

PROCEEDINGS - DAY SIX

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Day 6. Wednesday, 19th January 2000

MR JUSTICE GRAY: Mr Rampton, I wonder if I could ask you for a bit of help on really a logistical problem? Some of the source material that the experts rely on is fairly inaccessible. I was wondering if your team could provide me with copies of, I think, just three documents, report No. 51, that report from the Einsatzgruppen A, you know the one I mean, giving the partisans and the Jews killed?

MR RAMPTON: Is that the Jaeger report?

MR JUSTICE GRAY: Yes. And also a document which I do not think actually I have ever seen, but Muller's document of August 1941.

MR RAMPTON: Yes, the Muller order.

MR JUSTICE GRAY: If I had those separately, it would make life much easier.

MR RAMPTON: Certainly, my Lord. We have copies of originals of all of those.

MR IRVING: Muller is in one of the bundles, my Lord.

MR JUSTICE GRAY: I am sure it is, but I have not actually seen it yet. Is there anything that needs to be done before Mr Irving goes back into the box?

MR RAMPTON: I do not know whether he has anything.

MR JUSTICE GRAY: Would you like to come back?

MR DAVID IRVING, recalled.

Cross-Examined by **Mr Rampton QC**, continued.

MR RAMPTON: My Lord, I am going to start in Riga, then I am

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going to go to Yugoslavia and then I am going to go to the Warthegau, just to complete my 1941/42 tour of the size of the operation, and also make reference to what is plainly in some cases direct language and in other cases camouflage language. That should not, I hope, take very long. Then I will go back to, as it were, historiographical error -- I use the word neutrally -- with the so-called Schlegelberger memorandum.

May Mr Irving, please, be given Professor Browning's report and at the same time files H3(ii), and H4(v)?

MR JUSTICE GRAY: Yes.

MR RAMPTON: Could one turn, please, to page 28 of Professor Browning's report? In fact, I will perhaps, because it will be important for context later on, start at the bottom of page 27, if I may, in paragraph 5.1.6: "Between October 18 and 21, 1941, the Foreign Office expert for Jewish affairs, Franz Rademacher" -- pausing there, Mr Irving, do you disagree with that description of Herr Rademacher's position?

A: He was head of the appropriate department in section 2.

Q: He had a special responsibility in the Foreign Office for Jewish affairs?

A: Among other things, yes.

Q: Yes. "and Eichmann's second deputy, Friedrich Suhr, visited Belgrade. After the trip

Rademacher reported how

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the adult Jewish men in Serbia had been shot by the German army." Do you notice that? They have not been shot by the SS, they have been shot by the Wehrmacht, have they not?

MR JUSTICE GRAY: That is Browning's words.

MR RAMPTON: Yes. But, if Browning is right, that is Wehrmacht and not the SS, is it not?

A: He has not given a quotation there for that.

Q: Well, it may be that we would find it if we looked at Rademacher report?

A: Yes.

Q: Would you like to look at that now?

A: No. I am not quite happy with that. In fact, you remember there is a page of photographs of this kind of thing in my book on the Nuremberg trials.

Q: So not all the systematic -- I must not use that word, must I -- not all the mass shootings were done by the SS?

A: No,. We do not know, of course, why they were shot.

Q: No.

A: He has just reported how they were shot, but not why.

Q: Perhaps we might be able to deduce that in a little while, Mr Irving. " Concerning the fate of the Jewish women, children, and elderly, Rademacher reported: 'Then as soon as the technical possibility exists within the framework of the total solution to the Jewish question, the Jews will be deported by waterway to the reception camp in the east.'"

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A: Yes.

Q: Do you want to make a comment about that?

A: Well, of course, you are aware of the fact that I am going to comment on the fact that he has mistranslated "camps" as "camp".

Q: "Camp", I see.

A: There is a substantial difference. "Into the reception camps". I think it is a deliberate mistranslation by Professor Browning.

Q: You must put that to him. I am not going to take it up on his behalf.

A: I certainly shall. I am also drawing it to the court's attention. It puts a totally different complexion on the document.

Q: Put your eye down, if you will, to the bottom of the page where you see the German?

A: "... In die Auffanglager...?"

Q: Professor Browning, if he has made a deliberate mistranslation, it is not a very clever thing to have done as he has also given us the German text against which his English can be checked.

A: I have no doubt he is obliged to, but we have spotted his error.

Q: You do not do it in your books, do you, Mr Irving?

A: You wish me in a thousand page book not only to put the English text of the documents, but the German text as

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well.

Q: Mr Irving, if I may use one of your phrases, if you are trying to pull the wool over people's eyes, one way of doing it is to give your version of the German without giving the original, is it not, and that is not here what Professor Browning has done.

A: But at the same time, of course, what one could also do, if one was the historian you are talking about, he could denote his entire files to the relevant archives and could draw the attention of other historians to those contentious documents in the way that I do.

MR JUSTICE GRAY: Shall we move on? It seems to me to be a fairly narrow point.

A: If it is just one camp, then there is obviously an inference to be drawn but, if they are being sent to many camps, then that rather destroys any inference that can be drawn from it.

MR JUSTICE GRAY: You develop that when we hear from Professor Browning.

MR RAMPTON: "In short, Jews deported from Europe were not simply going to be expelled into eastern Russia, but rather they were to be interned in a German'reception camp' [or'reception camps'] not yet built."

A: That is the point that has now been destroyed, has it not, by the improper translation? "Into a reception camp which has not yet been built" when, in fact, they have been sent

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to many camps, or more than one, hence the plural.

Q: I will re-read it, Mr Irving, to take account of your wounding criticism of Professor Browning: "In short, Jews deported from Europe were not simply going to be expelled into eastern Russia, but rather they were to be interned in German'reception camps' not yet built. Furthermore, as these reception camps were for women, children, and elderly, clearly they were not labor camps."

A: That is not what he has written. He has written: "... as this reception camp was for women, children, and elderly, it was clearly not a labor camp". Can I remind you, Mr Rampton, of the fun you had with my mistranslation of transporte of transport as "transports"? Is this not precisely the same kind of manipulation by your expert?

Q: You must put that to him.

A: I am mentioning to you, Mr Rampton, so that the court can hear it.

Q: My case against you, Mr Irving -- you brought this action; you want to take money off my clients and you want to shut them up for the future with an injunction -- is that you deliberately falsified the original documents amongst other things. If you are making the same accusation against good Professor Browning, then you must make it to him, not to me.

A: Professor Browning has made an error of precisely the same magnitude as transport and transporte, Mr Rampton.

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MR JUSTICE GRAY: I am well aware of that point. Let us move on.

MR RAMPTON: Let us move on. There are two reasons I read that earlier paragraph, first because the next paragraph makes more sense if one has seen it; and secondly, because we will be coming back to Belgrade later on.

"A second relevant document is a short hand-written letter of October 23, 1941, that Franz Rademacher found waiting for him from the foreign editor of Der Stormer, Paul Wurm, when he returned to Berlin. Wurm wrote:...", and again the German is at the bottom of this page and the next if you want to look at it. Would you like to look at it first? Footnote 82.

A: Yes.

Q: My Lord, it is not unfortunately in the bundle.

MR JUSTICE GRAY: Do we really need it?

MR RAMPTON: No. I am fearful of poor Professor Browning being accused of misquoting the German.

A: I think I have satisfied the court on that point.

MR JUSTICE GRAY: Come on.

MR RAMPTON: Have you read the German?

A: I am sorry, my Lord, to mention it again, but there is a certain element of malicious glee.

Q: Have you read the German, Mr Irving?

A: I have indeed and it is an accurate translation.

Q: It is an accurate translation. It reads: "Dear Party

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comrade Rademacher! On my return trip from Berlin I met an old party comrade, who works in the east on the settlement of the Jewish question. In the near future many of the Jewish vermin..."

The German is Ungezeifer, is it not?

A: Ungeziefer. It has been mistyped.

Q: Deliberate manipulation. "... will be exterminated through special measures." That is unequivocal, is it not?

A: Yes, except the word "exterminated" is the usual contention that we have. He translates "vernichtet" and "vernichtung", we discovered from the dictionary, is destroyed. He has taken the third or fourth meaning of the word in the way that your experts have.

Q: I see. This is, I am bound to say, a baffling proposition, Mr Irving. He has used the word "Ungeziefer", which means, you tell me accurately, means ...?

A: Vermin.

Q: Vermin.

A: Yes.

Q: What does one do with vermin? Transport them to camps in the East, put them to work?

A: I am giving a literal translation of the word. You remember we had the discussion about the difference between destroyed or annihilated and exterminated.

MR JUSTICE GRAY: Let's not get bogged down. What is being put

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to you is that, where you have vernichtung in combination with a reference to vermin, there can be no two ways about it. What is being talked about is extermination. Do you not agree with that?

A: There is more than one way to skin a cat and I am not going to go beyond what the actual document says, my Lord. For example -- it could equally well be destroyed as vermin by being locked up for life. I am just talking about theoretical possibilities, but I agree that there is a sinister connotation on this document.

MR JUSTICE GRAY: You do agree?

A: Yes.

MR RAMPTON: Professor Browning goes on ----.

A: He has also talked about the fact that the Jewish men have been shot and disposed of, which is many of what he calls the vermin. This does not really take it much further.

Q: We are coming to the female and the infant vermin in a moment. What did Wurm mean by special measures for the destruction of Jews in the east, extermination, vernichtung, whatever?

A: I am not the writer of this letter, Mr Rampton, so I do not know what he is talking about.

Q: No. Well, we will leave that, shall we? I do not believe there can be any doubt about what

extermination of vermin actually means.

Q: "On October 25, 1941, Rademacher's counterpart in the Reich

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Ministry for the Occupied Eastern Territories, Eberhard Wetzel ...". Is that a correct description of Herr Wetzel's position?

A: Yes.

Q: Was he of equal rank with Rademacher?

A: Yes. He survived the war and he died in his bed at a ripe old age without having suffered any penalty. I remember corresponding with him some time ago.

Q: "... Met first with Viktor Brack of the Fuhrer Chancellery..." Can I pause there to ask you to explain what the Fuhrer Chancellery actually was, please?

A: It is a total misnomer really to call it the Fuhrer Chancellery. It was an office set up in another building many hundreds yards away from Hitler's Chancellery. It was a body which was primarily concerned with dealing with the public, and in that way it became involved with dealing with applications for clemency, and in that way it became involved in the euthanasia programme because doctors who were required to take part in the euthanasia programme had to apply, so to speak, to the head of state in advance for clemency for the actions they proposed to take. In that way it became involved in the mass killing operations. Viktor Brack, I believe, was No. 2 in the Fuhrer Chancellery under Philip Buhler.

Q: Can you tell me, I think Viktor Brack was, at any rate, one Dr Brack, sometimes German doctors are Dr Dr, but he

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is Dr Brack, is he not?

A: Yes.

Q: Do you know what his doctorate was in?

A: No. Probably in law. Most of the gangsters were lawyers. Most of the concentration camp commandants were lawyers.

Q: As we shall see shortly. Dr Brack had a chemist called Kalmeier?

A: Dr Kalmeier, yes.

Q: I should ask you a further question. Is it your position then that, despite the fact that it is called the Fuhrer Chancellery, there is not only a hundred yards, but a great deal more metaphorically speaking of distance between what goes on in that Chancellery and the Fuhrer himself?

A: I have read a great deal in the files of that department, and I cannot remember having seen any correspondence between that department and Hitler himself.

Q: What was the Fuhrer's office called?

A: The Fuhrer's office?

Q: Yes. Did he have actual office of his own?

A: The Reichskanzlei would be the closest body to him which was under Dr Hans Lammas who we will meet later on this morning probably. He was head of the Reichskanzlei, the Reich Chancellery as Reich chancellor. As head of the Wehrmacht he would be the Oberkommando der Wehrmacht,

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which was his military office, so to speak.

Q: "... of the Fuhrer Chancellery (where he was involved with the so-called euthanasia program for the killing of mentally-and physically handicapped patients in German hospitals and asylums)..." Pause there a moment. This is not an important point but we will mention it, if we may, in passing. That is the so-called T 4 programme, is it not, from No. 4 Theresien Strasse?

A: No, Tiergarten Strasse.

Q: I beg your pardon. I muddled up two words.

A: The T 4, and they developed the expertise for killing, the gas trucks and so on.

Q: That programme did have Adolf Hitler's authority, did it not?

A: The euthanasia program was authorized by Hitler in the middle of September 1939. Around about August 1940, when it began to gather momentum voices in the public became agitated about it and retrospectively Hitler signed a decree on September 1st 1939 authorizing it, in other words giving it the force of law.

MR JUSTICE GRAY: Authorizing the use of gas trucks to effect the euthanasia?

A: No, my Lord, authorizing the euthanasia programme. Strictly speaking, he specified which doctors were allowed to carry it out or to make the decisions of life and death over the victims of the euthanasia programme. He did not

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talk about the methods.

Q: He did not talk about methods at all?

A: Not in this decree. It is a five or six line decree.

Q: Nor anywhere else?

A: No. It is a very interesting document because it is obviously a signed death warrant for thousands of people which Adolf Hitler has himself signed. It is that kind of order which does sometimes exist.

MR RAMPTON: I do not know, they probably used a variety of methods to begin with, did they not?

A: To do what?

Q: A variety of methods to begin with, the euthanasia people?

A: I understand so. I think the order actually spoke of humane means, and you can interpret the word "humane" how you want if you are a Nazi, I suppose.

Q: One of the means used, I do not know whether it was the most frequently used, was carbon monoxide gas from bottles, was it not?

A: I believe that is correct, yes. I think this was the method. There was a discussion at Hitler's table about the most humane ways of doing it. I discussed this with the widow of Dr Conte, who was the original chief doctor, and she remembered being at her home of the telephone call from Hitler to her husband in September 1939. Her husband, immediately after the phone conversation, went to a dictionary to look up to see what the word "euthanasia"

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meant. After that, they had the discussions at Hitler's chancellery about the most humane ways of putting these people to sleep, if you can put it like that.

Q: Including by the use of carbon monoxide gas?

A: This was one of the methods discussed on that occasion and I believe they did use it, yes.

Q: It is said by Professor Browning that Wetzel met also Adolf Eichmann, Heydrich's special adviser on Jewish policy. Two things. Is there anything in that short account of whom Wetzel met

on 25th October 1941, which is a matter of history you disagree with? It is not a matter of history I disagree with in broad terms, but the documentary basis is a bit suspect. I know the documents that Browning is referring to and some of them are in pencil, some of them had gaps in, I think it was N 0365 or something like that is the Nuremberg document number. They go through various drafts.

Q: The second question is this. Is it right that Adolf Eichmann was Heydrich's special adviser on Jewish policy?

A: He was the head of the Jewish desk of the amtfuhrer which was the section 4 of the Riesigerhauptamt.

MR JUSTICE GRAY: I am not sure whether this is really covered by Mr Rampton's question, but do you accept that Brack of the kanzlei did declare himself ready to aid in the construction of gassing apparatus?

A: Yes, I think so, my Lord. I think we can very rapidly

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slice through this if I accept most of the contentions that are made in these paragraphs.

MR JUSTICE GRAY: That is helpful.

MR RAMPTON: In that case I need not ask you to look at the Wetzel letter to Lohse, who is the Reichs commissar for the Ostland. You may, if you wish. It is in H3 (ii) at footnote 83.

MR JUSTICE GRAY: Do we need to?

MR RAMPTON: No.

MR JUSTICE GRAY: Broadly speaking, the narrative is accepted?

A: Yes. I think that would probably just dot Is and cross Ts.

MR RAMPTON: I will tell you this. It is actually marked Geheim, which is what was second security classification.

A: Could you tell me again what the reference number for the document is.

Q: I think you ought to look at it. I am sorry about this, my Lord, but I feel uncomfortable being the only one with the document open in front of me. It is H3 (ii), footnote 83.

A: I have it.

Q: This is, I think, a Nuremberg document, is it not?

A: Yes.

Q: You can tell that from the top?

A: Right. With this document, of course, now I can see the document you are referring to, I do have a problem fitting

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it into the actual framework you are trying to ascribe it to. It refers to unterkunte and vergasungsapparate. It is referring to Riga and by implication it also brings in Dr Tesch, who was the head of the company that manufactured or rather had the sole distribution rights on Zyklon B east of the river Elb, and I am quite familiar with the Tesch case because I did take the trouble, before this action began, to read through the entire transcripts of the war crimes trial against the Tesch company.

MR JUSTICE GRAY: If I am supposed to follow that, I am afraid I am simply not following a word of it. It is no criticism of you, Mr Irving.

A: It is just that I have extraneous knowledge, my Lord, about what was going on at Riga with Tesch, who had been sent out with his experts to set up fumigation facilities as a central fumigation plant for the huge masses of clothing, army clothing, military clothing, refugee

clothing -- and vergasungsapparate and unterkunfte, and we have one intercept which goes to this and which, purely by coincidence, I actually handed to Mr Rampton this morning, the German intercept, which actually deals with the provision of the Zyklon to Tesch for this purpose.

MR RAMPTON: This is merely a reference to using Dr Brack's machinery to destroy, literally speaking, vermin. Is that right?

A: Perhaps we had better go through the document in detail.

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Q: I think you had better look at the first complete paragraph on the second page, the first sentence, before you commit yourself to that, Mr Irving.

A: That is quite plainly a reference to liquidating the Jews, the second paragraph, yes.

Q: Using Dr Brack's machinery means?

A: Well, either machinery or methods.

Q: Yes, methods, Dr Brack's gassing apparatus. It is a reference to exterminating by means of gas those Jews who could not work, is it not?

A: I am not going to be specific about means. All they are saying here is that they are going to be using Brack's means or methods, which could be any means. They used various different means to dispose of the euthanasia victims.

Q: Could you please read us in translation that first sentence of the first complete paragraph on page 2, Mr Irving?

A: In German or in English?

Q: No, in English.

A: According to the state of affairs, we have no misgivings if those Jews who are not capable of working are disposed of using Brack's methods. Yes.

Q: So the reference to vergasungsapparate is nothing whatever to do with lice or rats or anything else?

A: It does have a slight bearing on the fact that there were

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extensive war crimes trial after the war. Dr Wetzel, who wrote this letter, was never prosecuted. He lived in complete comfort until the end of his life in Germany, and how can this be if this is the only interpretation to be placed on those words?

MR JUSTICE GRAY: What does beseitegen mean?

A: "Getting rid of". It is one of those vague words again, disposing of.

MR RAMPTON: There is no objection, or we have no reservations, if those Jews who cannot or who are unable to work, incapable of work, are disposed of by Dr Brack's means?

A: Dr Brack's methods, yes.

Q: Again, I am not asserting a positive case, Mr Irving, about history. I do not have to do that. I am asking you, in your role as an open minded objective and scholarly historian, what is the natural interpretation of that letter and the word vergasungsapparate?

A: I would say quite clearly they are going to be liquidated.

Q: Liquidated by what means?

A: Using the methods of Dr Brack.

Q: What is a vergasungsapparatein that context?

A: There are two paragraphs here of course. We know what was going on at Riga and this is that there was a major fumigation centre at Riga.

Q: No, please.

A: Well, you asked me the question; I gave you the answer.

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Q: I want to know what the German word "Vergasungsapparate" means?

A: Literally, "gassing equipments". "Unterkunfte" means "rooms".

Q: Well, or huts or whatever, a place where you put people?

A: "Unterkunfte" means "rooms". So we have those two words in conjunction.

Q: We do not know whether these are nice little rooms with a view of the countryside?

A: I do not think so. I think that they built a 50 cubic metre gassing chamber there for the clothing and this comes out at the test trial. The documents and the test trial make this quite plain.

MR JUSTICE GRAY: Yes, but let us get back to the Brack methods referred to on page 2 of that letter. You, as I understand it, accept that is a reference back ----

A: Yes, indeed, but I think it would be ----

Q: --- "fergasungs"?

A: --- false to link these two matters because nobody has ever suggested that the gas chambers, homicidal gas chambers, were set up at Riga and that, frankly, my Lord, is the bottom line.

Q: Whether or not they were set up, I just want to be clear what your evidence is about what was meant by the Brack methods of getting rid of these Jews.

A: Well, I think we established several paragraphs earlier

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that they used various methods to kill the euthanasia victims.

Q: But including gas chambers?

A: They used carbon monoxide, gas chambers using carbon monoxide. I do not think they ever used any kind of chemicals apart from carbon monoxide from cylinders. They used phenol injections. They used other lethal injections.

MR RAMPTON: Could you then please turn, first of all ----

A: But I do emphasise once again that even the most determined Holocaust historian has never suggested that there was a homicidal gas chamber set up at Riga, which is what this letter is about.

MR JUSTICE GRAY: I think Mr Rampton puts it forward as evidence of the genesis of a policy ----

A: Right.

Q: --- of extermination by methods including gas, is that right?

MR RAMPTON: It is, my Lord. My plain submission about this is that it is very strong evidence of intention at a high level to kill Jews by using gas. In the event, it is perfectly right they that did not build a gas chamber. They used trucks at this point. If we want to know what actually happened, may we please go to Professor Longerich's report, the second part, page 49?

A: I can only emphasise the fact that in the test trial, all

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this was exhaustively analysed, and the court accepted that there was never any suggestion that gassing equipment was used in Riga.

MR JUSTICE GRAY: I think that is accepted.

A: Yes.

MR JUSTICE GRAY: By Mr Rampton, I mean.

MR RAMPTON: In the sense that, yes, "unterkumfte" means accommodations really, does it not?

A: Yes.

Q: It is always almost used in relation to people in German, is it not?

A: Yes.

Q: Have you got that Longerich report?

A: Yes.

Q: At page 49 of the second part at the top of the page, Dr Longerich sets out a translation of the significant parts of the letter from Wetzel to Lohse which, as you have noticed, is marked "Geheim". That is not the highest security classification, is it, Geheim?

A: No.

Q: I will not read the first paragraph, but I will read the second since we have not done that: "The appropriate apparatus are not available in the required quantity at present, and must first be produced. As Brack is of the opinion that the production of the apparatus would provide greater difficulties in the

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Reich than on-site, he considers it purposeful to send his people to Riga. His chemist, Dr Kallmeyer, in particular, will make all the necessary arrangements." Then it is clearly indicated by Dr Longerich that there is an ellipse. I can tell you that in the original the next sentence begins at the bottom of the first page of the letter.

"According to Sturmbannfuhrer Eichmann, camps for Jews will be established in Riga and Minsk, into which Jews from the area of the Altreich will also possibly be brought. At the moment Jews are being evacuated from the Altreich who will be brought to", there probably should be an "o" on that "to" so that "brought too", in other words, "as well as", "in so far as they are fit for work. According to this state of affairs, there are no reservations if those Jews who are incapable of work, are eliminated by the Brackian means ... Those fit for work, on the other hand, will be transported for labour in the East".

The sense of that is, surely, this, is it not, Mr Irving -- you can surely accept this -- that the intention was -- what happened in the event is another matter -- as expressed by Wetzel in Berlin in the Ostland Ministry in Berlin, to bring train loads of Jews from the Altreich to Riga and to send some of them that were fit for work to the East and to gas the rest?

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A: That is a quantum leap which disregards the other evidence. You are talking about the intention.

Q: I am.

A: In fact, it is not the intention. It is the proposal.

Q: Yes.

A: And I think that there is more than just a nuance between those two words; just the same as somebody in Posnan, I think it was Mr Hukner, in July 1941 wrote a letter to Eichmann saying, would it not be far more humane if you would dispose of these people before the winter comes by some rapidly working means? Well, nobody did that at that time. So these proposals were ventilated by these gangsters.

Q: Rather than letting them starve to death, I think it was, was it not?

A: I beg your pardon?

Q: I said it was rather than letting them starve to death was the proposal.

A: Yes, and that is exactly the same kind of thing. These proposals were ventilated and aired. As we find out, nothing was ever done in that direction.

Q: You may or may not agree with Professor Longerich. If you disagree, there is nothing I can do about it. You will have to wait until he gets here. He says: "Gas chambers (here described as 'dwellings' (Unterkunfte) were not in fact erected in Riga. Rather, so-called gas vans were to

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be employed"?

MR JUSTICE GRAY: Where do you get that from?

MR RAMPTON: I do not know; maybe it is in the next sentence.

A: Well, oddly enough, I would agree with that.

Q: You would?

A: Yes.

Q: Well, there we are?

MR JUSTICE GRAY: Then we need not bother.

MR RAMPTON: I will just read on, if I may?

A: But I think it is irresponsible to talk about gas chambers being described as "dwellings" in this. I mean, as we know ----

Q: You must take that up with him, I am afraid.

A: As we know, they did erect this very large fumigation chamber in Riga which is why Dr Hesch went there in October 1941.

Q: You would not describe a fumigation chamber as an "unterkunfte", would you?

