

## PROCEEDINGS - DAY EIGHT

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**Day 8 Monday, 24th January 2000.**

**MR JUSTICE GRAY:** Yes, Mr Irving?

**MR IRVING:** May it please the court. I have three very small matters that I would just like to bring to the court's attention ----

**MR JUSTICE GRAY:** Yes.

**MR IRVING:** --- and to try to keep it within the five minutes that I have set out. Your Lordship has before you a very small heap of documents which, as far as I am concerned, can be disposed with immediately afterwards. They are purely to draw attention to certain points I wish to make. The first one is headed August 17th 1942, on the right, a translation. It is a two-page document.

**MR JUSTICE GRAY:** Yes.

**MR IRVING:** We were dealing, your Lordship will remember, with the deportations from France which were discussed between Hitler and Himmler at the end of 1942, and the question was what was going to happen to them, and there was reference to a Sonderlager, a special camp. Your Lordship will see within the first paragraph of the translation the second sentence: "At first"?

**MR JUSTICE GRAY:** Yes.

**MR IRVING:** "At first the evacuated Jews will be accommodated in the Auschwitz concentration camp, but a special reception camp is to be erected in the Western Reich territory." If I may summarize the rest of the document,

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it says: "We will continue deporting train loads of Jews from France to avoid this lengthy journey to Auschwitz. Can we please set up camps inside the Reich to house these deportees?"

**MR JUSTICE GRAY:** That is an odd movement, is it not?

**MR IRVING:** It is a very odd movement.

**MR JUSTICE GRAY:** Sending them all the way from France to Poland and then back again.

**MR IRVING:** And then back again. I cannot speculate as to the reason why they should engage in this movement, except that Auschwitz does appear to have had a transit camp character about it. It had facilities there for stealing, robbing; it had facilities there for fumigating and checking; it had also the big slave labour camp that was attached to the Molovitz factory. There are two reasons, your Lordship has quite rightly spotted that fact, and that is I wanted to hint at the possibility this may have been the kind of movement -- remember your Lordship drew attention to the fact that people were coming back from the East, from Lemburg to one of the camps on the border. Of course, the special reception camp, that is, Besonderes Auffanglager, you will see on the next page, my Lord, in line 4, "Besonderes Auffanglager", a special reception camp, is clearly the Sonderlager to which reference is later made, in my submission.

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If I can move rapidly on to the next document, my Lord, it is headed "Pocket Dictionary". It is three or four pages.

**MR JUSTICE GRAY:** I am not sure I have that.

**MR IRVING:** In that case ----

**MR JUSTICE GRAY:** Hang on. I probably have it somewhere.

**MR IRVING:** It will be in white, my Lord, with a green corner tab.

**MR JUSTICE GRAY:** No. Oddly enough, that has not arrived.

**MR IRVING:** My Lord, I went to some trouble over the last few months obtaining contemporary a German dictionary by which I mean a wartime Third Reich German dictionary so we can see what the meaning of words were at that time, rather than the modern Langenscheidt being used and relied upon by the Defence. This is a 1935 dictionary, my Lord, which is this one here. I have just looked up at random some of the words we are interested in. The first page is "Entfernen" which means "to remove". It has no subsidiary sinister meanings.

**MR JUSTICE GRAY:** I do not think anyone is suggesting, except in a euphemistic way, that it means anything other than to remove or distance.

**MR IRVING:** My Lord, I believe the Defence is relying heavily on the fact that I have mistranslated and distorted. In my submission, if I use the correct wartime translation of the word, then this destroys that particular Defence

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justification.

**MR JUSTICE GRAY:** Yes.

**MR IRVING:** The next page is "Vernichten", a very sinister word, "annihilate and destroy". The next page is "Abschaffen" which is quite significant in connection with the French movements, you will remember, my Lord, because Himmler wrote next to the figures "Abschaffen" in his handwriting, and this means "to dismiss".

**MR JUSTICE GRAY:** I think the difficulty with "Abschaffen" is that it would not normally be applied to people. Is that not a fair point?

**MR IRVING:** You are right, my Lord. It could apply to a body of people, perhaps, to dismiss them, and I shall be making, obviously, my closing speech submissions at some length summarising this question of the translations which is a thorny one, I appreciate, but in view of the fact the Defence do rely on it so heavily for the distortion element of their justification; and, finally, my Lord, on page 33 of the dictionary we have the famous "Ausrotten" and there the 1935 meaning of the word is quite clearly "to root out", as you would imagine, the word "Ausrotten"; whereas I quite readily accept that nowadays in 1999/2000, the word "Ausrotten" quite clearly means "liquidate". It has become that, the same as words change their meaning over the years.

**MR JUSTICE GRAY:** Yes.

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**MR IRVING:** My Lord, finally, I come to the little bundle of documents. It is a rather arcane matter, but again I believe the Defence rely heavily on my choice of language. Your Lordship will remember the rather heated remarks I made about certain Jewish fraudsters and racketeer in the United States, Ivan Boesky, Michael Milken, and so on. I suggested they were hiding behind, they were insulating themselves from public criticism by the use of the Holocaust. This is what is now scientifically or academically referred to as the instrumentalisation of the Holocaust. This is one particular example which came to our attention. Mr Melvin Mermelstein, who may well be mentioned later on in the case, started a claim against the Hertford Insurance Company. His lawyers warned the insurance company that, as a survivor of Nazi concentration camps during World War II, this matter is extremely important to Mr Mermelstein. That is page 2, my Lord. On

page 6, the insurance company's own lawyers warned them, warned the insurance company, to settle the \$100,000 being claimed, saying, "The lawyer argues that a jury will be sympathetic to a man who has survived a Nazi concentration camp", and so on. So this is the kind ----

**MR JUSTICE GRAY:** It is not quite the same point, is it? The point that I think you were making in that talk that we looked at on Thursday was that Jews who get up to some

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sort of financial or other misconduct then used the Holocaust as a kind of shield against their own criminality.

**MR IRVING:** My Lord, it may well be that I shall lead ----

**MR JUSTICE GRAY:** This is a slightly use or instrumentalization of the Holocaust.

**MR IRVING:** It is an insulation which goes on. Perhaps it is automatic -- we all have the utmost sympathy with victims of the Holocaust, and that includes myself, and I want to say that here; but I want to get this one instance in now because of the rather ugly note we closed on on Thursday evening, and it may well be I will lead further evidence which will go more closely to the matter actually raised. With that, I end my submission, my Lord.

**MR JUSTICE GRAY:** I will put these into, just so we know where they are going, J. I think we have got to 8, but there is a problem with these loose documents. So that completes what you wanted to say about that, Mr Irving.

**MR IRVING:** I have completed my submission, my Lord.

**MR JUSTICE GRAY:** Mr Rampton, you do not want to say anything about this matter?

**MR RAMPTON:** No, I do not want to say anything about any of them at the moment. I may have to come back to some of them in due course, but certainly not today. J8, my Lord, says Miss Rogers.

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**MR JUSTICE GRAY:** Could I mention something that I would like to do, I think probably first thing tomorrow morning, if that is convenient, and that is to have a look and see what the future timetable is looking like, as far as one can judge it. I would appreciate there are witnesses to be accommodated. We might need to discuss what topics need to be cross-examined to and possibly some do not need to be.

**MR RAMPTON:** I agree.

**MR JUSTICE GRAY:** And timing generally.

**MR RAMPTON:** I mean, I quite agree with that. One reason, if I may respectfully say so, I would say it was a good idea to do it tomorrow is that today is a bit uncharted, I am chartered, but I do not know where my charts will lead me today. But there is also the very good question your Lordship has raised on how much more of Evans do I have to do? Of course, essentially, that is a question for me, subject to being told not to. There are only, I think, two big topics left in Evans, that is ReichsKristallnacht -- three, ReichKristallnacht early anti-Semitism of Hitler with the Nuremberg rules and Dresden.

**MR JUSTICE GRAY:** I think there is another heading post KIRSTALLNACHT, is there not?

**MR RAMPTON:** Yes, but that is all part of the same subject.

**MR JUSTICE GRAY:** All right.

**MR RAMPTON:** My Lord, can I mention something which I think

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I have mentioned before, which is this, that it would be convenient to us if we could have our reading day on Thursday rather than Friday of this week for the reason that Professor van Pelt has to go to Stockholm on Thursday.

**MR JUSTICE GRAY:** For a day or for a weekend?

**MR RAMPTON:** Only for a day. He is going in the morning and coming back in the afternoon, but there is a conference that he has been asked to attend and thinks that he should. So if we could possibly have ----

**MR JUSTICE GRAY:** I do not see any problem with that. Does that cause you any difficulty, Mr Irving?

**MR IRVING:** My Lord, we were going to call Dr John Fox as our expert witness on that day, but I can easily postpone him.

**MR JUSTICE GRAY:** That is very accommodating. Thank you. We will do that first thing Thursday morning, if that is all right with both of you? So we can now press on with cross-examination.

**MR IRVING:** My Lord, I am calling Mr Peter Miller as a witness tomorrow, but he will be relatively brief, I think, on the events in Moscow.

**MR JUSTICE GRAY:** That raises a question that I have canvassed before. To what extent are we going to have to go through quite voluminous evidence on the Goebbels' diaries? To some extent I am in both of your hands. I have made no secret of the fact that whilst I understand, Mr Irving,

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your complaint about it, and I have seen the way the Defence is put, in the end is it a topic that we benefit by spending a very great deal of time on?

**MR IRVING:** On the Goebbels' diaries.

**MR JUSTICE GRAY:** On the Goebbels' diaries and the breach of the agreement or whatever it was.

**MR IRVING:** My Lord, I am accused of having breached agreements in Moscow. This is what I will certainly ask Peter Miller to evidence on.

**MR JUSTICE GRAY:** This is really in a way addressed to Mr Rampton as he will understand.

**MR RAMPTON:** There are really only two points left in Moscow. There is an admission that plates were removed without permission. The question, was there any significant risk they might be damaged? Second, how many plates? Now, whether that is more than about half an hour's cross-examination -- nothing more than that, I doubt.

**MR JUSTICE GRAY:** Well, well and good. That is, I think, all it really merits, frankly.

**MR RAMPTON:** That is how I see it. There is the additional point, of course, that Moscow would be, if it fell anywhere in the case, a section 5 question.

**MR JUSTICE GRAY:** That is what you say.

**MR RAMPTON:** That is what I believe, and it may be against everything else I will take a view (and it will be my decision) that it pales into insignificance.

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**MR JUSTICE GRAY:** That is really why I have said what I have just said. I do appreciate, Mr Irving, you do not accept that it is an insignificant point because you say you are accused of breaking an agreement.

**MR IRVING:** Well...

**MR JUSTICE GRAY:** It does not sound as if Mr Rampton is really pursuing that at all.

**MR RAMPTON:** Yes, but without permission.

**MR JUSTICE GRAY:** Yes, but without permission does not mean breaking an agreement necessarily.

**MR RAMPTON:** That is a question of terminology really.

**MR JUSTICE GRAY:** I am in both your hands about that, but I personally do not think we should spend a lot of time.

**MR RAMPTON:** That is my present view, but I am not committing myself now. But I think your Lordship can reasonably expect that Moscow will not take up a lot of the court's time, as far as I am concerned.

**MR IRVING:** My Lord, if they were to put Moscow into section 5 as well, I think that bucket is beginning to overflow.

**MR JUSTICE GRAY:** That is a very vivid way of putting it.

**MR IRVING:** We can put the whole of his Hizbollah and Farrakhan into section 5.

**MR RAMPTON:** That is not section 5. That is common sting which is different.

**MR JUSTICE GRAY:** Right, anyway, let us get on. That disposes of that. Yes, do please come back, Mr Irving.

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**MR DAVID IRVING**, recalled.

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

**MR RAMPTON:** My Lord, there are three new bundles. They are not new in any surprise sense. They are new in that we have composed them for ease of reference for this part of the case. There are two Auschwitz core bundles; the first consisting of what one might call material arising out of the Leuchter Report, and it has the Leuchter Report at the beginning of it. The second Auschwitz core bundles are the original drawings and documents.

**MR JUSTICE GRAY:** Yes.

**MR RAMPTON:** The third new file, again composed from other sources, are statements by Mr Irving about Leuchter and the Leuchter report. That has been extracted from a range of the D files, D1 and 2 and 3.

**MR JUSTICE GRAY:** Many of which we have been through?

**MR RAMPTON:** Yes, exactly, but not the specific reference and I am hoping to cut that short this morning, if I possibly can.

**MR JUSTICE GRAY:** I am sorry to be tedious about it, but can we perhaps give these bundles a slightly more convenient means of identification?

**MR RAMPTON:** We started off by calling them "K".

**MR JUSTICE GRAY:** Well, why not?

**MR RAMPTON:** All right. K1, 2 and 3 then.

**MR JUSTICE GRAY:** It is just going to make life simpler later

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on.

**MR RAMPTON:** Certainly, of course we will. The first fat one is K1, the second one which has not got as much material in it is K2, and the Claimant's statements are K3.

**MR JUSTICE GRAY:** Yes.

**MR RAMPTON:** (To the witness): Mr Irving, could you turn open the first tab in the first of those files? That should be the Leuchter?

**A:** It is, yes.

**Q:** I would rather you use the one in the file because it has the appendices. Before I do that, I want to do something else. May I? I am sorry about that, my Lord, I had forgotten what I intended to do.

**MR JUSTICE GRAY:** That is all right.

**MR RAMPTON:** It is Monday morning. Could you, Mr Irving, turn up in the third file, K3, tab 4? This is a transcript of the press conference that you gave, introducing the Leuchter in your published edition on 23rd June 1989. Could you turn to page 21, please? I will start, if I may, at the bottom of page 20. You are being asked questions, Mr Irving, and somebody says at the bottom of page 20: "So they fabricated this evidence?" You say: "Oh, we fabricated a lot of evidence at Nuremberg. I am very familiar with the private diaries", etc., "of Robert H Jackson and the American Judge Biddle." Page 21 at the top: "They fabricated the

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evidence?" asked the questioner?

**A:** "This evidence".

**Q:** I am sorry, "this evidence". You are quite right, Mr Irving: "No, but I am familiar with how things like the figure of 6 million were arrived at because that is dealt with at great length in their private diaries." Then you say this: "Judge Biddle, however, sitting in judgment at Nuremberg, he looked at one Auschwitz survivor all day, a Frenchman -- I am sure you know her name, she gave a heartbreaking testimony about what she had survived -- and in his diary at the end of that day Judge Biddle privately wrote: 'I don't believe a word of what she is saying. I think she is a bloody liar'." Mr Irving, he did not say that in his diary?

**A:** You are right. He did not write those words.

**Q:** No. Those are your words, are they not?

**A:** This is my gloss on it, yes.

**Q:** And he did not say it, did he, about the whole of her testimony?

**A:** I think he did. He sat there listening to the testimony and after a time when he could stand it no longer, he wrote in brackets in the middle of her testimony words which gave precisely this meaning to me as the reader. You must remember I have read the entire notes of Biddle in the archives in the United States.

**Q:** I am going to show you the notes of Judge Biddle and what

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you wrote about them on your little index cards in a moment. Can I just draw attention -- you do not need to get it out -- the woman in question was a lady called Marie-Claude Valliant-Courturier, was she not?

**A:** A French Communist yes.

**Q:** A French Communist. As she said, a member of the Resistance?

**A:** Well, exactly, a member of the Resistance and a French Communist.

**Q:** Do you remember in your Nuremberg book -- if you would like to get it out, you shall -- you published a lot of pictures, quite a good selection of pictures really, after page 182?

**A:** Yes.

**Q:** A caption to a picture of that lady, Madame Valliant-Couturier, reads as follows: "Credibility problems. As Madame Marie-Claude Valliant-Couturier below left testifies about her ordeal as a

Communist interned at Auschwitz, Judge Francis Biddle notes that he does not believe her"?

**A:** Perhaps it would assist the court if you were to read out some of this lady's testimony to the Nuremberg court?

**Q:** No, it would not in the very slightest, Mr Irving.

**A:** Well, it certainly would because you can see yourself how totally incredible her testimony was.

**Q:** No, Mr Irving, I am sorry. You can do that later in

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re-examination of yourself if you wish?

**A:** I certainly shall because all those things taken together indicated why the Judge wrote down those words in his notes.

**Q:** Could his Lordship and Mr Irving please be given the original transcript, or whatever it is, of Judge Biddle's notes and also Mr Irving's noted form of that document on his index cards?

**A:** These were provided by me to your solicitors.

**MR JUSTICE GRAY:** Where are they going to go? There is another loose document coming, floating in. Where shall I put it?

**MR RAMPTON:** The back of core file Auschwitz K2. It will be tab ----

**MR JUSTICE GRAY:** This is really a core bundle document, is it?

**MR RAMPTON:** It is an Auschwitz document in a sense, but actually on this little exercise for misrepresentation.

**MR JUSTICE GRAY:** This is Biddle's notes of Madame Couturier.

**MR RAMPTON:** That is right. 28th January 1946. This is his notes of her evidence.

**A:** "Sang the Marseillaise when the gas trucks started to move".

**Q:** On page 3, Mr Irving, if you turn to page 3 -- I marked it tab 7 in K2, my Lord, if that is convenient?

**MR JUSTICE GRAY:** Yes, thank you.

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**MR RAMPTON:** At the top of page 3 of his actual notes there are two sentences: "SS distributed punishment in form of 50 blows of stick on back by a sort of machine. Endless roll calls and gymnastics". Then a new paragraph, Mr Irving.

**MR JUSTICE GRAY:** Sorry, which page.

**MR RAMPTON:** Page 3, my Lord. 3 at the top or 34 at the bottom. Then there is a new paragraph: "House of prostitution for SS selected young women as they were washing for maids or camps used the same system. (This I doubt)." Then he starts a new paragraph.

**A:** Yes.

**Q:** The only thing, Mr Irving, that he is doubting is her statement about the prostitution.

**A:** I do not think you have any justification for saying that.

**Q:** It is perfectly obvious.

**A:** In the previous paragraph we have heard about the SS having a machine for beating people with, which on the face of it is totally implausible, and we now know it to be totally untrue. By this time, this Judge Biddle, who is a very, very level headed American, as I know from his private papers, is so fed up with this woman's testimony that he finally can stand it no longer and he dictates in parenthesis into his report -- this, you remember, is not in typing or handwriting, this is him dictating to a secretary so we do not know where the paragraphs begin or end in his

dictation. He says, "This I doubt".

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**Q:** Mr Irving, will you look at your own note of this document? You came upon these in Syracuse in New York State, I think?

**A:** The Americans call it Syracuse.

**Q:** I beg their pardon. But that is right, is it not?

**A:** This is correct, at the university of Syracuse.

**Q:** There is a little clip, two pages, of your own index card notes -- have I got it right?

**A:** That is correct.

**Q:** On the second page, in the top right hand corner, you report this part of Judge Biddle's note and, wherever you are, as it were, missing something out, you put quite properly an ellipse with three dots.

**A:** Yes.

**Q:** At the bottom of that box on the right-hand side, which I assume is a card, you write: "... House of prostitution for SS selected young women as they were washing for maids. All camps used the same system (this I doubt). ..."

**A:** The reason why I write down about the house of prostitution is because this was referred to as a sonderhouse and sondergeboide and so, for people who are interested in the Holocaust, you noticed the word sonder as being attached to something which was not connected with gassing, and that is why I quoted that particular paragraph but, once again, I submit that this dictated

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parenthesis by Biddle refers to everything he has heard up to this point. It is getting more and more implausible and, when he hears about the machine for beating people, his patience snaps.

**MR RAMPTON:** Mr Irving, that must be complete nonsense, must it not?. Look at the little paragraph in Judge Biddle.

**A:** He did not say, "new paragraph Miss Smith", he just dictated.

**Q:** What warrant did you have for inflating that side note about one little paragraph about prostitution into a general doubt by Judge Biddle about the credibility of the whole of this lady's testimony. What warrant was there for that?

**A:** I sat for either one or two days in the university library of Syracuse University. Reading all Judge Biddle's notes on the testimony given by the witnesses that I was interested in, and also his notes on the deliberations on the judgment, whether to hang or sentence to life imprisonment and so on. So you get a very good feeling for the sense of the way a judge is thinking and, if he did not make this kind of comment about the other witnesses and suddenly at this point he does, then this is what said to me that this was a witness who tested his own credulity.

**MR JUSTICE GRAY:** Can I just ask because I am not quite sure that I am following this? You interpret those three words

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in parenthesis, appearing where they do in the summary of this lady's evidence, as the judge casting doubt over the totality of it?

**A:** Up to that point, yes. There is no reason for him to doubt really the house of prostitution but there certainly is reason to doubt what comes in the paragraph before about the special machine

for caning people. We did not even have that at public school. Everything up to this point he has been listening, as judges do, I am sure your Lordship also does sometimes, with mounting impatience, and he made a little mental note that he dictated that evening to a secretary, "(this I doubt)".

**MR RAMPTON:** Mr Irving, you know perfectly well, do you not, that you have done what you have so often done? You have taken one little phrase which is applied to one proposition made by the witness about prostitution when the judge has put a parenthetical note that he doubts this proposition, and the word "this" is very specific in English. It means that which we are now talking about, does it not?

**A:** What they were now talking about was the SS distributed punishment in the form of 50 blows by a stick on the back by a machine, and all the other stories about the orchestra playing music as people went into the gas chambers, all these other stories that this witness generated in her testimony. There is a great deal of it

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in these five pages and you have been very careful not to read out the five page so that people can hear exactly how ludicrous this witness's statement was, as we now know with hindsight.

**MR JUSTICE GRAY:** Give us one other example. The machine for beating you have described. Just so that I have the flavour of it.

**A:** Dogs tore at their legs and killed, set on by SS guards, corpses in the courtyard, a hand or head would now and then stir in the corpses seeking to free itself, the heap moaned from morn till night in all languages "Water water", huge rats everywhere, and so on. I think there is a reason why the judge is dictating this kind of material: In order to get the flavour of what this witness is saying. He finally then writes down "(this I doubt)".

**MR RAMPTON:** Mr Irving, I simply cannot accept that.

**A:** This is frankly why I think eyewitness evidence is so dangerous.

**Q:** Yes, maybe you do, Mr Irving. I am not on about eyewitness. I am on about a deliberate distortion of what the text of Judge Biddle's note actually says.

**A:** I agree and I concede, for what it is worth, that what I said in the press conference, no doubt four or five years after reading Judge Biddle's notes, or possibly even ten years after I read Judge Biddle's notes, I cannot

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remember precisely when I saw the papers.

**Q:** What about what you said here in the picture caption?

**A:** About the credibility of the witness?

**Q:** Yes.

**A:** I think that is absolutely justified. If he says that he doubts her, then ipso facto her credibility has been maligned.

**Q:** Would you turn back to tab 2 in the third of those files, the same files as you have the Leuchter press conference?

**A:** Yes.

**Q:** It is page 18. My Lord, this is a speech at Toronto in August 1988. Turn to page 18, please.

**A:** I cannot see any pagination.

**Q:** Bottom of the page?

**MR JUSTICE GRAY:** Tab 2. Are you in the right tab?

**A:** I am in the right tab but there is no pagination in mine. However --

**MR JUSTICE GRAY:** Are you in the right volume?

**A:** It is the district court of Ontario.

**MR RAMPTON:** I am sorry about this. Tab 2, page 18. It is Toronto August 1988.

**A:** What is the page number?

**MR JUSTICE GRAY:** It is the wrong file.

**MR RAMPTON:** I am sorry, Mr Irving, it is the same file as the one from the Leuchter press conference.

**A:** Now we have it.

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**Q:** Before we look at this, Mr Irving, tell me when you went to Syracuse, as you call it.

