

## PROCEEDINGS - DAY FIVE

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**DAY FIVE Tuesday, 18th January 2000 (10.30 a.m.)**

**MR JUSTICE GRAY:** Yes, Mr Irving, I have been provided with a document that you, I understand, want to make some mention of.

**MR IRVING:** Yes, if I may address the court on this. The only important one I want to draw your attention to is page 10.

**MR JUSTICE GRAY:** Before you do, can I just mention two things which will take a few minutes? Do sit down. The first is the transcription which, once they have been edited, are extremely useful and I think it is extraordinary that it can be done so well.

**MR RAMPTON:** So do I.

**MR JUSTICE GRAY:** But it did strike me, reading yesterday's transcript, that the first 20 minutes of yesterday was what you might call administrative discussion, and I think it is a waste of energy to have that transcribed.

**MR RAMPTON:** Yes.

**MR JUSTICE GRAY:** Unless either of you disagree, I was going to suggest that in future when we have that kind of discussion we can just, as it were, stand down the lady who is doing the transcribing, and save her energy.

**MR IRVING:** Except, my Lord, for any conclusions that are reached.

**MR JUSTICE GRAY:** Of course, and any what you might call substantive discussion about the issues.

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**MR RAMPTON:** Can I also suggest this? If at any stage your Lordship makes rulings which you may have to -- I hope not but it does happen -- they be transcribed separately as a separate document.

**MR JUSTICE GRAY:** Yes, if and when we come to that, that is a very good idea.

**MR RAMPTON:** It worked very well last time that this lady was in charge of one of my cases.

**MR JUSTICE GRAY:** Can I also, before Mr Irving deals with this document, ask you, Mr Rampton, to help me as to where we are at the moment.

**MR RAMPTON:** Where are we going?

**MR JUSTICE GRAY:** Yes. Can I just tell you what my concern is. It is that I should know at every stage, if possible, to what issue the evidence is directed. Your cross-examination started out with the topic of the killing of the Jews from Berlin.

**MR RAMPTON:** Yes.

**MR JUSTICE GRAY:** But it has now moved on to the shootings on the Eastern Front.

**MR RAMPTON:** Yes.

**MR JUSTICE GRAY:** I am just trying to tie it in with your summary of case. I want to make sure I have understood correctly, because the section on shootings on the Eastern Front is in the part of your summary of case which deals with Auschwitz, whereas, as I understand it, the evidence

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that you are eliciting from Mr Irving at the moment is really directed mainly to the issue of Hitler's knowledge.

**MR RAMPTON:** The trouble is, of course, that it has both sides to it, as does gassing.

**MR JUSTICE GRAY:** Because your case is, just so that I understand, that the mass shootings, were a prelude to an alternative way of killing Jews, namely gassing.

**MR RAMPTON:** Largely speaking but by no means entirely, gassing took over from shooting. Both are features of what is called the Holocaust and both happened on such a scale, logistically speaking and military speaking, that they must have come from headquarters, so the whole thing locks together.

**MR JUSTICE GRAY:** That has helped me understand how the case is put.

**MR RAMPTON:** Apart from one or two fiddly things which always happen arising from yesterday, I am going to deal with the table talks such as remain, not many. Then I am going to go on to what happened next, as it were, 42 onwards to about September 42.

**MR JUSTICE GRAY:** It will, I think, sometimes help me if one can see the big picture, perhaps by way of a few prefatory questions, and then go to the individual documents.

**MR RAMPTON:** One of the fiddly but necessary features in all of this is that one repeatedly has to make reference to what Mr Irving himself has said about these things ----

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**MR JUSTICE GRAY:** Yes, of course.

**MR RAMPTON:** --- which clouds the picture, but is unavoidable.

**MR JUSTICE GRAY:** Of course. I quite understand that. Yes, thank you. Mr Irving, do you want to say anything about that exchange? It was really to clarify my own understanding of where exactly we are going to and getting to with the evidence.

**MR IRVING:** I agree, my Lord. What we in Riding call a topic paragraph would be useful.

**MR JUSTICE GRAY:** It would certainly help me and it might even be that it will help you. It might be that it is right that you should have the opportunity to comment on the general proposition as well as the particular proposition.

**MR IRVING:** Very well.

**MR JUSTICE GRAY:** You want to say something about this document?

**MR IRVING:** My Lord, I referred yesterday to the fact that I relied on the Weidenfeld translation of Hitler's table talk. It is completely proper that I should produce that translation to you, which is page 2. You will see it from the rostrum at the Reichstag, and so on.

**MR JUSTICE GRAY:** Yes.

**MR IRVING:** I do not attach anything in particular but, for reasons of procedure, I should have shown that to you, having averred that I had used that translation.

**MR JUSTICE GRAY:** Yes, I see. Thank you very much.

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**MR IRVING:** My Lord, on page 3 I referred to a document in the December 1942 time frame, which is so important because that is when this meldung, this report, was allegedly shown to Hitler at the end of December, but here is Hitler at the same time ordering that Jews should be released if foreign currency could be provided to barter for them.

**MR JUSTICE GRAY:** They are not mutually exclusive, those two policies, are they?

**MR IRVING:** I appreciate that, my Lord, but, if the contention of the Defence is that Adolf

Hitler was hell bent on exterminating every Jew that came into his possession, for some reason of weltanschauung or a deeper philosophy or a deeper streak of human nature, there are several documents of this nature which of course go through to the famous trucks for Jews deal at the end of 1944, which indicates that he was not all that pragmatic.

**MR JUSTICE GRAY:** I do not understand the Defendants to put the case, as it were, at that extreme level.

**MR RAMPTON:** Not at all.

**MR IRVING:** Well, it just is not watertight either way. My Lord, I keep trying to drive breaches into the damages of defence. We have a much more serious breach coming on page 10, my Lord.

**MR JUSTICE GRAY:** Shall I go straight to 10?

**MR IRVING:** Except to have a quick glance at pages 8 and 9 which is another meldung in that series. It shows Hitler

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was being bombarded with meldungen. This is a much more routine one which relates to Operation Hamburg, as it was called, an anti-partisan sweep resulting in 6,000 enemy dead, and a certain amount of equipment taken, and so on. I am not going to rely particularly on that, just to show that these meldungen cannot be taken in vacuo.

**MR JUSTICE GRAY:** That is not Hitler vorgelegt, is it, as it happens?

**MR IRVING:** I believe it is, my Lord. If you look at my page 8, you can see "vorgelegt 25 December PF".

**MR JUSTICE GRAY:** I see.

**MR IRVING:** SS Hauptstungfuhrer Fuhrer, who was Hitler's personal adjutant, who happened to have an SS rank. That is quite important, my Lord, because we now come to the page 10 which I think is going to blow their December 28th document, not out of water but it is going to cripple it. To a certain degree, my Lord, I myself am crippled because, as your Lordship knows, I donated my entire archives to the German Institute of History many years ago with a rather sad result that I alone in this room am not allowed to see them.

**MR JUSTICE GRAY:** Can you say that again?

**MR IRVING:** I donated my entire archives of research which I had collected for Adolf Hitler ---  
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**MR JUSTICE GRAY:** I follow, yes. Now you are banned from going into that museum?

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**MR IRVING:** I am banned from going into Germany. I cannot set foot in that museum and I cannot see my own archives, whereas Professor Evans, as I understand it, has had teams of researchers clawing over these files, where they would undoubtedly have found these very documents to which I am now going to refer.

**MR JUSTICE GRAY:** Can you take me through them if you rely on them?

**MR IRVING:** On the following page you will see the photocopies of index cards which is all that remains in my collection, the index cards relating to these documents. I have translated the index cards into English on page 10. The first item is 28th December 1942, a report coming from -- the other way round this time -- Hitler's adjutant to Himmler. The only significance of that is that that is feed back. That is an indication that that document to which this document, this card, this reply refers was clearly shown to Hitler, because there was feed back coming back from Hitler's adjutant saying, "Well, Hitler wants to know how many of our own troops are being

killed in these operations".

**MR JUSTICE GRAY:** Report No. 49 would be two reports before No. 51.

**MR IRVING:** Yes. It is not the one that is significant in this case, my Lord. I am just saying that it is a pity we do not have a similar kind of feed back on the crucial one.

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**MR JUSTICE GRAY:** This rather suggests that Hitler was paying attention to what was being laid before him.

**MR IRVING:** I disagree, my Lord. Look at the next card down. We now have December 30th 1942, which is another report by Himmler to Hitler, signed by Muller this time, the Chief of Gestapo. It is dated December 29th, exactly the same day as the incriminating one.

**MR JUSTICE GRAY:** Sorry, you have lost me.

**MR IRVING:** This is the second card down on page 10, my Lord.

**MR JUSTICE GRAY:** I see, December 29th.

**MR IRVING:** The reason it is dated December 30th is because my card index is organized according to the date that something was allegedly shown to Hitler, not the date of the document. It is a telegram from Muller, the Chief of the Gestapo, back to Himmler on combating the high level achievement in Serbia, and it has been sent by Himmler to Hitler to have a look at. It is in the big Fuhrer typeface, and you will notice, my Lord, that on this occasion Fieffer has endorsed the document twice, laid before December 30th, laid before December 31st. In other words, twice he has put it on Hitler's breakfast tray outside his door. He is not looking at it. Is this not, my Lord, precisely the point I made yesterday, that Hitler had other things on his plate? He was fighting the battle of Stalingrad. He had a quarter of a million men trapped in Stalingrad. He was waiting for it to break through.

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He had the battle crews out in the Arctic. He had all these things going on. Here is Himmler's message lying outside his breakfast room door twice, and the adjutant putting a note on it, saying he has twice put it out there, twice he has laid it before him. He would not have had to do it twice if it was read the first time, my Lord. I suggest this casts serious doubt on the proposition that we can accept that the other document was necessarily shown to Hitler. I would not put it any stronger than that.

**MR JUSTICE GRAY:** Just let us keep an eye on the reality. You did accept yesterday, as I understand it, that the shooting of Jews and others on the Eastern Front was a programme which was systematic and co-ordinated by Berlin, and Hitler was aware and approved of what was going on.

**MR IRVING:** The shootings of Russian Jews, my Lord, yes.

**MR JUSTICE GRAY:** Yes. So, in a sense the issue whether a document was laid before Hitler and read by him becomes relatively speaking insignificant, in this context.

**MR IRVING:** I disagree, with respect. I think that this shows how flaky the whole system was. What Mr Rampton would like to describe as being a cast iron, watertight bureaucratic system with reports going this way and messages coming back, it breaks down at the very top level when you are dealing with a man, the head of state

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himself, who has other things on his plate. I would suggest that there is a very strong reason to suspect that this is precisely the reason why Himmler slid that figure in, because he apprehended quite likely that the boss was not going to read it. That may possibly be going too far to impute that to him, but certainly this indication that on this very day documents were being put to Hitler twice and not being read can indicate that that 29th December document cannot, therefore, necessarily have been taken as having been read and submitted no doubt to Adolf Hitler or taken cognisance of it. That is the only point I want to make, my Lord.

**MR JUSTICE GRAY:** Thank you very much. Is that it?

**MR IRVING:** That is it.

**MR JUSTICE GRAY:** Would you like to go back into the witness box?

**MR RAMPTON:** Can I say two things before that happens? We would very much like to see the German version of the Kovno train message, if it exists, if Mr Irving has it? That was page 6 of the first of these.

**MR IRVING:** My Lord, it was actually mailed to the instructing solicitors, about three weeks ago.

**MR RAMPTON:** What, the German?

**MR IRVING:** In a bundle.

**MR JUSTICE GRAY:** The German version of what? Did you say page

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6?

**MR RAMPTON:** Page 5 I meant.

**MR IRVING:** I will certainly supply it again.

**MR RAMPTON:** That would be very kind. If we have had it and it has not got to me, that is entirely our fault.

**MR JUSTICE GRAY:** I am still puzzled. Page 5 is in German.

**MR RAMPTON:** Oh, 5?

**MR JUSTICE GRAY:** You said 6 and then I thought you said 5.

**MR RAMPTON:** I did say 5.

**MR JUSTICE GRAY:** That is in German.

**MR RAMPTON:** I say no, I am looking at a different document with "05" at the bottom.

**MR JUSTICE GRAY:** Are you not looking at the clip?

**MR RAMPTON:** No, to this previous one.

**MR IRVING:** The little bundle probably.

**MR RAMPTON:** Does your Lordship remember the train load of Berlin Jews to Kovno?

**MR JUSTICE GRAY:** Yes, I do.

**MR RAMPTON:** J3.

**MR JUSTICE GRAY:** I am putting this latest clip into the back of J. I know Miss Rogers is keeping track.

**MR RAMPTON:** Tab 5, my Lord.

**MR JUSTICE GRAY:** I have something in tab 5 already anyway. They are all going in there.

**MR JUSTICE GRAY:** I am sorry, Mr Rampton. You are back on what?

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**MR RAMPTON:** I raised the question whether or not the German of this report, or message No. 35 on page 5, exists and, if it does, whether I can see it. If we already have it, then enquiries are

perhaps futile.

**MR IRVING:** I will certainly produce another copy tomorrow.

**MR RAMPTON:** That is very kind. The other thing I should mention because I said I would and your Lordship asked me to is this. We spoke to Professor van Pelt yesterday. He says at this late stage it would be extremely difficult for him to alter his arrangements and come later on in the case. So, with your Lordship's permission, I will adhere, if I may, to my schedule, which is to start cross-examination about Auschwitz on Monday when he will be here.

**MR JUSTICE GRAY:** I must ask Mr Irving whether that is going to cause him problems.

**MR IRVING:** I shall just burn the candle at both ends which is nothing new.

**MR JUSTICE GRAY:** No, but I am conscious that you have a fair old burden, being effectively, as it appears, on your own. You say if things are getting on top of you.

**MR IRVING:** It is proper that we should continue with Auschwitz.

**MR RAMPTON:** I am very grateful for that. The other thing which arises out of that is that Mr Irving said, I think yesterday, that at some stage he would like to have an

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argument about the significance and relevance of Auschwitz so far as this case is concerned. Plainly, if I am going to start cross-examining on Monday, we ought to have that argument this week and the question is when. I understand Professor Watt is coming on Thursday. Have I got that right?

**MR IRVING:** That is correct, but I think he will be relatively brief.

**MR RAMPTON:** He will, at least, as far as I am concerned. We might perhaps do that on Thursday also, because then we will know what the framework is before Monday.

**MR JUSTICE GRAY:** Yes. Can you just, so I can think about it, give me in a couple of sentences what you understand the argument to be about?

**MR RAMPTON:** It has been our case all along -- the book is about Holocaust denial. Auschwitz in Mr Irving's utterances and certainly in our eyes is at the centre of Holocaust belief. It is therefore at the centre of Holocaust denial. Mr Irving has flatly denied that there were any gas chambers for killing human beings at Auschwitz. We say he has done that on the basis of really no evidence whatsoever. It illustrates two things: First of all, his casual attitude to an important matter of history and, secondly, his political attitudes and sympathies. That has been in our case from the very beginning and still is.

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**MR JUSTICE GRAY:** Yes, I understand all of that, but what might be going to disappear from the case?

**MR RAMPTON:** Only this, that Mr Irving may be going to concede -- this is what I do not know because for one reason he never answered our Auschwitz questions -- as we contended and as I have already said in open court, that the Liechter report is bunk. If he is, then I cut a great swathe through my cross-examination. I throw three quarters of it out of the window. I do not need it. That why it is important to know what he says.

**MR JUSTICE GRAY:** It does not sound to me like a terribly long argument I am not going to ask you, Mr Irving, to answer it now.

**MR IRVING:** I would just draw attention to the fact that this court is seized only with the issues as pleaded and not with the issues as portrayed by Mr Rampton.

**MR JUSTICE GRAY:** I am not going to pursue this now but the fact is that, on the proceedings

as I understand them at the moment, you rely quite heavily on the Liechter report for your proposition that there were no gas chambers at Auschwitz.

**MR IRVING:** I think that your Lordship will realize the error of that statement, if I may respectfully put it like that, when we come to the cross-examination both of myself and of the expert witnesses.

**MR JUSTICE GRAY:** Then we obviously do need to have an argument

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about this, because I have, to an extent anyway, misunderstood the position. Let us carry on. Would you like to come back?

**Mr David Irving**, recalled. Cross-Examined by **Mr Rampton QC**.

**A:** My Lord, I did produce also the Himmler diary so that you could see the actual page I worked from, if you wish to see the quality of the photocopy.

**MR JUSTICE GRAY:** Does it carry the matter much further?

**A:** Only if your Lordship intends to attach much weight to Mr Rampton's suggestion that I deliberately and wilfully misread that word.

**MR JUSTICE GRAY:** I am not saying I am not so, if you want me to have a look at it, I will. I doubt whether it will be significantly different from the photocopy I have in the file.

**A:** Well, we will leave it.

**MR RAMPTON:** Mr Irving, you have left behind, I am sorry, your little clip that you brought with you this morning.

**A:** Yes.

**Q:** Somebody will give it to you. The only page I am interested in at the present is page 3.

**A:** Page 3, yes.

**Q:** I have only two questions, three questions possibly. Did any such cases occur in practice?

**A:** We have a document which we can produce to the court

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showing that the Germans were instructed actually to build special camps for these special category -- I am sorry, this is not an answer to that particular question. Were any actually sold?

**Q:** Yes.

**A:** No, not to my knowledge.

**Q:** Do you know what sort of cases were envisaged?

**A:** Not on the basis of this document which I produced, no.

**Q:** Do you know what the scale of this proposal was meant to be?

**A:** This document does not show that.

**Q:** No. You do not know from extraneous sources the answers to any of my questions?

**A:** The answer is?

**Q:** Those two last two questions: Do you know not the answer from other evidence?

**A:** Not that I wish to repeat just from memory, which may be uncertain on oath.

**Q:** Thank you very much. Now I would like to return, if I may, to something that cropped up yesterday. It is in fact the only topic that cropped up yesterday that I am going to return to, save for continuing with the table talk but that is not really a repetition. Could you, please, be given Hitler's War 1977, the first volume. My Lord that is D 1 (i).

**A:** I have it here.

**Q:** Would you please turn to page 341?

**A:** Yes.

**Q:** The left hand page that is. Here again you are purporting to give a translation of the table talk of 25th October 1941, are you not, in the second paragraph?

**A:** On the right hand page, you mean?

**Q:** No, 331?

**A:** Yes, 331.

**Q:** In my copy it is the left hand page.

**A:** Odd numbers are always right hand pages in books.

**Q:** That may be so. Here you purport, do you not, to give a translation of the table talk of 25th October 1941. Is that right?

**A:** I have just reproduced the remarks noted by the adjutant, yes.

**Q:** Take it slowly. The answer to my question I think is yes, is it not?

**A:** I cannot see the word "translation" in that paragraph.

**Q:** You have put it in quotes in English. The quotes start at "from the rostrum" and end at "terror is a salutary thing", do they not?

**A:** Yes, but the word "translation" does not occur there. You are saying that I am purporting that this is a translation.

**MR JUSTICE GRAY:** It obviously is. Let us move on.

**A:** I apprehend that he intends to attach importance to the

word "translation". This is why.

**MR JUSTICE GRAY:** Let us wait and see.

**MR RAMPTON:** That version, let us call it, was -- for this fact on its own I make no criticism -- taken straight from the Weidenfeld and Nicholson?

**A:** It was an accurate transcript of the original official, shall we say, translation of the Hitler's table talk that I produced to his Lordship this morning.

**Q:** At that date you did not have the Genoud original?

**A:** In 1977 nobody had them except Mr Genoud.

**Q:** You got it very shortly after that, did you not?

**A:** About 1982, if I remember correctly.

**Q:** I think it was earlier, but it does not really matter. The last sentence in the quotes reads: "Terror is a salutary thing".

**A:** That is correct.

**Q:** When you came to write about this in the 1991 edition, as you confirmed yesterday, you did at that date have the original?

**A:** Yes.

**Q:** It is also right, is it not, that you omitted the single sentence "terror is a salutary thing"?

**A:** Yes, because I discovered that it was not in the original German, so I quite properly cut it out.

**Q:** But you maintain, do you, still -- I am not going over old ground, I just want to be sure that I have understood

what your case is -- that, save for that sentence, it is an accurate account of what was reported to have been said by Hitler?

**A:** Had I made a version account from the German original, starting from scratch, I would have translated it differently. As I had an existing English translation, rather than rework it into a different form, then I preferred to leave it as it was, rather than incur the wrath of historians who were familiar only at that time with the English text. Professor Martin Bourchard, in his very famous attack on my book, had commented extensively on the fact that my translations of documents differed from the official English versions, I wanted to avoid that kind of ill informed attack.

**Q:** Could Mr Irving please be given file D3 (i)? Would you turn, please, to tab 20? Does your Lordship have that?

**MR JUSTICE GRAY:** Yes.

**MR RAMPTON:** At tab 20 this is a document headed On Contemporary History and Historiography. I think it comes from the journal of the International Revisionists body, and the sub-heading is "David Irving, remarks delivered at the 1983 International Revisionists Conference". Do you recognize it, Mr Irving?

**A:** Yes.

**Q:** Is this one of those things that you approve before it is printed for publication?

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**A:** Quite possibly. I cannot say off the top of my head.

**Q:** The easiest way of doing it is to look for a stamp 101 at the bottom of the page.

**A:** Yes.

**Q:** And look at the right hand column. I will start, if I may, for context at the bottom of the left hand page, which in fact in the document is page 280, though it has been cut off. "The will of the Fuhrer that the Jews are shipped stage by stage from west to east again and again and again even in his table talk, you have all heard of Hitler's table talk or tichgesprache, written down by Martin Hein and Martin Bormann's secretary. Long before anybody got those these things, I got the actual transcripts from the Swiss lawyer who controls these documents. Here you see the actual wording used by Hitler in German, which is completely different from the published English translation." You said that and then you had it published, did you not?

**A:** If you read the next sentence, you will see what I am referring to, the interpolator's sentence.

**Q:** In fact, in the English translation sentences (plural) have been interposed which do not exist in the original German at all.

**A:** Yes.

**Q:** In that original you see Hitler saying things like: "It

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is a good thing that this legend is being spread about that the Jews are perishing. It is a good thing that this terror story" ----

**A:** "Terror story".

**Q:** --- "is being spread about us". Then you go on to make a comment of your own. I am not going to argue with you about that because it speaks for itself. You say he regards it altogether as being a legend.

**A:** Who regards it as being a legend?

**Q:** You say that Hitler regards it altogether as being a legend, do you not?

**A:** He says it is a good thing that this legend is being spread about that the Jews are perishing.

**Q:** That is your translation of the word "schreck", is it?

**A:** Mr Rampton, I do not have the document in front of me when I am delivering an extemporary speech. Is this fact plain?

**Q:** Pardon?

**A:** Is this fact plain? I do not have thousands of documents stacked in front of me when I am making an extemporary speech to an audience.

**Q:** You must know that part of the table talk absolutely backwards, do you not?

**A:** Know something backwards? I am familiar with certain documents on which I have relied.

**Q:** You must have known ever since you got the Genoud version

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that the key word in that particular sentence -- there are two key words -- the first one is the word "schreck"?

**A:** This is your submission that that is the key word, but it is a loose word that has been put in there by Heinrich Heime who transcribed it and we then have to try to make some sense of it.

**Q:** Is there any sense in German -- you are the expert -- in which it can be read be read as meaning legend?

**A:** Coupled with the next sentence which I put in, this terror story, I think that legend terror story is an extremely good translation of the one word "schrecken". I am giving precisely the sense of it.

**MR JUSTICE GRAY:** Mr Rampton, I think I have really the point. We went through this yesterday and "schreck" means what it means.

**MR RAMPTON:** Yes, it is merely Mr Irving's observation, my Lord, or acknowledgment, if you like.

**A:** But we also have the problem, Mr Rampton, we are writing a work of literature and, undoubtedly, you could translate that document in a very wooden form, putting precise literal translations and you would end up with a ghastly book of the kind that academics and scholars write. You have to write a work of literature which is legible, giving the sense of the word while at the same time having it readable in a literary sense.

**MR JUSTICE GRAY:** Yes, but, Mr Irving, when you are dealing

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with source material, which you are here, is it not important to convey the proper translation?

**A:** I appreciate that, my Lord, but you have to take into account the fact that we also have what Mr Rampton calls extraneous knowledge, knowledge from other sources than just this one document, which we use when putting the proper construction on those words.

**Q:** That will, with respect, Mr Irving, will no do, will it? You cannot translate a document differently because you are aware of other material which may point in a particular direction.

**A:** My Lord, once again I would have to draw your attention to the fact, and I think it is cruel and unnecessary to try to suggest that I have done wrong by taking the original, official translation published by people who are far better qualified than I, professional translators.

**Q:** No, I have that point. I understand it. I was questioning you about what you then went on to say which is that you were anxious to avoid what you have described, I think, as a "wooden" translation. I was putting to you that an historian really has to take what he finds when he is dealing with source material?

**A:** This is right, which is why scholars' books are published in such small, limited editions, my

Lord, because they are so illegible, that they are wooden translations of documents. You have to try to make the text flow when you

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are writing a book. Perhaps this is why my books are more successful than theirs or more readable than theirs because I put a lot of extra effort in to making my works literary.

