin Jews out of it for the moment; what the SS were doing in the East to the Russian Jews, and the Baltic Jews, to a total of perhaps 1.5 million, I do not believe the numbers matter, we have a concession now, do we, that that was done on the authority of and with the knowledge of at least Heydrich in Berlin?

A: Yes, quite clearly.

MR JUSTICE GRAY: The buck stopped there, did it, did it go to Himmler as well?

A: I think quite clearly this August 1941 message to which Mr Rampton probably wants to proceed next is a reference to the overall security activity of Einsatzgruppen in the East, on which Hitler wished to be kept informed, and to try and say this obviously refers to specifically to the killing of Jews and only to the killing of Jews is a very adventurous leap to make. Obviously you have to mention this desire of Hitler to be kept informed, but it is dangerous then therefore to say therefore he must also have been told in great detail about everything else that is going on.

MR RAMPTON: I am trying to take it slowly, Mr Irving, because I want to be sure of the bricks which I am building.

I have built brick No. One, at long last I have a concession that Heydrich authorized and knew about shootings of these hundreds of thousand of Jews in the

East.

A: Which Jews are we talking about? Can we be quite specific. We are talking about the eastern non-German Jews?

MR JUSTICE GRAY: Yes.

MR RAMPTON: We are talking about the ones the Einsatzgruppen --

A: Yes, it is not a concession because I said it all along. I think the word "concession" is loaded. It implies I said something differently previously.

Q: -- that is what I will look for over the adjournment because I believe that you have on numbers of occasions, not in this court, said almost exactly that.

A: I shall await this revelation with interest.

Q: I may be wrong, if I am wrong I will tell you so. Now I am going to go a stage up from Heydrich.

I am going to go to Himmler next. This is a document which I perfectly well accept you did not have at the time when you wrote your books. My Lord, it is Himmler's note of the 18th December 1941. It is referred to on page 63 of the first part of Dr Longerich's report, and the document itself in one of several versions is at footnote 160 of H4(ii).

A: While we are looking for that, can I just say this is precisely the kind of document, of course, that falls under my strictures about is it strictly relevant to the

issues as pleaded? If it was not available to me at the time I wrote the books ...

MR JUSTICE GRAY: I have been wondering about that and I think ----

A: It is of historical interest and I am quite happy to...

Q: Yes, but just wait a minute, Mr Irving. I think there is a lot of force in what you say, but I do not think I can stop Mr Rampton cross-examining about it because if he were, for example, able to show by producing a document you did not know about when you were writing, that it points unequivocally in whatever direction, and you were to deny it, he might be entitled to say to me at

the end of the case, well, that shows that you are not objective when you are shown a new document.

A: He is a hard, cold denier, yes.

Q: But I do accept the force of what you say and Mr Rampton may takes these documents perhaps rather than shorter than the ones that were available.

MR RAMPTON: I think it is very easy to do that because there is really only one question comes out of it. The trouble is I cannot find it.

A: I have, of course, used the document in the new version of the book that has now gone to press.

MR RAMPTON: It is about three quarters of the way through file 4(ii). Has Mr Irving got file 4(ii)?

A: I am very familiar with what the document says and its

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shape. "Juden frager"...

MR JUSTICE GRAY: But I am not, Mr Rampton, so can you show me where I go for it?

MR RAMPTON: Yes, my Lord, footnote 160. This reproduction of the note is the best I have. It comes from that little book, Witte. It is a Himmler manuscript, my Lord. Your Lordship may recognize the handwriting.

MR JUSTICE GRAY: Yes.

MR RAMPTON: Before we look at the substance of this, Mr Irving, perhaps it is best to say what it says. We had better just tell everybody what it means. I hope I read it correctly. It is headed: "Führer Hauptquartier", is it not?

A: Yes.

Q: Which is the "Führer's headquarters". Underneath that we know which headquarters because Himmler tells us, the Wolfsschanze, the Wolf's Lair.

MR JUSTICE GRAY: Did you say FN 160?

MR RAMPTON: Yes, 160.

MR JUSTICE GRAY: Mine is 17th December 1941.

MR RAMPTON: Yes, but on the right-hand side it should be the facsimile.

MR JUSTICE GRAY: I had assumed that was what was being transcribed on the left-hand side.

MR RAMPTON: No, it is not, I am afraid. In fact, in the book the transcription is on the next following page behind the

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Himmler note. "Führer Hauptquartier, Wolfsschanze 18.12.41 at 1600 hours", 16H that is?

A: Yes, that is correct.

Q: Underneath the XII for December, the Roman 12, Himmler has drawn a line or somebody has, have they not? A vertical line?

A: Yes.

Q: So the page divides into two columns?

A: Yes.

Q: Above the right-hand column underlined is the word "Führer"?

A: Yes.

Q: And in the left-hand column Himmler has written -- are these written in pen or pencil or what?

A: Himmler used a green crayon. He or his adjutant, Grothmann, would write a list of topics to

discuss with Hitler on the left-hand side of the line, and then on the right-hand side sometimes there would be a one or two word comment usually reflecting what Hitler had decided.

Q: On the left-hand side, this is what you might call the agenda then, correct?

A: Yes.

Q: Himmler's has written "Juden frager"?

A: The Jewish question.

Q: And under "Führer" in the right-hand column he has written "aus partizan auszurotten, has he not?

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A: "To be wiped out as partisans".

Q: Yes. This ----

MR JUSTICE GRAY: Does it say "aus surotten", sorry?

A: "Auszurotten".

MR RAMPTON: This, Mr Irving, is an important document?

A: It is a document, but, as Trevor Roper said once, because it is new that does not mean it is necessarily true, and also you have to look at every document like that and say because it is new, you have to fit it into the general fabric. It is one mosaic stone that you have to fit into the rest of the mosaic. But I appreciate it is a crucial document, a cardinal document.

MR JUSTICE GRAY: When did you first see it?

A: I could not actually put a date on it. It became common knowledge in, I think, the summer of last year when a young German historian published it in a learned essay and sometime later I obtained the actual facsimile from ----

Q: That was the first time you had seen it when you saw it last summer?

A: That is correct.

MR RAMPTON: And the natural meaning or import, implication, significance, call it what you will, for an historian, of course, he has to take everything into account, but at first blush this would suggest that Hitler had told Himmler to wipe out the Jews as partisans? Do you agree?

A: This is an interpretation which is put on that document,

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yes.

MR JUSTICE GRAY: But the question was, do you agree?

A: Not in that form, my Lord.

MR RAMPTON: Tell me how you read this. I would be very interested.

A: "Jewish question", first of all, the literal translation is: "Jewish question, to be liquidated as partisans". Once again we are faced with the problem of trying to define which Jews we are talking about, which Jews is Himmler likely to have been talking with Hitler about on that afternoon, on December 16th 1941. Presumably, it is the Jews in the Baltic and on the Eastern front.

Q: Suppose you are right about that ----

A: Yes.

Q: What else?

A: --- to be liquidated as partisans. I am quite happy to use the word "liquidated" as that translation for "aus hotten" on that occasion. I think it is quite clear that they were going to be, I forget the phrase the Americans use, terminated with extreme prejudice, partisans on the Eastern

front were shot, they were executed, and the only question, of course, which hangs over this document is which Jews specifically are being talked about.

MR JUSTICE GRAY: We have agreed, have we not?

A: Yes.

MR RAMPTON: I do not know, I am not an historian ----

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A: Well, is it German Jews being deported to the East who are falling under that ambit or just all the rest?

MR JUSTICE GRAY: Well, you would say no because of the document that we were looking at the other day, "Keine Liquidierung"?

A: Precisely, my Lord.

MR RAMPTON: If may or may not be, Mr Irving, that is not at the moment what we are talking. This is evidence that Hitler gave authority for the massacre at least ----

A: Of Jews.

Q: --- of Jews in the East?

A: Yes.

Q: Yes. That, I think, as I recall, is the view that Dr Longerich takes?

A: I do not think there is any dispute between the parties on this.

Q: Then, low and behold, almost a year later, or just over a year later, comes along a report from the East saying that just that has happened?

A: Yes.

Q: A report to Hitler?

A: December 29th 1942, yes.

Q: So, as a matter of historical fact, Mr Irving, you have always known about report No. 51 on 29th December 1942, have you not?

A: Yes.

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Q: The probability that Hitler saw that report and was, therefore, what shall we say, implicated in the murder of all those 363,000 Eastern Jews is confirmed, is it not, by our subsequent knowledge of this document?

A: Yes. There is no contention between us on that point.

Q: So, historically speaking, the fact is that the systematic killing of the eastern Jews, whether in Minsk or Kovno or Kiev or anywhere else, was part of a Fuhrer plan?

A: As a part of the partisan combating. I am trying to specify exactly what interpretation one can safely put on two rather skimpy documents with 12 months between them.

It has to be said that this telephone notice, this agenda, is about as skimpy as one can imagine.

One would only wish that Himmler had been more literary in his endeavours and told us precisely what was going on.

MR JUSTICE GRAY: Would it be wrong to read it that they were to be treated in the same way as partisans were being treated, namely they were going to be shot just as partisans ----

A: Precisely, my Lord.

Q: --- because they were supporting the ----

A: And I know that some people would say, well, the Jews provided the partisan reservoir, but, of

course, the obvious argument against that is "and the women and children too" and the answer to that is, of course, they were not. So this was, undoubtedly, part of the majority

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atrocities on the Eastern Front which I have never denied.

MR RAMPTON: Well, then please will you look at report No. 51 itself? I know we have looked at it before, but these documents are, in our submission, so intimately connected that it is necessary to look at it again. You will find that in (which I hope you have) H3(i) which is the first tranche of Professor Browning's documents at footnote 28(ii). H3(i), do you have?

A: Yes.

Q: Then if you turn to FN 28(ii) at the bottom right-hand corner of the page, you should have it?

A: I have it.

Q: This is a report -- I will not go through it all again -- only for a part of the East. It does not say anything, for example, about Ostland. It talks about South Russia, Ukraine and the Bialystok area which is to the west of White Russia, is it not?

A: Yes.

Q: As we noticed before, under paragraph 2, listed as gang helpers, and what was the other word?

A: "Partisan accomplices" is the way I would translate that.

Q: Sorry, what?

A: "Accused of being partisan accomplices or fellow travellers".

Q: Yes, fellow travellers?

A: And suspects.

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Q: Or whatever. Some were arrested, some were executed, which is perhaps not very surprising, not in huge numbers, a total under B of 14,000 -- well, comparatively not in huge numbers, I should have said. Under C, as a separate entry for heaven knows why, a separate entry, 363,211 Jews?

A: Yes.

Q: So, is it your thesis that Hitler would have been likely to think, "Oh, well, I am sure all those Jews were getting up to no good in the underground or the Resistance or whatever, the subversives, and there were all that many of them so the poor old SS had to shoot them", is that a realistic scenario, Mr Irving?

A: That being sarcastic, presumably?

Q: I am being entirely sarcastic.

A: Yes, of course not.

Q: Not to you, but I mean that is not a credible suggestion, is it?

A: Of course it is not, no, and this document I have printed in several of my books. I think I was probably the very first person to have drawn attention to it. I may be wrong on that.

Q: This is important, Mr Irving. So you agree with me that this is just some kind of fiction, really, to put them under band helpers and band whatever the other things, accomplices. This is put, coldly and bluntly, a record of

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the number of Jews deliberately executed for the reason that they are Jews and for another, is it not?

A: I have no evidence of that, but that is a reasonable supposition. But I would also continue from that point and say what worries me about this document is that we have no evidence that Hitler took it on board, as we would now say. He never referred in later conferences saying, "I remember back in December we got that document saying we had killed 3,000 Jews, jolly good show!"

Q: But you have had this document for a long time?

A: Oh, yes.

MR JUSTICE GRAY: But the evidence suggests that it was laid before Hitler, does it not?

A: I agree, my Lord, but there is a difference between documents being laid before a Prime Minister or a Head of State at a time when disaster, the world is crashing around his ears, it is the height of the Stalingrad Crisis, and the fact that he actually imbibed the facts and figures contained in it, this may be precisely why Himmler put it to him at that time. This has been known to happen, that people -- documents are shovelled in front of them.

Q: We now know that he did ask to be kept informed about the shootings on the Eastern front.

A: 18 months earlier, my Lord, yes -- that is not strictly accurate, my Lord. He asked to be kept informed of the

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activities of the Einsatzgruppen. Broadly speaking, their major activity was policing the rear areas and to them fell the task of killing the Jews.

MR RAMPTON: Have you any idea of the cost of ammunition at that time in the history of the Reich?

A: Cost of ammunition?

Q: Yes.

A: I would imagine the price per round was relatively low.

Q: So it would not be a huge economic expenditure to kill, let us say, 700,000 Jews by shooting?

A: It is much cheaper to kill them with bullets than with cyanide gas.

Q: Much noisier too?

A: I take your word for it.

Q: Well, bullets, they were not using silencers, were they?

A: I am afraid you have lost me there.

Q: It is more likely to come to public attention, is it not, and it is also, I mean, I do not know how many soldiers they used by per shooting?

A: I think there were six machine gunners, according to Bruns, was it not?

Q: I do not know.

A: Who took it in turns. They were relieved.

Q: Evidently, at some stage it became too much for many of the people that had to do it?

A: Yes, I am sure.

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Q: Whereas -- we will come to the other matters later on.

Now, I would like Mr Irving -- my Lord, this is the last thing, if I may, that I will do before the adjournment ----

MR JUSTICE GRAY: Yes.

MR RAMPTON: --- to have a copy of Professor Evans' report.

A: While it is being fetched, my Lord, can I ask you, do you read the newspaper accounts that are published at all of this action?

Q: Not much, no.

A: Not much?

Q: Well, if you have been there, there is not much point in reading about it.

A: I agree, but the newspapers sometimes report things that have not been dealt with in the courtroom.

Q: Yes, I know. Why do you mention that at this stage?

A: Well, over the weekend I have been studying some of the accounts, and it would disturb me if I thought you were accepting what the press reported about things.

MR JUSTICE GRAY: No, I rely on what I hear here.

A: This is the Evans report.

MR RAMPTON: Yes.

A: Page?

Q: That will probably take us up to, at any rate, 5 to 1. Page 134. There may be more to come of this after the adjournment when I have done a bit more research, but

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these two little snippets will do for the moment. For the moment, I have not fished out original transcripts, Mr Irving, so I hope you will forgive me. If Professor Evans has mistranscribed what you are alleged to have said, then no doubt, you will tell us. Page 134(c) "Systematic nature of the extermination". This is Professor Evans: "A refusal to accept that the extermination of the Jews was systematically organised or centrally directed is a major element in the phenomenon of Holocaust denial"?

A: As defined by him.

Q: I am reading his words. You can cross-examine him about his words, not me. "Where does Irving stand on this issue? Even before he changed his mind on the numbers killed and the use of gassing as a murder technique, Irving was denying that the Nazi extermination of the Jews had been carried out in a systematic manner. Thus, for example, in 1986, two years before his change of mind on these issues, Irving told reporters in Brisbane, Australia: 'I am not attacking the figure of 6 million. I am not attacking the fact that the Jews were killed, but I am attacking or questioning whether, in fact, it was a tragedy ordered and organized on the very highest German state level, namely by Hitler himself, and I think this is what they find very repugnant!.' Who was "they" in that sentence?

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A: I do not know.