**A:** I would have to look at my notes to see precisely when I went to Syracuse in fact on two or three occasions.

**Q:** You wrote to us on 21 December 1999. You said -- my Lord, this is inter partes correspondence -- "I originally read Judge Biddle's papers at Syracuse in about 1988"?

**A:** Off the top of my head, that may have been correct. I went to Syracuse two or three times because they have many collections of papers there.

**Q:** So, when you are speaking at the Leuchter press conference in 1989, that is not more than a year after you have seen the notes, is it?

**A:** In that event, yes, but I will come back with further and better information, if you want to know the exact date.

**Q:** This speech in Toronto which I am now asking you to look at, was made in August 1988?

**A:** Yes.

**Q:** And on page 18 you say this. Actually, we had better start on page 17 because this may be important. Can you read, please, from about the beginning of the second quarter of the page, there is a sentence: "Let me just read out the kind of material that was given in the witness box in Nuremberg". Then you mention Judge Biddle. Have you got that on page 17?

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**A:** Yes.

**Q:** Would you read to yourself please, not out loud if you do not mind, all of the rest of that page and down to the end of the first complete paragraph on page 18?

**A:** (Pause for reading) Yes. I clearly had my notes in front of me when I was saying this.

**Q:** You give some sort of an account of many things about which the French lady testified.

**A:** Yes.

**Q:** You finish that account with the piece about the prostitution, and then you say: "Here Judge Biddle writes in brackets in his diary 'all this I doubt'. Why did he not say it at the time, for heavens sake but he just sat there with his face motionless because he is an American judge, but in his private diary he writes", you repeat it, "all this I doubt", and so it goes on, and I am not going to read the rest of it.

**A:** Right. I had my notes in front of me.

**Q:** That is not what Judge Biddle said, is it?

**A:** But I am just stating quite clearly I had my notes in front of me when I was making this statement, and I added the word "all", but I would aver that that is precisely what I said in my earlier statement, that he has clearly referred to all that has gone before.

**MR JUSTICE GRAY:** Yes, but he did not say that.

**A:** He did not say that, my Lord.

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**MR RAMPTON:** Do you not see the difference between "all this I doubt" which I quite agree with you might certainly have reference to the evidence given to date by that lady, and the words "this I doubt" in parenthesis against a single statement in a single paragraph?

**A:** This is precisely what I said in my previous statement. My conclusion from reading his diary was that he was referring to the foregoing, all these incredible stories which are here listed in summary form in my speech about the baby saying, "can I walk now I have had my leg torn off?" and all this kind of thing.

**Q:** I am going to suggest to you that you made that speech in Toronto on the same visit to North America as when you first saw the Biddle notes.

**A:** No. I think from the way it is constructed, the fact that the passages in my speech here follow closely at first glimpse anyway the actual notes that I typed on to the index cards that I clearly had the index cards in front of me when I was making this statement.

**Q:** You distorted what they said, did you not.

**A:** I added the word "all" to make it more literate for an audience.

**Q:** Yes, you added the word "all"?

**A:** This is not a distortion of what my own perception was of that paragraph, that he was clearly referring to all the foregoing.

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**Q:** Very well. I will just tell you for the sake of record.

**A:** Clearly, he would not just have put in this unusual parentheses just because she is talking about a house of prostitution. It was well known at that time that there were brothels in all the SS concentration camps camp, in Dachau and everywhere else they had brothels for the use of the prisoners. This was well known at Nuremberg, so he certainly would not have put that in brackets "this I doubt" at that point. That refers to what he has heard up to this point.

**Q:** Even now, Mr Irving, you will not or cannot read the words in front of you. Actually the sentence which precedes the parenthesis is "all camps used the same system", is it not?

**MR JUSTICE GRAY:** Yes, and it might well have been a reference to that.

**MR RAMPTON:** Exactly.

**A:** It might well have been, but that was not my reading of it.

**MR JUSTICE GRAY:** Anyway ----.

**A:** On the basis of my knowledge of the Biddle papers and on the basis of this particular one.

**MR RAMPTON:** Yes, Mr Irving. Just for completeness, your diary tells us that you were in Syracuse on August 11th 1988, you made this entry, "worked at Syracuse University all day, very hot, private papers yielded little but the

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Nuremberg trials collection of Judge Francis Biddle had some gems, including his diary (with comments of I do not believe) comments you put in the plural, on one Auschwitz"?

**A:** That clearly shows that I took that as being a reference to all his comment and not just the

previous comment. I am indebted to you for pointing out exactly when I saw it, which was a few days before this which means I was carrying those index cards with me at the time I went to this lecture.

**Q:** On that occasion in Toronto in the press conference, in London the following year and in your Nuremberg book, you told a lie about what the notes said, did you not?

**A:** The difference clearly is that in Toronto, I have driven up from Syracuse to Toronto probably two or three days later and made the speech with the cards in front of me, whereas at the Leuchter press conference I am giving the sense of it from memory, and that is clearly the sense, as I have told the court, I had from that comment made by Judge Biddle in his own private papers.

Listening to this witness with her incredible stories about beating machines and all the rest of it, he writes down in brackets "this I doubt". Frankly, I do not think there is very much mileage to be made out of that.

**Q:** Now we are going to go to Leuchter, Mr Irving. If you put that file on one side, I am coming back to it in a moment,

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the file of what you said about Leuchter. Before I do that, I would like you to look at the Leuchter report itself, which is the first divider in the first Auschwitz, file K 1. It has a cover and an inside page headed Ernst Zundel. Have you got that?

**A:** Yes.

**Q:** At the bottom of the page you write what the cover pictures are, because there are four of them.

**A:** You are stating that I wrote this?

**Q:** I do not know who wrote this.

**A:** I am the publisher of this, not the writer of it.

**Q:** Who writes the information?

**A:** I wrote the introduction.

**Q:** About what the pictures represent?

**MR JUSTICE GRAY:** So this is not the report submitted to the Canadian court?

**MR RAMPTON:** No. I do not believe I need to use that if I have Mr Irving's own published version.

**MR JUSTICE GRAY:** I am not being critical. I am just trying to ensure that I know what I am looking at.

**MR RAMPTON:** I do not know if I have ever seen that.

**A:** You have. It has been in the discovery and it is very much more comprehensive than this.

**Q:** That does not mean that I have seen it, Mr Irving. This is published by Focal Point Publications, London, June 1989.

**A:** Yes. The notice said published by, not written by.

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**Q:** My question was, do you see that in effect on the inside page somebody has provided captions for the cover pictures under the line at the bottom of the page? It is not very easy to read.

**A:** On the inside page?

**Q:** Yes. That is right. There is a picture of some machinery I think, by the look of things.

**MR JUSTICE GRAY:** Which page are you on now?

**MR RAMPTON:** My Lord, there is a cover and on the next page there is a picture of what looks

like machinery. Cameras.

**MR JUSTICE GRAY:** Cameras, yes. It is Monday morning!

**MR RAMPTON:** I know it is Monday. This is a rotten copy. It could be anything. It could be a sheep shearing station?

**A:** Or a beating machine.

**MR JUSTICE GRAY:** Let us get on.

**MR RAMPTON:** The line at the bottom of the page, underneath of the line are provided captions for the cover pictures on the front cover. What I ask you is who wrote those captions?

**A:** I do not know.

**Q:** You do not?

**A:** It was not me.

**Q:** Well, you published this thing.

**A:** There is a distinction between publishers and authors. I explained it to you.

**Q:** I know that, but a publisher normally has to organise the

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printing of the pictures. He has to make sure that the pictures are properly identified and he usually knows who does it, does he not?

**A:** For purposes of this court, it would satisfy you if I say on oath that I did not write that, surely?

**Q:** Not necessarily, no, Mr Irving. Look at the one in the bottom right hand corner.

**A:** The picture?

**Q:** No. First of all, caption. It says bottom right that an actual fumigating chamber was used to delouse inmates' clothes.

**A:** You have lost me, I am afraid.

**MR JUSTICE GRAY:** You have lost me too.

**A:** You have lost us both.

**MR RAMPTON:** Then I will have to come back to it the copy you have is not the copy that I have. It is on Mr Julius's copy.

**MR JUSTICE GRAY:** Maybe I am looking in the wrong place, but I do not think I have it.

**MR RAMPTON:** I just want to make sure the Foreword is the same before we get completely --

**MR JUSTICE GRAY:** I do not think there is any problem about that. It is about six pages in. Foreword by David Irving. Have you got the Foreword now?

**A:** Yes.

**MR RAMPTON:** You wrote the Foreword, it appears, in May 1989?

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**A:** Yes.

**Q:** It is copyright?

**A:** Yes.

**Q:** David Irving. You start: "Unlike the writing of history chemistry is an exact science", yes?

**A:** Yes.

**Q:** I am not going to read the whole of it by any manner of means. There are only some small parts that I need for this purpose.

**A:** I rely on the whole Foreword and not just on the parts you are going to read.

**MR JUSTICE GRAY:** Rely on me to read them.

**MR RAMPTON:** Ask his Lordship to read it, but I am not going to read it all out. It is a waste of

the court's time and of my vocal chords. If you go please to the first column, five paragraphs down, you write this: "Nobody like to be swindled, still less where considerable sums of money are involved (since 1949 the state of Israel has received over 90 billion deutschemarks in voluntary reparations from West Germany, essentially in atonement for the "gas chambers of Auschwitz)". Gas chambers in plural. Then you go on: "This myth will not die easily." Then you go on about how it was an ingenious plan invented by the PWE during the war. Please go to the next column, second paragraph. I will start at the first paragraph first complete paragraph:

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"Yet I have to admit" -- this is you Mr Irving -- "that it would never have occurred to me to subject the actual fabric of the Auschwitz concentration camp and its "gas chambers" - the holiest shrines of this new 20th century religion - to chemical tests to see if there was any trace of cyanide compounds in the walls. The truly astonishing results are as set out in this report: While significant quantities of cyanide compounds were found in the small delousing facilities of the camp, whether proprietary and lethal compounds were used, as all are agreed, to disinfect the plague ridden clothing of all persons entering these brutal slave labour camps, no significant trace whatsoever was found in the buildings which international opinion - for it is not more than that -- as always labelled as the camps' infamous gas chambers. Nor, as the report's gruesomely expert author makes plain, could the design and construction of those buildings have made their use as mass gas chambers feasible under any circumstances". Then in the next paragraph you write that you have reservations about his methodology, but they are reservations which you quickly, if I may suggest, abandon. You end the paragraph: "The video tapes made simultaneously by the team - which I have studied - provide compelling visual evidence of the scrupulous methods that they use". Then you finish up: "Until the

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end of this tragic century there will always be incorrigible historians, statesmen and publicists, who are content to believe, or have no economically viable alternative but to believe, that the Nazis used "gas chambers" at Auschwitz to kill human beings. But it is now up to them to explain to me as an intelligent and critical student of modern history why there is no significant trace of any cyanide compound in the building which they have always identified as the former gas chambers".

**A:** "The building" is in the singular.

**Q:** Sorry, "in the building which they always identified as the former gas chambers. Forensic chemistry is, I repeat, an exact science. The ball is in their court." Mr Irving, just so that we do not get tangled up in singular or plural gas chambers, please turn quickly to ----

**A:** You rather skated over the paragraph, of course, in which I drew attention to the flaws in the report.

**Q:** You can draw attention that in your re-examination, Mr Irving.

**A:** Yes, but several days will pass between now and then.

**Q:** I am trying to make progress.

**MR JUSTICE GRAY:** That is a reference to the sentence where you say you prefer to have seen more rigorous methods used in identifying and so on?

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**A:** Indeed, my Lord. I accept already at this time that the report is flawed.

**MR RAMPTON:** As will you see, Mr Irving, as time goes by, your reservations seem to vanish into thin air.

**A:** Completely the opposite. If you read the correspondence in this very bundle which you put before the court, there are letters between me and Mr Zundel and other people saying that engineers have now drawn attention to the serious flaws in the Leuchter report, and we have to address them.

**Q:** We are going to look at that. The point is this, Mr Irving.

**A:** My reservations did not vanish.

**Q:** What you say privately to people like Mark Weber and Ernst Zundel is quite different from what you say publicly. That is my point and this is where we are going to go today.

**A:** Good.

**Q:** You say publicly that which you know to be untrue about the value of the Leuchter report.

**A:** In the meantime, of course, we have other reports to back up the original conclusions of the Leuchter report.

**MR JUSTICE GRAY:** Do not let us get distracted. You have made your point about the flaws in the methodology.

**A:** Yes.

**MR RAMPTON:** Just so we do not have any more confusion about

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this at all, had you read this version of the Leuchter report when you wrote your introduction?

**A:** No. I had read, of course, the original affidavit, the full length affidavit of which this is a precis.

**Q:** Had you read this version of the Leuchter report before your press conference in June 1989?

**A:** No. Why should I read the abridged version when I had already read the full version length version?

**Q:** Because you are the publisher, Mr Irving. It is a very short document.

**A:** I am sorry to disappoint you, but that does not necessarily follow. I had read the original one inch thick version.

**Q:** Just look on page 15.

**A:** Had I attended in greater detail to this, there are certain things that I would not have tolerated, for example the sideways printing I would not have liked, things like that.

**Q:** Just look at page 15 of this version of the Leuchter report.

**A:** Yes.

**Q:** Which is published by you in the right hand column under the heading "Forensic considerations of HCN cyanide compounds..." in the bottom right hand corner.

**A:** Yes.

**Q:** Look at the second paragraph.

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**A:** Yes.

**Q:** "31 samples were selectively removed from the alleged gas chambers (plural) at Kramers 1, 2, 3, 4 and 5, a control sample was taken from delousing facility no 1 at Birkenau ". Let us not have any more of this nonsense that, when you talk about the gas chambers at Auschwitz and the value of Mr Leuchter's report, you are talking simply about the reconstructed gas chamber at

Auschwitz.

**A:** I never said that. On the contrary, this is exactly what I have denied saying. We are referring to all the buildings which are now claimed to have been gas chambers, from which these samples were taken.

**Q:** If you look at the next paragraph, while we have it open and I shall not have to come back to it, you write in bold, or it is printed in bold under your imprint: "The control sample was removed from any delousing chamber in a location where cyanide was known to have been used and was apparently present as blue staining. The chemical testing of control sample No. 32 showed a cyanide content of 1,050 milligram per kilogram, a very heavy concentration". Perfectly right.

**MR JUSTICE GRAY:** And sample No. 32 is the one taken from the Birkenhau delousing facility. Is that right?

**MR RAMPTON:** Yes. When Professor van Pelt gives evidence, he will make it a good deal clearer but, if your Lordship looks at page 26 of this report, this time the page is on

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the left hand corner, there is a plan of Birkenhau at the bottom of the page. On the right-hand side of that plan is a key and F in the key is delousing facility No. 1, where Mr Leuchter says he found concentration of over 1,000 milligrams per kilogram of some kind of cyanide compound.

**MR JUSTICE GRAY:** That is bottom left.

**MR RAMPTON:** Exactly. That is the building known as BW 5A. It is a brick building and it is in what became the women's part of the camp at Birkenau. It is there to this day.

**MR JUSTICE GRAY:** That is on your case the first gas chamber?

**MR RAMPTON:** No, it is not a gas chamber at all. That is a delousing facility. If your Lordship wants to look at where the gas chambers are, they are K 2 on the left-hand side and K 3, and then in the middle of the page towards the top there is K 4 and K 5.

**MR JUSTICE GRAY:** I have not found K 2 and K 3.

**MR RAMPTON:** On the left, my Lord, you see the compass.

**MR JUSTICE GRAY:** Up there yes, I see.

**MR RAMPTON:** If one goes southeast of the compass, they are side by side, either side of the railway track.

**MR JUSTICE GRAY:** That is all Birkenhau?

**MR RAMPTON:** This is all Birkenhau, as it says in the bottom left hand corner.

**MR JUSTICE GRAY:** Yes, sorry. That was my enquiry.

**MR RAMPTON:** Your Lordship should ignore the little (f) at the

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top of the page. That is not Mr Leuchter's (f). That is an (f) from the original plan and that is a separate delousing facility that was built in 1944, and which was hardly used in the Zyklon bay at all, mostly steam autoclaves as are shown in the front of the report. Then I will read on, if I may, Mr Irving, on page 15: "The conditions and areas from which these samples were taken are identical with those of the controlled sample, cold dark and wet. Only Kramers 4 and 5 differed in the respect that these locations had sunlight, the buildings had been torn down, and sunlight may hasten the destruction of uncomplex cyanide. The cyanide in the mortar and brick becomes ferro-cyanide or Prussian blue pigment, a very stable iron cyanide complex". Are you aware of the errors in that paragraph, Mr Irving?

**A:** I am not a chemical expert.

**Q:** Are you aware of the errors in the description of the state of the buildings?

**A:** No.

**Q:** Then he says the locations from which the analysed samples were removed are set out in table 3.

**A:** If you are going to say there are errors, perhaps you ought to explain to the court what the errors are.

**Q:** No, Mr Irving. If you do not know what they are?

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**A:** You just claimed there were errors.

**Q:** Yes, there are errors. Van Pelt's report is full of errors identified, for example, crematoria 2 and 3 are open to the skies, the ruins.

**A:** I have very big photographs taken recently of those crematoria which I will show to the court this afternoon, if the court pleases.

**Q:** That is fine, Mr Irving. They are open to the skies. They were blown up in early 1935 just before the Russians got there. They are ruins. The delousing facility BW 5A in the women's camp is a perfectly intact building with a roof on it.

**A:** I beg to differ. The morgue No. 1 of crematorium II may have been blown up but it is intact inasmuch as the roof just pancaked downwards and it is possible to crawl underneath the roof, which is what I believe Mr Leuchter did.

**Q:** What about crematorium III? He took samples there too, did he not?

**A:** Yes.

**Q:** Look what he found. "It is notable that almost all the samples were negative and that the few that were positive were very close to the detection level, one milligram" -- he has misprinted printed this, it is not KP but KG -- "per KG, 6.7 milligrams per K G at Kramer 3, 7.9 milligrams per kilogram at Kramer 1", that is in the old

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camp, Auschwitz I.

**A:** "Close to the detection level" means of no significance, in other words no statistical significance.

**Q:** I thought you were not a scientist?

**A:** You asked me what I know about ferro-cyanides and uncomplex cyanide compounds. I am afraid I am way out of my depth there.

**Q:** You know it is wrong that it is very stable, do you not?

**A:** Ferro-cyanide is so stable that it is used as a dye stuff, Prussian blue.

**Q:** Not if it is exposed to the elements over a period of 40 years.

**A:** We will produce photographs to the court to show just how stable it is.

**Q:** It goes on: "In the absence of any consequential readings at any of the tested locations as compared with the controlled sample reading of 1050 milligrams per kilogram supports the evidence that these facilities were not execution gas chambers. The small quantities detected would indicate that at some point these building were deloused with Zyklon bay as were all the buildings at these facilities. Additionally, the areas of blue staining show a high iron content indicated ferro cyanide no longer hydrogen cyanide." Then in italics in bold, which we have seen before but I will just read it again now, "One would have expected higher cyanide detection in

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the samples taken from the alleged gas chambers because of the greater amount of gas alleged to be utilized there than that found in the controlled samples. Since the contrary is true, one must conclude that these facilities were not execution chambers when coupled with all the other evidence gained on inspection." Leave it there, will you, for the moment?

**MR JUSTICE GRAY:** Can I ask this question because we are plundering into this and I do need to, sort of, understand the big picture. Is this the passage which struck you when you first saw the affidavit which led you to have your change of mind?

**A:** The statistical table, quite simply, the contrast between the enormous quantities in the delousing chamber and the infinitesimally insignificant quantities in the alleged homicidal gas chambers where, allegedly, 500,000 people had been gassed to death.

**Q:** My question is whether it is the text or whether ----

**A:** It is.

**Q:** --- it is the tables. This is the bit of the report which ----

**A:** The argument, I would say, rather than the actual bit of the report. When you come away, having looked at that, you say, well, if those are the figures, if that is the argument, I am wow'd by it, I am impressed, because, as I said in my introduction, that is an exact science we are

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talking about. We do not have to read between the lines of German documents and try to look for euphemisms.

**MR RAMPTON:** Mr Irving, before we go back to the Leuchter report, just so there shall not be any doubt about what you have been saying since it came out, this is merely one example, there are about at least a dozen, maybe 20, if we turn to tab 20 of the third of these new files?

**A:** I can quite simply right now my position has remained unchanged from that day to this on precisely these grounds.

**Q:** Despite the fact that you have communicated reservations about this question, in particular, to your friends, Mr Zundel and Mr Weber, a consequence of having received critical reports from outside people?

**A:** The critical reports, if my memory is correct, were relating to Mr Leuchter's other rather superfluous calculations, like how many people can fit into one square metre, and this kind of calculation which I thought detracted from the ----

**Q:** Mr Irving, be careful.

**A:** Yes.

**Q:** We are going to look at what Mr Beer, for example, wrote to you in January 1990 in a moment.

**A:** Well, we are looking at a letter written 10 years ago. I am quite happy to be surprised by what I wrote then.

**Q:** No, Mr Irving. In 1995 at Tampa, Florida, for example,

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you were as categorical in your dependence on Mr Leuchter's findings as to the relative amounts of residues as you ever have been?

**A:** And I still am.

**Q:** Despite having known that they were rubbish?

**A:** I still am. My position on the significance, the global significance, of those discrepancies between the residues is the same now as it was then and I will be justifying this when the time comes.

**Q:** Can you please take the first of those files, Auschwitz files, and it is in the same file as the Leuchter report which we are going to come back to in a moment, and turn to tab 5?

**MR JUSTICE GRAY:** We are leaving the Leuchter now?

**MR RAMPTON:** No, this is all to do with the Leuchter. My Lord, what I am interested in is not the objective value of the Leuchter report, which I hope we need not go into in this court -- we may have to -- but Mr Irving's treatment of it in the light of the knowledge which he had and which is itself contained in the report to which I am coming back, but only for that purpose.

**MR JUSTICE GRAY:** His position is really very simple, is it not? It is this particular aspect of the report which caused him to engage in what you have described as the volte-face, and he maintains that position. So, in a sense, his position could not be more sharply defined.

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**MR RAMPTON:** He knows it is wrong.

**MR JUSTICE GRAY:** That is the point, obviously, that needs to be pursued.

**MR RAMPTON:** He knows there is a whole lot else wrong with this report. He knows, for example, the densities in the gas chambers is wrong.

**MR JUSTICE GRAY:** That may or not be an issue; I suspect not.

**A:** The what in the gas chambers?

**MR RAMPTON:** The density of people in the gas chambers.

**A:** Oh, the density of people.

**Q:** Leuchter's assumptions about that are complete rubbish, are they not?

**A:** Well, of course, this is precisely one thing that I challenged in my correspondence behind the scenes with people saying, "He is wrong on this and we have got to watch that he does not" ----

**Q:** Have you ever made that statement publicly before today?

**A:** No, because that was not the crucial element of the Leuchter on which I relied. The crucial element is the scientific findings. As I say, chemistry is an exact science; you cannot get round it. The courts are convicting people the whole time on the basis of chemistry.