**MR JUSTICE GRAY:** Mr Rampton, I tried to cut it short and I have lengthened it. I am sorry.

**MR RAMPTON:** With my gratitude is all I will say about that. Thank you. It saves me from asking any more questions about that which I now will not do. But I am going to go on to what I contend must be another piece of deliberate mistranslation. My Lord, this appears on page 338 of Professor Evans' report.

**A:** My Lord, if I could just add to that point? Of course, the motive there for changing the words or giving a different meaning is nothing to do with the motives of Holocaust deniers; it is purely an intention of producing a more readable book which is possibly an important distinction to make.

**MR JUSTICE GRAY:** Well, that is what you are saying?

**A:** Yes.

**MR JUSTICE GRAY:** Yes.

**A:** It has nothing to do with trying to minimise anything or trying to ...

**MR RAMPTON:** Yes, now, Mr Irving, have you got your Goebbels' book there?

**A:** Yes, indeed.

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**Q:** Could you please turn to page 379?

**A:** A vivid description of the Holocaust, if I may say so.

**Q:** Pardon?

**A:** A vivid description of the Holocaust, if I may say so.

**Q:** What is that?

**A:** On page 379.

**Q:** That is as may be.

**A:** You say "that is as may be", but that is what this trial is about, Mr Rampton.

**Q:** Mr Irving, you will have plenty of opportunity when this case is at an end or before if you want to re-examine yourself -- do you understand what that means? Do you understand that means? At the end of the cross-examination you have a chance to go back to questions that I have asked you by reference to the transcript and give further evidence?

**A:** Notwithstanding what you say, Mr Rampton, I think it is helpful that I remind the court that this case is about Holocaust denials, and there is on this page you intend to quote from a vivid description of the Holocaust in action.

**MR JUSTICE GRAY:** This last three or four minutes has been a complete waste of time. I know what the case is about, so let us get on.

**MR RAMPTON:** You write in the middle paragraph of that page, a short little paragraph, "The article", that is Goebbels' article in Das Reich on 16th November 1941, "displayed a

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far more uncompromising face than Hitler's towards the Jews". Then can I understand, you are

going to back that up in the next sentence. You explained how you work yesterday, did you not?

**A:** I explained how I work?

**Q:** Yes. You put in ----

**A:** Yes, that is the topic sentence.

**Q:** Topic sentence, so the topic is ----

**A:** That is a good example of a topic sentence.

**Q:** The topic is now a comparison between the anti-Semitic faces of Hitler and Goebbels, is it not?

**A:** Between the evil genius, Dr Goebbels, and Adolf Hitler who has been caused immense difficulties by this kind of genius.

**Q:** Now you are going to explain why it is that Hitler's face was far less uncompromising than Goebbels', are you not?

**A:** That is what that sentence says.

**Q:** Then we get this evidence, as it were, for your first sentence in the next sentence: "When the Fuhrer came to Berlin for Luftwaffe General Ernst Udet's funeral, he again instructed Goebbels to pursue a policy against the Jews that does not cause us endless difficulties and told him to go easy on mixed marriages in the future." So, as you have written it, the reader would be inclined to agree with you, would he not, Mr Irving, that Hitler's face was less uncompromising than Goebbels',

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would he not?

**A:** Yes.

**Q:** Now can you turn, please, to page 645 ----

**A:** I am just doing it at this moment.

**Q:** --- where we find footnote 39?

**A:** Yes.

**Q:** Obviously, a reference to the Gottschalt tragedy. That must be something to do with Ernst Udet, I dare say?

**A:** I will explain it, if you wish.

**Q:** No, I do not.

**A:** Well, it is important in this context.

**Q:** It is important in this context?

**A:** Yes. But if you do not wish me to explain it, I will not.

**Q:** If you wish to explain it, better get it over now.

**A:** Mr Gottschalt was a German actor who was married to a Jewish wife. Goebbels being in charge of the German film industry had demanded that Mr Gottschalt divorce his wife, because otherwise he would get no more roles in Berlin. The actor had refused to divorce his wife because he loved her and, instead, the whole family committed suicide. That is the Gottschalt tragedy that I have described in this book, Mr Rampton, and you know it.

**Q:** I do not know it actually. It is very interesting, but I do not understand what it has to do with an answer to my question.

**A:** Because it was typical of the tragedies that were being

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caused by the evil genius, Dr Goebbels, in his ^^ doktrene insistence on the execution of these anti-Jewish measures.

**MR JUSTICE GRAY:** I think we are sliding away, are we not, from is what is going to be put.

**MR RAMPTON:** I am completely baffled why it is obvious that that diary entry is a reference to the Gottschalt tragedy.

**A:** Because the previous diary has been full of the Gottschalt tragedy and we happen to know what happened to Mr Gottschalt and his family.

**Q:** Shall we have a look see what the "evil genius Dr Goebbels" actually wrote in his diary. Keep what you said he wrote open, if you please, and turn to page 338 of Professor Evans' report. I remind you you wrote only this: "The Fuhrer again instructed Goebbels to pursue a policy against the Jews 'that does not cause us endless difficulties' and told him to go easy on mixed marriages in the future." Now, please, look at paragraph 1 under (D) in brackets on page 338 of Professor Evans' report. I read the English first: "The Fuhrer also completely agrees with my views with reference to the Jewish question." According to Dr Goebbels, there was no water between them in relation to how the Jews should be treated.

**A:** I put my comment on that in my foot note saying, well,

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clearly there was because here is Hitler saying, "Do not keep causing me problems".

**Q:** Let us see what he reports Hitler as actually having said: "He", the Fuhrer, that is, "wants an energetic policy against the Jews which, however, does not cause us unnecessary difficulties". Three things about that, Mr Irving. The word "energetic" has been omitted by you. You have omitted the word "however", "alladings" in German, and you have mistranslated "unnecessary", "unnotige", as "endless"?

**A:** The latter one I accept.

**Q:** Where is the ----

**A:** But that is not -- that does not really seriously change the burden of what I have said.

**Q:** You have altered the whole sense of that sentence, have you not?

**A:** May I just comment? The word "alladings" is a much stronger form of "however". The normal word for "however" is "aber". "Alladings" is a much stronger word than "however". It implies a much stronger contrast.

**Q:** Where is the word "enagische" in your translation?

**A:** I have not omitted that from the quoted passage.

**Q:** Oh, you have just ignored it.

**A:** No. On the contrary, Mr Rampton, you are not obliged to put in every single word from a sentence unless you put it

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in quotation marks, and I will have a word or two to say about that with Mr Evans when the time comes. In one quotation he left out 86 words, three sentences, five full stops and two semi-colons.

**Q:** Well, well, Mr Irving, I have sufficient confidence in Mr Evans to think that he may be able to deal with that.

**A:** I may be able to shake your confidence when the time comes.

**MR JUSTICE GRAY:** Don't let us -- it not fair -- this is the point that is being put to you -- the way you represent this in your book on Goebbels suggests that a wholly passive policy towards the Jews is what Hitler is telling Goebbels should be followed?

**A:** My Lord ----

**Q:** And, in fact, the word "energetic" is the opposite of "passive", is that a fair way of putting the

point?

**MR RAMPTON:** It is another complete perversion of the ----

**A:** I have not used the word "passive". I have not used the word "energetic", my Lord. I have left it neutral. We have to bear in mind that we are not dealing with a transcript of what Hitler said by court reporters. We are dealing with a passage that had been filtered through the evil brain of Dr Goebbels who I have shown in the rest of the book has a track record of doing things first and then claiming in his diary afterwards that he had the Fuhrer's sanction for it. For example, when he made Hitler stand

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as Vice President which was a disaster for him in 1932, events like that. The Goebbels' diary again and again and again and the Kristallnacht, the Reich, the Night of Broken Glass, is another example of Goebbels doing something first and subsequently claiming in his diary that he had Hitler's sanctions. So you have to be very careful before you use the Goebbels' diary as pure gold source material. You have to refilter it out of that evil brain.

**Q:** Mr Irving, can we please take this in two stages? Do you agree that the version which you have given in the book is completely contrary in sense to that which Dr Goebbels put in his diary?

**A:** On the contrary, it is quite plain from the Goebbels' diaries that the suicide of the Gottschalt family had caused uproar in Berlin life. This is, undoubtedly, what they are referring to, the fact that the onset of the Holocaust in Berlin, if I can put it that way, the deportation of train loads of Jews beginning at this time is leading to these human tragedies. It is precisely what Hitler does not want. He is now fighting a desperate war on the Eastern Front, things are turning nasty, the rains have begun, the frost is setting in, and here is this evil little man in Berlin who is causing him totally needless problems, and Hitler saying, "By all means go ahead with

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your doktriner programmes but stop causing me difficulties". And this is the meaning of that sentence. Goebbels has written it down in the diary and you have to refilter it back into the correct sense because, you remember, it has been given negative spin by Goebbels and you have to give it the right spin again. Goebbels, remember, is an arch liar. He is a minister of propaganda. The diaries show this again and again -- an extremely dangerous weapon to use.

**Q:** He is always telling the truth when he says something which in your mind is favourable to him, but whenever he says anything which is unfavourable to Hitler, he in your mind is a liar and, therefore, you feel justified in obliterating that from the text of your books, do you not?

**A:** Mr Rampton, I do not want to labour the point, but I am sure you are familiar with witnesses and you know how to sort out the evidence they provide which is evidence in their own self-interest and evidence against their self-interest. If you apply that kind of criterion to the statements and diaries -- for example, what he writes about himself, you have to be mistrustful about, even when he writes about Hitler you have to be mistrustful because there is the element of the hero worship; but, on the other hand, what he writes about two or three, C or D, shall we say, in the alphabet, persons is more likely to be accurate because he would have no axe to grind one way

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or the other. You have to apply these kinds of filters.

**Q:** Yes, Mr Irving. I will put it once more in order to get the reader to think that Hitler's policy towards the Jews or the policy that he wanted was really quite kind, gentle, much less ferocious and severe than Dr Goebbels, you have actually doctored the words which Dr Goebbels reports Hitler having said to him?

**A:** What is the essence of this quotation, Mr Rampton? The essence of this quotation is not all the rest of those eight lines quoted by your Mr Evans. Yesterday the quotation to the words does not cause us unnecessary difficulties. That is Adolf Hitler saying to Goebbels, "Don't cause us unnecessary difficulties" and there is no way you can talk yourself out of that particular quotation, Mr Rampton.

**Q:** We can echo that with what General Brunns reported and what Wisliceny reported. "Do not let us make a stink about it, but let us be very energetic in this persecution, discreet cautious, careful, concealed"?

**A:** Well, no doubt you will advance documents and lead evidence in that direction, but those very words, Adolf Hitler, quoted even by the victim himself, Goebbels himself, at whom the criticism is being directed, saying, "Do not cause us unnecessary difficulties". There is no way that your Mr Evans or you yourself, Mr Rampton, can talk yourself out of those five words. Whatever else you

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want to say about the rest of that quotation and what use is made of it mind. Do you want me to have two or three times as much quoted from the diary? If I did that, the book would have been 2,000 pages long.

**Q:** Do you not see a difference between "unnecessary" and "endless"?

**A:** No, not in burden, not in weight, not in thrust, not in push, not in emphasis.

**Q:** "An energetic policy will cause some difficulties, but let us do it in a way that does not cause difficulties which are not necessary to the carrying out of the energetic policy"?

**A:** Well, the energetic policy, of course, we have accepted; people were being roused in the middle of the night by the Gestapo and given half an hour to pack their goods and packed on trains to Riga and Minsk. That is an energetic policy and there is no denial of that in this book.

**Q:** Now, I want to, if I may, go back to these table talks?

**A:** Hitler is saying, "For God's sake, do not take it too far. You are causing us a problem.

**Q:** For which you will still need Professor Evans in a moment. Am I right that you gave us -- I am not going to go to the transcript; it is too time consuming -- the impression -- you will tell me if I am wrong -- yesterday that these table talks were little private gatherings between often, not always of course, Hitler and, say,

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Himmler or Goebbels, the Nazi high ups, perhaps Heydrich might be there as a particular honour, and, therefore, there was absolutely no bar, inhibition or restraint on the use of direct language about what was happening, for example, in the East?

**A:** Not completely right, Mr Rampton, because certain subjects were taboo. That I do grant.

**Q:** Yes.

**A:** The Schierak ^^ family at the end of June 1943, when Henrietta von Schierak ^^ said to Hitler that she had seen Jews being loaded on tucks in Amsterdam and was this kind of inhumanity necessary? There was a lot of glaring went on and the family was banished from Hitler's house for the rest of the war.

**MR JUSTICE GRAY:** All right, but the fact is I think you were suggesting there was a degree

of candour because Hitler was amongst friends?

**A:** Well, he is talking to people whom we know were actually the mass murderers, but I was asked a question, Mr Rampton asked, I tried to answer honestly that, in fact, they were taboo subjects.

**MR RAMPTON:** There will have been at many of these lunches, or I do not know whether they were really lunches or dinners or whatever, a whole lot of people who were not Himmler or Goebbels, but much lower down the scale, were there not?

**A:** People like Heinrich Heim who was Martin Bormann's

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private adjutant and took the initial record. He was present.

**Q:** And secretaries and, what are they called, orderlies?

**A:** Yes.

**Q:** People like Schmunet, Schau?

**A:** Yes.

**Q:** The secretary, Krista Schroeder -- people like that?

**A:** Yes.

**Q:** So it is hardly surprising that in that company, as opposed to direct face, one-to-one discussion with Himmler or Goebbels, Hitler's language should be somewhat cloaked?

**A:** That is possible, yes.

**Q:** I am going to deal with it now because I do not want to have to come back to it. Do you remember, you have published this information (and as information certainly not disputed by us) there was a report, I think, in March 1943, by Himmler's statistician, a man called ^^ Korheir?

**A:** Dr Richard Korheir.

**Q:** Yes. Dr Korheir in which at I think about page, what was it, 20 -- I cannot remember the page number -- a long report, he gave a total for the number of Jews that had been killed up to that date, and he separated the Wartige from the General Government, and I think the total comes to about 1.4 million, does it not?

**A:** I am going to have to take issue with the way you describe the report.

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**Q:** Well ----

**A:** Because this is going into the record, you said "had been killed".

**Q:** Well the word actually used was "zondebehandlung"?

**A:** Yes, but Dr Korheir, not many years ago, wrote a letter to Das Spiegel which is published in which he said that at the time he wrote the report he had no notion that is what that word means. He was a straightforward statistician, just doing a job on the basis of documents shown to him.

**Q:** That is exactly my point.

**A:** But you said "killed". Can we be precise about the use of words.

**MR JUSTICE GRAY:** "Disposed of"?

**A:** Disposed of.

**MR RAMPTON:** You see, you must be patient because my questions build on each other -- at least they usually do?

**A:** But that goes into the transcript of me agreeing to you that you are saying that it said that.

**Q:** No, but perhaps you will agree in just a moment the word actually used was "zondebehandlung"?

**A:** "Zondebehandlung zugefuhrt".

**Q:** I do not have the document.

**A:** That is the actual phrase that he uses.

**Q:** Himmler had the report typed up in the large Fuhrer type so that Hitler could read it; whether he did or not is another matter, but he did, did he not?

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**A:** It was not typed in the large Fuhrer type. It was typed in the small regular German office typewriter. I have never seen a version in the large Fuhrer type of that report.

**Q:** I forget which of your books it is that I read it in, but the assertion by you is that there was a copy prepared for Hitler to read by Himmler?

**A:** An abridged version for Hitler.

**Q:** Just be patient, but is what you tell us in your book, is it not?

**A:** You were speaking about the 20 page version.

**Q:** The which?

**A:** You were speaking originally about the 20 page version.

**Q:** You had better give me a moment to find it. The trouble is that your books, like many books, are not as well indexed as they might be.

**A:** Blame the index now.

**Q:** I think it is in Hitler's War 1977. You do not remember the page reference, do you?

**A:** 503 to 504.

**Q:** Well done, Mr Irving.

**A:** From the index.

**MR RAMPTON:** My Lord, it is part 2.

**MR JUSTICE GRAY:** Yes. Is this point raised anywhere in the pleadings, as a matter of interest?

**MR RAMPTON:** No, it is not. Actually, I noticed it sometime

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ago, but this arises not as an example of distortion by Mr Irving because it is not. This is a true story. It arises for the reason that I will make clear in a moment which is directly relevant to the way in which we would suggest that the table talks, the language used at the table talks was in some sense sanitized. Perhaps I should start at the second paragraph on page 503? "Nor did Himmler evidently raise with Hitler the progress made on the Jewish problem during their two hour mountain stroll on March 30th". This is 1943, is it not?

**A:** 1943.

**Q:** I did say that. "Hitler wearing a soft peak cap to shade his eyes against the alpine glare. Earlier in 1943, Himmler had submitted to him", that is Hitler, is it, I do not know, "a statistical report on a similar topic... (reading to the words) ... he had sponsored since Hitler's written order of October 1939. The report was typed on a special large face typewriter and clearly went to the Fuhrer"?

**A:** That one. In other words, the earlier report was.

**Q:** I follow you. That is all right. "But did Hitler ever see the statistical report that the Reichsfuhrer had commissioned at the same time on the Final Solution to the Jewish problem in Europe". That is what the report is called, is it?

**A:** Yes, that is correct.

**Q:** "In dry tones Hitler's chief statistician, Dr Richard Korheir, had analysed the fate of the world's estimated 17 million Jews. Europe's 10 million had dwindled by 45 per cent since 1937 owing to emigration and a high natural mortality rate and the enforced", and these are your quotes, are they, "evacuation"?

**A:** Yes.

**Q:** That is not taken from Korheir?

**A:** He uses "evakierung" but, of course, I think we are agreed that "evakierung" often has an ugly connotation.

**Q:** In 1977 you believed it had the ugliest of all connotations, did you not?

**A:** I repeat what I said. It often has the ugliest, almost sinister, connotation.

**Q:** "The evacuation that had begun with the prohibition of emigration ... (reading to the words) ... To Himmler's annoyance, on reading the 16 page document on March 23rd, he found that it stated expressis ^^ verbage", that is in actual words explicitly, "on page 9 that of the 1,449,692 Jews deported from the Eastern provinces, 1,274,166 had been subjected to 'special treatment'" -- now, that is zondebehandlung, is it not ----

**A:** Yes.

**Q:** --- "at camps in the General Government and a further 145,301 similarly dealt with in the Warthegau. Himmler knew too well that the Fuhrer had in November 1941 ordered

that the Jews", general, "were", italics, "not to be liquidated. On April 1st he had the report edited 'for submission to the Fuhrer' and a few days later, lest he had not made himself plain, instructed that in version for the Fuhrer he 'did not want there to be any mention of special treatment of Jews' whatever". According to the new text the Jews would have been 'channelled through' the camps to Russia not 'subjected to special treatment' at the camps. As he wrote on April 9th, the report would serve magnificently for 'camouflage purposes' in later years. Camouflage from whom, Mr Irving?

**A:** It does not say but, of course, this passage has remained the same in all versions of my book. I think it is an eminently satisfactory description of the kind of things that were going on at the highest level. People were withholding things from people.

**Q:** I am not going to reengage on the argument about the so-called Fuhrer order of 30th November 1941. We have been down that road.

**A:** That passage was removed from the subsequent editions.

**MR JUSTICE GRAY:** We know all about that. What is the relevance to table talk?

**MR RAMPTON:** We have had all that. The relevance of this is the words unterbehandlung. You see, I suggest to you, Mr Irving, that the reason why that was taken out had

nothing whatever to do with the Fuhrer learning of something which he did not ought to know, because the fact is, if the word unterbehandlung had been in there, he would have known exactly what was being talked about, would he not?

**A:** I do not think so. The word unterbehandlung was a very common German word, frequently used by even Himmler in totally different ----

**Q:** Then why did Himmler have it edited?

**A:** He wanted the report cut down from 16 pages to 9 pages which is one thing that is quite plain, but he also wanted the explicitness, and I have made this quite plain in this, that ugly things are happening in the East, and he does not want Hitler being told, he does not want his nose being rubbed in it. Let us put it like that.

**Q:** I do not know what the German says but, "subjected to special treatment" is a good deal shorter than "channelled through to camps in Russia".

**A:** If you subject people to special treatment at camps, then this has a very sinister connotation indeed. "Channelled through those camps to the east" has a less sinister connotation. My primitive reading of this document, and maybe you will educate the court differently, is that this is being withheld from Hitler. Himmler is saying to the statistician, "Write a different version for submission to Fuhrer". These words do not occur.

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**Q:** No, Mr Irving.

**A:** You keep interrupting me.

**Q:** No, Mr Irving, I do not accept that. What Himmler has done is precisely what he said he did. He has camouflaged it so that, when Hitler reads it, he is not going to go through the roof and say, you cannot have a document talking about zonderbehandlung. We all know what that means.

**A:** Unless you are going to lead evidence which actually bears that out, I do not think there is any sustainability whatsoever.

**Q:** I am offering you another perfectly natural ----

**A:** I think it is a perverse interpretation. If Himmler is saying this is an excellent document for camouflage purposes, and says "I want a short version for submission to the Fuhrer which does not mention these sinister words", I think that my interpretation is the most obvious interpretation, and in fact I think it bears out everything I have said all along, that there is monkey work going on along here, and either it is the Richard Nixon complex, as I call it, where Hitler may admittedly have said, "Do what you want, Mr Himmler, but do not let me be told", which I am perfectly prepared to accept may have happened.

**Q:** I suggest to you that precisely the same sort of exercise took place at the table talks. In other words, camouflage

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language, slightly more delicate language was used than would have been used between, say Hitler and Himmler when discussing these matters.

**A:** Mr Rampton, I have had the advantage -- you are familiar with the table talks, you are also familiar with the German version which has more recently been published. The table talk was written by Martin Bormann's adjutant, Heinrich Heim. Heinrich Heim was a person that I interviewed at great depth personally while he was still alive. He was a very educated, cultivated man, an art collector, oddly enough, in private life. I questioned him in great deal as to how much about the final solution was discussed. You are not listening to what I say so there is no point in my continuing.

**MR JUSTICE GRAY:** I am.

**A:** Perhaps Mr Rampton is just pretending he is not listening. I questioned Mr Heim and the other Adjutants in great detail as to how much was discussed in these kind of circles, and there was no discussion whatsoever of any kind of mass extermination of the Jews at Hitler's table or in private or else where at Hitler's headquarters, which is what I find very disturbing because I satisfied

myself, possibly not the court but I satisfied myself, that I had won these people's confidence.

**Q:** Can you turn to page 426 of the Professor Evans report please?

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**A:** We are moving on to a new topic now, are we?

**Q:** No. We are still on table talk. Henry -- was he called Henry -- was one of those two people who wrote down what Hitler said at these table talks, was he not?

**A:** Not strictly accurate.

**Q:** You tell me, then.

**A:** The primary scribe was Mr Heim, the gentleman I have just mentioned. When he was relieved by Henry Picker, Henry Picker found in the desk a large number of Heim's original transcripts, and he published them under his own name in the third person. So he was not always the person who was himself present in the case of Mr Picker.

**Q:** But Mr Picker would have been there on a number of these occasions, would he?

**A:** Yes, particularly from 1942 onwards.

**Q:** Can I read from the second sentence on 426? You tell me whether this is right or not. "Henry Picker, who took the notes at the table talk of 24th July 1942, which I promise you we are coming to, claimed that Hitler, even in his private circle, had 'never forgotten to keep silent about things for which there was no resonance among his table companions as amongst the broad mass of out people'" -- it must be "our people", unsere volkes. "Only take the persecution of the Jews, which he obscured before his table companions with references to preparations for the establishment of a Jewish national state on the island of

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Madagascar, or alternatively in central Africa." That was published in, I think, Berlin in 1997 but also in London in 1994?

**A:** 1977.

**Q:** What?

**A:** Can we be quite plain that this is not actually wartime writing there?

**Q:** I realise that.

**A:** This is writing by Mr Picker 32 years after the war was over and the climate in German where people were put in prison for having the wrong opinions. He wanted to publish a volume of Hitler's sayings, so he wrote a suitably politically correct introduction.

**MR JUSTICE GRAY:** Can you tell me because I have missed it? Picker was what? A secretary or something more senior?

**A:** He replaced Henry Heim as Martin Bormann's adjutant at Hitler's table talk, and from 1942 he took over the task of writing down Hitler's table conversations in this summary form. He died a few years ago. This was published in 1977, at the time when this persecution in Germany had already begun.

**MR RAMPTON:** You see, this is perhaps reflected, is it not, in something -- do you remember Kurt Engel?

**A:** Gebhardt Engel, Hitler's army adjutant.

**Q:** Yes. You interviewed him, I think, in 1971 on several occasions?

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**A:** On several occasions.

**Q:** This is the only version I have of it at the moment. Do you have Professor Evans' supplementary or amendment pages?