Q: "because if my hypothesis is correct, then it means that all these Jews, and it maybe any figure, I don't look at the figure concerned, if my hypothesis is" -- sorry, it is difficult to read, "if my hypothesis is correct, it indicates that the Jews were the victims of a large number of rather run-of-the-mill criminal elements which exist in central Europe, not just Germans, but Austrians, Latvians, Lithuanians, Estonians, feeding on the endemic anti-Semitism of the era and encouraged by the brutalization which war brought about anyway'." Then if we go over the page, please, and then there is the bit about these chaps who did it being motivated by revenge for bombing. 135, Professor Evans makes the comments: "Irving did not explain how allied bombing

raids on Germany could have turned Latvians, Lithuanians and Estonians against the Jews".
Maybe you just made a slip, did you, Mr Irving?

A: It is quite clearly being misread by whoever -- Professor Evans has misread that. He is reading into the words I used a much tighter link there. Quite clearly, the people living in the Baltic provinces had their own reasons for hating the Jews. I do not propose to go into them here.

Q: I do not know whether it is a speech; it is a press conference.

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A: It is a verbatim press conference probably.

Q: Yes. Paragraph 3?

A: But, as far as the German killers and the Austrian killers went, certainly there are very clearly links between some of the killers concerned and what they experienced in the air raids.

Q: Yes. I will read the next sentence, paragraph 2, if I may? "He did make it clear, however, that he thought the mass killings of Jews in the Second World War resulted from local initiatives in East Central Europe, not from any overall coordination by the Nazi leadership or, indeed, by any part of it. His view was that these local initiatives were excusable. It comes through clearly as well as he told at an interview in the same month in 1986, the millions of Jews or the hundreds or thousands of Jews, I am not going to name any figure, who were liquidated during the Second World War by the Germans and the Latvians or the Ukrainians or all the rest who carried out liquidations, they were the victims of a large number of nameless criminals into whose hands they fell on the Eastern Front. Mostly around Eastern Europe the liquidations occurred and these men acted on their own impulse, their own initiative, within the general atmosphere of brutality created by the Second World War in which, of course, the allied bombings had played a part".
Mr Irving, that first part, leave the allied

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bombings out of it for a moment because we will get on to Dresden later in the case.

A: I think I am absolutely right. I think the documents that have come to light have established that a hundred times over.

Q: What?

A: The fact that the mindless criminals on the Eastern Front who carried out these killing operations had a motive of their own to do the killing even when they were ordered by Berlin or by Hitler's headquarters to stop and they carried on with the killing. People like Altemeyer, that young man we talked about earlier, the 22 year old, who sniggered and said, "We have got this order to stop the mass shootings but we are going to carry on anyway so no one sees it".

MR JUSTICE GRAY: That may be true, Mr Irving, but it is not really the point, is it?

A: Oh, I am sorry. I must have missed the point that Mr Rampton is asking about.

MR RAMPTON: Yes, you have missed the point. What you are denying here is system?

A: Yes, of course.

Q: Yes, and you have readily ----

A: The overall system, that link that you are looking for between Berlin and Hitler's headquarters.

Q: We have found it. We have found it easily going to

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Heydrich.

A: Yes.

Q: And, no doubt, therefore, to Himmler and now we have found it going to Hitler, have we not?

A: There must be something between the lines that I have not been able to read.

Q: Between which lines?

A: That you have read out because where is the link to Hitler here?

Q: No, sorry, we are at cross-purposes. This will be my last question, I hope. The effect of what you are telling this audience in Australia, or these two audiences in Australia, that this was unauthorized criminality behind or beyond, you know, on the East?

A: Yes.

Q: Right. I thought we had agreed this morning in court that, in fact, and contrary to what you are suggesting to these people in Australia in 1986, the whole thing was organized and approved by Berlin?

A: Again which Jews are we talking about?

MR RAMPTON; We are talking about the Eastern Jews. I am being consistent.

MR JUSTICE GRAY: Well, non-Berlin Jews.

MR RAMPTON: I am using oranges and oranges.

A: Yes, I think we have established quite clearly that that is ----

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Q: And that is completely contrary to what you are saying to these Australians, is it not?

A: In 1986?

Q: Yes.

A: Where I said mind that it was the mindless killers on the Eastern Front who did the killing?

Q: "These men acted on their own impulse, their own initiative", that means without orders, does it not?

A: When we are talking about the German Jews?

Q: No, we are not.

MR JUSTICE GRAY: No, we are not there.

A: Well, we do not know because we have only been given these fragments of a transcript.

Q: No, just focus on the question. What is being put is that what you said in 1986 about these men on the Eastern front having acted on their own impulse is at any rate now known by you not to be right because, in fact, it was authorised at the highest level, namely by Hitler?

A: What was authorized, my Lord? The killing of Jews, the partisans?

Q: Yes, you accepted that, I thought, a few minutes ago.

A: The Jews to be liquidated as partisans, 16th December, the conversation, yes. If we can expand that very meagre note, that skimpy note, into that interpretation which I think is a legitimate expansion, certainly Hitler sanctioned the killing of the Jews on the Eastern Front,

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all the rest Jews, the non-German Jews, and that has never been a matter contention for me.

Q: I think what is being suggested is that what you said in 1986 can now be seen to be wrong because you were suggesting in 1986 that these killings on the Eastern Front of Jews was done on the initiative of the commander?

A: They acted on their own impulse and their own initiative, yes, but, clearly, you cannot have the systematic killings without the people on the Eastern Front who are willing to kill. It is no use

having a killing system if you have not got mindless killers out there who are prepared to do the killing. This is an attempt, really, to explain the mentality of the people who are doing the killing on the Eastern Front.

MR RAMPTON: I will put the question one more time, then I will leave it and I will tell you where to find the full transcript of this press conference or as such of it as we have?

A: Yes. I think I would like to read the whole transcript rather than just fragments.

Q: You should and I tell you so if you want to glance at it overnight?

A: Because both Evans and Browning have a habit of not even indicating where they have left out whole sentences.

Q: They can answer for themselves in due course.

A: Professor Evans on one occasion left out three sentences,

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eight full stops, three semi-colons and 86 words.

Q: I am going to make a joke about that and say "Good Evans!" Maybe we can get on, Mr Irving. My suggestion is this, that those words you used in Australia on those two occasions in 1986 (and it maybe we shall find some others, I do not know) are apt to suggest to the audience that this killing of the Eastern Jews on a vast scale went on without the knowledge or approval of Hitler and his cronies, all of them, in Berlin?

A: If that impression is given, it is the wrong impression.

Q: Yes, it is.

A: By me, quite clearly.

MR JUSTICE GRAY: Is that a convenient break?

MR RAMPTON: My Lord, yes, thank you.

MR JUSTICE GRAY: 2 o'clock.

(Luncheon adjournment)

MR DAVID IRVING, recalled Cross-Examined by **MR RAMPTON QC,** continued

A: My Lord, can I make one small correction?

MR JUSTICE GRAY: Yes.

A: I am wrong about one point on that German, the date line, where it says "am", I am informed that in certain regions of Germany it is proper to use "am"; it is a dialect.

MR JUSTICE GRAY: Yes, I am not surprised to hear you say so, thank you for that correction.

A: Thank you.

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MR RAMPTON: Mr Irving, before lunch we looked at some remarks that you had made to audiences in Australia in 1986.

A: 14 years ago.

Q: Yes, 14 years ago. Do you take any point on the fact that those remarks were made 14 years ago?

A: I just wanted to emphasise the fact these remarks were made 14 years ago.

Q: Can I now show you something you said in October 1992.

A: Yes.

Q: Thank you. My Lord, Mr Irving will need bundle D5(ii), and D3(i).

MR JUSTICE GRAY: I am sorry D5 I have not got.

MR RAMPTON: Well --

MR JUSTICE GRAY: I mean, have not got here.

MR RAMPTON: Thank you, no. My Lord, I think we can supply everybody with a copy.

A: D5?

Q: D5(ii), page 25, I have the copy loose. I think this is a wrong reference, I am afraid.

MR JUSTICE GRAY: Yes, I think it must be.

MR RAMPTON: I am looking, Mr Irving, I will tell you what I am looking for. I am looking at the wrong thing anyway.

MR JUSTICE GRAY: Is it a transcription of a speech?

MR RAMPTON: No, it should be a letter from Mr Marcellus dated 16th January 1992. We cannot ----

A: Yes, it is on page -- it is page 141, identified as No. --

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It is in the section after tab 29.

Q: Yes.

A: At page, handwritten bottom right 28.

Q: Oh.

A: No, it is -- handwritten at the bottom, 26. . "Dear Tom".

Q: Has the judge got that?

MR JUSTICE GRAY: No, not yet.

A: Alternatively 25, 25 is a longer letter. It is a fax.

MR RAMPTON: The reference was right. Does your Lordship have it?

MR JUSTICE GRAY: Yes, I have now.

MR RAMPTON: It is a fax, is it not?

MR JUSTICE GRAY: Yes.

A: I was looking at this very letter only last night, in fact.

Q: Good. I am only interested in the last part of this for the moment. Right at the end, you say this: "My position remains unchanged, that there were certain Mi Li type atrocities by troops in Russia, that the gas chambers and factories of death are Hollywood legends and that there is no wartime evidence of a Hitler order that what I consider in these papers is 'hearsay'." This was, was it, in preparation for an IHR conference that year, do you think?

A: The second paragraph indicates that I was methodically working my way through the Eichmann papers and evaluating them, planning perhaps to do something with them at this

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Institute of Historical Review, as you know.

Q: Yes, because in D3(i) at I suppose tab 30, there is a transcript, I think we looked at this for another purpose not long ago, page 18, could you turn to, it is marked twice, in tab 30 of this file, we start at the beginning, so we see what it is. It is headed "the suppressed Eichmann and Goebbels papers David Irving presented at the 11th IHR conference October 1992", the date is correct, is it, Mr Irving?

A: Yes.

Q: Now can you turn to the page marked 172 with a stamp or 21 in print.

A: Yes.

Q: And you say this in the last paragraph: "Now you probably know that I am a revisionist to a

degree, but I am not a revisionist to the extent that I say there were no murders of Jews. I think we have to accept", can I pause there and ask you why you use that form of words, "we have to accept"?

A: The general public has to accept.

Q: Why should not the general public accept? There is bags of evidence for shootings of Jews, is there not? Do I sense a some feeling of reluctance in that form of words?

A: I do not consider a film with Robert Mitchum called "War of Remembrance" to be evidence which the general public

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should necessarily accept.

Q: Can I repeat my question "in the form of words I think we have to accept"?

A: Yes.

Q: Do I sense a note of reluctance in that?

A: No, not at all. What you have also to remember I was speaking to an audience largely comprised of revisionists who are loath to accept this kind of thing, so I am saying to them --

MR JUSTICE GRAY: You say "we" not "you"?

A: I am part of this audience, I am part of this -- part of this function.

MR RAMPTON: You are really meaning, are you not --

A: Yes.

Q: -- we, the revisionist movement?

A: Yes.

Q: --- have, and I insert the words, Mr Irving, reluctantly got to accept --

A: Excuse me, I did not say "reluctantly got to".

Q: -- you do not accept that is the sense of it?

A: Not at all. What I am saying quite clearly here is that that let us get one thing quite plain, we have to accept there were these mass murders on the Eastern Front.

Q: So we may not wish to do?

A: These are your interpolations --

Q: Yes, they are --

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A: -- manipulations and distortions --

Q: -- I was making a suggestion about what was in your mind when you spoke to this like-minded audience.

A: -- so are you now a mind reader, Mr Rampton.

Q: No, you said it was a conference of revisionists?

A: I assume --

MR JUSTICE GRAY: The point is made, we have the answer.

MR RAMPTON: The more often your Lordship pushes me in that way the happier I shall be.

MR JUSTICE GRAY: I hope you will not take it unkindly.

MR RAMPTON: Of course not. I am, as your Lordship knows, very used to do jury actions and sometimes old habits die hard that is all it is.

MR JUSTICE GRAY: It is an understandable lack of differentiation.

MR RAMPTON: You go on. I think we have to accept there were Mi Li type massacres, where SS officers, the Einsatzgruppen commanders, did machine gun hundreds, if not thousands of

Jews -- oh hundreds if not thousands, sorry, I must get it right, did machine gun hundreds if not thousands of Jews into pits on the Eastern Front at Riga at Minsk and at other locations, this kind of thing did happen?

A: -- I think quite clearly this is not hundreds of thousands, I mean this is...

Q: It is not hundreds of thousands?

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A: I mean the evidence I have given is quite clearly we are talking about hundreds of thousands, not just hundreds or thousands in cases ----

Q: We do not need the hundreds, do we?

A: Hundreds of thousands.

MR JUSTICE GRAY: I think Mr Irving is saying it is a misprint or whatever the word is he said and what he meant was hundreds of thousands not if not thousands?

A: Because if at this meeting I have read out the Bruns' report where alone several thousand people were machine gunned into one pit one could not talk about hundreds.

MR RAMPTON: This is one of these speeches, presentations lectures, I do not know, that you will have approved before it went into print in this whatever it is?

A: This is correct, yes.

Q: Yes. Never mind, it is a small point.

A: Yes.

Q: The main point is this, Mr Irving, this is another statement in exactly the same vein as the statements you made at Brisbane in 1986, is it not, Mi Li type massacres?

A: Yes, I am being accused of being consistent, am I?

Q: Yes, you are, you are accused of consistently and knowingly reducing the extent of the responsibility for these massacres?

A: Very well.

Q: Do you accept that charge, or not?

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A: Trying to identify the responsibility, yes. On the basis of very meagre evidence.

Q: The words "Mi Li type massacres" mean this, do they not, to any educated or half educated audience, these massacres were done by criminal gangsters unauthorized in the East without the approval, consent or knowledge of the people in Berlin?

A: That is correct.

Q: That is correct, and it was wrong, was it not?

A: That was wrong, yes.

Q: And you knew that it was wrong?

A: No, I did not, not at this time.

Q: Not in 1992?

A: No.

Q: When did you learn that it was wrong, Mr Irving?

A: I suppose once I began studying the documents for this case in detail, and we started looking at the individual documents of the kind we have been looking at in court today that becomes quite plain.

Q: Sorry. Yes, I did not mean to interrupt.

A: It becomes quite plain that there was a co-ordination, there was a degree of direction. For example, the killings in the Eastern territory - in the Baltic provinces which carried out admittedly by the local populations, the SS were told to join in and help and it turned a blind eye. So there was a lot of nodding and

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winking going on in a degree that quite clearly indicates a systematic direction going on between Berlin and the Eastern Front where the killings were taking place.

Q: I missed the last part of that answer, it ended systematic direction, you are saying --

A: Systematic direction going on between the Eastern front and Berlin in connection with these killings.

Q: -- I am grateful to you. It is in this same speech is one of places where you refer to the Bruns evidence, is it not?

A: I believe so, yes.

Q: I am sorry, I am being harassed from all sides. I will try to make both points at once if I possibly can but I do not think I can. Can you turn back, please, to, where is it?

MR JUSTICE GRAY: Page 24. Are you on Bruns?

MR RAMPTON: Sorry.

MR RAMPTON: You were asked a question on page 23, you will find right hand column under "Questions": "What do we know about the people who are responsible for the massacres of Jews by firing squad in Minsk and other areas? How high did the responsibility go?" Were you not?

A: Yes.

Q: And it was at that point we come to Bruns, is it not?