**Q:** Yes, Mr Irving. Sometimes they are. It is not quite as exact as you may think, I think.

However, that s beside the point. Chemistry is an exact science. You get small

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residues, or you call them insignificant, traces in the gas chambers remains and much bigger traces in the delousing remains. That is the position, is it not?

**A:** That is the position.

**Q:** You have known that all along?

**A:** Yes, and it has been confirmed by subsequent tests, even by the Poles.

**Q:** Mr Irving, I know that. They found that out and Professor Markievitch found it out in 1994. You know that?

**A:** He did not actually carry out the tests himself. He had others carry out the tests.

**Q:** Now please turn to ----

**A:** Tab 6 or tab 5 did you say?

**Q:** I think it is tab 5.

**A:** "Critique of forensic examinations".

**Q:** This you received -- I am just checking the date of the letter you wrote to Mr Weber, 12th January 1990?

**A:** Yes.

**Q:** You write actually to Mr Beer, from Florida, and you say: "Dear Mr Beer, thank you so much for sending me that anonymous treatise on the Leuchter report"?

**MR JUSTICE GRAY:** I am sorry, Mr Rampton, I was distracted. Where are you now? I thought you said you were tab 5.

**MR RAMPTON:** I will try to do a little of bit of history first. If it is not the way round, then it makes sense, perhaps, to do it chronologically. In tab 8, my Lord,

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there is a short bundle of correspondence, and I do not know if your Lordship's pages are paginated?

**MR JUSTICE GRAY:** Yes, they are.

**MR RAMPTON:** Mine are not. Then it is a letter which has 12th January 1990 on it, page 12?

**A:** Page 12, yes. My Lord, this, of course, is not an agreed bundle in any sense. We are just seeing the documents that the Defence ----

**MR JUSTICE GRAY:** If there is any document in it that you for one reason or another challenge, then please say so.

**A:** No, my Lord, but, of course, it is just a very loaded selection of documents. Of course, they have not put any documents that would support my case.

**Q:** You have not seen this file until today?

**A:** Not until this morning, but I am quite happy to rest on these letters.

**MR RAMPTON:** "Dear Mr Beer", you write on 12th January 1990, "Thank you so much for sending me that anonymous treatise on the Leuchter report to which I wrote the introduction. Incidentally, that is all that I wrote. My involvement in the project is no larger than that" ----

**A:** So why did you suggest that I had written the rest of the report?

**Q:** I did not. I wanted to know who had written the captions, Mr Irving?

**A:** You wanted to know who wrote the report.

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**MR JUSTICE GRAY:** Mr Irving, I know it is very tempting, but if we chase every hare we are going to be here until ...

**MR RAMPTON:** And then you say this, Mr Irving: "I agree" -- we will look at the criticisms in a moment -- "agree, in fact, with many of your friends' criticisms and ascribe most of the shortcomings to the fact that engineers, like trade unionists, do not share the facility of expressing themselves in English that writers and poets have. Having said that, let me make a few general and specific points". Then I need not read the first three sentences, I think.

**A:** I would rather you do.

**Q:** I will if you want: "In October 1989, a follow up mission went to Auschwitz and brought back their findings in video form and they will shortly be published as a video. Again I have provided a German spoken introduction. The quality is magnificent and enables the viewer to see where somebody, the Poles(?) has attempted to falsify cavities, openings, etc. in the 'gas chambers' to make them accord with eye witness testimony". Now this is the sentence that I am interested in: "I think your friends' strictures about the 3,200 parts per million argument are right, but cannot agree that you should automatically go right to the other end of the scale 100 parts per million". Mr Irving, that shows, does it not, that you

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knew perfectly well that Fred Leuchter's assumption that the Nazis would have used a concentration of 3,200 parts per million to kill their victims was a nonsense?

**A:** No, not a nonsense, but probably not justified on the figures.

**Q:** Now ----

**A:** Not to go right to the other end of the scale.

**Q:** It goes down to about 300, I agree. It does not go as far as 100.

**MR JUSTICE GRAY:** Do I not need to see what the strictures were?

**MR RAMPTON:** Yes. I am just going to show your Lordship. The best way, my Lord, of doing this -- it is at tab 5, my Lord -- maybe the best way of dealing with this, because it is quite important, I would suggest ----

**MR JUSTICE GRAY:** I can understand it is.

**MR RAMPTON:** --- that your Lordship reads the whole of it.

**MR JUSTICE GRAY:** The critique?

**MR RAMPTON:** Yes.

**A:** And this letter to Mr Beer, please.

**MR RAMPTON:** And the whole of the letter to Mr Beer as well, I quite agree with that, because it will save time when I then come back because I can ask ----

**MR JUSTICE GRAY:** Do you want me to do that now?

**MR RAMPTON:** I think it would help before I start asking questions about it because your Lordship will only find

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that I am jumping too far ahead. It will take quite a little bit of time. Whether your Lordship would like to leave court for five minutes?

**MR JUSTICE GRAY:** I suspect that there would be some who would welcome that. Perhaps I shall. It should not take up more than five minutes.

**MR RAMPTON:** It should not, but it is not something to skim, if I may say so?

**A:** I agree. If your Lordship will also pay attention to the marginal notes in the left-hand margin of the critique? They are handwritten notes by me at the time.

**MR RAMPTON:** Yes, that, certainly. Unfortunately, mine have been cut off.

**MR JUSTICE GRAY:** I think they have been cut off.

**A:** I can just very rapidly say at the first page it says "totally untrue"; the second page it says "vernouwi effect" which is something in liquid dynamics; the third page says "this is a bit too pretty" -- these are my comments -- then "important" I have underlined and then "no", I cannot read the next one.

**MR JUSTICE GRAY:** When did you put those comments on?

**A:** The day I received it, my Lord.

**MR RAMPTON:** Is there another "important" on the fifth page?

**A:** Yes, I have no idea what they refer to. I just...

**Q:** Against paragraph 7 in a bracket on page 5, I cannot make anything of that. Mine has a hole punched through it

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apart from anything else. This small handwriting.

**A:** Well, I very probably then quoted it in my letter to Mr Beer because that is what I appear to have done.

**Q:** All I can see is an exclamation mark.

**MR JUSTICE GRAY:** I will go and read it. It will probably take me between five and 10 minutes.

**MR RAMPTON:** Shall we come back at 10 to 12?

**MR JUSTICE GRAY:** I will let you know. (The court adjourned for a short time)

**MR JUSTICE GRAY:** I have read the critique and the letter to Mr Beer.

**MR RAMPTON:** My Lord, I am grateful. Then, Mr Irving, I need only ask this, I hope. That report sent to you by Mr Colin Beer, I think it was, at the beginning of January 1990 was, in fact, a demolition of the Leuchter report, was it not?

**A:** He calls it a critique. It is not an extermination or even an annihilation. It is a critique.

**MR JUSTICE GRAY:** Fundamentally flawed?

**A:** Yes.

**MR RAMPTON:** Yes, fundamentally flawed. I will read the last paragraph of his conclusions. "The evidence of the Leuchter report when taken in the context of the times and in full consideration of all other evidence is consistent with that other evidence and together strongly supports both the fact and scale of the massacres in the gas

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chambers at Birkenhau, provided the assumption is made that the gas chambers operated at a relatively low toxic concentration." That is the key to it, is it not, Mr Irving?

**A:** Yes.

**Q:** If there is a low concentration used in the gas chambers, a number of consequences flow, do they not? First, the need for a ventilation system, if any, is much reduced? Yes?

**A:** Well, the ventilation system in mortuaries as prescribed by the architectural handbook.

**MR JUSTICE GRAY:** That is not an answer to the question.

**MR RAMPTON:** It is not a mortuary. If it is a gas chamber, Mr Irving, and the concentration used is contrary to what Mr Fred Leuchter unjustifiably assumed, contrary to its being 3,200 parts per million, it is something around 300 parts per million or, as Mr Beer suggests, 100 parts per million, then any need to pay serious attention to ventilation is much reduced, is it not?

**A:** That would be a logical conclusion, yes.

**Q:** It will be a logical conclusion, would it not, that the risk of contamination of water in the sewers is much reduced, perhaps to complete insignificance?

**A:** That would be another logical conclusion.

**Q:** It would be a logical conclusion that the need for the people administering the poison gas to take what I might

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call strong security precautions, safety precautions, is much reduced, is it not?

**A:** That would be a logical conclusion to your hypothesis, yes.

**Q:** It means, does it not, Mr Irving, that the time which has to be waited before the sonder commander can go in and get the bodies out, whether or not they are wearing gas masks, is much reduced, is it not?

**A:** This would be the logical conclusion of your hypothesis, yes.

**Q:** Above all, it means this, does it not, that the discovery by Mr Leuchter of the small traces of cyanide compounds in material taken from the walls of the alleged gas chambers at crematorium (iii) in Birkenhau is entirely consistent with a low concentration having been used in the first place?

**A:** No.

**Q:** Why?

**A:** You have to take various other factors into consideration. It is a totally false logic. We know from the other documentation that your witness is going to present that these buildings had been freshly constructed, they were made of concrete. You are shaking your head.

**Q:** Because only one building has been reconstructed.

**A:** Freshly constructed at the time they were put in ----

**MR JUSTICE GRAY:** "Freshly" not "re".

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**MR RAMPTON:** I see.

**A:** They were made -- they were raw, they were green concrete. The concrete was still sweating. You are shaking your head.

**Q:** I am shaking my head, Mr Irving, simply because you are plain wrong. If you had taken the trouble to go to Birkenhau, you would have seen on the walls of the Leichenkellers in (ii) and (iii) remains, quite substantial remains, of a coating on the walls, plaster or cement.

**A:** We shall be producing photographs of the interior of Liechenkeller (1) and the other buildings which show quite clearly there is no coating on the walls.

**Q:** Mr Irving, look at it this way. Suppose that -- some of the coating has fallen off, I quite agree.

**A:** No. This is the original interior.

**Q:** Mr Irving, I have seen it. Do not argue with me. Argue with Professor van Pelt. If you are going to produce ----

**A:** I am providing an answer to your points. You may not like the answers, but these are the answers you get from me.

**Q:** Mr Irving, if you are going to produce evidence that there is no coating to be found on any of the remains of LiechenKellar (1) in crematoria (ii) and (iii) at Birkenhau, I am happy to see it. I shall admit fault if you are right. Mr Irving ----

**A:** Can I continue with the point I was making?

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**Q:** Yes.

**A:** This is fresh concrete. Fresh concrete sweats, I know. I have worked in a concrete gang myself for three years with John Lang. Concrete is very alkaline. You have to wear gloves when you are working with it unless you want your fingers to end up rotting away. Hydrogen cyanide is an acid. They react fiercely, even in small quantities. You would expect to see precisely the kind of chemical compounds and changes which would have produced permanent lasting results -  
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**Q:** Mr Irving ----

**A:** --- even in small quantity, even in small dosages.

**Q:** (A) not if the walls are coated, and (B) not probably if the concentration is as low as 300 parts per million.

**A:** There are we are in terra incognita ----

**Q:** Well, you are.

**A:** --- Mr Rampton, because we do not know what the scientific qualifications of this particular author are. We know all about the scientific qualifications of Professor van Pelt. We know about the scientific qualifications of other experts in this case. It would be very dangerous indeed to

attach as much weight as you are seeking to do to this critique of forensic examinations by an anonymous correspondent who does not give us any details of his chemical or scientific qualifications purely because he, hostile to the Leuchter report, puts in the paragraph at

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the end saying deeply flawed. You cannot do that kind of weighing up. You have to -- yes, my Lord.

**MR JUSTICE GRAY:** In a way, you are slightly perverting the argument. I do not mean that in a critical sense. The point that is really being made by the South African engineer, Crabtree, is really that the fundamental premise of Leuchter's argument can be, as it were, turned on its head so that really Leuchter's conclusions are diametrically wrong. Is that not what Crabtree is saying?

**A:** This is what he says, my Lord. And let me just, if I can just turn the wheel back very slightly and remind you of the last words of my introduction to the Leuchter report? The ball is now in their court. This report is very much intended to provoke precisely the kind of discussion which is now arising.

**Q:** No, but my trouble with your evidence -- let me make it clear -- is that you are, as it were, criticising Crabtree's conclusion that the level would have been 100 ppm or 300 ppm?

**MR RAMPTON:** My Lord, this is Beer, not Crabtree, this one.

**MR JUSTICE GRAY:** I am sorry.

**MR RAMPTON:** Crabtree is an earlier one. I may go back to him.

**MR JUSTICE GRAY:** Yes, but are you criticising Beer's conclusion that it would have been 100 to 300 ppm, when really what we should be addressing is whether Leuchter's assumption of 3,200 ppm was a legitimate and sensible

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assumption to be making; is that not right?

**A:** I completely agree with you.

**Q:** Do you follow the point I am putting to you?

**A:** I completely agree and you are absolutely right. There are probably concessions have to be made at both ends of this scale.

**Q:** That may well be right, but let us focus on Leuchter's assumption of the very high concentrate?

**A:** My Lord, you will see that in the bundle of correspondence which your Lordship has read only one item under No. 8, I wrote to all parties concerned saying: "Clearly, these criticisms I am now receiving have to be taken on board and we have to do something about it". Back came the objection from Mr Zundel: "This is a court affidavit which we cannot publish it in an altered form. We can only continue to publish it in the form as originally submitted". So we are at a slight -- over a bit of a barrel there. It is not as easy as your Lordship thinks. The other point that I thought I had made is that the Leuchter report was intended to provoke precisely the discussion which we have succeeded in provoking at every level, including the scientific discussion.

**MR RAMPTON:** But, Mr Irving, I am diverting slightly. I am coming back to Leichenkeller (1) in crematoria (ii) and (iii) in a moment. You have never ever publicly acknowledged the powerful -- no, I am going to use this --

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cogent, very cogent, critiques which you have received of the Leuchter report?

**A:** Because, in the meantime, of course, Leuchter had been replicated by other experts. At the very press conference that you read excerpts out from, I was challenged on this point, and I said, "If you don't like Leuchter's results, go and do the tests yourself and prove that I am a nincompoop", I think was the word I used.

**Q:** Professor Markievitch did just that and did prove that you were a nincompoop, did he not?

**A:** Are you going to put his report in evidence to the court?

**Q:** It is here.

**A:** Shall we say that when we get to it?

**Q:** Yes, we will look at it. It is not done until 1994.

**A:** There is also an earlier report conducted in 1945.

**Q:** That is in German and we are certainly going to look at that. That is the one from Cracow in December 1945. Go back to this question.

**A:** And, of course, Gelmar Rudolf did a much more detailed scientific test.

**Q:** I am sure you will refer to that in your evidence at some stage.

**A:** It cannot be ignored. He is a qualified scientist. The only reason he did not get his doctorate was precisely because of coming up with politically incorrect findings on this matter.

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**Q:** Mr Irving, the fact is, though you evidently do not know it, that the walls of Leichenkeller I and crematoria 2 and 3 are not made of concrete at all.

**A:** We are talk about the roof, the ceiling.

**Q:** You are talking now about the roof, are you?

**A:** The cyanide was not exactly selective about where it settled.

**Q:** Do you agree with me that, if the concentration needed to kill lice is 22 times greater than that needed to kill human beings -- I am not suggesting this is an exact proportion -- it is more likely that you will find 40 years later or whatever it is, 50 years later, you will find residual traces of hydrogen cyanide in the delousing facility than you will in the supposed gas chamber?

**A:** They carried out controlled tests on buildings where there had been no cyanide used whatsoever, not just in these camps but also in for example in Bavaria, and found exactly the same in significant levels.

**MR JUSTICE GRAY:** I do not think that that is an answer to the question at all.

**A:** Very well.

**MR JUSTICE GRAY:** Do you want the question repeated?

**A:** If those figures are correct, then obviously you would expect substantially more. This is correct, but you certainly would not expect nothing significant in the alleged homicidal gas chambers and that is what all the

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tests so far have established.

**MR RAMPTON:** Would you please turn to tab 9 of this bundle? It is a very short extract?

**A:** Oh, yes, Dr Roth.

**Q:** Tell me who Dr Roth is?

**A:** Dr Roth was the forensic analyst who was employed by Ernst Zundel's defence team to carry out the quantitative and qualitative analysis of the 30 odd samples which were brought back by Mr Leuchter from his visit to Auschwitz in February 1988.

**Q:** Thank you very much. Now I will read out what he said in a television----

**MR JUSTICE GRAY:** Mr Rampton, you are assuming quite often more knowledge on my part than I possess. You are now looking at tab 9?

**MR RAMPTON:** Tab 9, my Lord, Dr Roth.

**MR JUSTICE GRAY:** I know nothing about Dr Roth at all.

**MR RAMPTON:** Mr Irving has just said that he is the chemist in charge of the Leuchter analysis.

**A:** He was the one who actually carried out the tests on the samples that Leuchter brought back.

**MR JUSTICE GRAY:** He is the chemist from the independent company?

**A:** In New England, yes. The Cornell University or something.

**MR JUSTICE GRAY:** It does sometimes help me if I have a little more context. My Lord, this transcript is, I believe from

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the film Dr Death, Mr Death, so we do not know if it is a complete transcript or not, but I accept for the purposes that it is.

**MR RAMPTON:** This is what Dr Roth said when he was interviewed for that programme, last year or something like that. He said this: "I do not think that the Leuchter results have any meaning. There is nothing in any of our data that says those services were exposed or not. Hindsight being 20/20, the test was not the correct one to have been used for the analysis. Leuchter presented us with rock samples anywhere from the side view of thumb up to half the size of your fist. He broke them up with a hammer so that we could get a subsample, placed it in a flask, add concentrated sulphuric acid and undergoes a reaction that produces a red coloured solution. It is the intensity of this red colour that we can relate with cyanide concentration. You have to look at what happens to cyanide when it reacts with a wall. Where does it go, how far goes it go? Cyanide is a surface reaction. It is probably not going to penetrate more than 10 microns. A human hair is 100 microns in diameter. Crush this sample up. I have just diluted that sample 10,000, 100,000 times. If you are going to look for it, you are going to look on the surface face only. There is no reason to go deep because it is not going to be there. Which was the

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exposed surface? I did not have any idea. That is like analysing paint on a wall by analysing the timber that is behind it." Now Mr Irving, that is the man that did the analysis?

**A:** Yes. Can I add that he also said on a part that is not in the film, "Had I known that these samples came from Auschwitz, I would have come up with completely different figures".

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

**A:** I suggest that he is not entirely subjective not.

**Q:** You mean objective?

**A:** Not entirely objective.

**MR RAMPTON:** Maybe. Mr Irving, what this suggests is, to use one of your words, it is absolutely shattering, is it not? Despite the absolutely hopeless methodology that Fred Leuchter used to obtain his samples, the fact is that the sample from the Leichenkeller in crematorium 3 still produced traces of hydrogen cyanide, did it not?

**MR JUSTICE GRAY:** Which samples is he talking about here?

**MR RAMPTON:** He is talking about the ruins of Auschwitz which Fred Leuchter surreptitiously removed on his visit and brought back to be analysed in America.

**MR JUSTICE GRAY:** From the gas chambers or the delousing chamber or both?

**MR RAMPTON:** Both, as far as I know. He did the whole lot and

that is the where the figures in the Leuchter report come from, my Lord. It is from Dr Roth's analysis.

**A:** Dr Roth says that it is less than one tenth the thickness of a human hair that the cyanide will penetrate into the brickwork.

**Q:** Exactly. If you are going to do the test scientifically, you need carefully to scratch or scrape the surface and put it in a plastic bag, take it back and have it analysed. What Fred Leuchter did was to hack great lumps out of the fabric, did he not?

**A:** Mr Rampton, I am not just going to go annihilate evidence from Dr Roth, I am going to exterminate it when the time comes, when we produce the photographs.

**MR JUSTICE GRAY:** Make a start now.

**A:** My Lord, we have photographs taken of the outside of some of these buildings, I emphasise the word "outside", and the blue stain from the cyanide has gone right through the brickwork, inch after inch after inch. You can see the outside of the building is stained blue with a stain that turns out to be Prussian blue from the cyanide that has come right through the brickwork.

**Q:** That is the delousing chamber, is it?

**A:** The delousing chamber, my Lord, yes and also a gas chamber at Stutthorf outside Dansig.

**MR RAMPTON:** How long, Mr Irving, does it take to delouse a set, I call it a set, of clothing of, let us say, 1500

people in a delousing chamber using Zyklon B?

**A:** That is neither here nor there. Dr Roth had not spoken about the length of time. He says it goes less than one tenth of the thickness of a human hair into the brickwork.

**Q:** How long does it take to disinfect, using Zyklon B, delouse the clothing of 1500 people?

**A:** I do not know.

**MR JUSTICE GRAY:** I think Mr Rampton is right, that the way it is put here, and it is not perhaps the most satisfactory way to present Dr Roth's views, if this is a television interview, is that cyanide is only ever a surface reaction.

**MR RAMPTON:** Yes indeed.

**A:** My Lord, these photographs will be in evidence later on this week.

**MR JUSTICE GRAY:** It is really a chemistry point, not a photograph point.

**A:** An image is worth a thousand words, perhaps.

**MR JUSTICE GRAY:** Maybe.

**MR RAMPTON:** It depends. The camera never lies, of course, does it, Mr Irving? Have the outside surfaces of that building which you say has the blue staining on it been tested?

**A:** Yes, by Mr Gelman Rudolf. He has carried out very intensive tests on them.

**Q:** Mr Irving, these criticisms by Mr Beer were cogent, were

they not?

**A:** They were, yes, of course. I did not ignore them at all. I immediately contacted all relevant parties as the correspondence under flag 8 or 9 shows, and said we have to take these on board.

**Q:** What about the general public?

**A:** Well, you must realize, by this time you also have the other collateral evidence.

**Q:** By what time? When did your so-called collateral evidence come to light?

**A:** Oh, it was coming in the whole time. As soon as the Leuchter report was published, people starting contacting us and telling us about other such things.

**Q:** What do you mean by collateral evidence?

**A:** For example, we know that both of a forensic nature, somebody sent us a copy of the Krakow report by the Jansen Institute which the Auschwitz state museum immediately commissioned after the Leuchter report was published, and they did not like the findings, and so they pigeonholed it. They put it in a safe and locked it away, because it basically substantiated what Mr Leuchter had said. Then the original Jansen report was also supplied to us, the 1945 report.

**Q:** Us? Who is "us"?

**A:** Us?

**Q:** You said "supplied us"?

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**A:** A copy was supplied to me, a copy was supplied to the Institute of Historical Review in California, and in fact it was supplied to us surreptitiously. Somebody in the Auschwitz archives photographed a copy and sent us a copy of what the Auschwitz archives were concealing from.

**Q:** I still do not know who "us" is?

**A:** Is it material?

**Q:** Yes, I think it probably is, in the light of this correspondence which we are going to look at more in a moment.

**A:** A copy was sent to me, a copy was sent to Mark Weber probably of the Institute of Historical Review.

**Q:** And one no doubt to Ernst Zundel?

**A:** I think I sent a copy to him, if my memory is correct. These things were shuffled back and forth. Sometimes I got them, sometimes the others got them and then we would collaborate. We put our heads together. Obviously there is no point rushing into print with some kind of conclusion this way and that. It would be looking like headless chickens if you come out with first one thing and then another thing.