**A:** I have received them, but I have not even had time to look at them yet. That is the 18 pages that I referred to.

**Q:** You have not got it here?

**A:** I can comment on.

**MR JUSTICE GRAY:** Put the point, Mr Rampton. I think Mr Irving is saying he can cope.

**MR RAMPTON:** Well, I think he should have it.

**MR JUSTICE GRAY:** Can he have a copy?

**MR RAMPTON:** I have a copy.

**A:** Thank you very much.

**Q:** Paragraph 12 on page 16, Mr Irving.

**A:** Yes. This is the written transcript that I made after the interview with Engel.

**Q:** That is what I understand. I think I have the original here.

**A:** Yes.

**Q:** I do not know your handwriting but this must be you. Your handwriting is legible, so I can read the handwriting.

**A:** I can explain. After every interview with one of these gentleman I sat down and wrote a formal protocol on what had been discussed between us.

**Q:** I think it is best if you just look at this document that

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I have, so that in the transcript you have identified it as your document.

**A:** Notes on the second interview with General Gerhardt Engel at his office, WAH, which is an arms dealers, Dusseldorf and so on, 9th December 1970. Then it is the second one that you are relying on? Notes on the interview of General Gerhardt Engel at his home Dusseldorf, April 5, 1971, in handwriting.

**Q:** Could I have it back?

**A:** I just want to make sure that nothing has been omitted.

**Q:** Do check it against the typescript in case of error. Thank you. I will read from your manuscript: "When I asked his views on Hitler's association with Juden Hausroten (?) he confirmed broadly Carl Wolf's statements, and added that the Fuhrerbefallen," that means Fuhrer orders.

**A:** Is it? Can I check that?

**MR JUSTICE GRAY:** It must be, from the sense. It is in the singular but it must really be the plural.

**MR RAMPTON:** There is not just one Fuhrer order throughout the war, is there? It has an E on the end.

**MR JUSTICE GRAY:** It has not in Professor Evans?

**A:** I accept that it should have an E on the end.

**MR RAMPTON:** It has in the manuscript. That is why I am glad I have the manuscript. "Frequently resulted from remarks F, that is Fuhrer, made at his late discussions, vo 'Hitler dutzierte stundenlang' (?). That should have a small S,

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should it? Yes, it is an adverb. He referred to the Hewell tagerbruf (?) as proof." That means Hitler just rattled on for a long time. That is all that means, is it not? "He never summarized the conclusions of these discussions. Each was left to pick his own meat from the talk, Himmler in his way quiet but efficient, (that was how the three quarters of a million strong Waffen (?) SS had been born and Bormann more crudely issuing edicts on party notepaper beginning der Fuhrer hat befallen" etc. That is exactly what would have happened?

**A:** Yes. You note incidentally that this is part of my collection in Munich which I no longer have access to.

**Q:** We must have got this from Munich I suppose?

**A:** It has come from the Institute in Munich as part of the early collection which is now denied to me.

**Q:** If you would like copies of these, we can certainly give them to you.

**A:** Very generous of you.

**MR JUSTICE GRAY:** What is the point on this?

**MR RAMPTON:** The point on this is that what Engel is saying there reflects what Picker has said in 19 whenever it was after the war, that if there are a lot of people, or even a few people, unless they are the two or three high ranking people alone, Hitler would use euphemism. He would use a sort of a thought process. To Himmler, for example, Siberia would mean extermination. To somebody

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else who was not in the know it might mean Siberia. Do you follow me?

**MR JUSTICE GRAY:** Is that really right? Picker is talking about euphemisms, but Engel is talking about something rather different. That is how a Hitler order emerges. Is that not a different point?

**MR RAMPTON:** It is part of the same process.

**A:** It is a very clear picture, in fact, those two lines, of how these Himmler orders emerged, that Bormann would be hanging around in the background with a note pad writing things down, and eventually an order would be drafted, sent out as the Fuhrer has ordered, and sometimes it was not what Hitler had ordered at all. There are famous examples where Hitler learned of these orders months later and said, "Who ordered this?"

**Q:** I am sure that from time to time people got the wrong end of the stick but, if Hitler is talking about evacuation of the Jews at one of these table talks and is saying, "we must get on with it" for example, then Himmler will know exactly what Hitler is talking about, and Hitler does not have to talk about extermination, does he?

**A:** Mr Rampton, it is precisely why not only I question but also the allied interrogators questioned all these surviving members of Hitler's staff very closely on this very point. How much discussion was there, whether veiled or otherwise? I have to say that I am not saying there

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was no discussion. There is one famous episode, if I can just relate for two minute, where Hitler's film camera man personally witnessed a mass shooting of the Jews outside Minsk in August 1941. He had been there with Himmler. He is still alive. I am the one who weeded this story out of him. He came back to Hitler's headquarters with the photographs in his camera. He showed the photographs to General Schmudt, Hitler's wehrmacht adjutant, and Schmudt said to him, "If you know what is good for you, you will destroy these photographs", which is what I put in my book also. What do you make of a statement like that?

**MR JUSTICE GRAY:** Can I go back to where we started and ask you whether you do or not accept that Picker is giving an accurate portrayal of talk within Hitler's private circle when he says that there is an element of camouflaging about the language that was used.

**Q:** I do not accept that, my Lord. I fully accept his transcripts that are published as transcripts in his volume, which is very similar to the table talks but in the third person instead of being in the first person.

**Q:** That is not really answering my point.

**A:** I am just about to answer, my Lord. What has been quoted from, the passage you are asking me about, is not written during the war. It is written in 1977, when the climate of fear in Germany has grown to such an extent that

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everybody who wants to write a book about Adolf Hitler has to put in a politically correct introduction to make sure it gets past the census. In Germany they have a book censorship body which burns books and closes down bookstores and arrests authors. In order to make sure you get past this book censorship body in modern Germany, you put in politically correct statements in order to avoid trouble. This is a typical example of the kind of politically correct statement to which I would attach no evidentiary weight whatsoever without supporting material.

**MR JUSTICE GRAY:** That is clear answer. Thank you very much.

**MR RAMPTON:** I am still on table talks Mr Irving. In Hitler's War 1991, there is a reference on page The gulf between the actual atrocities in the east, and what Hitler knew or said about them, widened. Over lunch on May 15 Hitler again merely spoke to staff about transporting the Jews eastward; her referred indignantly to the misplaced sympathies of the bourgeoisie. How well the Jews were faring, he remarked, compared with the German emigrants of the nineteenth century - many of whom had even died on route to Australia! Goebbels, unhappy that forty thousand Jews still remained in 'his' Berlin, raised the subject at lunch with Hitler on the twenty-ninth. ('I once again inform the Fuhrer on my plan to evacuate every single Jew from Berlin...') Hitler merely expatiated on the best post-war homeland for the Jews. Siberia was out- that

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would just produce an even tougher bacillus strain of Jews; Palestine was out too- the Arabs did not want them; perhaps central Africa? At all events, he summed up, western Europe must be liberated of its Jews - there could be no homeland for them there. As late as July 24 Hitler was still referring at table to his plan to transport the Jews to Madagascar - by now already in British hands- or some other Jewish national home after the war was over." So you there, as it were, made use of four different records?

**A:** Yes.

**Q:** The table talk of the 15th May, Goebbels' diary of 30th May?

**A:** Yes.

**Q:** The table talk of 29th May?

**A:** Yes.

**Q:** And the table talk of 24th July?

**A:** Yes. The Goebbels' diary of May 30th would refer of course to the events of May 29th.

**Q:** That is absolutely right. I would like you again, if you will, to look at the supplement to Professor Evans' report where you will see I think on page 8, starting under the cross line, a rather fuller translation of Goebbels' diary entry for 30th May 1942. To save my voice and with his Lordship's permission, it is quite a long passage, I would ask you to read the English. If you have

any problems

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with it, the German is printed underneath. Starting with the small type on page 8 and ending with the words "here they will not be allowed to have any home any more" on page 9.

**A:** (Pause for reading) Acres of sludge, is it not? If I had to put all that into a book, the book would sink under its own weight.

**Q:** You have read that?

**A:** Yes.

**Q:** On the next page, page 10 at paragraph 3, Professor Evans has set out a translation of the table talk for the 29th May 1942, and again I ask you to read that.

**A:** (Pause for reading) He is suggesting that it is two separate conversations.

**Q:** Yes. He is suggesting that it is two separate conversations. What he is suggesting, and I think you may agree with him, is that it is only the last part of the Goebbels diary entry, from the middle of second paragraph on page 9, that is in fact a report of the table talk because there there is a degree of congruence. The words are not identical but there is a great deal of similarity in the subject matter between what Goebbels wrote in that short passage and what we find in the table talk on pages 10 and 11.

**A:** These two records are created in totally different ways, of course. Henry Picker would sit at a side table with a

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note pad, writing down things as they were said on which he would then base his subsequent dictation. Dr Goebbels would wait until the following morning, the first hour in his working day, to summon his stenographer, and he would dictate a diary on the previous days events.

**Q:** But the point might be this, might it not, Mr Irving? Dr Goebbels will have recorded a whole day's events, as you say, over many pages.

**A:** Yes, but, if there were two or three separate conversations, it is quite possible that he would have coalesced them.

**Q:** You see, what I am suggesting is that the first part, down to the middle of the second paragraph on page 9, starting "How little the Jews can assimilate themselves", the first part which ends "Therefore, one must liquidate the Jewish danger, cost what it will", I think in German, "Deshalb, muss man die jedsche Gefall-Liquidierung Koste es was es wollen". That is not table talk.

**A:** I cannot find it.

**Q:** If you want to have a little time?

**A:** No. I think I can cope with it.

**MR JUSTICE GRAY:** Mr Rampton, I hesitate to say this and it is my fault. I am afraid you have lost me. I am not following the point that is being made which is presumably eventually a criticism of 465?

**A:** I will do it more precisely.

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**A:** It is a problem that authors frequently have. When material comes in late, you attach far more significance to it than it really deserves.

**MR RAMPTON:** You must leave judgments about significance to me and his Lordship, Mr Irving. You will make your own, no doubt.

**MR JUSTICE GRAY:** Mr Rampton, it is my fault, I am sure, but I am just not quite following what we are on at the moment.

**MR RAMPTON:** I have tried to take it quickly because this sort of exercise is tedious. What happens in the end of course is that, if you do it too quickly, it gets into a muddle.

**MR JUSTICE GRAY:** Fill me in.

**MR RAMPTON:** On page 9 there is a sentence which begins, "How little the Jews can assimilate themselves to Western European life in reality can be seen from the fact", and so on, and there is a good deal ----

**A:** Halfway down the second paragraph.

**Q:** Halfway down the second paragraph on page 9.

**MR JUSTICE GRAY:** Yes, I have that.

**MR RAMPTON:** They get put into a ghetto, they become very quickly ghetto-ised again, then there is talk about Siberia and then about central Africa.

**MR JUSTICE GRAY:** Yes.

**MR RAMPTON:** That is reflected in the table talk on page 10, starting with the words in the third line "The whole prudity of the Jewish people really finds expression" and

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so on and so forth. Then there is a reference to the ghetto, and then on the next page there is a reference to Siberia, and on the next page the reference to Africa, and probably one can stop there so far as the Goebbels' diary entry is concerned.

**MR JUSTICE GRAY:** That much I follow. What is the significance?

**MR RAMPTON:** The significance is this. What I am putting to Mr Irving is that the earlier part of the Goebbels' diary entry, certainly down to the end of the first paragraph on page 9, has nothing to do with the table talk at all, but represents a private conversation between Hitler and Goebbels.

**A:** Well, that is an adventurous presumption, I think. If you look at the Weidenfeld edition of the table talk, there is yet again a totally different version of that table talk, and Professor Evans has ignored that completely.

**Q:** I am not worrying about that.

**A:** It worries me. It should worry. It should have worried Professor Evans too, the fact that there are three different versions of the same thing.

**Q:** Mr Irving, please, can we stick to the point? If you read the first two paragraphs on pages 8 and 9, what you see is something a very great deal blunter about the fate of the Jews from both sides to the conversation, if it be Goebbels and Hitler, than you ever find in the table

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talks.

**A:** (Pause for reading) You mean the argument about the need to keep the equilibrium?

**Q:** And the suggestion, perhaps more than a suggestion, the proposal, that it is probably going to be necessary to kill all the people in the prisons as well, because the sentence about the prisoners starts with the little German word "auch".

**MR JUSTICE GRAY:** Where are you, Mr Rampton?

**A:** I cannot see any plan to kill people in the prisons.

**MR RAMPTON:** Page 8, my Lord, in indent in small type, there is some talk about the Jews.

"Thus I plead once again for a more radical Jewish policy", this is middle of the page, "whereby I am just pushing at an open door with the Fuhrer". This has been quoted by a number of people but without the context. "The Fuhrer is of the opinion that the danger will become greater for us personally the more critical the war situation becomes. We find ourselves in a similar situation to that of the second half of 1932 where bashing and stabbing were the order of the day and one had to take all possible security measures to escape from such a development in one piece. The extermination of criminals", and there is no ambiguity about this, "is also a necessity of state policy", but the German sentence which you find on page 9, when he goes on to say: "Auch die Ausmerzung ist ein staatspolitische notwendigkeit",

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necessity. What I am suggesting is that Goebbels and Hitler had a fairly frank conversation about the fate of the Jews and indeed of the prisoners but, when you get to the table, the larger audience. That all goes up into the air into airy talk about central Africa and Siberia.

**A:** May I just comment that to translate "Ausmerzung" as uniquely as "extermination" is either showing the bankruptcy of Professor Evans' vocabulary. Ausmerzung has a very wide range of meanings. It is very similar to "ausschlussung". It is rubbing out, wiping out, disposing of.

**Q:** You can argue with Professor Evans about that, Mr Irving.

**A:** I certainly shall.

**MR JUSTICE GRAY:** Mr Rampton, am I wrong in thinking, if this is important, I do not know, that the first paragraph of this extract from the diary entry is dealing with the particular problem in Berlin and the dilemma whether you keep the Jews there, because they are better working in armaments factory than having in potentially criminal elements from the East, or wherever. Then it seems to go on to the rather wider question what will happen to people in prison if the war situation gets much worse.

**MR RAMPTON:** Yes.

**MR JUSTICE GRAY:** Is that fair?

**MR RAMPTON:** Yes. What I am suggesting is that the use of the word "also" or "auch" may be tending to suggest that the

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more radical solution of which Dr Goebbels spoke was the same as that which was going to befall the criminals. After all, if it had by this time already been decided, as undoubtedly it had, that the German Jews were going to be deported, and lot of Berlin Jews had already gone by May 1942, it could hardly be, could it, Mr Irving, that Joseph Goebbels would have been pleading for a more radical policy in that regard? That is right, is it not?

**A:** I am just totally baffled that you are hanging your entire case on one little German word "auch" and, if I was in that position, I think I would deserve to be hanged, drawn and quartered. You have been bedazzled by this recent acquisition rather like a new toy. You are trying to make something out of it, but I am afraid that it escapes me and I think may very well have escaped the court. What point are you trying to make out of it? What is significant in the quotation is that Hitler is saying once again, "There is no point sending them to Siberia because that will just toughen them. Let us send them to Africa. That is a more reasonable solution." Once again, he is not talking about killing.

**Q:** In May 1942 send them to Africa?

**A:** I am just repeating what is in the documents.

**MR JUSTICE GRAY:** That is what the document says.

**MR RAMPTON:** Yes, it is what the document says but it was not a realistic possibility.

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**A:** Hitler was hoping to win the war, I remind you of that fact. He was an optimist. He was an incurable optimist. People, when they get in that position, hope to win, the same as the defendants in this action. They do not necessarily paint a worse case scenario.

**MR JUSTICE GRAY:** Mr Rampton, just so that I try and understand the point that we have been spending a little time on, and looking at it in terms of where you say the manipulation or the distortion occurs in volume 2 of Hitler's War 1991, you would criticise Mr Irving's sentence which reads: "But he evidently never discussed these realities with Hitler".

**MR RAMPTON:** Yes, indeed.

**MR JUSTICE GRAY:** That is the point, is it?

**MR RAMPTON:** Yes.

**A:** I am not going to respond to that, my Lord, because I think that that is not a fair conclusion from this material. I think the real allegation is that Mr Rampton would have liked that I ladled acres of sludge into my manuscript, rather the way Professor Evans has, which would have sunken without trace.

**MR RAMPTON:** There it is. Now finally on table talks for the moment at least, your favourite one, Mr Irving, which I think is 24th July 1942.

**A:** Only favourite because in a sense it brings this particular phase to a end. It is the bottom line.

**Q:** It does what?

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**A:** It brings this particular table talk phase to an end and after that there is nothing more useful to be dug out of them one way or another.

**Q:** The relevant part of it is very short, and I do not know whether or not there is any way one can get more out of it, but it is on page 422 of Professor Evans' report.

**A:** Interestingly, yet again, this is a passage which is in the Picker version of the table talk, but not in the original Heinrich Heim version, so it may well be something that can be attached to that.

**MR JUSTICE GRAY:** It may be that Picker was there and Heim was not?

**A:** Heim also wrote a version of the table talk that day, my Lord, in the first person, so it is possible that Picker added to the original from his own notes.

**MR RAMPTON:** Let us look at 466 in your 1991 edition of Hitler's War, to start with?

**A:** It is the first paragraph, about lines 6 and 7.

**Q:** "As late as July 24th", this is the last part of the first paragraph, "Hitler was still referring at table to his plan to transport the Jews to Madagascar, by now already in British hands, or some other Jewish national home after the war was over." Yes? Is that, do you think, a fair rendering of that part of the table talk?

**A:** I am sorry, did you read the table talk?

**MR JUSTICE GRAY:** Yes.

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**MR RAMPTON:** I think we are maybe at cross purposes. That is a fair rendering of the table for

that day, is it, what you wrote there?

**A:** The table talk says, "After the war was over, he would rigorously take the standpoint", this is Hitler, "that he would smash after city to pieces if the Jews did not come out and emigrate to Madagascar or some other Jewish national state".

**Q:** Then it finishes up, I do not know how far down ----

**A:** My reference I can quote "As late as July 24th", this is now me in my book, "Hitler was still referring at table to his plan to transport the Jews to Madagascar by now already in British hands or to some other Jewish national home after the war was over".

**Q:** Where in the table talk does the last piece in evidence come?

**A:** Which last piece?

**MR JUSTICE GRAY:** "Therefore significant".

**MR RAMPTON:** When it was reported to him that Lithuania was also Jew free today, that was, therefore, significant?

**A:** Well, first of all, we do not know what those three little dots stand for in the case of Professor Evans. Those little dots sometimes stand for two or three paragraphs or even pages of text.

**Q:** Of course they can. Are you not familiar with this table talk?

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**A:** I have not got it with me.

**MR JUSTICE GRAY:** What is the significance of that last sentence you have just read out, Mr Rampton? It makes no sense to me at all.

**MR RAMPTON:** What it means is that Hitler already knew that it had happened in Lithuania.

**A:** What had happened?

**Q:** The Jews had been removed from Lithuania?

**A:** Yes.

**MR JUSTICE GRAY:** Why is that significant?

**MR RAMPTON:** Because of what happened next and, of course, with what had happened before.

**A:** So you accuse me of a sin of omission yet again, in other words, the book should have been 2,000 pages long instead of 1,000.

**Q:** If his plan was to transport everybody to Madagascar after the war, why should he think it is significant that Lithuania was now Jew free?

**A:** I do not know. We do not know what the preceding sentences say, and I hesitate to express opinion there. It looks like the corollary of something that he said in the previous sentence which Professor Evans has not vouchsafed to us.

**MR JUSTICE GRAY:** Is not the real point on this it was obvious, or should have been obvious - - this is Professor Evans to Mr Irving -- that this was a classic example of camouflage

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in Federation

**MR RAMPTON:** Yes, absolutely.

**A:** He could well argue that, but I would argue on the contrary.

**MR JUSTICE GRAY:** That, as I understand it, is the way the case is put on this particular table talk.

**A:** Your Lordship will certainly attach whatever weight you wish to to that, but the evidence is that Adolf Hitler, certainly since June 1938, had adumbrated the Madagascar plan, and he

repeatedly referred to it in a rather wistful kind of way. He discussed it with the German Navy. The German Admiralty actually became involved in a detailed plan, so did the German Foreign Office, so did various subordinate departments. All I am saying in this sentence is that as late as July 1942 in this rather madcap way he is still talking of Madagascar.

**MR RAMPTON:** Yes, but it is a question of whether you take him seriously or not, is it not? That is what matters, from history's point of view.

**A:** Should I have suppressed this sentence? Should I have dropped it on the floor, the same way as your historians have dropped the other documents on the floor that do not fit into their arguments?

**Q:** Would you please turn over the page in Professor Evans' report to page 423, you will see why it is that I suggest that when Hitler talks of Madagascar in July 1942 at his

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table talk it is mere fanciful waffle. Look at paragraph 3 in Richard Evans's report, please?

**MR JUSTICE GRAY:** Not just waffle, euphemism.

**MR RAMPTON:** Yes, euphemism, yes. "By early 1942, it had thus been made official that Hitler was no longer aiming at driving Jews out of Europe to Africa. The Madagascar plan, which had already been postponed indefinitely in the Autumn of 1940, was now officially shelved. It is totally misleading to speculate, as Irving does, that Hitler in July 1942 'might still be dreaming of Madagascar'. On 10th February 1942 the Foreign Office official who had first proposed the plan for deporting the Jews to Madagascar in 1940 wrote that: 'Gruppenfuhrer Heydrich has been charged by the Fuhrer with carrying out the solution of the Jewish question in Europe. In the meantime, the war against the Soviet Union has opened up the possibility of placing other territories at our disposal for the Final Solution. Accordingly, the Fuhrer has decided that the Jews should be pushed off not to Madagascar but to the East. Madagascar, therefore, does not need to be foreseen for the final solution any more'?"

**A:** Are you implying that Heydrich was the one who called the shots and not Hitler?

**Q:** This appears to be a report at secondhand, admittedly ----

**A:** I am afraid this point rather operates against yourself.

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You are implying that Heydrich is the one who made the decisions and not Hitler who is talking here still about Madagascar. I am perfectly ----

**MR JUSTICE GRAY:** No, because it goes on to say that the Fuhrer has made the decision that it should not be Madagascar.

**MR RAMPTON:** The Fuhrer has decided.

**A:** But here, quite clearly, the Fuhrer is still talking about Madagascar in the way that Heads of State do.

**Q:** Yes, it is camouflage; it no longer means anything?

**A:** May I remind you, why the Madagascar plan was dropped was because Germany was not in a position to ship the stuff, to get the shipping and to transport these emigres overseas any more without the ships being torpedoed. He is talking about after the war it would be nice if we could resume the Madagascar plan.

**Q:** Maybe, so we can lay our hands on the remaining 4 million Jews, perhaps?

**A:** That is not exactly what he says, Mr Rampton. I have adhered very closely to what is in the sources. It would have been irresponsible of me to have ignored this remark in the way that the historians have ignored the other documents that do not fit in with their schemes. I am writing a

biography of Adolf Hitler, and this is very clearly a germane document to include, but to give it no more weight than I assigned to it.

**Q:** So is the Foreign Office document, is it not?

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**A:** I have mentioned that at the appropriate place in this very volume too.

**Q:** Well, the appropriate place, do you say that place -- if you do, I am wrong?

**A:** I shall certainly look it out overnight and bring it before the court so we do not have to waste more time.

**Q:** But, of course, Hitler had, in fact, already ordered Madagascar to be taken off the menu back in February, so this cannot be taken at face value. Did you write that anywhere?

**A:** Mr Rampton, these are your suppositions for which you have no evidence. I can only work on the evidence which is in the documents. The table talk, as I have always said, are documents of a very high category of authenticity and integrity.

**Q:** Is that Foreign Office document of, is it, 10th February, is that an authentic document, do you think?

**A:** Indeed, yes, but you will accept the planning undergoes swings and changes as the climate of the war changes, as the advance proceeds on the Eastern Front or as one has set backs, then one adapts one's plans.

**MR JUSTICE GRAY:** It is page 423, if you want to cross-refer.

**A:** I am indebted to your Lordship, yes. This very document was quoted by me in full on page 423, the relevant part, which is what, no doubt, brought it to Professor Evans' attention in the first place.

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**MR RAMPTON:** My Lord, may I say what I propose to do next?

**MR JUSTICE GRAY:** Yes.

**MR RAMPTON:** That ends that little exercise with the table talks and very little it was, I took too long. It ends on 24th July. I now propose to lay out as quickly as I can (but it is necessary to look at some original German documents) what was going on, so far as anybody knows from the German documents, from 28th or earlier about this time, end of July 1942, and then I make no secret of it, I am going to then end up with Himmler's note of 22nd September 1942. That is not quite my terminus.

**MR JUSTICE GRAY:** Which is that?

**A:** We have not had that yet.

**MR RAMPTON:** That is the next topic, but it does require some background. It may be best to lay the ground by referring to what Mr Irving wrote about it in his book.

**A:** Mr Rampton, you say you are going to be producing to the court German documents. Will you make it plain on each occasion whether they were documents that were before me at the time I wrote the books or not.

**MR JUSTICE GRAY:** That is a fair point.

**MR RAMPTON:** I may not know the answer to that -- it is a fair point, but it is not the whole of the point by any means because you have said something about the Himmler log entry of 22nd September 1942, and what I want to do is to see whether you adhere to what you there said. It is also

evidence of system, of course, and scale. So it does several jobs at the same time. Can we look, please, first of all, at page 467 of Hitler's War 1991?