A: Well, we do not know exactly what shape this fumigation chamber took. They may have taken over a Nissan hut and turned it into a gassing chamber with the appropriate sealants, and so on.

Q: No, no, the letter talks about the construction of the required dwellings. That cannot be right, Mr Irving. I am sorry.

A: Well, Nissan huts constructed. I just gave that as a kind

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of ready translation.

Q: They are not probably (and I am only dealing in probabilities because I am interested in historical integrity rather than proof of what happened) they are not likely, the words "dwellings which needs to be constructed", to be fumigation chambers, are they, given the use of the German word "unterkunfte"?

A: Well, I gave precisely the reason why they are. Given the wartime circumstances, I find it highly likely they would have taken an existing building, like a Nissan hut, applied the appropriate sealants and then used that as a fumigation chamber.

Q: What word would you naturally use in German for a delousing or fumigation chamber?

A: Entlausungs kammer, Entwesungs kammer, Vergasungs kammer.

Q: But not this word?

A: Well, they have actually done the two. They have said Unterkunfte, Vergasungsapparate.

Q: Let us read paragraph 5, may we? "These gas vans were developed by the Criminal Police in autumn 1941 - parallel to the transfer of the technology of 'euthanasia' to Eastern Europe".

A: That, I venture to suggest, if I may just interrupt you, is why the letter had a Geheim rating

rather than the Top Secret rating.

Q: Yes.

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MR JUSTICE GRAY: Mr Rampton, I have read the next four or five paragraphs. What is really being said -- I think this is agreed which is why I am intervening -- is that the policy of using gas vans was not only proposed but was implemented?

A: It was implemented, yes.

MR JUSTICE GRAY: Eight or 10 of them were employed to kill Jews, starting, as I read it, in Chelmo. Does one need to go through it more detail? Do you accept that, Mr Irving?

A: Except for the numbers, I think that is right.

MR RAMPTON: I do have a point to make about this. If one looks at paragraph 5, halfway through the paragraph: "After having an execution of Jews performed for his", that is Himmler's, "observation, he demanded of Nebe, the Head of EG B, that other methods of killing should be sought which were more 'humane' than execution", that is by shooting, that is my interpolation, "methods, that is which would put less strain on the firing squads of the SS and policemen". Is that correct? Is that what Himmler demanded of Nebe?

A: What a waffly footnote, though, is it not? This is reconstructed from the accounts of witnesses and ----

Q: Do you agree ----

A: Excuse me, and he then actually uses the "indictment" of somebody as a source when an "indictment" is something that has been untested in law. If it had been a judgment

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by a court, that would be different.

Q: Mr Irving, you can, as I say, take up the cudgels with Dr Longerich and Professor Browning and anybody else, Professor Evans, about their methods, just as I am doing with you about yours.

A: Mr Rampton, you put the sentence to me and I immediately draw attention to the waffly basis.

Q: Mr Irving, I wish you would sometimes just listen to my question. Do you agree, as a matter of fact, with what Dr Longerich has there written?

A: That Himmler was squeamish?

Q: No, that Himmler was worried about the mental and physical effect on the troops, the SS people, of having to shoot so many people?

A: I have heard this said about the same kind of evidentiary foundation that Mr Browning has put in. Let me put it the other way round. There is no letter from Himmler to Berger or to Bouhler or to Heydrich saying, "We have to do this some other way; this is putting too much strain on my men", but there is one episode which I clearly remember -- I have mentioned it before -- when Hitler's film cameraman accompanied Himmler to a mass shooting outside Minsk in the middle of August 1941. Half way through that, one of the machine gunners came running across the field to Himmler and to this party saying he could not do it, his nerves could not take it any more, could he be posted

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somewhere else? He was sent back into the line.

Q: That takes me back, you see, to Wisliceny and to Bruns and to the suggestion I made some

days ago, if you remember, that the principal reason why, well, one of the two reasons why mass shootings of this kind were to stop was that they were apt to draw attention to themselves; the other was that it was a strain on the people who had to do the shooting, and that, in consequence, they had to find another means of killing Jews and so they hit upon gassing. Now, will you please comment on that suggestion?

A: I do not think that is an adequate suggestion. I do not think that the noise suggestion, if I can paraphrase it as that, holds water because these mass killings took place many miles outside the built up areas; and as for the strain on the nerves, of course, then how is it that the Russians managed to carry out their mass shootings on similar scales, if not even indeed even greater scales, without having to resort to gas chambers? I do not think there is a ----

Q: Perhaps, Mr Irving, this is not a trial about the Russians. Perhaps Russian public opinion was not as sensitive as German public opinion; who knows?

A: Well, exactly. Who knows the answers to many of these questions that you give?

MR JUSTICE GRAY: Mr Rampton, will you go this far -- I cannot give you chapter and verse for it, but my impression is

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that there is quite a lot of evidence -- I think that is the right word -- to suggest that carrying out the shootings was causing, understandably I suppose, real anxiety, nervous breakdowns and the rest amongst those Germans who were being ordered to carry it out?

A: My Lord, with respect, if they intend to make this a plank of their case, then they should lead such evidence and not allow ----

Q: I am asking you if you accept it.

A: I do not accept that, my Lord, unless they wish to put it to us in a slightly better founded form than Professor Browning has done saying it is based on an unspecified witness statement on an indictment of someone.

MR RAMPTON: That is Dr Longerich, begging your pardon, and I am just about to show you something which I hope you will agree, as it were, helps to found the stability of this proposition by Dr Longerich. Can you please turn to file H4(v) and to footnote 260?

MR JUSTICE GRAY: Before you do, can I ask one further question to see whether you are prepared to accept this, that there was at least disquiet about the method of executing Jews by shooting by the SS?

A: Clearly, a lot of the men did not like doing it, but a lot of the men did like doing it. I think Daniel Goldhart has brought this out very clearly in his book "Hitler's Willing Executioners", that a lot of men actually

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volunteered for the work. So there is an entire book written on this subject recently. This is Witte, right?

MR RAMPTON: My Lord, this is two pages from a book, this footnote 262, to Professor Longerich's, the second part of his report. I will, if I may, read from nearly the top of the page.

MR JUSTICE GRAY: 260, are you talking about?

MR RAMPTON: Yes, in fact, I had better start with 16. That is the internal page number on the left-hand side. The German personnel, I do not know even know whose book this is.

MR JUSTICE GRAY: Yitzhak Arad.

MR RAMPTON: "Odilo Globocnik's first" under "German Personnel" "was to organize the manpower required for the construction and operation of the killing centres. The people assigned

to Operation Reinhard came from the following sources: 1. SS and policemen who served under Globocnik's command in the Lublin district until Operation Reinhard". Then there is a number. "Members of the SS and Police staffs or units. 3. Chancellery of the Fuhrer - Euthanasia programme". A total of 450 men.

"The most important group of Operation Reinhard came from the euthanasia programme. They brought with them knowledge and experience in setting up and operating gassing institutions for mass murder. They filled the key posts involved with the extermination methods, the

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planning and construction of three death camps - Belzec, Sobibor and Treblinka - and the command over these camps". So far, that is just Mr Arad speaking.

Now, Mr Irving, here is a report of something Dr Brack is later to have said: "Victor Brack gave evidence in his trial after the war about the transfer of the euthanasia personnel to Operation Reinhard: "In 1941, I received an order to discontinue the euthanasia programme. In order to retain the personnel that had been relieved of these duties and in order to be able to start a new euthanasia programme after the war, Bouhler asked me - I think after a conference with Himmler - to send this personnel to Lublin and place it at the disposal of SS Brigadefuhrer Globocnik". Are you familiar with that evidence, Mr Irving?

A: I was reading this a few days ago, yes.

Q: Have you never read it before?

A: Just a few days ago I read it for the first time.

Q: It is a Nuremberg piece of evidence, is it not?

A: According to the footnote, it comes from somebody else's book.

Q: From what?

A: From somebody else's book.

Q: I think -- maybe it is not your fault; I made the same mistake when I first looked at it -- the footnotes in question are those under the heading "Chapter Two" the

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next page?

A: Very well. It is an affidavit, yes.

MR JUSTICE GRAY: It is page 16, so it is likely, I think, is it not?

MR RAMPTON: I think so, particularly when we looked a bit further down the page. Anyhow the text goes on as follows: "The first group of euthanasia personnel, numbering a few dozen men, arrived at Lublin between the end of October and the end of December 1941. Among them was Kriminalkommissar of Police Christian Wirth, the highest ranking officer from the euthanasia programme assigned to Operation Reinhard, and Oberscharfuhrer Josef Oberhauser. Additional people from the euthanasia programme arrived in Lublin during the first months of 1942. Viktor Brack visited Lublin at the beginning of May 1942 and discussed with Globocnik the contribution of the euthanasia organization to the task of exterminating Jews. Globocnik asked for more euthanasia personnel to be placed under his command. His request was accepted. After this meeting Brack wrote to Himmler:

"In accordance with my orders from Reichsleiter Bouhler, I have long ago" -- that would mean October 1941, I assume, according to this historical context, would it not, Mr Irving?

A: It could, yes.

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Q: -- "put at Brigadefuhrer Globocnik's disposal part of my manpower to aid him in carrying out his special mission". Pause there, do you accept that that special mission was the extermination of hundreds of thousands of Jews?

A: Can I make a general comment about the unsatisfactory nature of this kind of evidence?

MR JUSTICE GRAY: Yes, but can you answer the question first?

A: No, I do not, not on the basis just of this one extract without knowing what the German document said, without seeing the classifications on it, without knowing the original wording. Why are we being presented with somebody else's book as a source, just being given extracts from it in English?

MR RAMPTON: We will try to remedy our negligent behaviour, Mr Irving, but assume for a moment that is a fair translation of the German of Brack's original letter in May 1942. Do you agree that it as reference to a special mission by Globocnik which means exterminating Jews in Eastern Poland?

A: On the balance of probabilities, yes, but I would like to know why we are not being shown the original document. You have had teams of researchers working in the archives who could have produced the original affidavit and the original letter, and we are only being produced somebody's gloss, somebody's chosen excerpts. I will draw attention

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to one or two -- you are looking weary, Mr Rampton.

Q: I am looking weary because.

A: But maybe my criteria are different.

Q: If you have an application to make, Mr Irving -- this is a court of law and not some forum for you to expound your views about this, that and the other, in particular the Defendants' weakness.

A: Mr Rampton, frankly I would have hoped that the court would have made these observations.

Q: Mr Irving, if you have an application to make for further discovery, make it to his Lordship at the proper time, will you?

A: I would have hoped that the court would have made the observation about the quality of this kind of evidence.

MR JUSTICE GRAY: Since you invite me to, I have some sympathy for what you are just saying because this may be quite an important document, I do not know. As far as I can see, the reference for it in the note 7 is to some Nuremberg documents, but it does not quite read like an extract from a Nuremberg document.

MR RAMPTON: It is a letter, my Lord, and many of the Nuremberg documents are letters.

MR JUSTICE GRAY: Are they?

MR RAMPTON: Yes. We have looked at several of them in the last couple of days.

MR JUSTICE GRAY: Right. But, Mr Rampton, the point really

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that is concerning me a little is you are insisting (and it may be you are right to do so) on going in your cross-examination of Mr Irving to a lot of the source material. This is a bit second-hand, is it not?

MR RAMPTON: Of course it is and I would much rather have the original. The fact is I do not have it. I will try to get it. I have a feeling that I have seen it somewhere, but I cannot at the moment remember where. But there it is. I will try to get it.

The purpose of this cross-examination is not, my Lord, to, as it were, investigate the Defendants'

efficiency or bona fides in the material that they have disclosed. The purpose of it is to see whether I can get Mr Irving to agree about what the evidence actually suggests.

A: May I also point out that the references to Operation Reinhard are not apparently contained in the documents quoted, but they are the interpolation of the author of this book, Mr Yitzhak or whoever it is. I mean, this is the kind of thing that worries me, that these things are slid in. There is no reference to Operation Reinhard in the quotations actually given.

Q: Well, what was Odilo Globocnik's special mission?

A: He was chief of police in Lublin at this time.

Q: Why should Brack write to Himmler about the Globocnik's special mission?

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A: Mr Rampton, in the final analysis we are probably on the same side in this document.

Q: I think we are too.

A: But I do not want to be ambushed with secondhand sources like this.

Q: If we are on the same side, Mr Irving, there is no ambush, is there?

A: Well, you are ambushing me with second-hand sources like this where I have no means of testing the integrity of the document. I would like to make certain observations about the nature of affidavits sworn in Nuremberg which I shall probably do when I come to cross-examination of Professor Longrich.

MR JUSTICE GRAY: Let us cut this short. Would the Defendants, if they can, unearth this document? In the meantime, you have your answer that "special mission" probably does refer to extermination.

MR RAMPTON: But I am unapologetic, my Lord, because that is not actually the most important part of this letter.

MR JUSTICE GRAY: You mean you have not get to the most important part?

MR RAMPTON: No, it is at the bottom of the page.

MR JUSTICE GRAY: Shall we press on?

MR RAMPTON: Yes, please. "Upon his renewed request, I have now transferred to him additional personnel. Globocnik took this opportunity to explain to me his idea that the

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action against the Jews", that is pretty explicit, is it not, Mr Irving?

A: Well, of course, at this time they are busy cleaning all the Jews out of the General Government which is the actioning of the Jews.

Q: What would Dr Brack have to do with that?

A: I do not know.

Q: No, quite. "... should be carried out with all deliberate speed, in order to avoid getting stuck [in the middle]"-- That is in square brackets; I know not why -- "one of these days when some sort of difficulty may force us to stop. You, yourself, Reichsfuhrer", that is Himmler, "once voiced to me your opinion that the requirements of secrecy also oblige us to act as quickly as possible. Both conceptions are thus directed in principle towards the same result, and according to my experience, they are more than justified".

Again looking at that, as a matter of probability, is Brack not saying two things? Brack, remember, Mr Irving, is master of the gassing apparatus.

A: Yes.

Q: "You do not need secrecy to exterminate lice; you do need secrecy to cloak the killing of

people"?

A: I quite agree. That is undoubtedly, on the balance of probabilities, the overall burden of this document.

Q: Thank you very much.

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A: However, if I may now make my own comments on it?

Q: Please do.

A: At no point is it being said (as it could so easily have been said) "This operation which the Fuhrer has commanded should be done" or anything like that. It is purely about "Your opinion, Mr Himmler. You suggested this. We are doing that". This is still failing to establish the bridge between the upper link of the system, which so far is Mr Himmler, and Adolf Hitler himself, which is what I have always maintained.

Q: No, Mr Irving, you see, that is only part of what you have maintained. What you have consistently maintained, so far as I am aware, until perhaps we got some concession in this court yesterday, what you have also maintained is Jews were not killed by the use of homicidal gas?

A: Oh, I disagree. I have repeatedly allowed that they were killed in gas vans.

Q: On a limited scale. Yes, sorry. I will read you something. You will probably recognize it. I have not got a date for it, I am afraid. 1992, what does it come from? What is the IHR called in 1992? The institute of Historical Review? It is something you wrote about the Goebbels' diary.

A: Probably about the Eichmann papers.

Q: It is about the Eichmann papers, that is right. You are talking about Eichmann.

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A: Because Eichmann in his papers describes himself having sat inside the front of a bus or a truck which is being driven around with people being gassed in the back.

Q: My Lord, for reference -- not to get it out -- the reference is file D3(i), tab 30. You say of Eichmann: "I do not know why he recounted that kind of detail in his memoirs. It is an ugly piece of circumstantial evidence". I do not know what it was. It was something about shooting children or something at Minsk. "It is an ugly piece of circumstantial evidence, but it lends credibility and authenticity to the descriptions, what a writer calls verisimilitude. It did no surprise me. He also describes, and I have to say this being an honest historian, going to another location a few weeks later and being driven around in a bus, then being told by the bus driver to look through a peep hole into the back of the bus where he saw a number of prisoners being gassed by the exhaust fumes". Then, Mr Irving, this: "So I accept that this kind of experiment was made on a very limited scale"?

A: Yes. We are talking about, even in your own paper, eight or nine trucks, I believe, which is a very limited scale.

MR JUSTICE GRAY: Mr Rampton, it would help me if one could see quite where we have got now. You have, I will not use the word "concession" because I can understand why Mr Irving does not like it put that way, but in relation to gas vans, one has that being carried out on a limited

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experimental basis with the authority of Himmler but without the knowledge of Hitler, am I right?

A: That is precisely how far we have got.

MR RAMPTON: That does not take the matter very far, with respect.

A: And myself having said so in public on various occasions.

MR JUSTICE GRAY: That is what we spent this morning on so far.

MR RAMPTON: That represents, as it often has in this case and, no doubt, often will, a giant step back from what I think was conceded yesterday which is that all those people who went to those three little villages in Eastern Poland actually were actually going to be killed, most of them.

MR JUSTICE GRAY: Not by gassing.

MR RAMPTON: Not by gassing. Therefore, I must press on.

MR JUSTICE GRAY: Yes, but we are not on Treblinka or the others at the moment, are we?

MR RAMPTON: Well, Operation Reinhard is Treblinka, Sobibor and Belzec. That is what Globocnik was in charge of. The point about it is this. There is again this systematic chain of events. Brack is, first of all, summoned, as it were, to Riga which is in the Ostland. I do not really want to have make a speech. This is not a ----

MR JUSTICE GRAY: No, I am trying not to get too bogged down when at the end one gets the concession that, perhaps, would have enabled one to take the individual documents more rapidly.

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MR RAMPTON: I think it is very difficult. One sees what happens if I take an individual document.

MR JUSTICE GRAY: Yes. Well, that is part of the problem.

MR RAMPTON: The trouble is this. If at the end of the case I say to your Lordship, "Your Lordship has read all the documents" or "I draw them to your Lordship's attention", and then I simply say, "Well, the inference to be drawn from this is perfectly obvious", Mr Irving could legitimately say, "Well, I was never given a chance to deal with that in cross-examination".

MR JUSTICE GRAY: We may have to tackle that as a problem in this case, whether everything has to be put.

MR RAMPTON: Your Lordship will see, when I get to the remaining part of Professor Evans, that there is a great deal that I will not even refer to and a great deal that I will take very shortly, but with this I cannot because your Lordship does have to see the scale and the system.

MR JUSTICE GRAY: But can we just focus on what it is that there is an issue about and see whether Mr Irving agrees.

MR RAMPTON: Your Lordship had better ask Mr Irving.

MR JUSTICE GRAY: I think I am. The issue appears to be whether at Belzec Sobibor and Treblinka there was any gassing at all by the use of gas vans or gas chambers. Is that something you dispute?

A: My answer will be initially disappointing to say that frankly I am not an expert on that and I do not know. The

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court is probably dissatisfied with that answer. I have made such cursory investigations as I could in preparation for this case, which I should not really have had to do, and establish that there is a great deal of uncertainty, buildings which the evidence or eyewitnesses suggest should have been

at Treblinka and Mydonek cannot be seen on the aerial photographs. We have that kind of problem. That is why I am happy not to have had to engage myself in any greater depth with those matters.

Q: I think we are not concerned with Mydonek.

It is Belzec, Sobibor and Treblinka. You do challenge the fact that there was gassings of Jews in gas chambers or by the use of gas vans.

A: There are serious problems, my Lord. Mr Rampton has been rather vague about how the gassings were conducted in Treblinka, what kind of means were used, what kind of gas, was it diesel engines or petrol engines, and there is a great deal of dispute about that among other people than myself. Go ahead, Mr Rampton.

MR RAMPTON: I should not interrupt. You are in discourse with the judge and I should have kept quiet.

A: Do you wish to ask something?

Q: No. I will not bother with it.

A: I am sorry, if I may just say so, that is why I would have preferred if one was to hinge this case on Auschwitz rather than what I might call the lesser camps, where

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there is a great deal of uncertainty, whereas Auschwitz is really the battleship, the capital ship of this entire case.

Q: You might say that, Mr Irving, but you have entered the arena. Nobody asked you to comment on the Holocaust. Nobody asked you to sink the battleship Auschwitz. Nobody asked you to say with that there were a very limited number of experimental gassings in trucks. You said all that voluntarily?

A: Did I say very limited?

Q: I am about to. My job is about undermining your position by reference to what you should have looked at, if you have not already, by the time you made those statements?

A: The reason I made that statement in 1992 which you just quoted is that only a few weeks earlier I had come into possession of Adolf Eichmann's private papers and I had discovered in those papers a description by him of how he had personally attended a gassing in a gas truck, and he had been required by Muller, the chief of Gestapo, to witness this to see how it was going on. This of course is evidence of high quality. It is evidence that in no way can be said to be in one own's self interest. That is why I told this audience in California that there was no question whatsoever that these gassings in trucks or buses had gone on. To be accused now of having denied this kind of thing is the ultimate absurdity, when the evidence is

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front of the defence and I never denied it.

Q: I am going to suggest, Mr Irving, that you have made statements even about the use of gas trucks which fly in the face of the available evidence, and I am going to do it by reference to some Nuremburg documents which must have been available since goodness knows when.

A: To say that something must have been able available to me of course, is ----

Q: I am suggesting, Mr Irving, that a man in your position does not enter the arena waving flags and blowing trumpets unless he has taken the trouble to verify in advance what it is that he is proposing to say, particularly when what he is proposing to say is something of great sensitivity and importance to millions of people throughout the world.

A: Mr Rampton, the sensitivity is neither here nor there in a case like this, where historians

cannot regard the sensitivities of people when you write history. Nor I do enter arenas blowing trumpets and waving flags. I am not a Holocaust historian, Mr Rampton. I am a Hitler historian. I am a biographer of the top Nazis.

Q: Why do you not keep your mouth shut about the Holocaust?

A: Because I am asked about it. It apparently obsesses people.

Q: You gave a press conference to announce the triumphant arrival on these shores of the Liechter report?

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A: Yes.

Q: This is your glossy version of the Liechter report, is it not?

A: I am a publishing company and we published that under our imprint, yes.

Q: Why?

A: Because it is an important contribution to the debate.

Q: This?

A: Yes.

Q: Well, we will come to that next week.

A: Oh dear.

Q: Is this the only stimulus you have had for charging into the arena of Holocaust denial?

A: Well, I find those words, of course, repugnant.

Q: They are meant to be tendentious. I put it that way so that you can deal with it, because that is what I shall say at the end of the case.

A: As is well known to the court, when I read the results of the chemical test on the buildings which will play quite a substantial part in this debate, I changed my mind.

Q: Here is something, Mr Irving, you said at the Liechter press conference on 23rd June 1989. My Lord, the reference is D2 (i), Tab 5, pages 30 and 32.

A: Is it the conference where we presented this report to the press?

Q: Yes.

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A: So far as we were able to after the press had been barricaded out by organizations outside my front door.

Q: Can I read what you are reported as having said? You had two things to do, the first to confirm that you did say it because I do not want to put words into your mouth, and then second answer a question from me in consequence if you say yes.

"Mr Irving is asked whether he denies that Nazis killed a large number of Jews by unnatural methods including gassing. Answer: That is a very good question, because obviously we have at the back of our minds certainly episodes involving gas trucks in Chelmno and things like that. I have not investigated." Then you say this : "I am prepared to accept that local Nazis tried bizarre methods of liquidating Jews. I am quite prepared to accept that, and that they may have experimented using gas trucks, because I have seen one or two documents in the archives implying that there was a roll over from the use of those methods of killing, the same people who created the euthanasia programme and they may have tried to (something unintelligible) of killing Jews but it is a very inefficient way of killing people. The Germans themselves had discovered this and there are much easier ways of killing people".

Now, Mr Irving, that has all your great authority as an historian on an important occasion for you

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behind it, does it not?

A: It does indeed, and I think that is a very fair summary of the state of my knowledge at that time. Killing people in gas wagons is an extremely inefficient way of doing it. You will have seen from the documents they had with the trucks, they broke their axles, the gas pipe broke.

Q: Sure, but I want you just to look quickly, please ----

A: Also, they had the nasty mess to clear up afterwards.

Q: That is all in Professor Browning's report in fact at page 38.

A: What I said in that part of what you read out is unexceptionable.

Q: It is not, because you did not give the impression, you made it clear that these were local bizarre experiments and, by implication, on a very small scale.

A: Well, I think the small scale is something that had to be proven. I have been proven wrong on that.

Q: What about the one I read you just now? You said a very limited number.

MR JUSTICE GRAY: No, I think you are at cross purposes. I think what Mr Irving is saying is that, if you are suggesting it was on more than a limited basis at Sobibor and the others, then you must prove it, or at any rate present the evidence for it. Is that what you meant, Mr Irving?

A: My Lord, yes. If are talking about six or eight trucks

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then that, to my mind, is a limited scale.