A: Yes.

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Q: And as I think we have been through already so I am not going to go through it again, you do not when reporting Bruns' evidence make any reference to the order which Altemeyer said he had, which were Fuhrer orders, that it should happen, nor to the qualifications and the second conversation that must happen more discreetly?

A: If I read it here says, one particular Bruns described to his pals in appalling detail the massacre he himself saw near Riga on November 30th 1941, I am not going to read that out one here, so I did not read out any of it apparently.

Q: But the direct answer to the question, would it not, difficult for you when you said these were "Mi Li type massacres". This chap Bruns actually said he had been told it was a Fuhrer order? "But I do not think it is probably right" you could have added, of course?

A: I think we have gone over this point in some detail on a previous occasion.

MR JUSTICE GRAY: Yes, we have.

MR RAMPTON: I rather agree. I had not spotted the question before, that was all.

A: My Lord, might I just read out ten lines of continuation of that particular speech, because it goes to how unreliable a lot of this evidence is?

MR RAMPTON: Where are you, Mr Irving?

A: At the top left of page 24. It is just a typical --

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problem we have with eyewitness evidence where apparently equally credible document gives a version of a story which is on the face of it highly unlikely.

MR JUSTICE GRAY: Well, yes, if you want to read it out.

A: If it would be a useful exercise, or if your Lordship so directed I would not, of course.

MR RAMPTON: I do not object.

MR JUSTICE GRAY: There is no objection taken, if you want to, then do.

A: Purely as an exercise in how unreliable evidence can be from prisoners of war. Here is a prisoner of war in a conversation on December 20th. A man called Obergaufreiter Till, who was captured in August 1944. He claimed to have been guarding the railway at Auschwitz in July 1943 when a train load of Greek Jews arrived. This again is an intercepted and overheard conversation. Till said: "The SS man kicked a Jewish woman who was highly pregnant. He kicked her right in the stomach and knocked her down and the unborn baby came almost out. He took hold of it pulled it out, threw it on the ground and told the woman to get up. He put that child on the truck that was standing there to take away the dead people to be burned." The British officer is then heard asking: "The child was dead, of course?" Till then said: "Yes, and the woman could not get up she was hardly dressed and he grabbed her by the breast. He wanted to pull her up. He

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just ripped her skin and everything out of her breasts.

There was a captain there from the army. I think his name was Captain Klug. He went after that SS guy, he took him by the shoulder, turned him round and said: "Are you crazy to do something like that, are you not ashamed of yourself?" And so on.

As I comment this is the kind of rubbish that gets into these interrogation reports and part of the job of being a responsible writer or researcher is to sift the wheat from the chaff and try evaluate which ones are credible. It may be that this is an entirely true story, but on the face of it I considered it was not. That is the kind of problem we have, it is all very well in court look at documents which have been singled out by the Defendants, and say, look at this one, look at that one, why have you ignored this? As an historian working in the archives you are confronted with tens of thousands of documents and you have to make your own choice.

MR RAMPTON: Yes, Mr Irving. You made a statement to -- why did you want to read that out, as opposed to just drawing attention to it, saying this is something you could not believe?

A: Why did I wish to read it out?

Q: Why did you want it read it out?

A: It is self-evident. It is material of precisely the same quality as General Brun's eyewitness account; it comes

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from precisely the same provenance, from the Combined Services Detailed Interrogations Centre transcripts and yet we have to make a value judgment and say this document I believe, that document I do not believe or this document I believe this much, that portion I am less inclined to believe. And on balance, as I think I explained to the court earlier, when it came to Brun's recollection of what Altemeyer said about, "we have got the Fuhrer's order but we are going to disregard it", I am afraid I attach the value to it which I consider to be proper.

Q: Mr Irving, if I put General Brun's Report of Lieutenant Altemeyer's words in those terms you would have given me the most terrible rocket, would you not? "We are going to disregard it"; he did not say that at all, did he?

A: I beg your pardon? Disregard --

Q: He did not say "we are going to disregard it"?

A: -- no, discount certain elements of it.

Q: Yes, I see.

A: Which on -- prima facie less likely than others. We can believe the part where he says he can see the girl in the flame red dress in his mind's eye because all experience tells us that is the kind of detail people do report.

Q: We have done it before --

A: We have also dealt with SS braggarts who shoot their mouths off --

Q: -- we have done that one, Mr Irving, I will not pick up

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the conflict again. I would not be allowed it anyway.

I want to ask you this about your Mi Li remark, which I have now lost, of course. We have to accept that there were Mi Li types massacres. You have accepted it was wrong. You could have found out that it was wrong before you made it, could you not?

A: -- find out what was wrong?

Q: The characterization of these organized, systematic shootings known to Berlin in the East of the eastern Jews; the characterization of those Mi Li type massacres was wrong, you have accepted it was wrong, and you could have known it was wrong before you made that --

A: I think to be more specific, there were Mi Li type massacres.

Q: -- I am sure there were?

A: But there were also others that were clearly on orders from above.

Q: I do not want to go back over old ground again.

A: Yes.

Q: But my question was not that to which you gave an answer; my question was, you had the means of knowing it was wrong before you said it, did you not?

A: What would those means have been?

Q: You could have done the same research in the EMs going back to Berlin as everybody else has done?

A: I do not think everybody else does done it for a start;

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secondly, I am not a Holocaust historian, as I keep reminding the court.

Q: Then why are you discussing it here and why are you making a categorical assertion that they were simply unauthorized gangster killings?

A: I am being asked by a member of the audience my opinion on this and I am giving the opinion based on my knowledge at that time.

Q: Now I want to come to something different that arises from some things you were saying on Thursday. I promised you that I would come back to it and I will. It is Hitler's log note, telephone log note, of the 30th --

A: November 1941.

Q: -- yes. It has to do with the manuscript, not the sense, the manuscript, and your transcription of the word "haben -- "

A: This is December 1st?

Q: November 30th 1941.

A: December 1st 1941?

Q: There was a copy of it -- December 1st, you are quite right, I got the wrong date. There was a copy of it in your little bundle, my Lord, at the back of J3.

MR JUSTICE GRAY: Yes?

A: December 1st.

Q: Have you got it, Mr Irving?

A: No.

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MR JUSTICE GRAY: We all know it by heart by now?

A: I know it by heart.

MR RAMPTON: No, for this purpose the witness will need the actual copy.

MR JUSTICE GRAY: Have you got that little clip?

A: No my Lord I no longer have it.

MR JUSTICE GRAY: Is there a spare copy? Bundle C.

A: I thought we had passed on from this matter.

MR RAMPTON: No, because I promised you that I did not accept that that you made an honest mistake in the transcription of that word "haben" and if I had any more to say about it I would come back to it, and that is what I am now going to do.

MR JUSTICE GRAY: Page 13, I think.

MR RAMPTON: It is page 14 is the transcript. Sorry is the photograph and page 13 is the transcript.

A: Yes, I have it.

Q: Now I am going to do something else, if I may, Mr Irving.

I am going to pass up to you, and to his Lordship a somewhat better copy than the one you gave us.

A: Which is completely immaterial, of course.

Q: So you say, but you may not think that when you have heard how I am going to use it.

MR JUSTICE GRAY: Shall we slot this into ----

MR RAMPTON: Yes, my Lord.

MR JUSTICE GRAY: --- that file?

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MR RAMPTON: Yes. 13A, my Lord, says Miss Rogers. I will just ask you, I am not going to ask you any questions about that at the moment, I want to ask you some preliminary questions. Your copy which we find at page 14 of your little bundle ----

A: Yes.

Q: --- was taken from what?

A: From a microfilm.

Q: From a microfilm. Look at the one I have just handed in.

A: Yes.

Q: That is a copy taken from a microfilm too, is it not?

A: I will take your word for that, yes.

Q: Well, it looks like it, does it not?

A: Except there is a distinction. There is a handwritten No. 318 on the top right-hand corner.

Q: That is as may be but the fact that it is ----

A: No, that implies that it is taken at a different time and also what looks like a staple in the top left-hand corner.

Q: Yes, but the fact that it is white on black, Mr Irving, suggests that it is a photocopy taken from a microfilm negative, does it not?

A: Yes, but not from the microfilm that you obtained from me.

Q: How did you make your photocopy that we have here?

A: I took it to a Messrs Rank Xerox Limited who ran it off on a copy flower machine about 20 years ago.

Q: Ran what off?

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A: The microfilm.

Q: The microfilm?

A: They printed it out and then chopped it up and I sent it to be bound.

Q: What I have here, is that as good as it gets or is the original ----

A: My Lord, I had the actual bound volume in court with me last week and that was what I operated from. This is a photocopy from that bound volume which is as good as it got. I am quite happy to bring it into court again tomorrow.

Q: Well, it may not be necessary. I would say I hand up the better copy, only for the purposes of checking it in case you do not agree with what I am going to ask you. Can you have out your English -- sorry, your typescript transcript of the manuscript?

A: It is the previous page.

Q: Page 13?

A: Page 13?

Q: Yes. I think I am right, am I not, that there are only two words in the whole of this transcript which you have mistranscribed? One is, well, you have altered the "haben" from "Juden". You have made it into "haben", you tell us?

A: Yes.

Q: You have also mistranscribed "truppen" of "truppenschule",

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have you not?

A: That is correct.

Q: Those are the only words you have mistranscribed. The "haben" is now correct?

A: I have only just spotted the "lappenschule" was mistranscribed as well, yes.

Q: Yes, that is right. Take the first line. Look at your transcript.

A: Yes.

Q: The word is "recrutenzahlen" which is numbers of recruits, perhaps, is it?

A: Yes.

Q: Now look at the German, the manuscript?

A: Yes.

Q: The "U" has a thing like a hockey stick over the top of it, does it not?

A: That is correct, yes.

Q: Look at the word, third line, which you transcribe as "ulab vager"?

A: Yes.

Q: The small "b" at the end "ulab" looks like a small "b", does it not?

A: Look likes a small B?

Q: Yes, it is like an ordinary schoolboy "b", is it not?

A: Yes.

Q: Look at the "U" in the next line in "tabung", again it has

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that scallop on top of it, has it not?

A: Yes.

Q: Look at the word in the next entry which is a single entry "flieger mel dingung"?

A: Yes.

Q: Look at the "D"; it has a loop on the top, has it not?

A: Yes, if you look two lines down, please, at "executionen", and on "executionen" there appears to be no little hat on the U.

Q: That may be, Mr Irving.

A: That rather destroys the point you are trying to make.

Q: Do not try to always second guess me; it does not really help. It just slows things down.

A: I am just trying to help court.

Q: "Flieger mel dingung" has both the loop on the "D" and the little sign on top of the U, has it not?

MR JUSTICE GRAY: It is not umlaut sign, is it?

A: No, it is not. It is to distinguish the "U" from the "N" in handwriting in German.

MR RAMPTON: Then the next line where there is an entry against the name of Heydrich in Prague?

A: Yes.

Q: "Schreibdamen", you have both the "B" and the "D" there, have you not?

A: Yes.

Q: The ordinary "B" and the "D" with the loop?

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A: Yes.

Q: Look at the last H of "Heydrich"?

A: Yes.

Q: It looks like a capital J in English, does it not?

A: Yes.

Q: Then the first line of the entry against "Pohl Bezuch", that has the little scallop on it, has it not?

A: Yes.

Q: Then "Lappenschuhe"?

A: Yes.

Q: L-A-P-P-E-N-S-C-H-U-H-E?

A: Yes.

Q: Both the "H"s look like "J"s, do they not?

A: Yes, but they appear to have no scallop on the "Uhe".

Q: It is difficult to tell because the "G", or whatever it is, of whatever the "zu", I think it is, the Z loop has come down on to the U, has it not?

A: I do not see any scallop.

Q: Check it against the good copy and you will see that it has. It matters not very much.
A: I am checking the good copy; but there is no scallop on the "executionen" and quite clearly there is nothing on the "U" on that one.
Q: But you have transcribed both those "H"s which look just like "J"s to the English eye correctly as "H"s?
A: Yes.

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Q: There is no scallop on the word you transcribe as "Juden"?
A: Yes.
Q: You must have known the first letter was an "H" and not a "J", and it must be quite certain that you knew that the third letter was not a "D"?
A: Mr Rampton, this is a sterile exercise. We are looking at a page that was not lying in front of me. The page that was lying in front of me was the one that was in my bundle.
Q: That is what I have been looking at. I have been doing this by using your copy.
A: Yes, but you had this as a cheat, did you not?
Q: No.
A: I did not have this as a cheat.
Q: Look at your own copy. Ignore the good copy. That is just so everybody shall not think I am making it up.
A: This is what we call a cheat.
Q: Oh, you think so?
A: Yes.
Q: I would not have given you the good copy in that case. Look at the right-hand column. Look, for example, "fliegemeldung"?
A: Yes.
Q: That, even in your fairly poor copy, loop on the "D" is as clear as daylight, is it not?
A: Yes.

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Q: Now look at "schreibdamen", the "b" and "d" both together?
A: Yes.
Q: So if you wanted to be sure what that word was at the beginning of the indent against the "Pohl" entry ----
A: Yes.
Q: --- you could tell perfectly well that it must be a "B" and not a "D".
A: You have the great advantage of hindsight, of course. You know what the word should read and now you can read it.
I did not know what the word should read. I had this very, very poor copy to work from.
Q: Every time that Heinrich Himmler writes the letter "d" in lower case, he puts that loop on it, does he not?
A: I do not think so; not even on the one at 1315 on the left-hand column. I cannot see the loop on that. But I can only repeat I regard this (and you will disagree with me) as a very sterile exercise. You are looking at the quality of photocopy that was not in front of me.
Q: I am not. I am looking at this wretched thing that you handed out yesterday.

A: Yes, indeed, but you had the benefit of this now to tell you which letters are which.

Q: As a matter of fact, Mr Irving, I had the benefit of somebody who had bothered to learn how to read Heinrich Himmler's handwriting which you had too. Had you not?

A: Yes, and it is amazing that I was first person who ever

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made use of these.

Q: Yes, Mr Irving, great credit for that, but the fact is that you had before you the evidence if you had cared to look at it?

A: I disapprove of the word "cared". Your use of the word "care" implied that I perversely and deliberately and following an agenda misread the word when, quite clearly, I did not. Quite clearly, that is a reasonable reading of that word, and as soon as the improper reading of the word was brought to my attention, I immediately changed it. It is the kind of thing that, unfortunately, happens when you work from original records and not from sitting in book in a book-lined cave which is what most of the academics and scholars do.

Q: Well, Mr Irving, this is either deliberate or it was a mistake of the most colossal magnitude for a proper historian, was it not?

A: It was a mistake of a pathetic magnitude, less than 10 cents would I give for that mistake, Mr Rampton, less than 10 cents on a scale of 1 to \$10.

Q: What, when you are trying to exonerate Hitler by saying that Himmler sent an order the next day to say the Jews were to stay where they were? Come on, Mr Irving.

A: Excuse me. This is not that page. This is the page after.

Q: But you run the two together in the same passage in your

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book?

A: Mr Rampton, are you implying that the strength of that paragraph has been diminished by one jot, by one comma, by the omission of this sentence? Of course not.

Q: No, the strength of it is increased by the inclusion of that sentence is what my suggestion is.

A: But it has not been diminished by the omission of the sentence in any way at all.

Q: That is not my suggestion.

A: In fact, we have even better material to replace it with.