**A:** The closing words of the paragraph -- of the chapter?

**Q:** Yes, they are. It is right to point out that this half page which ends at a half page on page 467 starts with a reference to Himmler on page 466. Perhaps your Lordship might just read that? I have some questions about that also.

**MR JUSTICE GRAY:** From where?

**MR RAMPTON:** From "Himmler kept his own counsels".

**MR JUSTICE GRAY:** Can I just read it? I have read it before, but I have to remind myself.

**MR RAMPTON:** Yes.

**MR JUSTICE GRAY:** Yes.

**MR RAMPTON:** Now, Mr Irving, if you would just look at that for a moment, just 467 for the moment? At the end of the paragraph you write: "Himmler meanwhile continued to pull the wool over Hitler's eyes. On September 17th he calmly jotted in his notes for that day's Fuhrer conference: '(1) Jewish immigration; how is it to be handled in future? (2) Settlement of Lublin', and noted next to these points 'Conditions in general government and Globas'" which is Globocnik's nickname. Yet, at the top of the page, at the end of the first little paragraph you write this: "The Fuhrer himself", and this is a

translation of Himmler's letter to Berger of that date, "The Fuhrer himself has entrusted me with the execution of this arduous order and nobody can deprive me of this responsibility."

**A:** You did not read out the first part which is to say what the order was.

**Q:** I am so sorry. The task is making the occupied Eastern territories ----

**A:** The full text is: "The occupied Eastern territories are to be liberated of Jews. The Fuhrer himself has entrusted me with the execution of this arduous order. Nobody can deprive me of this responsibility."

**Q:** I am just getting out the original which is "Die besetzen osgebete werden Judenfrage", "The occupied East territories will be Jew-free", correct?

**A:** Well...

**Q:** It must be?

**A:** That is what I would refer to as a wooden translation, yes.

**Q:** Oh, yes. I do not make any apology for it being wooden?

**A:** It is me being defensive.

**Q:** "Die durchfuhrung dieses sehr schweren gefalls" --- the carrying out of this very hard order -- "hat der Fuhrer auf mein schunnten gelecht" -- has the Fuhrer placed on my shoulders, is that right?

**A:** Yes, yes.

**Q:** So Himmler has been given the very hard, sehr schwer, task of clearing the Eastern territories, occupied Eastern territories, of all the Jews, has he not?

**A:** Rendering the Eastern territories free of the Jews, yes.

**Q:** Yes. So about what was it, if Himmler is telling the truth about that, that Himmler on, in fact,

I think the dates are 22nd and not 17th, but it matters not.

**MR JUSTICE GRAY:** You accept that, do you not, Mr Irving?

**A:** That I do not know, but it is not important.

**MR JUSTICE GRAY:** It is not important, I agree.

**MR RAMPTON:** On 22nd September, about what was it that Himmler was pulling the wool over Hitler's eyes?

**A:** At this time a killing operation had begun, that the killings were going on.

**Q:** Surely not. By what means?

**A:** I do not know. It is not important for the purposes of that answer.

**Q:** I am afraid I think it is. You see, Mr Irving, your position is that the gas chambers of Belzec, Sobibor, Treblinka and Auschwitz did not exist, so how do you think Himmler and his bods were carrying out the killings on a massive scale which they did not want Hitler to know about?

**A:** I am just checking on the date. Well, my position on that really is that on the basis of the documents, I am not in a position at this time of writing that to be specific

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about what kind of camouflage is going on; but it did seem plain to me on reading this agenda that Himmler had written for his talk with Hitler, dated either September 17th or 22nd, that if he just jotted down conditions in the government general and Globus there was possibly something sinister being discussed between them, but that Himmler was not going into detail about it. More than that, I could not say on the basis of what I had.

**Q:** Well. We will have a look at the wording of the Himmler note.

**MR JUSTICE GRAY:** Mr Rampton, it strikes me this is quite important. Could we -- this is for my benefit and, bear in mind, you have the advantage of me -- I just ask about the reference made in Himmler's gentle rebuke of 28th July what, Mr Irving, you understand the liberation of the Jews entrusted to Himmler by the Fuhrer really means?

**A:** The territories are to be liberated of Jews.

**Q:** By the physical deportation or continued shooting or by gassing?

**A:** My contention here is that Hitler has clearly ordered the Jews turfed out of all these countries and I have always said this.

**Q:** So it means that and no more than that?

**A:** There is no evidence for anything uglier than that, and I would be surprised if Professor Evans has found any evidence that there was and certainly that there was any

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evidence that was before me at the time I wrote the book. I have been very careful not to go over what the evidence actually bears out when I write this. When I quote a document like this, I put in what the document says and I try to let the reader draw their own conclusions.

**Q:** But even now you would take that view, in the light of your present knowledge?

**A:** With the utmost respect, what I think now is immaterial for the purposes of the issues pleaded.

**Q:** Well, I do not agree for the reason I think I explained yesterday, namely that if one is judging your approach as an historian, how you interpret fresh information is something that we can legitimately ask you about; do you remember I made that point to you?

**A:** I appreciate that point, my Lord. But in that case I would then have to devote time to looking at the documents all over again and reevaluating them in order to be able to give a balanced answer to that now.

**Q:** If you feel that you would need to do that, I understand.

**A:** I think I would have to do that.

**MR RAMPTON:** As I am about to embark on the documents, my Lord, I will ask the question I was going to ask about the entry in the Himmler log, but then maybe Mr Irving could spend a little bit of time between the end of that and 2 o'clock looking at the documents?

**A:** And having lunch.

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**Q:** Well, it is a problem that faces everybody in the profession, Mr Irving.

**A:** Mr Rampton, in this volume which you also have, which is the Himmler diary, it is on page 566, and my date reading is correct. It is September 17th. You rather worried me on that.

**MR JUSTICE GRAY:** I think you are right there in saying it does not in the end matter.

**A:** Except that once again, it is only detail, you are quite right, my Lord. I will save my triumph in private. It is on the left-hand page.

**MR RAMPTON:** I agree with you.

**A:** It does not matter, Mr Rampton.

**Q:** I am going to keep this open.

**A:** His Lordship has ruled it does not matter.

**Q:** Can you turn, please, to page 432 of Professor Evans' report? There you see the English set out more or less as it is in German. Is that not right?

**MR JUSTICE GRAY:** Could you give me the reference in the documents as to where one finds that note?

**MR RAMPTON:** One does not. One has to look in this book. Can I hand it up?

**MR JUSTICE GRAY:** I am sorry. I assumed it was somewhere.

**MR RAMPTON:** I cannot find it in ----

**MR JUSTICE GRAY:** I am sorry. I did not realize there was a problem. I am sorry. I have wasted a certain amount of

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time.

**MR RAMPTON:** It is quite all right. I think we should have it. My Lord, in H1(ix).

**MR JUSTICE GRAY:** I probably have not got it here anyway.

**MR RAMPTON:** As I have the Witte version, I suggest we give this to your Lordship.

**MR JUSTICE GRAY:** It is just so I have the reference really.

**MR RAMPTON:** It is at page 364 of the file. Have you got one, Mr Irving?

**A:** No, but I am very familiar with the document. I am the one who found it. I am the one who found it and first used it.

**Q:** Yes. It says in English, well, in German first, "volkstung und ziedlung" which means?

**A:** Volkstung und ziedlung.

**Q:** Yes.

**A:** Well, "volkstung" is one of those very difficult words to translate. It means nationality or ethnicity.

**Q:** And "sietlung" just mean "settlement"?

**A:** "And settlement", yes.

**Q:** Then it says: "Judensauswanderung"?

**A:** "Jew emigration".

**Q:** "Wiezelweitr verfahren werden"?

**A:** "How should we carry on? "How should it be carried on?" There is a tick next to it so they discussed it.

**Q:** And then "Besiedlung" Lublin?

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**A:** "Resettlement of Lublin" in that sense, really, once it was empty, then settlement.

**Q:** And a line against it?

**A:** The sense is that they are going to use people, citizens from Lorraine, the Germans from Bosnia and ethnic Germans from Bessarabia which is a province of Romania.

**Q:** Which suggests, does it not, that the Jews who have been sent on an auswanderung will make room -- the Jews of Lublin -- will make room for these people from Loraine, Bosnia and Bessarabia?

**A:** That is a reasonable assumption that the two facts are interdependent.

**Q:** Then the right-hand column matters not, but "verhältnisse", circumstances, general governor or, no, General Government it must be, must it not, Globus?

**A:** It could be either, but the likelihood is it is government general.

**Q:** Globus, if I may use a wrong word, is the Czar of Lublin is he not?

**A:** He is the chief of police.

**Q:** Yes, and Lublin is in the General Government?

**A:** Yes.

**Q:** So it would fall to Globus -- he is an SS man, is he not?

**A:** He was one of the mass murderers.

**Q:** Yes, he was. He was under Himmler's, he is in Himmler's ----

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**A:** He is the senior SS and police chief, Hoher SS und Polizei.

**Q:** So he has been given, or is going to get, the responsibility for the further processing or procedure of the auswanderung and replacement with Germans, ethnic Germans. That is right, is it not?

**A:** Mr Rampton, you are beginning to join dots in a very adventurous way which is not supported by any of the words actually on the paper in front of me.

**Q:** Globus, Lublin is in the General Government?

**A:** Yes.

**Q:** Globus is head of police, or whatever it is, and, as you rightly say, one of the mass murderers in Lublin. The proposal is that Lublin shall be settled with people of German origin from different parts of Europe, and that comes immediately under the heading "Emigration of Jews, how to be further proceeded"?

**A:** Right, but you are missing the first word in that line which is "verhältnisse" which is circumstances, conditions, and although, of course, we are now Holocaust obsessed in this world at present, other things were happening in the government general than just killing Jews which is what you would maintain.

**Q:** No, the ----

**A:** The resettlement programme, the deportation of large numbers of innocent people to uncertain areas in the East

was causing great civilian unrest. There were posters appearing overnight saying, "This week it is the Jews, next week it may be you, Poles". There were major problems of civilian moral problems in the government general and, if you look at my Goebbels' biography, you will see references to this when telegrammes come from the propaganda offices in these regions, back to the Berlin Ministry saying, "We are having major problems caused by this". So, this is just one example of the dangers of leaping from mountain peak to mountain peak. There are things happening in between of which this document gives us no cognisance, but of which I have cognisance. So that why it is very dangerous, I think, to leap to conclusions.

**Q:** Well, I am not leaping to conclusions, Mr Irving. Though I may not have your enormous wisdom and knowledge on this topic, I have learned a certain amount. After you have had a chance to think about the documents which come up to and beyond this point, ending with the conference in Berlin on 26th and 28th September -- that is the only that comes after this point ----

**A:** The conference in Berlin between whom?

**Q:** --- we are going to let everybody take cognisance of the surrounding material. We can start now if you want.

**A:** Yes, but, of course, these reports I referred to were in my discovery for your experts to see relating to the

severe moral problems and internal unrest caused by the Nazi methods in Poland.

**Q:** Mr Irving, I am not saying that there is any certainty about what this document means, but one of its most natural interpretation, surely, is this, that the emigration of the Jews from wherever needed to be further proceeded, if that is the right translation, and Himmler wanted Hitler's views about that. As a subtopic of that, it was proposed that Lublin should be settled with German speakers from different parts of Europe. That might depend upon the verhaltnisse and the responsibility would be that of Globus within the General Government. It does not say any more than that on its face, does it?

**A:** It says a lot less than that, Mr Rampton, with respect.

**MR JUSTICE GRAY:** Why does it say less?

**A:** He is filling in the dots, my Lord, in an overdangerous way. First of all, this passage in the right-hand column, if I am familiar with these Himmler's notes, is something that has been added either after or during the actual talk. It is not something which is primarily on the agenda, but something which has come up. So this is the first reason why it is dangerous to hang too much on that. I can only respectfully submit that I made the proper use of that by referring only to the content of what the note tells us and not being too adventurous about speculating to my own advantage or against ----

**MR JUSTICE GRAY:** What I am not following at the moment is why you say Mr Rampton is being adventurous. He is simply saying that this means, on a sensible interpretation, Lublin is going to have to be resettled?

**A:** That I accept.

**Q:** These are the people we intend to resettle there?

**A:** That I entirely accept, my Lord.

**Q:** The circumstances need to be discussed and Globus is going to have something to do with it. That is all Mr Rampton, I think, was suggesting that paragraph to mean.

**A:** I accept the first two parts of that, my Lord, but when he continues to say that when they are talking about circumstances and the government general and Globus, this can only refer to killing Jews. I think this is a very ----

**MR JUSTICE GRAY:** He did not say that.

**MR RAMPTON:** I did not say that. I have never said it. I will say it.

**A:** If Mr Rampton does not say that, then we are totally in accord.

**MR JUSTICE GRAY:** Let us take it in stages.

**MR RAMPTON:** I will say it, but I will not say it yet because I have not laid the ground for it, but be sure as eggs I will say it, yes, of course.

**A:** Well, then I was right to pre-empt.

**Q:** No, you were not. What, Mr Irving, this document also

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talks about is how to further the emigration of the Jews, does it not?

**A:** How we are to proceed, yes.

**Q:** Well, yes, how are we to proceed. It has already been taking place on a large scale from all different parts of Europe by September 1942, has it not?

**A:** There are all sorts of train movements going hither and...

**Q:** All over the place, both within the general government and out of the Reich, and I do not know what the date of the first Slovakian transport was, and so on and so forth. That is something which is already well underway. This document is silent about what is to happen to those Jews or has happened to those. It is completely silent about it, is it not?

**A:** That is why I made the reference about wool being pulled over people's eyes.

**Q:** No, Mr Irving. It is you who has built a huge mountain out of a tiny little mole hill. Assume two completely contrary hypotheses either of which could be right: Hitler does know what happens to the Jews when they arrive, and when they will arrive they are going to be killed. That is one hypothesis. He and Himmler would very well still need to talk about how to get the process continuing and continuing and continuing, until they had all gone. That is hypothesis one.

**A:** Hypothesis two, Hitler does not know, but, of course, he

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knows about the deportations because he has authorised it.

**Q:** So on either hypothesis this is a neutral document?

**A:** If your first hypothesis is correct, if these two men are in cahoots, if I can use gangster slang, why would Himmler need to use euphemisms?

**Q:** Because they are actually talking about how to do the evacuations, the emigrations. You cannot kill somebody in a gas chamber or a pit somewhere near Lublin unless you have them there in the first place. You have to evacuate them emigrate them from, say, Berlin or Vienna or Rome or wherever it may be and you have to do that. It is a matter of logistics. It costs money. The trains are needed by the army. It is a necessary stage in the process, and there is no reason on earth why Himmler and Hitler should not have a conversation about that, is there?

**A:** But if they are in cahoots why do we find nowhere in all these hundreds of sheets these agenda, telephone notes and all the rest of it anything specific to bear out the notion that Hitler had ordered the killing of the European Jews?

**Q:** But you have constructed out of this perfectly natural, normal, neutral document and

discussion, if you do not know the background, a discussion about how to continue the deportations, and how to make this into German "labensround", this area of Poland, Lublin, you have erected on the basis of that flimsy platform, this

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sentence "Himmler meanwhile continued to pull the wool over Hitler's eyes"?

**A:** Because there no reference in this --

**Q:** Why should there be?

**A:** -- to any of the sinister things that had happening, whatever they are.

**Q:** Why should there be? This is not a deceptive document.

**A:** It is. He is using the euphemisms, which your own experts agree are the euphemisms for the extermination operation going on.

**MR JUSTICE GRAY:** Do you accept that, so far as Himmler is concerned that when he said "ausvanderung" he was really in his own mind visualizing what was going on in the --

**A:** We have a terrible problem with these euphemisms, my Lord, and this is that the word, the same word can mean different things used by the same person at different times.

**Q:** -- well, take this note, do you regard "ausvanderung" meaning --

**A:** It could quite possibly mean that, that in his own mind he is referring to that, because he knows perfectly well what is going on.

**Q:** -- namely?

**A:** Shall we just leave it in vague terms, that something ugly is happening?

**Q:** No. You are the historian; what do you think that Himmler

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in his own mind had in --

**A:** He knows that the Jews --

**Q:** -- contemplation when he used the word "ausvanderung"?

**A:** -- he knows that the Jews are being liquidated and that very few of them are surviving, as we know from the entry in Goebbels' diaries of March 1942 which is quite definitely an SS. In other words, the Himmler document. It has gone to Goebbels and has told Goebbels that of those who are deported and I think Goebbels actually mentions Lublin, 60 per cent may be fit for work, but 40 per cent had to be liquidated or the other way round.

**Q:** But there is no reason to suppose that Hitler would ever have seen this note of 22nd September 1942?

**A:** No, but unfortunately we are confronted with a problem, we can only write history safely on the basis of the paper before us. But it may well be that two or three pages later we come across a document which gives one more clue in the direction that I am trying to lead the readers. I think it is dishonest just to pick on one fragment and say, "Mr Irving has only mentioned this". I have found this document. I have mentioned. I have put it on the slate for people to read it, and later on we will find another document and we will refer to it just the same as your Lordship quite rightly pointed out that I had mentioned that 10th February 1942 document earlier on. It is there somewhere buried in the book and anyone can play

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this exercise of yanking one pebble out of the wall and saying "Mr Irving has only painted this one pebble", when the whole picture is there in the book at the end of it.

**Q:** I am not being critical at the moment, I am simply trying to understand your thought processes when you approach this document and as I understand it, correct me if I am wrong, I am sorry, Mr Rampton, to go on, you accept that Himmler had it mind that there was mass extermination of Jews going on?

**A:** My Lord --

**Q:** And that that is what he was referring to when he writes "ausvanderung" of the Jews?

**A:** -- I have to be careful, my Lord , because--

**Q:** In paragraph 1?

**A:** -- I am constantly aware that I am under oath here and I am also relating something that happened 35 years ago when I wrote this manuscript for the first time. These particular words you are looking at were written by me probably at the end of the 1960s, so I have to be very careful when you ask me what my thought processes were. I can reconstruct them, but that is probably not a very useful exercise. I have to say that I would have been aware that later on we have what is called the Korheir Report, which is referred to earlier today, where Himmler has said: "Redraft this report in a form that we can show it to the Fuhrer", which strongly suggests that there is

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wool pulling going on. That is why I feel safe in asserting a sentence like that here, because I regard this document as being evidence that quite probably what happened on this occasion was a certain amount of wool pulling. That somebody was being "horn swaggled", as the Americans say.

**MR JUSTICE GRAY:** Sorry, Mr Rampton, I interrupted.

**MR RAMPTON:** It is all right. I do not think I have many more to ask about that particular sentence. I have made my suggestion. I would like you to look, however, at something I said I would ask you some questions about, the earlier part of this passage which begins on page 466,. Himmler kept his own counsel. From his papers it emerges that on 9th July his SS Police Chief Kruger... already briefed him on the solution of the Jewish problem. On the 16th he visited Hitler. Photographs in the modern Polish archives"; do you remember, this is not a memory test, I just wonder whether you remember where you got the information, Mr Irving, that Himmler visited Hitler on the 16th?

**A:** I would have to go back to my card index to check. It could have been from a number of sources.

**Q:** There is an entry in Witte which says that he had lunch with Hitler on the 14th, but that is something you could not have had, because that is one of the entries that has only recently emerged from Moscow?

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**A:** I would not have had that one.

**Q:** No.

**A:** Except, no, I had Himmler's -- I have Himmler's diary here. I will just check it.

**Q:** You see if you can find anything for the 14th July. What have you put, the 16th?

**A:** The 16th July we only have the telephone notes.

**Q:** What, you have put the 16th?

**A:** No, the 16th July we only have the telephone notes.

**Q:** Yes. I think that is what I have here, yes. Certain, it is he saw Hitler either the day before, or a

couple of days before he went to Auschwitz, is it not?

**A:** Yes.

**Q:** "Photographs in the modern Polish archives show him [indeed they do] visiting the immense synthetic rubber plant. They also show him at the camp itself, on the 17th and touring the concentration camp itself on the 18th in the company of his Chief Engineer, SS General Hans Cammler and Fritz Bracht, the gaulierter of Upper Silesia. Whatever later historians would claim Hitler himself never visited any concentration camp, let alone Auschwitz. Historians would also claim that Himmler witnessed the liquidation of a train load of Jews on this occasion. This is apocryphal". Blah-blah-blah I will not bother to read this. Can I go down to the history again? Starting it

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on July 19th 1942: "On July 19th 1942, the day after Himmler's tour of Auschwitz, he issued a written order to Kruger 'I decree that the transfer of the entire Jewish population of the General Government is to be carried out and completed by December 31st 1942'." That is a document we will have to look at a bit later, Mr Irving.

**A:** Yes.

**Q:** "Hitler might still be dreaming of Madagascar, but the head office of the Eastern Railroad at Krakow reported since July 22nd one train load of 5,000 Jews --"

**A:** Can I just interrupt there and point to the word "dreaming of Madagascar", I think that adequately sums up the earlier passage.

**Q:** You say "dreaming", I say talking in a camouflage way, but perhaps it really does not matter. It is not a reality. "Since July 22nd one train load of 5,000 Jews has been running from Warsaw... to Treblinka every day and in addition a train load of 5,000 Jews leaves Przemysl twice a week for Belsec". Can I stop there. Mr Irving?

**A:** Yes.

**Q:** We will look at some more documents in relation to those transports this afternoon. Why was it -- in fact, I think the figures are not quite right, but suppose they are for the minute, why was it that one train load a day of 5,000 Jews was going from Warsaw to Treblinka and one twice a week of 5,000 Jews to Belsec from the place which begins

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with P?

**A:** The documents do not tell us, but perhaps it might be useful if we had a look at a map which will show us exactly.

**Q:** I am going to, with his Lordship's permission, I am going to give you -- this is new to me, I got it last night, so I have not been hiding it away, it is an original German army I think military railway map?

**MR JUSTICE GRAY:** Is it one of the ones you --

**MR RAMPTON:** No, your Lordship, has not got it. I had not it until last night.

**THE WITNESS:** I certainly have not had it.

**MR RAMPTON:** Mr Irving has not had it and so everyone can have it now, and there is one for the witness (same handed).

**MR JUSTICE GRAY:** Mr Rampton, we are moving on to another issue really now.

**MR RAMPTON:** Yes, we are. I was actually going to suggest that I stopped there because I was going to ask just one question, and then I could give Mr Irving time to have a bit of lunch and perhaps look forward at some of the documents which he has referred to here.

**MR JUSTICE GRAY:** Only if he feels he has time to do it over lunch.

**MR RAMPTON:** But I am now going to do what I said I would do this morning, which is to look at the true scale and nature of what actually happened. This is awkward, I am

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sorry, I should have had sellotaped together, but I did not have time. If you just hold them roughly on top of the other because that is how it works, my Lord.

**MR JUSTICE GRAY:** Yes, I follow.

**MR RAMPTON:** We see Warsaw at the top of the map, then you if go out the key tells us that a double line is a two track railway, and a single line is a single track railway, which is logical enough, is it not? The key is in the bottom right hand corner.

**A:** Yes.

**Q:** Then there is that another marking, which we do not have to bother about, which is the actual, I think, German railway as opposed to the Russian one or the Polish one. A different gauge, I think. The line runs north/east or east/north/east out of Warsaw to a place called Malkinia; do you see that?

**A:** Yes.

**Q:** Just on the border with White Russia?

**A:** Yes.

**Q:** And there is a sharp right turn and the first dot down that single line is Treblinka.

**A:** Yes.

**Q:** Then if you go to Lublin and you go east/south/east towards the Russian border you come to a place Kelm or Khelm.

**A:** First of all Treblinka and then Kelm, yes.

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**Q:** And you go sharp left northwards to Sobibor?

**A:** Yes.

**Q:** Which is just again next to the border. If on the other hand you turn right before you get to Kelm or Khelm and go to Savadar, again, travelling right down to the border on a single line you get to Belsec?

**A:** Yes.

**Q:** Those, Mr Irving, were little villages in the middle of nowhere, and from the 22nd July 1942, if these figures you have given in your book are right, which they are not quite, but the volume, if you multiply, must be hundreds of thousands of Jews transported from Lublin and Warsaw and as I shall show you after the adjournment also from the East; what were those Jews going to do in these three villages on the Russian border?

**A:** The documents before me did not tell me.

**Q:** No, but try and construct in your own mind, as an historian, a convincing explanation.

**A:** There would be any number of convincing explanations, from the most sinister to the most innocent. What is the object of that exercise? It is irrelevant to the issues pleaded here, I shall strongly argue that, it would have been --

**MR JUSTICE GRAY:** If you want to take that point, can you --

**A:** -- it would have been irresponsible of me to have speculated in this book, which is already overweight, and

start adding in my own totally amateurish speculation.

**MR RAMPTON:** No, you mistake me, Mr Irving, it is probably not your fault I, as his Lordship spotted what I have done, I have taken what you have wrote in the book as a stepping stone to my next exercise, which is to show the scale of the operation, and in due course, and I give you fair warning, to demonstrate that anybody who supposes that those hundreds of thousands of Jews were sent to these tiny little villages, what shall we say, in order to restore their health, is either mad or a liar.