MR RAMPTON: May I just deal with that because that was my next question. Will you please turn to page 38 of Professor Browning's report? Since you do not trust his translation, you better also have ----

MR JUSTICE GRAY: Shall we try on Professor Browning without? We may save the labour of going through ----

MR RAMPTON: I quite agree. This is under the heading Chelmno, my Lord. I am going to read both these paragraphs.

"Beginning in December 1941, Jews from the Lodz ghetto and other towns in the Warthegau were deported to the small village of Chelmno. On May 1 1942" -- my Lord, we have seen this letter already -- "Arthur Greiser wrote to Himmler: 'The special treatment [sonderbehandlung] of some 100,000 Jews in my territory in an action approved by you in agreement with the Chief of the Reich Security Main Office SS-Obergruppenfuhrer Heydrich will be completed in the next two to three months.'" Next paragraph, this is Professor Browning: "The completion of this task was not without incident, however, as can be seen in a report in the motor pool section of the RSHA of June 5, 1942, concerning technical alterations in the production of the 'special trucks.'" I, not for reasons of taste but because it is not presently relevant, am not going to read what the troubles were with the gas trucks, but I am going to read

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the next indented paragraph.

"Since December 1941, for example, 97,000 were processed by three trucks in action, without any defects in the vehicles being encountered".

A: Shall we go straight to the bottom line and say yes, I fully accept the innuendo you are placing

on that document.

Q: Innuendo?

A: It is not stated clearly, but quite clearly 97,000 people have been liquidated in these trucks.

Q: In three trucks?

A: Over the months concerned.

Q: No, it is actually just about a month and a week. 97,000 people in three trucks in the course of five weeks?

A: It is a very substantial achievement when you work it out with a pocket calculator ----

Q: Clever SS!

A: -- at 20 people per time, and they drove 20 kilometres into the countryside. I have read all the reports on this.

Q: Not if they are doing them in situ.

A: No. They drove them out into the country and did it and that is where the axle broke.

MR JUSTICE GRAY: Is it very limited and experimental?

A: My Lord, I did not have this document at the time I said that. I had this document five or six months ago.

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Q: Answer the question even so. Would you describe it as very limited and experimental?

A: Not on this scale. This is systematic.

MR RAMPTON: It is systematic, huge scale, using gas trucks to murder Jews?

A: Yes. No question at all. Can I refer you back to the letter where it says Greiser writing to Himmler of the special treatment "approved by you in agreement with Heydrich"? Again, there is no reference to Hitler, I am afraid.

Q: Yes. We are not going to have that argument at the moment.

A: It is not unimportant, Mr Rampton. Surely, if Hitler had given the order, they would all willingly have said, "On the instructions of the Fuhrer, we are carrying out our beloved Fuhrer instructions", but that is not in the document.

Q: Mr Irving, if you bother to read yesterday's transcript, you will know precisely what I say about this. I spelt it out at his Lordship's request, and there it is for you and anybody else who wants to see it in black and white.

A: My comment was about three lines and your response is about ten. I think my comment is more valuable.

Q: No doubt you do, Mr Irving, or we should not be here.

A: You have failed to establish the link upwards to Hitler.

Q: So you keep asserting. I beg to differ, but I am not

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going develop that until the end of this case.

Now, Mr Irving, page 36 please. Again, my Lord, I do this for completeness because on page 36 of Professor Browning we move southwards to Yugoslavia, and again I have the document if anybody wants to see it. In this instance I will ask Mr Irving to glance at it in a minute for one particular reason.

MR JUSTICE GRAY: Is it worth a general question first of all as to whether what is now accepted as having happened at Chelmno, broadly speaking, was happening at Treblinka and Sobibor?

MR RAMPTON: Yes. There are two particular reasons to refer to the document. Have you read these two paragraphs?

A: The Yugoslavia one?

Q: Yes.

A: Yes, I read it and there is no question at all that the ----

Q: Do you accept therefore that they shot all the Jewish men first and then, sometime after in spring of 1942, they gassed all the women and children, using a gas truck?

A: That is the interpretation to derive from these records, yes.

Q: Now could I please ask you to look -- in fact this is the name of this document, though it is referred to by Professor Browning. It is H1 (xv). You will not have it there.

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A: What is the document?

Q: It is a letter from Harold Turner to Wolf.

A: I know this document.

Q: I have given him a German pronunciation. Perhaps he was an Englishman?

A: Again, I do not think we are going to have any dispute with this letter.

Q: You may not do, but there are two questions which, at any rate, if you already know the answers, I want his Lordship to hear.

MR JUSTICE GRAY: Is there a copy for me because it is one of the files I do not have here.

MR RAMPTON: It is page 849. I do not know if I mentioned this, my Lord? What Miss Rogers and I are going to do is try and put together a bundle of core documents.

MR JUSTICE GRAY: I wondered about that.

MR RAMPTON: By reference to the transcripts. Whether we can do it at the end of this week, I do not know, but we will try. By reference to the transcript we can see which ones are likely to be important. Your Lordship mentioned three this morning already.

MR JUSTICE GRAY: Yes. Thank you.

MR RAMPTON: This is a three-page document from somebody called Stadtrat Dr Turner. What does Stadtrat mean?

A: It is the equivalent of a Privy Counsellor.

Q: OK. He is in Belgrade, is that right?

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A: In Serbia, yes.

Q: In Serbia, and he is writing to Karl Wolf, who is Himmler's Adjutant and liaison officer with Hitler. Is that right?

A: He is writing to Karl Wolf, who is Himmler's Adjutant.

Q: I thought you agreed with me yesterday that there was a time when I do not know how long a time or what the dates were, when Wolf was a liaison officer.

A: Wolf was liaison officer to Hitler from August 26th 1939. Whether he was still at this time or not, I do not know. There was a matrimonial problem.

Q: It is obviously going to be important that we find that out. I am sorry, I have been given some history.

A: He was out of favour with Hitler.

Q: We will deal with this later?

A: I thought you probably would.

Q: It is too complicated to for me to pick up at this stage. Can you just look at the first page of this letter? I am sorry, somebody has written something on the top. I do not think that is probably the original. Do you?

A: No.

Q: I think that is a later edition. But I am interested in what looks like pencil, rather bad pencil, capital letters A R, with two underlines. Do you see that?

A: Yes. It is interesting, is it not?

Q: Do you think it possible that somebody in Berlin put those

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on, possible only, and put it into the Aktion Reinhardt file?

A: Can I reserve judgment on that until tomorrow? I will look at my copy. I have a copy of the original. We will see then if it was he person who did the handwriting at the top or on the original but let us assume for the moment that it is on the original for your purposes.

Q: Yes. Assume it is an original.

A: Yes.

Q: Do you think that is possible?

A: Yes.

Q: You will correct me because you probably have a much better copy than I have, but am I wrong in thinking that there is no security classification on this document?

A: Except on the rubber stamp. You can also make out the AR to which I drew attention yesterday on the July 1942 letter.

Q: That just means action Reinhardt.

A: Yes. I think that is a reasonable interpretation. I do not think anyone else has spotted that, apart from you and me, Mr Rampton.

MR JUSTICE GRAY: What, the absence of a security?

A: No. It is he initials A R. They appear to have established a separate file for A R, Aktion Reinhardt.

MR RAMPTON: Stadtrat Dr Turner is writing to Wolf?

A: Yes.

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Q: It is probably not Dr Turner's reference, is it?

A: Excuse me. There is a security classification on it.

Q: Where?

A: Next to the handwritten 2, where it says 1, 2, 3.

Q: No, that says Chief Hatkentness (?)

A: I am sorry, I thought it might be chef -- right, carry on.

Q: I thought it was too, until I took advice. So this is a letter without a security classification put on it by the sender and certainly no clear security classification put on it by Berlin at the other end?

A: Unless A R was a special, ultra secret classification.

Q: Plausible, but speculative.

A: Yes, except that the A R on the rubber stamp is in the place where the security classification goes.

A: Often you get the rubber stamp Geheimer Reisache, do you not?

A: Yes. As I say, it is in the place on the rubber stamp where the security classification goes. I think we have made a discovery of that.

Q: Conceivably. Over the page, only this, there is a big paragraph. It fills most of the page and about halfway down the paragraph there are some German starting Schon von... Would you read it to yourself as far down as you like?

A: Already months ago I have had every Jew I could get my hands on shot in this country, and I have had all the

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Jewish women and children concentrated in a camp and at the same time, with the help of the Security Service I, have managed to procure a "delousing truck" which in 14 days to four weeks will have managed to clean out the camp.

Q: Well now, that is obviously code?

A: Yes.

Q: For some idiotic reason, he has put it in inverted commas, which rather gives the game away, does it not?

A: It does, yes.

Q: That is code for gassing truck, is it not?

A: Yes.

MR JUSTICE GRAY: Which camp is being referred to?

MR RAMPTON: Semlernin outside Belgrade. So the same business is going on there as elsewhere. I do not know how many they managed to -- well, you can see how many they managed to polish off if you look at 5212 of Professor Browning's report?

A: Can I stay with this document for a moment, Mr Rampton?

Q: Yes.

A: And say, if I was cantankerous, there are any number of reasons why I could challenge this document, but I do not.

MR JUSTICE GRAY: Then you do not need to spend time on it.

A: For example, it is on non-standard German size paper. It does not use the S runes. It has wierd typed toward in SS runes and so on. But I do not. I fully accept that it is

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genuine and I think it important to make that distinction. This is quite clearly a very sinister document.

MR RAMPTON: Do you now accept therefore that statements that you have made to the effect that oh, yes they used gas trucks on a very limited scale for experiments were just plain wrong?

A: Yes.

Q: And do you also accept, which is the important question, that, before making a statement of that kind about such an important matter, it matters not that these people were Jews, they were human beings, do you not think, before making such statements, it behoved you to do a little bit of research in accessible files?

A: Mr Rampton, I was being asked this question at a press conference, if you remember. I did not volunteer the information. Somebody asked me did I accept that there had been such use of gas trucks. My information at that time was based on what I knew from Adolf Eichmann's papers that he himself had taken part in those experimental runs.

Q: I am just pausing only, Mr Irving, because I want to find what you said about it in the

pleadings.

A: Yes. It is in answer to a question, if I am right.

MR JUSTICE GRAY: In the pleadings I think it is a limited experimental basis, is it not?

A: I think this really falls into two or three parts. I quite clearly said yes, there were gassings in gas

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trucks, but at that time the state of my knowledge was that it had not been on anything like this scale.

MR RAMPTON: This was probably some time served in 1996 or 1997 I should think. Yes, it is in the reply, my Lord. It is on page 3 of the reply. It was served in March 1997. One part of it says this: "It is denied that the plaintiff has denied the Holocaust. It is denied that the plaintiff has denied that gas chambers were used by the Nazis as the principal means of carrying out that extermination". I think those two sentences are going to be contradictory with what next follows. "They may have used them on occasion on an experimental scale which frankly is not denied". That is in March 1997. This is a considered statement by you for the purpose of these proceedings?

A: Yes.

Q: And I have just shown you what is not a particularly secret document in the historical sense.

A: Which shows that that element of my statement was wrong, yes.

Q: And you made the same statement to the public at large?

A: In response to a question on the basis of my information at that time.

Q: I think I am going to be enabled to contradict that, too, in a moment.

A: I think it also has to be said that these gas trucks of course did not carry on month after month after month

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after month after month. According to the information in this document and others, it just operated for a few weeks.

Q: Tell me, Mr Irving, we got to 97,000 in a month.

A: Yes, which certainly seems an incredible figure, when you have only three trucks, they can only take 20 at a time and they have to drive 20 miles into the country side. But I do not have the information on which to challenge the figure, apart from the inherent improbability of that figure.

Q: It is a massive figure.

A: You also have to remember that they are bragging and boasting about what they have achieved.

Q: Yes, of course. There is always that danger, that they are seeking to please somebody. If that were so, Mr Irving, I think that letter about the 97,000 sent to Himmler, I cannot remember?

A: Yes.

Q: They must have believed, if they were exaggerating, that Himmler was avid for information, telling him that vast numbers of Jews had been murdered.

A: Yes.

Q: Right, and you say, oh, it is not really credible that Hitler knew anything about that?

A: I do not see the connection between those two statements.

Q: You have been, I think, in the services, have you not?

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A: Is it not remarkable we have documents of this quality for everything below Himmler, but not a single page above Himmler?

Q: Yes. How often do you say that Hitler and Himmler met in the course of a week?

A: It varied through the year, depending on whether he was in or out of favour.

Q: When they were on good terms?

A: I would suggest two or three times a week.

Q: You were in the army, I think?

A: No.

Q: Navy?

A: No.

Q: Air force?

A: No.

Q: Right. So you have not been in service? Have you ever worked in a company?

A: No.

Q: Do you know anything about how companies work? For example, do you know anything about the day-to-day relationship between a managing director and a chief executive?

A: No.

Q: You live in a little world of your own, do you, Mr Irving? You know nothing about the means by which humans convey information to each other in matters of

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importance on a day to day----

A: Mr Rampton, it was not the question you asked. You asked specifically whether I had been in companies, army, navy or air force and I said no.

Q: Do you not think it more than likely, leave aside report number 51 which speaks for itself, that on a day-to-day basis Himmler and Hitler would have talked about all the things that concerned him. Obviously Hitler, as leader of his country, would be chiefly concerned with the progress of the war, would he not?

A: I do not think so. I think there is written evidence that, whenever people went to Hitler with stories of the atrocities they had heard about, Himmler's immediate response was always as relayed back to the person concerned, usually through Lammas, "Do not bother the Fuhrer with this, he will only say this is all Himmler's business and I do not want to hear about it".

Q: Then why did Himmler bother having the Korheir report edited in March 1943 to take out the word sonderbehandlung?

A: Very interesting, is it not, that it was camouflaged downward?

Q: Answer my question, please. If it is right that Hitler was not interested in that kind of thing and would just have swept it aside and said oh, that is all Himmler's business, silly old fool, he is passionate about this

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Jewish question, it would not matter, would it?

A: I think the Korheir report really needs a discussion of its own without being dealt with in this rather flippant manner.

Q: Please, Mr Irving, could I have an answer to my question? Why do you think that Himmler had that report sanitized, as I put it?

A: Well I am not inside Himmler's head but, if the original report said expressus verbus, or as

plain as a pike staff, that a million Jews had been killed or sonderbehandlung zugefuhrt, but if Himmler says I want a shorter version without that in so that I can show it to the Fuhrer, I think that that very much supports what I have said rather than what you are maintaining.

Q: What it means, Mr Irving, is this, is it not, that if the word sonderbehandlung had been left in, Hitler would have known exactly what it meant?

A: Well, in the way that it was written, if you remember, if 1,200,000 people are subjected to special treatment at a camp, that does not mean they are having their hair cut.

Q: It did not say at a camp. It said in the Warthegau and I think in the General Government.

A: I beg to differ. I know that document fairly clearly.

Q: Maybe we will go back to later on. I do not have a copy of that.

A: I really think that document, if we are going to deal with

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it, should be dealt with extensively rather than here in this rather cursory manner.

Q: Mr Irving, I am taking what I know of it simply from your own book.

A: Yes, but you have quoted it wrongly there from memory, and I know the exact text.

Q: I am afraid, Mr Irving, that you are going to have to look at this, because this is important. This is one of the two most important aspects of the case.

A: Mr Rampton, you will always find I am willing to eat humble pie if I have made a mistake. There is never any question about that.

MR RAMPTON: My Lord, this is D3(i), tab 30. Mr Irving, do you have there a paper by you with the suppressed Eichmann and Goebbels papers?

A: Yes.

Q: It is presented by you at the 11th IHR conference in October 1992?

A: Yes.

Q: Do you write these things before you present them?

A: No.

Q: So you spoke, as it were, off the top of your head.

A: I am well known for that.

Q: Yes, I can believe that.

A: Some people say it is waffling but other people say it is lecturing.

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Q: You see, Mr Irving, that the questions begin at page 174. Is this yet again one of those papers that you had checked, or you checked or approved before publication in print?

A: I would probably have edited it for split infinitives and the like.

Q: Yes, quite. Now turn to page 173. Remember this is in October 1992. This is a bit I read to you earlier but it is well we see it in context, as part of what shall I say, not a rehearsed but as part of a serious paper presented to something which calls itself the Institute for Historical Review. You see the passage that I read to you earlier halfway down the page, bang in the middle of the left-hand column on page 173. I do not know why Eichmann recounted that kind of detail in his memoirs?

A: Can we have what the detail was?

Q: Absolutely not.

A: May I read it out after you have dealt with it?

MR JUSTICE GRAY: Yes you can, but then I will ask you why you want it read out. Let's get

on with Mr Rampton's question.

MR RAMPTON: So shall I. Go down to the end of that paragraph in the middle of the page on page 173. You say: "So I accept this kind of experiment, we are talking about a gassing experiment in a bus witnessed by Eichmann, what you call a gassing experiment, so I accept that this kind

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of experiment was made on a very limited scale but that it was rapidly abandoned as being a totally inefficient way of killing people. But I do not accept that the gas chambers existed and this is well known. I have seen no evidence at all that gas chambers existed". Unless you are going to quibble about the word "chambers", Mr Irving, the fact is that what you said about the gassing on that bus and the limited kind of scale for that kind of experimental gassing, was just rubbish, was it not?

A: Mr Rampton, when you talk about gas chambers and the public perception, people are imagining what they see at Auschwitz, the big concrete fixtures, the chimneys, the steel doors, the whole of the paraphernalia. I am sure that I am right on that.

Q: Leave out the last----

A: Would you not interrupt me, please? They are not talking about the mobile gas truck experiment and to try and suggest that when I say that the gas chambers did not exist, this is a reference to the gas trucks which I have here said quite clearly do exist, I think is perverse.

Q: Mr Irving, I am going to read it again. Just one little bit. You have described how Irving looked through a peep hole into the back of a bus and he saw a number of people.

A: Eichmann looked through the peep hole.

Q: Eichmann saw a number of people being gassed by the

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exhaust fumes. This is Mr Irving speaking, formally speaking, in a corrected or approved version in print. "So I accept that this kind of experiment, that is to say, the sort that Eichmann witnessed, and I stress the word experiment, was made on a very limited scale, but that it was rapidly abandoned as being a totally inefficient way of dealing people".

Now that, as a statement of history, was just rubbish, was it not?

A: The very element now turns out to be wrong, yes.

Q: So does the experiment.

MR JUSTICE GRAY: That has been conceded now, has it not?

A: Except that it was abandoned and replaced by other means of killing people.

MR RAMPTON: The point of my going back to that was this. You said not long ago that you cannot be blamed for making an off the cuff answer in answer to a statement in answer to a question?

A: Yes.

Q: That was a wrong answer too, was it not?

A: Yes.

Q: This is not an off the cuff response to a question?

A: This is part of the main talk, yes.

Q: I repeat my earlier question, do you not think -- is this IHR a reputable and authoritative body?

A: Do we wish to discuss that at this time?

Q: I just want to know. Are these conferences attended by top notch historians and that kind of thing?

A: Yes.

Q: They are. But this is an occasion ----

A: I will be producing evidence later on the nature of the audience at these bodies and the directors of the Institute all have academic qualifications and degrees.

Q: I just want to get the flavour of the occasion on which you uttered these words.

A: Well, I was going to mention that fact. This is a body of incorrigible, shall we say, people whom I am sure the Defence would describe as Holocaust deniers, and I am rubbing their noses in what did happen, and I think I deserve commendation for that. I am saying, "Here is Eichmann describing in his memoirs how he attended a mass shooting from such close range that he was personally affected in a rather disagreeable way by the shooting that went on.

Q: Mr Irving, I am sorry, you must try -- I am perhaps not making myself clear -- you say this paper was presented at a conference of reputable academics and others who may take one or other view about the past, but this is a serious occasion?

A: This is a talk by me to an audience in California, yes.

Q: But it is a serious occasion?

A: To an audience who do not want to hear me say this. They

want to hear me say something totally different.

Q: Mr Irving, please, is this a serious occasion or not?

A: In what sense? Is it a collar and tie occasion?

MR JUSTICE GRAY: You expect it to be taken serious.

MR RAMPTON: Do you expect to be taken seriously?

A: Yes. People have gone there to come away improved with a knowledge improved, enhanced.

MR RAMPTON: So it is quite different from a question and answer session at a knock about press conference, is it not?

A: Knock about press conference?

Q: K-N-O-C-K about. You expected what you said to be taken seriously by your audience?

A: Yes, and it was taken very seriously.

Q: What you said was historical nonsense?

A: The word "very limited" is wrong.

Q: So is the word "experiment".

A: I disagree. They abandoned the gas trucks after a time which showed that the experiment did not work.

MR JUSTICE GRAY: Well, 97,000 people, is that not rather a long experiment?

A: On the scale of 6 million, my Lord, which is the figure claimed by the Defence.

Q: Not by you?

A: My Lord, 97,000 is a large figure which we now know about from the document which has now been shown to us, the

documents that have now been shown to us, which, of course, I had not seen at that time. If they

abandoned the gas trucks method of killing people, as they clearly did, and we know from the documents now that it was precisely because it turned out to be a totally impracticable way of killing people.

MR RAMPTON: Mr Irving ----

A: I think the word "experimental" is entirely unjustified.

Q: Leaving aside for the moment ----

A: The idea of experimenting in killing people is grotesque anyway.

Q: Particularly if it is to the tune of 100,000 people?

A: I agree. It is actually obscene.

Q: Why did you not say that? Why did you not say, Mr Irving, "I have looked at this question. They have managed to get up to 100,000 at least", we know that from the documents, "but then they decided that was not a very good way of doing it, so they stopped doing it that way. Nonetheless, the fact is that they succeeded in killing in the East and in the Reinhard camps well over a million people?

A: I always suspected, Mr Rampton, you are not listening to my answers, and that is just proof of it. I told you this figure of 100,000 only comes to my knowledge within the last few weeks or months.

Q: But it was there to be found, was it not?

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A: Lots of things are there to be found. I do not have teams of 30 or 40 researchers working at the expense of God knows who is paying for the defence in this case, looking through all the archives, trying to find documents to prove me wrong.

Q: You know about the letter, you have always known about the letter, of 1st May 1942 from Greiser to Himmler, yes?

A: Yes.

Q: That is in your books, is it not?

A: I have quoted it in my books, yes.

Q: And that speaks of "Sonderbehandlung of some 100,000 Jews in my territory in an action approved by you in agreement with Heydrich will be completed in the next two or three months"?

A: Yes.

Q: Experimental? Sonderbehandlung?

A: But, Mr Rampton, this document is quoted in full in my books. That passage is quoted in full in my books.

Q: But not in connection with gassing by trucks?

A: Well, we do not know from Greiser what method has been used to specially treat, if I can use the word, those 100,000 people.

MR JUSTICE GRAY: I thought you accepted earlier on this morning -- we can find the reference -- that that was actually a reference to gassing?

A: From the later documents which are now available, my Lord,

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this is plain, but at the time I wrote the book I had only the 1st May document. Our knowledge advances by stages, particularly now these other archives have been opened to us. It cannot be held against me that I did not know something in 1970 when I wrote the book which is now only available at the end of the 20th century.

MR RAMPTON: No, I am not talking about the book, Mr Irving. You knew about the Greiser letter for a long time. It mentions the killing, or proposed killing, of 100,000 Jews in the Warthegau from 1st May in a couple of months, two or three months?

A: Yes, but we do not know what methods have been used to dispose of them.

Q: Please, Mr Irving, I have not finished my sentence. That is all that is in the book because you did not know about the Turner letter of 5th June 1942, you tell us. I am not in a position to contradict you?

A: Well, of course, can I tell you when I first got the Turner letter? That was in 1977.

Q: The Turner letter in 1977?

A: I have to state that, yes. I was sent page 1 of the Turner letter, I believe, by Mr Sereny round about July 1977.

Q: By the time of the second edition of Hitler's War you did know about it?

A: Yes. But whether I would have read it in detail or not.

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Q: Do I find it in that? I am asking that as a completely open question to which I do not know the answer.

A: I think you will probably ...

Q: I think I had better check it.

A: I must make this quite plain. I have had the Turner letter in my possession probably for 23 years.

Q: Yes. So?

A: But the Turner letter by itself is a very suspect document until you see the subsidiary documents that have become available since then.

Q: Will your Lordship forgive me? I am just trying to look in the index to see whether there is any reference to this. If there were a reference, Mr Irving, it would be in the later part of the book, would it not? I mean in the 1991 edition?

A: Are you enquiring whether I used Turner letter in either edition of the Hitler book?

Q: Yes.

A: I do not believe I did.

Q: Obviously not the first one because you told us ----

A: I do not believe I did.

Q: You do not think you did?

A: No.

Q: Can I put it to you that you suppressed it?

A: You can put it to me like that, but, obviously, I suppressed many hundreds of thousands of documents when

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I wrote a book of that magnitude.

Q: What was that? I am sorry I missed it.