**Q:** You have never publicly acknowledged any of these reports, critiques and so on which cast doubt, sometimes 100 per cent doubt, on your utterances about the gas chambers at Auschwitz.

**A:** I do not agree. I think that the central chemical

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conclusions of the Leuchter report, although flawed, have now been substantially confirmed by a whole string of other reports in the meantime, both the one kept secret by the Auschwitz authorities and the earlier 1945 one, and the Gelmar Rudolf one, and other reports that have been conducted since then. Obviously the numbers do not exactly match, and you would not expect them to, but the broad trend is the same, very large quantities in the fumigation chambers, cyanide residues and not the quantities you would expect in the buildings where allegedly hundreds of thousands of people have been gassed to death with cyanide.

**Q:** So you say. In order to set the scene, this has become a little bit disorderly, Mr Irving, because you keep referring to some documents we have and others that we do not. Leave that on one side for the moment. We are just going to do, if we may, a little bit of arithmetic.

**A:** These documents have all been in my discovery. None of them have been concealed.

**Q:** I am not suggesting you are hiding anything from this court, Mr Irving, in the way of documents. Can you please turn in the Leuchter report in the front of your bundle. You may be

better to use the copied one unless that has all 12 appendices. Appendix 12 to the copy of the Leuchter report that I have, my Lord, in the bottom right hand corner should be page No. 49.

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**MR JUSTICE GRAY:** Yes.

**MR RAMPTON:** This is Mr Fruisson's name written on the top of it, if you turn it sideways, has it? It has Fruisson written beside Appendix 12. Please turn to page 51, bottom right hand corner, that is the internal page number of the report. This is a document produced by the firm of Degesch, do you agree, who are the manufacturers of Zyklon B? I am not suggesting this is a wartime document.

**A:** They are not the manufacturers. The manufacturers were I G Farbon. Degesch were the people who controlled the supplies and Tesh were the company who allocated the supplies.

**Q:** The distributors?

**A:** Yes.

**Q:** If you look at page 55, you can see a picture of some tins of Zyklon B. That is only just mentioned in passing, so one can see there are three different tin sizes. I do not know what the rates were. If you look at page 51, in the left-hand column under hydro cyanic acid, which is the active agent in these pellets, is it not?

**A:** Yes.

**Q:** At the very bottom of the column we see that one part per million of hydrogen cyanide, that is a concentration, is equivalent to .0012 grammes per cubic metre.

**A:** Yes.

**Q:** Now, if you turn backwards in this file to appendix 3, we

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come to a translation of a wartime document. My Lord, it is page 23, which I think is a Nuremberg document, is it not?

**A:** Yes, from the industrial case N I.

**Q:** And we see that it is issued, I do not know the exact date, but it was issued presumably during the war, it must have been during the war, by the Health Institution of the Protectorate of Bohemia and Moreavia in Prague. We find that on page 25. If you turn to the second page of this document, page 24, and look at IX towards the bottom of left hand column, we see there: "The strength of gas and the time required for it to take effect depends on the type of vermin, the temperature, the amount of furniture in the rooms, the imperviousness of building. With inside temperatures of more than 5 degrees centigrade it is customary to use 8 grammes of Prussic acid, that hydrogen cyanide, per cubic metre. Time needed to take effect 16 hours, unless there are special circumstances such as a closed in type of building which requires less time. If the weather is warm, it is possible to reduce this to a minimum of 6 hours. The period is to be extended to at least 32 hours if the temperature is below 5 degrees centigrade. The strength and time as above are to be applied in the case of bugs, lice, fleas, etc. with eggs, larvae..." If, Mr Irving, .0012 grammes per cubic metre

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produces a concentration of one part per million, 8 grammes per cubic meter produces, I can tell you, a concentration of 6,666 parts per million.

**A:** Wrong.

**Q:** What?

**A:** Wrong.

**Q:** Why?

**A:** You are talking about hydrogen cyanide.

**Q:** Yes, that is what they are talking about.

**A:** But we are talking about pellets, and pellets only contain a small quantity of hydrogen cyanide sucked into them.

**Q:** Who is talking about pellets, Mr Irving? I am certainly not.

**A:** OK, carry on.

**Q:** Where does it say anything here about pellets?

**A:** If later on you start talking about tins of Zyklon B.

**Q:** No, I am reading from the wartime document.

**A:** All right. As long as we are clear there is a distinction between the weight of cyanide and the weight of the pellets.

**Q:** Degesch is talking in the other document we looked at about concentrations of cyanide parts per million of air.

**A:** Yes.

**Q:** So is this document. Customary to use 8 grammes of Prussic acid per cubic metre?

**A:** Hydrogen cyanide supplied.

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**Q:** Nothing about pellets. So I am right, am I not?

**A:** I do accept the point that it takes less Zyklon B or hydrogen cyanide to kill the vermin in fumigation chambers at lower concentration than it does to kill human beings. I accept this point.

**Q:** If you look at the Leuchter report, Mr Leuchter knows this, does he not? If you look at page 12, right hand column, the toxic effects of H C N gas under the bold heading, "medical tests show that a concentration of hydrogen cyanide gas in an amount of 300 parts per million in air is rapidly fading. Generally for execution purposes concentration of 3,200 parts per million is used to ensure rapid death." Mr Irving, that has nothing to do with this case, has it?

**A:** I am lost.

**MR JUSTICE GRAY:** I am completely lost.

**MR RAMPTON:** Page 12 of the Leuchter report.

**MR JUSTICE GRAY:** I do not know what it is that, after a great many questions, Mr Irving said he accepted.

**MR RAMPTON:** That you need higher concentration to kill lice.

**MR JUSTICE GRAY:** I thought we established that about three quarters of an hour ago.

**MR RAMPTON:** Yes. I am interested in the figures though. That is why I wanted to do the arithmetic.

**MR JUSTICE GRAY:** I am lost on the figures.

**A:** I am lost on figures and I am not sure they are all that

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important.

**MR RAMPTON:** You need a concentration in air of over 6,000 parts per million to kill lice.

Now look at what Mr Leuchter says at the bottom right hand column of page 12: "Medical tests

show that a concentration of hydrogen cyanide gas in an amount of 300 parts per million is rapidly fading." So you need to kill human beings approximately 22 times lower concentration than you do to kill lice? That is right, is it not?

**A:** Yes. You are overlooking certain theoretical considerations, though.

**Q:** Such as?

**A:** If I put a tin of Zyklon B over there by the door or by one of these pillars, it can be there all day and there would be very little trace of cyanamide over on this side of the room. So the concentration on that side has to be much higher for it to have a lethal effect on this side of the so-called gas chamber. You appreciate that? There will be a gradient of concentration across the room. They would not have circulating fans in the room to make sure it ----

**Q:** If it so happened that this room had four columns running the length of room and you dropped the pellets down each of those four columns, why then you would get an even distribution, would you not, Mr Irving?

**A:** Not to the outer edges of the room. If you wanted the

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lethal concentration at the further reaches of the room, then you are going to have to have a higher than minimum amount. Let me put it like that. Does your Lordship understand the point I am trying to make?

**MR JUSTICE GRAY:** Yes, I understand the point you are trying to make. I am just wondering where you got the point from?

**A:** From my own common sense, my Lord.

**Q:** That is rather what I thought.

**A:** It stands to reason.

**MR RAMPTON:** The fact is, Mr Irving, as you may or may not know, I do not know, according to eyewitness accounts, by that I mean the people who did the killing, and some of the sonderkommando, for precisely that reason amongst others, the SS used somewhat greater quantities of the product than were needed to produce a strict concentration of only 300 parts per million.

**A:** Ah, so this is a concession on your part?

**Q:** It is not a concession at all.

**MR JUSTICE GRAY:** It is departing from Dr Beer, if he is a doctor.

**MR RAMPTON:** It is what?

**MR JUSTICE GRAY:** It is departing from Dr Beer.

**MR RAMPTON:** No. The point is, my Lord, whether it is Dr Beer who it or whether one works it out, as I did, from the contents of Leuchter report itself, whichever way one goes, the fact is that the concentration required to kill

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human beings is very significantly less, even if you have to make allowance for the circumstances, than is ever needed to kill lice. Lice are very difficult to kill.

**A:** Can I comment? The pillars, we have just referred to the four pillars, next to which this or down through which the Zyklon B was poured, are still standing, and from those very pillars the - you are shaking your head.

**Q:** Mr Irving, have you read Professor van Pelt's report?

**A:** In great detail, we have photographs of those pillars now, and samples were taken from that concrete and also tested.

**Q:** I do not think you can have read it with much care, Mr Irving, because, if you had, you would know that the eyewitness account, particularly of the prisoner Michael Kulan, also of Heinrich Taiber who worked there ----

**A:** He had totally worthless witnesses, as we shall shortly show.

**Q:** You say so, Mr Irving, but their testimony is not that the Zyklon B was poured down the centre of a concrete pillar, it was poured into wire mesh attachments to the concrete pillars. You knew that, did you not?

**A:** I do indeed. I know exactly what they said.

**Q:** Why are you going on about solid concrete pillars? They have nothing to do with the case at all.

**A:** You yourself mentioned the four pillars down the centre of the room.

**Q:** Because we were talking about an even distribution.

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Mr Irving, you are not trying very hard to deal with my questions, I do not believe.

**A:** The transcript will show exactly what you said, Mr Rampton. Those were the pillars that we tested.

**Q:** You know perfectly well, Mr Irving, that the fact that the pillars or the remains of pillars, I know you have never been there, that you can now see in the gas chambers at Birkenhau, the fact they are solid concrete has nothing whatever do with the case.

**A:** We will have something to say about the wire mesh columns of which there is talk and we will have a great deal to say about those witnesses you mentioned.

**Q:** Now we will go back, if we may. I wish you would tell us what it was, Mr Irving. Time is getting short.

**A:** When I try ----

**MR JUSTICE GRAY:** This is all terribly discursive. I am just wondering where we are really getting with this. I have read Professor van Pelt with interest obviously. I understood the points that he was making. What I am not feeling I am getting much benefit from is the cross-examination at the moment. I am not of course stopping it for a single moment, but I just wonder whether it is the way to deal with this part of the case.

**MR RAMPTON:** My Lord, the only point of this part of the case is that, as ever, Mr Irving dives off the top board without giving any acknowledgment publicly of what he

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knows to be the fallacy of what he is saying. That is all that it is about. The concentration point goes no further than that. He must have known, and he certainly knew it when he heard what Mr Beer had to say, that Fred Leuchter completely reversed the significance of the concentration. So the principal brick falls straight out of Fred Leuchter's report.

**MR JUSTICE GRAY:** That seems to me to be the thing to concentrate on because, if you are right about that or, to put it more accurately, Mr Irving, as a conscientious historian should have appreciated that that was, arguably at the very least, a huge fallacy in the Leuchter report, well, I understand how you put your case. But does it go wider than that?

**MR RAMPTON:** It depends how much further I have to go. On concentration I do not have to go any further than that. The only consequence of the low concentration that Mr Irving has not accepted is that you would expect to find lower residual concentrations 40 years later but that is so obvious that I am not going to pursue it.

**A:** I think you ought ask these questions to give me a chance to answer them.

**MR JUSTICE GRAY:** I am anxious you should have an opportunity to answer what needs to be answered. As I understand it, you have understood the point that is made on Leuchter and it has been made by reference to Mr Beer. I have not been

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told who Mr Beer is but anyway----

**A:** His credentials, precisely.

**Q:** But you have also, I think you have to have the opportunity to develop this if you want to, said, well although I understand the criticism that is made of Leuchter and his assumption, his key assumption, nevertheless matters have moved on and Leuchter's report has been, as you put it, replicated.

**A:** It has been overtaken by other better reports.

**Q:** If that be right and if that is your case, then I think you ought to have the opportunity to develop that at some stage. I do not want to take Mr Rampton out of order.

**A:** Perhaps Mr Rampton wanted to avoid asking precisely those questions that your Lordship has now asked.

**MR RAMPTON:** Oh, Mr Irving, I do not need to avoid asking you anything at all. This is not the time for you to give -- if you chose not to give me the documents and give evidence-in-chief about it, you will have to do it later.

**A:** Mr Rampton, all these documents have been in discovery, and I can summarize very briefly. I accepted the Leuchter was flawed on its figures and on its methodology. It was a pioneering report. It was the first kind of examination that had ever been conducted to our knowledge of the Auschwitz site. It was replicated afterwards. It has been superseded. Everybody on the incorrigible revisionist wing says Leuchter is a good old chap, but he

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got bits wrong and, in the meantime, there are other much more solid reports that have replaced it.

**MR JUSTICE GRAY:** Just pause there for a moment. Just so that I have it clear because I have in the end to make sense of all this, what do you say is the report or reports which replicate Leuchter's conclusion?

**A:** There have been a series of reports and I can summarize them in this way. In 1945, it subsequently turned out, the Poles had themselves conducted a test or tests on artifacts found at Auschwitz, including a metal grating, a metal grating and human hair. After the Leuchter came into public -- came to public attention, the Auschwitz authorities themselves carried out a secret replica of the tests, came up with unsatisfactory results and kept their report secret. Subsequently Gemar Rudolf went to Auschwitz and wrote a report which is known as the Rudolf Report. Now, Rudolf is a qualified chemist and he conducted the tests on a much more scientific basis. He came up with figures which broadly confirmed the conclusions that Leuchter had originally reached. After criticisms were expressed of the Leuchter report, which are under one of these tabs which your Lordship has read some of, we took the appropriate action. We discussed among ourselves how far these criticisms had to be taken seriously and what should be

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done about them. We did not do that in public. I do not think anybody -- a scientific institute would have done it in public. We certainly did not ignore the criticism. We did not just go

charging ahead like a blind bull.

**MR JUSTICE GRAY:** Yes. So it is Polish tests in 1945, Auschwitz authorities sometime in the late 80s/early 90s.

**A:** 1989 or '90, yes.

**Q:** And Mr Rudolf?

**A:** And then Mr Rudolf since then, yes. I think there have been other tests conducted also since then. The bone has been repeatedly chewed over, and if the Leuchter achieved anything at all, it was an open discussion of this very awkward matter.

**MR RAMPTON:** Then, I am afraid, this is inevitable, Mr Irving, in the light of those answers or that evidence you have now given. Turn to what you said in Tampa, Florida.

**MR JUSTICE GRAY:** Mr Rampton, I am so sorry to be interrupting. I have to understand the validity or the invalidity of the criticisms of Leuchter. What he said about it seems to me -- we have seen plenty of quotes where he says, "Leuchter has convinced me that they never existed, these camps".

**MR RAMPTON:** No, but, my Lord, I think what he has just told your Lordship is this, is it not: "I accept", although he has never said it publicly, "that Leuchter was flawed, his methodology was poor, his logic was wrong", or whatever it

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is, "but, of course, he has since been validated by other work", including two documents which I am shortly going to show him. It is surprising, in the light of that answer, that in 1985 he still adheres to Leuchter as though it were gospel.

**MR JUSTICE GRAY:** We can certainly look and see what he says in Tampa.

**MR RAMPTON:** That is tab 20 of the new file 3, page 19.

**A:** Of course, if I may leap ahead and say that if, at the end of the day, it turns out that you were right all along about these buildings, then all of this discussion is superfluous.

**MR RAMPTON:** No, Mr Irving, it is not because we are not concerned in this court with proving or disproving what happened in Auschwitz. We are concerned with your state of mind and your standards of, what shall I say, truth when it comes to reporting history?

**A:** You are quite right, but, of course, my state of mind does not rely solely on scientific reports or chemical analyses.

**Q:** I do not dignify Fred Leuchter's report as a scientific report, I am afraid, Mr Irving?

**MR JUSTICE GRAY:** Did you say tab 19?

**MR RAMPTON:** 20, my Lord, page 19. Second paragraph on the page after the break. "Fred Leuchter who wrote the report here which is one of the most telling reports on the

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Auschwitz case"?

**A:** On what page are we, I am sorry?

**Q:** Sorry, page 19, bottom of the page. "Fred Leuchter who wrote the report here which is one of the most telling reports on the Auschwitz case, if you may remember, Fred Leuchter was the American consultant on the gas chamber design. He designs and gives advice on the building of gas chambers by American ... He was nominated by every governor of every American penitentiary as a defence consultant for a law case in Canada which hinged on the Nazi gas chambers. You have seen it in the OJ Simpson case. They call in experts; experts on DNA, experts on footprints or whatever, and that expert then gives expert evidence, and the expert in this Canadian case was Fred Leuchter". Pausing there, Mr Irving, it is not true, is it? He was not

allowed to give expert evidence about Auschwitz, was he?

**A:** He was called as an expert evidence -- he was allowed to give expertise. If you read the transcript of the trial, you will see what areas he was allowed to give expert evidence on.

**Q:** "And the Canadian lawyer sent Fred Leuchter actually to Auschwitz in Poland and said, 'You are a gas chamber expert. Tell us what you think about the buildings in Auschwitz. Would they have worked?' Well, the short

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answer", note that, "is Fred Leuchter came back and proved there had never been any cyanide gas or compounds in those buildings. He brought back 40 samples and had those samples of brickwork tested in laboratories", plural, "in the United States with the result there was no trace of cyanide compound whatsoever in all the brickwork samples except one. You can see it here. There was one building in Auschwitz where clothing was fumigated with cyanide and you could see the blue stain coming through the brickwork from the cyanide gas which was used in that building 50 years ago, and the blue stain has permeated right through the brickwork to such a degree that you can actually see the stain there 50 years later. "When the Leuchter report was published, it produced a howl of rage from the traditional enemy of the truth". Who is the traditional enemy of the truth, Mr Irving?

**A:** Oh, I see them every now and then outside my building in Duke Street. I am woken at 3.00 in the morning by the police unloading barricades. I look out of the window and they are all standing outside holding up their signs saying, "Gas Irving", screaming and shouting. That is the way I envisage the traditional enemy of the truth.

**Q:** You go on then to talk about Gemar Rudolf, it is perfectly true. But the fact is in that little passage that I have just read in October 1995, according to you, Leuchter is

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still gospel?

**A:** He wrote the most telling report. It was the one that started the whole avalanche.

**Q:** Not a word there of any of he flaws, and they are fundamental flaws, which you knew then, if not before, certainly by the early 1990s, late 1980s, the Leuchter contained?

**A:** By this time, of course, we have had probably two or even three of the backup, the replica tests carried out by other groups or organizations which showed that Fred Leuchter had, broadly speaking, got it right. So why I should mention the fact that there were the cosmetic flaws like when you said you could not get 10 people standing on a square metre of floor and this kind of thing?

**Q:** Fred Leuchter is complete bunk, his report, is it not? I am going to go through the criticisms because his Lordship has asked me to.

**A:** Well, repeating that sentence 20 or 30 times a day ----

**MR JUSTICE GRAY:** I think that is what matters. That is why I have said it.

**MR RAMPTON:** It is not only what matters. There are two sides to Mr Irving, my Lord. There is the public face and the private face. I think I have done that exercise so far as the public face is concerned. Your Lordship should, however, see one or two of what I call the private face

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documents.

**MR JUSTICE GRAY:** I am much more interested in the validity or invalidity of the criticism.

At the moment, I will be candid with you, Mr Irving, it seems to me that Mr Beer had an extremely good point on Leuchter, but he started off from a fundamental false premise.

**A:** I agree, my Lord, yes.

**Q:** That is the way I am seeing it at the moment. There is no point in my concealing it.

**A:** And what else should I have done than what I immediately did? I immediately forwarded the Beer report. We did not know who Beer was. We do not know what his credentials are. He may be a toxicologist, he may be a chemist, he may be gardener for all I know.

**Q:** I would be interested to be told.

**A:** Yes, we were not told, but I immediately forwarded this report to the people concerned, including those who had written the report, and said, "This is a criticism we have to take on board". You do not immediately rush into print and start tearing something apart because of one criticism or because of two criticisms.

**Q:** And something you then learned told you that Leuchter's assumption was a justified one or ---

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**A:** Well, as I mentioned, my Lord, we then obtained the additional reports which showed that Leuchter had been not barking up the wrong tree, but barking up the right tree,

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and I do draw attention again to the fact that as early as my introduction to that report, I said this is a flawed report. There are things in it that I would like to have seen done differently. The whole purpose of the report was to put the ball in the court of the other side so they come back and convince us.

**Q:** That is as may be, but I am interested to know what it was that emerged that told you that Leuchter was right, because at the moment it seems to me there is a fundamental problem with his report.

**A:** In that case, when my turn comes to lead evidence, I shall lead evidence introducing these other reports if Mr Rampton is reluctant to put before the court.

**MR RAMPTON:** May I invite your Lordship -- it will save time, it will save me having to do it now -- just to read -- not now, I do not mean, when it is convenient to your Lordship -- the little bundle of correspondence that is in tab 8 of the first of the new bundles, K1?

**A:** I already requested his Lordship to do that.

**Q:** What?

**A:** I already requested that his Lordship should do that.

**MR RAMPTON:** Not now, my Lord. There are some quite significant letters in there, we would say, and then I need not ask questions about them unless your Lordship invites me to do so. Before I come to the Leuchter report itself, though, there are two things I want to get out of

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the way, Mr Irving. In 1945, the forensic laboratory at Cracow made a report on two different things: (1) metal covers with holes in them taken from what they call the gas chambers at Birkenhau. They were covers on the ventilation openings, so the report said -- I am sure you know it well?

**A:** It may be useful if we actually had the report before us.

**Q:** Very well. My Lord, that is in tab 6.

**MR JUSTICE GRAY:** Or possibly Professor Pelt's ----

**MR RAMPTON:** There is only ----

**MR JUSTICE GRAY:** Sorry, van Pelt.

**MR RAMPTON:** There is only a summary of it in van Pelt, my Lord.

**MR JUSTICE GRAY:** Is that not going to be -- I do not know. Take your own course.

**MR RAMPTON:** No, because I know what is going to happen, we are going to wind up looking at the report anyway, if we are not careful.

**A:** Tab 6, you said?

**Q:** Tab 6 of this new file, K.

**A:** This is the one in German?

**Q:** Yes, this is the report of 15th December 1945.

**MR JUSTICE GRAY:** Tab 6.

**MR RAMPTON:** Yes, tab 6. This, I think, Mr Irving, is perhaps -- Mr Irving, I can tell you this a copy made for the court in Vienna when the Auschwitz architects were on

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trial in, I think, 1971 or 2.

**MR JUSTICE GRAY:** Is this in German?

**MR RAMPTON:** Yes. It does not matter.

**MR JUSTICE GRAY:** Is it not simple letter to look at Professor van Pelt? Can you give me the reference, at any rate, so that I can follow it there?

**MR RAMPTON:** Yes.

**MR JUSTICE GRAY:** It cannot be 931. No, it is in the text of his report because I think that will probably have the guts of it and if Mr Irving does not agree, he will say so. I think it is 611. Is it 611?

**MR RAMPTON:** It is in two places, I think, actually.

**A:** I do not think I have any problem with this document at all. I will concede that they found in the ventilator grating taken from mortuary No. 1 of crematorium (ii) remains of cyanide.

**MR RAMPTON:** Yes. How do you account for that, Mr Irving?

**A:** Because that particular room was used as vergasungskeller, as a gassing cellar.

**Q:** Yes. Gassing what?

**A:** I think the evidence is clear that it was used as a gassing cellar for fumigating objects or cadavers.

**Q:** Fumigating cadavers?

**A:** Yes.

**Q:** What makes you say that?

**A:** That is what that room was for. That is what mortuaries

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are for. In mortuaries you put cadavers.