**A:** -- Mr Rampton, can I just draw one parallel and say during World War II large numbers of people were sent to Aldershot, which is also a tiny village, but I do not think anybody is alleging there were gas chambers at Aldershot.

**MR JUSTICE GRAY:** I think actually the problem Mr Irving has is we moved on a different phase of the case. We are no longer dealing with allegations of manipulating the historical records which we were when we were going through "Hitler's War" and so on. I think really Mr Rampton is now on the issue of Holocaust denial, where the defence case is that what you have said flies in the face of evidence, but it is not an allegation of manipulating the record. Do you follow what we are on now?

**A:** The evidence he has adduced so far apart from that is from my own books.

**MR JUSTICE GRAY:** You objected to the question, I am trying to explain what I perceive at the moment to be its relevance.

**MR RAMPTON:** Your Lordship is absolutely right.

**A:** Mr Rampton knows which way he is going, but of course I have to prepare little minefields all the way round just in case.

**MR JUSTICE GRAY:** It is important you know where he is going and that is why I was trying to help you. Anyway I think the question perhaps needs to be put again, does it, because I am not sure there has been an answer yet.

**MR RAMPTON:** No. I suggest, Mr Irving, that anybody -- any sane, sensible person would deduce from all the evidence, all the available evidence, including, if you like, the shootings in the East which you have accepted, would conclude that these hundreds of thousands of Jews were not being shipped to these tiny little places on the Russian border in Eastern Poland for a benign purpose?

**A:** Mr Rampton, what possible other conclusion could somebody have drawn from reading that page in my book? You are implying that the reader is being invited to draw a different conclusion.

**Q:** No, I am wondering what your position is, you see, Mr Irving, because if it is simply this; I accept that the Germans systematically murdered Jews in vast numbers throughout 1941, accelerating through 1942 1943 and reaching a crescendo in 1944, but I simply do not accept

there were any gas chambers, then I am not bothered because it does not matter how it is done, the fact is it is a systematic genocide. I want to know whether you accept that; if you do accept it, then we can forget the Professor van Pelt and all his works and everything else beside in relation to Holocaust denial.

**A:** It is my belief that Professor van Pelt's purpose in coming here is prove to us that the gas chambers at Auschwitz existed.

**Q:** He is not. He is coming here to demolish the basis of your Holocaust denial, which is the Leuchter Report, amongst other things?

**A:** But the Leuchter Report relies solely on the gas chambers in Auschwitz. So there seems to be a contradiction in what you said.

**Q:** So if, for example, Franjiseck Piper, the custodian of the museum as he was, at Auschwitz, now proposes a figure of 1.whatever it is, 2 million Jews murdered, I do not mean worked to death or killed by types, murdered in Auschwitz, you are going to accept that, are you?

**A:** No. I have a good reason not to and --

**Q:** I think in that case we are back to where we are, alas. I thought I saw a chink of daylight, but it is not there.

**MR JUSTICE GRAY:** Right, well, I am not clear in my mind what it is that it is suggested Mr Irving may need to look at over the luncheon adjournment. I have no idea whether it

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is practical to ask him to do that or whether it is not.

**MR RAMPTON:** It is probably not, because they are spread all over the bundles and that would be quite unreasonable because he would have to stay here and I would have spend at any rate 40 minutes giving him a list of documents and that would not be sensible either. I will go as cautiously as I can in the afternoon and I will try and make sure if I do not remember, perhaps your Lordship will, to find out as I ask the questions whether the documents in question is one that he has seen before or not.

**MR JUSTICE GRAY:** Yes. Mr Irving, do you have any problems with that? You are going to be asked about documents which I suspect you know about now, but you may well say in relation to it some of them, well, I see that now and I saw that last summer, but I did not know about it when I was writing "Hitler's War"?

**A:** I am in your Lordship's hand on that matter but where possible I shall state which ones I have seen for the first time.

**Q:** That will not cause you a problem, will it?

**A:** No. Your Lordship will decide later on whether it is relevant or not.

**MR RAMPTON:** I will give your Lordship a copy too. I am not saying it is exhaustive, complete, or comprehensive -- what Miss Rogers and I have done is to produce a

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chronological list of the relevant events. I am not going to start at the beginning of this in my cross-examination, but it does give Mr Irving an idea of what I will be asking about this afternoon.

**MR JUSTICE GRAY:** The topic is what?

**MR RAMPTON:** The topic is the scale of what happened during the summer and early autumn of 1942, from which one can make quite obvious deductions, both about system and knowledge, and also about the intent.

**MR JUSTICE GRAY:** Your case is these are deaths in the gas chambers?

**MR RAMPTON:** Oh, there is no question.

**MR JUSTICE GRAY:** They started operating in November 1941.

**MR RAMPTON:** The first gassings start systematically in December 1941 at Chelmo, I am not going to deal with Chelmo this afternoon, except at the tail end if I get there. There is the three

Reinhardt camps; Belsec, Sobibor and Treblinka. They used a different system of gassing. They used a vehicle exhaust --

**A:** Carbon?

**Q:** -- carbon monoxide. You can also suffocate someone with carbon dioxide, can you not?

**A:** You can suffocate someone by locking them into a closed room.

**Q:** And by hydrogen cyanide at Auschwitz. I do not say there were not some random murders as well by kicking, shooting,

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but the system was gas?

**MR JUSTICE GRAY:** Yes, so Mr Irving is going to get a copy of this, so at any rate he will have some; is that right?

**MR RAMPTON:** Yes.

**MR JUSTICE GRAY:** Mr Irving, that will at any rate give you some foretaste of what is to come this afternoon.

**MR RAMPTON:** I am not saying he must read it. But it might be helpful if he did.

**MR JUSTICE GRAY:** We will adjourn now and resume at 2.00 pm.

**(Luncheon Adjournment)**

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

**THE WITNESS:** My Lord, before he begins his cross-examination on this, can I make a few general observations on these documents?

**MR JUSTICE GRAY:** What difficulties you are going to have dealing with them, or what?

**A:** I would draw attention to three general observations which I may not have a chance to make when we go through them document by document.

**MR JUSTICE GRAY:** I think that is fair, Mr Rampton.

**MR RAMPTON:** It is what?

**MR JUSTICE GRAY:** Fair that he should do so now before going through these various documents.

**MR RAMPTON:** I did not hear, I was looking for documents.

**MR JUSTICE GRAY:** He going to make three points and I am going

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to allow that to happen?

**A:** General observations, and please interrupt me if you think they are wrong. Obviously, some of them I am familiar with because they come from my own records, some of them I am not. I am unhappy about the elipses, the passages that have been left out. I do hope we will have a chance to see the whole document rather than just these abbreviated versions.

**MR RAMPTON:** Oh, yes, carry on.

**A:** In general, of course, there are much larger elipses which are the material surrounding the documents, if I could put it like that, which are not represented here.

**MR JUSTICE GRAY:** Yes.

**A:** The second observation I would make, my Lord, is this. Bear in mind all along that we are now 55 years down the road since the end of World War Two and we are entitled to expect a better quality of evidence and documentation from the archives than would have been accepted, say, in 1945 or 1946. This is the standard I have always held in front of myself. I say to myself if,

even now, there are no better documents than this, therefore we have to be much more careful about how we assess these documents that are put to us. We are no longer entitled to jump across from mountain peak to mountain peak. We have to say that, if there are no other documents, then there is probably a reason why there are no other documents. That is the sum

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total of the observation I wish to make.

**MR JUSTICE GRAY:** Thank you very much.

**MR RAMPTON:** As to that last point, Mr Irving, jumping from mountain peak to mountain peak may sometimes be necessary. Sometimes one can do it because one knows what is lying on the ground in between, and there is nothing the matter with that, is there?

**A:** Yes, from one's general expertise.

**Q:** No, no, the general array of evidence. Mr Irving, never mind that for the moment. It is the fact, is it not, perhaps I am wrong but I do not think so, I think you said it several times in this court, what I might call the residue of German wartime documents that we have got, whether from the bottom fighting units, police units or whatever, right up to the top, is fragmentary?

**A:** I would say on the contrary, it is there in embarrassing superabundance.

**Q:** We have everything, have we?

**A:** There is such a volume of documentation that in the United States they still have not finished cataloguing it. They are still working on it and usually the Germans create multiple copies of the documents that they are dealing with. So, if they had destroyed in one place, they would exist in another.

**Q:** So, unless a document has been deliberately destroyed, which it might well have been, one could expect to find it

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somewhere at some stage in the future near or far? Is that right?

**A:** I would have expected to have found it in the past, frankly, at least one copy of it.

**Q:** Well, the possibility remains that there are certain kinds of documents which certain kinds of people at certain times in history will set out deliberately to destroy?

**A:** I think this is a useful discussion. Yes, I think that with certain kind of documents one would have expected people to attach priority to their destruction but, even if that is the case, there will always be somebody slightly lower down in that chain of hierarchy between the person who gives the orders and the person who executes them who has felt a qualm of conscience or a pang of conscience, and who has written to his wife, saying we have to carry out orders that are too ghastly even to think of, and I found documents just like that, too.

**Q:** You found a letter that the officer Dr Otto Schutz Duval wrote to his wife, did you not?

**A:** I did not find that, no.

**Q:** You did not, but that is such an example, is it not?

**A:** I am afraid I am not familiar with that document unless you remind me of it.

**Q:** You refer to it on your web site.

**A:** Somebody else found it, obviously posted it and put it on the web site. I am talking about around Hitler's level

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there with generals who wrote letters of precisely that content, saying they are doing things in

Poland that I do not even like to tell you about.

**Q:** That process, what one might call the workings of conscience or anything else, might account for what you have called the occasional orphan document, might it not?

**A:** Yes indeed, but also there could be an uglier process, namely a document created like the identity card of Mr Ivan Demjanjuk, which turns out to have been generated by the KGB for whatever purpose. We have to be constantly on the look out, particularly for documents coming from Russian or KGB archives. It is a remote possibility, but we have to be alert to that possibility.

**Q:** Yes. Of course that is absolutely right. Can we start please -- I know you will think or may think initially that this is somewhat anachronistic out of our chronology but it is not really as you will see in a moment -- a document which I am sure you are familiar with. My Lord, it is in bundle H4 (v).

**MR JUSTICE GRAY:** I am afraid that is one I do not have here.

**MR RAMPTON:** We seem to have quite a lot of spares here. Footnote 187. These are Dr Longerich's documents?

**A:** Yes. I think I am the first person to have quoted this document in fact ever.

**Q:** Again, I am afraid it is a document which is sideways in the file. This is a reprint of the original. It is very

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short. It is document No. 54 at the top of page 157 on the right-hand side: "Schreiben Himmlers an den Gauleiter im Wartheland Geiser: Ankündigung von Judentransporten aus dem Reich nach Lodz, 18.9.1941", which means, being translated, Mr Irving?

**A:** Which sentence are you reading?

**Q:** I read the heading at 54?

**A:** Letter from Himmler to Gauleiter in the Wartheland Greiser, forewarning of the arrival of Jewish transports from the Reich in Lodz or Lodsch in Litzmannstatt, as the Germans call it, on September 18th, 1941.

**Q:** I will not read the German. Does it say: The Fuhrer wishes that, as quickly as possible, the Altreich and the Protectorate, that Bohemia and Moravia, is it not, shall be cleared and free of Jews from West to East?

**A:** Yes.

**Q:** Do you accept that as evidence of, I do not know what the word is but it does not matter, something that Hitler has told Himmler he wants done?

**A:** Yes, Hitler has taken the initiative and has ordered the emptying out.

**Q:** Yes.

**A:** Which is made quite plain in all my books also, of course.

**Q:** If mere deportation from central and Western Europe is Hitler's idea of a losung, maybe even an endlosung, until Madagascar is free, this is the date at which it takes

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effect?

**A:** Not precisely on this date. It would have been any date up to this date.

**Q:** From this date?

**A:** Yes. It takes effect from this date.

**Q:** From this date. Well, can we then leap forward in time please, in this file?

**A:** Can I just express a certain amount of dismay that we are having printed versions of these

telegrams shown us to and not the originals? The reason for that is that the originals have certain paraphernalia attached to them, which are not without significance. I am referring specifically to their security classification, because I intend later on to draw conclusions from documents which have security classifications and documents which do not, what you call janitorial level, or what I call janitorial level documents, and we do not know what classification this document has. That does help us -- I am sorry to speak so quickly -- to classify in the other sense a document into its degree of importance, whether it has the very highest security grading or no security classification. We cannot tell from this of course because the editor has taken it off.

**Q:** I fear Mr Irving, I am naked in this regard. I have no originals.

**A:** Well, you do. It was in my discovery, and it should have

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been put in the bundles rather than this printed version.

**Q:** Mr Irving, please do not let's get on to that again. I was trying to explain yesterday that, by oversight or whatever, I think you were away for quite a long time in the autumn, there was no discussion about what documents you wanted included in the bundles and that is the sole reason?

**A:** It is regrettable because we are robbed or deprived of that possibility.

**MR JUSTICE GRAY:** There we are. We have to make the best we can of what we have got.

**MR RAMPTON:** My Lord, if this is something which is troubling Mr Irving, which it obviously has been for some time, if he has any time in the three day weekend which is coming up, because we shall be going on to Auschwitz the week after, therefore there will not be much need to refer to this kind of document, he should make a list of those documents in his discovery, he will know very well which they are, which he would like us to copy as originals and put into these bundles.

**MR JUSTICE GRAY:** I am sure he will do it if he has the time.

**MR RAMPTON:** That is what I mean.

**A:** My Lord, they were all copied for them originally. They have copies of the entire discovery.

**MR JUSTICE GRAY:** The point is to make a selection of the ones that you regard as being important. Anyway, we have this

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document, we have seen what it says, it has never really been in doubt, but it is a start, you say, Mr Rampton.

**MR RAMPTON:** Can we now turn, please, forward and also forward in the bundle, to footnote 245. It is in the same file. Again, I apologise profusely for the fact that I do not think I have the original of it. Footnote, 1st May 1942, tab 25 if it helps anybody find it.

**MR JUSTICE GRAY:** Are all these documents going to be in German without a translation?

**MR RAMPTON:** There is a translation of this one, my Lord. I am just looking for it, because it is annoying.

**MR JUSTICE GRAY:** It just takes longer.

**MR RAMPTON:** I did observe that I think Mr Irving said he did not want just to look at summaries of translations. He wanted to look, so far as he could, at the original document. I am respecting that until such time as your Lordship tells me to ignore it. My Lord, there is a summary, in part a translation on page 53.

**MR JUSTICE GRAY:** Of what?

**MR RAMPTON:** Of Dr Longerich's report, part 2, page 53, paragraph 1.3. Have you got that too, Mr Irving?

**A:** Very shortly, yes. Document September 18th, by the way, was on page 326 of Hitler's War

translated in full.

**Q:** Yes.

**A:** This one is presumably on page 330. The one we are

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looking at now is on page 330 of Hitler's War, the original edition.

**Q:** I do not suppose much of what I am going to put to you is going to be controversial, save in point of interpretation, not translation. There may be some things you have not seen before, in which case then you must say so.

**A:** I have seen this document.

**Q:** Obviously you have. It would not be in the book, otherwise. It says, does it not, in effect this: Greiser is writing to Himmler, and he says that the "special treatment" -- the word is Sonderbehandlung -- "of about 100,000 Jews in my district was authorized by you in agreement with Heydrich, and that it could be completed within the next two to three months"?

**A:** "You" in this case is of course Himmler, not Hitler.

**Q:** Oh sure.

**A:** Yes.

**Q:** I said it is a letter from Greiser to Himmler.

**A:** Yes, but it is an important point to make. It shows where this particular system link ends.

**Q:** Well, you say that. That is assuming that Himmler never communicated any of this sort of stuff to Hitler.

**A:** I am just drawing attention to what this actual document says, Mr Rampton.

**Q:** I follow that.

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**A:** The special treatment which you, Mr Himmler, and Heydrich have both authorized.

**Q:** Can we just leave Adolf Hitler out of this for the moment? I am not actually on Adolf Hitler. I will have to come back him, no doubt. I am dealing now with the scale and systematic nature of this operation, whatever this operation may turn out to be.

**A:** Very well.

**Q:** Here in May of 1942, following an order or whatever you like to call it from Hitler, that the OutReich and the Protectorate are to be cleared of their Jews, Himmler gets a letter from Greiser saying that he can clear out, no, specially handle, whatever that may mean, about 100,000 Jews in his gausebiet, which is the Warthegau, in the next two to three months.

**A:** Yes.

**MR JUSTICE GRAY:** Mr Irving, is that the first reference to sonderbehandlung that one finds in the documents?

**A:** My Lord, we have had it once or twice up to this point, I believe.

**Q:** I mean chronologically?

**MR RAMPTON:** My Lord, that is a very good question, if I may say so. I do mean it is a good question because I do not know the answer.

**A:** With this sinister meaning, yes.

**Q:** There may be something in Professor Browning, I do not

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know. This means killing, does it not?

**A:** In the light of what subsequently happened, yes, but it is not evident from this particular document.

**MR JUSTICE GRAY:** But not in gas chambers?

**A:** Not necessarily, no, not evident from this particular document.

**MR RAMPTON:** Where were the Jews of the Warthegau killed, Mr Irving?

**A:** I do not know, and I suspect that you cannot tell from this document either.

**Q:** No, but I know what went on at Chelmno, as indeed do you, do you not?

**A:** We know that there was a killing operation started there, yes.

**Q:** With the use of gas trucks?

**A:** That is possible, yes.

**Q:** Yes. Well, let us look at another document in the same file. This is one you may not have seen before but, as I say, I am doing two things at once so, notwithstanding that you have not seen them before if you have not, could you look at footnote 247? It is just a couple of pages on from the one we looked at. This is a reprint from a book call Faschismus, I do not know who wrote it, which I am sure is German for "fascism". Have you seen this before?

**A:** I have not, no. It is a translation into German from the Polish, presumably.

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**Q:** No, I think probably not. If you look at item 218, Auszug aus einem Lagebericht...

**A:** Yes, but that comes from a totally different provenance, according to the following page. It come from AIM, Gestapo Lodsch.

**Q:** How do you know what document it is that I am talking about?

**A:** You are talking about document 217.

**Q:** No, 218.

**A:** I am sorry.

**Q:** Would you read the part of 218 that is printed on that page, and the first part down to the words " geschaffen worden ist" on the next page in German. I am certainly not going to do that.

**A:** You wish me to read it out in German?

**Q:** Yes.

**MR JUSTICE GRAY:** Is there not an English version? This is not a very happy way of doing it, is it? It is terribly laborious.

**MR RAMPTON:** I have not got a translation of this particular book.

**MR JUSTICE GRAY:** Not even in Longerich?

**MR RAMPTON:** It is noted in Longerich, as you can see. The document is 9th June 1942.

**MR JUSTICE GRAY:** It is not in your schedule, is it?

**MR RAMPTON:** It is footnoted. It is not in my schedule, no.

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It is a document I found quite late.

**MR JUSTICE GRAY:** If there is no alternative, we will have to do that way.

**MR RAMPTON:** Right, I only want to ask one question really about this. That is a report from the Gestapo in Lodsch about movement of Jews, is it not?

**A:** Yes.

**Q:** Yes. What it is saying is, we make space for Jews coming -- I am paraphrasing -- in from the Outreich and the Ostmark by, I do not know whether the word is displacing, resettling, the Jews

that are already in the ghetto at Lodsch?

**A:** Yes. This was always the policy. There would be a stage by stage ripple, shall we say.

**Q:** What does the last phrase in the fifth line and sixth lines of 247 mean? "... So das nunmehr fur zirka 55000 Juden Platz im Ghetto geschaffen worden ist"?

**A:** So that we have now generated enough space for about 55,000 Jews in the ghetto.

**Q:** That must mean that about 55,000 Jews more or less have been moved out somewhere?

**A:** Yes, assuming that the ghetto had not been expanded at that time.

**Q:** Sure, but, if you look at the table above, which may indeed have a different source, it may have been translated from the Polish, I do not know, 217, do you see

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the right hand column "Abgang"?

**A:** Yes.

**Q:** And the subheading "Ausgesiedelt"?

**A:** Yes.

**Q:** Which means settled, taken away?

**A:** Yes.

**Q:** The first of the two columns in the middle says nach Kulmhof, does it not?

**A:** To Chelmno, yes.

**MR JUSTICE GRAY:** That is the same as Chelmno, is it?

**A:** Yes.

**MR RAMPTON:** That is Chelmno. If you total up the figures in that column, they come, I can tell you, to 54,990.

**A:** Yes.

**Q:** So that is where, using a reasonable degree of intelligence and interpretive wisdom, Mr Irving, those 55,000 Jews in this Gestapo report have gone, is it not?

**A:** Effectively, from January to May.

**Q:** That is right, in five months?

**A:** In five months, yes. You are confronting me with these documents. I am seeing it for the first time. I think we are learning together. We are reading them together and I will accept that as an interpretation, yes.

**Q:** Thank you. Are you prepared to say what you think might have happened to those 55,000 Jews that were sent to Chelmno in the first months of 1942?

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**A:** Not on the basis of just those two documents, no. I think it would be highly irresponsible to do so. I am just looking at where Chelmno is on the map.

**Q:** Do you know anything about what was at Chelmno?

**A:** We know something about what was at Chelmno. There were these gas trucks that were disposing of people at some time during the war, but whether they were operating in these five months, I do not know. I notice that Chelmno is on the border to the East, and an equally plausible interpretation would be that they had been sent there as the first stepping stage to go somewhere East. I am not saying this is what happened.

**Q:** Chelmno?

**A:** Yes.

**Q:** No, no, Chelmno, you are quite mistaken. Chelmno is in the Warthegau. It is about 40

kilometres west-north-west of Lublin.

**A:** It is off this map?

**Q:** No, it is not on the map but I can tell you that it is on every map I have ever looked at. Chelmno is in the Warthegau.

**A:** Of Lublin?

**Q:** Sorry, Lodsch. Did I say Lublin?

**A:** Yes.

**Q:** It will not be on this map then.

**MR JUSTICE GRAY:** I thought Chelmno was the same as Chelm.

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**MR RAMPTON:** No, it is not.

**MR JUSTICE GRAY:** I thought that is what I was told this morning.

**MR RAMPTON:** No, it is not.

**MR JUSTICE GRAY:** So Chelmno is not here at all.

**MR RAMPTON:** Unless I can find it. I think this is Eastern Poland. I think this is a general Government map. It is not a map of the Warthegau at all. Your Lordship does have some coloured maps.

**MR JUSTICE GRAY:** Yes, I do. I have found Chelmno on one of them.

**MR RAMPTON:** You will find Chelmno, as I say, about 40 kilometres West.

**A:** Whatever. The precise answer is that, on the basis of these two documents, we can say that that is on the balance of probabilities the identical 55,000 people.

**Q:** I agree.

**A:** But we cannot say on the basis of those two documents what happened to those.

**MR JUSTICE GRAY:** Chelmno is in fact some distance West of Warsaw.

**MR RAMPTON:** Yes, but also West of Lodsch.

**MR JUSTICE GRAY:** Yes.

**MR RAMPTON:** This is a different grouping, if I may call it that, of Jews in some sense. These are the Jews of the Warthegau that no doubt form part of the figure given by

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Dr Korheir in March 1943.

**A:** This is the kind of statistical basis that would have been provided to that statistician, yes.

**Q:** In that document he said that the Jews of the Warthegau, I forget how many, 145,000 I think, had undergone Sonderbehandlung, did he not?

**A:** I am not going to answer that without seeing the document.

**Q:** You remember, we discussed it this morning. You agreed with me. The Korheir report that Himmler had edited?

**A:** Yes, but whether those specific ones -- I know the phrase Sonderbehandlung ... comes into the document but whether it is specifically the Warthegau Jews he is referring to.

**Q:** He referred to 145,000 Warthegau Jews and some whatever million Polish Jews.

**A:** Yes, if that is what the document says.

**Q:** As far as I recall, it does. It is something like that.

**A:** Yes.

**MR JUSTICE GRAY:** Was Chelmno a village like Sobibor?

**A:** I am as ill informed as your Lordship is on this. I am not an expert on these matter but I am

prepared to blunder around in the darkness along with Mr Rampton.

**MR RAMPTON:** I think Professor Van Pelt may have something to say about that if asked, and so would, no doubt, Professor Browning.

**MR JUSTICE GRAY:** The odd thing about it is that they are going West rather than East.

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**A:** That point obviously does stand out.

**MR RAMPTON:** If you are going to kill large numbers of people, it does not matter how you do it or where you do it, provided you do it with a degree of concealment or discretion, does it, Mr Irving?

**A:** You are absolutely right. But I repeat, of course, that the conclusions you are drawing are not actually included in the two documents you have so far put to us.

**Q:** No it is a little piece of evidence along the way, Mr Irving.

**A:** After 55 years we are entitled to more than just little bits of evidence, particularly now that the Polish archives and the Russian archives are open to us.