Q: My suggestion is this, that wherever you can, you distort the material before you so as to put Adolf Hitler in the clear so far as you possibly can. It is quite clear.

A: The use of the word "distort" implies that this was a wilful misreading, and that is an interpretation which I reject here most emphatically and under oath.

MR JUSTICE GRAY: Well, issue is well and truly joined on that, is it not, now so...

MR RAMPTON: It is, is it not?

A: I think, my Lord, I will bring back tomorrow the bound volume of the Himmler diaries on which I worked. I will lay the actual volume before your Lordship.

MR JUSTICE GRAY: It will look very similar to page 13, will it not?

A: It will, indeed, my Lord, but in view of the fact that they appear to hang their whole case on this misreading.

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Q: Well, I do not think I would go that far.

MR RAMPTON: No, I do not think you should make that assumption, Mr Irving.

MR JUSTICE GRAY: Anyway we have got the ----

A: Well, Mr Rampton keeps on coming back to it like a dog that keeps on digging up an old bone.

Q: --- question and the answer.

MR RAMPTON: Yes, I have had the great good fortune, Mr Irving, to learn how to read Himmler's handwriting last night or whenever it was, Friday maybe, which you already knew. Now I want to turn aside or I want to go into the future, rather. Can you have your Hitler's War book of 1991, please?

MR JUSTICE GRAY: Which part?

MR RAMPTON: Part 2, my Lord. Please turn to page 464. My Lord, I had better read from the beginning of where the text comes out of quotation.

MR JUSTICE GRAY: Right.

MR RAMPTON: "Given his table company", that is Hitler's table company, "Himmler, Lammas and Colonel Hanzeitzer on this occasion, this is surely a significant private discourse by the Fuhrer"?

A: Would it not be more to point to read the paragraph?

Q: I am not really going to ask you about that, but I will if you want me to?

A: Please do.

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Q: On January 25th, we are in 1942, are we not? It starts at the bottom of 463, my Lord.

MR JUSTICE GRAY: Are you going to be discussing the Roman Jews at this point?

MR RAMPTON: No.

MR JUSTICE GRAY: I really do not think, Mr Irving, it is going to be relevant. We will obviously read anything that you think is relevant but I do not think ----

A: Well, it is just a passage that is incompatible with the notion that Adolf Hitler was simultaneously giving orders for the liquidation of Jews.

MR JUSTICE GRAY: All right, well, let us have it. I was trying to save time.

MR RAMPTON: We are going to have to come back to it.

MR JUSTICE GRAY: Of course.

MR RAMPTON: Because again it is, what shall we say, to put it neutrally at the moment, it is another crass error by Mr Irving ----

A: Another.

Q: --- so we say. "Hitler reflected out loud: 'If I extract the Jews today, our citizens get uneasy, what is happening to him then, but did these same people care one hoot what happened to the Germans'", in italics, "who had to emigrate. We've got to get it over fast. It is no better to pull out a tooth a bit at a time over three months.

Once it is out, the agony is over. The Jews have got to

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get out of Europe, otherwise we'll never reach a European consensus. He is the worst troublemaker everywhere and really aren't I, in fact, terrifically humane? During the ... ceremony in Rome the Jews were maltreated. Up to 1830 they hounded eight Jews through the city on asses every year. All I say is he has got to get out. If he drops ... in the process, I can't help it. I do see

one thing, however, their total elimination, absolute ausrotung, if they won't leave willingly. "Given his table company, Himmler, Lammas and Colonel Hanzeitzer on this occasion, this is surely a significant private discourse by the Fuhrer. On January 27th, he repeated the same arguments over dinner to a different audience, 'The Jews have got to get out of Europe. The best thing would be for them to go to Russia.

I have no sympathy with the Jews' "Three days later speaking in the Berlin Sport Palaste he reminded his audience of his prophetic warning to the world's Jews in 1939.

"Early in March 1942, Heydrich held a second interministerial conference to examine the awkward problem posed by half and quarter Jews. If allowed to remain, they might, perhaps, be sterilised. The top level opinion, i.e. Hitler, is quoted to the effect that they must draw a sharp distinction between Jews and non-Jews as it would not be acceptable for a mini race of semi Jews to

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be perpetuated in law. This classification process would call for a colossal administrative effort, so the idea was shelved. A subsequent memorandum in Reichjustice ministry file cited this highly significant statement by Hans Lammas headed 'The Reich Chancellory', 'The Fuhrer has repeatedly stated that he wants ... (reading to the words) ... After the war they might be allocated a remote territory like Madagascar as a national home." Much of that, Mr Irving, we are going to come back to later on. This is the bit. I read that by way of chronological introduction: "Dr Goebbels, agitating from Berlin, clearly hoped for a more speedy and ruthless solution although he held his tongue when meeting his Fuhrer. On March 19th he quoted in his diary only this remark by Hitler: 'The Jews must get out of Europe. If need be, we must resort to the most brutal methods'. That Goebbels privately knew more is plain from his diary entry on 27th. 'Beginning with Lublin', he recorded, 'The Jews are being pushed out eastwards from the General Government. A barbaric and indescribable method is being employed here and there is not much left of the Jews themselves. By and large, you can probably conclude that 60 per cent of them have to be liquidated while only 40 per cent can be put to work.'" "Dr Goebbels recorded further that ... (reading to the words) ... And the cycle started over again. 'The

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Jews have nothing to laugh about now' commented Goebbels, but he evidently, never discussed these realities with Hitler. Thus, this two-faced minister dictated after a further visit to Hitler on April 26th: 'I have once again talked over the Jewish question with the Fuhrer. His position on this problem is merciless. He wants to force the Jews right out of Europe. At this moment Himmler is handing the major transfer of Jews from the German cities into the eastern gettoes.'" Now, you cited two Goebbels' entries there in part, and you make it clear that it is only in part. The first question, for the entry of 27th March 1942, had you read the whole of the entry?

A: I did, and I read it not only in the original paper diaries in the Hoover Library in California where that particular page is now kept, the original, I also read it on microfilm in the American national archive's version that was microfilmed in 1947 because, obviously, this was a very contentious entry and a lot of right wing radicals tried to make out that this was a fake entry in some way, and that the CIA or the OSS or someone had dumped it, had inserted it into the Goebbels' diaries. When I went to Moscow, that was one of the first plates I looked for, just to complete the circle of evidence that it was a genuine entry. So I read it many times.

Q: You have, so you have read the whole of that entry?

A: Yes, indeed.

Q: Well, then could I ask that Mr Irving be given ----

A: Of course there is much more to than that.

Q: Yes. Can I ask Mr Irving be given Professor Evans' report, please?

MR JUSTICE GRAY: You may already have it. I think it is coming up from behind.

MR RAMPTON: What about the entry of 26th April?

A: You want me to find a particular page in the report first.

MR JUSTICE GRAY: No, I think Mr Rampton wants to know whether you have read it?

A: Yes, of course. I read that one on microfilm because I have the entire diaries that were then available on microfilm since 1970 about, my Lord.

MR RAMPTON: I am going to ask you if you will to look at the translation (and the German is set out there too) at page 400 of Professor Evans' report?

A: Are we going to challenge my translation or just the content?

Q: No, do not leap ahead, Mr Irving.

A: I need to know what I am looking at.

Q: You fall at the fences if you do that. Could you just read to yourself, either way round, it matters not to me, first of all or second of all, the English and the German to yourself. I want you to say whether you think the translation is a fair one.

A: In other words, the translation?

Q: I am sure you know the German very well, but I would like you to see whether you agree or not that Professor Evans' translation is a fair one, then we can all get on with the words.

A: Well, let us assume that it is a fair translation. If I ----

MR JUSTICE GRAY: Yes, that may save time in the end, I suspect, because you are going to come to particular passages.

MR RAMPTON: Yes, I do not want to ask questions about a passage in English which the witness may dispute. That is all. Your quotation if you still have it open on page 464 ----

A: Yes.

Q: --- stops, I think, well, as a direct quote it stops, first of all, in the penultimate line of page 464 as a direct quotation?

A: Yes.

Q: Then you go on to report the next sentence in Goebbels' text?

A: Yes.

Q: Carefully and unobtrusively you say Professor Evans that does not work too conspicuously?

A: Yes.

Q: I do not think you have got any of the rest of it?

A: It is pure Goebbels' waffle, yes.

Q: What?

A: If you have the read Goebbels' diaries, you know he waffles endlessly. He is dictating to a

diligent manservant who takes down everything he dictates. He waffles. If he was writing this in handwriting, he would have done it in half the length. It is the old Goebbels' gramophone record that he is putting on again.

Q: There is a reference, if you can go back, please, to Professor Evans' version, again to the Reichstag prophecy, is there not?

A: Yes.

Q: And he says "that prophecy is beginning to realize itself in the most terrible manner"?

A: Yes.

Q: "And must not allow any sentimentalities to rule in these matters. If we did not defend ourselves against them, the Jews would annihilate us. It is a struggle for life and death between the areas and race and the Jewish bacillus"?

A: Yes.

Q: Now, "the Jewish bacillus" was not Goebbels' ugly concept but Hitler's, was it not?

A: That is correct. Hitler repeatedly, particularly in 1941 onwards, started talking about the Jewish bacillus.

Q: He did indeed.

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A: Which I quoted in my book, of course.

Q: He talked about eliminating the Jewish bacillus on a number of occasions?

A: Yes, or "combating" the bacillus rather than "eliminating" it.

Q: What? Sometimes he uses the word "eliminierum" which I suppose means "eliminate". "No other government and no other regime could muster the strength for a general solution of the question. Here too the Fuhrer is the persistent and the word is "Vorkampfer"?

A: "Pioneer", yes.

Q: Pioneer?

MR JUSTICE GRAY: That is "protagonist" really, is it not?

A: Even better.

MR RAMPTON: "Protagonist"?

A: And it would be an accurate, a deliberate, 100 per cent -- excellent.

Q: And "Wortfuhrer", is that a spokesman?

A: "Champion".

Q: A "champion", yes, stronger than "spokesman" of a radical solution of the question -- sorry, "of a radical solution which is demanded by the way things are and thus appears to be unavoidable". You never in this book, or the previous edition of this book, make any reference to that statement by Goebbels about Hitler's position in this general solution, do you?

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A: This is Goebbels reporting Hitler's position.

Q: It is indeed.

A: Yes, but does it really advance our sum knowledge of what Hitler's position was?

Q: Indeed it does, indeed it does, Mr Irving. It at least, one might put it like this, might lead one to be a bit cautious, might it not, about saying that Goebbels kept the ghastly truth from his leader, Adolf Hitler?

A: Well, I have a reason for saying that.

Q: What is that?

A: The fact that he never records in any of his diaries that he did and whenever he put suggestions to Hitler, then he records it in his diary. This is the subtle distinction. If you read all the diaries and not just one glowing ember which is thrust into your hands by one of your experts, when you are familiar with the entire diaries, then you know how to use them.

Q: Which is how, Mr Irving?

A: The way I just described to you. I would have been looking here for a passage where Goebbels then says, "I then put to the Fuhrer the proposal that we do, this, that and the other and Hitler agreed", but there is nothing of that. This is just Goebbels ranting on, happily coming back in the after glow of having sat with the Fuhrer, and once more the Fuhrer has put the gramophone record on about the prophecy.

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I mean, if I am an author of a book which has not got to be a two volume book, writing a book that is going to come down to a reasonable economic length, you have to make judgment calls on what you put in and what you take out. If something you are going to leave out does not really advance the argument one way or the other, then you leave it out.

Q: But, you see, your omissions of the Goebbels' references to Hitler are the omissions of all those references which put Hitler in a bad light?

A: Let me also put something in a legal sense. This entry can be held against Goebbels' evidence but not against Hitler, of course.

Q: We are not conducting a legal enquiry when we are writing a history book, Mr Irving, are we?

A: We are to a certain extent. The man, the people we are writing about are dead. They are entitled that we should marshal the same kind of criteria that we would in a court of law. We are looking at serious crimes that have been committed, indeed, the worst atrocities this last century.

MR JUSTICE GRAY: Well, I am about a quarter of the way with you. I think the fact it does not come from the horse's mouth reduces its weight, but it has weight nonetheless?

A: Unquestionably it has weight, my Lord, but then you come up against the problems of the other weight, the weight of the tome you are writing; you are already facing a

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problem. I have had to shorten the book already down from the 1977 edition by approximately one-third in order to put the first volume in as well, and you have those weight problems you have also have tempo problems. You do not want to bog the whole text down by repeating yet again with has been said elsewhere. The fact that Adolf Hitler had planned a radical solution for the Jewish problem, whatever he meant by that, has been spelt out innumerable times elsewhere in the book.

What is far more interesting in this particular quotation, the real meat of this quotation is Dr Goebbels having learned somehow, presumably from an SS report, that what happened to the Jews in Lublin when they arrived, as I said, beggars all description, as a caption I have used, I believe, in the Goebbels' biography, where I quoted it at far greater length, my Lord. You will find I quoted it at far greater length in the Goebbels' biography because in the Goebbels' biography it is important. The material goes to what Goebbels' own knowledge was.

Q: Will you forgive me, Mr Rampton, just to ask a couple of questions. If you look at that paragraph at the top of page 465, tell me if I am wrong, but it appears to me the point you are really conveying to readers there is that Goebbels did not discuss the disposal of the Jews or the realities of the disposal of the Jews ----

A: With Hitler?

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Q: --- with Hitler and, secondly, that Hitler was still talking about getting the Jews right out of Europe.

A: This is a very important point that I make, and he continues to say this ----

Q: But if you look -- just let me complete the point, then add whatever you like -- at what Goebbels' diary actually records, it includes the phrase "The Fuhrer is the persistent pioneer and spokesman of a radical solution which is demanded by the way things are and thus appears to be unavoidable"?

A: Yes, but what is ----

Q: And Goebbels has referred earlier to only 40 per cent of the Jews being available for work, the rest being liquidated?

A: In my submission, my Lord, the way I used this material was absolutely correct. I quoted the meat of the quotation from the diary, I quoted what we know from the diary about how far his conversation went with Hitler, but I certainly did not try to get cleaver in reading between the lines and suggesting that either he got this information from Hitler, which is most likely, he got it almost certainly in the form of a report, a so called esdebricht, the same as you have got the report from the Bunzig conference and so on; and that he then went to see Hitler and he sat basking in Hitler's glow for a while. They exchanged anti-Semitic remarks, but Goebbels did not

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venture to put this material to him, and he came back to Berlin, dictated his diary reflecting, "Well, Hitler is after all the champion and protagonist of radical solutions, he is the one". But at the same time Hitler is, apparently, talking about pushing them out and the Madagascar solution, about pushing them out to Russia and that kind of thing.

This is the discrepancy in the records that you are confronted with, as I say in the table talk passage that I insisted should be read out. This is a first person record taken by a qualified stenographer, Heinrich Heime, and the people who are present are the people who are actually conducting the massacre, Heinrich Himmler, and yet here is Hitler apparently saying something which is totally at variance with what is at that very moment happening. This is why it is so significant, my Lord, that how could, unless there is a lot of hypocrisy going on here, but for what purpose? These were Top Secret memoranda, taken down by Heinrich Heim, signed by Martin Bormann and then put in the files, the so-called table talk.

MR JUSTICE GRAY: Thank you.