A: The Turner letter has been subjected to the most intensive scrutiny by people both yeh and nay, if I can put it like that, and when there is a document like that, one's instinct is to steer clear of it.

Q: Well, now there is another letter which we saw referred to in paragraph 5.2.2 of Professor Browning. That is the letter about the functioning of the trucks of 5th June 1942. That is not the

Turner letter. This a Warthegau letter?

A: On what page is that?

Q: It is page 38, and the body of the report is translated at the bottom of the page. As I say, I have absolutely no intention of reading that out whatsoever.

A: Yes, but you are not implying that I have had that document in my possession until a few weeks or months ago?

Q: You have only recently had that document?

A: Yes. That is what I say. When you see a document like that, then you are more inclined to accept the Turner letter as being genuine.

Q: What about the Greiser letter?

A: The Greiser letter, there has never been any doubt as to that, the authenticity, because it was an American custody and it is microfilmed with the Heinrich Himmler papers.

Q: But you did not think before wading in and saying that

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there were only a very limited number of experimental truck gassings or bus gassings at a serious conference of historians, you did not pause to consider what it might be that the Turner letter told you which you had at that time, indeed, you had when you wrote Hitler's War '91?

A: Well, I could have expatiated at length at that conference on the Turner letter, and I could have pointed to the things that point to its authenticity, but also at great length to the things that give rise to be dubious about it; for example, the very weird SS runes that had been hand typed in and things like that.

Q: Mr Irving, as you see and as you know perfectly well, and as I will, no doubt, have to put to you again along down the road, you are all too eager to jump on anything, dignify it with your authority, that suggests that the scale of Nazi criminality during the war, whether it be the killing of Jews or the responsibility of Adolf Hitler, anything that seems to diminish or reduce that proposition, size of the crime, or the level to which the criminality went up?

A: Mr Rampton, we are talking about 97,000 on one case. You are saying that I have suppressed that fact and yet I have quoted in full the Greiser letter which talks of 100,000, it is precisely the same one. I believe the belief is that it is exactly the same victims we are talking about, so you cannot accuse me of having suppressed that

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particular atrocity. I quoted the Greiser letter and I quoted the figure.

MR JUSTICE GRAY: When you say the "same Jews", do you mean the 97,000 equals the 100,000?

A: A part of the 100,000. I believe that is the submission that Mr Rampton is trying to make.

MR RAMPTON: My Lord, I would like, if I may, just one minute when I get the reference to look and see what it is that Mr Irving said about the Greiser letter.

MR JUSTICE GRAY: It says 1991 Hitler's War.

MR RAMPTON: Yes, my Lord. Page 426.

MR JUSTICE GRAY: Page 426.

MR RAMPTON: Yes, 426.

MR JUSTICE GRAY: About two-thirds of the way down.

A: It is on page 330 of the first edition too.

Q: It is probably the same words.

A: It almost certainly is. I think I make it quite plain there that 100,000 had been, quotation

marks, "specially treated" and the innuendo is quite plain for reader to draw.

MR RAMPTON: Yes. My only comment about that in that version, Mr Irving, is that you for some reason -- I do not know what the reason is -- you add the sentence "Hitler was not mentioned"?

A: It is in the first edition too, yes.

Q: Why?

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A: Am I wrong?

Q: No, what is the significance?

A: I am writing about Adolf Hitler, Mr Rampton. If Hitler is not mentioned in a document concerning the killing of 100,000 Jews, it is significant for the reader -- you will probably agree.

Q: You are afraid that the reader seeing this huge number which it is -- there is no question about that -- being killed in the Warthegau might infer that Hitler knew something about it, is that right?

A: Shall we go back to May 1st document again, Mr Rampton? Greiser is saying to Himmler: "The operation carried out in your authority and the authority of Heydrich and killing 100,000" or "I have killed 100,000 or I am about to kill 100,000 or submit them to special treatment", if I am writing about Hitler, I am absolutely justified to say, "Oh, by the way, Hitler is not mentioned in this document". That is a very important clue.

Q: Mr Irving, if Himmler had a general authority to do such things, where would it come from?

A: It would come from Adolf Hitler. He would say in the correspondence: "On the Fuhrer's instructions, I am ordering the following". That covers him.

Q: It does not, Mr Irving. If Himmler had a general authority (and you should sometimes listen more carefully to my questions) to do these kinds of things, it would

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come from Hitler?

A: Oh, dear! If, general, these kinds of things, is this a smoking gun, the best we can do after 55 years?

Q: What is the answer to my question?

A: That is the answer. 55 years we have had to paddle around in the archives now of Warsaw, Moscow as well as the Western world, and there is still not the slightest shred of written evidence that Hitler ----

Q: The answer to my question, I think, must be yes; if he had such authority, it would have come from Hitler?

A: But he would have mentioned ----

Q: Your second answer to a question I have not asked, but never mind, is we do not know of any evidence that Hitler did confer any such general authority on Himmler, is that right?

A: Yes, and the rider, the corollary of that is that we would have expected to find such evidence just as there is in the euthanasia programme where the actual signed order from Hitler is in the archives.

MR JUSTICE GRAY: But Hitler did authorize the euthanasia programme?

A: He actually signed the order, my Lord, backdated it to September 1st, 1939. That is in the archives.

Q: The euthanasia programme really came to an end when the gas vans were transferred to

killing on the Eastern front?

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A: Hitler ordered it to stop in August 1941. He ordered the euthanasia programme stopped in 1941 because of public unrest and disquiet, but it is characteristic and not without significance for these hearings that, in fact, the euthanasia programme continued in the background, rather like the Bruns business, where the SS man was ordered to stop but still said, "Well, we are going to carry it on with unobtrusive means".

Q: But I think really the drift of my question was, well, if he was brought in to authorize the euthanasia programme, does that suggest at all that it might be probable that he was consulted about using the gas vans for some other purpose?

A: I do not want to be flippant, my Lord, but the answer is the archives do not tell us.

Q: No, but as a matter of guessing what the reality was?

A: They should, my Lord, because knowing the mentality of the German people, they would have covered themselves with paper. They would have written letters to each other saying, "We are doing this on the Fuhrer's orders. The Fuhrer has instructed". Even if that was not in the archives, we would expect to find it in the Bletchley Park files. That is what I shall be questioning one of your experts about.

MR RAMPTON: My Lord, I can do one of two things now. I am entirely in your Lordship's hands really. I can develop

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this question of Himmler's authority which I do not think Mr Irving disputes, not only that, well, that he did do it, apparently, on Mr Irving's account, without any kind of authority from Hitler to murder millions of Jews. I can pursue the question of Himmler's authority, or I can move to completely different topic which is the Schlegelberger memorandum. Both are somewhat intricate in a sort of a sense. The first exercise will involve going to 1943 and 1944 for some references to what both Himmler and Hitler said. The second involves merely a discussion, if I can put it like that, of what the so-called Schlegelberger memorandum might be and what it might represent. I really do not mind which I do.

MR JUSTICE GRAY: Well, it is very difficult for me to suggest one way or the other. In a sense, we are on Hitler and Himmler and their respective knowledge and authority for what was going on, so maybe that is better taken next. But can I before you do that just ask a question which I think I may have raised before, but I do not understand Mr Irving to have answered it yet. Do you accept or do you not that there was gassing of Jews using trucks or vans at Treblinka, Sobibor in the same way as you have accepted there was at Belzec?

A: I do not accept it, which does not mean to say that I do not believe that it happened, but, quite simply, I have not investigated it and I do not think we have been shown

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any evidence that it did happen yet. That is an unsatisfactory answer, I am afraid.

MR RAMPTON: My Lord, I would only make one small correction to that. I think the evidence of Professor Browning will be that once they had established those three Reinhard camps, they stopped using mobile vans and started using stationery tank engines and other sorts of things like that, but we will come to that along the line. The question that I would ask Mr Irving, in the light

of that answer is this, you do not know of any firm evidence, you sigh, that it did happen, whether by stationary engines or by vans. Do you see a difference between saying, "I do not know whether or not it happened, I have not seen good evidence", and denying that it did happen?

A: I do not know that it did happen and denying that it happened?

Q: Do you see a difference between saying, "I do not know that it happened"?

A: Well, the word "deny", of course, in law has a specific meaning, does it not?

Q: No, it is an ordinary English word.

A: But in law the word ----

Q: It means, in effect, the person is saying this?

A: If somebody denies something, he is saying there is something within his cognisance.

Q: It is very simple. One English sentence says, "I do not

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know whether it happened or not", the other says, "It did not happen"?

A: Well, it is the former.

Q: If, therefore, on some former occasion you have said it did not happen, that would be an excessive statement of your own belief, would it not?

A: What did not happen?

Q: Oh, gassing at Treblinka, for example?

A: It depends what the question is and what my precise answer was to that question -- not the question you asked, but the question put to me by the questioner and what my precise answer was.

Q: We will track that down. I just wanted to get the position clear. Your present position is not that you denied that it happened, but that you have not seen good evidence that it did happen?

A: I have seen a balance of evidence in each direction. There is the lack of the photogrammetric evidence on the aerial photographs, the lack of any evidence that these structures existed, on the one hand, and the unsatisfactory nature of the eyewitness evidence.

Q: Your present position is that you are in a state of doubt.

A: A state of doubt and I see no reason to investigate it because I am not a holocaust historian. One has limited resources which one has to apply to the proper targets.

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Q: We will come back to the other part of it later because, as Miss Rogers says, Mr Irving, it fits quite neatly into the Auschwitz question as a sort of coder, perhaps, or maybe an introduction, I do not know, prelude?

A: I would prefer we just adhere to the Auschwitz examination and ignore the other camps which is not really going to lead us much further.

Q: No, I am not going to go into the evidence of the other camps. If I go back to the other camps, it will be for this purpose, Mr Irving, that which I have already stated, to demonstrate that you have, if I am right, made categorical denials about the existence of extermination facilities at the Reinhard camps when the truth is simply that you do not know?

MR JUSTICE GRAY: In other words, it goes to Holocaust denial rather than Auschwitz?

MR RAMPTON: It does, but it also goes to irresponsible, at the very least, historiography.

MR JUSTICE GRAY: That is part of Holocaust denial, is it not?

MR RAMPTON: Yes, of course it is.

A: Let us wait until we get the exact statements I am supposed to have made.

MR RAMPTON: Of course. I said if I am right about that, if.

A: Yes.

Q: That will be the only object of ----

A: Let us also consider the question of proportionality.

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These are the minor escorts, the corvettes and minesweepers, not the actual battleship which is Auschwitz itself.

MR JUSTICE GRAY: Anyway, Hitler and Himmler?

MR RAMPTON: Yes. Hitler and Himmler. For this purpose, my Lord, it will be useful, I think, to turn to page 73 of Longerich 1. While I ask, I am going to have to displace my chronology, my Lord, because I have not got the document reference. I am sorry.

A: Mr Rampton, did you not tell us yesterday that Auschwitz did not start gassing until the end of 1942, and yet paragraph 2 of this page says exactly the opposite.

Q: Mr Irving, let me give you advance notice -- if you have not read Van Pelt's report two or three times, I quite understand you may not have picked it -- of what the best view of the history of Auschwitz, so far as gassing is concerned, and it is our case, if we had to prove it, which we do not; but what that report tells us is this, that there were some early gassings, first of all, of Soviet prisoners in the autumn of 1941 in the basement of block 11 at Auschwitz 1. They then started using, I think later that same year, the crematorium, the morgue in the crematorium at Auschwitz 1, for the gassing of Jews again to some extent on an experimental scale. In 1942 they developed two gassing facilities.

A: What do you mean by "the experimental scale" -- a few

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thousand or?

Q: Only a few hundred people at a time, that kind of thing.

A: I am just interested in your use of the word "experimental scale".

Q: "Experimental", Mr Irving, because they were experimenting with the efficacy of Zyklon B?

A: Very interesting. Exactly the same as I said about the gas trucks.

Q: Yes, but in 1942 (and I cannot give you the exact month) they developed two local farmhouses into much more effective gas chambers. They tipped the Zyklon B through the windows which they then closed with gas type shutters. That went on for some considerable time. As you know, in July 1942, Himmler visited Auschwitz and following that, and I say as a matter of cause and effect so I shall not be accused of post hoc propter hoc, following that the existing plans for the two new big crematoria at Birkenau are altered, so as to convert them into gas chambers with crematoria, and at the same time crematoria 4 and 5 are designed and built in the early part of 1943 up to about June. Then they start in full operation from then until the autumn of 1944. That is the Auschwitz story.

A: Only yesterday you said that there no mass killings by gas in Auschwitz until the end of 1942.

Q: I did not say that, I think, if you look at the

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transcript. Do not let us argue about what I said. You can verify it on the transcript.

MR JUSTICE GRAY: Shall we go back to Hitler and Himmler because we are going to have to go through Auschwitz in detail later?

MR RAMPTON: I agree.

A: It is just that paragraph 2 rather challenged that.

MR JUSTICE GRAY: I know. You made that observation and we have dealt with it. Let us get on.

MR RAMPTON: I am going to deal first, since I have now got it -- my Lord, the file in question is H1(ix) at page 260.

A: Page 260.

MR JUSTICE GRAY: I do not think we have had H1 (ix), have we?

A: Page 260?

MR RAMPTON: Yes, page 260.

A: It appears to be an orphan. It has no title.

Q: I am sure you have not read it, but you will have heard of Noakes' and Pridom's great work on the history of Nazi Germany?

A: Whose book is this?

Q: You are not going to read it, so I do not really see why I need to, but, anyhow, it is called J. Noakes, G. Pridom, "Nazis 1919 to 1945" in three volumes, published by I think the Exeter University Press in 1988. This page, 260 in our file, is page 1199 of that massive work. It is a translation, presumably by Mr Noakes or Mr Pridom, or

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both of them, I know not, of a speech which Himmler is supposed to have made at Posen to, I think, German Generals? Were they German Generals?

A: It was the SS Gruppenfuhrer.

Q: SS chiefs in Posen, nowadays called Posner, on 4th October 1943. Unfortunately, once again I do not have the German. I would like to have it and I am hoping to get it.

A: It will not be contentious, Mr Rampton. I will not dispute this translation.

Q: Have you glanced at it?

A: Yes. It is a very famous speech. It is referred to on page 575 of my Hitler's War. I quote it in full.

Q: He says: "I also want to talk to you quite frankly about a very grave matter", etc, etc. "We can talk about it quite frankly amongst ourselves and yet we will never speak of it publicly". Then he goes on a bit talking about an analogous event in the past which is the Night of the Long Knives, it is the SA obliteration, is it not?

A: Yes.

Q: Then this is the sentence to which I would like to draw your attention: "I am referring to the Jewish evacuation programme, the extermination of the Jewish people". That is, you say, a very famous speech. What words can you remember -- I am sorry I have not got the German -- what words can you remember Himmler used when he said what we

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see here, "I am referring to the Jewish evacuation programme, the extermination of the Jewish people"?

A: I shall have to look at the original text, it is either Auswutung or Vernichtung -- but it is not a material point, because he immediately explains he means killing.

Q: The point I wish to draw your attention to is this, that there, Himmler, speaking to SS chiefs, or whatever it was, uses evacuation and extermination synonymously, does he not?

A: In that case, yes.

Q: It is a jolly good pointer, is it not, Mr Irving, to the use of such camouflage language habitually within the SS at the very least?

A: Yes, it is rather like the Americans talking about terminating with extreme prejudice.

MR JUSTICE GRAY: I think you did agree that "Evakuierung" can be used and is sometimes used as synonymous with extermination?

A: It is not always used, but in this case it clearly is.

MR RAMPTON: Here is an example one cannot argue with.

A: But it would be false to argue automatically the other way.

Q: That as a matter of logic is necessarily right; as a matter of history it may not be. Can we then turn to page 73 of Longerich, please?

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A: Yes.

Q: At the top of the page, now here I have got the texts. "On 6th October 1943 Himmler explained to Gau and Reichs chiefs in Posen: I ask you that that which I say to you in this circle be really only heard ..."

A: Which page are we on now?

Q: 73 of Longerich one.

A: I do not think it can be 73.

Q: You must have the wrong part of Longerich.

MR JUSTICE GRAY: Are you sure it is Longerich one?

MR RAMPTON: Longerich is divided into two parts. Yes, you have the wrong bit; you are looking at the second bit.

A: All Longerich is divided into two parts.

MR JUSTICE GRAY: Why he divided it into two, I do not know.

MR RAMPTON: Generalities and then particulars, rather like a lawyer.

A: OK, yes, it is a totally different volume. This is, of course, a different speech now, isn't it?

Q: It is two days later.

A: That is right, yes.

Q: The audience is different as well.

A: The Gau- and Reichsleiter.

Q: You will find that and I think we should look at it -- it is going to be particularly important when we come to Sonthofen in May 1944 -- in bundle H4 (ii).

MR JUSTICE GRAY: We are darting about a bit. Are we leaving

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73 of Longerich?

MR RAMPTON: No, I am just starting 73 of Longerich; I am actually getting the document.

A: I am not sure you want to read this out, because this supports entirely what I have always said, but carry on.

Q: That is very good of you, Mr Irving; I think we probably will. The document begins -- have you got the document there?

A: Yes.

Q: It is quite a long speech, something like 49 pages.

A: Yes.

Q: The first page is marked, my Lord, at the bottom right-hand corner, FNA (86).

MR JUSTICE GRAY: Yes, I have got it.

MR RAMPTON: It says: "Rede des Reichsführer SS". Does that mean speeches?

A: Speeches of the Reichsführer SS to the Reichs- and Gauleiters in Posen on 6th October 1943, and speaking as always as the Reichsführer SS and as a Party comrade to you.

Q: The Reichsleiters and Gauleiters -- how senior are they?

A: The Reichsleiters come directly beneath Hitler and they have the rank of minister.

Q: And they have automatic access to Hitler, do they not?

A: Subject to what I said a few days ago, that they would have to get an invitation before they could go to see

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Hitler. They could not just knock on the door or ring the bell.

Q: If you just turn the page, I am sure you are very familiar with this.

A: If I may just carry on there, Krista Schroeder, Hitler's private secretary, was a witness of the conversation between Hitler and Martin Bormann after the flight of Rudolf Hess when Martin Bormann took over as chief of the Party Chancellory, and Bormann said to Hitler, "Mein Fuhrer, what instructions do you have", and Hitler's response was: "Only one. Keep the Gauleiters off my back". In other words, he did not need them any more. I think it is a material point of view of the fact that you are trying to draw attention to the closeness between Hitler and the Gauleiters.

Q: I think you have accepted a closeness between Himmler and Hitler.

A: Yes, they visited two or three times a week.

Q: Yes, and here is Himmler talking to high-ranking people in the Nazi machine.

A: Yes.

Q: And the Gauleiters are perhaps subordinate or they are less high ranking than ----

A: Than the party machinery, yes.

Q: --- than the Reichsleiters?

A: Yes, a bit like the constituency chairman.

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Q: This is a gathering of high-ranking people?

A: Yes.

MR JUSTICE GRAY: Gau is a region or an area, is it?

A: It is, yes, like a constituency in the Conservative Party; these being the chairmen of the local region. They wore Jackboots and carried guns.

MR RAMPTON: If you turn to page 17 -- this is taken from a microfilm -- I think I am right that the relevant passage or the passage which is translated in Longerich begins just in about the middle page opposite the punch hole, "ich bitte Sie"?

A: "I do ask you to keep secret, to listen to what I am saying, just listen and never to speak about it, what I am saying in these circles. We came up against the question, what about the women and children, and I took the decision here too for a clear solution".

Q: Carry on.

A: "I did not consider myself justified in liquidating just the men", in other words he says "auszurotten", which is the word there he uses and then he expands. He explains because he feels he has to explain what he means by "auszurotten". In other words, "to kill them" or "to have them killed". He himself is pointing out the word "auszurotten" is not sufficiently clear even in these circles; he has to emphasise what he means by it, and to leave ----

Q: Can you carry on just a bit further, please?

A: Yes. It is very complicated German.

Q: I know, something about letting the avengers ----

A: Exactly, and "to leave alive the children to act as the avengers against our sons and grandchildren". In other words, the idea is that if you leave the next generation, the younger generation alive, then they will come back to haunt you.

Q: You have got to exterminate the whole brood.

A: Absolutely what he says that.

Q: If you leave one mouse then it may have children?

A: That is right. A highly significant speech in many respects.

Q: Carry on reading, please, just two more sentences, "es musste der schwer Entschluss".

A: "There had to be taken", I am putting it like that, "there had to be taken the grave decision to have this people disappear from the face of the earth. For the organization which had to carry out this job, it was the most difficult that we had so far."

Q: Yes. The method of disappearance about which Heinrich Himmler, the Reichsführer SS, is speaking in early October 1943 is murder?

A: Quite clearly.

Q: Quite clearly.

MR JUSTICE GRAY: By what means?

A: I am not sure if it is really relevant here, my Lord.

Q: Well, answer would you even so?

A: I do not think he is talking about means there, but obviously by murder.

Q: I appreciate that, but what do you assess him as having had in mind?

A: But whatever means to convey them from life to death. He is certainly not being explicit here, but of course, my Lord, it will not surprise you that I rely on the earlier part of that paragraph where he says, "I had to take the serious decision." I think this is a very powerful point in my favour. He does not say: "The Führer took the decision", where he very easily could have in these circles. He is speaking, after all, to the top Nazi leaders.

MR RAMPTON: Not on this occasion explicitly.

A: He is being very explicit indeed. "I had to take this decision".

Q: If Hitler or -- no, it does not say that.

A: "I decided".

Q: "I decided to find a very clear solution to this problem".

A: "I have taken the decision to find a clear solution".

Q: If Hitler already knew about it ----

A: You cannot climb out of that one, Mr Rampton.

Q: I can, I am just about to. Do not worry, I am going to

show you another document which I know you are familiar with, so I do not know why you say what you say. I will find out later perhaps.

A: There is no need to get rattled about it, but this is a cardinal document, Mr Rampton. Here is Himmler saying, "I took the decision".

Q: Mr Irving, can I ask you to calm down a little and answer this question. If Hitler already knew about it, the injunction to the Gau and Reichs leaders to not speak about it would not matter, would it, I mean so far as its going upwards is concerned? What they are not supposed to do is to talk about it lower down.

A: He does not actually say that. He just says "keep mum".

Q: I know, but if Hitler already knew about it and had actually given Himmler the order to do it, in general terms, the authority to do it, then he is not talking about not telling Hitler, is he?

A: I am not prepared to extrapolate from what it is in that document. I am just saying what the document tells us, since he says: "We are doing this but keep quiet about it."

Q: Let us look at something a little bit more explicit, shall we?

A: But if you remember what I clearly allow is that from this point on Adolf Hitler no excuse not to know because the very next day these same gentlemen went to him and he

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spoke to them.

Q: My googolies are I think a little bit more subtle than you sometimes think, Mr Irving. Can you turn on just for reference in this bundle to the next document which is after page 49 of Himmler's Posen speech. My Lord, it is footnote 187.

A: My Lord, would be it be helpful if I pointed out that after making this speech Himmler had everybody who was present sign a list to agree that they had heard the speech, or if they had not heard it to agree that they had read it subsequently. All the SS Generals who were present were required -- I have never seen that on any of Himmler's other speeches.

MR JUSTICE GRAY: What do you say is the significance of that?

A: It is very interesting to speculate, my Lord. I think he was making them into accomplices in his own mind. He was saying: "There you are, now I have told you. Now we are all in it together." It is a very interesting historical document. I have never seen that on any of Himmler's other speeches, that he listed all SS Generals present and made them sign that they had been present and heard the speech or if they not been present that they had read it subsequently.

MR RAMPTON: Mr Irving, Heinrich Himmler kept copies of these speeches, did he not?

A: In various versions. There was the original raw

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transcript and then a corrected transcript.

Q: I know, I happen to have for the 5th May which we are coming to in a minute, I happen to have both versions.

A: Yes. There are also his handwritten notes on the basis of which he spoke.

Q: Yes, Mr Irving, your knowledge is extensive. I want to know why you think it is that Himmler kept copies of his speeches?

A: I keep copies of his speeches.

Q: But you do not talk about having given the order for the extermination of millions of Jews, do you, in your speeches?

A: I have not exterminated millions of Jews, Mr Rampton.

Q: Mr Irving, maybe it is late in the morning or something. Heinrich Himmler's speech is not just this one. We had the one earlier, the 4th October at Posen. We have this one here. We have two more in May 1944, which are quite explicit, at any rate about his role in the extermination of the

whole Jewish race?

A: Letting them vanish from the face of the earth, brutally explicit.

Q: Yes, by killing them?

A: Brutally explicit, yes. As he says, by murdering, and not just the men but the women and children too.

Q: Yes, I know that. Why would he keep those admissions of guilt, particularly in 1943 and 1944 by which time he must

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have known that the German world was probably going to come to an end?