**Q:** We go over this again and again and again, you see. I am not looking for a single document as you are, Mr Irving. I am looking at a jigsaw puzzle and I am trying to fit the pieces together. When I have done that, I look at the picture and I say, as an intelligent historian with an open mind, what does this tell me?

**A:** I think you are absolutely right. I do exactly the same exercise but I think I am applying possibly slightly stricter criteria, because one is always liable to be ambushed ten years down the road by a document which produces a completely different conclusion. The closer you adhere to the original documents, if you possibly can, the less likely you are to be ambushed. For example, when

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the entire Goebbels' diaries came out about 15/20 years ago, I contacted the editors and I said is there any document that proves me wrong because I am quite happy to be proven wrong. That is exactly the kind of nightmare that awaits you, that suddenly some new huge archive may open up like the entire Auschwitz archive, as happened quite recently, and the documents may be there to prove that you made irresponsible conclusions.

**MR JUSTICE GRAY:** But does the responsible historian take account also of the fact that we do know that quite a lot of what you might call the compromising documents were destroyed deliberately as the Russian army advanced westward?

**A:** My Lord, the entire Auschwitz archives were captured by the Russians, as we shall be hearing from the expert witnesses, which is a very substantial trove. It was not just any archives, it was the entire Auschwitz construction archives. The same happened in Mydonek when the Russians captured Mydonek.

**MR RAMPTON:** Can we try to speed up a bit, Mr Irving, because this is uncontroversial. Have you still got that tabular sort of chronology summary document we gave you before the adjournment?

**A:** Yes.

**Q:** We put at the bottom of page 6 that Himmler had lunch with Hitler on 14th July. We took that from the Witte book.

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**A:** Yes.

**Q:** You in your books say he saw him on 16th. It does not probably matter, does it?

**A:** It may well be that -- he was constantly in and out. It may well be that I had a letter that Himmler wrote to Berger, for example, in which he said, "Yesterday I had lunch with the Fuhrer". This is the kind of source that you would extract that information from. I have now obtained access to all the private letters that Himmler wrote to his mistress where he describes this very trip to Auschwitz, that kind of material. You are constantly coming across new material.

**Q:** At all events, either one day or three days after meeting Hitler, Himmler goes to Eastern Europe, he goes to Auschwitz first?

**A:** He goes on quite a swing around the occupied territories.

**Q:** On 19th he is in Lublin?

**A:** Yes.

**Q:** Eventually, I think, he winds up in Finland or somewhere like that, but never mind that. He goes to Auschwitz.

**A:** We have, of course, the private shorthand diary of Himmler's personal assistant, Rudolph Brant, for this entire period, about a 300 page shorthand diary, which I had transcribed and to which you have made no reference in this, I see.

**Q:** I did not know about it and I know not whether it has any

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relevance or significance?

**A:** It has been in my discovery and your instructing solicitors have photocopied the entire document.

**Q:** I have no knowledge whether it has any significance or relevance for this case.

**A:** It has negative significance in as much as it is shorthand, it is kept by Himmler's personal assistant, and yet it contains none of the kind of evidence that one would have liked to have found.

**Q:** Now there is a document which I think we need to look at, which is having been to Auschwitz on 17th and 18th July 1942 -- if anybody wants to see it, there is a photograph of the visit in the Witte book.

**A:** Gerald Fleming also publishes it.

**MR JUSTICE GRAY:** We do not really need to look at it, do we?

**MR RAMPTON:** I do not think you need to look at it, no, I agree.

**A:** Well, it shows who went. Kamla was there, the man who built Auschwitz.

**Q:** The architect, Bischoff, was there?

**A:** Bischoff was there. Presumably, Dejaco was also there -- all the local notables. Mr Dejaco is D-E-J-A-C-O.

**Q:** Now Mr Irving will need file H3 (ii).

**MR RAMPTON:** My Lord, this is a document referred to on pages 63 to 64 of, so I am told -- can I just -- you perhaps would like to have it open in front of you, page 63, my

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Lord?

**A:** Of?

**MR JUSTICE GRAY:** Of Browning.

**MR RAMPTON:** Of Browning. Could you turn to page 63, please? I will just read out what

Professor Browning says: "An earlier document mentioning Einsatz Reinhard". We can translate that as "Operation Reinhard", can we?

**A:** Not spelt that way though.

**Q:** Well, I am sorry you will have to look at the document in a moment. It dates from July 18th 1942. "It is a form on which the personnel specially authorized 'for the carrying out of the work of the Jewish resettlement within the framework of Operation Reinhard' by the SS and police leader in the Lublin district' acknowledged having been orientated to specific rules of secrecy by SS Amtstung Fuhrer Hofle on Globocnik's staff. They were forbidden to make any communication, verbal or in writing, concerning the Jewish resettlement, Juden umsiedlung, under any circumstances to anyone outside of Operation Reinhard. Moreover, there was 'an explicit prohibition against photography in the camps of Operation Reinhard'". Would you just glance, please, or more than glance, at the document which is in footnote 154 in volume H3(ii).

**MR JUSTICE GRAY:** 154.

**MR RAMPTON:** 154, my Lord, behind tab 16 in H3(ii).

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**MR JUSTICE GRAY:** 153.

**MR RAMPTON:** This document is the right way up. Again it looks to me like a reprint?

**A:** Again it is a printed document.

**Q:** What? It looks like a reproduction, this, does it not?

**A:** 154, document 228 you are talking about?

**Q:** Yes, document 228.

**A:** Yes, it is a print.

**Q:** Yes. Have you seen the original of this?

**A:** I have not, no.

**Q:** Did you know of its existence?

**A:** No.

**Q:** Has Professor Browning -- I will give you a moment in a minute -- is my question summarized its effect correctly?

**A:** Yes, and I am familiar with the security, the secrecy declarations. I have seen several of them, particularly in connection with Auschwitz itself.

**Q:** You see how, at any rate, in this version ----

**A:** Yes.

**Q:** --- in July 1942, Reinhard is spelt?

**A:** Yes, in this printed version.

**Q:** In this printed version.

**A:** Yes.

**Q:** The spelling that you prefer, Mr Irving, has a "T" on the end, does it not?

**A:** You are rather presuming, but, in fact, there are disputes

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about how it should be spelt and perhaps I should explain to his Lordship the reason for the...

**MR JUSTICE GRAY:** It is Heydrich?

**A:** Obviously, the diminuendo is named in honour of Reinhart Heydrich who had been assassinated a month earlier. But, in fact, Operation Reinhard in its documentation, and I can produce other documents which very much go in this direction, there is an operation run by State

Secretary, Fritz Reinhard, of the German Ministry of Finance who is a leading Nazi in that ministry who was in charge of the expropriation and looting of stolen Jewish property. This was a primary concern of these SS gangsters on the Eastern Front to round up the Jews and rob them blind and take their gold and everything else. Then it went to the Ministry of Finance literally. It was appropriated by the Reich. That is how it became known as Operation Reinhard, but I do agree that sometimes the documents leave out the "T" because of confusion.

**MR RAMPTON:** Professor Browning, Mr Irving, only a few pages on at page 66, at the bottom of page 66 ----

**A:** Yes.

**Q:** --- you may dispute it, but this is what he says, tells us that the spelling of "Operation Reinhard" with a "T" begins only in late 1943?

**A:** There are documents prior to that, and only two months ago I was sitting in the Hoover Library in California going

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through a whole file on Operation Reinhard from Himmler's files which details in very great degree the financial expropriation that went on, the gold rings, the watches, the whole of the business of recycling the stolen property.

**Q:** And is your thesis this then, I do not know, perhaps I had better ask you an open question, what is your thesis as to the nature of Operation Reinhard?

**A:** I am not setting up a rival thesis, Mr Rampton. I am just rattling slightly at yours and saying it is not quite as concrete and cast in stone as possibly you would like people to believe.

**Q:** You will find when you question Professor Browning that he does not say either that it is certain that it is named after Reinhard Heydrich. All he notices is that the spelling undergoes a change. What he is perfectly certain about, and this is what matters in this case, is that it was a killing operation as an adjunct of which the Nazis stole the property of the dead people?

**A:** Well, without wishing to reveal too much about what I intend to cross-examine Professor Browning on, I can say I that I shall be putting to him certain documents on the letter head of Heinrich Himmler, the Chief of the SS, which in the typical German Civil Service then have the sub-departments and the sub-departs indicated in the reference number, and you come to "Verwaltung" which is

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administration, "Reinhard" and so on and the document is purely connected with the expropriation and the stolen watches and the remanufacture of the fountain pens and everything else that has been stolen from the victims of what they called the Holocaust. So the Operation Reinhard, it has a far stronger element of the expropriation than of the liquidation, if I can put it that way.

**MR JUSTICE GRAY:** Can I ask you because sometimes we seem to be proceeding without, as it were, starting with the general proposition. Do you accept that Operation Reinhard, whoever it was called after, did have an aspect to it which involved the wholesale killing of Jews by whatever means?

**A:** Operation Reinhard was a subsection of the Holocaust which was partly the deportation element, partly the killing element, whatever it happened, it had the for the SS the pleasant side effect, the large numbers of fountain pens, watches, gold, gold rings, jewellery and so on, came into their hands which were then processed in a ruthlessly methodical manner by the technicians of Operation Reinhard. Now, in the way that these things happen, it may happen, it may have

come about that people will then regard Operation Reinhard as being the whole rather than as being part of the whole, if I can put like that.

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**Q:** So the answer to my question is, yes, that was an operation and it did have the wholesale killing of Jews ----

**A:** It was an element.

**Q:** --- as part of its objective?

**A:** It was a part of the whole, my Lord, which possibly later on may then have become regarded as the whole.

**MR JUSTICE GRAY:** Right. Sorry, Mr Rampton, just to get the general position.

**MR RAMPTON:** No, your Lordship, as so often, and I do not say this in any sycophantic way, just bad luck on me, has asked a question that I am about to ask and it has several times and, in a sense ----

**MR JUSTICE GRAY:** I am sorry.

**MR RAMPTON:** --- I am grateful, no, because ----

**MR JUSTICE GRAY:** It saves your voice.

**MR RAMPTON:** --- for (1) it has the reassuring effect that one knows the judge is up to speed with the case.

**MR JUSTICE GRAY:** It happens occasionally.

**A:** Mr Rampton, please do not hesitate to ask it again yourself and you will probably get the same answer.

**Q:** No, I will ask you a much, much simpler question, not that his Lordship's question was in the very slightest bit complicated. Do you accept or do you not accept because if you do we can go on to something else, Mr Irving, that hundreds upon thousands of Jews were from, let us say, the

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spring of 1942 and in Chelmno earlier and probably Belzec, deliberately killed in Sobibor, Treblinka and Belzec?

**A:** I think, on the balance of probabilities, the answer is yes. But I have to say on the balance of probabilities because the evidentiary basis for that statement is extremely weak, even now, 55 years later. The Russians captured the camps, they captured the documentation of many of these camps, and we are still short of the actual smoking gun, shall I say.

**Q:** We are also short of factory buildings and such like, are we not?

**A:** What kind of factory buildings?

**Q:** Well, Sobibor, let us take them north to south, Treblinka, Sobibor and Belzec were not factory or work camps, were they, whatever they were?

**A:** My understand and, once again, I have to keep on emphasising I am not an expert on the Holocaust and I do not intend to become one for the purposes of this trial. My understanding is that those camps also had a transit camps aspect, that people would arrive there and they would be shipped elsewhere.

**Q:** Where?

**A:** For example, from Mydonek -- from Treblinka they were shipped to Mydonek, for example. There is a ----

**Q:** Maybe somewhere?

**A:** I beg your pardon?

**Q:** Maybe somewhere.

**A:** 60,000.

**MR JUSTICE GRAY:** Very late on, I recollect, is that right?

**A:** May 1943, my Lord, the Jews from the Warsaw ghetto, according to the standard work by the Soviet historian, Grossmann, published very early in the war, they had the access to the records in Mydonek. They traced 60,000 Jews from the Warsaw ghetto who had been sent to Treblinka and then sent off to Mydonek. This kind of thing happened and one wonders how often where we do not have the records of it. But I have to state that I am not an expert on this, and I am willing to go along with any hypothesis that Mr Rampton can ----

**MR RAMPTON:** No, not an hypothesis. I want to know what you accept and what you do not accept. If you accept, on a balance of probabilities, that Operation Reinhard, whether it had other aspects to it or not, was a killing operation in the course of which hundreds of thousands of Jews were deliberately killed by the Nazis, we can close this chapter and go on to something else.

**A:** No, I do not accept that. I say the that Operation Reinhard was frequently something very definitely only a sub-operation. It was the looting part, the looting element, and the recycling element, which is where the name originally came from.

**Q:** I am getting terribly confused. I sometimes feel that either I am not asking the right question or ----

**A:** This is partially the reason for the secrecy that was attached to the people operating in it. They were required to sign these forms saying they had not seen the looting going on and the stealing going on.

**Q:** I am confused. I had asked you a couple of minutes ago whether you accepted, on the balance of probabilities, that in Treblinka, Sobibor and Belzec whether you accepted that hundreds of thousands of Jews were deliberately killed by the Nazis and I thought you said yes.

**A:** Yes, but then you tried to say this was Operation Reinhard and that I do not go along with.

**MR JUSTICE GRAY:** Does the label matter in the end, really?

**A:** I do not think so.

**MR RAMPTON:** No, of course it does not. One sees a document saying whatever it is, 100,000, it does not matter what it is, and then one sees a document saying "greater secrecy" and then one has the concession from the witness, that is the end of that story, so it seems to me?

**A:** It is not a concession, Mr Rampton. It is a simple statement of fact on the balance of the evidence, balance of possibilities.

**Q:** Does it matter what the means of killing were?

**A:** Well, apparently it does because apparently we are going to waste a lot of our time over the coming weeks looking

at certain buildings.

**Q:** Can I read something that you said -- you can look at it in a moment -- on 21st May 1989 in a letter to somebody called Zitelmann?

**A:** Dr Reine Zitelmann, a West German historian, yes.

**Q:** You wrote this: "As for what did unquestionably happen to the Jews, the CSDIC report, of which I also enclose a copy, shows with reliability beyond question the manner in which the killings occurred, that is to say, shooting"?

**A:** That is, of course, the Bruns Report which I have just sent to yet another historian.

**Q:** Exactly. "Random, haphazard, criminal in nature, occurring without Hitler's knowledge and immediately forbidden by him when he learned of them but going unpunished by him too."

**A:** I still stand by that statement today.

**Q:** So, although it was hundreds of thousands of people that were killed in these three small villages in Eastern Poland, it was wholly random; is that right?

**A:** If it had been systematic to the degree that you are hoping to establish, industrialised, shall we say, it would have been done by far more ruthlessly efficient means with all that efficiency we come to associate with the German name.

**Q:** That means we will have to look at some of the documents. I had hoped to avoid that.

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**MR JUSTICE GRAY:** But so that we are clear what the issue actually really is that we are trying to resolve, it is not so much the numbers -- I think you said you do not like playing the numbers game -- it is whether it was systematic in the sense of having been organized from Berlin and, perhaps, a higher level of Hitler?

**A:** Well, in view of the fact that the court proposes to attach significance to the word "systematic", I shall have to resist the suggestion that what happened in those camps was systematic, and I am sure that Mr Rampton is aware that on occasion even the SS headquarters sent out travelling judges who established that unauthorised killings had been going on and, in fact, on one or two occasions the camp commandants were hanged before their prisoners.

**Q:** You are quite right to pick up the word "systematic". We have been using it, I think, Mr Rampton, have we not, to mean policy and policy adopted, laid down at a high level?

**MR RAMPTON:** Yes, I do and I draw the -- inference is too weak a word -- conclusions about system from both ends of the documentation.

**MR JUSTICE GRAY:** But that is the issue. We need not bother about numbers, it seems to me, in the light of what Mr Irving has said.

**MR RAMPTON:** Nor, I guess, about "deliberate" either?

**A:** Deliberate?

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**Q:** "Deliberate killing"?

**A:** Have we had an argument about "deliberate" yet?

**Q:** Murder?

**A:** You would need to then specify who is deliberating.

**MR JUSTICE GRAY:** That is a ...

**MR RAMPTON:** Intentional killing.

**MR JUSTICE GRAY:** By whoever it was, the killing was not ----

**A:** It certainly was not accidental.

**MR JUSTICE GRAY:** --- not accidental.

**MR RAMPTON:** But the people who did it were criminals who were acting in a random, haphazard way; is that right?

**A:** Yes. At whatever level. I mean, you could equally well say that the middle level SS officers, the SS officials, who were acting in a random and haphazard way.

**MR RAMPTON:** My Lord, the reference to this document which, if Mr Irving does not trust me, he should have is file D8(i), page 222.

**MR JUSTICE GRAY:** That is what you have just read out.

**MR RAMPTON:** Yes, but I am going to read another bit, an earlier bit?

**A:** Which document is that, the Hofle document?

**Q:** It is your letter to Zitelmann.

**A:** Zitelmann, I am familiar with that. I was looking at it a few days ago.

**Q:** OK. Well then it is not necessary.

**A:** May I just pause at that point and say, my Lord, you

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remember that I said that I sent the Bruns' document to a very large number of historians. That is exactly the way I would work. I would send documents like that and later on the Aumeir document as well.

**Q:** I am going to read the paragraph above the one I just read?

**MR JUSTICE GRAY:** Whereabouts in 8(ii)?

**MR RAMPTON:** I am sorry, 8(i), my Lord, 222. Am I waiting for something, Mr Irving?

**A:** I am ready, yes.

**Q:** The third paragraph of the letter reads as follows. This is May 21, 1989, so it may be your views have changed since then, I know not. "On the... (reading to the words)... my own view has crystallized a lot since 1975 when I delivered Hitler's War to the publishers. It is clear to me that no serious historian can now believe that Auschwitz", which is for some reason underlined?

**A:** It is a link, it is a hyperlink.

**Q:** I follow you, yes. "... Treblinka, Mydonek, were totas fabriken"?

**A:** "Factories of death".

**Q:** Factories of death, precisely. "All the expert and scientific (forensic) evidence is to the contrary." We are going to have an argument about Auschwitz. We can agree that Auschwitz did not start out as a totas fabrike, or whatever the singular is. Mydonek, I can agree, was

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only partly used for that purpose, but you have just agreed with me that, so far as you know, Treblinka did not serve any other purpose or am I wrong?

**A:** I did not say that.

**Q:** Right. What purpose did it serve?

**A:** You asked if it was true that large numbers of people and you said hundreds of thousands ----

**Q:** I said hundreds of thousands.

**A:** --- were killed at these places to which I agreed that they were killed at those places, which included Treblinka, but this does not mean to say that Treblinka was a factory of death existing solely for that purpose.

**Q:** I see. Something special about the word "factory of death", is there?

**A:** Well, it is. It is a quantum leap, if I can put it like that.

**Q:** What does it mean?

**A:** A factory of death is a purpose built ad hoc establishment for killing the people who arrive. That is the way I understand -- maybe I am wrong. Maybe you interpret it somewhat differently.

**Q:** No, it is your word. It is not my word.

**A:** Because I just pointed out the 60,000 Warsaw Jews who arrived there from the Warsaw Ghetto in May 1943 were then sent from Treblinka to Mydonek. So, clearly, it was not a factory of death. It had other purposes too.

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**Q:** Well, a transit camp for some small number of people?

**A:** Yes.

**Q:** Later on, shortly after which I believe it was closed down, was it not?

**A:** That I do not know.

**Q:** That is, no doubt, why they were moved on to Mydonek, is it not? It was the nearest place.

**A:** I do not know. I do not know if you have any evidence for that.

**Q:** We have a map.

**A:** I am not talking about the proximity. I am talking about the ----

**Q:** Do not worry about it.

**MR JUSTICE GRAY:** We need not trouble with Mydonek, need we?

**MR RAMPTON:** Well, it was a place at which large numbers of Jews were killed. There was a gas chamber there -- this is our evidence -- which has been reconstructed since the war, but it was also ----

**A:** In other words, faked since the war.

**Q:** It was also in some sense a work camp?

**MR JUSTICE GRAY:** It is not a pleading point, but I think it is not one of the camps that you actually specifically rely on.

**MR RAMPTON:** No, it is not. This is just for information. It was liberated, I think, in late '44.

**THE WITNESS:** September 1944.

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**MR JUSTICE GRAY:** It was the first to be liberated, was it not?

**MR RAMPTON:** Yes, it was, by the Russians. This is, as I say, what the experts will tell your Lordship, I think. It was such a shock in Berlin that everything was stopped.

**A:** The Russians, of course, captured the entire camp records.

**MR JUSTICE GRAY:** Yes.

**MR RAMPTON:** Yes. Well, then, Mr Irving, you have accepted that an awful lot of people were killed in these little places on the borders. You do not know one way or the other whether there were any remains there, do you?

**A:** Were there any?

**Q:** Remains there of buildings?

**A:** I have not been to see it.

**Q:** You have not?

**A:** I think that there is relatively little. You can go to these places and search in vain for any kind of foundations or anything. I am sure there were buildings of some kind there, but I think the Polish people descended on them like locusts after the war looking for anything they could reuse.

**Q:** You have not been there. Have you read about whether there are remains of factories or large barbed wire encampments with huts for workers and that kind of thing?

**A:** What, still there or whether they were there?

**Q:** No, still there. Have you been to Auschwitz?

A: No.

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Q: Have you seen photographs of Auschwitz?

A: Yes.

Q: Now, that has a lot of remains, has it not, comparatively speaking?

A: Quite a high percentage of remains still left there.

Q: Even in that part which is alleged to have been the ----

A: Are we talking about Auschwitz or Birkenhau?

Q: Well, I call the whole thing in the usual way Auschwitz, but let us talk about ----

A: Let us be more precise.

Q: --- have you been to Birkenhau?

A: I have not been to either camp.

Q: Have you seen photographs of Birkenhau?

A: Yes.

Q: There are in Birkenhau quite lot of ruins and huts and bits and pieces, are there not?

A: Yes.

Q: And the remains of the IG Faven(?) factory are still there, are they not, outside the camp?

A: At Monovitz, yes.

Q: Yes, Monovitz. Is there anything like that, so far as you know, at Treblinka, Sobibor or Belzec?

A: I am not informed one way or the other on that.

Q: The short point is this, Mr Irving, you have no evidence to contradict the probability that these camps, these three, I call them Reinhard camps (and I do not want to

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have an argument about that) were purpose-built extermination facilities?

A: I have no evidence to contradict the probability. It is a very fair statement.

Q: Is that right?

A: It is a very fair statement, yes.

**MR JUSTICE GRAY:** Does that mean that you do now resile from the view you expressed in your letter?

A: No, my Lord. I am just confirming the way he put the statement. I have no evidence to contradict his statement because I have no evidence, period.

**MR RAMPTON:** Then will you accept it is a probability then?

A: No. That is a different thing entirely. I do not want to sound as though I am a bit of an eel on this but...

Q: My word entirely, Mr Irving!

A: I do not want to sound slippery; I just do not want to be nailed down in one corner where later on you will hold it up dripping and slithering next day and say, "Look what you said yesterday".

**MR JUSTICE GRAY:** But, you see, you said to Dr Zitelmann that it was clear to you that no serious historian can now believe that Treblinka and some other camps were "totas fabriken".

A: Quite. They were purpose-built factories of death; in other words, had no other purpose than that.

**MR JUSTICE GRAY:** Oh, I see.

**MR RAMPTON:** But you told me -- I am sorry about this; this is getting a bit like a fourth form debating society, I fear -- a moment ago you said to me that you had no evidence to contradict the probability that these were purpose-built extermination facilities.

**A:** Yes, because I have no evidence, period.

**Q:** No, but you write in this letter: "All the experts in scientific forensic evidence is to the contrary"?

**A:** Yes.

**Q:** So what is that scientific and forensic evidence and expert evidence to the contrary?

**A:** Do you wish now already to get into the cyanide tests and that kind of thing?

**Q:** No, I am talking about Treblinka.

**A:** Yes.

**Q:** What is the expert and scientific (forensic) evidence that contradicts the probability that Treblinka was a purpose-built extermination facility?

**A:** Well, I am now looking at a letter which I wrote 11 years ago. I would have to try to put myself back into the mindset at that time when I wrote that letter, and try to recall the actual documents I had been pouring over and the air photographs and the interrogation reports and things like that, if I was to explain why I wrote that particular sentence.

**MR JUSTICE GRAY:** Were you extrapolating from Auschwitz?

**A:** I was extrapolating backwards from Auschwitz, if I can put it like that, but certainly tests were also carried out equally on at least one of those other two locations, the same kind of forensic tests. We also had material of the kind I mentioned, like air photos and prisoner of war reports and things like that, but it is not the kind of evidence that puts me in a position to say, "I can, therefore, challenge the probability or whatever it was that Mr Rampton was saying".

**MR RAMPTON:** But how could you extrapolate from Auschwitz, Mr Irving? It has never been proposed by anybody, so far as I know, that the Nazis used hydrogen cyanide anywhere outside Auschwitz to kill people with, has it?

**A:** Well, exactly. This is what I find so puzzling. We were told that this is part of system by learned counsel and yet, apparently, they used cyanide here, petrol gas there, diesel fumes there, bullets in yet another place, bulldozers, hangings, shootings -- it appears to have been a totally ramshackle and haphazard operation. A total lack of system.