**Q:** That is news to me, Mr Irving. What is the evidence for that?

**A:** I beg your pardon?

**Q:** What is the evidence that they used that for gassing corpses?

**A:** That is what it was built for.

**MR JUSTICE GRAY:** I am sorry, this seems a crude question, but what is the point of gassing a corpse?

**A:** Because they came in heavily infested with the typhus bearing lice that had killed them.

**MR RAMPTON:** So why would it need a gas type door with a peep hole with double eight millimetre thick glass and a metal grill on it?

**A:** Well, I think you will have to show us the evidence for this.

**Q:** I will do.

**A:** And the evidence that this door was intended for that particular room and the evidence it was possible to obtain doors without the peep holes and the evidence that the room was not intended to be used for other purposes too.

**Q:** No, Mr Irving. You see, I do not have to prove anything. I am testing your, I have to say, slightly bizarre suggestion that you put Zyklon B into a room where the people are already dead. You tell me, "Oh, well, that is because they wanted to delouse the corpses". Then I asked

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you, "Why then does it need a gas type door with a peep hole and a metal protection on it?"

**A:** Because at this time in the war most of Germany was coming under the, it was feeling the weight of Royal Air Force bomber commands forays. We were bombing all over Eastern Europe. Our bombing raids were extending further and further into Central Europe. You will see from the Auschwitz construction department files an increasing concern about the need to build bomb tight shelters and gas tight shelters because of the danger of gas attack.

**Q:** Now it is an air raid shelter, is it?

**A:** I beg your pardon?

**Q:** In early 1943, Mr Irving, the first bombing raid anywhere near Auschwitz was not until late '44?

**A:** Mr Rampton, if the court so pleases, I will tomorrow produce to you an index of all the documents in the Auschwitz construction department files from late 1942 onwards dealing with the necessity to build air raid shelters, gas tight air raid shelters and other similar constructions on the Auschwitz compound and on the Birkenhau compound for precisely the reasons that I have mentioned.

**Q:** It is either a cellar for gassing corpses, is it, Mr Irving, or else it is an air raid shelter?

**A:** Did I say either or?

**Q:** Both. If it is an air raid shelter, Mr Irving, why would

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the doors open outwards? It only has a single door.

**A:** If an air raid shelter, why would the doors open outward?

**Q:** Yes. You have the SS sheltering from the allied bombs. No bombs had been near Auschwitz yet in the war, not for another year ----

**A:** I will produce this clip of documents tomorrow, Mr Rampton, to satisfy even the most incorrigible counsel that, yes, our air raids were beginning to be felt in that part of Europe.

**Q:** We shall be pleased to see them is all I will say at the moment, Mr Irving.

**MR JUSTICE GRAY:** Can I just see where we have got to? I still have not been provided with the reference in Professor van Pelt.

**A:** We have plunged deep into basement No. 1.

**MR JUSTICE GRAY:** It just helps me to follow what is not always immediately clear.

**A:** My Lord, can I show you?

**MR JUSTICE GRAY:** This is 1945 Polish investigation?

**A:** Can I show you a picture of the building we are talking about? This is the crematorium No. (ii), the whole building.

**Q:** Yes.

**A:** And this is the Leichenkeller No. 1, which is the mortuary No. 1. You can see the roof is pancaked downwards, but it is still possible to crawl underneath it just so you get a

kind of visual impression of what the building looks like now. You can see the tourists down there looking at it.

**MR JUSTICE GRAY:** Yes, thank you. I thought I had found the reference at page 611, but I do not think that is it.

**MR RAMPTON:** Miss Rogers tells me, my Lord, that there are references to the 1945 Polish report, but, as I had originally thought, there are only sort of what one might call passing references?

**A:** Shall I just very briefly translate the first page?

**Q:** No, not yet. I am in the middle of trying to tell his Lordship why it is not profitable to look in the report itself because the substance of the report as a whole is not reproduced or summarised.

**MR JUSTICE GRAY:** I am trying for the purposes of eventually my note to ----

**MR RAMPTON:** Would your Lordship like to look at page 198?

**MR JUSTICE GRAY:** Of Professor van Pelt?

**MR RAMPTON:** Yes, since that was your Lordship's question.

**MR JUSTICE GRAY:** Yes. I wanted to know whether that is what you were referring to. I have 198.

**MR RAMPTON:** Cracow, my Lord, appears on page 198 and just a line at the top of 199.

**MR JUSTICE GRAY:** This is Dawidowski, is it?

**MR RAMPTON:** No. This is a set of tests done by the forensic laboratory at Cracow, and their report was dated 15th December 1945. It may have been have part of

Zane/Dawidowski exercise, but it is, in fact, a separate document, and it is the document which is at tab 6 of the new file.

**MR JUSTICE GRAY:** Well, the reference to that report is note 310, is it not?

**MR RAMPTON:** That is right.

**MR JUSTICE GRAY:** I cannot for the life of me see where the evidence that you say one derives from your tab 6 is to be found in Professor van Pelt's report.

**MR RAMPTON:** Well, because, my Lord, the first page under [German- document not provided] reports that they took -- were sent to them four complete and two damaged covers, clasps or grilles from the ventilation openings which during inspection of crematorium No. (ii) in Birkenhau were found and which from the ventilation openings of the gas kammer, Leichenkeller No. 1, of this crematorium came from.

**MR JUSTICE GRAY:** I am sorry, I am probably being very thick, but what is the significance of that?

**MR RAMPTON:** In 1945, in May 1945, the Cracow laboratory was sent some zinc covers from the ventilation openings described by Michael Kula in his testimony: "Ventilation openings from the gas chamber of crematorium (ii) at Birkenhau". They tested them and they found that there were traces of hydrogen cyanide.

**MR JUSTICE GRAY:** Where do I get that from tab 6?

**MR RAMPTON:** You get that at the end. It is page ----

**MR JUSTICE GRAY:** I do not think Professor van Pelt makes that observation at all.

**MR RAMPTON:** My Lord, he does. Page 3, that is right. He reports, does Professor van Pelt, that the zinc covers (which I just told your Lordship about) were "dislocated when the demolition squads dynamited the gas chambers, but six of them were retrieved in the rubble of crematorium (ii) and sent for analysis in the forensic laboratory in Cracow. The laboratory report noted that these were covered with a thin white colour of the strongest smelling deposit. The laboratory retrieved 7.2 grammes of the deposit ... (reading to the words)... Sulphuric acid was added to this solution and the resulting gas was absorbed in an absorbent material. This was divided into two and subjected to two different tests" which your Lordship can see described on pages 2 and 3 of this document, "each of which revealed the presence of hydrogen cyanide".

**MR JUSTICE GRAY:** Thank you very much. That is what I needed and I have now got it, thank you. That you accept, Mr Irving, do you not?

**A:** Yes.

**MR RAMPTON:** They also retrieved a paper sack, and this is the second paragraph on the first page of the report, which had marked on it a weight of 25.5 kilograms of hair, which they say was taken from the corpses of females after

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gassing and before burning in the crematorium ovens in Birkenhau. "Shorn" is the word, or "shaved off". They tested that too and in that also they found traces of hydrogen cyanide. That is not in van Pelt, but it is in the report.

**MR JUSTICE GRAY:** Mr Irving, do you want to say anything about that?

**A:** Well, I do not think that the human hair takes us any further, my Lord, because the Germans did subject everything that went through the camp to fumigation. So ----

**Q:** Well, why would human hair have been fumigated?

**A:** Because they processed it.

**Q:** What, after the death of the person concerned?

**A:** Well, we do not know when this human hair was actually cut off, my Lord, whether it was cut of -- the evidence that I have is when the prisoners arrived as part of the hygiene methods -- Mr Rampton is shaking his head.

**MR RAMPTON:** No. Do you know where it was found, Mr Irving?

**MR JUSTICE GRAY:** In the gas chamber, the alleged gas chamber.

**MR RAMPTON:** No, that is where it was "gischoren", that is where the killing was killed?

**A:** Yes, that is what it says in the report, but, of course, I have not accepted that paragraph.

**Q:** Do you know, Mr Irving, where this 25.5 kilo bag of hair was found?

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**A:** It does not actually say in the report.

**Q:** It will not help you to look in the report; you will not find it there?

**A:** Then I do not know where it was found, no.

**Q:** You do not know?

**A:** No.

**Q:** Would it surprise you that it was found in the part of the camp called "Canada"?

**A:** That is where all the stolen property was kept.

**Q:** That is correct.

**MR JUSTICE GRAY:** Then what is this worth as evidence?

**A:** Everything from Canada was fumigated.

**MR RAMPTON:** What is it worth as evidence? Well, what it shows is, my Lord, this is hair, as the report says, taken from people after they had been gassed.

**A:** As the report alleges. This is a prosecution report being prepared for the prosecution of criminals.

**Q:** 25.5 kilograms of hair in total is the hair of about, what, 500 women?

**A:** I do not know. I have not done any calculations. It seems to me, I think that he is being very cautious about that weight. As he himself says, that is the weight marked on the bag, but I think that you would have had to have a bag the size of an elephant to make it weigh 50lbs of human hair.

**Q:** But, you see, Mr Irving, you have accepted that that is

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what it says. You may not like it, but that is what it says. Can I ask you to turn -- I am sorry about this, my Lord, but it is necessary because Mr Irving commented on this report to his friend, Mr Zundel, in September 1989. My Lord, that is in tab 8 ----

**MR JUSTICE GRAY:** Of which of these files?

**A:** The same file.

**MR RAMPTON:** The same one as the report, K1. Have you got a page there? I have not got a page on mine. It is your letter of 19th September.

**A:** Yes.

**Q:** You write to Mr Zundel: "The two enclosures appear to be" -- has your Lordship got that? It has a 1241 in the top right-hand corner. 7, my Lord, I think.

**MR JUSTICE GRAY:** Thank you.

**MR RAMPTON:** "The two enclosures appear to be an initial counter attack on the Leuchter report. It may be that we have to take them seriously, particularly if the Polish one when translated contains firm evidence of cyanide in the hair of the young Jewish women or in the zinc basket". That is plainly, is it not, Mr Irving, a reference to this 1945 Cracow ----

**A:** Unquestionably, yes, which at that time we only had in the Polish, I think.

**Q:** Why do you use the words, "It may be we have to take this one seriously"? What is that meant to mean?

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**A:** I think that is underlined in suggestion B, we have to take it into account the possibility that this is a product of communist cold war propaganda.

**Q:** Have you any evidence that it was?

**A:** No, but we would derelict in our duty if we did not take into account the possibility that it was the product of cold war propaganda. Jan Sehn was a notoriously political lawyer. He was the Polish Vyshinsky, so this possibility cannot be entirely discounted coming from that neck of the woods, shall we say.

**Q:** But would you accept, being as open-minded as you can, that much the likelier of the two possibilities set out in this letter is A?

**A:** I have not put it that way. I said there are two possibilities.

**Q:** I am asking you whether you would not accept, as an open-minded historian, that A is much the likelier of the two possibilities?

**A:** At this time I had not read the report. I just had a Polish document in front of me from which I could pick out a few words indicating what it was about. Again, totally wrong of me to start

drawing up conclusions about which version is correct.

**Q:** If it is right that it contains firm evidence of cyanide in the hair of the young Jewish women or in the zinc basket, what is it that that evidence implies with all

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that that implies as you write, what does it imply?

**A:** Your first instinct is, undoubtedly, the impression that you gained when you read this report; you think to yourself, well, there you have it, there you have chapter and verse ----

**Q:** No.

**A:** --- but then you realize that it came from, the hair, in fact, came from the, as you yourself now say, from Canada, which was the collecting centre for all their loot, and so there are all alternative explanations. I mean, this is -- one's first instinct, which is absolutely right, but then you settle back and you say to yourself, "This is a new document. Whenever you see a new document, you must not rush at it and let it bedazzle you. You have to take it into account and analyse all possibilities carefully".

**Q:** But, you see, you have known about this document now, Mr Irving, since September 19th 1989 or before.

**A:** Indeed, and this is one reason why, of course, the Leuchter report by itself by now does not stand by itself.

**Q:** Why, Mr Irving, do you not accept the report for what it is, that is to say, that zinc covers taken from the crematorium, the alleged gas chamber at crematorium (ii), had traces of hydrogen cyanide on them. Six of them, I think there were, four complete and two damaged?

**A:** Why do I or why didn't I?

**MR RAMPTON:** Do you.

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**MR JUSTICE GRAY:** You do accept it, you have said that?

**A:** I do. I said that to help shorten the whole argument, yes.

**MR RAMPTON:** Then the implication is obvious, is it not, that gas was used in that room?

**A:** We are going to establish that later on, yes.

**Q:** And the only question then remaining, Mr Irving ----

**A:** This is why it is called a "sonderkeller" also in other documents.

**Q:** Indeed, it is. The only question then remaining is who or what or what was gassed in that room, is it not?

**A:** Well, it is for you to establish that point.

**Q:** No. No, Mr Irving ----

**MR JUSTICE GRAY:** Anyway, do not let us debate about who has to establish what. I think we know what the position is and Mr Irving says that it was to gas corpses.

**A:** Well, or objects, yes, clothing or something like that.

**MR JUSTICE GRAY:** Yes.

**MR RAMPTON:** My Lord ----

**MR JUSTICE GRAY:** I think that is probably a convenient moment.

**MR RAMPTON:** Yes, my Lord, I am afraid that means that if Mr Irving is to contend that there is evidence for that suggestion (which is the first I have ever heard of it, if I may say so) we will have to go into some of the detail, I am afraid.

**MR JUSTICE GRAY:** Well, detail of the reasons for doubting

Leuchter?

**MR RAMPTON:** My Lord, that I can do very quickly.

**MR JUSTICE GRAY:** Good. That seems to me to ----

**MR RAMPTON:** But Mr Irving has made a statement in the witness box. I can simply say, "Well, I am sorry, I do not accept that" and leave it at that and then say at the end of the case to your Lordship, "Well, look, this is actually what all the evidence is", and leave it at that, or (which I much prefer not to do) I can take him through all the contemporaneous documentation which is noticed, both plans and typewritten documents, to show why he must be wrong and why any open-minded person would accept that they are wrong, but since this is, so far as he is concerned, apparently, a new position, I think it may not matter very much.

**MR JUSTICE GRAY:** Well, he accepts that it is evidence of gassing having taken place.

**MR RAMPTON:** Yes, I know, but it is a question of what, gassing what?

**MR JUSTICE GRAY:** Yes, but what evidence are you going to be able to adduce on that?

**MR RAMPTON:** I mean, there is eyewitness testimony.

**A:** Yes.

**MR RAMPTON:** There are all the documents.

**MR JUSTICE GRAY:** Well, I put it the other way round.

**MR RAMPTON:** I do too.

**MR JUSTICE GRAY:** Maybe this is the first question at 2 o'clock, what evidence can you point to to support the notion that it was corpses being gassed rather than live people?

**MR RAMPTON:** I hoped your Lordship would say that because my position is that the evidence is overwhelming. If he wants to say that it is wrong, let him show me how.

**MR JUSTICE GRAY:** This is, in a way, dealt with in that ruling I gave last week.

**MR RAMPTON:** Yes, I agree.

**MR JUSTICE GRAY:** Good, 2 o'clock. (Luncheon adjournment)

**MR IRVING:** My Lord, I do not know whether it is better to do it from here or from the witness stand. Just before the adjournment we were talking about the danger of air raids. I told your Lordship that I would bring evidence tomorrow. In fact, by chance----

**MR JUSTICE GRAY:** May I interrupt you? Why do you not go back and then you can give the evidence that I think you were wanting to give before the adjournment about air raids in 1943.

**A:** By chance I have two copies of a three page extract I did from the US Holocaust Memorial Museum's catalogue of the Moscow records of the Auschwitz construction office, and I did this three page extract purely relating to records on the air raid precautions in Auschwitz camp. I have

given a copy to Mr Rampton, which I also have by chance. It contains files, for example, 1943 to 1944, on means of defence against bombs.

**MR JUSTICE GRAY:** Are these Russian bombers?

**A:** No.

**Q:** Western?

**A:** It is a good question, my Lord.

**Q:** I think it might have been.

**A:** It could have been either. They did have Soviet air raids on Berlin, certainly.

**Q:** Anyway, it says, does it, that there were air raids going on in 1943?

**A:** It actually goes back to August 1942 my Lord, the various files, detailed instructions on how to build air raid shelters and protect buildings against incendiary bombs, equipping of bunker, down at the bottom of the page more exchanges of notes and memos about various camp construction projects, many having to do with providing air raid shelters.

**Q:** Yes. I think that is probably enough.

**A:** There are quite a lot of files relating to plans for air raid shelter, estimates and accounts for construction of bomb shelters and so on. It was very much in the air, if I could put it like that, from August 1942 onwards.

**MR RAMPTON:** My Lord, I will not come back to that at the moment. I have not read it. I need to take instructions

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on it. It is, I think, a redacted version of the documents in question in any event.

**A:** Yes.

**MR JUSTICE GRAY:** Mr Rampton, can I, before you continue, make a request which is that, when one gets to a new Auschwitz topic, if you or your team could provide me with the Professor van Pelt reference for it, even if you are not going to necessarily use it for cross-examining, it helps me for my purposes.

**MR RAMPTON:** They will. Actually all those references are in the statement of case, in fact. But that is not much use to you.

**MR JUSTICE GRAY:** Not on a running basis, if you see what I mean. Miss Rogers can do the looking up.

**MR RAMPTON:** I think they are also in the request for information that we served.

**MR JUSTICE GRAY:** Anyway, if you could bear that in mind please.

**MR RAMPTON:** I think I am probably not going to need that, but I say that. No doubt my hopes will be dashed. My Lord. Before I go to the Leuchter report itself, there are three questions I would like to ask Mr Irving about something he said this morning, which is the first I have heard of it. Mr Irving, you said, I think this morning, words to this effect, I do not have the exact words, that it is your thesis that the Corpse Cellar 1 in crematoria 2 and 3 had

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a dual purpose function, used for gassing corpses and for gassing clothes. Did you say something like that this morning?

**A:** Gassing corpses or objects, yes.

**Q:** First question: If that were so, why did Mr Leuchter not find similar concentrations of hydrogen cyanide residue in those rooms as he did in the delousing facility?

**A:** Frankly, I do not know the answer to that.

**Q:** If they were used for gassing corpses, I wonder if you can help me to understand the point, because shortly after they were in the mortuary they went to be incinerated?

**A:** Yes.

**Q:** What would be the point of gassing a corpse that was shortly going to be incinerated?

**A:** The corpses arrived in a state of fully clothed. Before they were cremated they were undressed, and various other bestialities were performed on them. I believe the gold teeth were taken out and other functions were performed. As the corpses cooled, the lice that may have been on the body crawled off the body because lice were seeking heat. As the body cooled, they

crawled off so you had an infestation problem.

**Q:** Where?

**A:** I am not sure saying this off the top of my head, Mr Rampton. I have taken advice on this.

**Q:** Where would the infestation problem arise, Mr Irving?

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**A:** Anywhere between the place of death and the Leichenkeller.

**Q:** No. You were talking about gassing corpses in Leichenkeller 1, beside which is a lift straight up to the incineration chamber?

**A:** Yes.

**Q:** Think about it. Why would you gas a corpse that was going straight up to be cremated?

**A:** I thought I gave the explanation.

**MR JUSTICE GRAY:** I do not understand the explanation because, as I understood it, the undressing took place before the gassing.

**MR RAMPTON:** The undressing took place before the gassing?

**A:** That is not the evidence that I gave, my Lord.

**MR JUSTICE GRAY:** I thought it was. Tell me if I am wrong.

**A:** We have not had any evidence as to that, my Lord.

**Q:** No, but I have read the report. Am I wrong about that?

**A:** I shall certainly be questioning ----

**MR RAMPTON:** You are absolutely right, my Lord. On the evidence, if one can look at the evidence rather than at some bizarre version of it, the bigger room is the undressing room. They are then shepherded through into the smaller room where they are gassed. When they are dead, they are taken out through double doors that open outwards on to the lift and up into the crematorium, to put it crudely.

**A:** I am having difficulty, my Lord. I have not been given a

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chance to comment on this rather global presentation of what Mr Rampton alleges to have happened.

**MR JUSTICE GRAY:** Comment now. Now is your chance.

**MR RAMPTON:** Now is your chance.

**A:** My Lord, we need to know what basis the evidence is put on. I apprehend that this is based on eyewitness evidence and I shall have something to say about each of the eyewitness reports on which Mr van Pelt bases his statement. I think the proper place to do that is in the cross-examination of Professor van Pelt.

**MR RAMPTON:** Yes, I agree with you, Mr Irving. Having taken his Lordship's indication before the adjournment, my position is this. Professor van Pelt provides an account of the evidence which no open minded person would deny led to the probable conclusion that this was a mass extermination by gassing that was going on.

**A:** That is conclusion of the closed mind. The conclusion of the open mind is to look for alternative explanations which are supported by the documents, and you have not even asked me what the documents to support my case are.

**Q:** I do not know what the documents are that support your case.

**A:** If you ask, you shall learn.

**Q:** You can put them to Professor van Pelt in his evidence, Mr Irving?

**A:** I think your Lordship might like to hear about just one

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document which supports my "bizarre hypothesis", as you call it.

**Q:** I am not going to spend my time on cross-examination on that topic. Mr Irving, there is one other question.

**A:** May I not state what this one document is, my Lord.

**MR JUSTICE GRAY:** Are you talking about the fumigation aspect? Yes.

**Q:** Please do.

**A:** There is an invoice which is in our possession provided by the firm which was responsible for the construction and erection and installation of these crematoria, namely the top firm, for the provision of manpower, and equipment for the tarring of the entwesungsanlage in precisely this building. The entwesungsanlage was the disinfection plant in this building. It has no alternative meaning.

**Q:** I do not know ----

**MR JUSTICE GRAY:** I am afraid the significance of what you have just said escapes me.

**A:** That is precisely what my contention is, what this room was being used as. They had installed this room Liechenkeller 1, as a disinfection, room, as a sonderkeller for treating the infested bodies which were delivered to the crematorium during the appalling plague which hit Auschwitz in 1942 and 1943.

**Q:** So you are saying that this invoice, or whatever it is, can be tied in to the chamber from which the zinc covers

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came?

**A:** I do not want to try and establish a complete link in that linkage in that manner, my Lord. I was only asked to support my "bizarre hypothesis", as Mr Rampton calls it, that an alternative use of this room was not just a mortuary but also as a disinfection chamber.

**MR RAMPTON:** Where is this document?

**A:** I will produce it to you tomorrow morning. Had I known you were going to lead this evidence ----

**Q:** You cannot do that, Mr Irving. You must produce it now.

**MR JUSTICE GRAY:** If he cannot, he cannot.

**MR RAMPTON:** You have never disclosed this document, have you?

**A:** The document only came into our possession in the last three weeks once we had read all the latest reports.

**Q:** The last three weeks?

**A:** Well, you have been bombarding us with documents over the last few months.

**Q:** According to you, Mr Irving, this is a key document, which proves your case that these were never homicidal gas chambers, merely licideal.

**A:** You have asked for one document which supports this "bizarre hypothesis". I have given you one document.

**Q:** Mr Irving, I do not ask for the document. You offer the document in proof of your "bizarre hypothesis." Why have I not seen it before?