A: Why would he have kept it to himself?

Q: Yes. Why did he commit these things to writing and then keep them after he had uttered them to his Generals or his Reichsleiters or whatever they are?

A: I think the problem is we are so often on exactly the same side, Mr Rampton. Have I not frequently allowed in all my books that from this point on Hitler had no reason not to know?

Q: Hitler did know, come on.

A: On precisely this point I have said Hitler had no justification for pleading ignorance, because everybody else immediately around him had been informed, but also you have to set this kind of speech in the context. This is 5th October, 4th and 6th October 1943 rather, at the height of the bombing campaign. There is a reason why Himmler is making a speech like this to the disgruntled SS Generals. Morale is at a low ebb and he is saying, "Hey, we are hitting back, we're doing this to them".

MR JUSTICE GRAY: I am really puzzled. Can I explain why, Mr Irving. When Mr Rampton was putting that passage from the October 1943 speech, 4th October 1943 speech, you were at pains to point out that Himmler was saying that it was he who would have taken the decision, but if you are accepting, as you have throughout, that by October 1943

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Hitler knew about the extermination policy ----

A: I say "from this point on", my Lord, because on the following day ----

Q: But what is the significance of emphasising that it was Himmler's decision if you accept Hitler was in on it?

A: Because Himmler is accepting the responsibility for the job which has now been completed. Himmler is kind of reporting ----

Q: I see, ex post facto.

A: Yes, saying, "We've done it all, the job has been done, I had to take the decision, it was a difficult job for us, but we done it, and I am proud of you, my SS men, for having carried out such a difficult task."

Q: So the knowledge you say Hitler had from October 1943 did not include knowledge of what had been going on in 1942, is that what you are saying?

A: I am saying it is quite likely that he will have ex post facto have learned about all these things, particularly the Gauleiters who went to see him the next day and the SS Generals who went to see him. The same audience went effectively to see Hitler where he lectured them, and it would be stretching the bounds of probability too far to say that not one of them went up to Hitler, one of the old veterans, and said, "Mein Fuhrer, we heard something yesterday which rather disturbed me", but I do not think it did disturb them. I think they rather liked

it. The eyewitness accounts we have of one of these speeches says that there were roars of applause.

MR RAMPTON: It was ----

A: The Germans were like that.

Q: If you are right, it is something of which Himmler was very proud, is it not?

A: He was proud of his men for having carried out those extremely distasteful tasks.

Q: But he was pleased, if your interpretation is right, and I am going to suggest it is not, but he was pleased to announce to this august gathering that he personally had made the decision to carry out this difficult task?

A: Would it not have been wonderful for him if he had said: "The Fuhrer gave us this task and look how well we have performed his duties for him.

Q: Of course he did.

A: The great temptation would have been there, but he does not say this.

Q: He does not?

A: He says specifically: "I was the one who took the decision".

Q: So that being so you would not expect that in May 1944 he would reveal that he done what he did in consequence of an order, and the only person of course who could have given an order is Hitler?

A: Mr Rampton, shall we get to that document when we get to

it and look at the precise wording?

Q: Very well. Let us doing that now. I have it open.

MR JUSTICE GRAY: It is page 187.

MR RAMPTON: Page 187.

A: There are of course about ten such speeches and you have just picked out two of them. In none of the others does he make any suggestion that there is a Fuhrer order. So it is not just one speech where there is no reference. It is many speeches.

Q: He makes another such reference later the same month, about three weeks later. We will come to that probably after the adjournment.

A: Are we also going to look at Adolf Hitler's speech of I think it was June 26th 1944?

Q: Yes, indeed I certainly am. Let us start with 5th May 1944. On page 18, tell me who this speech is made to, if you will?

A: I think it is the military leader, the leadership, the top brass, shall we say.

Q: The top brass.

A: I know the names of a number of people who were present. General Stumpf was Air Force; General Reinicke was Germany Army.

MR JUSTICE GRAY: Generals of the Wehrmacht.

MR RAMPTON: These are not SS creatures. These are proper soldiers; these are Generals of the Wehrmacht, are they

not?

A: Yes, the top brass of the German armed forces.

Q: On page 28 it has been altered. One can see how these pages evolve sometimes. Page 28. My

Lord, it looks like an 18, so one has to look at page 27 at the top, page 5 of the file.

A: This is one of the most interesting pages I have ever looked at.

Q: You can tell us everything you know about this page in just a moment when I have referred you to the relevant passage, which I think begins in the middle of the page: "The Jewish question has been solved within Germany itself and in general within the countries occupied by Germany". Is that roughly right?

A: Yes.

Q: I am going to read on in the English from Dr Longerich's version.

"It was solved in an uncompromising fashion in accordance with the life and death struggle of our nation in which the existence of our blood is at stake." Yes?

A: Yes.

Q: Then elipse, if you do not mind. Have you got that?

A: Yes.

Q: "You can understand how difficult it was for me"?

A: "You can feel with me how difficult it was" yes.

Q: "To carry out this soldatischen befehl". What is that?

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A: Soldierly order or military order.

Q: "And which I carried out and went through with a sense of obedience", which word is that? Translate the last part of the sentence for me?

A: "Which I obeyed and carried out from obedience and from a sense of complete conviction".

Q: Obedience to whom, Mr Irving, Hitler or his own sense of what was necessary for the sake of the thousand year Reich?

A: I think the sense of what is coming out of that paragraph is a sense of duty.

Q: So it is the sense of duty, is it, that gives him the soldatischen befehl?

A: Yes.

Q: A very odd choice of words, is it not, this soldierly order?

A: Yes.

Q: The only person who can give Mr Himmler a soldierly order is Mr Hitler?

A: Absolutely right.

Q: Pardon?

A: Yes.

Q: He is saying: "I did what I did because Hitler told me to"?

A: Yes. I refer to this of course in my Hitler biographies. I quoted this with the ----

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Q: Let me put to you the sort of expression you might use. How do you get yourself out of that one then, Mr Irving?

A: By counting.

Q: By what?

A: Counting.

Q: Counting what?

A: Can I ask you to look at the previous page?

Q: Yes.

A: Can you see the number of the page at the top of the page?

Q: Yes.

A: 27.

Q: Yes.

A: It is typed.

Q: The next one is an altered type. I already drew attention to that.

A: All the following pages have been written in in handwriting.

Q: So what?

A: And so what? Can you continue to count, please? Will you count down on page 27 nine lines to the beginning of the new paragraph.

Q: "In Deuchslannd"?

A: Yes.

Q: Yes.

A: How many spaces is that paragraph indented by?

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Q: I have absolutely no idea. I am not a typist, Mr Irving.

A: I will count for you. Five spaces indented.

Q: You stop interrogating ----

A: Tap, tap, tap, tap, tap.

Q: You stop interrogating me, if you will, Mr Irving and give me your explanation why, as I now apprehend, you are saying we cannot trust the page we have been looking at?

A: Because it has been typed -- I have looked at the original of this document, Mr Rampton, you are looking at a photocopy. I have looked at the original in the archives. It is typed on different, here onwards it is typed on a different typewriter, this page, the page 28.

Q: Where was it found?

A: What do you mean "where was it found"?

Q: Where was this speech found, Mr Irving?

A: Can I just complete what I am saying?

MR JUSTICE GRAY: Yes, I would like you to because I want to know exactly what you say about ----

A: It is very important, my Lord. It has been typed by a different typist.

Q: Page 28.

A: And this frequently happened. I spotted many diaries that had been fumbled with subsequently or pages of documents. This had been typed by a different typist. They use different ways of typing. You will notice that there is more space after the first line on page 28, after the

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"Reichsfuhrer SS", it has a double space after that instead of a single space on the previous page. She has indented by five spaces at the beginning of each paragraph. I am assuming it is a she.

Q: So what do you infer from that?

A: We do not, my Lord. All we can say is that for some reason this page was retyped at a different date. We do not whether it was retyped during the war, which is the likelihood. We do not know what has been inserted or taken out. On this occasion we do not have the other transcripts of that speech. So that is a page that I am unhappy about pinning a capital issue on. You do not often find a document that has been so clearly tampered with as that.

MR RAMPTON: Oh, yes, there is, for example, at least two versions of the next speech we are coming to.

A: We are looking at this speech though are we not, the fact that change just occurs on this page.

Q: I wish you would sometimes let me ask you a question.

A: I have not really finished what I was speaking about.

MR JUSTICE GRAY: Let us pause. Finish your answer and then the next question.

A: About the falsification of this particular page, the fact that this particular page has been clearly retyped at a different date and that this is the one page that contains, as I quite agree, a pivotal sentence, makes me

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very unhappy about just relying on this version of that sentence. I am not saying it is a postwar forgery. I think it is unlikely. I think it is the kind of fumbling that goes on during the war, when people have spotted they have said something wrong and so they have put something else in instead. For example, just for one minute I would say I found exactly the same in the private diary of Henry Stimpson, who was the American Secretary of War who retyped the pages just before Pearl Harbour to cut out incriminating material, and as he said later said to Henry Morgan: "I have gone through my diaries cutting out everything that incriminates President Roosevelt", you can spot that if you look at the originals, as I always prefer to, rather than looking at printed versions on in this case microcopies.

MR RAMPTON: Mr Irving, we will see when we get to the next speech similar things have happened?

A: Yes.

Q: I am not the least bit resistant to the idea that that particular page, like others of no particular significance, was retyped.

A: Yes.

Q: How many versions of a speech or of pages of a speech do you think you go through before you reach the final version if you type them out or draft them beforehand?

A: Well, I have looked at very many of the original Himmler

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speeches. As I said, I have must have looked at about ten of these kinds of transcripts, and there are transcripts, there is a whole published volume of Himmler speeches, so you end up with a large number of transcripts to look at. This speech I think is the only one where I found a discrepancy of this magnitude which has not been remarked on by the historians. I am very uneasy that it is this page of all the pages that shows the signs of I would wartime tampering.

Q: Not wartime tampering. Can I suggest a natural human process for the production of one amongst several pages that look different? For example, if you look at page 7, the next page, the number at the top of the page has not been typed; it has been handwritten.

A: From thereon they are handwritten, yes, in the entire speech.

Q: Yes, but what is baffling me, Mr Irving, is why you will not actually use your knowledge of the world to advance the most likely explanation of this phenomenon, is that somebody types version one, Himmler looks at it and he says, "Oh, I don't think like that very much", and in those days of course you do not have word processors, so it has to be retyped on a different typewriter, perhaps the same day, perhaps on another day, it matters not. This is Himmler's words in Himmler's speech in Himmler's own private file.

A: This is the man who also wrote on another occasion: "Let us do this for camouflage purposes. I like the new version, it's going to the Fuhrer. Excellent for camouflage purposes." We cannot trust him, unfortunately. When we find a speech has been tampered with in this way, then frankly I mention it, in fact I think in Hitler's War I drew attention to the discrepancy in the numbering and the typeface and the paragraph indent and so on.

Q: You did, and in such a way as to suggest that there is clear evidence of an order from Hitler to Himmler to carry out the extermination programme could not be relied upon.

A: Is this a hanging document?

Q: Oh, yes.

A: Would you hang somebody on this?

Q: I would not hang anybody for anything, as it happens, Mr Irving, not even Adolf Hitler if he were here, though some people in this room might. This is not a prosecution of Adolf Hitler. This is in your mind, should be, not setting out to prove something, seeing what the evidence suggests.

A: Yes, but this is precisely the same situation, to my mind, as where a court is shown a so-called confession and then when you look at the original you find out that one page of the confession has been rewritten and inserted at a later date. The court would then throw out the whole confession, frankly.

Q: This has been put in by the Allies to incriminate Hitler, has it?

A: No. You are putting it in to make your point.

MR JUSTICE GRAY: Mr Rampton, I think we probably ought to pause. You have not finished with this and it may be it would be worth looking perhaps after the adjournment at how this is dealt with in whichever of Mr Irving's books it is dealt within.

A: Yes, I did try to find it, my Lord.

MR RAMPTON: Yes.

MR JUSTICE GRAY: Shall we say 5 past 2?

(Luncheon Adjournment)

MR DAVID IRVING, continued.

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

MR RAMPTON: Now, Mr Irving, will you please tell us slowly and carefully why it matters, in your view, if it be right, that this page of this speech by Himmler has been retyped?

A: Well, I have had the advantage, of course, that I have refreshed my memory from reading my own book.

Q: Yes.

A: So I will give the same explanation or speculation now as I did in my book.

Q: Yes.

A: First of all, I have had the advantage that I have seen the original and I work from the original paper of this transcript. From the original paper, it is evident that

the original in the archives is a carbon copy, which means that the ribbon copy went somewhere else. It is reasonable to suppose, as this is typed on the large typeface, that the ribbon copy went to Adolf Hitler.

All we can say, however, is that at some time, somebody considered it necessary to retype page 28 which contains the pregnant sentence about the order. I speculate in my book that it is reasonable to assume that the version that went to Adolf Hitler did not have this retyped page in. It went in with some different formulation.

Q: There is the leap into space which, I am afraid, I do not follow.

A: Well, the alternative -- I would be interested to hear what your alternative explanation would be.

Q: No. I do not see anything in the evidence before my eyes. Assuming you are right it was retyped, certainly the page numbering has been changed.

A: And the indenting is different.

Q: There does not seem to be anything in what I see before my eyes to tell me that it was done after or before the other pages. There is nothing which I see in this document which leads me to think that if it was altered, it was altered for any other reason than that Himmler had changed his mind about precisely what he wanted to say.

A: He did not read from this. This is a transcript of what

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he said -- if you appreciate the difference? This is not a script that he read from. This is the typed version of what he said taken from a shorthand note.

Q: Well, can you look at this document? My Lord, this is another version of the same page which I am told comes from the archives. It was obtained for me yesterday because I thought we might get to this today. There is one for his Lordship and one for Mr Irving. We have in front of us a typescript, not in Fuhrer's size type, have we not, Mr Irving?

A: Yes.

Q: With a lot of manuscript alterations on it?

A: Editing, yes.

Q: In the top right-hand corner the typewritten No. 17 which has not been changed.

A: Yes.

Q: If you look at about nine lines down, you see the same passage beginning that we were discussing before the adjournment, do we not, "Die Judenfrage" at the end of the line?

A: Yes.

Q: It still has seven lines below that or eight, six to seven: "Dieses mehr gegegebenen [German - document not provided] -- zustattenen befalls war"?

A: Yes.

Q: I should read the whole thing, "Wie schwer [German -

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document not provided] -- befalls war". That is the same phrase as appears in the other version?

A: That is absolutely correct. Exactly the same, no editing on that passage at all.

Q: But we can, can we not, infer from the page number that the speech was at that stage a good deal shorter because in our other version the page number finally winds up as being 28, I think, does it not? That may be a function of the different size.

A: Different size typeface.

Q: But I ask you to notice that the top right-hand corner of the one we have got in the bundle ----

A: Yes.

Q: --- appears to have been changed from a number in its teens, does it not?

A: Hard to say on the basis of that copy.

Q: In manuscript.

A: I can only say it is hard to say on the basis of that copy.

Q: It is hard to say, but the first of those digits looks a bit like a 1, does it not?

A: I can only say it is hard to say.

Q: You see, I do not make these observations in order to lead to a particular conclusion. All I say is you do not find in these different versions and different numberings of a page containing the same words, do you, any suggestion

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that this page was added at a later date, after some sanitized version had been given to Hitler?

A: That is not the suggestion that I made.

Q: Well, what is it?

A: I am perfectly content with the suggestion and, in fact, with the clear proof that Himmler actually used these words when speaking to this audience of military gentlemen who were accustomed to accepting orders from above. What I am suggesting is that in the version that he then sent to Hitler he retyped that page and replaced it by another page that is not before us.

Q: But why do you say that?

A: Because something has happened to this page. Quite clearly something has happened to this page.

Q: But people make alterations to their drafts all the time. Look, do you agree that this smaller typeface probably represents an earlier generation of the same ----

A: Quite clearly. It is almost certainly the original shorthand version.

Q: So what leads you to suppose then that the speech was made in these terms, let us suppose this is an earlier draft?

A: Yes.

Q: With the manuscript alteration, that is not Himmler's writing, an earlier draft, the speech is not made in those terms, it is recorded in these terms as they were recorded, were they not?

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A: Sometimes they are recorded.

Q: Yes. Then comes a transcript or a version anyway?

A: Yes.

Q: To be put before the Fuhrer?

A: Yes.

Q: And for some reason or another the page which we have here and which is in the draft is removed?

A: Yes.

Q: And replaced by something else?

A: Yes.

Q: What is the evidence for that?

A: The fact that this page has clearly been retyped at some stage.

Q: So what?

A: And renumbered from there on.

Q: Perhaps it was badly typed in the first place.

A: That is another, third possible alternative, but it is the funniest thing, is it not, that this is the one page that it happens on. The one page that contains the pregnant sentence has clearly been retyped at a different date by a different hand on different paper.

Q: Why do you say a different date?

A: Well, because it is on different paper. It is not taken from the same wad of paper that the rest of the speech is typed on.

Q: But suppose the secretaries do a shift job or something

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later in the same day, perhaps the evening, I do not know what time of the day the speech is made, nor do we know what dates these were drafts were on, do we?

A: No, we do not.

MR JUSTICE GRAY: I am sorry, Mr Rampton, I hope you do not mind, can I just see where we have got to? This is a speech made by Himmler to a whole collection -- how many Gauleiters Reichsleiters?

A: This is to top brass in the armed forces.

Q: How many would there have been there?

A: Probably in the order of 100.

Q: And several of them would be seeing Hitler on a fairly regular basis?

A: Yes.

Q: And your hypothesis is that Himmler is telling the Generals that he has been ordered to take this drastic action ----

A: He is speaking ----

Q: --- as against Jews?

A: Once again he is not reading from a prepared script.

Q: No, but he is telling the generals that when it is not true he is inventing the order -- is this your hypothesis -- and that is the reason why he has to sanitize the version that goes to Hitler?

A: If I can paraphrase the way I have put it in my book, my Lord, we have any number of speeches where Himmler made

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the same kind of statement. This is the only one where he inadvertently, perhaps, talked about a Fuhrer order. He may very well have inadvertently, because the General has spoken of a Fuhrer order because they are accustomed to orders. I do not know what his motive for that was.

Q: It is scarcely inadvertent. It is plainly a speech that was carefully prepared in advance.

A: He is not reading from a script, my Lord. We have probably in this case, certainly in other cases, like on one page of paper he would write down 15 or 20 words on the basis of which he would speak.

Q: I am bound to say that looking at the bit of paper Mr Rampton handed in a moment ago, that looks to me like a preparatory draft which was altered ----

A: No, my Lord, it is not.

Q: --- for grammatical reasons. Well, you tell me that and I will accept it because I expect you have good reason for doing so.

A: It very definitely is not, my Lord. This is a typed version taken from either the shorthand notes or, as Mr Rampton rightly says, from the sound recording which is then edited in handwriting by a third hand. From that is then prepared, as we can see by comparison, the large Fuhrer size

typewriter. All I am saying, my Lord, is one has to comment on the fact that this page alone has been retyped at a different date and inserted, and ----

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Q: Yes, I follow that.

A: It is significant.

Q: But what I want to ask you is this, Mr Irving, was Himmler not taking an almighty risk in pretending to the Generals that he had an order when he had not, given that the Generals were going to be, or some of them, in communication directly with Hitler?

A: This might be the very reason why he had that page retyped making no reference to a Fuhrer order. We do not know what is on the retyped version. I hesitate to venture out too far across that particular thin ice. We cannot speculate what was on the other version of that page, the one that was correctly typed and correctly indented.

Q: I thought you were speculating that it might have been sanitized to delete the reference to an order.

A: Yes, we cannot safely speculate really any more than I have done in the book. My Lord, the whole of this passage is in my book "Hitler's War" with the entire incriminating quotation, and in a footnote of three lines, two and a half lines, I have drawn attention to the fact that this page is for some reason or other retyped.

MR RAMPTON: I am not sure you are right about it. It is a small point, but, to be clear, it is both this and the next speech of 24th are in Hitler's War 1977?

A: On pages 630 and 631.

Q: Yes. But I think you will find, if you look at page 630

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of 1991, I think 4th May has disappeared, has it not? I may be wrong about that.

A: I would be very surprised indeed if they are.

Q: I compared it with 1977. I think ----

A: I would be prepared to bet a substantial sum of money it has not vanished.

Q: You find it in Hitler's War 1991 because I could not. I am not saying it is not there; I could not find it.

A: Well, it will be on page 630. Oddly any, it is exactly the same page as the old version.

Q: 630 of the old version. Let us compare the two, shall we?

MR JUSTICE GRAY: I cannot see it on 630.

A: I may have to withdraw my bet.

MR RAMPTON: It is on 630 of 1977 ----

MR JUSTICE GRAY: Yes.

MR RAMPTON: --- sure enough, and 24th May is on page 631. I am baffled to know where to find it in the edition for 1991.

MR JUSTICE GRAY: You can always come back to this, Mr Irving, because it is difficult to find something when you are on the hoof, as it were.

A: I am slightly puzzled because I am just looking at the end notes and I see there are two pages of the end notes have vanished, three pages of the end notes have vanished from your photocopy and I wonder if it is in the end notes instead.

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MR RAMPTON: That is not very likely, is it, Mr Irving?

A: I am still on page 830.

Q: If there were an end note about it, it would be in the same part of the text, would it not?

A: But it would be on page 830 of the end notes which I do not have.

MR JUSTICE GRAY: I think I have.

MR RAMPTON: I have lost mine too.

A: Either that or it has been shovelled to a different part of the book which I -- there has been some major structural change to that chapter I can see with all the fresh material we have put in.

MR JUSTICE GRAY: I do not think the note on page 630 ----

A: It does not contain it.

MR JUSTICE GRAY: --- helps.

MR RAMPTON: Your end notes in the 1991 edition are done by numbers, are they not?

A: By page number.

Q: Yes, I see. My fault. So I have to look to the end note to page 630?

MR JUSTICE GRAY: Which is on page 830?

A: I may have put it to a different part of the book, but it is not in the same place. We can say that anyway.

MR RAMPTON: There is a real oddity here, Mr Irving. You have not got it, so I will read it out.

A: Yes.

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Q: The end note to page 630 says (and, no doubt, this is exactly what it says in the 1977 edition), I am reading at the end of the note: "His May 5th speech is on microfilm and that of May 24th", that is another microfilm reference?

A: Yes.

Q: It had been in the text in 1977, but there is no question, since this is a reference to page 630 of the text, that it has left the main stage by the time of the 1991 edition?

A: As you can see, I am as baffled as you are by this.

Q: No, it is quite easy.

A: Yes.

Q: You have edited it out of the text of the 1991 edition, but have forgotten to change the end note which is merely replicating what was said in 1977?

A: Can I amend that statement to say it has been edited out?

Q: OK.

A: If it has been edited out, of course, many hands edit it. The American editors who produce this text may well have decided this was just repeating what the next paragraph said. I am as baffled as you are and I will look into it within the next 24 hours and see what I can make of it.

MR JUSTICE GRAY: We will come back to it.

MR RAMPTON: I will not push that any further for the moment until I hear, if you can produce it, what the explanation might be. You see, if we look at the history of the thing

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(with which you are well familiar), you told us yesterday, I think, that by this time, May 1944, it is likely that Hitler was well aware of what Himmler had been doing?

A: Yes.

Q: And you also told us, I think, that if Hitler had been told or had known earlier in 1942, early 1943, he probably would not have minded very much?

A: Yes.

Q: So if you are right, what was Himmler so terrified -- I do not accept for a moment you are right; I have to say I think it is a fanciful suggestion -- what on earth was Himmler afraid of?

A: Hitler had repeatedly issued injunctions against people who were issuing Fuhrer orders of which he had no knowledge. There is several examples of that in the files. There is one occasion when Albert Speer goes to see him and Hitler complains to him that the foreign workers are not getting enough to eat. Speer says: "But this was a Fuhrer order, mein Fuhrer", and this is recorded in the minutes of that conference, and Hitler says: "This is the first I have ever heard of any such order". So ----

Q: Not only did Himmler take a risk that what he said to that bunch of Generals on 5th May might get back to the Fuhrer and he, Himmler, get a rocket, he said it again on 24th, did he not?

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A: Can we see in exactly what terms?

Q: Yes, you can. It is the next document, 188. Here I do not think I have the whole document. The first three pages, well, let us look at the front of it, first of all. It is translated, my Lord, on page 74 of Longerich, Longerich 1, or the relevant part is. It is a speech in the Reichsfuhrer SS on 24th. The date has been altered suggesting that it was going to be on some other date, do you agree? This is interesting. We will come to that in a minute. You see the date at the top has been altered?

A: What are you looking at?

Q: Document 188 in the file, H4 (ii). It is the next following document.