A: You see, it is very easy to look at just one diary entry like the Goebbels' diary and mull backwards and forwards across that without realising that there is a lot of collateral evidence that reinforces the position one takes

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and how one edits it, which is not necessarily perverse and certainly is not manipulation.

MR RAMPTON: Mr Irving, it is difficult for me, without having had a response from you to our various reports -- it is not a criticism -- to know when I am looking at a particular Goebbels' diary entry whether you have read them or not as your reading seems per force to have been somewhat selective. That is not a criticism either.

A: Mr Rampton, I have read the entire Goebbels' diaries as they were available on microfilm from left to right twice.

Q: When?

A: Once when they arrived in 1970, in other words, when I obtained them from the American archives, and once again when I wrote the Goebbels' biography in the late 1980s or early 1990s.

Q: Sorry, I am not understanding, but I thought we had, unless I have gone completely mad, a discussion this morning about the entry for 13th December 1941?

A: That was not available. I am talking about the Goebbels' diaries when they were available. The Goebbels' diaries only became available, well, they became available in several chunks over the last 50 years.

Q: So this is one you had read?

A: March 27th 1942?

Q: Yes.

A: Yes.

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Q: I am going to have to ask you that question every time, you see, when we look at these entries. It is one you have read and you chose not to include the reference to Hitler being the leader and spokesman of the radical solution; instead, you included, if it was a question of space, the last sentence, in your words, "The Jews have nothing to laugh about now", did you not? You skipped right down ----

A: "The Jewry had nothing to laugh about" in Evans' words, yes. Very similar.

Q: Yes. His translation is slightly better than yours ----

A: Except it is less literate, less literary. Occasionally, when you make a translation for a book that will be published, you have to go for the literary rather than the wooden. This is a slightly more wooden translation.

Q: This is not an important point, but it is dangerous, is it not?

A: I try to avoid wooden translations for documents if I am writing a book for publication. I try to put a literal translation. With Goebbels, it becomes very difficult because his diaries are written in a vernacular -- a lot of slang put in them.

Q: You do record fairly enough the diary entry of 20th March and the remark on 19th by Hitler -- I have it in here, it is at the bottom of page 464 -- "The Jews must get out of Europe. If need be, we must resort to the most brutal

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methods", do you not?

A: I cannot find it in the book.

Q: I am so sorry. It is in the last paragraph on page 464.

A: On March 19th he quoted in his diary, yes, that is right. OK.

Q: Yes, only this remark.

A: Yes. "We must resort to the most brutal methods".

Q: In your first edition, you got the chronology wrong, did you not?

A: It is possible, yes.

Q: Yes, you did. You said that Dr Goebbels' meeting with Hitler on 20th came after that entry of the 27th which we have been looking at.

A: It is possible.

Q: That is not a criticism, it is a fact, so nobody should confuse themselves by looking at the 1977 edition. Then you go on: "That Goebbels privately knew more is plain" ----

A: Yes.

Q: --- etc. What was the evidentiary foundation for the assertion that Goebbels plainly knew more?

A: Privately knew more.

Q: What?

A: That he privately knew more.

Q: Yes, than Hitler did.

A: He quoted a remark by Hitler that the Jews must get out.

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He privately knew more because the SD had sent to him, Goebbels, the report on whatever is going on that beggars all description, the killings at 40 per cent, 60 per cent.

Q: Mr Irving, I am sorry about this. I am not trying to rewrite history; I do not have to. I am trying to put myself in the position of an historian who is writing an account of these dark days, and sees that Hitler on 19th when evidently he and Goebbels had had a meeting saying that the Jews must get out of -- I will get it right -- Europe. "If need be, we", that is the German government, "must resort to the most brutal methods ----

A: To get them out.

Q: What is the most brutal way of getting somebody out, ousting somebody?

A: No, it is not. It is being knocked up at 2.00 or 3.00 in the morning by Gestapo hammering on your door and saying, "You have got 15 minutes to pack and come down to a central collecting point and then you are going to be put on a train with the aforementioned three tonnes of bread". That is a brutal means of getting people out in any language.

Q: It is a brutal means, but if we are going to be literal minded and go into the school room, we know that "most" is a superlative, do we not?

A: Yes.

Q: What is the most brutal means of removing people?

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A: Most brutal means of getting people out? Using brute force, getting the Gestapo, dogs.

Q: I am going to see if I can find what word is attributed to Hitler.

MR JUSTICE GRAY: I do not know where that diary entry is.

MR RAMPTON: I do not either; that is the trouble.

MR JUSTICE GRAY: I am not sure it is going to matter very much because Mr Irving is making the point that in the end we are talking of getting them out of Europe and not anything else, so it does not really matter what word is used.

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

A: Indeed, my Lord, yes, all that it is safe to say on the evidence.

MR RAMPTON: What he actually said I think was this or was recorded as having said. One must be careful. This is the Goebbels' entry: "Wir sprechen zum Schluß noch über die Judenfrage" which means -- if you want to see it, it is on page 405 of ----

A: "Finally we speak on the Jewish question".

Q: Yes. "Hier bleibt der Führer nach wie vor unerbittlich" -- relentless, unmerciless, is it not?

A: "Vor unerbittlich", yes, merciless.

Q: Merciless, yes. "Die Juden müssen aus Europa heraus"?

A: "The Jews have to get out of Europe".

Q: "Wenn nötig"?

A: "If necessary".

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Q: "Unter Anwendung der brutalsten Mittel"?

A: "With the employment of the most brutal methods" or "means".

Q: What is there in anything that you have seen in the evidence of this time to suggest that Hitler and Goebbels did not discuss the very questions raised by Goebbels' later diary note at that meeting of 19th March?

A: The fact that Hitler in the table talk which is recorded first person and I have seen the actual original paper, with Martin Bormann signing every single page in the bottom right hand corner as being an accurate record of what had been said, stated in the presence of people like Heydrich and Himmler at their table talk remarks which were only consistent with the knowledge that they were being physically and geographically expelled from Europe.

Q: He was muttering on about Madagascar in late July 1942?

A: He was also muttering on here, as you said, about Russia and the marshy swamps.

Q: We will come to your marshy swamps entry fairly soon, Mr Irving, but the references to Madagascar and Russia are perhaps in late 1942 are a complete nonsense; they cannot be taken seriously?

A: With all that mass of paper that we have, not only taken by Heydrich, but also by Rosenberg's Adjutant, who also wrote table talks, which I discover in the archives, with all this mass of paper of Hitler talking in private at

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this time I would just ask for one piece of sheet where he is explicitly saying "sure we are liquidating them".

There is nothing. It is this negative mass of evidence, this absence of any evidence I find impressive. Even when he is in private talking to people who are actually doing the killing there is no such mention, on Hitler's part. I found that very disturbing.

MR JUSTICE GRAY: You now know, of course, that is not right, do you not, because of the document we were looking at this morning?

A: Which document are you referring to, my Lord?

Q: Killing the Jews as if they --

A: December 1942 -- my Lord, tomorrow I will bring to you one of these irritating individual documents, 10th December 1942, the discussion between Himmler and Hitler on a proposal that they should sell their Jews to foreign customers, and Hitler saying: "Yes, this is quite all right, sell what you want. We want hard currency for them"; which is inconsistent with the desire to liquidate all the Jews at that very same time. It is a document not without evidentiary value in this particular argument.

MR RAMPTON: I think we are going to have to look at these table talks, I have quite a lot of them here, in some detail, probably tomorrow, Mr Irving. Your basis for saying that Goebbels privately knew more is simply that there is no document that you know of where Hitler says,

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I too know what Labotznich is doing in the East or whatever or I order him to do it?

A: -- there is no documentary evidence he derived any information from such reports as has obviously been shown to Goebbels, yes.

Q: I still do not understand how that leads to the positive assertion that Goebbels obviously knew more.

A: Because there is a negative proof here, we have an absence of documents where there should have been documents to the contrary, with a huge volume of record of Adolf Hitler's remarks in later years, in 1942, September 1942 onwards, his war conferences were taken down verbatim, just like here. Every word he said and spoken to the shorthand reporters. We have the documents. We have the diaries. We have the table talks. We have Kopen's records, and yet nowhere is there any reference indicating that Hitler was privy to this kind of information. I say that with absolutely certainty you will not be able to prove me wrong.

Q: I already have, Mr Irving, we have talked at some considerable length already about report number 51, have we not?

A: That is why I refer to this as being an orphan, because it is so totally impossible to fit it into the general framework of all the other documentation which is of equal evidentiary weight.

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Q: Therefore you jettison it?

A: Not at all. It frequently happens, probably in major court cases of a criminal kind too, that you have one item for which you cannot find a ready explanation, the whole of the rest of picture is -- there is this one which item which bothers you for the rest of your life. That item will bother me for rest of my life. But I am quite satisfied that all the other evidence I have; the table talks, the transcripts, the telegrams, the intercepts; which all fit into one general picture flowing one way, I am quite prepared to have one document flowing the other way, but that does not make me change my opinion.

Q: Mr Irving, you have two more now that you did not know about before.

A: Good.

Q: You have the Muller letter of 1st August 1941?

A: But that is only of very low evidentiary value purely saying Hitler wants to be told what is going on with Einsatzgruppen.

Q: You cannot put things in isolation, as you keep telling me. You have to put that together with the report No. 51, and you have to put it together with the Himmler note, which is plainly a note of something Hitler said. You have to ask yourself the question; overall in the context of the whole of the evidence?

A: Mr Rampton, if you were proposing --

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Q: Wait a minute, does this not lead to the conclusion Hitler probably did know?

A: -- if you propose to link those two documents that you keep on intending to do, the August 1941 document and the December 1942 document, I would refer you to the German Civil Service practice, that the second document in its reference lines on the top left would automatically say, "Referring to Fuhrer order" such and such a date August 1941 then that would immediately state: "This is in response to that triggering document" even if it was 18 months earlier. You will frequently find this in the records, that it will specifically make reference to the document to

which the report is issued in response.

Q: Could we try it a different way, Mr Irving; since it clear Hitler knew about the mass shootings by the Einsatzgruppen in the East, we can deduce that from report No. 51 --

A: Well, can we phrase that slightly differently? Since Hitler had no reason not to know it may sound quibbling to you --

Q: -- I do not mind. You see I am not driven to make any proposals about history, as I said, only about historiography. You have written that the unequivocal, categorical statements about Hitler's lack of knowledge, not I.

A: -- but you are not suggesting I did not print that No. 51 in the appropriate place in the Hitler biography.

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Q: It is there somewhere, but you attach no importance to it?

A: I attach -- merely putting the document into the book is not enough?

Q: Most of these documents, or many of them you just put them in the footnotes very often, do you not?

A: I strongly suspect that is the way it was put to Adolf Hitler in December 1942, as a footnote.

MR JUSTICE GRAY: I must say that I hesitate to accept, for this reason; it is quite a simple document, and it is referring to the killing by shooting of 300,000 Jews.

Well, you have to be quite a man to just pass over that, do you not?

A: My Lord, as is quite evident from a study of the history of that period at this moment in time, December 29th 1942, Hitler's primary concern was focused on saving the Sixth Army in Stalingrad.

Q: That I accept, but that does not mean, does it, he is not going to notice a document telling him that 300,000, on the face of it, innocent civilians were being shot by his army?

A: It could go either way. All I am entitled to do is to put the document in the book in its proper place, not in the way we are looking at it in this court surrounded only by documents about the Holocaust, putting it in the Hitler biography where you have it surrounded by everything else that is happening at that time. That may be described as

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putting in as footnote, but that is precisely the way it probably came to him and Himmler probably slipped it before. But I have not even suggested that. I have just put it in the proper place.

MR RAMPTON: Let us, Mr Irving, think about this orphan document for a moment, if we may. Another way of looking at this orphan document is this, is it not, if it is clear enough, as I would suggest to you it is, that this information was conveyed to Hitler and if the result of it was not that a whole lot of people were sacked or put in prison because they had done something illegal, and killing, shooting 363,000 Jews, people, never mind unless they are soldiers, is a fairly remarkable achievement, is it not, and if it had been against Hitler's policy, surely we would know, would we not, because of the consequences for those that had done it and authorized it?

A: This was typical Hitler, when people acted in this way he did not move to take recriminations against them, he just allowed things to slide. He was typical (unintelligible) as they say in Latin, he was a procrastinator.

I also make this point, which is not unimportant, Mr Rampton, you have seen the agenda, Himmler's agenda, on which he would go and see Hitler and put reports to him, like this one, or

the one a few days previously about the selling off the Jews to the highest bidder, this kind of thing, and you have -- can I finish.

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Q: Carry on.

A: You would then have in the Himmler files a paper trail saying what Hitler's response had been. We have no such paper trail. We have no response. We have no letter by Himmler writing two or three days later saying "the Fuhrer has studied report 51", there is nothing like that and that is what I mean when I call it an "orphan". I am not trying to insult the document's integrity. I am suggesting that we lack the paper trail which shows it was brought into Hitler's cognisance.

Q: You accepted not very long ago, last week, he probably had seen it?

A: On the balance of probabilities, because of the use --

Q: I am only interested --

A: On the top, just the same as these documents are lying in front of me here, that is not to say I know what is written 20 or 30 pages down the heap.

Q: -- oh.

A: Because there is no subsequent paper trail --

Q: You have evidence that the Fuhrer had a stack like this in in his in-tray, he got to about page 30 and then fell asleep and the next morning he did not bother to read the particular report?

A: -- you may want to put it as sarcastically as that --

Q: Of course I do.

A: -- I knew his Adjutants, who are now all dead very well,

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and they would describe to me in very great detail the procedure by which they try to get him to attend to documents and it was precisely that, the same as Winston Churchill, they would have their boxes, Churchill used to read his box in bed in the mornings, Hitler's box was put outside his bedroom with all the documents in it which he was supposed to read. That is what they mean by "foregelegt". It means of course that he has other things on his plate that day.

Q: Even for an idiot like me it is an easy word, it means "placed before"?

A: No, "lagen" is to lay --

Q: Laid before, more gently than placed before.

A: -- something which should be more impressive for me would have been the phrase (German spoken) "the Fuhrer has taken cognisance of"; you will always find that on the documents.

Q: At all events, I am right it does not have any consequences for the murderers of these 363,000 Jews?

A: Mr Rampton, this is not a hanging document; I think if this document were to be shown to an English jury in a murder case they would say, well, it is interesting and probably the guy did it, but I will not send him to the gallows just on the basis of this one document.

Q: Probably, that is right.

A: Yes, well, I have allowed that word.

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Q: Thank you very much, probably, that is all I need, thank you, Mr Irving, Hitler, as we

observed before is not on trial here.

Will you have a look with me, please, at an earlier event, which is a table talk of Hitler's on the 25th, it was your remark --

A: 25th October 1941?

Q: -- that put me in mind. Here I am afraid we are going to get involved in an argument about German grammar, but never mind, I think I can cope. On page 323 of Professor Evans' report, this comes from page 377 of Goebbels, under letter A. I will read what Professor Evans says: "In his book "Goebbels" Irving comments on the deportation of Jews from Berlin, starting in October 1941: 'Hitler was neither consulted nor informed'. As a matter of fact you know that to be untrue, do you not, Hitler was --

A: I was reading Hitler --

Q: -- I am so sorry, I quoted from the book. "Hitler was neither consulted nor informed".

A: -- deported the Jews from Berlin -- I would need to read the whole paragraph I am afraid in my book before I allow a judgment on that one sentence.