**A:** His Lordship said before lunch, Mr Rampton, that he would

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ask me to support or justify, rather than asking you to justify the homicidal version, his Lordship asked me to justify the fumigation version and the air raid shelter version.

**Q:** May we have a copy? I am not going to make any comment about it until I have seen it and until Professor van Pelt has seen it.

**A:** I will fax to you this afternoon and I will bring it tomorrow morning.

**Q:** Can you just tell me its date?

**A:** It was early 1943.

**Q:** Early 1943, thank you very much. I have one final question, to which I am sure I know the answer. In January 1942 an SS doctor at Auschwitz wrote an internal memo to the Kommandatur at Auschwitz, on the one hand making requests for the detailed provision for the dissection room in the new crematoria, and on the other hand requesting that there should be in the keller rooms, cellar rooms, of that edifice an undressing room. Why would the SS doctor want an undressing room next to the dissection room?

**A:** I have to admit that I am not very well versed in practice of morticians and pathologists, but I can well imagine that corpses which are infected would be undressed in one room, which would be regarded as a dirty room, and then cleaned, and then taken into the dissection room for

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dissection. This again is purely commonsense operating and not specific knowledge.

**Q:** It is in this bundle but I am not asking you to look at it now unless you actually want to. Your thesis is that the reference to an auskleideraum in this document is to the undressing of people who are already dead. Is that right?

**A:** I am not sure if you have read Neufurt, which is the standard architects handbook in Germany over the last seven or eight decades? Both Professor Jan van Pelt and I have obtained a wartime copy of Neufurt, one each, and the layout of mortuaries and crematoria is described in some detail in this architects handbook, and it does include an undressing room. So, in other words, this is nothing unusual in a properly designed mortuary.

**Q:** We will, if we may, Mr Irving, go back to the Leuchter. I hope we can take it quickly. I would like you to turn to page 13, my Lord, to tab 1 of the first and largest of the new files. In the right hand column on page 13, do you have it under "Design and procedures at the alleged execution gas chambers" and does your Lordship have it?

**MR JUSTICE GRAY:** Yes.

**MR RAMPTON:** I will jumped to the bold paragraph: "The on site inspection of these structures indicated extremely poor and dangerous design of these facilities if they were to have served as execution gas chambers." The first point: There is no provision for gas

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fitted doors windows or vents. That as a matter of history is just wrong, is it not, Mr Irving?

**A:** I do not know. I have never been to Auschwitz.

**Q:** As I said, as a matter of history, not archaeology.

**A:** You have read the documents, I expect, have you?

**A:** Which document are you referring to?

**Q:** No, the documents, there are repeated references, for example as we discussed this morning, to the need for a gas tight door with a peep hole?

**A:** Yes. In the Auschwitz documents there are repeated references to this, yes.

**Q:** I am sorry, I meant Auschwitz documents?

**A:** Yes.

**Q:** So that is a piece of Leuchter which has no foundation in history?

**A:** I think what he is saying is that nothing was to be seen when they inspected on site.

**Q:** That may be.

**MR JUSTICE GRAY:** What is a gas fitted door.

**MR RAMPTON:** It is a door which has seals so that air cannot come in and gas cannot come out, if you see what I mean.

**MR JUSTICE GRAY:** Round the jamb?

**MR RAMPTON:** Yes, round the jamb.

**MR JUSTICE GRAY:** Gas proof really?

**MR RAMPTON:** Gas proof. It might be rubber, it might be felt. "The structures are not coated with tar or other

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sealant to prevent leakage or absorption of the gas." Do you accept or not, Mr Irving, that he missed, if it is there, the traces, not traces, actually they are quite large patches of cement or plaster that is to be found on the walls?

**A:** Of the Leichenkeller.

**Q:** Yes.

**A:** Yes. There is plaster on ordinary mortar plaster on the walls, but there is no treatment on top of the plaster. It is just bare plaster and this is in fact what is recommended for mortuaries, to be just bare plaster with some kind of whitewash.

**Q:** "The adjacent crematoria are a potential danger of explosion". That is complete nonsense, is it not?

**MR JUSTICE GRAY:** It is nonsense on a certain assumption about the level of concentration.

**MR RAMPTON:** Yes.

**MR JUSTICE GRAY:** Is that not a more accurate way of putting it?

**MR RAMPTON:** It is a nonsense unless the concentration used was something in the order of 60,000 parts per million, is it not?

**A:** I believe I am right in saying, and I am sure Professor Jan van Pelt will correct me if I am wrong, that on many of the architectural drawings of crematoria 4 and 5, there are provisions for explosionsgelichte, in other words

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explosion proof light switches to be installed in some of these chambers, or am I referring to the fumigation chambers?

**Q:** I do not know, Mr Irving. You will have to explain that to Professor van Pelt.

**A:** Yes.

**Q:** But, from the level of concentration used, even for gassing lice, at a concentration of 6,666 parts per million, there was no danger of explosion?

**A:** They certainly installed explosion proof switches in the fumigation buildings because they are specified on the architects drawings.

**Q:** And then, writes the good Mr Leuchter, "The exposed porous brick and mortar would accumulate the H C N and make these facilities dangerous to humans for several years". That is nonsense too, is it not? If it is Prussian blue, you tell me it is stable?

**A:** It becomes stable, yes.

**MR JUSTICE GRAY:** Well it was not porous, in any event, if it was plastered. Is that right?

**A:** A lot of it is brickwork, too, my Lord, you can see some of it.

**MR RAMPTON:** No. That is postwar deterioration, Mr Irving. Assume that the inside of the gas chamber is covered or whatever it was, at least covered with plaster or cement, then the brickwork is not exposed at all, is it?

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**A:** It is not cement, it is a lime plaster.

**MR JUSTICE GRAY:** Lime plaster would not be porous, would it? It would not be porous brick and mortar anyway.

**MR RAMPTON:** Mr Leuchter writes: "The exposed porous brick and mortar" -- he is talking, rather as Mr Roth did in his rather graphic way, about analysing the surface of the wall by looking at the timber behind it?

**A:** Yes.

**Q:** It is logical and it is not even scientific. It is just logical rubbish, is it not?

**A:** It does strike me as being unscientific, that particular sentence, yes.

**Q:** Krammer 1 is adjacent to the SS hospital in Auschwitz and has floor drains connected to the main sewer of the camp, which would allow gas into every building in the facility. That is nonsense, too, is it not?

**A:** I think the use of word "gas" is wrong. I would say it would allow hydrogen cyanide into the sewer.

**Q:** Do you know whether Mr Leuchter actually verified the existence of a mains sewer at Auschwitz?

**A:** One thing I have asked Professor van Pelt to produce from the Auschwitz records is the sewage plans.

**Q:** And, Mr Irving, the answer is, perhaps, I do not know ----

**A:** I do not know. I do not know what Mr Leuchter had, no.

**Q:** No. He has just made it up. He has made yet another of his wonderful assumptions, has he not?

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**A:** It maybe that it was a logical assumption, I do not know.

**Q:** The answer is, I think, that Professor van Pelt, who is perhaps the most knowledgeable person in the whole world upon this topic, will say that it is not known whether there was a main sewer.

**A:** There should be, because the construction office will certainly have had sewer plans, and our suspicion would be that the water outflow from these buildings would have gone eventually to the water treatment plant, which is visible on all the air photographs.

**Q:** "And safely dissolved in low concentrations into a harmless solution." Yes?

**A:** Well, I am not going to talk about the percentages because I do not know what percentages we are talking about.

**Q:** OK. "There were no exhaust systems to prevent the gas after usage". Complete nonsense, is it not?

**A:** Which building are we talking about, 1, 2, 3, 4 and 5?

**Q:** He has listed them all, 1, 2, 3, 4 and 5.

**A:** There was certainly a ventilation system in the building I am interested in, which is crematorium 2, yes.

**Q:** And numbers 4 and 5 each had seven little windows 30 centimetres by 40 in the outside, and

each of the two outer rooms had big doors opening into the open air, did they not?

**A:** Numbers 3 and 4?

**Q:** No, 4 and 5. No, 2 and 3 were sealed. They had but one

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door and therefore needed a ventilation system. So this is another piece of assertion by Mr Leuchter which is just plain wrong, is it not?

**A:** Yes.

**Q:** I will skip the next one because it is controversial. "The facilities are always damp and not heated". You have seen the letter, have you not, concerning the provision of preheating mechanisms for Leichenkeller 1?

**A:** Yes.

**Q:** Wrong again?

**A:** Yes.

**Q:** "The chambers are too small to physically contain the occupants claimed". Wrong again?

**A:** I disagree on that.

**Q:** He assumed 9 foot per person, did he not?

**A:** Yes, but even on lower figures you still cannot put 2,000 into those.

**Q:** As a matter of fact you can, but we will not argue about that. He assumed 9 square feet per person, did he not?

**A:** He did, yes. If you say so, that is. I mean, without being told where he says it, I do not know.

**Q:** Well, it is somewhere in here?

**A:** I think the nine -- yes.

**Q:** That is the figure which is used for judicial execution -- I do not like that -- legal execution in the United States. "The doors all opened inwards" -- that

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is wrong too, is it not?

**A:** On all five of them? I do not know.

**Q:** All doors opened outwards, which is why they are not air raid shelters.

**A:** Air raid shelters doors always open outwards.

**Q:** Why? What if the rest of the building tumbles down outside and you cannot get out?

**A:** The reason is because the blast from a bomber exploding outwards will blow the door in if it opens inwards. Air raid doors always open outwards.

**Q:** They do not all open inwards, they all open outwards.

**A:** Air raid shelter doors, yes.

**Q:** No, the doors of these rooms.

**A:** I take your word for it.

**Q:** We can look at the plans Mr Irving, but do take my word for it. It is what Professor van Pelt has already told us and will say again if you challenge him.

**MR JUSTICE GRAY:** Mr Rampton, can you go back to the bottom of page 13, "With the chambers fully packed with occupants there would be no circulation of HCN within the room."

**MR RAMPTON:** I have not got to that yet, but by all means, your Lordship, ask Mr Irving about that.

**MR JUSTICE GRAY:** I would like to understand the point that Leuchter thinks he is making there at the bottom of page 13.

**A:** There is actually a more valid point than that. That is,

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if you pack 2,000 people into a chamber the size of this room as Bruno Tesh, who was later hanged, the man who produced the Zyklon B, said you would not need cyanide to kill them, they would suffocate in a very short space of time anyway.

**MR RAMPTON:** Maybe. I do not know that I think that that is an answer to his Lordship's question. Perhaps that is no business of mine. He goes on: "Additionally, if the gas eventually did fill the chamber over a lengthy time period those throwing Zyklon B in the roof vents and verifying the death of the occupants would themselves die from exposure to H C N".

**A:** I would have thought it was rather unscientific also.

**Q:** It is complete rubbish, is it not? H C N is slightly heavier than air, is it not, and they wore gas masks, and all they did was lift up the vents and drop the pellets in and quickly close the vents?

**A:** The ones on top of the roof, right.

**Q:** So what is left of this report, Mr Irving?

**A:** The forensic statistics which are what I base my conclusions on.

**Q:** Which is precisely consistent with what Professor Markievitch found in 1994, and what Krakov found in 1945, is it not?

**Q:** Small traces?

**A:** What I have always said, Mr Rampton, is that the report is

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flawed and in my letters to associates I clearly said what a pity Leuchter started speculating about things that were beyond his ken when the chemical figures are all that can be relied upon and that speak the real language.

**Q:** Mr Irving, the position is this, is it not? You know as well as I do that this Leuchter report is not worth the paper it is written on. You know that he got the crucial concentration completely the wrong way round and therefore drew false conclusions from it. You know that the true measurement of concentration is consistent with what Krakov found in 1945 and with what Markievitch found in 1994. Your only way round that is to assert that these were indeed gas chambers, but not for killing people. Is that not right?

**A:** Designed as, yes. But what I do not accept is your suggestion that the Leuchter report is totally valueless. The most important part of the Leuchter report was the forensic results which were done in fact not by Mr Leuchter but by Dr Roth.

**Q:** Which is precisely consistent with the kinds of concentrations in residue which you would expect to find if on the one hand there are low residue areas with homicidal gas chambers, and on the other hand the high residue areas were delousing chambers?

**A:** Not entirely. That is going to extremes and you are not entitled to go to total extremes like that.

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**Q:** Broadly consistent?

**A:** I do not think even broadly so.

**Q:** You have known this since ----

**A:** The total discrepancy in these figures is so eclatant, is so dramatic, that there has to be some explanation for them.

**Q:** So you say. You can put that to Professor van Pelt.

**A:** So I say and so I believe.

**MR JUSTICE GRAY:** Can I go back to an answer you gave a minute ago? Mr Rampton asked this question: You know that the measurement of concentrations is consistent with what was found in 1945 and 1994; your only way round that - this is the question - is to assert that these were indeed gas chambers but not for killing people, is that not right? And then you said "designed as, yes". Can you elaborate a little on that?

**A:** We do not know to what degree they were then subsequently used.

**Q:** Do you mean by that that these chambers were designed as gas chambers for killing people?

**A:** No, I did not mean that, my Lord. I meant that we know that this particular one, the crematoria 2, the one which interests me, Leichenkeller 1, the mass one where Professor van Pelt says 500 thousand people died, that the documentary evidence shows that it was also designed with dual functions as an air raid shelter and as a fumigation

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chamber. We do not know whether it was used in either of those capacities.

**Q:** Designed as a fumigation chamber?

**A:** That is what I should have spelt out. We have not really been told what these other reports say yet.

**Q:** No, I am waiting to hear.

**MR RAMPTON:** There is one other part of this report, Mr Irving, which is not dealt with in that list of the bullet points -- I would say that they were blanks rather bullets -- in Mr Leuchter's report. It is incineration capacity.

**A:** Yes.

**Q:** He got that completely wrong, did he not?

**A:** Incineration capacity has been a matter of great debate among...

**Q:** I know that, but answer my question. Leuchter got it wrong, did he not?

**A:** I would not be surprised if he got it wrong.

**Q:** Completely wrong?

**A:** I would not be surprised if he got it wrong. There are very widely different opinions. Even the experts cannot agree what the capacities were.

**Q:** Notwithstanding this catalogue of fundamental errors in Leuchter, you publicly, in your public role, have adhered to it as though it was the gospel of St John, have you not?

**A:** If you have read correctly what I said in my public

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utterances, I have always relied on the chemical forensic part of the Leuchter examinations and not on any of his other rather absurd statements which I regarded as if -- in fact, I never even read those statements except when I, in general, took on board the fact that he was an engineer and he was venturing outside his proper field.

**Q:** Well, you knew that at the time, did you not?

**A:** Knew what at that time?

**Q:** That he was venturing outside his expertise which was extremely limited?

**A:** Well, I said so in my correspondence at the time. I said if only ----

**Q:** Correspondence, I am not interested in your correspondence.

**A:** Well, the correspondence shows my state of mind at the time, Mr Rampton, which is material in this court.

**Q:** So, in private, in your mind, I suggest to you, you had received material from Beer, Crabtree,

Wegner, which, in effect, completely discredited Leuchter, but you never gave that any public notice at all, did you?

**A:** I was not under any compulsion to give private correspondence public notice. When you are an author, you are constantly receiving letters from members of the public suggesting you have got things wrong. Sometimes you ignore them, and I know a lot of people ignore lots of things. A lot of the experts in this case have ignored

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lots of documents until they finally come up in this trial. But when you are conscientious, then you will put those objections to other people who are probably better informed than yourselves and say, "What do you say about this?" This is precisely what I did.

**Q:** Mr Irving, I have got very little left on this Auschwitz question now. Can you tell me this, because the answers to these questions, I am not going to cross-examine you about them if your answer be yes. I leave you to raise them with Professor van Pelt by way of rebuttal of what I would characterize as the overwhelming evidence in favour of his thesis. First, do you see the coke supplies at Auschwitz as being significant?

**A:** Coke?

**MR JUSTICE GRAY:** "Coke" did you say?

**MR RAMPTON:** Coke, C-O-K-E, which in those days meant what it said!

**MR JUSTICE GRAY:** I think I assumed that.

**MR RAMPTON:** You are going to raise that with Professor -- I need to know because he has to prepare himself, you see?

**A:** Yes.

**Q:** Are you going to raise the question of coke supply?

**A:** We shall raise that because if Holocaust denial is said to be minimising or reducing the scale of the tragedy in a numerical sense, then we are entitled to look at the coke

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supplies.

**Q:** Are you going to deal with incineration capacity?

**A:** Cremation capacity, the various crematoria.

**Q:** I am talking about burning corpses in ovens or in pits.

**A:** Well, in my side of the courtroom you call it "cremation" rather than "incineration".

**Q:** Call it what you like. Are you going to raise that with Professor van Pelt?

**A:** I think so, yes.

**Q:** Are you going to raise the question of the Hensley decrypts?

**A:** Yes, but also I shall be doing that with Dr Jean Fox as well.

**Q:** I am sure you will. Are you going to raise the question of the so-called "death books"?

**A:** Yes.

**Q:** Are you going to raise the question of the supplies of Zyklon B to Runinberg and also to Auschwitz?

**A:** I am going to be raising the general question of the production rate of Zyklon B by the factory.

**Q:** I am sorry?

**A:** And its delivery and to specific quantities delivered to various camps, yes. I shall also be raising the question of the authenticity of the eyewitnesses.

**Q:** Certainly.

**A:** Their integrity.

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**MR JUSTICE GRAY:** Yes. I think what Mr Rampton was really doing, if I understand him right, was investigating with you what other positive pointers you feel exist towards the non-existence of gas chambers.

**A:** The eyewitnesses come into that. I suppose that is negative. That is negative.

**Q:** You say they are negative. I think what Mr Rampton really would like you to say is, is there anything else that you are positively relying on, as it were, against the existence of gas chambers? Do you understand the question? I hope it is not ----

**A:** I do not really understand that.

**Q:** --- obscure.

**A:** Yes.

**Q:** Well, I think you agreed with me that Mr Rampton has just run through various topics which you are going to raise because in your ----

**A:** Of course, we are relying on the architectural evidence, my Lord, what Mr Rampton will call the archeological evidence.

**Q:** Right.

**MR RAMPTON:** That is fine, my Lord. With your Lordship's leave, at present -- I may come back to it by way of re-examination -- I see no purpose in my dealing with those what I call rebuttal topics in cross-examination. If your Lordship wishes me to do so, I easily can, but it

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will take time and we are going to go round the houses all over again when Professor van Pelt gives evidence because what I put in cross-examination is only what Professor Van Pelt will say from the witness box.

**A:** Will Professor van Pelt be actually giving evidence-in-chief or will he be relying on his report?

**MR JUSTICE GRAY:** That is a question for me and the answer is he will be relying on his report.

**MR RAMPTON:** I am going to ask his Lordship about that in a moment because I have now finished, my Lord, so far as Auschwitz is answered.

**MR JUSTICE GRAY:** No, but, I mean, in answer to the question, 750 pages is enough to speak for itself.

**MR RAMPTON:** I am not going to read it all out your Lordship -- which your Lordship has read once, if not more often. It seems to me that, really, we have reached the position now, if your Lordship agrees, where all I really need to do -- I had had in mind a sort of nice graphic demo and screens and all that kind of thing for Professor van Pelt, but I no longer think it necessary because, apart from this question of concentration and the chemical analysis results, it seems to me, I may be wrong, that really Mr Irving has abandoned Mr Fred Leuchter and his report in toto. That being so, I do not need to go through the proofs.

**MR JUSTICE GRAY:** I think that is probably right. You will

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though, presumably, have to deal, and I think probably in general terms only, with the other

bodies of evidence, categories of evidence, for the existence of the gas chambers? For example, we have had a bit of evidence about eyewitnesses, but we have not had anything, for example, about the drawings made by -- I cannot remember his name, the Frenchman.

**MR RAMPTON:** Dayaco and Eiffel who were two of the Auschwitz architects.

**MR JUSTICE GRAY:** No, I was thinking actually of the inmate.

**MR RAMPTON:** Oh, Dave Olaire.

**MR JUSTICE GRAY:** Olaire. Things of that kind will have to be put in general terms, will they not, as to whether Mr Irving knew about them, whether he attached any credibility to them.

**MR RAMPTON:** I suppose so, though, frankly, given his public stance in relation to Leuchter, I am not sure it any longer has much point. I am not here to debate whether the gas chambers existed. To my mind, I may be wrong -- your Lordship may disagree and we have still to hear the cross-examination -- van Pelt demonstrates that with admirable clarity.

**MR JUSTICE GRAY:** Yes, I agree, but I do think one or two questions, and I hope it does not come to much more than that, along the lines of, well, the evidence does not consist only in, as it were, rubbishing Leuchter's report;

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there is a whole body of positive evidence which you have put forward as establishing beyond the possibility of doubt that the gas chambers did exist, so that Mr Irving can then make either a general or a more detailed response to that.

**MR RAMPTON:** I will start in the most general way. (To the witness): Ignoring the eyewitness accounts, Mr Irving, do you agree that the most suggestive effect of the contemporaneous documentary evidence, by which I mean the plans, the memoranda and the correspondence, retrieved from Auschwitz, the most suggestive effect of that is that these were, indeed, homicidal gas chambers?

**A:** No.

**Q:** Why not?

**A:** From the Auschwitz archives and from the Moscow archives, historians have now retrieved many hundreds of thousands of pages of documents, and we are entitled to at least one explicit, non-ambiguous, non-reading between the lines, non-euphemism type of document which would give us the clear smoking gun. That document does not exist.

**Q:** No, it is bit like the order by Adolf Hitler for the beginning of the Final Solution: Since it does not exist, it did not happen; is that right?

**A:** I did not say that.

**Q:** I thought that was nature, the effect of your evidence ----

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**A:** No.

**Q:** --- about Hitler and the Final Solution?

**A:** I am saying that because two bodies of documents -- you may not appreciate this point -- of such integrity have been captured, presumably intact, on the one hand, there in the Auschwitz state archives, on the other hand, they are captured by the Red Army, the entire records of the SS construction unit, and now they linger in the Moscow archives ever since, and, presumably, no incriminating documents have been removed by anyone, one would have been entitled to expect that by now when historians have had some 10 years to go through every single page many times, they would have found a document slightly more incriminating than those you have so far been

able to surface.

**Q:** Leaving aside the absence of an actual document saying, "Now we must build some homicidal gas chambers at the order of SS Reichfuhrer Himmler ----

**A:** I try to avoid sarcasm like that. I try to look at it at a more serious and objective level.

**Q:** No, but, I am sorry, it does seem to me perhaps appropriate to use sarcasm in this area?

**A:** Sarcasm is the last resort of the scoundrel.

**Q:** Leaving that on one side, do you agree that otherwise the tendency of the surviving contemporaneous evidence -- by this I include the remains of the buildings such as they

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are -- is to suggest that, yes, indeed, these were homicidal gas chambers?

**A:** The tendency of?

**Q:** Surviving documentary evidence and the ruins is to suggest that these were, indeed, homicidal gas chambers?

**A:** No, I do not agree that.

**Q:** Why not?

**A:** Because there are alternative explanations which are equally plausible.

**Q:** No, I am talking about tendency.

**A:** It depends how tendentious you are.

**Q:** We have dealt with the word "vergasungskeller"?

**A:** Yes.

**Q:** Which you say means, oh, well, that was only for gassing clothes or corpses?

**A:** Perhaps I can put it the other way round. A German would never translate "gas chamber" "vergasungskeller", never ever. Not any German in this room would translate the German word "gas chamber" by "vergasungskeller".