A: Yes.

Q: It is the speech of 24th May 1944 again at Sonthofen?

A: Yes.

Q: Can you translate the rest of the heading, please?

A: "Speech of the Reichsfuhrer SS on 24th May 1944 at Sonthofen to the participants in a political ideological course (Army Generals)".

Q: Can you turn over the page to the next page in the file?

A: In the document or in the...?

Q: In the actual document we have?

A: Yes.

Q: Such part of it as we have?

A: Page 2.

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Q: Page 2 at the top. In brackets you have: "RF SS Sonthofen", I do not know, but it looks to me as if that date has been changed from 25th or some later date to 24th?

A: The typist has it wrong on the first three pages and it has been subsequently amended in manuscript or corrected in manuscript.

Q: In places it has been amended, in places it is correct.

A: Because by the time she has got to page 4 or 5, she has realized what the right date should be.

Q: What do you think the right date was is what I am asking. Can you read it? I cannot.

A: 24th May.

Q: No, I know what the handwriting says. The overwritten typescript looks to me like 25th.

MR JUSTICE GRAY: Does it matter?

MR RAMPTON: It might do, yes.

A: We have Himmler's diary for that date, his calendar, which shows clearly the speech was on this date.

Q: That is right. If you look at page 32 as it has at the top, again the page numbering has been altered by hand?

A: Yes.

Q: There it is typed correctly, 24.5.44?

A: Yes.

Q: The very next page it is wrong again?

A: Yes.

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Q: That suggests, does it not, that these pages are for the final version of the transcript, if that is what this is, done, as it were, at different times, some have the right date, some have the wrong date. Is it not odd, Mr Irving, if they are transcripts rather than drafts, that they have different dates on them originally?

A: Well, I have employed secretaries and you have probably too and dates are frequently things that are wrongly entered.

Q: So the fact that one page or another has a date altered and another does not, the fact that some pages are in different typefaces, tells us nothing except that different people did different pages?

A: That is a possible interpretation, yes, but, of course, it is precisely these pages that these phenomena occur.

Q: Yes. Well, it goes on -- my copy does not, unfortunately -- the key page in this document is 31, four pages into the extract that we have got.

A: Yes.

Q: And the passage in question is at the bottom of that page, is it not?

A: Yes.

Q: I am going to read from Longerich's translation?

A: These are three pages where the pagination has been amended.

Q: No. It is amended on this page, but not on the next

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succeeding page. Do you see? The pagination has but not the date?

A: Yes, the pagination.

Q: Pagination has but not the date?

A: Well, it might be a clue as to when the retyping was done. She may have been retyping it the next day for some reason and the way you do when you are writing cheques out, you get the date wrong at the beginning of a year.

Q: That is right. The dating on this page that we are looking at has been altered in manuscript in exactly the same way as the preceding three pages that we have, have been and they are the first three pages of the speech, are they not?

A: Yes.

Q: So that suggests, no more than suggests, in fact, ever so faintly suggests, a chronological

integrity?

A: It suggests to me that whoever has retyped these pages did so on 25th and then realized her error when she looked at the dates and then changed 25th to 24th.

Q: Look at the last page.

A: I am not sure that it is important.

Q: Well, I think it is. Look on to the last page we have, page 33. Both the date and the page have been altered, have they not?

A: Yes.

Q: Now look at the page in question, which is the fourth page

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we have?

A: Yes.

Q: The last paragraph, and I am going to read from Dr Longerich's translation?

A: Is this page 32 or 31?

Q: 31, sorry. "Another question which was decisive", I am reading from the beginning of the last paragraph of the German, "for the inner insecurity of the Reich in Europe was the Jewish question. It was uncompromisingly solved after orders and rational recognition"?

A: "On orders", I would say.

MR JUSTICE GRAY: It should be in the singular.

A: Well, "Rachsmehfahr" (?) would be "on orders", my Lord.

MR RAMPTON: "On orders" or "in accordance with orders"?

A: Yes.

Q: Following in the sense of "in obedience to"?

A: "In accordance with".

Q: Yes. Again, the same point, is it not, Himmler does not take orders from anybody but Hitler, does he?

A: His men do. The men who carried out the orders were taking orders from somebody, namely from him.

Q: I see. You are suggesting that this is a reference by Himmler ----

A: It is.

Q: --- to the orders which he gave to his subordinates?

A: It is ambiguous. It is totally ambiguous, Mr Rampton,

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this particular passage. It could be him referring to orders he had received or orders that his men had received.

Q: In that case, there would be no reason, would there, for this page to be altered in case Hitler should see it and blow up?

A: Yes, we are in no man's land here.

Q: I will read on because it is, perhaps you may agree, a rather significant document: "I believe, gentlemen, that you know me well enough to know that I am not a bloodthirsty person I am not a man who takes pleasure or joy when something rough must be done. However, on the other hand, I have such good nerves and such a developed sense of duty I could say that much for myself." "Developed sense of duty" is the words *Grosses flicht flift berwusstein*".

A: Yes, conscious of his duty. "Berwusstein" is consciousness.

Q: "When I recognize something as necessary, I can implement it without compromise. I have

not considered myself entitled, this concerns especially the Jewish women and children, to allow the children to grow into the avengers who will then murder our fathers and our grandchildren. That would have been cowardly. Consequently, the question was uncompromisingly resolved".

A: This is the Himmler gramophone record. He keeps on saying

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it in speeches at this time. This is the only occasion and the one previously where he hints at an order. Normally, he swallows it, so to speak, he bites his tongue.

Q: There we have two speeches, subject to your point about what I call your speculation about the reason why the pages change or the typeface changes. Then we have two speeches which say unequivocally really, especially if you put them together, that the mass murder of the Jews, the women and the children, was done by Himmler on Hitler's orders, do you not? That is what they say on their face?

A: No.

MR JUSTICE GRAY: When you say two orders you mean the 4th May or whenever it was?

MR RAMPTON: Yes, 5th May. If you put them together ----

MR JUSTICE GRAY: And 24th May?

A: 24th May.

MR RAMPTON: --- what he is clearly saying, and I am paraphrasing, but this is the interpretation which any right minded person would give to these documents on their face, Himmler is telling the Generals, as if they did not already know, "We have murdered all these people. It was a hard task, but we have done it. We have been successful and we did it on the orders of the Fuhrer"?

A: We have to look at the entire body of these speeches, Mr Rampton, and say why is it that he hints at an order in

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these two speeches, if we ignore the discrepancy in the pagination and so on at moment, but in none of the other speeches? It is almost as though he had run his mouth off here. He is not speaking from a prepared script.

It was a very common trick in Nazi Germany, as in all dictatorships, to imply that you are doing something on the highest orders, "So you had better not question what I am up to, fellows", and I think it was entirely proper, the use that I made of this in my book on pages 630 and 631, looking at the original edition, and I felt it entirely proper to refer in a two-and-a-half line footnote to the fact that there is some reason to note that the two pages concerned in both speeches, both appear to have been retyped on a different occasion, shall we say.

Q: Well, that is can be said of a whole lot of pages in that set which I have only got them all there, I have only about six pages?

A: Mr Rampton, not in any of the other speeches, only in these speeches and these sections.

Q: Maybe they were important speeches, I do not know.

A: The difference between me and Mr Browning and the other experts is that I sat with the original papers in my hand, looking at the quality, the texture of the paper, whether it was a carbon copy or a ribbon copy, and so on.

Q: We explored that. I did say on their face they appear to

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be a reference to orders from Hitler to do that which had been done by the time these speeches were made, do they not?

A: This is precisely why I quoted both speeches in full, those passages on pages 630 and 631 of my biography, so readers could draw their own conclusions.

Q: That impression which one might take away from reading those two speeches is unsurprising, is it not, if one looks at what Himmler wrote to Berger on 28th July 1942. My Lord, we have looked at this document before.

A: "This is a task which the Fuhrer has given us and which no one can take off my shoulders", is it not?

Q: "Die besetzten auf gebeten Judenfrage" -- "The occupied Eastern territories must be Jew-free"?

A: "Will become free of Jews".

Q: "Will become Jew-free", "free of Jews". "The carrying out of this very hard order has been placed on my shoulders by the Fuhrer". That is right? That is what the German says?

A: Absolutely right.

Q: You know it off by heart. Yes? If that is the truth -- I do not know who Gottlog Berger was, he is said to be a senior SS person -- in 1942, two things follow. It is not the very least bit surprising to find a reference back to that in the speeches in May 1944; second, if it is true, Hitler would not be the least bit surprised to find those

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references in the transcripts of those speeches, would he?

A: I think the July 28th 1942 letter which we have looked at in some detail is quite clearly proof that Adolf Hitler ordered the physical, geographical eviction of the Jews from those territories. I think this is the one way where they are talking about "Etappenweise von westen nach osten". "Stage by stage from West to East".

Q: I cannot remember and I have not got it open, but if you want me to look at it, I certainly will do.

A: It would be perverse to go two years forward in time and say when Himmler is talking about the order which has been carried out to say this is clearly a reference to what happened in July 1942. It may be, it may not.

Q: I do not want to go over old ground, Mr Irving, but I do not believe that to be right, with respect. If you tell us as you have done recently -- I cannot remember whether it was yesterday or the day before -- that Hitler probably knew about the mass shootings in the East, if it be right, as it seems to be, that mass killings in the General Government took place by gas trucks, at any rate to some extent, and then by some, I think your words are, more efficient means thereafter, then all those people that went from Polish towns to these little villages were killed?

A: Clearly, they were not all killed because those that went to Treblinka subsequently surfaced again in Mydonek and

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the Russians found ----

Q: We will chase that up.

MR JUSTICE GRAY: Leave that on one side.

MR RAMPTON: Leave that on one side but, broadly speaking, that is the picture, is it not? Why on earth should we interpret this Berger letter from Himmler as being a reference to merely, sort of, vanishing them? It is quite obviously a reference to what has been going on, the process that had started in 1941 and is in full swing at these Reinhard camps in July 1942.

A: Well, if that is the weight of your evidence, I do not think you have very much, Mr Rampton. If you are trying to read between the lines the whole time instead of looking -- we have a huge volume of documentation. We have had 55 years to find something more specific than that. It has not been found, but what we do find is even after these two speeches, any number of references to Adolf Hitler meeting Himmler where Himmler is still talking in euphemisms, talking about "ausiedlung" of the Jews, for example, in the summer of 1944; and how do we explain that Himmler is still having to use euphemisms when he is talking to Hitler, writing his own agenda about it, his own notes about it as late as the summer of 1944?

Q: We do not know it, Mr Irving. You seem to have the wrong end of the stick permanently. I do not know whether it is painful always holding the wrong end of the stick. But we

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are not trying in this court (at least I am not trying) to prove Hitler's guilt. What I am trying to prove is that any sensible, respectable, honest, open-minded historian would be saying to himself that on the evidence, the overwhelming probability is not only that Hitler knew about all this, but that it originated with him, with an order to him?

A: In which case, Mr Rampton, what could I have done differently than I did in the 1977 edition of Hitler's War where I reproduced all these passages from these speeches without any omissions, mentioning only in a footnote my reservations on the question of pagination.

Q: Mr Irving ----

A: I am not the kind of person who likes to read between lines and I do not really want to start joining the dots up for my readers because they have more brains.

Q: It is not a question of reading between the lines. It is a question of giving proper weight to the evidence before your own eyes?

A: Which I have then put exactly in that form before the eyes of my readers.

Q: Yes, but, let me take page 630 of Hitler's War 1977. True it is that you make reference to the speech of 24th May 1944.

A: On page 631.

Q: Sorry, 631?

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A: Shall I read that paragraph?

Q: No, I will read it.

A: But it is my writing. Why can I not read it?

MR JUSTICE GRAY: Do not let us squabble about that. I will read it if you like.

MR RAMPTON: Yes. Good idea.

MR JUSTICE GRAY: No. You read it, Mr Rampton.

A: Mr Rampton, you win.

MR RAMPTON: Well, it is normal in these courts -- I do not know how experienced a litigant you are?

A: I am totally ignorant as you can see.

Q: No, you are not. I am talking about Broome and Cassell. Ignorant?

MR JUSTICE GRAY: Don't let us get into Broome and Cassell.

MR RAMPTON: I was hoping to avoid it, but that answer will not do. Clobbered for exemplary damages? Inexperienced, my foot.

"Consider too Himmler's speech of May 24th in which again speaking before generals he

explained his stance somewhat differently. He recalled how in 1933 and 1934 he had thrown habitual criminals into concentration camps without trial and boasted, 'I must admit I have committed many such illegal acts in my time. But rest assured of this, I have resorted to these only when I have felt that sound common sense and an inner justice of a Germanic and right thinking people are on my side. With

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this in mind, Himmler had confronted the Jewish problem too. It was solved uncompromisingly on orders and at the dictate of sound common sense." I am not sure I think your translation is very good, Mr Irving, I have to say so. "One page later Himmler's speech again hinted that Jewish women and children also being liquidated". It did not hint. It said so in plain terms, did it not?

A: Well, he does not actually say he is killing them but the hint is plainly there. That is what is happening to them. If I had said he said that he was killing them, then I would have been wrong. He says, it would be wrong to allow them to emerge as the avengers against the fathers and the children.

MR JUSTICE GRAY: Not emerge, grow into the avengers. If you are not allowed to grow into something, that means you are stopped from growing. That means you are being exterminated. That is Mr Rampton's point.

A: I agree, my Lord. I am being as pedantic as I can in the rendition of this. I am saying that he did not actually say we are killing them, but he dropped a broad enough hint that he is killing them.

MR RAMPTON: At the bottom of the page you write the footnote 4: "This page alone was also retyped and possibly inserted at a later date in the typescript". But I want to take you back in that context to what I would call a deliberate distortion of the sense of what Himmler said, to what you

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said about the speech of 5th May, which I cannot find in the 1991 edition that is on page 630. It is in the last quarter of the page: "On May 5th 1944, however, Himmler tried a new version or adapted it to his audience of generals. After revealing in now stereo typed sentences that he had had uncompromisingly solved the Jewish problem in Germany and the German occupied countries, he added: I am telling this to you as my comrades. We are all soldiers regardless of which uniform we wear. You can imagine how I felt executing this soldierly order issued to me but I obediently complied and carried it out to the best of my convictions. Never before, say you and never after"?

A: Can I ask just what you are reading from now? I am lost.

MR JUSTICE GRAY: Page 630 of the first edition?

A: OK.

MR RAMPTON: I got to last line on 630: "Never before and never after did Himmler hint at a Fuhrer order"?

A: Fuhrer underlined.

Q: Fuhrer in italics?

A: Yes.

Q: "Fuhrer order but there is reason to doubt that he dared show this passage to his Fuhrer ". I am not bothered about that sentence, Mr Irving, because you do set out in the next paragraph an extract from the speech of 24th May. What I am bothered about is the footnote. "This is

footnote 3, page 28 of the large face typed script containing this pregnant sentence where only Hitler was empowered to issue a soldierly order to Himmler, was manifestly retyped and inserted in the transcript at later date as a different indenting shows".

A: Later date should be later time, presumably.

Q: Well.

A: I am not saying it was necessarily one or more days later.

Q: So, although it is true to say that you set out in this book the relevant part of the speech, you do not, as you suggested a moment ago, leave the reader to make up his own mind as to its effect, because you tell us that it was retyped so as Hitler should not see it, the only implication of which can be that Himmler was afraid that he would be caught by Hitler having told a fib about the so-called order.

A: Can we read on to the last three lines of the next paragraph: "One page later Himmler's speech again hinted that women and children also being liquidated. The fact remains that in his personal meetings with Hitler the Reichsfuhrer continued to talk only of the expulsion of the Jews even as late as July 1944".

Q: You are doing exactly the same thing. You are driving the readers' focus away from the possibility, or the probability as I would suggest, that Hitler had indeed issued such an order to Himmler, are you not?

A: Let me explain to you about the quality of evidence. If you have a handwritten note by a criminal like Himmler, relating to a conversation he has had with Hitler which is precisely the link we are interested in, and all you find in that handwritten note for his own private papers is reference to having talked about aussiedlung. This is not to be ignored as late as July 1944. It may be you can find evidence of equal quality, and I emphasize the word "quality", not some general speaking after the war in a war crimes trial to save his own neck, but the quality of evidence we are looking at when writing this kind of biography.

MR JUSTICE GRAY: By July 1944 that must be either euphemism or camouflage, must it not, because you have conceded that, since October 1943, Hitler knew perfectly well what was going on?

A: Yes.

Q: So to say that they were only talking of expulsion really is not giving a very full and fair picture, is it?

A: They also talk of other things, so this is when the whole conversation starts about selling off Jews in exchange for trucks and so on. The outlines are very confused.

Q: continue to talk only of expulsion?

A: As far as his own records show.

Q: Is that not conveying to the reader that, as far as the Jews were concerned, Hitler's concern was only with their

expulsion, nothing more sinister?

A: To have been completely scientific I should have said, as far as the records show, they only continue to talk about that.

MR RAMPTON: Let me repeat my question.

A: One assumes, when one is writing a book like this, that you are writing what the records show.

Q: Let me repeat my question because I never got an answer to it. It is the fact that you put both speeches into this book, but it is also the fact, is it not, that you immediately qualify what the reader sees in such a way as to suggest that Himmler's reference to a Fuhrer order or soldatischen befehl is not to be relied on as evidence against Hitler?

A: I cannot speak for the reasons why the other historians felt that they need not mention the fact that these pages have been tampered with. I certainly would have been delinquent in my duty in quoting these paragraphs without mentioning the fact that they were clearly tampered with at some time.

Q: I am sorry, one final thing about this 1977 edition, I do not think it is in the 1991 edition. The footnote at the bottom of page 631 says this: "Only Hitler was empowered to issue a 'soldierly order' to Himmler"?

A: Yes, apart from kind of order that he felt the dictates of his conscience, which he also speaks about which is a more

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vague kind of order, a kind of personal duty.

Q: In 1977, Mr Irving, you are accepting unambiguously that Himmler meant what he said, whether it was true or not is another question, that he had been ordered by Hitler.

A: I have expanded those two words soldierly order, put them in quotation marks, and said that only Himmler was in a position to issue a soldierly order to Himmler.

Q: That is correct. There is nothing here about the dictates of conscience, is there?

A: There is, because Himmler himself talks about the dictates of conscience. When later on he talks about this difficult task he had, is he talking about an order or about what he was doing for Germany?

Q: This morning I am right in saying -- I am not quoting, I am paraphrasing -- you said in effect that that reference to the soldatischen befehl was equivocal or something along those lines, did you not?

A: I would have to be shown the transcript of what was actually said.

Q: I think I asked you whose order, and I think you, with a little prompting from me, said the order or the dictates of his conscience. We can go back and look.

A: It might be useful to go back.

Q: That was a foolish answer, was it not?

A: I am not going to answer that unless we know exactly what I am alleged to have said.

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Q: Fair enough.

Q: My Lord, now I move on to page 75 of Longerich Part one for my last item in this little exercise?

A: Can I comment in general just for one minute how unsatisfactory it is that we are even, so long after the war years are over, obliged to scrabble around with these scraps of paper trying to work out what happened.

MR JUSTICE GRAY: We have no choice, have we?

A: No, we do not have any choice, my Lord, but you have to put yourself in a position of a writer who is trying -- on some records, on some matters, you have an immense body of evidence which

you can draw upon, but on these matter you are really fumbling in the dark with occasional little gleams coming from documents that then you have to try and interpret as you can, on the basis of your knowledge at that time. Sometimes it is very easy, looking back in hindsight, saying why did you interpret this way or not that way, when we know in the meantime a lot more. When you are writing at that time and frequently being the first person to make use of these records, as I was, it is sometimes an unjust judgment, I think. I am not saying that defensively at all but I would ask that your Lordship bear that in mind.

MR RAMPTON: Mr Irving, if you succeed in persuading his Lordship that you are an inefficient or incompetent historian, that is fine. You will no doubt win this part

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case at least. My suggestion to you yet again, as it has been all along, is that you actually deliberately bend the evidence to produce a foregone result, or a fore wished result, that is to say the exculpation of Adolf Hitler.

A: Had that been the case, Mr Rampton, I would have left these two passages out because nobody no else had found these speeches.

Q: By doing this, Mr Irving, what you do is this. More than occasionally you do leave things out or you give half a translation. We have been through some of those and we are going to go through some more. On this occasion what you have done is take the credit for printing the document, even perhaps telling them, as you repeatedly said in this court, that "I am the man who found it" but then, when you present the document, you tell the reader that there are reasons why they should not believe what they read in the document.

A: Well, no doubt your experts would have concealed the fact that the pages have been tampered with.

Q: I think more likely, though, you should ask them. They would simply have said, well this makes it look as though it is another piece of evidence, which makes it look as though what happened was done on Hitler's orders, though one has to be a bit cautious about it because the document which we cannot explain has been not tampered with, the document has been retyped. The most likely explanation

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for that is that it is a humdrum secretarial problem and the first version was not good, so it had to be redone.

A: Precisely on those two pages, on these two speeches, I think the coincidence is rather tall.

Q: I am not sure that that is right, but I am not going to answer because I do not know.

A: To go back to what you just said earlier, I think I would be very surprised if you can satisfy this court that I suppressed any material document that was before me at the time I wrote either of these versions and, if the earlier speech was cut out in the second version, of course the second version was an abridged version.

Q: It was. Indeed it was. Page 75, please, of Dr Longerich's report, the first part, paragraph 1920, you mentioned this earlier and I said that I would come to it, and I have now got there. It is very short: "Hitler himself stated in a speech addressing high officers of the Wehrmacht on 26 May 1944: [that is two days after the Himmler speech]: 'By removing the Jew, I abolished in Germany the possibility to build up a revolutionary core or nucleus. One could, naturally, say to me: Yes, couldn't you have solved this more simply- or not simply, since all other means would have been more complicated - but more humanely? My dear officers, we are engaged in a life and death struggle. If our opponents win in this struggle then the German people would be

extirpated." What is your interpretation of those words? I take it that that is not a controversial translation and that you do not dispute that Hitler said it?

A: No. This is authentic.

Q: It may not be the most elegant translation, but it is accurate, is it?

A: Yes. Once again, it is a speech that I found and used for the first time.

MR JUSTICE GRAY: What do you make of it?

MR RAMPTON: What do you make of it?

A: Exactly what I made on page 631 of my biography, Hitler's War, my Lord.

Q: Which edition?

A: The first edition. Page 631. "When the same generals came to the Obersalzberg on May 26, Hitler spoke to them in terms that were both more philosophical and less ambiguous. He spoke of the intolerance of nature, he compared Man to the smallest bacillus on the planet Earth, he reminded them how by expelling the Jews from their privileged positions he had opened up those same positions to the children of hundreds of thousands of ordinary working-class Germans and deprived the revolutionary masses of their traditional Jewish ferment: Of course, people can say, 'Yes, but couldn't you have got out of it... More humanely?' I have omitted a few words there which do not add or subtract really to the sense.

Q: What could you not have got out of it?

A: More humanely.

Q: I am reading from the bottom of the page in Longerich, "Man kann mir natürlich sagen: Ja, hatten Sie das nicht einfacher"- yes?

A: Yes. Could you not have done it more simply, as Mr Browning has translated it.

Q: More simply, and then there is the parenthesis, or not more simply since all other things would have been ware komplizierter gewesen, aber humaner, more humanely, losen können?

A: Yes.

Q: Not got out of it, solved it, the solution of the Jewish question, the losen können?

A: I do not think you are going to make much mileage out of it, getting out of something and solving something. I have taken the essence of that sentence, stripped out this complicated mess that he got into in the middle of the sentence and put the essence of the sentence, which is could you not get out it more humanely?

Q: Do you agree, Mr Irving, that one sensible interpretation of that little passage in Hitler's speech is, I could have solved it more humanely, I could not have solved it more simply, that is to say the Jewish question, since all other means would have been more complicated. That is what he is saying, is it not?

A: Yes.

Q: And what do you think he means by that?

A: He means I solved it inhumanely. Or I am solving it inhumanely.

Q: Yes. This is May 44, it is less than a year before the war ends. He could have solved it more humanely. What is the simplest and least humane way of solving such a problem?

A: He does not actually say I have solved it in the least humane way I could. He says, I have solved it less humanely, in other words, not more humanely.

Q: Exactly.

A: I do not want to split hairs, but let us go by what the document actually says.

Q: Answer my question, please.

A: What is less humanely?

Q: Answer my question, please, Mr Irving. What is the simplest and the least humane way of getting rid of the Jewish problem?

A: Killing them.

Q: Yes. So what was the simplest way, if it was not killing them that he was referring to here, and relatively inhumane way, that he is referring to?

A: Well, we do not know what he is specifically referring to, but somewhere between humane and the least humane would be being woken in the middle of the night by the Gestapo and

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given half an hour to pack your bags and get on to a cattle truck.