Q: OK. I will come back to that. That is a minor point. But if you like to we may be just to deal with this quickly. Perhaps we better have the Goebbels book to look

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at. It is page 377. Have you got your own copy there?

A: 300 and?

Q: 377, chapter 43 entitled "Exodus". I will put it in context by reading the top of the first complete paragraph.

A: By Holocaust denier, David Irving, right?

Q: Yes, Mr Irving. "His mass expulsion of the Jews from Berlin was beginning. On October 14th 1941 SS General... signed the formal order as National Chief of Police and the deportations began the next day. 500 or 1,000 at a time, family by family, the Berlin Jews were rounded... in synagogue in ... loaded aboard passenger trains... freighting to the East." Then you list some of the trains. "All four were bound for the ghetto at Lodz between October 18th and November 2nd confirmed Speyer's diaries, some 400,500 Jews were evacuated" releasing to him... Gauleiter Goebbels one thousand ... (reading to the words) ... supposedly for bombed out Berliners ... went to their closest... Hitler was neither consulted nor informed"; about what, Mr Irving?

A: About --

Q: Was he neither consulted nor informed?

A: About this particular deportation phase, this wave of deportations from Berlin.

Q: -- can you turn on to page 330 of Professor Evans'

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report.

A: 330?

Q: 329. It is a few pages on from where we were, but keep your finger where I was, paragraph 2: "As far as the expulsions are concerned, Goebbels noted in his diary on 19th August 1941 that Hitler had approved them in principle: 'Apart from... Fuhrer gave me approval to ... (reading to the words) ... as soon as first possibility of transport offered itself.'" Is that a correct translation of what is in it Goebbels' diary?

A: Yes, it is, it is also in my Goebbels biography.

Q: I did not ask you that, is it a correct translation?

A: Yes.

Q: You have answered my second question, and it is an entry of which you were aware?

A: Yes.

Q: Then says Professor Evans this: "On 18th September 1941 Himmler in fact had told his subordinate in the Warthegau"; that would be Griser (?) I suppose, would it?

A: The --

Q: What?

A: -- well, no, Griser was not Himmler's subordinate. Griser (?) would have come directly under Hitler.

Q: It does not matter. "Himmler in fact had told his subordinate... Fuhrer wishes the old Reich and the

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Protectorate to be ... (reading to the words) ... as quickly as possible. I am thus aiming to transport the Jews of the Old Reich and Protectorate if possible before the end of this year into the eastern territories ... (reading to the words) ... two years ago... as a first step, in order to move them further still to the east next spring." This is September 1941?

A: Yes.

Q: "One month later" says Professor Evans "on September 24th 1941 Goebbels noted in his diary that Hitler had made a final decision on the matter.

I can bring the Fuhrer... of internal political problems to decide upon: the Fuhrer is of the opinion that the Jews must be taken out of the whole of Germany bit by bit. The first... free of Jews are Berlin, Vienna and Prague... I have the hope that we shall succeed even in the course of this year in transporting a significant portion of Berlin's Jews off to the East." Now I suppose you were aware of that entry too, were you not, Mr Irving?

A: You suppose wrongly, that was a diary entry which I have not got.

Q: It is a diary entry you never had?

A: I have not got it, no, I have never seen it.

Q: Then I think one has to look at page 374 of Goebbels. It may not be right.

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A: I thought my memory was correct, September 23rd I have, but not the 24th.

Q: Yes, I think that is right.

A: It is difficult for me to remember over the last ten years to remember which entries I have seen and which I have not.

Q: I would accept it in general that is probably right, you have not seen this entry? Had you seen the Himmler note or whatever it is?

A: No.

Q: Have you seen the Himmler document?

A: The Griser, yes, of course.

Q: Yes, right. It is very unlikely, is it not, that in the light of these two entries of 19th August by Goebbels and 18th September by Himmler that Hitler did not know about the deportation?

A: Yes, you are right, I should have phrased it differently, I should have said there is no evidence that Hitler was consulted or informed.

Q: Little point in a way, Mr Irving, but again you see these points are cumulative. Perhaps significant, because once again you are giving Hitler a clear acquittal when the evidence is suggestive that he probably did know about it?

A: On the contrary, an acquittal of what? I have made it perfectly plain beyond peradventure that Hitler gave the orders for the expulsion of the Jews. And the fact he was

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not informed on a particular phase of it is not exoneration.

Q: So, it is only four trains or whatever it is you are talking about?

A: The fact it is now beginning in Berlin, and that it is happening at this moment.

Q: It is not a big point in your narrative?

A: The fact that I decided to write in the short form rather than the long form part is part of the general tendency to books as short as possible.

MR JUSTICE GRAY: It is a complete non-point, is it not? Why on earth should it matter whether Hitler was informed about these four particular trains?

A: It is really a non-point.

MR RAMPTON: Yes. Thank you very much. No, I am sorry, Mr Irving, unusually I have made a concession that I should not have done. You take your Goebbels book again.

A: Yes.

Q: This is why I need a team of 40 people, because I do not have your memory.

A: Be glad you do not have my memory.

Q: I have not done years of research on this subject, only a few months. 274 of Goebbels.

A: 274?

Q: 374, I beg your pardon. After the bit you notice

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September 23rd?

A: Yes.

Q: There is an asterisk, then there comes this: "Hitler had confirmed to him that little by little all Jews were to be expelled from Berlin Vienna and Prague, note 91"?

A: Yes.

Q: Please turn to page 642, note 91, diary September 24th, 1941?

A: Very good. Yes.

Q: Once your memory failed you did it not, Mr Irving?

A: Yes.

Q: So you had seen this entry?

A: Shot out of water on that one, I am afraid.

Q: Yes. Why if it is not in historical terms a significant event, because you concede that Hitler had ordered the deportations generally from the Outreich and the Protectorate, and indeed from Berlin?

A: Yes.

Q: Why bother to mention whether or not Hitler was consulted or informed?

A: When you write paragraphs you should have a topic paragraph, a topic sentence beginning -- it is a literary -- not a ploy, a device, a literary device, at the beginning of a chapter you should have a topic paragraph at the beginning of a chapter and a topic sentence at the beginning of a paragraph. It is a way of

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helping the reader, a little clue to reader what is following. So what matters in this paragraph is

not that opening floscol (?) as the Germans would say, not that little opening throw away line, but what then follows, which is the quotation from the table talk. I do not blame you for concentrating on a throw away line, but I am going to concentrate on the table talk which now follows.

Q: This was by way of introduction to the table talk, Mr Irving. It is a little point, but I am going to suggest at the end of this case that every time Hitler floats into the picture in your books, it is in order for him to be, as it were, conferred innocence.

A: Every time? Every time?

Q: More or less.

A: Ah.

Q: There is no point in putting in that sentence except to say "poor old Adolf did not know about this beastly business", yet again.

A: Mr Rampton, have you ever written books that have to sell?

Q: Yes, as a matter of fact, I have.

MR JUSTICE GRAY: Not sure how well they sell.

MR RAMPTON: Well, they are meant to be sold.

A: I had an exceedingly good American editor who taught me will over again how to write books, that is one of the things he taught me, always have a topic sentence at the

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beginning of a paragraph, that is what I would call a topic sentence.

MR JUSTICE GRAY: But where does the reader of "Goebbels" learn this was all Hitler policy anyway to transport the Jews out of the Reich?

A: I beg your pardon?

Q: That is a question to you; where does the reader of "Goebbels" learn that this was all Hitler policy anyway to transport the Jews out of the German Reich?

A: Probably where I quote the Griser telegram --

Q: I am sure, but where do you --

A: -- I would have to look in the index.

Q: -- do not take time, you do somewhere refer to that document?

A: Yes. I repeatedly say that on Hitler rests the initiative for ordering the expulsion, but what happens when they arrive there is the moot point.

MR JUSTICE GRAY: I just does not have the reference in mind.

A: I will find it.

MR RAMPTON: It is not an important point, and I apologise if I spent a bit too long on it, but there it is. It is the next part I am truly interested in. "Ten days after the forced exodus began [he, that is Hitler] referred ... (reading to the words) ... to the way the Jews had started this war. 'Let nobody tell me Hitler added that despite that we cannot park them in the

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marshier parts of Russia" By the way he added it is not a bad thing that public rumour attributes to us a plan to exterminate the Jews. He pointed out however that he had no intention of starting anything at present. 'There is no point in adding to one's difficulties at a time like this.'

A: I am ready for you.

Q: You may be ready for me in some sense or another, Mr Irving; first can I ask you this; this is intended to suggest to the reader, is it not, (a) that there is no actual extermination planned at this point, it is only a matter of public rumour; and (b) that to do anything like that at this time would

be to add to one's difficulties, or do you say "yes" simply adding to one's difficulties at a time like this?

A: Postpone it to the war is over, yes.

Q: Pardon?

A: To postpone it until the war is over to quote Schlegelberger.

Q: Have you read this passage in Professor Evans' report?

A: No -- yes, I have, but that is not the translation I used.

Q: What is not?

A: Professor Evans has his own clever translation of that passage.

Q: Of course, he has, because he has done it correctly.

A: You are implying I used a deliberately perverse and

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distorted translation?

Q: Oh, yes, indeed so. For one thing there is no reference in what Hitler says to the marshier parts of Russia, is there, actually says?

A: What did he say?

Q: He said: (German spoken).

A: So you are accusing me of having mistranslated?

MR JUSTICE GRAY: Well, added words.

MR RAMPTON: You have added in some words, a small point.

A: My Lord, I will have a statement to make about this in a moment.

Q: Pardon?

A: Shall I make the statement now? You will be familiar with the facts that Weidenfeld & Nicholson published the edition of Hitler's table talk back in about 1949, with an introduction by Hugh Trevor-Roper, a very good volume, it is almost unobtainable now. I read that when I was about 14 from cover to cover, and that is the translation I have used.

MR JUSTICE GRAY: Yes, I remember that.

A: The official translation. I have not changed one dot or comma of the official translation as published by Hugh Trevor-Roper.

Q: You mean the Weidenfeld translation?

A: Yes.

MR RAMPTON: This book is published in 1996, "Goebbels"?

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A: Yes.

Q: That is what I read from, page 377.

A: Yes.

Q: The German edition, which I am sure you have used at other times and for other purposes of the monologue, has been available since 1980.

A: The original German text of that was available to me since much earlier than that, because I had the original Martin Bormann typescript text.

Q: So you had it, as you wrote these words you had the original German available?

A: But I used official translation by --

Q: I hear what you say, the question is not whether you did, but why. You had the original German available to you at the time?

A: -- let me be more specific. When I wrote the Hitler's War in the 1970s, I had the English text in front of me, when I reissued it in Germany I contacted the Swiss owner of the original Martin Bormann files, who had the original German texts and I obtained from him on that occasion German texts of these passages. But I did not translate it, Mr Rampton. The translation was done by either Trevor-Roper or by Weidenfeld and I have used the exact words.

Q: Why?

A: Why?

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Q: Yes. I thought you were somebody who did not read other people books, if you have original document why did you not refer to that?

A: That was the publication of the original document, this was a published edition of Hitler's Table Talk and at that time that was the only edition that was available.

Q: What in --

A: I beg your pardon?

Q: -- sure, but this Goebbels book is published in 1996.

A: Yes and I have used exactly the same translation.

Q: Why?

A: I find it an adequate translation.

Q: But it is a terrible translation, Mr Irving.

A: By whom?

Q: By whoever did it. For one thing it has got its tenses all wrong. It has added words. Look at the top of page 324 of the Professor Evans' report.

A: 300 and?

Q: 24. The German is set out in footnote 18, I think. This time I do ask that you just read the two one after the after in whichever order you like.

A: Which is the part you are saying is the bad translation?

Q: Well, for example, he pointed out, however, well, there are several appalling translations. There is no reference in the German to a plan to exterminate the Jews. "The fear precedes us that we are exterminating".

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A: Yes.

Q: Correct?

A: Yes.

Q: It is a much closer and uglier thing in the original German than in this rather namby-pamby translation which includes references to public rumours and plans?

A: I do not think so. "Schreiken" is a spook. It is a spook.

Q: A spook. It is a word of fright and fear, is it not?

A: Yes.

MR JUSTICE GRAY: Which is it, because they are quite different in this context?

A: My Lord, the imputation is that I have deliberately mistranslated or distorted.

Q: Well, adopted what you should have appreciated was a mistranslation, I think is the way it is put.

A: At the time I wrote Hitler's War I only had the original English text.

Q: Yes, but by the 1991 edition you had the German translation?

A: And I still accept that my translation is not a serious deviation from that.

Q: You would translate "schreiken" as a spectre or a spook rather than as a fear?

A: Yes, schreiken is the idea of a childish kind of spook, the idea of a goblin.

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MR RAMPTON: Do you think this is a reliable dictionary?

A: It helped us a lot with the word "vernichtung", did it not?

Q: OK. "Schreik", fright, shock, terror, alarm, panic, consternation, dismay, fear, horror?

A: What were the first two?

Q: Fright, shock, which is the word I used.

A: Yes, fright or shock, you see, once again your expert has taken the tertiary or fourth meaning of the word because he prefers to manipulate it in that way.

Q: I do not mind which of those words you want me to use, but I am certainly not going to use "spook", still less am I going to use "public rumour". Not even you would use "public rumour" deliberately, would you, Mr Irving?

A: I think that Hugh Trevor-Roper is perfectly adequate when he translates like documents like this or the translator employed by George Weidenfeld who was a Jew certainly, could certainly not be accused of having wanted to exonerate Adolf Hitler.

Q: In your pleadings, Mr Irving, my Lord, this is, I do not know but it will probably be in the reply somewhere, we will find it -- my Lord, this is page 27 of the reply, no paragraph number at that stage. It is (i) and following on from page 26. You tell us this, Mr Irving, and you are talking about this particular issue and you mention the Trevor-Roper translation, you say this:

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"When the plaintiff", that is you, "thereafter prepared the German edition and subsequently revised the book, he was the only historian in world to whom the original German texts were made available by their physical owner, namely in October 1977."

A: That is probably from the date stamp on the documents that I received, yes.

Q: I do not know.

A: Yes.

Q: These are your words. I cannot tell you whether that is right or not.

A: Well, if I have written that, then it is right.

Q: So you have had the original in your possession since 1977?

A: Yes.

Q: You could not have used it for the first edition of Hitler's War?

A: Yes.

Q: But thereafter, knowing you, am I wrong to assume that you would ordinarily go back to the original when you come back to this table talk in later books?

A: If this had been a delinquent translation I would certainly have done so, but the translation was not so delinquent that I would have wanted to interfere with this. I should explain that one of the reasons the Professor Boischott attacked me very bitterly, as you are

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familiar, in a 50-page attack on the book in 1977 was because he could not recognize my table

talk translations, and for this reason I decided it was important not to interfere with the original English if it was in the Trevor-Roper and Weidenfeld edition because I did not want to be subjected to more unfair attacks like that.

MR JUSTICE GRAY: But really public rumour is not a correct or even arguably correct translation of "schreiken". It is fairly elementary that, is it not? It is a common word.

A: It is not so widely deviant that I would have wanted to tamper with the original quotation and risk exposure to criticism from other historians who were familiar with Weidenfeld text which was the only one then available. In the German edition of course we used the original German.

MR RAMPTON: In fact you did concede, or point out perhaps I should say, in a speech to the International Revisionist Conference in 1983 that, "the German original 'is completely different from the published English translation'"?