**Q:** What do you take to be the meaning of the phrase found in Wetzel's letter to Lohse of 25th October 1941, "vergasungsapparate"?

**A:** Gassing equipment -- whatever it was.

**Q:** You saw on the second page of that letter, did you not, the statement to this effect, "We have no objection if you use that equipment to dispose of Jews who are unable to

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work"?

**A:** Now, you have drawn a link between the "vergasungsapparate" and the second page which does not exist. I am familiar, you remember, with the Tesh trial. Bruno Tesh himself went to Riga, as the head of the Zyklon B manufacturing company, to train the staff in the operation of the fumigation chambers which were installed in Riga. So we know precisely what the vergasungsapparate were.

**Q:** What would a German mean -- I am not in any sense deferring to you on this, Mr Irving, I am afraid; I just want to know what your answer is -- what would an ordinary German, who actually did not even get his grammar right, by saying that he had concreted the floor in gaskammer?

**A:** Can we see that document, please?

**Q:** Yes, if you like. It is ----

**A:** Because, of course ----

**Q:** It is the time sheet of a humble workman at crematorium (iv) in March 1943, 2nd March 1943.

**A:** Well, every German in this room will be able to tell you what is wrong with that phrase, of

course.

**Q:** We know that he has the gender wrong.

**A:** It is not the kind of thing one gets wrong.

**Q:** It is, perhaps, if you are a humble workman in southern Poland. It perhaps is the sort of mistake which our humble workmen, if I may call them that without offence,

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sometimes make: "I ain't been there today"?

**A:** Can we see the actual document, please?

**MR JUSTICE GRAY:** It is "im", is it?

**MR RAMPTON:** "Im", he has just got the wrong gender.

**MR JUSTICE GRAY:** "Kammer" is "das kammer".

**MR RAMPTON:** "Kammer" is feminine.

**MR JUSTICE GRAY:** It is feminine? "die kammer", is it?

**A:** No, die kammer, "in der gaskammer" it should be

**MR RAMPTON:** Yes, exactly. He has made a grammatical mistake.

**A:** Can we have a look at the document and see how much else is ungrammatical about it?

**Q:** It is in the second volume new 3 and it is in tab 4 at page 38. Unfortunately, the photograph we have has been cut off. I assure you that the word is "gaskammer" because I have the reproduction.

**MR JUSTICE GRAY:** You said tab 4?

**MR RAMPTON:** Tab 4, my Lord, page 38. It is a coloured photograph of a handwritten entry in a time sheet. Page 38. One of the numbers on it is 35, unfortunately, but the one to look out for is a new handwritten No. 38. In the third line from the end he has written something about "fussboden", something or other, in gaskammer?

**A:** Yes, with the two Ss in the "gass" as well.

**Q:** Sorry?

**A:** Two Ss in the "gass", G-A-S-S, kammer.

**Q:** Quite right.

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**A:** What does the other "S" stand for, do you think? Gasschuts? Gas protection?

**Q:** You tell me.

**A:** I do not know. I am just drawing attention to further errors in this document.

**Q:** Right.

**A:** But, in view of the fact that I have stated that the odds are that the vergasen to which reference is made is Leichenkeller 1.

**Q:** This is to do with crematorium (iv)?

**A:** And this is, therefore, in all likelihood, the entwesungsanlager to which the document refers which I shall be showing you tomorrow.

**Q:** Leave aside the grammatical mistakes and the misspelling, Mr Irving, what does a German mean by the word "gaskammer"?

**A:** "Gas chamber". But this is almost certainly a reference to the building they are making at this time, namely entwesungsanlager to which reference is made in the document I referred to earlier, the fumigation equipment.

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

**A:** Well, it will below all these things right out of the water tomorrow.

**Q:** We look forward to it. I am still a little puzzled why the gas chamber or, sorry, the vergasungskeller at crematoria (ii) and (iii) need -- now could you please

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turn to page 44?

**A:** Well, it needs a steel door with a peep hole, right?

**Q:** No. I want to look at the first paragraph first.

**A:** Right.

**Q:** That relates to the crematoria (iv) and (v), does it not?

**A:** Yes.

**Q:** BW 30B and 30C, and there is an order for three gas type doors?

**A:** Yes.

**Q:** Ignore the "M". That is a misprint. It should be "turn" and "gas type towers" is what the person has written?

**A:** Yes.

**Q:** It is another error?

**A:** Yes, "gas type doors".

**Q:** The second paragraph says that they have -- you read it to me and tell me what it says?

**A:** "On this occasion we remind you of a further order dated March 6th 1943 for the supply of one gas door, 100/192, for the mortuary No. 1 of crematorium No. (iii), the construction project 30A, which has to be manufactured precisely according to the type and scale of the cellar door, basement door, of the crematorium No. (ii) which is directly opposite with a peep hole with a double eight millimetre glass with a rubber gasket and mounting".

**Q:** Steel, a metal mounting, is it not?

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

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**Q:** Now, why would you need that for a room which was to be used either for gassing corpses or clothes?

**A:** You remember the third alternative use which I suggested this morning.

**Q:** Oh, you mean it might be an air raid shelter?

**A:** Yes.

**Q:** With no emergency exit?

**A:** This was one of the few underground buildings in Auschwitz. It was built almost entirely subterraneously with a concrete roof, a cast concrete roof, reinforced concrete roof, ideally suited as an air raid shelter. The door described here, and the door which is, indeed, found in Auschwitz, is a typical air raid steel door, a gas tight door, of the kind which was standard throughout Germany at that time.

**MR JUSTICE GRAY:** Why do you need a gas type door for an air raid shelter in 1943?

**A:** Because they did not know that we were not going to use poison gas, and all air raid shelters in Germany from this time onwards were being built with gas tight doors.

**MR RAMPTON:** If it be the case, Mr Irving, that the metal grille ----

**A:** Excuse me a minute. My Lord, tomorrow I will produce the appropriate German air raid manuals producing pictures of precisely these doors with the peep holes.

**MR RAMPTON:** Two things puzzle me about this, well, there are

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three. The first is the absence of any kind of emergency exit which I had been led to believe de rigour in German air raid shelter design. Second, if it be the case that the metal protection for the peep hole was on the inside of the door, that does not speak of air raid shelter, does it?

**A:** I do not know what the standard at that time -- you see, the problem is they do not make these doors ad hoc. There is ----

**Q:** They do.

**A:** If -- the air raid shelter doors are all supplied with peep holes, all the gas tight doors had peep holes. It is rather like the ATM machines which have a little braille pad on them, whether or not it is even a drive by ATM machine, it still has the braille pad on it, although, obviously, drivers are not blind, because that is the cheapest way to make ATM machines. They do not make ----

**Q:** Mr Irving, I rather think you are making things up as you go along. This is an order from Bischoff?

**A:** Yes.

**Q:** Who is the head of the architectural department, building department?

**A:** Indeed, yes.

**Q:** To the work shop in Auschwitz?

**A:** Yes.

**Q:** They made these things to order?

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**A:** Excuse me, no. It is being sent to the Deutsche [German].

**Q:** Yes. That is in Auschwitz. Look.

**A:** All it just says is the factory, Auschwitz, Obeschlazien.

**Q:** Look, and [German - document not provided] "OS"?

**A:** "Obeschalzien". It just says, "The factory at Auschwitz" which is the town of Auschwitz.

**Q:** Exactly.

**A:** It does not say, "Concentration camp, Auschwitz".

**Q:** No, no, but these orders all go to the -- they made furniture and a whole lot of other things. It all goes to Auschwitz. This is not some order to some centralised air raid making department in Berlin, is it?

**A:** This is obviously a company which manufactures air raid shelter doors.

**Q:** You do not find anything about air raid shelters in this document, do you?

**A:** "Deutsche [German]", [German] is equipment factories.

**Q:** Yes.

**A:** It is nothing to do with furniture.

**Q:** In Auschwitz?

**A:** In the town of Auschwitz. As Mr Van Pelt will tell you, Auschwitz was a town.

**MR JUSTICE GRAY:** Mr Irving, if all these air raid shelter doors come with a peep hole, why does he have to spell it out in the letter? I mean, he is saying, "I want a peep hole in my door".

Why does he say that?

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**A:** It is the same, you will see, my Lord, when they are ordering electric motors, they also specify

exactly what the electric motor has to be.

**Q:** That may be rather different because there are various kinds of electric motor.

**A:** Anyway, when you see the photographs of the doors they are talking about and the doors that are in all the standard Civil Defence manuals, they are the standard air raid shelter door.

**MR RAMPTON:** These doors have been purpose built. He has already got one, has Bischoff, for Leichenkeller 1 in crematorium (ii). He says to the people, the manufacturer in Auschwitz, the manufacturer in Auschwitz: "I want another exactly the same for Leichenkeller 1 in crematorium (iii)", does he not?

**A:** On the face of it, this is a very incriminating and highly sinister and murderous document, but, of course, it is lacking one thing, is it not?

**Q:** What is that?

**A:** Security classification. There is no secret stamp on it. If this is connected to the Final Solution and it is talking about this kind of sinister document, they would have put a "Secret", even the lowest classification on it. This is a document of janitorial level which you are trying to hype up into a smoking gun.

**Q:** Which is exactly why you might find that it does not have

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"Geheim" on it, janitorial level.

**A:** In other words, it is capable of ----

**MR JUSTICE GRAY:** There are two points. One is that it is not authentic because it is not stamped "Geheim" and the other is that it is janitorial.

**A:** I am not saying -- no, my Lord. I am not saying it is not authentic, my Lord. I am saying the fact that it is given no security classification, even by an SS officer, indicates that it is as harmless as it appears to be.

**Q:** But I would have thought that if it is on a janitorial level, it might be all the more valuable as a clue to what is really going on.

**A:** No, it is ----

**Q:** What is wrong with that proposition?

**A:** I think that this is looking for conspiracy theories the whole time, my Lord. If you are confronted with an innocent document in which he is ordering an innocent air raid shelter door, it does not occur to anybody to start stamping it "Secret", and it does not occur to him that 50 years down the road the Queen's Bench Division is going to try to make this out into a smoking gun.

**MR RAMPTON:** These are all carbons, are they not, Mr Irving?

**A:** Don't fall for that one. Immediately after the top left where it says "43/KI/Schull", which is the name of the secretary, there would be another "/" followed by "GEH" or "G" or "GKDOS" or "GRS", according to what security

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classification it had. It would be part of the letter book registration number.

**Q:** I just want to pursue the air raid shelter dream a little bit further, if I may, Mr Irving?

**A:** The air raid shelter?

**Q:** "Dream" because it is, I have to suggest, complete fantasy?

**A:** And this list of documents about air raid shelters is also a fantasy from the Moscow archives?

**Q:** The "Deutsche aust" [German - document not provided] Gazelshaft", etc. ----

**A:** Yes.

**Q:** --- in Auschwitz?

**A:** At Auschwitz.

**Q:** --- at Auschwitz, well, in Auschwitz -- there was a sort of settlement there -- was SS operated and inmate staffed, was it not?

**A:** I will take your word for it -- probably with slave labour, yes.

**Q:** I just want to pursue the air raid shelter a little bit further. How far away is Leichenkeller 1 or how far away are crematoria (ii) -- I will start again. Who was going to go into these air raid shelters of yours? Who were they for?

**A:** I have no idea.

**Q:** For the inmates?

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**A:** I have no idea.

**MR JUSTICE GRAY:** Well, you have been asked now?

**A:** But my answer ----

**Q:** Would they have built them for the slave labour? That is really inherent in the question.

**MR RAMPTON:** Yes. I said "for the inmates".

**A:** If we are really interested in this subject, I can inundate the court with paper about the construction of splinter trenches, concrete roof with reinforced concrete beams, bunkers for the inmates and everything. There was a great deal of agitation and work went on providing air raid shelter for the SS and for the inmates ----

**Q:** Yes. You have advanced ----

**A:** --- during these months and years.

**Q:** --- the air raid shelter theory?

**A:** Which had, obviously, not occurred to you.

**Q:** Obviously not occurred? We have known about it for years, Mr Irving. It just seems so silly we have not bothered to take it terribly seriously. Perhaps we are wrong. If this is for the SS, this air raid shelter, it is a terribly long way from the SS barracks, is it not? They would all be dead before they ever got there if there was a bombing raid. Have you thought about that? It is about two and a half miles?

**A:** I remember during the war when we got air raid warnings half an hour, an hour, before the planes arrived.

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**Q:** And you went down to the bottom of the garden, just as I did, and hid in your Andersen shelter, or whatever it was called?

**A:** We had a Morrison.

**Q:** We had one of those first and then we got grand and had an Andersen!

**MR JUSTICE GRAY:** Well, that is enough reminiscing.

**A:** Yes, but what I am saying is that when you were deep in Silesia, you had all the warning from the early warning system in Holland which is where it was based. You had all that time to tell you that enemy bombers were coming overhead heading your way.

**MR RAMPTON:** But, Mr Irving, you do know, do you not, that they did actually draw up plans for converting the crematorium at Auschwitz (i) into an air raid shelter for the SS.

**A:** Ah, ah, so this kind of thing did happen?

**Q:** Oh, yes, but that is where the SS ----

**A:** But you kept it quiet until now?

**Q:** --- that, Mr Irving, is where the SS barracks was.

**A:** Yes, well, I did not say this was for the SS.

**Q:** They could pop out of their living quarters into the air raid shelter. Do you really see a whole lot of heavily armed soldiers running two-and-a-half or three miles from the SS barracks to these cellars at the far end of the Birkenhau camp? I mean, Mr Irving.

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**A:** It was, I think, common sense to take the only two underground buildings which had reinforced concrete roofs and which had been very heavily constructed at very great expense to the German taxpayer -- far more expensively built than above ground mortuaries -- and to convert them for use as air raid shelters when the alarm began at the end of 1942. You can see this from the construction files, that they became increasingly concerned about the risk of air raids. Even if it was not just for the Kommandant and his private staff and family, it does not detract from the value of this particular explanation.

**MR JUSTICE GRAY:** How many people could be accommodated?

**A:** Well, we are told 2,000 people could get in, according to ----

**MR RAMPTON:** The document of 28th June 1943 suggests something, a gassing, sorry, an accommodation per gassing of about 1600 people, sometimes as many as 2,000. Anyway, leave that on one side. I still want to know how you think it is even realistic, never mind credible, to expect all those SS men to run all the way from the barracks at Auschwitz (i) to the far end of the camp at Birkenhau and climb into this air raid shelter before they got squashed by the allied bombs.

**A:** I did explain to you. I do not know who this privileged accommodation is being provided for.

**Q:** Well, they are not going to get 120,000 prisoners into

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such a space, are they, Mr Irving?

**A:** No, but the records show that very large numbers of other air raid protection facilities were being built around the camp at this time from the most primitive nature, which was of splitter trenches with primitive shelter over the top, to the most complicated bunkers.

**Q:** Those are still there today. You can see little sentry shelters, one per person.

**A:** So they made provision for everybody according to their needs, to each according to his needs and to his status, no doubt.

**Q:** Well, my Lord, I have only one more question about air raid shelters and that is to be found on pages 29 and 30 of the same section of the file, Mr Irving. I am not going to struggle with this. I know what it says because I have had it translated for me, but I am afraid I do not have a translation yet.

**A:** Which file?

**Q:** Page 29 of this file.

**A:** 11th February 1943?

**Q:** That is the one. I ask you again. No need to read this out loud. It can be copied into the transcript in due course. I just ask you to read it to yourself. It is a page and a half, if that?

**MR JUSTICE GRAY:** You are probably familiar with it, are you not?

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**A:** Since yesterday, my Lord. Yes, it was delivered to me yesterday. I have asked all my colleagues around the world what the explanation for all this is and nobody has expressed very great alarm, except that I do draw attention, if I may, to the reference in the third and fourth lines to the provision eventually of two final permanent electric corpse elevators, or lifts, and one temporary corpse elevator which is to be installed as an improvisation.

**MR JUSTICE GRAY:** Where is that on the page?

**A:** Lines 3 and 4 of the first page of the actual letter.

**MR RAMPTON:** Now, you have read that letter?

**A:** Yes.

**Q:** You have seen it. I am sorry it was late coming. We only got it ourselves, I think, on Saturday?

**A:** I got this at 10 past 9 yesterday evening.

**MR RAMPTON:** Yes, I am sorry it is late.

**MR JUSTICE GRAY:** "Leichenaftuk" (?) is that the word for corpse lift?

**A:** Yes, Leichenaftuk. They played quite an important part in the whole of the argument I shall develop when I come to get revenge on Professor van Pelt later on.

**MR JUSTICE GRAY:** That is not the right way of expressing yourself.

**A:** Well, I have had to endure a public flogging now for three weeks.

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**MR RAMPTON:** Well, Mr Irving, you brought this action, if I may call it that.

**A:** I am very much entitled to, yes.

**Q:** So you must expect to be flogged publicly. If the blows have been a little bit painful, I am sorry, but I am going to go on landing them. Look at the second page of this letter, will you?

**A:** Yes.

**Q:** Am I right that, in effect, the whole of this letter is a frightful -- I am going to use schoolboy language -- blowing up administered by the people of Auschwitz, Bischoff, to the supplier because they are behind in their supplying?

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

**Q:** And he is saying in the last paragraph but one, is he not: "Unless this stuff turns up quickly", and he is reciting a telegram he has already sent, "we cannot get this thing off the ground, the whole installation"?

**A:** Yes.

**Q:** The second paragraph from the end. That is right, is it not, and he uses the word in the previous paragraph "Dringinschten" which means "most urgent", yes?

**A:** Yes.

**Q:** Why the urgency if it is a mere air raid shelter or a delousing chamber?

**A:** We are at the height of the typhus emergency, are we not?

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**Q:** No. This is in February 1943. It has all gone. It was the summer of '42?

**A:** Yes. And there would have been no more typhus emergencies?

**Q:** There was not one in '43.

**A:** But did they know there was going to be no typhus emergency?

**Q:** No, of course not. But this is mid winter in southern Poland, it is 11th February 1943, and he wants it all finished by 6th March. Have I got an answer?

**A:** Are they not having problems at this time with the other crematoria?

**Q:** With?

**A:** With the other crematoria?

**Q:** Not so far as I know.

**A:** They had run into other crematoria being rendered unsafe by chimney fires, this kind of problem?

**Q:** Not so far as I know. Professor van Pelt will tell you yeah or nay if you ask him that question.

**A:** All I can say is that I have read the three letters. This is one letter of three that were sent to me last night in conjunction with each other. Bischoff, who is at Auschwitz, is, as you say, tearing strips off his suppliers for repeatedly failing to deliver on time, and supplies come back to him and say: "We will give you a ten horse-power motor instead of a seven horse-power motor

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which will do the job as well". I do not read any great significance into them saying "urgently" as the kind of thing I say to printers when I want books printed urgently. What I say is that I urgently need. What I did notice on one of the letters (I cannot put my finger on which one it was - I am sure Miss Rogers can help us on this) is Topf, the company that is supplying the equipment to Auschwitz, saying that we cannot get the priority for our shipments, we cannot get the railroad priority, which seems an odd thing if this is the Final Solution they are talking about, and the company who is supplying the equipment says, "We cannot get the priority to put our stuff on the trains".

**Q:** In February or March in Southern Poland, Mr Irving, I should think, I do not know, but I should think the temperature is pretty low, is it not?

**A:** Yes, but I also think and I am not an epidemiologist, but I do happen to know typhus epidemics are most prevalent in precisely these months of the year. They come and go in cycles. The early months of the year is when typhus epidemics are considered to be the most prevalent.

**Q:** That was not the experience in 1942, was it, in this place?

**A:** It began in 1942 and got out of hand in early 1942 until it reached its peak, I think, in about August 1942.

**Q:** We have now abandoned really air raid shelters, have we

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not?

**A:** As a topic for questioning, yes.

**Q:** We can forget air raid shelters. You do not get a letter like this, "must complete, you are late, we cannot use the installation until these motors arrive, these ventilation motors", if we are talking about air raid shelters?

**A:** Like any other building that has been newly erected in Germany, no doubt in England, they are not allowed to put them into operation until they meet the building inspector's standard. This equipment was undoubtedly considered to be essential before the building could be put into use. German buildings, just like any other, had to be passed by a building inspector. I think Professor van Pelt makes this point also.

**Q:** I have a piece of paper and I ask you simply to note, you can take it up with Professor van Pelt later on, a piece of paper which tells me that the mortality from the typhus epidemic during the summer of 1942 was, it looks like, about 20,000, about 20,000 -- 8,000, sorry 8,000, that is from

the epidemic, and that there was virtually no typhus during 1943. Do you accept that?

**A:** Not necessarily. I would have to see the figures for myself, but also here we are in February 1943, they have had the most ghastly experience in 1942, and they are taking, to my mind, responsible precautions in case the same thing happens in 1943.

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**Q:** But in the light of all the ----

**A:** They are getting ready and prepared and they have lost two of their crematoria by this time I believe.

**Q:** So you say. You must put that to Professor van Pelt. In the light of all the evidence, the reference gasungskeller, to a gaskammer, to all the rest of the documentary evidence, and of the eyewitness testimony, Mr Irving, the likeliest explanation for a document of this kind is this, is it not: "We want to start the big extermination programme in March, get on with it"?

**A:** If I was to write a book and based that conclusion on a document like that I would rightly stand before a court like this for manipulation and distortion.

**Q:** No, Mr Irving, you know that is not a proper answer to my question.

**A:** Of course it is a proper answer.

**Q:** I said in the light ----

**A:** I am being accused of basing my hypotheses on what you describe as flimsy lines like Judentransport and keine liquidierung, and the conclusions I drew on those two lines I am accused of having distorted and manipulated, and yet you are trying to read into this one document ----

**Q:** No. You did not ----

**MR JUSTICE GRAY:** No, you have not understood what the question was. Mr Rampton's question expressly -- will you listen, please -- expressly referred to all the other evidence,

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including eyewitness evidence and the rest. You know what he is talking about.

**A:** My Lord, precisely as I did ----

**Q:** He is saying in the light of all of that evidence would you not accept that gas chambers is the likely explanation?

**A:** The short answer is no, and I would add to say, add the remark that is precisely what I said when I was accused of having drawn adventurous conclusions on the documents laid before me. I said remember I have the basis of my entire expertise and all the other documents I had, and I rely on them too. This is precisely the argument being used by Mr Rampton to justify this as being a smoking gun. This is a very flimsy document indeed.

**MR RAMPTON:** Mr Irving, I do not say that this document ----

**A:** With no security classification on this document either.

**MR JUSTICE GRAY:** No, but it was not being put on that document alone. That is the point, but let us move on.

**A:** My Lord, you appreciate the point I am trying to make?

**Q:** I certainly understand the point, but I think you may have underrated Mr Rampton's question.

**MR RAMPTON:** I think you have also, as you so often do, made a false comparison about the point I am making with the point I make against you in relation to Berlin Jews. However, I pass now from these documents. I think, my Lord, that is perhaps enough for the moment. We may come

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back to them in Professor van Pelt cross-examination. I just ask you to look at page 49 before I leave this. This is a letter I think, Mr Irving. It is dated 20th June 1943.