Q: What is the simple way of solving the problem that he is referring to here? Simple means than which all other means would have been more complicated?

A: Simple means than which all other means would have been more complicated -- this is the kind of tangle he got himself into this in this sentence.

Q: I am asking you in your role as historian to tell us what you think Hitler was referring to by this simple means than which all other methods or means were more complicated or would have been more complicated?

A: They could have been anywhere on that scale between humane and least humane, and you can put your individual personal preference where you want.

Q: But, you see, the point is this, is it not, Mr Irving? If Hitler on 26th May is talking to the generals of the Wehrmacht, as Himmler had been on the 24th and I think the 5th as well, and if Hitler has read what Himmler said to the generals on the 5th and 24th of the same month, it would not be the very least surprising, would it, if Hitler merely goes back over the same ground and says: Well, do not object to my inhumanity, it was the simplest way of doing it but it had to be done, you know the details from what Reichsfuhrer SS Himmler has told you earlier this month?

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A: This is one possible interpretation.

Q: Where do I find that interpretation coming anywhere from you in any of these published works?

A: I am inclined to stick more closely to what I find in the records without doing this quantum leap forwards or backwards, and I prefer just to get the records in as much volume as I can and allow my readers to draw the appropriate conclusions. I would have preferred obviously if Adolf Hitler in this speech had said, you know as well as I do what is going on at these camps rather as Goebbels said in his March 27th 1942 entry, that not very much remains of them. There are things happening there that beggar description, but unfortunately Hitler does not say that in his speeches, so we are left rather in suspense. I am sure that the Martin Gilberts or the William Showers will be quite happy to extrapolate and read between the lines but I am well known for the fact that I do not extrapolate.

Q: No, you do not extrapolate at all where the conclusion you hit from the extrapolation is one you do not like. Where, however, it is necessary to, as it were, what shall we say, convert what Hitler actually said into something else, you are quite happy to do so. Could I ask you to look again at page 631 of this book?

A: Is this an example of what you just said.

Q: Yes, it is.

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A: Right. I am looking.

Q: You say at the end of the first complete paragraph: "The fact remains that in his personal meetings with Hitler, the Reichsfuhrer (Himmler) continued to talk only of the expulsion (aussiedlung) of the Jews even as late as July 1944. When the same generals came to the Obersalzberg", so it is the same audience, you see, Mr Irving.

A: Yes, it is the same army course.

Q: Yes. "... on May 26th Hitler spoke to them in terms that were both more philosophical and less ambiguous. He spoke of the intolerance of nature, he compared Man to the smallest bacillus on the planet Earth, he reminded them how by expelling the Jews from their privileged positions he had opened up those same positions..." S" etc.. Did you have the text of what Hitler said before you when you wrote that?

A: I almost certainly had the original text, the whole text. In fact I still had the original text as a shorthand record.

Q: Do you think expelling the Jews ----

A: From their positions as dentists, lawyers and doctors and so on?

Q: Do you think from their positions as dentists is a fair translation in its context of these words: In den ich den juden entfernte (?)

A: Well, it is an even harder use of the word. "Entfernte"

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really means "to remove from".

Q: That is how Dr Longerich, he has removed the Jewish bacillus from the German body, that is what he means, is it not?

A: That is not the specific passage that I referred to.

MR JUSTICE GRAY: It actually means placed at distance?

A: Yes, but obviously Longerich is referring to a different passage. Mr Rampton was talking about expelling them from their jobs or their positions as doctors and lawyers and so on.

MR RAMPTON: When you talk of expulsion in the previous paragraph, you put in brackets "aussiedlung"?

A: Yes.

Q: That was not a word Hitler used, was it?

A: Ausseidlung?

Q: Yes. Hitler used the word "entfernte".

MR JUSTICE GRAY: That is Himmler who is using that word.

MR RAMPTON: Yes, and for your readers you translated expulsion as ausseidlung.

A: In the July 1944 note?

Q: I am sorry, Mr Irving, it is not an enormous point, but do you see, if you use the word "expulsion" in one paragraph and then translate it into aussiedlung?

A: Yes.

Q: Then, in the next paragraph, when are you talking about what Hitler said and you use the same word in its present

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participle, he is going to think it is the same word, is he not?

A: Not necessarily. You can translate words backwards and forwards two or three times and end up with totally different words. "Aussiedlung" in the July 1944 note was the original word in the original handwriting of Himmler.

Q: Nowhere do I find -- correct me if I am wrong -- in any of your published works at least one natural explanation of this passage in Hitler's speech on 26th May 1944, which is this: "I solved the matter simply in the most simple way I could which is by killing them. I am sorry that it was not more humane". You could of course have gone on to say, I am sure that is what he meant to say. You have to explain away what Himmler had said on the previous occasion as well. But I do not even find that explanation anywhere do I ?

A: If you look on page 632, Mr Rampton, at the end of the Adolf Hitler speech, May 26th 1944.

Q: Yes I see that.

A: We have spirited applause at the end of the speech and then the two lines as follows. This is me, David Irving. "In Auschwitz" In Auschwitz, the defunct paraphernalia of death- idle since late 1943- began to clank again as the first trainloads from Hungary arrived." Does this not say everything to you?

Q: No, it does not. That is exactly my point.

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A: After we have listened to these two speeches set out at unusual length, if I may say so, almost the whole page of the book, I then say: For once, I give the reader a little hint as to what cause and effect is.

Q: Why does the poor little reader -- in 91 they have just become slave labour at the I G Farben plant but that is a different point. We will come to that.

A: I think this is quite an important point. This is the way do things when you write books. You give the document, you give the quote and, in case you think the reader is not going to get the point, you spell it out in one and a half lines. You say what you are going to say, you say what you say and then you say what you have said.

Q: Mr Irving, surely, in a book like this, had you not been set on exculpating Adolf Hitler, you would have said, would you not, and evidence, evidence, of what Hitler was referring to by the simple means was killing, is that in July of 1944 or before, in consequence of the fact that the Hungarians had surrendered their 400,000 Jews, by order of the high hierarchy in Berlin, Auschwitz started up again?

A: Well, how many lines is that?

Q: So what?

A: You say "so what" but ----

Q: You put in what, if I may say so, is a lot of Hitler's sludge which you did not need?

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A: Well, I thought -- this is not Hitler sludge. This is a pure speech. I am the first person to find it and you will find that when I found something for the first time, I tended to put more than usual in so that other historians can have a bite at it too in case they cannot get hold of the original transcript.

MR JUSTICE GRAY: Can I, if you are about to leave that, Mr Rampton, just ask ----

MR RAMPTON: I am, I am going to go away from that now.

MR JUSTICE GRAY: --- Mr Irving what the defunct paraphernalia of death at Auschwitz actually were?

A: I prefer to leave it like that at that point.

Q: No, but I am asking you now, when you wrote that you must have had something in mind.

A: When I wrote that, I assumed that they had gas chambers, the whole factory of death paraphernalia, yes, my Lord. You will find that when we get to the 1991 edition, that sentence has been changed.

MR JUSTICE GRAY: No, I follow that. Thank you.

MR RAMPTON: My Lord, I am going to leave that aspect of Hitler's knowledge in the spring of '44 and move backwards in time because it is dealt with as a separate topic in Professor Evans. That is what Mr Irving calls the Schlegelberger note.

MR JUSTICE GRAY: Can we spell that for the benefit of the transcriber?

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MR RAMPTON: It is "S C H L E G E B E R G E R". Before I come on to this and, Mr Irving, I call it the so-called Schlegelberger note because, whatever you may think, we and I, that is to say, are by no means certain that that is what it ought to be called. The reasons for that will emerge in a moment. But before we start on this topic, you just said about Hitler's May 26th speech that you do not extrapolate "I am inclined to stick more closely to what we find in the record with no quantum leap", yes?

A: Yes.

Q: Well, bear that in mind, will you, as we look at your treatment of this particular document. My Lord, it starts, this exercise, which I am afraid is a little bit tedious, however it must be done, on page 363 of Professor Evans' report.

MR JUSTICE GRAY: Have we got the Schlegelberger note somewhere? Is it worth looking at that or not?

MR RAMPTON: It certainly is. It will be necessary to look at it. Yes, it will.

A: I have the entire file with the original just in case we need it.

Q: The best copy, well, there are two copies of it. There is a translation of it at the top of page 364 of Professor Evans.

MR JUSTICE GRAY: That will do, I suspect.

MR RAMPTON: Well, no, it will not, I am afraid, because, as

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often in these cases, the markings on the note may be thought to have some significance. It is necessary to look at the actual note. That, my Lord, is to be found in two places. It is in H1 (viii) at page 368, which is the Evans' copy, but it is also to be found on Mr Irving's web site -- in some senses this is a more satisfactory copy -- at page 1561 of file D8(iv).

MR JUSTICE GRAY: I have not got that either -- yes, I have.

That is better actually.

MR RAMPTON: Your Lordship might appreciate looking at that one too.

MR JUSTICE GRAY: Instead?

MR RAMPTON: No both, and maybe put the Evans one away. That is matter for your Lordship entirely. It is the same document.

MR JUSTICE GRAY: I will stick with the one I have got. Page, sorry? I did not catch that in the web site.

MR RAMPTON: In the Evans' one, my Lord?

MR JUSTICE GRAY: No, the web site one.

MR RAMPTON: Web site one is 1561. It is in a box at the top of the page.

A: That has the translation with it?

Q: Pardon?

A: That has the translation with it.

Q: It does too.

MR JUSTICE GRAY: Have you got it?

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A: I have it here.

MR RAMPTON: You translate it as meaning: "Mr Reich Minister Lammers told me, informed me, that the Fuhrer had repeatedly declared to him that he wants to hear the solution of the Jewish problem has been postponed until after the war is over". Which are the words which say that he wants to hear?

A: "Wissen", he wants to know that, he wants to -- I am trying to remain, adhere as closely as possible to the sense of the document, "wissen volle".

Q: I see. Then you go on: "That being so, the current discussions are of purely theoretical value, Mr Reich Minister Lammers' opinion. He will moreover take pains to ensure that, whatever happens, no fundamental decisions are taken without his knowledge in consequence of a surprise briefing by any third party." Now, that document is undated, is it not?

A: That is undated, yes.

Q: It comes from a file of somewhat miscellaneous documents, does it not?

A: Well, it is a Ministry of Justice file headed "Treatment of the Jews".

Q: Yes?

A: "The Reichs Ministry of Justice", the label on the jacket of the file is [German].

Q: My understanding, however, is that this file was one that

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was used by the Allies or may even have been put together by the Allies; is that right?

A: A photocopy of the file was made at the 777 Berlin Document Centre, and the photocopies were supplied to the prosecution authorities at Nuremberg, where they were handled by Dr Kempner.

Q: Can you look -- I do not want to read it out because it is really too boring in a sense -- I wonder if you could look, read to yourself, and I would ask your Lordship to do the same, please, paragraphs 4, 5, 6 and 7, the first sentence of 7, perhaps the whole of 7, of Professor Evans' report starting on page 364? To hear me read it out would drive everybody mad, I am sure.

A: Yes, he obviously has problems with it.

Q: Well, do you not?

A: Not at all.

Q: Have you read the whole of that?

MR JUSTICE GRAY: Just pause a moment. I am sure Mr Irving knows it by heart. I do not.

A: I am rather amused by the problems he has with it. This is one document that just does not fit into the Holocaust historians' repertoire.

MR JUSTICE GRAY: Yes.

MR RAMPTON: You have been absolutely categorical that this document comes from March 1942, have you not, Mr Irving?

A: Yes, the end of March or early April.

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Q: Do you see on your copy in the web site the name "Freisler"?

A: Yes.

Q: What do you think of those letters or digits which appear before Mr Freisler's name?

A: Staatssekretar, STS, big S, little T -- this is old German handwriting -- [German] handwriting it is called -- capital S, little T, full stop, S, Staatssekretar. He was State secretary in the Ministry of Justice.

Q: Why has it got his name on it?

A: That is the routing list. It is going to go, first of all, to the State Secretary, then to the person whose department is listed on the next line, department 4, then to department 5. Normally, you would expect there to be a little tick or a check mark next to it or an initial to indicate that, yes, they have seen it. So this is not a man who has written it. This is who it is intended for.

Q: Then, please, let us remind ourselves of what you said about this document. First of all, page 464 of Hitler's War 1991. When did you discover this document, by the way?

A: In stages, if I may put it like that. Beginning in 1970, I found the reference in a summary of it, and then I received the actual document itself from a German historian in about 1978 and simultaneously, I believe, from the United States national archives.

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Q: You did not have it then when you first -- I do not know if it is in '77 Hitler's War or not. I am not interested if it is?

MR JUSTICE GRAY: It could not be if he did not have it until '78.

MR RAMPTON: No, I would not have thought ----

A: My Lord, let me be just slightly more specific. Your Lordship will recall that I said that photocopies went to the prosecution authorities in Nuremberg. The location of the origin, of the originals, I do not know thereafter, but the photocopies remained in Nuremberg.

The Americans produced what was called a staff evidence analysis sheet which listed the contents of that little clip of documents which I have here in my hand. It listed five documents in that clip, and document No. 4 was note stating that Hitler intended to postpone solution of the Jewish problem until after the war which, obviously, is something which immediately attracted my attention.

This staff evidence analysis sheet is dated June 22nd 1946, in the middle of the Nuremberg trials, in other words. When I went to the file which this referenced, all the other documents, the photocopies, were in that file. This one had vanished. It took some years to locate the originals with the original file still in it, the original document still in it. I can only surmise that this is possibly totally uncalled for, that the allied prosecution

authorities in Nuremberg did not want that document to surface.

MR JUSTICE GRAY: Why not?

A: Because it would have been used by Lammers, in particular, who was on trial in 1947 as a document to mitigate punishment or in some way to disculpate himself for any part in the Final Solution; that he would have pointed out that, as far as he knew, Hitler had ordered that nothing was to happen. We conducted quite a paper trail. I contacted Mr Kempner which drew up this staff analysis sheet and we had quite a long search for it.

MR JUSTICE GRAY: You eventually got it in about '78?

A: Yes, a rival historian got hold of the original document Professor Jekkel(?) because by that time the German Government archives had processed the file and found it. But it took 23 years just to process that file.

MR RAMPTON: Can we please go, therefore, to page 464 of Hitler's War?

A: Of the?

Q: 1991. My Lord, that is volume 2, but your Lordship will shortly need volume 1 because I am going to refer to the introduction. I want to look at the text first.

MR JUSTICE GRAY: Yes, I have 464.

MR RAMPTON: We are going to start with the paragraph in the middle of the page: "Early in March 1942". Do you have that, Mr Irving? I will wait until you have it.

A: I am looking at the wrong volume.

Q: Did you not have your own book copy, as it were?

A: This is the first edition. I am the only person in this courtroom who has not got a copy of my second edition.

Q: You must get one.

MR JUSTICE GRAY: How does one tell the date of this document?

MR RAMPTON: Well, this is ----

A: Internal.

MR RAMPTON: --- one of the interesting questions. It is one of the reasons, my Lord, why one cannot ----

A: Internal evidence, my Lord.

MR RAMPTON: --- we submit make any certain categorical assertions about what it means, the interpretation and conclusions to be drawn from it. But that is what I am going to do sooner or later.

A: Yes, I have it now.

Q: Probably later. All right. Early in March 1942, in fact, the date was, I think, 6th March, was it not?

A: That is correct.

Q: We have the document. We are going to look at it along the line, Mr Irving. "Heydrich held a second inter ministerial conference to examine the awkward problem posed by half and quarter Jews. If allowed to remain, they might perhaps be sterilized. A 'top level' opinion - i.e. Hitler's - was quoted to the effect that they must draw a sharp distinction between Jews and

non-Jews, as it would not be acceptable for a mini-race of semi-Jews to be perpetuated in law. But this classification process would call for a colossal administrative effort, so the idea was shelved. A subsequent memorandum in Reich Justice Ministry files cited this highly significant statement by Hans Lammers, head of the Reich Chancellery: 'The Fuhrer has repeatedly stated that he wants the solution of the Jewish Problem postponed until after the war is over'. Then I do not think one needs both with the next sentence, do you agree, Mr Irving?

A: No.

Q: Now we turn, if may, to the introduction on page 18. You make a reference in the middle of page 18 to the Night of Broken Glass and say something about "On orders from the very highest level". That is something, the Night of Broken Glass, we will have to deal with, I am afraid, in the future. You write: "Every over historian has shut his eyes and hoped that this horrid, inconvenient document would somehow go away"?

A: That is a different context.

Q: No, no, of course it is, but I am reading it for context.

"But it has been joined by others", that is to say, other horrid inconvenient documents that will not go away, "like the extraordinary note dictated by Staatssekretar Schlegelberger in the Reich Ministry of Justice in the

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spring of 1942: 'Reich Minister Lammers', this states, referring to Hitler's top civil servant, 'informed me that the Fuhrer has repeatedly pronounced that he wants the solution of the Jewish Question put off until after the war is over'." Can I just pause there? You notice there is a slide in the tense that you use there (which is what we in English call the perfect tense) to what we see in your translation on the web site where you use the pluperfect?

A: Well, I would not have bothered to look at the original translation each item. I would have just retranslated the document each time I wanted to use it.

Q: What I want to know is which is correct, having regard to the original German? There is a difference, is there not, "the Fuhrer has repeatedly" and "the Fuhrer had repeatedly", unless we are talking about reported speech.

A: We are in trouble, Mr Rampton. It is the notorious subjunctive again.

Q: We are in trouble?

A: We are in trouble. We had problems with the subjunctive before, and with the subjunctive it is not quite so easy to work out what is perfect tense and what is pluperfect ----

Q: No, that is why I am asking you for help. I am asking you which of your alternative translations (and they are different) you think is correct.

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A: Well, "Reich Minister Lammers informed me that the Fuhrer had told him repeatedly" or that "the Fuhrer has told him repeatedly". [German]. It is the subjunctive and we are ----

MR JUSTICE GRAY: But it is present subjunctive, not past subjunctive, is it not?

A: I bow to your Lordship's wisdom.

Q: No, you tell me because I am not as good at German as you are?

A: It can be translated adequately either way, my Lord, without any malice in a particular direction, unless Mr Rampton wants to make a particular thing of it.

MR RAMPTON: No, I do not want to make a particular thing about it. You see, my problem with this document is that -- I am not an historian; I am not trying to prove anything here in

relation to history -- it is not an easy document.

A: It is not an easy document for your friends, no.

Q: It does not deserve -- what?

A: It is not an easy document for your friends at all, I agree.

Q: No, no, it is not an easy document for any open-minded historian to deal with. It has no date. There is a doubt about the tense. We have seen that already. Professor Evans' report tells us -- it may be wrong -- that even the way in which it is filed does not give us much clue to its

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provenance?

A: He may not have seen the staff evidence analysis sheet which I saw back in 1970, but then again I do not think he has done the work that I have.

Q: Do you understand what I am saying?

A: Yes.

Q: If the German translation is difficult because it is not clear -- we will have to get Dr Longerich to tell us about this in due course -- but if the German is difficult in translation and it is uncertain whether it is a perfect or a pluperfect that is being used, that is quite an important question for an historian because if it is the pluperfect that is being used, then it may very well be that all Lammers is saying is that he remembers, as we all know, that in the early years of the war Hitler had been saying, "We will put this off to the end of the war and then we will send them all to Madagascar". Do you understand?

A: Yes. That would be one escape route if it was possible, but I think it would be the most perverse possible translation or interpretation of this document.

Q: It is just a little point along the historian's road when he is trying to reach a tentative conclusion about where this document is to be placed in time and in topic and, therefore, what its significance is?

A: Being "placed in time", do you mean when it was actually

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composed or what period it is referring to?

Q: (A) when it was composed; (B) what period it is referring to, and (C) what topic it is dealing with when it uses the words "die Losung der Judenfrage"?

A: Yes.

Q: You have, if I may say so, taken a big jump into space and declared, in effect, on numerous occasions that it is firm evidence of Hitler's determination in March 1942 or April 1942 that the Jewish Solution or the Solution of the Jewish Question should be put off until the end of the war, have you not?

A: Put on the back burner, yes. Let me put it this way round. If the document had said not what it does say, but if the document had said, "The Fuhrer has repeatedly declared that he wants the Jewish Problem solved immediately in the most radical possible means", there is not an historian in this room who would say, "Well, it quite clearly refers to the Final Solution in the brutal sense of killing", but because it says Hitler saying, "Let's put it on the back burner", everybody starts getting into a fuss and saying, "Oh, dear, what does it mean? When was it written?"

Q: I agree.

A: I appreciate problems it causes for you.

Q: I agree, if the document were dated to, let us say, sometime in the early 1941, and that is what it said, if

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it were dated early 1941 and that is what it said, then, of course, historians would be excited about it?

A: But, Mr Rampton, you will notice that at the top left-hand corner of the document there are serial numbers that have been stamped 01/111 and so on, and we are in the fortunate position of knowing what the other documents in that file were and what date they were, so what it was filed between which is a very reasonable indication of approximately what week and month it was generated.

Q: If you take the trouble to read Professor Evans' report at any rate before you cross-examine ---
-

A: Well, he, apparently, knows a great deal less about this than I do.

Q: Please, Mr Irving. Calm down and let me finish my question. You will find all of this laid out with great care and detail (which I am certainly not going to go through now) ----

A: Has he mentioned the staff evidence analysis sheets? I do not think so.

MR JUSTICE GRAY: Mr Rampton, does it simplify matters if I say I am prepared to accept that there is good internal evidence that it is March or thereabouts 1942?

MR RAMPTON: No, I really think that would be unsafe. There is some internal evidence.

MR JUSTICE GRAY: All right. Just assume that, but really then it may become a question of what the Judenfrage was?

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A: I agree. But even that I am not ----

MR JUSTICE GRAY: I am not clear, sorry, you are getting it from every direction.

MR RAMPTON: I am sorry. Your Lordship was interrupted by what I call harassment from my right.

MR JUSTICE GRAY: Can I harass you and just ask you, where does one find the material on which Professor Evans bases his proposition, namely that the Jewish question that is being discussed is the problem of half-Jews, as I think they were called?

MR RAMPTON: This is one of the things that one can see if one goes back to page 464 as a starting point in Mr Irving's book, he himself draws attention to that.

A: Oh, yes. What was at that time actual was the question of who is a Jew, which I think they still cannot decide really.

Q: Your Lordship can see the first part of the main paragraph in the middle of page 464 makes reference to this what is called the "Mischling" question. It says, quite correctly, that Heydrich held a second conference all about that on 6th -- it does not give the date, but the date is 6th March. You will find that, my Lord, on page 375. It may be one should start earlier, but this is a long and detailed part of Professor Evans' report and I do not believe that it is going to help anybody if I read out great chunks from it at the moment.

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A: But is it not a reasonable inference that this document, therefore, came after that conference?

Q: It is certainly one of the available inferences and it is one which Professor Evans himself has said in his report that he thinks is the likeliest?

A: So we have wasted an awful lot of the court's time ----

Q: No, we have not, Mr Irving, because there are problems with that interpretation, and this is my whole point. You will not face up to the problems of the documents which you embrace so enthusiastically. You will just have to be patient until I tell you what I believe the problems may be.

My Lord, I wonder if your Lordship might read from paragraph 7 on page 374 and going down to paragraph 9 on page 376? We have the source documents here.

MR JUSTICE GRAY: To the end of 9?

MR RAMPTON: Sorry, my Lord, end of 9, yes, if your Lordship pleases, yes. That will do fine.

MR JUSTICE GRAY: I had read that before. That is what I would be interested to know what Mr Irving says about that.

MR RAMPTON: So would I, particularly since, as one can see from the original document -- I am not asking your Lordship to look at it -- the conference about the Mischling and the Mischeyer is actually headed "Ent Losung der Judenfrage" whereas one notices that Lammers' statement, or the note of Lammers' statement, refers only

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to the "Losung".

MR JUSTICE GRAY: Well, there would be many Juden frager, would there not?

MR RAMPTON: Yes, precisely, of which I have no doubt the mischlinge one was a knotty one, because I think the evidence is that Hitler himself did not think that it was a good idea to split marriages and send what might be called half and halves off on the trains. That is right, is it not?

A: If you were to pursue this line of argument, the document would say that the solution of this Jewish problem would need to be postponed.

Q: Exactly, Mr Irving.

A: He is talking about the solution of the Jewish problem postponed.

Q: That is another problem with the document. You would have expected it to say diese Juden frager?

A: Of this Jewish problem, but it does not, of course.

Q: I quite agree.

A: So that does not help you very much.

Q: I am not looking for help, Mr Irving. You see, you have completely the wrong end of the stick.

A: I am trying to help you because I am enjoying this.