A: Of this particular one?

Q: Yes. Do you remember saying that?

A: I notice that the English translator had actually allowed himself to put in an entire sentence that was not in the original.

Q: "Terror is a salutary thing" he put in?

A: That is right.

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Q: And it is not there at all?

A: That is not there at all.

Q: Nor is the word "plan" in the German, is it?

A: Well, I think that this is a literary translation again. You are faced with the problems of doing a literary rather than a wooden translation.

Q: Mr Irving, really. It is a question of absolutely crucial substance. "There is a public rumour that we are planning to exterminate the Jews". That is nasty enough, but consider this sentence: "The public are terrified because we are exterminating the Jews"?

A: Does he say that? I do not think he says that. I think that the point I am about to make when you have finished chasing this particular hare is to point out that what matters in this quotation is not whether the word "schreiken" is translated as "public rumour" or "fright" or "shock", but the fact that once again this document shows quite clearly that Hitler had something completely different in mind, and he is telling it to the people who are actually doing it. How do we explain this kind of discrepancy? That is what matters in this document, not whether one word had been mistranslated by Hugh Trevor-Roper or not.

Q: It is good if the terror, fright, shock, fear, panic goes before "that we are exterminating Jewry"?

A: This is the least important part of the document. Are you

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saying that if that sentence was taken out then that paragraph collapses? On the contrary what matters ----

Q: I am not saying that.

A: Excuse me, let me finish. What matters in this paragraph is Hitler saying: "Let nobody tell us we cannot push them out into the marshy parts of Russia", that is the first part. The second part which matters is him saying: "Anyway, let's leave the whole thing until the whole war is over, we have enough problems".

Q: I am coming to that.

A: That is what matters.

Q: Because that is not what it says either. You see, it does matter. It is not that it would have mattered if that part had been left out. It is that you wilfully used in 1991, if it is in Hitler's War, in that edition, I do not know, but in 1996 in Goebbels where it certainly is, you wilfully used a translation you knew to be rubbish, because it is softer in its effect than the original German?

A: No, on the contrary. When I was writing the Goebbels book I would have taken Hitler's War in English as my source.

Q: Well, that is only to repeat your earlier error.

A: No, not my earlier error, but to reuse the translation of Weidenfeld's.

Q: But when you wrote Hitler's War in 1991 you had the original German, you had it since 1977?

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A: I did not write Hitler's War in 1991. I reissued Hitler's War in 1991.

Q: It is the second edition. It is much more than a reissue, Mr Irving. You rewrote whole passages in that book?

A: No, I did not rewrite whole passages. I inserted a lot of fresh material like the diaries of Hitler's doctor, Hermann Goring's diaries, papers like that.

Q: And the Holocaust disappeared hook line and sinker, did it not? You had plenty of opportunity between 1977 when you got the original German and doing the rewrite of 1991 Hitler's War to get this right?

A: It was not wrong in the first place.

Q: We will stop arguing about that, Mr Irving. That sentence is plainly completely wrong.

A: Even if that sentence is plainly completely wrong, it leaves the other two sentences which are the burden of that paragraph, namely who says we cannot push them out of Germany and park them somewhere nasty, and then he continues to say, "Anyway, let's leave it until the war is over. We have other more important things to do."

MR JUSTICE GRAY: Can we come back to the "we cannot park them in the marshier parts of Russia", because, this is pure supposition on my part, the phrase about sending them into the marsh looks as if it might be some sort of saying?

A: That is what it looks like to me. It is rather like sending somebody, somebody going for a Burton, something

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like that. It is not impossible.

Q: Exactly. Do you know whether that is so or not?

A: In schreiken I think it does not have the sense of killing somebody, but it has the sense of rather like sending them to Coventry might be even closer, who knows. But I would have to take advice from a German who is familiar with the vernacular of that particular era.

MR JUSTICE GRAY: I think Mr Rampton is maybe going to ask you, I am sure he is, where on earth you get "parking them in the marshier parts of Russia" from?

A: Weidenfeld has it, my Lord.

Q: I follow, but you have trotted along behind.

A: Weidenfeld's translation, if I may say so, is extremely good and very literate. You are faced constantly with the dichotomy of having a literate translation or a wooden translation, and I would aver that this is not one of the most important parts of that paragraph. The most important

part is (a) Hitler saying he is pushing them out geographically, and (b) he does not want to be bothered until the war is over with, this problem, which goes along with my perception of the involvement of Hitler.

MR RAMPTON: Mr Irving, I have to put it to you, you just say any old thing to get yourself out of a corner. Have you got Goebbels' book, page 377?

A: Yes.

Q: We have read what you wrote as being the translation of

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the table talk in that paragraph. You see it is footnoted 16?

A: Yes.

Q: Now please turn to page 643.

A: Yes.

Q: So far from your having used the rotten old Weidenfeld translation two or three generations down the line, in fact you did use the original. Footnote 16 on page 643: "Heinrich Heinn, note on Hitler's dinner table talk, October 25th junet papers", those are ----

A: That is where it is now to be found, yes, the original.

Q: And you stuck with the translation that you can see now to be complete rubbish, and bears very little relationship with the original which you actually used?

A: It is not complete rubbish, Mr Rampton. It is very close to the original. The colouring is different. The colouring assigned to it by the English translator with whom I have no connection whatsoever. I adopted the colouring adopted by George Weidenfeld and his publisher.

Q: Why did you not acknowledge them in the footnote?

A: Because I in the meantime had the original which is available now to historians.

Q: You mean you gave a reference ----

A: Yes.

Q: --- for a book written in 1996?

A: Yes.

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Q: --- to some papers from which you had not taken the translation?

A: I gave the superior reference. It is a superior reference. I perhaps should have said: "See also Weidenfeld, table talk, Ed Trevor-Roper" and so on.

Q: No, Mr Irving. What you should have done, as you know perfectly well, is to have retranslated the thing correctly. You knew it was wrong?

A: Let us argue it the other way round. I really do not want to labour this point, Mr Rampton.

Q: I do.

A: I am not sure how long the Court will allow you to labour this point, Mr Rampton.

Q: That is a matter for the Court, Mr Irving.

MR JUSTICE GRAY: I am getting the hint though.

A: Mr Rampton, if I were to retranslate that sentence following Mr Evans' admirable translation to which you refer, would that in the slightest degree alter the arguments which I seek to make in that paragraph?

MR RAMPTON: Oh, yes, it would, because what Hitler is then saying is something very much stronger, much more sinister. He is saying: "It is a good thing that the fear that we are exterminating the Jews goes before us"?

A: Yes, he says that.

Q: Never mind. We will pass on to the next thing.

A: He does say that.

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Q: Because here now we come to a huge ellipse in the translation which you have given.

A: So you accept that even that translation would not alter the argument that I have made?

Q: Of course it would alter it. It would put much stronger words, threatening words into Hitler's mouth than you have allowed.

A: Use of the word "fear" instead of "public rumour".

Q: Yes, fear, shock, terror.

MR JUSTICE GRAY: Shall we move on to the next passage.

MR RAMPTON: And the absence of any plan. I think your Lordship has my point?

MR JUSTICE GRAY: I do.

MR RAMPTON: Good. You jump or your translation jumps, the translation you used jumps from "des Judentung aulsgrotten", yes?

A: Yes.

Q: To the words, [German spoken], does it not? No, it goes even further. Sorry, that is not right. It goes to [German spoken]. That is where your translation starts again from "aulsgrotten", does it not?

A: Yes.

Q: Now look at what has been missed out. You have missed out ----

A: Yes. Shall I translate it for you?

Q: Yes, please.

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A: The words which I missed out: "I find myself forced, I have been forced to keep piling up a lot inside me. That does not mean to say that I forget about it without taking cognisance of it, without taking cognisance of it, without showing it immediately." This is the sense of it.

Q: The sense of it is he does not forget?

A: That is right.

Q: He does not necessarily take action at once, but it goes into the account and it stays there.

A: It says, "I am keeping it on the books and one day the books are going to be taken out."

Q: Yes. It goes into an account, one day the book is taken out?

A: That is right, which rather implies that nothing is happening yet.

Q: Wait, now read the next sentence, please.

A: This is part I quote, right?

Q: Where?

MR JUSTICE GRAY: Look at the tense.

MR RAMPTON: Mr Irving, tell me which is the point, which is the sentence that you translate? Show me in the English?

A: I am sorry. It continues: "Vis-a-vis the Jews I also had to remain inactive for a long time. I also had to remain inactive for a long time."

Q: "Had to"?

A: Yes.

Q: Where do I find that in your text?

A: It is not there. The book is already nearly 1,000 pages long.

Q: But it is the critical -- it is the critical passage?

A: He is throwing them out. He remained inactive and now he is throwing them out. He is sending them to the marshy parts of Russia, the most radical measures.

Q: What it means is -- bear with me Mr Irving -- what it means is that the time has, he uses the plue perfect we would call it in English, "I had to remain inactive against the Jews for a long time, but that does not mean much because now the book of account has been taken out and the time has come", is it means?

A: He does not actually say that of course. He does not say "The book has now been taken out".

MR JUSTICE GRAY: Sorry, it is probably my misunderstanding. Mr Irving, I think you just said that you have not translated that sentence beginning "alt den Juden", but you did, did you not? Is that not where you write: "He pointed out, however, that he had no intention of starting anything at present"?

A: It is bundled up in that sentence. It is precise'd in that sentence.

Q: You use the word "precis", but you have changed the tense, "missed" stays in the past tense?

A: That is the next sentence we are taking up.

Q: No, it is the same sentence, unless I have misunderstood.

A: "It has no sense to make additional difficulties for oneself", he then continues.

Q: Yes, but go back to the previous sentence. Am I not right in thinking that your rendition of that previous sentence is where you write: "He pointed out, however, that he had no intention of starting anything at present"?

A: What he no doubt said, if he was speaking in direct speech, is, "For a long time now I have done nothing, I have been inactive towards the Jews."

Q: In the past?

A: In the past, yes.

Q: But that is not the same thing as saying that you have no intention of starting anything at present or in the future?

A: At present.

Q: Is there not a real distinction between the two on reflection now?

A: No, because the sense of the next sentence, my Lord, where he goes on to say, "I am not looking for difficulties. I am not going to try to make difficulties, there is no point in it, there is no sense in doing it."

Q: Look at the tense again. It is "hat". That may be a bad point.

MR RAMPTON: No, my Lord, I do not think it is.

MR JUSTICE GRAY: It may be a neutral point.

MR RAMPTON: Maybe, but I have a reason why I say it is not a bad point.

A: Can I use Professor Evans' translation?

Q: Yes, please do.

A: Where he said: "I had to remain inactive for a long time against the Jews too. There is no sense in artificially making extra difficulties for oneself. The more cleverly one operates the better." In other words, "We are not doing anything for the moment, but the time will come when I get my book out".

MR RAMPTON: No, Mr Irving. You know that is nonsense.

A: I would not say it was nonsense, Mr Rampton.

Q: I am afraid I have to suggest it is nonsense and you know it is nonsense. He is talking actually about what he is going to do with Bishop Galen who is grumbling about the euthanasia programme. That is the context?

A: Then he goes on to Galen, yes.

Q: No, and he uses the past tense to describe his previous inactivity against the Jews to, you miss out the word "ough" also and then he says: "There is no since in artificially making extra difficulties for oneself". There is no "at this time" as there is in your English. He simply observes, no doubt with some pride, "The more cleverly one operates the better", and what he is saying is this: "Look, leave Galen for the moment, don't let's make extra difficulties for ourselves in relation to

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Galen. I had to remain inactive against the Jews for a long time too", and then the implied parentheses or sequence, "but the time has now come"?

A: Yes, but you are hanging all your proof on this implied parentheses which just does not happen to be in the document, Mr Rampton. It is not hanging document again.

Q: It does not hang Hitler. There are plenty of other ways of doing -- I was going to say skinning a cat, but it hangs you as an accurate recorder of German history, because it is a deliberate misuse of a translation which you knew to be wrong, so as to exculpate Hitler and make it appear that on 25th October 1941 he was yet again postponing taking any action against the Jews. You know perfectly well, because the German says it, that that is not what he said?

A: I totally disagree with you.

Q: It was a long question.

A: I have taken a very lengthy entry of some 20 lines. I have had to condense it into a paragraph of three or four or five lines for that particular passage and I think I have done an adequate job. If I was going to write a book two or three times as long endlessly boring, as the academics write them, then no doubt I could have put in the whole of that quotation undigested, unanalysed. I have had the difficult job that all authors face which is to condense something into a reasonable length while

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not losing any of the essence. You can pick your individual sentences where a word is wrong and take that sentence out and the weight of the sentence remains the same. Hitler says: "I wanted to send them out." Hitler says: "I have been keeping a little book and one day it is going to come out." Hitler says: "I don't believe in looking for problems if we don't have problems. Look at the case of Galen, that is another one that I am going to put on the back burner." This is typical Hitler.

Q: "That is what I did do with the Jews. I had to remain inactive for a long time too."

A: Do not forget, Mr Rampton, we have a whole series of documents which lie in my direction and not in yours.

Q: What is worst, Mr Irving, I suggest and then I am going to leave it, what is worst is that not only have you used a translation, not even your translation, a translation by somebody else which you knew to be wrong, but you have given a reference to the original which will make the reader suppose that this is first generation, mint new Irving translation?

A: I do not think it says that in the footnotes at all. It is the historian's job to give the most accurate source reference he can give which will point the reader in the direction of the original document, rather than in some second or third ----

Q: This is a direct quotation of that passage?

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A: If I were to act like your experts and just take books down off a shelf and use those as sources, this would be improper. I would far prefer to point people reading my books to where they can find the original documents so they can check it for themselves.

Q: That is exactly what you have done in this case, is it not? You have actually used some rotten old translation by Trevor-Roper or somebody, you have repeated it again and again through your editions. You have the original in your ----

A: Indeed in discovery.

Q: --- in your office all the time. You do not use it, but you tell the reader you have?

A: No. I am satisfied that the translation I use is an accurate representation of the document I have, apart from that one sentence which has obviously been interpolated by the English interpreter which I find absolutely unconscionable to put a sentence into a translation that does not even exist. I know that the other historians are jealous that I have got all these documents and they did not, but they should not start poking fingers and sneering at me because I get these things.

Q: I do not know. We will have this bit of the transcript relayed to, Professor Evans is here, but some of the others are not.

A: I am looking forward to when they come.

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MR JUSTICE GRAY: But not to Trevor-Roper because it was not his translation. It was not Trevor-Roper's translation.

MR RAMPTON: Can we take that bit of the transcript out and put in the right ----

MR JUSTICE GRAY: I think in fairness, yes.

A: He was the editor actually. It is a very good translation. It is a very flowing translation.

MR RAMPTON: Now I want to go back, if I may, because that is where all this started, to Hitler's War, page 465 in the 1991 edition.

A: Yes. Is this where I say: "Upon arrival thousands were simply murdered"? Is this the passage you are referring to?

Q: I am sorry, Mr Irving, I have just lost my place because I moved. I have found it. I am just going to ask you one quick question about the top of the page, referring back to the diary entry of 27th March 1942. You write in the middle of the first paragraph on 465: "But he evidently never discussed these realities with Hitler. Thus this two-faced Minister dictated after a further visit to Hitler on April 26th: I have once again talked over the Jewish question with the Fuhrer. His position on this problem is merciless. He wants to force the Jews right out of Europe. At the moment Himmler is handling the major transfer of Jews from the German cities into the Eastern

gettoes".