**Q:** Would you please answer my question, Mr Irving? You said you extrapolated the conclusion that there was expert and scientific evidence that Treblinka was not a totas fabrike. You extrapolated that from Auschwitz?

**A:** I very foolishly used the word suggested by his Lordship, "extrapolated". Perhaps I should have -- without

realising that the word was going to be seized upon by counsel.

**Q:** That is what I am paid for, Mr Irving. I am sorry if you say things ----

**A:** Yes.

**Q:** --- you readily accept a suggestion from the Judge and make it part of your evidence and it

seems to me to be idiotic, then I am going to seize on it, am I not?

**A:** I do not think his Lordship suggested an idiotic word but in this particular case ----

**Q:** No, the process would be idiotic, though, would it not, to extrapolate a denial about Treblinka from the evidence about Auschwitz, would it not?

**A:** No, the extrapolation there would be to say that if Auschwitz was not a killing station, a dedicated factory of death, then, on the balance of probabilities, it is likely that these two were not dedicated factories of death either.

**Q:** Why? Auschwitz started out as a huge grandiose scheme by Himmler, did it not, to provide a sort of life for the SS in central or south Poland at which there would be vast factories and brilliant agricultural lands and experiments of that kind, without any thought of killing anybody at all except through hard work?

**A:** You are giving evidence on my part.

**Q:** That is right, is it no?

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**A:** That is absolutely right and I wish you were my counsel at this moment.

**Q:** That is how Auschwitz started out. Its origins were quite different from those of the three so-called Reinhardt camps?

**A:** It now squares up to the chronology, Mr Rampton. We are told by your experts that Auschwitz had become a dedicated killing station by the end of 1941 or early 1942 at the latest, and yet apparently the also had found it necessary to establish other places to do killings too.

**Q:** Mr Irving, I am sorry ----

**A:** So that is what I mean by extrapolating. If you have a super mass production factory here, then why do you build these villages elsewhere?

**Q:** If you read Professor van Pelt's report with any care you would know that that was complete nonsense, that the evolution of Auschwitz into a dedicated killing facility, in fact not Auschwitz, Birkenhau, really began at the end of 1942. There were some gassings by the use of a cellar at Auschwitz, one, and by, two, converted farm houses during 1942?

**A:** But of there was a course huge rate of mortality at Auschwitz in the middle of 1942.

**Q:** We will get on to Auschwitz next week, but do not misrepresent what Professor van Pelt has said, unless you are sure of your ground, because it is not what he said.

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**A:** You have brought up Auschwitz now and you are talking about dates and months, and when I try to pin you down on the huge mortality rate in the middle of 1942 you are saying let us talk about that next week.

**Q:** There was a typhus epidemic at Auschwitz in 1942.

**A:** So we are saying now that all the deaths in 1942 were from typhus?

**Q:** Mr Irving, surely you can do better than that?

**A:** You just said it, Mr Rampton.

**Q:** I said there was a huge typhus epidemic in 1942?

**A:** The killings did not start until the end of 1942.

**Q:** I did not say that. At the same time people were being gassed in what are known as bunkers one and two, and that the conversion of the two planned crematoria at Birkenhau into gas chambers took place in the late part of 1942 at the planning stage, and that they came into

operation in early 1943?

**A:** With the cyanide being dropped in through the roof, right?

**MR JUSTICE GRAY:** We have to compartmentalize to an extent. We are not on that topic yet.

**MR RAMPTON:** No, we are not.

**A:** I think Mr Rampton made some useful concessions.

**MR JUSTICE GRAY:** I think it is actually partly my fault. I think I rather reintroduced Auschwitz. We are back on the systematic nature of the killings by whatever means, is

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that really the broad heading for the topic we are on?

**MR RAMPTON:** This is right. I am not sure where we have got in relation to Treblinka, my Lord, and the other two Reinhardt camps, except this. There has been an acceptance by Mr Irving that hundreds of thousands of Jews were intentionally killed in those three places, but not as the consequence of any policy or system, I think, and that he is not satisfied that that was their dedicated purpose.

**MR JUSTICE GRAY:** Speaking for myself, one does not really need to spend terribly much time now on what exactly was going on in any of those places. The point seems now to be how did it come about, was it local murderers?

**A:** I think the way Mr Rampton summed it up is a very fair summary of my position.

**MR RAMPTON:** There is also, of course, an issue about the method of killing, but that may in due course turn out to be less significant.

**MR JUSTICE GRAY:** In relation to those camps I think it might.

**MR RAMPTON:** Indeed. As to system ----

**A:** It is only of relevance when it goes to the expertise of the people who considered this whole matter, if they willing accept that kind of story, if I can put it like that.

**Q:** I agree with that. So, my Lord, what I propose is to look at just some very few documents for two purposes. What

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I am going to do is to look at just some very documents for two purposes: one to show the scale of the thing and the other to show the sort of level at which it was being discussed. So I am not going to look at a lot of what Mr Irving calls "janitorial" documents, and I hope that most of what I am going to look at is going to be common ground.

**MR JUSTICE GRAY:** So far as the scale of the operation is concerned, it may be that that can be, as it were, disposed of as an issue by some very general questions. I do not know.

**MR RAMPTON:** Well, I expect so, but if one looks at, for example -- I would rather do it chronologically, if I am allowed, I think.

**MR JUSTICE GRAY:** It was just that if the door is an open one, then there is no point in pushing against it too hard.

**MR RAMPTON:** I agree. Do you agree, Mr Irving, you have written something of it in your own book, that daily trains full of Jews, thousands of Jews, from about 22nd July were going eastwards from Walsall, Radom, and eventually Lublin. There is another place too, I cannot remember, to these three places from about 22nd July?

**A:** This is the correspondence between Wolff and Ganzenmuller.

**Q:** That is Wolff and Ganzenmuller?

**A:** Yes, the Minister of Transport.

**Q:** You do accept that?

**A:** Large numbers, yes.

**Q:** We will look at what the position was in ----

**A:** They are going via Malinka to Treblinka I think.

**Q:** Yes, all that, in enormous numbers. If you think about it, 5,000 Jews a day is 35,000 Jews a week?

**A:** That would be five train loads.

**Q:** Yes. What?

**A:** That would have been five train loads per day.

**Q:** Exactly. I am comfortable without having just a quick look at the document.

**A:** It might be useful just to have a look at the documents to see what the security classification was.

**Q:** I must say I rather agree. We will look at two documents, if you do not mind. Ganzenmuller to Wolff on 29th July 1942, it is either 28th or 29th, anyhow I need a copy of it.

**MR JUSTICE GRAY:** Is it H4(ii)?

**MR RAMPTON:** It might be.

**A:** The originals were in my discovery of course.

**MR JUSTICE GRAY:** Can we not operate off Professor Browning's.

**MR RAMPTON:** I do not know where that is.

**MR JUSTICE GRAY:** Page 45.

**MR RAMPTON:** There is no copy, that is the trouble.

**MR JUSTICE GRAY:** We can do it off the report, can we not? Page 45.

**MR RAMPTON:** I am sorry, my Lord, where did your Lordship say?

**MR JUSTICE GRAY:** Page 45. I think that is probably all you really need. I cannot believe the context is going to make much difference.

**MR RAMPTON:** No, the context probably is not. "Since July 22nd one train with 5,000 Jews departs daily via Malinka to Treblinka. Moreover, twice per week a train with 5,000 Jews departs", a Polish word for Belzec. So that is, is it not, 35,000 a week from, I think that is actually from Walsall?

**A:** Yes, my only little quibble is with the figures. I accept the documents are completely authentic, but you could not get 5,000 people into one train, not even with a shoe horn.

**Q:** I agree. That is why I think the figure is exaggerated.

**A:** There is a little bit of bragging going on here.

**Q:** Yes, probably.

**A:** The normal figure is about 1,000 people per train and this is, certainly at this time, I mean later on in 1944 when they used more brutal methods I think they packed them into more unorthodox transport.

**Q:** Perhaps, Mr Irving, we do better to look at a summary which was made in Berlin at the end of September 1942, and you may agree these figures are more reliable. It is page 47, my Lord, of Professor Browning and it is note 121, which is H3(ii), tab 13 I am told. I apologise to your Lordship for that slight delay, but when the files are

open I cannot tell what they are. It is first document behind tab 13.

**MR JUSTICE GRAY:** Yes.

**MR RAMPTON:** We looked at this once before I think, Mr Irving.

**A:** Yes.

**Q:** We have to at the moment take it from Professor Browning that it is what he says it is.

**A:** Yes.

**Q:** He says it is a conference in Berlin on 26th and 28th September 1992. What his basis for that saying is I do not know. He will tell us no doubt when he gets here. Assuming that to be right, it is telling us that there was discussed, one, the evacuation of 600,000 Jews from the General Government?

**MR JUSTICE GRAY:** Of the General Government.

**MR RAMPTON:** I am sorry, my Lord, yes, of the General Government. Then item two is the forwarding of 200,000 Romanian Jews into the General Government.

**A:** I can see item one, the 600,000 going.

**Q:** "Die Verschiebung".

**MR JUSTICE GRAY:** Paragraph 2?

**A:** Am I looking at the Browning or at a document?

**Q:** No, I am sorry, you should be looking at a document.

**A:** Right. Which is where.

**MR JUSTICE GRAY:** I would do a bit of housekeeping if I were you, Mr Irving.

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**A:** Where do I find it in H3(ii)?

**MR RAMPTON:** You will find it behind tab 13.

**A:** Under tab 13?

**Q:** Yes.

**A:** Yes, OK, I have it.

**Q:** You have that and I expect you recognize it?

**A:** I have never seen it before. It is pages 149 and 150 of some, it looks like a court document of some kind.

**Q:** I do not know.

**A:** Highly unsatisfactory of course to have a document presented in this form in a court transcript.

**Q:** If you dispute its reliability or its authenticity you can take it up with Professor Browning when he gets here. I have asked you to bear that in mind.

**A:** It is just a comment I make that it is unsatisfactory to have a document presented in this form.

**Q:** Of course, but this is not an historical enquiry, Mr Irving. You brought this action against my clients asking for damages and an injunction. So we have to do the best we can with what we have before us. Can I just ask you ----

**A:** Mr Rampton, you have a very large staff of experts and experts' assistants and assistants to those assistants behind you in this very courtroom. I am acting on this action by myself.

**Q:** Yes, Mr Irving. Just assume for the sake of argument,

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will you, that this is both authentic and possibly, I do not know, reliable?

**A:** Yes.

**Q:** It speaks of the evacuation of 600,000 Jews of the General Government?

**A:** Yes.

**Q:** It speaks also of the forwarding into the General Government the 200,000 Romanian Jews, does it not, the second paragraph?

**A:** Yes, it is in words, yes, "von zweihunderttausend Juden Rumaniens".

**Q:** It is the first heading I am interested in under point one or as to point one, urgent transports, I cannot read the next word, can you help me with that?

**A:** Proposed, "polkishen".

**Q:** What does it mean?

**A:** Urgent transport proposed by the Chief of Security Police and by the Security Service.

**Q:** Is that ----

**A:** Heydrich.

**Q:** --- Heydrich?

**A:** No, at this time it would be Carleton Brunner. Heydrich was killed.

**Q:** How high up is that?

**A:** Directly under Himmler.

**Q:** Directly under Himmler. What he has ordered are ----

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**A:** Two trains per day from the district of Walsall to Treblinka; one train per day from the district of Random to Treblinka; one train per day from the district of Krakow to Belzec, and one train per day from the district of Lemberg or the Wolff to Belzec.

**Q:** That makes a total, I think I am right, of 5,000 a day?

**A:** That would be approximately 5,000.

**Q:** Can you for me, please, just complete the sentence because it was not, after Lemberg and then the numbers there is some more, is there not?

**A:** "Could be conducted".

**Q:** Yes.

**A:** That is in the subjunctive. "Waren" with the 200 G-wagen, which are presumably goods trucks, "which have already been placed at our disposal for this purpose by the headquarters of the Krakow Railways, as far as this can be carried out or is feasible".

**Q:** Thank you very much. So they are reporting, what, a proposal or an event or series of events?

**A:** It is an estimate of what we can do with the transport capacity placed at our disposal.

**Q:** Available rolling stock, they can do 5,000 a day to two of these three places in the East, except that the one train a day from Lemberg which, as you say, is what I call "Lavof" which is in what is now the Ukraine and then was Galicia, is going eastwards if it is going to Belzec, is

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it not?

**A:** One train a day is going from Lemberg to Belzec that is on the frontier, yes.

**Q:** It is going eastwards. It is crossing ----

**A:** Yes.

**Q:** --- from Galicia westwards into the General Government?

**A:** It is right on the Eastern border of the General Government, about two kilometres from the edge.

**Q:** So the Jews of Lemberg, to give it its German name, are being transported eastwards to

Belzec?

**A:** To Belzec two kilometres from the border, yes.

**Q:** Yes. No sense then in which Belzec can be regarded as a transit camp, is there, for movement further eastwards?

**A:** These destinations that are in this document which I am seeing for the first time, Treblinka, Belzec, they are all on the border, what I might say the exit door, of the General Government.

**Q:** Yes.

**A:** It is like standing something next to the door where they are robbed. Everything is taken off them by Operation Reinhardt. Then we do not know, on the basis of this document, what happened to them after that.

**Q:** Trains converge on Belzec containing Jews in vast numbers, frankly, from East and West. Belzec most likely, Mr Irving, is in any sense of the word a terminus, is it not?

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**A:** Did you say they are coming from East and West?

**Q:** Yes. If you look down what is proposed next, the line is bust at the moment, they are going to start up in November, then trains are going to go from Lublin to Belzec?

**A:** Where is that?

**Q:** I am sorry, read the next bit then.

**A:** After the restoration of the railway line from Lublin to Chelm.

**Q:** Yes.

**A:** Probably on about 1st November.

**Q:** Yes.

**A:** "The" other urgent transports will also be, we can also carry out the other urgent transports, namely one train per day from Radom to Sobibor; one train per day from Lublin.

**Q:** Lublin North.

**A:** Lublin North to Belzec and one train per day from Lublin centre to Sobibor.

**Q:** So once that is in operation, which is in about a month's time, five weeks time, Belzec will be receiving Jews both from the West?

**A:** From Lublin.

**Q:** From Lublin and from the East, Lavof?

**A:** Yes.

**Q:** Lemberg?

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**A:** Yes.

**Q:** I am sorry about this, Mr Irving, but sometimes junior counsel and experts produce aid in a case like this. H1(ix) I think you may already have, unless his Lordship's advice about housekeeping has been rigorously obeyed. My Lord, H1(ix), page 329.

**MR JUSTICE GRAY:** Yes.

**A:** Yes, it is one of the relevant documents. It is still only a transcript, but it is it is more useful.

**MR JUSTICE GRAY:** What tab is it?

**MR RAMPTON:** 329, my Lord. You will find the translations, my Lord, at pages 429 to 30 of Evans.

**A:** If your Lordship has the document, I draw attention only to the security classification which is

"Geheim" on page 329.

**MR JUSTICE GRAY:** Where do I get what the security classification is?

**A:** On about the tenth line, G-E-H-E-I-M.

**Q:** That is secret?

**A:** Yes. It is just the lowest security classification there is, apart from "vertraulich" which is confidential, whereas everything to do with the killing operations, at any rate anything that could be explicitly recognized as killing operations, was a much higher classification. I shall be making that point once or twice.

**Q:** But against that this is not in a sense a compromising

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document on its face. It is simply saying these trains are going to Treblinka?

**A:** I agree, my Lord, but taken in conjunction with the other document in this pair where Wolff writes back saying, you remember, "It's a good thing that 5,000, a chosen few, per day are going that way." I do not know if the reply is also there, is it? Here is Wolff replying in the next one.

**Q:** He is W, is he?

**A:** Yes, he is W. "Dear Comrade, Ganzenmuller", and again this document has no classification at all. This is from my own files, my Lord. This is actually from Himmler's papers and it has no classification rating at all. If you look at the square box, the rubber stamp at the top right-hand corner, my Lord, you will have see on that little bundle I have gave you this morning, I had printed in red there was one such little bundle translated into English and that had the security classification on it. The third line of that box where it says "actung nummer" which would be file number, would have afterwards G-E-H oblique stroke, and then they would write in handwriting the secret file number, if this was a classified document. So neither of these two correspondents, Ganzenmuller or Wolff, considered this matter they were talking about to be secret, and I shall be leading evidence, my Lord, that the SS were very pernickety about

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security classifications on their documents.

**Q:** But there is nothing compromising, as I say, on the face of either of these documents. It is just trans going to Treblinka?

**A:** Even documents that were written as euphemisms had the security classification put on them which was rather self-defeating.

**MR RAMPTON:** I am puzzled by that. I am puzzled for two reasons, Mr Irving. The first document is not an original, I think. It is a Nuremberg reprint, is it not?

**A:** It is a transcript, yes.

**Q:** But that does not tell us anything about what its original classification might be?

**A:** It does, if you excuse me, it has the German classification on it.

**Q:** Which is?

**A:** About the tenth, Geheim, G-E-H-E-I-M, in the centre.

**Q:** What does that mean?

**A:** Secret.

**Q:** Oh, secret?

**A:** Yes.

**MR JUSTICE GRAY:** But that is a low security classification, that is what Mr Irving has just said.

**A:** The only one lower than that was "vertraulich" which means confidential. Before that there

are three or four successive ranks. You have Geheimreichs,

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Geheimstabschef(?) and (?)offizier which means only an officer can carry it.

**Q:** Very learned, Mr Irving, and it is quite right you should say it.

**A:** Are you sneering at my expertise?

**Q:** No, I am not sneering at your expertise. Actually I am complaining about the way you keep making speeches in answer to questions I have not asked, if you want to know.

**A:** I think his Lordship has indicated in the view of the fact that I am a litigant in person I am allowed a little bit of latitude in making points which I would otherwise have no opportunity to make.

**Q:** Yes, but may I suggest if you are going to do that, to which I have no objection whatsoever, you make your observations to his Lordship and not to me. We are not having an argument. You are answering questions under oath. Now I am trying to find the translation of this document. Yes, I have found it. My Lord, it is the bottom of paragraph 4 of page 430 of Evans, but I dare say there are other versions.

**MR JUSTICE GRAY:** Page 430 of?

**MR RAMPTON:** Of Evans, my Lord.

**MR JUSTICE GRAY:** Yes.

**MR RAMPTON:** This is from Ganzenmuller whose precise position is what?

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**A:** Secretary of State, Staff Secretare, which is the Permanent Under Secretary in the Ministry of Transport.

**Q:** In Berlin?

**A:** In Berlin.

**Q:** Is he a senior Civil Servant?

**A:** A very senior Civil Servant.

**Q:** A very senior Civil Servant. He writes to Wolff?

**A:** Karl Wolff was the personal adjutant of Heydrich Himmler.

**Q:** Yes, and it was Karl Wolff who was quite often, am I wrong, tell me if I am, as it were, seconded by Himmler to Hitler, is that right, or have I got that wrong?

**A:** It was a floating kind of relationship. Karl Wolff was very close to Hitler. He fell out over a marital dispute I think, a matrimonial dispute, but actually his position was Chief Adjutant of Heydrich Himmler. He was never on Hitler's staff. He was on Himmler's staff.

**Q:** No. What I am driving at is obvious I think, Mr Irving. Karl Wolff was in a position if Adolf Hitler should say to him one day, say late August or September or July 1942,, "How is it going in the East?", Wolff is in a position to tell him?

**A:** Undoubtedly, yes. He would have told him about these train loads of Jews being shipped off to Treblinka.

**Q:** You can imagine the conversation. This is pure fancy on my part of course. "Karl, how is it going in the East? Well, we've good news from Ganzenmuller that they're able

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to shift about 35,000 of the chosen people a week to these camps in the East." That is all, as

simple as that.

**A:** Yes. Hitler of course never used deprecatory phrases like "the chosen people".

**Q:** No. He used nice complimentary phrases like "parasites" and "bacilli", did he not?

**A:** That is right. But of course this is just your imagination which has no evidentiary value whatsoever in this action.

**Q:** No, of course not, but Wolff was in a position, what I am saying is Wolff was close to Hitler, close to the thrown, was he not?

**A:** He was close to Himmler's thrown. He was on Himmler's personal staff.

**Q:** And Hitler's too. You just told us he was close to Hitler?

**A:** I made it quite specific. He was on Himmler's staff, not on Hitler's staff, but he was a frequent visitor to Hitler's headquarters.

**Q:** Can you look at this letter and tell us what it says, please. It says something about a telephone call on 16th July, does it not?

**A:** Which letter are we talking about?

**Q:** This one from Ganzenmuller to Wolff.

**A:** "Referring to our telephone conversation of July 16th 1942 I inform you of the following report from my general direction of the Eastern Railroads in Krakow for your own

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personal information."

**Q:** Then he quotes the report, does he?

**A:** Then he quotes the report: "Since July 27th a daily train load of 5,000 Jews, each is travelling from Walsall via Malkenia to Treblinka, in addition to which two are running each week, a train of 5,000 Jews will run each week from Eprzemysl to Belzec."

**Q:** Yes.

**A:** Do you wish me to continue?

**Q:** No, I do not. I am just wondering whether I was right to agree with you that 5,000 per train was too many.

**A:** If they were in goods trucks, as that September document indicates they have been planning, then they may possibly have packed that many in.

**Q:** Have you still got Professor Brownings' report there? This is inevitable, I am afraid, in a case like this.

**A:** Page 430, is it?

**Q:** No, page 44 of Professor Browning.

**A:** I am constantly marvelling at your cross-referencing.

**Q:** It breaks down all too often. Page 44, paragraph 5.3.11, I will read it. We will look at the documents if you insist, but I do not believe it is necessary: "The trains deporting Jews from Galicia". What is the matter?

**A:** I have it, 44. Yes.

**Q:** 5.3.11, Mr Irving:

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"The trains deporting the Jews from Galicia did indeed go to Belzec as can be seen in the report of Reserve Lieutenant Westermann of the 7th company of Police Regiment 24, whose men helped round up the Jews in Kolomyja", which is, I can tell, you southeast of Lavof, in other words further East than Lemberg, "and nearby towns and then guarded two transports to Belzec on September 7th and 10th 1942. The first contained 4,769 Jews in 50 train cars and went without

incident. The second involved 8,205 Jews. Many had been held for days without food and force-marched 35-50 kilometers to the train in blistering heat. They were then packed into train cars, in many cases 180 to 200 per car, virtually without ventilation. As Lieutenant Westermann concluded, 'The ever greater panic spreading among the Jews due to the great heat, overloading of the train cars and stink of the dead when unloading the train cars, some 2,000 Jews were found dead in the train made the transport almost unworkable.' Nevertheless, the train that left Kolomyja at 8.50 p.m. on September 10th finally crawled into Belzec at 6.45 on September 11th". So these figures quoted by Ganzenmuller's subordinate of 5,000 Jews per train ----

**A:** They are feasible, yes, on the basis of this evidence.

**Q:** Are feasible?

**A:** Yes.

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**Q:** If that were so, we are talking about even greater numbers, are we not?

**A:** In what respect greater numbers?

**Q:** Well, greater numbers than I had originally supposed. I mean we are originally talking about by the end of the 1943 or whenever it was that these camps were disbanded, well over a million people I would guess.

**A:** May I just remark for the record that of course this Westermann document I have not seen and never had when I was writing my books.

**MR JUSTICE GRAY:** Yes, but in a way that is not a particular pertinent observation, because we are really at the moment looking at the scale of the operation.

**A:** My Lord, you did suggest that I should make that quite plain.

**Q:** Fair enough and it is helpful for you to do so, but the criticism is not of the way in which you have dealt with these matters in your books, if you follow me?

**A:** We are just trying to get the picture.

**MR RAMPTON:** Can you turn, while we have it open, to page 46 of Professor Browning's report, please?

**A:** Yes.

**Q:** I had pointed out to you that trains apparently went, we saw it again there, westwards from Galicia to Belzec, and then you see at the top of page 46 of Professor Browning's report: "Surviving fragmentary train schedules also show

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that Jews were deported from northern Lublin district, Radom district, and the Bialystok district to Treblinka as well. The deportations from Bialystok, a district East of Treblinka, are of special significance for two reasons. First, these deportations from Bialystok make clear that Treblinka was not a transit camp for the expulsion of Jews eastwards from the General Government. Rather the tiny village of Treblinka, like Belzec, was a point at which transports of Jews converged from East and West. "Moreover, the fate of the Bialystok Jews in the fall of 1942 was clearly stated in Himmler's report to Hitler of December 31st 1942", that is either that or 29th, it is report No. 51, "the Jews of Bialystok were among the 363,211 Jews executed."

**A:** There I would have to comment of course that that line I would not agree there is any connection, because the 363,000, that report, the Himmler report, is referring only to events within that region and not events within the General Government.

**Q:** You mean that is Jews killed at or near Bialystok and its area, not Jews transported?

**A:** Transported somewhere else out of the region and dealt with somewhere else.  
**Q:** You might be right about that. You can take that up with Professor Browning.  
**A:** Yes. It is nit-picking.