Q: You are not helping me at all because you are always punting to the same end of the pond. I am not. I am in the middle and I am looking at all the lily pads around me

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and wondering what the answer is. I do not think it is clear that this is a general statement by Hitler in the context of the file in which it was found, which would be a floating statement of no significance at all, that Hitler has said yesterday, "Stop all this talk about mischlinge because I have said that the whole Jewish question is to go off to the end of the war". I do not think that is the only possible explanation. I think anybody who leaps on that band wagon and ignores all the others is not being a respectable and competent historian.

A: You are not, with respect, being a respectable and competent counsel if you ignore the document that immediately precede this note, which is Schlegelberger writing to Lammas, saying that ugly things seem to be looming ahead, I really think I ought to talk about this with you before we go any further. Lammas then writes back to him saying, no, the Fuhrer does not want

to be bothered with this kind of thing. He wants all the Jewish problem postponed until the end of the war.

Q: You say, write back. Where is Schlegelberger's signature on that thing?

MR JUSTICE GRAY: Could I see it, because are you assuming I know. What is this note about ugly things going on because that would be very relevant, it seems to me?

A: It is immediately preceding this in the file.

MR JUSTICE GRAY: In the web site?

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A: Well, it is certainly in the actual file, which is the file here. While they are looking for it, I will just get it to the front. It would be on the web site definitely.

MR JUSTICE GRAY: It may not have been reproduced.

MR RAMPTON: I am certainly not aware of it.

A: It is probably page 1564 of the web site just off the top of my head. Yes, here it is. If I can just read it straight out while you are looking for it, my Lord, it is March 12th 1942. This is six days after the conference.

MR RAMPTON: Mr Irving, I have the original German here, I think. Can you just identify it and then give it to his Lordship to look at?

MR JUSTICE GRAY: I think we have found it in the web site.

MR RAMPTON: I have not got the web site file. I just want to make sure that we are talking about the same document?

A: It is from the same Justice Ministry file. It is paginated in that series 01/109, in the original wartime series, it is just two documents ahead of the Schlegelberger note, dated March 12th 1942: "Dear Reichs Minister Dr Lammas, I have just been briefed by my personal assistant on the outcome of the conference of March 6th concerning the treatment of Jews and mixed race Jews. I am still awaiting the official protocol. After the briefing by my personal assistant there appear to be decisions in preparation which for the larger part I consider to be quite out of

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the question, quite impossible, as the outcome of the conferences at which an adviser or a personal assistant of your house has also taken part will form the basis for the Fuhrer's decision. I would urgently request that I can have in good time a conversation with you in person, a personal conversation with you, about the matter. As soon as the protocol of the session is in front of me, I will allow myself to telephone you and to ask you whether and when we can have that talk."

MR JUSTICE GRAY: Mr Irving, that seems to me to run quite counter to the proposition for which you contend because that is dealing entirely with the problem of Juden and mischlinge?

A: Jews and mixed race. "The Jews and" I think is significant there. But, be that as it may, my Lord, even if you are right, and I am sure your Lordship is right, I hesitate to say that your Lordship is wrong in that matter, but, even if you are right, what I am saying is, and I have reason for saying this, that the outcome was the note from Lammas to Schlegelberger, which effectively says that the Fuhrer does not want to be bothered about this, he wants this whole thing, he wants the solution to the Jewish problem postponed until the war is over. If I just continue that, we also know from interrogations of people who were at the conferences that Lammas came back to them and said he had mentioned it to the Fuhrer with

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precisely that outcome. The Fuhrer said he did not want to be bothered with this kind of stuff, postpone it all until the war is over.

MR JUSTICE GRAY: All of that points, so far as I see it at the moment, to this having been the narrow question of, if one can call it, mischlinge?

A: Juden und mischlinge.

Q: I follow that that phraseology is used, but that does not seem to me to be tremendously significant, given the whole context of the reference to the conference on 6th March.

A: I appreciate this is one possible interpretation if you ignore the fact that the Schlegelberger memorandum says die losung der juden frager (?), the solution of the Jewish problems, not this Jewish problem.

Q: I have the point about der rather than dies.

MR RAMPTON: That points in one direction, Mr Irving. The other considerations point in the opposite direction, including, if I may -- I do not know, I am completely ignorant but I am told that this is a good point by those like you that have inspected the file. The file number on the top right-hand side of what you call the Schlegelberger memo, I prefer for safety sake to call it the Freisler document, is 153.

A: Yes, with the handwritten number 153 on it?

Q: No. There is stamp on the one I have.

A: Yes, but the one I am looking at is stamped on the left.

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Q: I know you are looking at your web site copy.

A: No. I am looking at the one on the left. This is the original document with the stamp on the left.

Q: So you say, but the other document with 12th March 1942 has the stamp number 155 on it.

A: Well I do not have ----

Q: You will find it in H1 (vii) at page 371.

A: Previously, of course, you could not find it. Now you can find it. Yes.

Q: There is no evidence, is there, that these file page numbers are contradictory? One is 109 followed by 111.

A: This is why we cannot be absolutely certain as to exactly which sequence within the month they are shuffled.

Q: You cannot assert with any confidence that the anonymous undated Freisler document was generated or prompted by the dated and signed note of the 12th March 1942, can you?

A: Within the space of a month you can be pretty certain. You can say it was after March 6th.

Q: If this relates to the question of the mischlinge at all?

A: Well, it was within this file and we know where it is placed in the file, and there are no documents outside that time frame, so on a high degree of probability that is the time, and we know when, reasonable from other documents, you know when the conversation took place between Schlegelberger and Lammas.

Q: Now, Mr Irving, consider a problem of real substance.

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A: The problem of real substance is that I am the only historian to mention these documents. Everybody else pretends they do not exist, although they have ----

Q: Mr Irving, you have grasped it with your usual boyish enthusiasm because you think it acquits Adolf Hitler of any hand in the mass murder of Jews.

A: Which is precisely why the other historians have not even mentioned it.

Q: Mr Irving, that was not what I was going to ask you about. The problem you do not seem to have faced up to is this. I am going to ask you a question first. What in your version of history was in Hitler's mind the entlosung (?), and we notice this document does not use that word, to be put into effect after the war in Hitler's mind in March 1942?

A: Well, at this time, of course, as you know, I will say he was talking about deportation overseas, or deportation beyond the pale.

Q: As a first step to that desirable end beyond the pale, were the deportations from the Outreich and the Protectorate?

A: Yes.

Q: Those had already begun in September or October 1941?

A: That is correct.

Q: What on earth then would it mean for a high ranking Civil Servant such as Lammas to say: Hitler wants that which has

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already been put into effect on his own orders of September 1941 to be postponed until the end of the war?

A: Can you look at the full text of the document? The full text of document says: "The Fuhrer has repeatedly said that he wants the solution of the Jewish problem postponed until the war is over and for this reason he does not want all this continued talking about it. He does not want all this to-ing and fro-ing within the ministry, but this is at the height of the military crisis".

Q: That goes back right into the circle which his Lordship has drawn for you, does it not? If it is a general statement by Hitler about the losung of the Jewish question which is to be treated as evidence of Hitler's intention as at the 3rd or 12th March 1942, then it is a nonsense, because that entlosung has already been put into operation. It started in October 1941.

MR JUSTICE GRAY: And it is still in operation, would that that not be right.

MR RAMPTON: Yes, and it is still going on.

A: Yes, it is.

Q: It makes absolute nonsense. If, on the other hand, this is a limited reference to the mischlinge question being discussed by Heydrich and his colleagues, then it makes perfect sense, it does not say that but this is the proper interpretation, this part of the losung has to be deferred. Hitler is not interested in it.

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A: That is not exactly what it says. It does not say this solution of this Jewish problem, and does not this document also therefore destroy your Riegner document which you quoted to the court with Adolf Hitler allegedly saying he wanted everything finished this year, for which purpose they are using the prussic acid, I am sure you remember the content of the Riegner document, which is only a week or two after this one. If you were right, this would destroy that.

MR JUSTICE GRAY: No, I would not go down that road.

MR RAMPTON: I am not going to. I am not picking up that gauntlet.

A: Can I also remind you, of course, that this is not Hitler's word? This is second hand already. This is Schlegelberger being told by Lammas what Hitler had said to him, with Schlegelberger

making the note.

Q: Let us try and get a little common sense into this, shall we?

A: Do not attach too much importance to whether it is losung or entlosung that is the word that is being used.

Q: I am not, but it is one of the little things that, though significant to an historian, is not decisive. I am not saying that. Let us use common sense and objectivity. During this period and for seven months up to this period, according to you, Hitler's version of the losung or the entlosung has been in top gear.

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A: It has been gathering momentum, first one City then another.

Q: It would not make any sense for Lammas to report that Hitler wants what is now taking place on his command to be postponed until the end of war, would it? So we are not talking about any general losung plainly?

A: We are talking about the overall completion of every I dotted and every T crossed.

Q: Exactly, including including the solution of the mischlinge problem. Do you follow?

A: Can we stand back from these trivia and look at the overall effect of the document? This is a high level diamond document of unquestioned integrity, stating that Hitler wants the solution of the Jewish problem postponed until after the war is over and that is what the document states. We do not have to read between lines any more unless you want to try and devalue the document.

Q: No. I am not trying to devalue the document. I am trying to help you, if I may put it so patronisingly, to see the light because you just will not, will you? Here you have a document which refers to Hitler having said he wants the solution of the Jewish question postponed until after the war. If you extract it from all its historical, rip it off the wall, take it out of its historical context, then yes, of course, it is a sort of diamond or golden sword that you like to brandish. But, if you put it in its

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historical context, your interpretation makes no sense whatsoever, does it?

A: Equally less does your interpretation make any sense, if I may say so.

Q: Now, consider another possibility.

A: You are putting the narrowest possible definition on this extraordinary broad phrase, the solution of the Jewish problem. We have been hearing for days how the Final Solution of the Jewish problem was the Holocaust. Here is a document saying he wants it all postponed until after the war is over and suddenly you say this document is of no value at all, and all your historians have never mentioned it until now they are forced to because I have put it in this court.

Q: Did you write to Professor Jekel?

A: Yes.

Q: Who I think actually found this document?

A: When I pointed him where to find it.

Q: He wrote an article in a German newspaper first off about this, did he not?

A: If you remember, I found the staff evidence analysis sheet which pointed out the document had once existed.

Q: The fact is, whenever you have said, as you so frequently have, that all the other historians have ignored this, Abraham Jekel is, I suppose, is a historian?

A: When does he claim to have found it?

Q: I do not know. I thought you just conceded that he did.

A: If it is a question of who was first.

Q: But he certainly has not ignored it, has he?

A: Yes, he cannot ignore it now.

MR JUSTICE GRAY: We are fencing a little bit.

MR RAMPTON: I am not interested in defending Professor Jekel any more than I am Professor Evans. I am sure they can both fight for themselves. On 28th February 1978 you wrote to Professor Jekel in German from London, saying that you thought that this document could date anywhere between October 1941 and March 1942, did you not?

A: Yes.

Q: That is actually a recognition of yet another explanation of this curious document, is it not?

A: In the meantime, of course, I have checked on the interrogations of everybody who was present at that session in 1942, so we know much more narrowly when the document originates from.

Q: So you say, but one reasonable interpretation of this document----

A: You say so I say, that is why I am standing here in the witness box.

Q: I know. I am only saying that because I have not read those things myself. I do not actually have to say that I need to rely on what you say in the witness box.

A: Mr Rampton, I would not say something in the witness box

under oath if I was not speaking the truth.

Q: I have to say, I am afraid, Mr Irving, on a number of occasions in this court you have said things from the witness box which I do not accept as being the truth and which I will characterise it at the end of the case as being knowingly untrue.

A: There is of course a solution for that kind of problem known as the Aitken solution and, if you want to go that road, you can, but I think you will find it very difficult.

MR RAMPTON: I do not know what that is.

MR JUSTICE GRAY: Can I ask two questions, first of all, Mr Irving? Would you or would you not accept that the theory that Mr Rampton is propounding, namely that this Schlegelberger note is really confined to the problem of the mischlinge, is a feasible one?

A: It does hold water but it is an alternative theory, my Lord.

Q: It is alternative?

A: Yes.

Q: And a viable theory?

A: Except for the fact that the document does not say this Jewish problem, it says the solution of the Jewish problem.

Q: Apart from that fact, would I also be right that in Hitler's War you have espoused 100 per cent the theory

that it is in fact a highly significant statement because it is referring to postponing the Jewish question altogether until after the end of the war?

A: My Lord, with respect, I would draw attention to the fact that in that very paragraph you are

alluding to, I refer to the fact that it came immediately after the discussion about the half Jews and the mixed Jews.

Q: That is true. You think that is enough to tell the reader that this may not really be a very significant statement?

A: Well, it tells the intelligent reader the kind of context in which this document was found. It has taken Professor Evans, I think, eight pages to analyse the value of this document. I did not have eight pages. I have one paragraph or less.

MR RAMPTON: Mr Irving, I must say I happen to believe his Lordship is right, that is very, what I shall say, weasley reference to the mischlinge question in Hitler's War.

A: His Lordship did not say weasley reference. I do not think he used those words.

Q: I interpret what I hear or see, Mr Irving. I suggest to you that the reference to the mischlinge question in Hitler's War is not apt to lead the reader to suppose that you are saying, which you are plainly not, that the so-called Schlegelberger note has anything to do with the mischlinge question. Not directly.

A: I will not read it out, my Lord, but it is the third

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paragraph on page 464.

MR RAMPTON: Yes, I know.

MR JUSTICE GRAY: I have it well in mind. I have in mind what you say in the last sentence of that paragraph.

A: I rely simply on that paragraph and my own comment on it.

MR RAMPTON: I think I have it here.

MR JUSTICE GRAY: Mr Rampton, if it helps -- it probably will not -- I think I have got the picture on the Schlegelberger note because I have read Professor Evans and I have heard Mr Irving. You may say there are lots of other points to take, but I thought I would say that to you.

MR RAMPTON: But there is one other main point, or two other main points. Whatever one may think of what was written in Hitler's War in 1991, if one were inclined to be generous to Mr Irving and say, well, he has mentioned the two in juxtaposition, therefore, one might think, though it is not explicit, what he has had to say about it since then and before is very much more categorical about, in his mind, the importance, or at any rate in his expression the importance, of this document. My Lord, I give an example from 1984: "Finally, I think the most cardinal piece of proof in this entire story of what Hitler knew about what was going on, is a document that mysteriously vanished from the Nuremberg files in 1945. It is clear", and then

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there is a lot of stuff about the files. It says ----

A: Can I enquire what this is that you are reading from?

MR JUSTICE GRAY: Yes, can I ask that too?

MR RAMPTON: I am sorry. I was trying to save time. It is file D3(i), tab 20, page 101. Has your Lordship got it?

MR JUSTICE GRAY: I am going to wait to hear you read it out.

A: What was the page number again?

MR RAMPTON: It is page 101.

A: I have it.

Q: It is one of these reprints I think of an Irving speech or presentation or lecture, whatever you call it. It is tab 20, Mr Irving, with page 101 stamped at the bottom, the right-hand side which is

page 281 of the document. My Lord, I will start again, I am sorry:

"Finally, I think the most cardinal piece of proof in this entire story of what Hitler knew about what was going on, a story of what Hitler knew about what was going on is a document that mysteriously vanished from the Nuremberg files in 1945. It is clear that it was in the files in August 1945 when they were sighted by the Americans in Berlin and catalogued". "Sighted", my Lord, is spelt with an S, it is "sighted". " ... when they were sighted by the Americans in Berlin and catalogued, because it appears as item 4 of a five-item list. It then vanished from the files by the time they reached Nuremberg for the Nuremberg trials, and so could not be produced

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there as evidence, and then reappeared now in the files of the Federal archives in Koblenz. That is the file that it is in, Reichsminister of Justice. The heading is: The Treatment of the Jews."

A: The heading of the file.

Q: Oh, the file, not the document?

A: Yes.

Q: It is a document. What is the German, the treatment of the Jews, on this file?

A: "Behandlung des Juden", not "Behandlung Mischlinge".

Q: No, it is a general file no doubt. The Justice Ministry had problems to resolve in relation to the Jews, I am going to come to that in moment, but that is it right, is it not?

A: Yes.

Q: "It is a document, a memo, on a telephone conversation inside the Ministry of Justice. From its placing in the file we know that this conversation is about March 1942, two months after the notorious Wunzie conference when all is supposed to have been put in train by Adolf Hitler. The Reichsminister, Hans Lammers, was the Chief of the German Civil Service. He would be rather like the Prime Minister in a normal society. The memo says: Reichsminister Lammers informs me that the Fuhrer has repeatedly told him that he wants a solution of the Jewish problem postponed until after the war is over. And it

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goes on about the fact that for this reason all this talk, all this jaw that is going on at present, is completely superfluous." Then in italics, and these are Mr Irving words: "Hitler has repeatedly said: He wants the solution to the Jewish problem postponed until after the war is over." Out of italics, new paragraph: "Again this is a document which is of extreme embarrassment for the rival school of history. They cannot talk their way around it. They cannot talk their way out of it. They close their eyes and when they open them it is still there. It refuses to go away. Believe me, from this moment on right through to 1943 there are further documents showing Hitler interceding, acting, trying to stop preventing ..." My Lord, I will stop there.

You agree, Mr Irving ----

A: Excuse me, you rather hinted that there is nothing more. There is another telephone conversation from Himmler to Heydrich on 20th April 1942, again from Hitler's headquarters. Himmler telephoned Heydrich: "No destruction of the gypsies". It is not without significance that you stopped just before I could read that out.

Q: It is 20th April.

A: Yes, it is all part of the sequence.

Q: It is a bit like Himmler's telephone call to Heydrich of

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30th November 1941, is it not?

A: But what quality my records are, Mr Rampton, compared with the quality of the records that you are producing against me.

Q: Mr Irving, can we try to keep on the rails. We have not got much longer this afternoon. I want to finish this topic this afternoon.

A: Are you implying I am going off the rails?

MR JUSTICE GRAY: I think we can move on.

MR RAMPTON: Mr Irving, that is characteristic, what I just read, of the importance which you attach to this little document, I mean little in terms of significance, not of size, this little document as evidence of, as you propose, the fact that Adolf Hitler neither ordered nor knew about any massacring of Jews, at any rate up until late 1943?

A: It has taken Professor Evans eight pages to waffle his way out of it.

Q: That is cheap rhetoric, Mr Irving.

A: It is not cheap rhetoric. It is exactly correct.

MR JUSTICE GRAY: Let us pass on.

MR RAMPTON: I am sorry if Professor Evans irritates you so much. You can take your feelings out on him when he is in the witness box. The position was this, was it not, at this time, Mr Irving, and this is my last but one thing for you to think about if you ever come to reconsider your position on this document. There was at this time a

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squabble going on, and I am paraphrasing, I am using colloquialisms, so please forgive me, the hour is late, between the SS on the one hand who wanted the Mischlinge carted off and the mixed marriages split up, and on the other hand the Ministry of Justice who probably for entirely practical reasons since they would have to make all sorts of laws and decisions, wanted the question left on one side?

A: That is absolutely right.

Q: Thank you. It is quite natural that Lammers, having thought about it, should say: "Well, I think if I asked Adolf Hitler he would probably say, well, forget the Mischlinge question", and thought to himself: "Well, we all know that in the past Hitler said he wants to postpone the entlosung until after the war. I will just tell Schlegelberger to write that down"?

A: But that is not what this document says, Mr Rampton, if I can ----

Q: It says: "The Fuhrer has repeatedly said" or "The Fuhrer had repeatedly said". We all know that the Fuhrer had repeatedly said that way back in 1940 and 41.

A: Well, if you attach importance to the tense there I will take expert advice overnight and ask exactly what the English translation of that tense should be.

Q: Even if it has, a senior Civil Servant will be well aware of the fact that the Fuhrer has in the past repeatedly

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said that he wants the thing postponed. What the document does not say is that Herr Lammers went into Hitler's office and said: "Look, Mein Fuhrer, there is this squabble going on", and that Hitler said on that occasion: "But you know perfectly well this can't happen. I am not having the Jewish question solved at this stage. It has got to be postponed until the end of the war." Now that last fanciful example is what you have deduced from this document, is it not?

A: Mr Rampton, I am going to ask his Lordship's permission to come in tomorrow with a little bundle say of, say, four or five documents on this particular point, which I would ask his

Lordship's permission to put before the Court.

Q: If you would rather leave it now, I will leave it now. I am just going to propose, you can think about it overnight, one other possibility to you.

A: It is just that I would like the chance to bring in the documents which will support my position rather than yours.

MR JUSTICE GRAY: Yes, by all means.

MR RAMPTON: I think that is perfectly reasonable.

A: It will be a very small clip, and not one of my usual bundles.

Q: I may need time to consult them with my expert team. I am not an expert. Mr Irving, there is one other possibility,

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is there not, that if this represents, this note, a contemporaneous statement by Hitler about his intentions for the Jews in general ----

A: Yes.

Q: --- then it is quite possible that it is not a 1942 document at all for this reason, that up to September 1941, the beginning of the entlosung on Hitler's order had not happened?

A: Yes.

Q: So it is logically consistent with Hitler's known intentions and statements in the earlier part of 1941 or in 1940, that this document might emanate at that date, is it not?

A: A vanishingly small probability that that was possible. To suggest that this 1942 file of documents could contain a stray document out of 1941, flies in the face of the German mentality.

Q: Before we stop tonight, Mr Irving, and you collect your thoughts on the things I have been putting to you, does the file which you are talking about, is it an original Justice Ministry file in full integrity, or has it been mucked around with by the Allies?

A: I can establish what condition it was in when it came into Allied possession because we have the staff evidence analysis sheet of the contents of that file, listing the contents.

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Q: But the thing you have seen is not, therefore, an original pristine, untouched Reichs Justice Ministry file?

A: No. I would just comment, I do not intend just to collect my thoughts tonight. I know precisely where my thoughts are, but I think it would be more useful if I can buttress them with the actual paperwork which establishes that these are not stray thoughts.

Q: Is your Lordship content with that?

MR JUSTICE GRAY: Yes. That is a convenient moment, are you saying, Mr Rampton?

MR RAMPTON: No, I meant is it convenient for me to stop now?

MR JUSTICE GRAY: Yes, that is what I thought you mind. Can I just mention one or two things? (Administrative Discussion).

MR JUSTICE GRAY: Finally, Mr Rampton, can I just ask this. I thought I said something, but I may have forgotten, in which case it is my fault, about maybe having half a page of argument, just so I know what the issue is in advance of tomorrow on this question of Auschwitz.

MR RAMPTON: It may only just be a question of my copying out what I said from the transcript in that case. I have nothing more to say.

MR JUSTICE GRAY: Even that or the reference. Could you fax through the reference?

MR RAMPTON: Yes. The short point is this. It seems to unarguable that on the pleadings, and

whether you talk

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about the old pleadings or the new Statement of Case, and on the discovery and everything else besides our case is perfectly clear. It is I hope accurately stated by me I think it was yesterday. I cannot do any better than that.

MR JUSTICE GRAY: It is the convergence of evidence point, is it?

MR RAMPTON: Yes. There are two separate things about it. Let me take it stages. I am not here to prove that Auschwitz had gas chambers, homicidal gas chambers. I do not need to do that. If you again you have an open mind and you look at the convergence of evidence, eyewitness testimony from victims.

MR JUSTICE GRAY: Yes, I remember what you said.

MR RAMPTON: All of that, perpetrators, and the contemporaneous documentary evidence and the archeological remains, you are drink to conclude, as a matter of probability at the very least, that indeed what the eyewitnesses tell us is true. I am not here to persuade your Lordship of that, save as a preliminary first step to two things. Mr Irving on the back of a piece of so-called research which is not worth the paper it is written on jumped up and said he was perfectly certain that there were never any gas chambers at Auschwitz, and he has said that statement, made that statement repeatedly in circumstances where it is apt to excite the hostility towards Jews of people who are likely

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to be anti-Semitic, which is the political side of this case which we will get to later on. As an insight into Mr Irving's credentials as a so-called historian, it is extremely illuminating, and that is the whole of my argument.

MR JUSTICE GRAY: The question which may be capable of being narrowed is the extent to which Mr Irving contests the possible validity of the eyewitnesses' evidence, the survivor's evidence, the camp officials' evidence and so on?

MR RAMPTON: Mr Irving, I do not know what his case is. His case could be twofold: No, Liechter is not rubbish, it is jolly good and what is more there is a whole lot of other stuff besides relating, for example, to coke consumption and incineration capacity and goodness what else, which converges towards the conclusion that everybody has been wrong all this time, that leads me to the conclusion that the eyewitnesses are mistaken or lying. It could be his case. I just do not know.

MR JUSTICE GRAY: I think that may be sufficient. We can debate that tomorrow. 10.30 tomorrow.

(The witness stood down)
(The court adjourned until the following day)

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