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Why is it evident that this two-faced Minister, the odious Dr Goebbels, never discussed these realities with Hitler? Is it the same point we discussed earlier?

A: Is it what?

Q: The same point as we discussed earlier?

A: Which point is that?

Q: Well, you said in the earlier part that we looked at: "That Goebbels privately knew more is plain from his diary entry of 27th"?

A: No, the point I am making there is that had Goebbels discussed this kind of thing, what he privately knew, with Hitler, this two-faced Minister, then undoubtedly Hitler would not have been able to make the kind of remarks he did in private conversation with Himmler, Lamus and Bormann which are recorded in the table talks.

Q: Why not?

A: Then that would have evoked gusts of laughter from Himmler. Himmler would have said: "Mein Fuhrer, don't you realize what's going on?"

Q: Sorry, I am not following that at all.

A: Right. We have seen, and we can see until the Court screams for mercy, in the documents, in the table talks, how Hitler repeatedly makes statements which are only reconcilable with the notion that he was familiar with the expulsion, which cannot be brought into conformity with the notion that he knew what was happening when they got

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there, the European Jews.

Q: Suppose, as many people have proposed, I do not know with what persuasiveness, Mr Irving, in your mind, but suppose as they have proposed Hitler was as often as not simply euphemising?

A: Why should he? He is sitting there at the table with the arch gangsters, with Himmler, Bormann and the rest who know perfectly well what is going on. Why should he euphemise to them when he is sitting with them? This is a secret record. It is never going to be published. They did not know about George Weidenfeld and Hugh Trevor-Roper.

Q: Do you have a view of who was at which table talk when you read the table talks?

A: Yes, usually there is a line above the table talks saying who is present as the guests of honour. Usually three or four people are listed. Verna Kopen did the same in his records of the table talks.

MR JUSTICE GRAY: I am a bit puzzled about this, because if you interpret the table talk as meaning that Hitler really was thinking only in terms of deportation, I know it has been a long day, but how do you reconcile that with your acceptance, because I understand you do accept it --

--

A: Yes.

Q: --- that he knew all about the shooting on a massive scale on the Eastern Front?

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A: I think your Lordship has grasped the nub of the whole problem.

Q: What is the answer?

A: The answer is I think that he drew a distinction in his own mind between the Eastern vermin,

the enemy, and the Germans and the Europeans whom he still regarded as being superior.

Q: That is not clear from this passage in your book, is it?

A: It will be clear from the other passages that he does draw this distinction, my Lord, and perhaps I ought to look some of these passages out and draw your Lordship's attention to them. But this is the only way you can explain this very evident dichotomy which does exist in the records, that on the one hand he is saying these things and on other hand he is evidently knowing other things. Also I think you have something which probably only psychiatrists can explain, that people can compartmentalize their knowledge of certain things. There is a kind of Richard Nixon kind of complex comes in saying: "Fellows, do it but don't let me be told". I am quite happy to believe that this kind of thing also went on. But in the absence of any evidence it would take a very adventurous writer to set it down, except in the most speculative terms.

MR RAMPTON: Well, Mr Irving, I am going to have to ask you to look at some of these table talks, I think, because

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contrary to what you say they are nowhere near as sanitized, I do not believe, as you say they are. We may also have to look at some of the Goebbels' diary entries.

Would your Lordship wish me to start on that exercise now?

MR JUSTICE GRAY: Shall we make a bit of a start.

A: Would it be useful to start with the very last one, July 1942 where Hitler is still talking about Madagascar.

MR RAMPTON: I am sorry, it would not be convenient to me.

When you cross-examine you will find you have a particular order in your head or on your piece of paper.

MR JUSTICE GRAY: You must follow your own course.

A: I was trying to cut to the bottom line which is a way of speeding things on.

MR RAMPTON: One might not agree that it is the bottom line. Can we start, please, I am taking these from Professor Evans's report because there is a collection in this part of the report which the court might find useful, first of all on page 413, this is the bit we looked at before, in paragraph 15, we read the earlier bit before about the donkeys in Rome or wherever it was, Hitler says: "Ich sage nur, er muss weg", "I am just saying he", that is the Jews, "have got to go. If he goes kaput in the course of it I can't help that. I only see one thing, absolute extermination if they don't go of their own accord." The German for "absolute extermination" in English is "absolute Ausrottung", that is at the bottom of

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the page.

A: Yes, literally routing out, "Ausrottung".

Q: Yes, it is a word which may change its sense like so many words in so many languages according to its context.

A: And who is speaking it and in what century and in what year.

Q: I do not have to the Ausrottung argument every time we come across the word.

A: We have not had it yet.

Q: It is an argument that could go on until next Christmas.

A: We the vernichtung argument but not the Ausrottung argument.

MR JUSTICE GRAY: You have touched on it. Let us move on.

MR RAMPTON: I am interested in the words "wenn er dabei kaputt".

A: Yes.

Q: What do you say those words mean?

A: If he goes "caput".

Q: And what does "going kaput" mean?

A: The word "caput" is like "going for a Burton", it is one of those words which is a piece of vernacular, a piece of slang, all the wheels drop off. It is that kind of thing. If a car goes caput the wheels have dropped off.

Q: If I achieve my object of achieving a complete Ausrottung, let us compromise, call it extirpation or annihilation, I do not know, of the Jew, it does not matter to me in the

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slightest if that means death?

A: I am sure it did not, not to Hitler, no. He did not really apply his mind very much to what happened once they had got out.

Q: Then look at the next ----

A: You mean by merciless or pitiless?

Q: Let us see how it goes on: "Why should I look at a Jew with other eyes than at a Russian prisoner of war? Many are dying in the prison camps because we have been driven into this situation by the Jews. But what can I do about that? Why then did the Jews instigate the war?" The whole undercurrent Hitler's, I hesitate to call it thinking, but his ideology seems to have been that somehow the Jews were responsible for having started the war?

A: I would look at the sentence before where he says: "Why should I look at the Jews differently than from a Russian prisoner of war? Many are dying", he says, many of the Russians are dying. I think you omitted the emphasis that that sentence needed.

Q: I do not know. I shall get caput, collapses, dies, it does not matter whether you kill them or whether they die, it does not matter, does, it, so long as they are all got rid of? This is Professor Evans: "Hitler came back to

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his prophecy of the extermination of the Jews is a widely-transmitted speech in the Reichstag on 30th January 1942", no doubt it was taken to be an anniversary of the speech on the ----

A: This is the old gramophone record. He keeps playing it.

Q: But on the same date two or three years later?

A: He does it on various dates, 8th November 1942.

Q: "Irving merely comments that in his speech Hitler reminded his audience of his prophetic warning to the world's Jews in 1939." That is page 464 of Hitler's War 1991 which I think, well, is it, it does not seem to be on my page 464, but never mind. It might be a different edition I suspect.

A: You are looking at the eye for an eye and the tooth for a tooth?

Q: I have that. Where is that in Hitler's War?

A: It is not in it.

Q: We will read it then: "In fact Hitler was much more explicit. I have already pronounced in the Reichstag tag on 1st September 1939, and I guard myself against premature prophecies, that this war will not end as the Jews imagine, namely that the European Aryan peoples will be exterminated." The word is?

A: "Ausgerottet".

Q: I cannot find it in the German text?

A: Line three of the footnote.

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Q: Yes. How would you render that?

A: Render what?

Q: "Ausgerottet" in that context?

A: He is clearly not saying that it is going lead to the destruction or killing of all the European Aryan peoples. That is a clear indication that "ausrottung" is a very elastic word. I did not think we wanted to have the argument about "ausrottung" today.

Q: "Zondern das Ergebnis dieses Krieges die Vernichtung des Judentums sein wird", but that the result of this war will be the ----

A: Destruction.

Q: --- annihilation, destruction, extermination, call it what you like, of Jewry. "For the first time the truly old Jewish law being applied this time", "Aug um Aug, Zahn um Zahn", yes?

A: Yes.

Q: Yes?

A: Yes, a rebel-rousing speech to the German Parliament.

Q: A rebel-rousing speech. What is he rousing the rebels to do or approve of, do you think?

A: I have no idea, but when people make speeches to Parliament they tend to shoot their mouth off and they say what the people listening want to hear. Quoting the Old Testament, two anti-Semites is quite effective.

Q: Now 25th February.

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A: Your criticism is, of course, that I did not quote that particular sentence in my book.

Q: It is my consistent criticism that whereas anything that puts Hitler in the least danger of being, what shall we say, done for the murder of the Jews, to put it crudely, you take it out or you leave it out.

A: I do not agree. I put in the meat of that which is that once again he repeated his prophetic warning to the Jews that if they started a war they would not survive it, which is the crude way of putting that prophecy of his, and that there is no need to embellish it really with this kind of anti-Semitic jibe that he made in Parliament.

MR JUSTICE GRAY: Which bit did you not include?

A: The bit about the eye for the eye last, the sentence my Lord.

Q: The rest I think you did include?

A: The rest I did include, and one has to remember the constraints that are on an author not to overwrite, not to write a book that is twice as long as the publishers are going to accept.

MR JUSTICE GRAY: Speaking for myself I would have thought you did get the guts of it, if that is all you left out.

A: I appreciate the point Mr Rampton makes.

MR RAMPTON: Page 415, I have not run a check to see whether we find all these passages in your books or not at the moment, but on a slightly different tack it is a question

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of whether the table talk is really so, what shall we say, unmisstated as you put it, as you suggest. "At Hitler's table talk on 22nd February 1942, the following statement was recorded: It is one of the greatest revolutions there has ever been in the world. The Jew will be identified! The same fight that Pasteur and Koch had to fight must be led by us today. Innumerable sicknesses have their origin in one bacillus: the Jew. Japan would also have got them", the bacilli, I think, "if it had remained open any longer to the Jew. We will get well when we eliminate the Jew", and the word he uses, is reported as having used, is "eliminieren"?

A: "Eliminieren", yes.

Q: That is pretty blunt, is it not?

A: Yes, but there is no suggestion that I have not repeatedly and on every occasion stated when Hitler referred to the Jews as "bascilli" that need to be eliminated. Of course, I did.

Q: What does antibiotic medicine do to bascilli?

A: Good Lord! You are not asking me as a medical expert, surely?

Q: Come on, Mr Irving, you are older than I am. I do not say you remember Pasteur and Koch, but, for heaven's sake, we all know what antibiotics do, they kill germs?

A: Yes.

Q: That is what Pasteur discovered, was it not?

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A: He has not actually talked about antibiotics in here, has he? I do not want to start nit-picking which is the opposite of what you are doing.

Q: The meaning of this is kill the germs, the Jewish germs, is it not?

A: Eliminating them.

Q: How do you get rid of germs except by killing?

A: I have no idea. You can wash your hands in soap and water. There are various different ways of getting rid of germs. That is why he has used word "eliminate".

Q: That is right, you send them to Madagascar or Russia in a plastic bag.

A: That is the July 1942 entry which you did not want to have read out.

Q: I am coming to that. I do not use the same kind of ellipses, Mr Irving, as I suggest you do.

A: I am aware of the fact that we are coming up to the end of the afternoon and you have left the public without some of the best items which are in my favour, if they are going to be mentioned at all.

MR JUSTICE GRAY: I do not think we can co-ordinate the evidence. It is a nice idea! Let us have one more, shall we?

MR RAMPTON: We are going to have the next one on 24th February.

A: Can we not have July 1942?

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Q: We will get to it tomorrow and you can have your audience, but you cannot be my stage manager, I am afraid, Mr Irving.

On 24th February 1942 a statement by Hitler was announced to NSDAP party members in Munich which again made a reference to his prophecy." Before I read it, Mr Irving, I want to know whether you say this is something which was cooked up by party officials without reference to Hitler?

A: I am not going to express an opinion on that. It is taken out of Max Demarus' collection of

press clippings, effectively. So it is a published statement, published in the German press. So it actually cannot have a very sinister connotation, surely.

Q: I do not know.

A: I thought this was top secret what was going on.

Q: I do not know if you read it. "Today the idea of our National Socialist, and that of the fascist revolution, have conquered great and powerful states, and my prophecy will find its fulfilment, that through this war Aryan humankind will not be annihilated, but the Jew will be", *ausgerottet werden wird*, will be *ausgerottet*?

A: Yes, he has used the fifth or sixth meaning of the word "*ausgerottet*" rather than the primary meaning.

Q: Well, we might go back to the Langscheite overnight or

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some greater authority, I do not know.

A: I have a whole shelf of dictionaries.

Q: I am not going to do it now. "Whatever the struggle may bring with it or however long it may last, this will be its final result, and only then with the removal of these parasites with a long period of understanding between nations, and with it true peace, come upon the suffering." Again, it is similar to the reference to the "*bacillus*". Of course in one sense it is metaphorical.

A: It does not really help us, does it, actually, getting rid of the Jews?

Q: If you talk about ridding a house of its parasites ----

A: "*Beseitigung*", getting rid of, yes.

Q: Yes, or exterminating them ----

A: I am thinking of somebody with a broom, like, "get out of here, "get out of here".

Q: Parasites, no, I think not, Mr Irving. What I am suggesting is that Hitler did not need at his table talk or in his public occasions to talk about gas chambers or shootings, indeed he would not have done, but he is talking in terms of genocide, is he not?

A: So he is announcing it in the press, "We are going to be carrying out genocide"? This is a press clipping.

Q: This is an announcement to party members?

A: It is in the press, the VB in the footnote that has been

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printed in the press. It is a public statement, the party policy.

Q: It portrays a state of mind if you put these things together, does it not?

A: Yes, but, on the other hand, I do emphasise this is a public statement, so he is hardly going to out saying, "yes, we are going to be liquidating all the Jews".

Q: If we had but this one public statement to say that Hitler intended physical annihilation of the Jews, "*biologische vernichtung*" but this one document, I would not be suggesting ----

A: Excuse me, he does not say "*biologische vernichtung*" in this document.

Q: Wait, Mr Irving. Sometimes you do not listen.

A: That is manipulation again.

Q: No, Mr Irving, you do not listen. I said if we had this document and this document alone to convict Hitler of an intention to achieve a *biologische vernichtung*, it would not be very good evidence. Do you see? I do not take documents one by one. I take the cumulative effect.

A: This is part of your chain of documents.

Q: If you like, Mr Irving, yes.

A: This chain against chain.

MR JUSTICE GRAY: Is that a convenient moment? You have finished with that.

MR RAMPTON: Yes, my Lord. I am going to come on to one or two

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more of these table talks. As I promised I would, tomorrow morning.

MR JUSTICE GRAY: At some stage will you be looking, if not, well, so be it, at the very early statements which are pretty much the same.

MR RAMPTON: They are very much the same. They are all collected in the first part of Longerich.

MR JUSTICE GRAY: That may be sufficient.

MR RAMPTON: That may be sufficient.

MR JUSTICE GRAY: Mr Irving may want to comment on whether he takes those into account when he is evaluating Hitler's knowledge.

MR RAMPTON: If I may say so, that is very fair. Perhaps I ought to do that ----

MR JUSTICE GRAY: Not this evening.

A: I shall certainly be taking it into account in cross-examination of Longerich, which is probably the proper time to deal with them.

(The witness withdrew).

MR JUSTICE GRAY: 10.30 tomorrow.

(The court adjourned until the following day)

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