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**Q:** No. It may be a fair point and you can take it up with him. It matters not the least to me. The point about this is, we have another example, have we not, of Jews being transported from the East to the West?

**A:** Yes.

**Q:** To a different camp, Treblinka, the one in the North?

**A:** Where we do not know for certain what happens to them.

**Q:** No, but these do not look very much like transit camps, do they?

**A:** I do not know. Let us just leap ahead a bit and say suppose these enormous numbers of Jews had been liquidated in some way, we come up against that familiar word "logistics", what happened to the remains?

**Q:** Well, I suppose what happened to the remains, upwards of whatever I do not know ----

**A:** We have to think this right through, you see.

**Q:** It is partly a question of evidence and it is partly a question of constructive thinking. It could be that many of them were burnt, the corpses I mean. There is some evidence of that, is there not? It may be that many of them were buried. There is also some evidence of that too, is there not, I mean contemporary evidence?

**A:** Yes, that is as much as we can say.

**Q:** I agree.

**A:** I take that kind of answer, that is as much as we can say, one stage further back in the sequence to say, this is as

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much as we can say: They went there where they then vanished from our general sight.

**MR JUSTICE GRAY:** I thought we had reached the point where we were agreed that it does not really, in a sense, matter terribly much exactly how many, but huge numbers ----

**A:** Huge numbers were killed.

**Q:** --- were killed in one way or another. In a sense, the Court's problem is only a problem if you are disputing the numbers.

**A:** Precisely, my Lord. The logistical problem is one that we will keep on coming up against. It is a distasteful subject but one you cannot overlook.

**MR RAMPTON:** Just for completeness and for his Lordship's note, in effect so his Lordship really knows where to find it, if you turn over the page two pages from Ganzenmuller ----

**A:** My Lord, if I could just interrupt, it is one reason why I was entitled to extrapolate, if you remember, from Auschwitz to the other two camps, and we have precisely those logistical reasons which make it improbable that they were factories of death.

**MR RAMPTON:** Your Lordship will see Wolff's nauseating reply, if I can call it that ----

**A:** Which he never expected one day to have read out in open court, I am sure.

**Q:** No, but then he would have been a hypocrite if he had edited it, would he not? On page 331 at the bottom of the

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Evans' document bundle, this is not a retype by the Nuremberg people, I think, is it, Mr Irving?

**A:** No.

**Q:** This is a copy of some sort of original, whether a carbon or not I do not know.

**A:** It is off the microfilm number T175/54, page 620.

**MR JUSTICE GRAY:** 331 of Evans?

**MR RAMPTON:** 331, my Lord, no of H1(ix).

**A:** Can I make a remark against myself?

**MR JUSTICE GRAY:** Yes. I am sure Mr Rampton will not want to ----

**A:** Looking back at that rubber stamp, my Lord, on that document where there is no secret classification, it has in its place the two letters AR.

**MR RAMPTON:** Yes.

**A:** It also has the letters AR on the top left-hand corner at the beginning of the handwritten reference number.

**MR JUSTICE GRAY:** What does that mean?

**A:** "Aktion Reinhardt" I would suspect. I would suspect, it is a degree of probability that this was given a separate file for Aktion Reinhardt.

**MR JUSTICE GRAY:** But not Geheim?

**A:** But not Geheim. It is a reasonable presumption, although it may be held against me.

**MR RAMPTON:** Tell me this. I think that is an English word. You see the bottom of 331?

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**A:** Yes.

**Q:** The bottom left-hand corner in a box somebody has written "index". That would be people at Nuremberg?

**A:** No, it would be me.

**Q:** That is you?

**A:** All documents that passed through my possession when I was writing the Hitler book went into a 20,000 card index, and once it had been indexed I would rubber stamp the index so that I did not index it again.

**Q:** I see. The reference to "the chosen people" is in the fifth line, is it not?

**A:** "For your letter of July 28th 1942 I thank you, also in the name of the Reichsfuhrer SS, most heartfelt. With particular joy I have taken cognisance of your information that for 14 days now already every day one train with 5,000 members of the chosen people are going to Treblinka, and that in this way we are being put in the position that we can accelerate the speed of this population movement."

**MR JUSTICE GRAY:** I think it probably is really more selective than "chosen", is it not? Is it not just saying these are people who have been selected for the transport?

**A:** My Lord, that is the German for "chosen".

**MR RAMPTON:** My Lord, I think it is a sarcastic reference to, I would guess.

**A:** It is the correct German for "the chosen people".

**MR RAMPTON:** "For the chosen people". Mr Irving actually put

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it in his book in that form, did you not?

**A:** As an accurate translation, yes.

**Q:** Why did it cause him, Mr Irving, why did it cause him, Wolff, especial joy?

**A:** I am sure that is just a way of dictating letters. Wolff in particular is an SS Officer.

**Q:** "A rabid anti-Semite is very pleased to be told that 5,000 a day are going off to be massacred." Surely that is the natural interpretation?

**A:** 57,000 are getting their comeuppance, I suppose that is the way he is looking at it, as a good Nazi.

**MR JUSTICE GRAY:** "Comeuppance" meaning?

**A:** Well, just they are meeting their well-deserved fate, whatever it is. They are not specific.

**Q:** Death?

**A:** I beg your pardon.

**Q:** Death?

**A:** He does not actually say it, my Lord.

**Q:** That is what he means?

**A:** Well, I am not going to pin Karl Wolff down on this on there.

**Q:** No, but you are an historian looking at the document, Mr Rampton has put a perfectly fair question to you, is he right?

**A:** I cannot say from this document, my Lord, and I do not think anybody could just looking at this document

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in vacuo. In hindsight we can say that they were going to that place, they never turned up again, obviously something ugly happened to them.

**MR RAMPTON:** Karl Wolff, who I have to correct you I think about in a moment, but never mind, Karl Wolff on receipt of Ganzenmuller's information is overcome with joy that these 5,000 a day are going to their deaths, is he not?

**A:** He does not say that, but that may very well be the reason why. I accept there is the degree of probability. That may be the reason why.

**Q:** This is my second point. I am told, I am not an historian, that Wolff was not simply a visitor or even a frequent visitor to Hitler's headquarters, but was Himmler's liaison officer at Hitler's headquarters?

**A:** For a time he may have been, but I am not sure whether it was at this time.

**Q:** That is a fair point. I will accept that.

**A:** He fell out of favour after contracting an unsuitable marriage and for a long time he was out of favour.

**Q:** But if he is Himmler's liaison officer at the Fuhrer headquarters, whether it is in Berlin or in East Prussia, wherever it might be, his formal role is to pass information and instructions backwards and forwards ----

**A:** As a conduit.

**Q:** --- between Himmler and Hitler, is it not?

**A:** He would have acted as a conduit between the two.

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**Q:** A conduit pipe. So if Hitler was at all interested in reports of what was going on in the East, he could expect to get them for Wolff, could he not?

**A:** Yes. This letter is, of course, actually written from the Fuhrer's headquarters.

**Q:** Yes.

**A:** That is the address at the top.

**Q:** I quite agree with you. In case you should have missed the point, it does not say, "and I have brought your glad tidings to the Fuhrer today at lunch and we all had a glass of champagne"?

**A:** I think I treated the document responsibly. I gave you the full text of it or whatever was relevant in my books, and once again I leave the readers to draw their own conclusions. I may say that your Lordship and yourself have also drawn the right conclusions from this document or the appropriate conclusions.

**Q:** Could you please turn, Mr Irving, to page 143 of Evans' report, paragraph 5, no, I had better start actually a bit earlier. This is all, my Lord, embedded in a discussion of the suggestion that the gas chambers were an invention of British propaganda. Mr Irving, I am right, am I not that, Riegner was some kind of figure in the Jewish community in the West?

**A:** In Switzerland.

**Q:** In Geneva.

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**A:** Or in Bern, one or the other, yes. He was a young man with contacts inside Nazi Germany.

**Q:** Can we, please, start at the top of page 142. It is your position, is it not, or has been at any rate, that the gas chambers were a very clever piece of propaganda that we British very cunningly connived at and contrived during World War II, is that right?

**A:** I do not think I would use child adjectives like "clever and cunningly connived".

**Q:** Look at the bottom of page 141 of the Evans' report.

**A:** There is a great deal of evidence that the British propaganda agents is propagated in the gas chamber motive, for example.

**Q:** This is taken from an interview given by you to This Week on 28th November 1991.

**A:** In the broadcast of Thomas Mann but I will come to that in due course. Thomas Mann operated for the British and American Intelligence Agencies.

**MR JUSTICE GRAY:** Stripping out "clever and cunning" for the sake of argument, do you contend, Mr Irving, that gas chambers at Auschwitz were an invention by British Intelligence during the war?

**A:** British Intelligence broadcast repeatedly through the BBC and through other information channels into Nazi Germany information about gas chambers in occupied Nazi, Nazi occupied Europe at a time when they were not in

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operation. In other words, the information was premature information, shall we say.

**Q:** Well, premature begs the question rather, does it not?

**A:** Yes, in other words the information came forward.

**Q:** Are you suggesting it was an invention?

**A:** To degree the it must have been an invention because at the time the British propaganda was talking of them they did not exist.

**Q:** So it was an invention by British propaganda?

**A:** British propaganda invented the story of the gas chambers or invented stories of gas chambers which were broadcast into Nazis Germany during the war years. There is any amount of evidence of this in the BBC monitoring reports, in the German radio monitoring reports, in the memoirs of people like Thomas Mann, the famous German novelist, who worked for British propaganda agencies in their private diaries and so on.

**Q:** Yes, well, I am sure it was broadcast; it is a question of whether it was an invention by the

British propaganda machine?

**A:** Well, if the Allies, as we know from the Foreign Office files, had no knowledge of any gas chambers, then, clearly, it was an invention.

**MR RAMPTON:** I wonder about that. Can you just look at the middle of page 143? We may have to come back in due course to what you said about this, but that is a

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different question. Paragraph 5. Professor Evans has recited your rather complicated account of this in your forthcoming Churchill book. Then he says: "What is the real documentary evidence for this account? Gerhard Riegner was director of the Geneva Office of the World Jewish Congress from 1939 until 1945. On 8th August 1942 Riegner handed an identical telegram to Howard Etling, American Vice-Counsel in Geneva, and to HB Livingston, the British Consul. Riegner asked that a telegram be conveyed to the World Jewish Congress leaders in London (Sydney Silverman, MP) and New York (Rabbi Steven Wise). The telegram stated: 'Received alarming report stating that, in the Fuhrer's Headquarters, a plan has been discussed, and is under consideration, according to which all Jews in countries occupied or controlled by Germany numbering 3 and-a-half to 4 million, should, after deportation and concentration in the East, be at one blow exterminated, in order to resolve, once and for all the Jewish question'." Then there is a reference to a document which I think I can show you in a moment. Then Professor Evans goes on: "Although the message the put the as 'under consideration', there was an additional detail: 'Ways of execution are still being discussed, including the use of prussic acid'. Riegner himself said, 'We transmit this information with all the

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necessary reservation as exactitude cannot be confirmed by us'. But he added, 'Our informant is reported to have close connections with the highest German authorities, and his reports are generally reliable'". That should be footnote 90 in this part of Professor Evans' report.

**A:** The actual document is in my discovery, of course -- the Riegner telegrams.

**Q:** I am sorry, my Lord. The way that the Evans' documents have been indexed makes them rather difficult to find.

**MR JUSTICE GRAY:** Do we need the original for this purpose?

**MR RAMPTON:** Well, if it has come from Mr Irving's discovery, I think we do not actually because he would be well familiar with it.

**A:** I am very familiar indeed with the document and with the associated minutes by the Foreign Office officials on it.

**Q:** That is an accurate account, is it, in Professor Evans' report of what the telegram says?

**A:** Those three lines are accurately transcribed from the telegram, to the best of my recollection.

**Q:** So there are four lines in the body of paragraph 5 and then there are some further references to things like prussic acid in paragraph 6?

**A:** Yes, but, of course, the actual telegram is longer than that.

**Q:** Yes.

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**A:** We know a great deal also about the origins of the telegram, whether this informant existed, and so on.

**Q:** I can see that it is much longer; I am certainly not going to bend the court's ear by reading it out.

**A:** What is significant, of course, is the associated memoranda on the Foreign Office file, the treating of its credibility and of what to do with it, and so on.

**Q:** Yes, sure, but if this is the source of the information -- call it that, no more -- it is hardly an invention of British propaganda, is it?

**A:** Which information?

**Q:** This information here, in the Evans' report. If Riegner is the source of the information ----

**A:** Yes.

**Q:** --- then it is not an invention of British propaganda, is it?

**A:** Not at this stage, no, but, of course, there had been references by British propaganda to alleged hydrogen and cyanide gas chambers before this August 1942 telegram.

**Q:** Let me take it slowly. If Riegner's information is not something that he has been put up to by British propaganda ----

**A:** Yes.

**Q:** --- true, you may say, though, I am not going accept it, that the British propaganda then built on that idea, maybe you do say that, maybe you do not, I do not know, but the

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fact is that information is an important piece of evidence, not a huge piece of evidence, an important piece of evidence, when one comes to consider what I call the Final Solution and the means by which it was achieved, is it not?

**A:** I am not quite sure what question -- are you asking whether this was the origin of the British, or whether it was just a ----

**Q:** No, no.

**A:** --- link in your system chain.

**Q:** It is just a link in my chain of documents. It is said that Riegner had the ear of somebody ----

**A:** Yes.

**Q:** --- high up in the Nazi ----

**A:** And, therefore, the British did not invent the story because Riegner brought it to them.

**Q:** No, no. Therefore, it is quite important evidence that the use of hydrogen cyanide was intended from quite a long way back as a killing agent for Jews?

**A:** If this is an authentic account by Riegner, but, of course, if we subsequently find out, as has been established by people of the calibre of Walter La Coeur, that Riegner's source did not exist as a source of integrity, shall we say, a man who was not in a position to know what he was talking about, then that tells us absolutely nothing whatsoever. It is a fluke. But if we

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can just have five or six lines reproduced from one document here, that is not the way to go about things. We need to know all the surrounding material and, in particular, if you want to say this is evidence the British did not invent because they built the story on this, then I have to say that British files, Foreign Office minutes show that it was totally dismissed. They said, "We cannot believe this. We cannot believe stories of this type. We have no supporting evidence at all. There is not a shred of evidence that this story is true".

**MR JUSTICE GRAY:** That is on the original of this Riegner document?

**A:** It is in the typical Foreign Office folder with all the minutes attached to it with what are called treasury ties.

**Q:** Is that the document Mr Rampton was looking for a moment ago?

**A:** Well, it is in my discovery, my Lord, and I can produce it in court tomorrow as one of these dreaded little bundles.

**MR RAMPTON:** Well, it is there, my Lord. I really do not think at this time of the day I would ask your Lordship to look at it. It is difficult to read. It is bitty and the essence, for my purposes, is in the Evans' report anyway.

**MR JUSTICE GRAY:** Yes?

**A:** Well, the essence as extracted by Professor Evans, of course, not the essence which I would extract, but I will do that under cross-examination, my Lord, when the time

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comes, I think.

**MR JUSTICE GRAY:** Well, yes, but, I mean, Mr Rampton will appreciate, obviously, that your case is that the annotations on the document show that it was not given any credence at the time by those who subsequently used it. That is your point, is it not?

**A:** Quite, and that should have been drawn out by the experts.

**MR RAMPTON:** Oh, yes, but an historian, Mr Irving, has the wonderful benefit of hindsight, does he not?

**A:** Yes. I think I have used that word once or twice myself.

**Q:** He can fit a document like that which the poor bods in London and Washington could not do. He can fit a document like that into a vast weft or weave, call it what you will, tapestry, of other information, can he not?

**A:** Yes.

**Q:** That is what, perhaps, gives it more significance now?

**A:** There is a great temptation to do precisely that.

**Q:** One must be careful that one does not give more weight to it than it deserves, but any document must always be placed in the context of all the rest of the relevant information.

**A:** This is quite right, and this is why this particular document I did investigate in some detail, and I made an exception. I read what Professor La Coeur (?) had written about it who carried out an examination of the origins of the document and the alleged source.

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**Q:** Can we go north, please, because I am still engaged on the same exercise? My Lord, I have finished pre Auschwitz.

**MR JUSTICE GRAY:** Can I interrupt you when you say you have finished pre Auschwitz? I quite understand what the case is and to a large extent it is accepted on the scale of the operations.

**MR RAMPTON:** Yes.

**MR JUSTICE GRAY:** But I am really talking about the post shooting phase, one calls it the gassing phase. It is a bit tendentious but it may not matter in the end. What I have not at the moment got clear in my mind is how you put the case that this was known by and authorized by Hitler.

**MR RAMPTON:** Authorized by I do not know, the case is not that there is a piece of paper from Himmler to Hitler, saying here, Adolf, are the statistics, at least not until we get to December 1942 and that may concern Einsatzgruppen shootings rather than gassings in these places. The case is simply this. The scale of the operation is vast. It involves what must have been very

considerable disruption to military operations amongst other things. It involves a lot of economic and manpower resources. It certainly goes all the way up to Heydrich and Wolf who is Himmler's adjutant, seconded as liaison officer at some time at least to Hitler. In the light of what we do know that Hitler did know, in the light of all the other information

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we have about Hitler's anti-Semitism and, as in due course one will see, as one of the foundations of Nazi ideology, it would be amazing if Hitler did not know, in broad terms, I am not saying he was interested in numbers or anything like that, what was going on. It is as simple as that.

**MR JUSTICE GRAY:** It is extremely helpful to have you put it clearly in that way. Thank you very much.

**MR RAMPTON:** It is an inference which any lawyer, never mind historian, would be willing to draw, I would suggest, on the balance of probabilities.

**MR JUSTICE GRAY:** May I suggest that we just invite Mr Irving, if he wants to, to comment on that, because that is part of your case.

**MR RAMPTON:** It certainly is.

**MR JUSTICE GRAY:** He is entitled to have his say.

**MR RAMPTON:** I would only add this negative sentence, I think. The fact that there is not a piece of paper, as the denier said, there is not just a single proof with Adolf's name on it, is neither here nor there?

**A:** Well, my Lord, let him fight his own battles. The proposition that learned counsel has put is entirely acceptable. It is monstrous to assume that Adolf Hitler would not have known, and I have said precisely the same, my Lord. In my books I have said that after October 1943, which is the kind of watershed time that I put, he had no

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excuse for not knowing, which is as far as I would go. Of course, it is not a smoking gun. It is not the kind of balance of probabilities, or even evidence beyond all reasonable doubt that would be required in a criminal case. But he had no excuse for not having known because he then came into very close proximity with a large number of people who had been briefed in the most nauseating detail by Himmler himself as to what he was doing. I have made no secret about that in my books. I would be interested to hear how learned counsel gets round that particular problem when the time comes.

**MR JUSTICE GRAY:** That again is extremely helpful to have you say that, but can I ask you one question arising out of it? I quite follow why you take October 1943 as the date from which you accept Hitler was in the know.

**A:** Had no excuse not to know.

**Q:** Or had no excuse not to know, but what about the period with I think Mr Rampton has really been dealing with this afternoon between November/December 1941 and October 1943?

**A:** We are very ill-advised by the documents that are available even now. We are ill informed by the documents that are available even now after 55 years, my Lord, and this is where you begin having to say that, I forget what the legal term is, there may be a legal term for it, but in any case of ambiguity then the balance of doubt has to be given to the accused rather than to the incriminated.

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**Q:** Can that really be right when you have a situation where Hitler was at any rate not objecting as from October 1943 to what most people would regard as thoroughly abhorrent?

**A:** Yes.

**Q:** Can you not infer from that that, assuming the evidence was available for him, he would not have put up any objection before October 1943?

**A:** That is precisely the way that I would be inclined to put it, my Lord. I have even said on occasion that there is no evidence that he would have objected even if he had been told the most brutal detail of what was going on. But we just do not have that evidence. My literary agent in America said, "For God's sake, if you have not got the evidence, invent it". I thought my ten years spent in researching the book were too precious for that.

**MR RAMPTON:** So it really comes to this, does it, Mr Irving? If you were sitting on a jury in a criminal court, whereas I might very easily convict Hitler, you would not, but, if you are looking for proof positive that he did not know, you are swimming very hard against the tide, are you not?

**A:** No. You talk about in a criminal court and in a criminal court of course the standards of evidence required, particularly where a man's life is at stake, are much sterner than in a civil action. Am I right?

**Q:** Never mind civil actions or criminal actions. This is a rotten analogy, anyway. You are an historian.

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**A:** Mr Rampton, you started the analogy.

**Q:** No, you did, with your references to the standard of proof in a criminal court when you were answering his Lordship. It is a rotten analogy.

**A:** I think it is a very useful analogy.

**Q:** What are you looking at as an historian is not a question whether a man is guilty or not of law, whether he is liable to pay damages. You are looking at the evidence with an open and objective mind to see what is the degree of probability that it suggests as to what happened. That is what are you doing, is it not?

**A:** This is right, but then at this point different historians operate in different ways, and it may be that I make myself culpable by just putting the evidence in the pages and not joining up the dots and allowing the reader to do the dot joining for himself. I assume that my readers have a certain degree of intellectual honesty and ability, that they are capable of forming their own conclusions provided I present the evidence to them with as much integrity as possible. Other historians, like no doubt some of the experts in this case, like to join up the dots for you and that is where the mistakes I think creep in. It is possible that my way of writing history is wrong. It is possible their way of writing history is right. They have been taught in universities how to write, I have not, but this is not Holocaust denial, Mr Rampton.

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**Q:** Well, Mr Irving, we will come to that next week, but your method of writing history, whether one approves of it academically or not is quite beside the point, is perfectly all right provided that you do not distort and manipulate the evidence, is it not?

**A:** You are absolutely right.

**Q:** If we should succeed in proving that that is exactly what you have done on a number of occasions, then you do not deserve the name historian, do you?

**A:** I take you do not consider that you have succeeded so far.

**Q:** What privately I should think, Mr Irving, I certainly am not going to tell you.

**A:** From the way you couched the question.

**Q:** I could be standing here thinking why am I going through all this, I have already cooked ----

**A:** You know why you are going through this, and I do. It is connected with a very substantial fee you are paid for this.

**MR JUSTICE GRAY:** That is cheap. Let us get on.

**MR RAMPTON:** It is not only cheap, it is complete rubbish. My Lord, I would pass now, if I may ----

**MR JUSTICE GRAY:** I think we will probably stop now.

**MR RAMPTON:** I tell you where I am going next. I am going briefly to Dr Brach in the autumn of 1941, which relates to gassings in the Warthegau and possibly also in Riga. **JUSTICE GRAY:** Is that vans?

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**MR RAMPTON:** Vans yes, and then I am going to go to what Mr Irving calls the Schlegelberger memorandum, and then probably to the Roman Jews, unless your Lordship would prefer, which equally well we can do, to have a look at Hitler's earlier utterances.

**MR JUSTICE GRAY:** No. All I think is that sometime that is relevant.

**MR RAMPTON:** It is obviously important.

**MR JUSTICE GRAY:** Both to the manipulation and also to Auschwitz.

**MR RAMPTON:** Yes. I am thinking that the subject of Hitler's Adjutants is a long one with, I am afraid, probably quite a lot of documents to look at because of the records of what they said. That may take more than one day, which I do not have, so I was going to leave that until after Auschwitz.

**MR JUSTICE GRAY:** Yes, that is fine. It does occur to me that sometimes there is scope for exploring before one gets into the detail.

**MR RAMPTON:** I know.

**MR JUSTICE GRAY:** We had an example just a moment ago. It is not remotely intended to be a reproof.

**MR RAMPTON:** It is amazing what answers one can get. I have made the assumption, perhaps wrongly, that any general question I ask is either going to get no answer ----

**MR JUSTICE GRAY:** I can see there may be forensic reasons for

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doing it the other way too, but I just wonder in this case whether the desirability of short cuts does not suggest one sacrifices ----

**MR RAMPTON:** I see the attraction, but I do think it essential, and the only forensic reason, apart from wanting answers to my questions, is that I do want your Lordship to have as full a picture as possible, because all these things are contextually linked.

**MR JUSTICE GRAY:** I have the reports, remember.

**MR RAMPTON:** I know.

**MR JUSTICE GRAY:** What about the argument about Auschwitz? It seems to me that we are nipping at that topic from time to time, inevitably. I think in many ways the sooner we have the

argument the better?

**A:** It is Tuesday now, possibly on Thursday.

**MR JUSTICE GRAY:** If would you like go for Thursday, yes?

**A:** If you would limit us both to half an hour each on that.

**MR JUSTICE GRAY:** I am all in favour of doing that.

**MR RAMPTON:** I have said my two minutes already.

**A:** You may have more to say after you have heard me.

**MR RAMPTON:** We will let Mr Irving go first since essentially I believe it to be an objection really.

**MR JUSTICE GRAY:** I do not think it matters who goes first. Would you like to go first, Mr Irving?

**A:** It makes no difference to me either.

**MR JUSTICE GRAY:** Good, so 10.30 tomorrow?

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**A:** Thank you.

**(The witness stood down)**  
**(The court adjourned until the following day)**

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