**A:** 28th June.

**Q:** Sorry, 28th June 1943, to Kammler who is the head of Waffen SS Supply Department in Berlin, am I right?

**A:** Yes.

**Q:** From Bicshoff, though it has not got his signature in and that is no doubt because it is an office copy, setting out what he perceives to be or is reporting to be the theoretical capacity of each of five crematoria at the time when he writes in a 24-hour period. Have I got it right?

**A:** Yes.

**MR JUSTICE GRAY:** So that is 4,756 corpses in 24 hours.

**MR RAMPTON:** That is 4,756 people corpses -- I must not suggest they were alive -- 4,756 corpses to be incinerated by these five installations in a 24-hour period. If you multiply, Mr Irving, 4,756 by 7 you get something like 33,000 in a week; and you if multiply that by 4 you get something like 130,000 a month; and if you multiply that by 12 you get about 1.6 million in a year. What, Mr Irving, did they need that kind of capacity for?

**A:** Can we discuss the document first?

**Q:** By all means.

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**A:** This is one of the few documents whose integrity I am going to challenge.

**Q:** Ah! On what basis, please tell us?

**A:** Well, I prefer to discuss this with one of the expert historians who you are calling as witnesses.

**MR JUSTICE GRAY:** No.

**MR RAMPTON:** No, absolutely not, Mr Irving. Do not keep your cards in your pocket, it is not allowed.

**MR JUSTICE GRAY:** You have to explain why now.

**A:** Well, as I explained already to the court and we discussed this briefly with Professor Watt, all German documents of this character had to follow a standard layout, a German Civil Service layout, if you can put it like this. They were typed in a certain way. They had certain characteristics like the security classification and so on put in. Certain things were written in by hand. Certain things were typed in. There are I think five or six different versions of this document I have seen in the files over the last couple of years, and there are a number of discrepancies. I am only going to point to one discrepancy and this is right in the top left. The "31550" has been typed in.

**MR JUSTICE GRAY:** Why is that a discrepancy?

**A:** My Lord, if you go back to page 39 you will see that characteristically it would start off with "Brief Tagebuch" BFTGB. This is a very good one for comparison.

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Then you follow with a handwritten number 24365 which always handwritten on the documents, followed then by the "43" which is the year and that is missing in this page 49, the year is missing and the year is always there normally, followed by JA, and if it is supposed to be "Janisch" it

should be a JA with an umlaut, followed on page 49 by NE full stop, dash, and there is no other document in the entire Auschwitz archives which has a secretary initial "NE".

**MR JUSTICE GRAY:** Why do you say that is the secretary?

**A:** The last initials to come there would always be the secretary who has typed the document. The one before it is the one who has dictated it. So that is the discrepancy, just in that one line. The line above the date we are missing the word "Auschwitz". So this is a document that I am very unhappy with, not to mention the fact that the figures do not tally with any of the established figures that are provided by the top company who actually manufactures these crematoria.

**MR RAMPTON:** Yes, Mr Irving. That is what happens, is it not? You come across something absolutely insuperable, so immediately you cast doubt on its authenticity?

**A:** I have been careful not to do this with any other documents, Mr Rampton.

**MR JUSTICE GRAY:** What is the provenance of this document, Mr Rampton, do you know.

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**MR RAMPTON:** It has on my copy "reproduced from the holdings of the US Holocaust Memorial Museum Archives", but ----

**A:** I think it is ----

**Q:** --- but at the bottom of the page there is a signature or the handwritten word "Jahrling" or it might be "Jahrling"?

**A:** "Jahrling".

**Q:** It has the umlaut on it there at the bottom of the page, has it not?

**A:** Yes, but the typist obviously did not bother to put it in because on a German typewriter it is a different letter. I think it first surfaced in about 1950 when it was supplied by the East German Government to the Auschwitz Museum which is a rather odd way round for it to go.

**Q:** Do you know that?

**A:** From studies -- I am not reproducing my own conclusions on this document. I am not an expert on these documents, but I have read a study on it. But I have subsequently heard from someone that it did actually surface in Soviet hands back in the 1945 period.

**Q:** Let us suppose for a moment it is an authentic document so we can get on a bit faster. You can take it up with Professor van Pelt probably tomorrow.

**A:** I just want to say it is a suspect document, but I am quite happy to accept that I may be wrong on that.

**Q:** Let us ----

**A:** It has things that would make my ----

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**Q:** Let us assume you are wrong. Why do you think, if you are wrong, that they contemplated that kind of capacity? I mean they are contemplating incinerating more than the whole population of the camp once a month?

**A:** Well, that again is a pointer to the totally absurdity of the document frankly.

**Q:** Oh no, it is not, Mr Irving. If they are incinerating people who will never form part of the population of the camp at all, it is not absurd in the very least bit. People who are selected on arrival for being killed and incinerated, they never get registered in the camp, do they?

**A:** The entire population of the camp is going to be between 150,000 and 200,000 people.

**Q:** No, it is projected at some stage. I will have the projection figures for you tomorrow, but if

these are registered people that are being talked about here, then I quite agree, it is utterly absurd. If, however, what is contemplated is that the majority of these people who are going to be incinerated are never registered at all but are merely killed on arrival off the train, why then it is not the least bit absurd, is it?

**A:** It is absurd when you look at the individual figures and you know that those figures wildly exceed anything that the top company who actually designed and specified the crematorium furnaces had provided for by many multiples.

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**Q:** Not at all. We will get to the figures. You will probably get to the figures with Professor van Pelt, but that is the whole point about the design of these top multiple muffle ovens, is that you can incinerate up to four corpses at a time in any one muffle. Do you know why you do that, Mr Irving? Because they self-combust. You mix fat corpses with thin corpses and then you do not need much coke supply; it keeps going under its own steam?

**A:** Mr Rampton, you are not mortician. I am not a mortician, but one thing I do know is that bodies are largely made up of water, not fat. Nine tenths of a body is water, and unless you find a way of burning water then they are not going to self-combust.

**Q:** We might have to look at the patent application. Did you read that in these papers, Mr Irving?

**A:** The patent for the furnaces actually installed?

**Q:** Yes, it is in this bundle.

**MR JUSTICE GRAY:** Are you about to leave the document which Mr Irving challenges?

**MR RAMPTON:** Yes.

**MR JUSTICE GRAY:** Can I just ask you one question, Mr Irving? If for the sake of argument it is an authentic document, it is about as incriminating as one could possibly find?

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

**Q:** When I say "incriminating" you know what I mean?

**A:** Yes, it looks incriminating until you realize the trauma

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they have been through in 1942, with people who were dying at the rate of 400 or 500 a day and not knowing what lies before them in 1943 when conditions are undoubtedly going to get worse because the camp is expanding.

**Q:** So you think they might, in order to guard against a repetition of 1942, have been constructing crematoria capable of taking nearly 5,000 people a day?

**A:** I do not accept these figures could possibly be true for other considerations, from the coke consumption considerations alone. It takes 30 kilograms of coke to burn one body, whatever Mr Rampton is about to say now. There is no provision for coke supplies on this scale in the entire encampment.

**MR RAMPTON:** Mr Irving, the top patent application runs in two parts it is, but it runs from pages 6 to 18 in this part of the file. It is much too long for us to struggle through this afternoon. It is all in German. It is cited by Professor van Pelt in his report.

**MR JUSTICE GRAY:** 539 did you say?

**MR RAMPTON:** Yes. Mr Irving, if you have not read it already I suggest you read it overnight in case you are going to fall out with Professor van Pelt about its effect.

**A:** Is it suggested these were crematoria actually installed?

**Q:** No.

**A:** Then what on earth is the relevance?

**Q:** What is suggested is that this is the model for, this is

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the patent application after all, the prototype or model for those which were actually installed, yes, and the key to it was that you had to keep, well, I will start at the beginning. Under German law, Mr Irving, correct me if I am wrong, you had to burn only one corpse at a time, because you had to be able to identify the ashes at the end of the operation?

**A:** Even in 1940 Himmler ordered this was to be the situation in concentration camps too, yes.

**Q:** This was a direct breach of German law, no doubt sanctioned by the SS, because what they were proposing was to incinerate more than one corpse at a time?

**A:** On account of conveyor belt system by the look of it.

**Q:** Yes, absolutely right, and what they observe in their patent application is that if you do not keep the process continuous you hit problems. If you operate it periodically it does not fully satisfy. That is how, Mr Irving, they can reach such high numbers. It is also how -- I have made a mistake. The patent used -- I made a mistake. Anyhow it is the description of the process I am interested in.

**A:** Well, I cannot quite see the relevance of this to what is before us, because you yourself say these were not ever installed in Auschwitz.

**Q:** I may have to come back to that.

**A:** It is grisly and gruesome stuff to read, but, believe me,

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my brother was Regional Commissioner in Wiltshire and he tells me what we were planning for the event of nuclear war in this country and that was equally grisly and gruesome as to what to do with the bodies that would come from a nuclear war. They are planning for worst case contingencies here.

**Q:** Mr Irving, the reason why it was possible to contemplate such a large daily incineration was that they could burn, according to the design of these ovens, one more than one corpse at a time in each muffle?

**A:** Yes, a zigzag or something like that.

**Q:** No, they were just laid in lines.

**A:** Yes.

**Q:** That is number one.

**A:** But it was never installed, this is the whole point.

**Q:** Yes, that is exactly. If you read the eyewitness descriptions, if you go and look at the wretched things in Auschwitz, that is exactly what they are. They are multi-muffle ovens.

**MR JUSTICE GRAY:** But having read the extracts that Professor van Pelt has cited in his report, it seems to me that they are at best of equivocal significance on this question of whether human fat will cause them to incinerate more frequently. It is page 540 just about the middle.

**MR RAMPTON:** What I think I misunderstood ----

**MR JUSTICE GRAY:** It is the theory of the thing rather than

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whether it is the particular relevant patent.

**MR RAMPTON:** But the eyewitness testimony, Mr Irving, of, for example, Henrich Tagebuch

tells us that that is exactly what they did.

**A:** We will see what we have to think of Henrich Teuer when the time comes.

**Q:** The time has now come for you to outline, if you will, but I just want to ask one more thing before I move to the eyewitness evidence.

**A:** Let me say just briefly about Henrich Teuer. He was clearly briefed as to what to say.

**MR JUSTICE GRAY:** We are coming on to that.

**MR RAMPTON:** You can tell me in a moment about Mr Teuer, Mr Irving. I am sure we should like to know because then Professor van Pelt can deal with it. The other reason why it is an efficient process, if indeed it worked in the way in which we have been told that it did, is that of course you need much less fuel, do you not?

**A:** We know exactly how much fuel on average is required to cremate one corpse in existing crematoria.

**Q:** Please listen to my question. If it works in this way, that the corpses fuel one another and so the continuous combustion process, then you need less coke?

**A:** This is yet another "if" on which you base your case, but unfortunately these were not the muffles actually installed in Auschwitz and we know precisely what their

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efficiency was.

**Q:** So you say, Mr Irving. I am sorry, I just do not believe that you know what you are talking about on the question of what muffles, I am sorry, what quantity of corpses were put into each muffle.

**A:** We know because we have precise figures relating to these types of crematoria in, for example, the Gusen concentration camp. We know precisely how many tons of coke were needed to burn how many hundred bodies, and we have I think an average of 30.5 kilograms of coke per body being cremated.

**MR JUSTICE GRAY:** Is that in a single body crematoria?

**A:** They were the identical muffles that were installed in Auschwitz, the identical crematoria, is my understanding.

**MR RAMPTON:** But are you saying that in that crematorium at Gusen they burnt more than one body at a time in a muffle?

**A:** They were the identical furnaces.

**Q:** You do not answer my questions, Mr Irving, too often. Are you saying that they burnt more than one body at a time in those muffles?

**A:** I should certainly, if you attach importance to that, go back and look at it, but I do not see what the difference is ----

**Q:** It is critically important.

**A:** --- because if it is an average figure and you need that much coke to burn one body, then stuffing them in four at

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a time is not going to make it any better.

**MR JUSTICE GRAY:** You are missing Mr Rampton's point.

**MR RAMPTON:** You are missing the point.

**MR JUSTICE GRAY:** I think the reason you are missing it is because you just do not know really the answer, whether you do burn one body ----

**A:** Yes, I would have to go and check up on the sources.

**Q:** --- more quickly if you have another body being burnt simultaneously.

**A:** I said repeatedly I am not a Holocaust expert. I did not want to become a Holocaust expert. I have to defend my position here.

**Q:** We cannot take it any further I think.

**MR RAMPTON:** I agree, we cannot take it any further. My Lord, I will ask one question and Mr Irving can put in what he likes to say about Mr Teuer or anybody else. I will ask one question about the eyewitness evidence, and then I believe I am in a position where I can sit down on this part of the case. Mr Irving, what do you say about all the eyewitness evidence about Auschwitz for a start?

**A:** What an extraordinary question.

**Q:** Well, is it ----

**MR JUSTICE GRAY:** Well, answer it. Do not worry about whether it is extraordinary or not.

**MR RAMPTON:** It is not an extraordinary question at all.

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**MR JUSTICE GRAY:** Answer it.

**A:** All can I say in general is that I would attach less importance to the eyewitness evidence than I would to the British intercepts, to the aerial photographs, to the concrete evidence, literally the archeological evidence, to the documents I find in the archives, way down all the documents of that sort, sources of that nature, I would put way down believe that whatever any eyewitnesses might say.

**MR RAMPTON:** Mr Irving, if it be the case that the eyewitness evidence is broadly consistent with the documentary -- it is an "if" I know, so do not say "if" -- if the eyewitness evidence is broadly consistent with the documentary evidence, then we can pay quite a lot of attention to the eyewitness evidence, do you not agree?

**A:** Except on one premise.

**Q:** What?

**A:** If the eyewitnesses have been briefed on the basis of the documents as to what to say.

**Q:** Of course.

**A:** Right.

**Q:** If they have been sitting in a room with a pistol to their head and they have been shown a document and said, "That mean it's a gas chamber, doesn't it?", and they have said "Yes, of course"?

**A:** If, for example, they describe as having seen a building

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which turns out to have existed only on paper, then we know they have been shown the architectural designs and they are describing what they have seen on the design and not what they have actually seen in real life or concrete.

**Q:** No, you do not know that.

**A:** Well, we do. There is one particular case, Mr Teuer.

**Q:** There may be one particular case, but you do not know that a person who is shown a drawing does not recognize it as what he has seen in real life, do you?

**A:** Except if the drawing was never actually put into effect in that shape but was subsequently amended.

**Q:** One has to be very cautious about eyewitness testimony, particularly when it is remembered

sometime after the events in question, does one not, Mr Irving?

**A:** Yes.

**Q:** And one will test it by reference to material by which it cannot have been contaminated, yes?

**A:** Yes.

**Q:** That includes eyewitness testimony from other people with whom the particular witness has not had any contact, does it not?

**A:** Yes, except indirectly of course through the interrogator.

**Q:** Yes. If the Brits and the Poles put their heads together and produce what we might call a joint questionnaire which is uniformly put to all eyewitnesses, I quite agree with you. Have you any evidence of that?

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**A:** I did not say that.

**MR JUSTICE GRAY:** Is the answer no?

**MR RAMPTON:** The answer is no, is it not?

**A:** No, but if the same British interrogator questions two people in a row, then there will be a certain amount of cross-pollination between the two reports.

**Q:** But if somebody is being questioned in London and somebody else is being questioned in Norway and somebody else is being questioned in Poland, then unless the interrogators have put their heads together, there is no chance that the witnesses's testimony may be mistaken?

**A:** Yes.

**Q:** But there is no chance that it is going to be deliberately fabricated in that way, is there?

**A:** No, not in that way.

**MR JUSTICE GRAY:** Can you tell, me and it may be that this is too general a question to be capable of being answered, what you say the motivation of the eyewitnesses who painted a false picture of what had been going on in Auschwitz was?

**A:** I would say it varies, my Lord. It would be partly fear, partly the promise of alleviated punishment, partly torture, partly pecuniary. It depends on when we are talking about, whether it was done recently in connection a Hollywood film or back in 1945 to assist the Polish authorities.

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**Q:** You sound from that answer as if you are really talking about camp officials?

**A:** I am talking about camp officials.

**Q:** Rather than survivors. What about the motivation of the survivors?

**A:** To my knowledge none of the survivors who are not camp officials claimed to have been in gas chambers, inside them.

**Q:** No, but they give what admittedly would be circumstantial evidence, but nevertheless quite vivid circumstantial evidence ----

**A:** They give a lot circumstantial evidence.

**Q:** --- about what they infer must have been happening, do they not?

**A:** I really hesitate to set traps for myself by generalizing, my Lord. I prefer to see precisely who we are talking about. When we are dealing with camp officials we have the odd phenomenon that people who would normally be candidates for the gallows somehow survive, and almost entirely coincidentally give statements that undoubtedly Mr Rampton will be relying on.

**MR RAMPTON:** You see, if you read Professor van Pelt's report, Mr Irving, which I think you

probably have done, you find evidence from what he calls perpetrators, camp officials, Rudolf Hess, Broad, Altemeyer, Gravno, people like that, which is broadly consistent, is it not, in every detail?

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But that is the nature of eyewitness testimony, Mr Irving. You would agree, would you not, eyewitness testimony which is consistent in every detail is highly suspicious, would you agree?

**A:** It prompts the word "collusion" to mind.

**Q:** Yes, exactly, collusion. But eyewitness testimony, which is broadly consistent but which has differences of detail, is, unless there is reason to think that the person is lying, reliable as an honest account even if it be a mistaken one. Do you agree?

**A:** It depends what you call difficulties of detail. If they are really scandalously large differences, discrepancies, then you have to ask yourself how and why the discrepancy exists. I am thinking, for example, of the memoirs of Hirst.

**Q:** Yes. Hirst's own various accounts are not consistent amongst themselves, are they?

**A:** Which suggests that one should straightaway, if one is a reasonable historian, discard him as a source completely.

**Q:** No. This would be grossly improper as a reasonable historian, Mr Irving, may I suggest. The right approach to such evidence is to treat it with all caution and to ask oneself, where can I check it against other evidence to see whether it is accurate or not?

**A:** I agree.

**Q:** One can could do that with Commander Hirst.

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**A:** It is a yellow light, proceed with caution.

**Q:** Yes, proceed with caution. One can do that with Commander Hirst and one can find, unless he has been fed his lines by the polls, corroboration for almost all the important things that he says in his various statements, do you agree?

**A:** I think Hirst and Eichmann are two pitiful characters -- Eichmann is another eyewitness -- where we need to know a great deal almost as psychologists about their mentality of this servile eager to please kind of mentality that we are feeling with. That is why I hate using eyewitness evidence because you have intangible subjective factors coming in, where all your instincts as a historian, as I say, will close to cover on that file because this file is trouble, let us look for something that is more concrete. Altemeyer is another case in mind.

**Q:** I cannot accept that, Mr Irving. You will take as an historian, if you have an open mind that is, such evidence as there is, give it such weight as it may deserve and you will then make a decision whether or not to discard it.

**A:** That is an alternative approach.

**Q:** You do not discard a piece of evidence just because it is rocky in some area.

**A:** In the case of Hirst, you see, you have the following problem. He undoubtedly deserved it. He was brutally treated when he was taken prisoner by the by British in

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March 1946. He was very badly man handled. At the end of the following year, of course, he was then hanged by the Poles and I would be the last person to say he did not deserve it. In between

those months, the day of his arrest and the day of his final hanging, execution and hanging, we do not know what went through his tortured mind. We do know that his report is full of the most incredible misstatements so that even Adolf Eichmann, writing in the margin of the Hirst report, and I have this book actually in my hand, because somebody bought it in a second hand book shop, with Eichmann's comments on it, said this man is talking through his hat. This is totally untrue. It renders the whole source document so suspect that either you can use it indiscriminately and say, hey this helps my case and I am going to use every bit I can that is of use and pretend the rest does not exist, which is what the average historian has done, or in my case you say this document is so suspect I do not want to go anywhere near it. That is the way I would treat it.

**Q:** But, you see, the problem is, Mr Irving, that much of what Hirst said is corroborated by other people, is it not?

**A:** You say corroborated but, of course, we do not know how far it has been cross pollinated by reading the newspapers.

**Q:** That is a different point.

**A:** By sitting in the same court house and hearing what other

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people are saying, by being told by interrogating officers, "If you sign this affidavit we have typed up, then we will get you a shorter sentence". This is the kind of thing that went on at Nuremberg, along with a lot of uglier things. These so-called affidavits that these people signed were not written out in their own longhand. They were dictated to them and they were then obliged to sign them.

**Q:** Are you familiar with the testimony which Eric Bauer gave at Ludwigsberg in, I do not know what year it was?

**A:** No, I am not, I can read it though.

**Q:** My Lord, I am looking at page 581 of van Pelt. He is recorded by Professor van Pelt to have testified as follows about the extermination of Jews in Sobibor.

**MR JUSTICE GRAY:** Let Mr Irving find it.

**MR RAMPTON:** I am sorry.

**A:** Can I say straightaway that I have myself been before the courts in Austria. They do not take verbatim testimony in the manner that we take here with court reporters. The report is drawn up by a court official in abbreviated form so these are not necessarily ----

**Q:** Well, it is in the first person. I dare say, I do not know, I have not seen the original document. Maybe it is in the file. He said this, he also used the word vergassung as an adjective, he is talking about gassing of Jews at Sobibor, "The doors were sealed airtight and

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immediately the gassing procedure vergassungsforang commenced". Is that after some 20 to 30 minutes, complete silence in the gas chambers, people were vergassed?

**A:** He is probably accurate. He is probably describing something that really happened there.

**Q:** It is the same formation, is it not, vergassungswagen we see with Eichmann at the top of the page? We notice Wetzel's vergassungsakavater earlier.

**A:** There is no other way you could describe gassing procedure except by the German phrase vergassungsforang.

**Q:** Then we come to Dayaco and Eiffel, who were tried, I think in ----

**A:** 1972. I believe I am right in saying that they were both acquitted, oddly enough, were they not?

**Q:** I believe that they were acquitted.

**A:** So obviously the court did not pay much attention to this kind of evidence. They had the chance of cross-examining the witnesses.

**Q:** We should take precedent from that, should we, Mr Irving?

**A:** Certainly, if they hear the same witnesses. We do not have the chance of cross-examining these witnesses that you are giving to me now, but if the court in Vienna acquitted Dayaco and Eiffel, who were the architects of Auschwitz, they were acquitted and set free. They had had the chance of cross-examining these witnesses. Surely

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that should say something to you about the value of the testimony they gave.

**Q:** It says nothing to me at all because I do not know the reason why they were acquitted.

**A:** They were acquitted because they were innocent.

**Q:** There are all sorts of reasons why people can be acquitted. If you are anxious to find out the answer to why they were acquitted, you can ask Professor van Pelt.

**A:** I know why they were acquitted. I know their case quite well.

**Q:** You see, it says both Dayaco and Eiffel, testifying during their trial in 1972, used the term "gassing spaces" vergassungsraume to denote gas chambers. You can see that that is so if you turn back -- I am sorry it is such a long journey -- to page 341 of the same report, my Lord. Would your Lordship at the same time find it convenient to turn up this document? It is in the same file. You might do the same, Mr Irving. In the smaller of the two Auschwitz files, the second one, there is a document at page 2 to which this part of the text of van Pelt refers.

**A:** The smaller of the two Auschwitz files at page 2?

**Q:** Tab 4, sorry, yes. Tab 4, page 2. It is in the same set of originals.

**A:** The same document.

**Q:** Just so that, if you want to, you can look at the original German.

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**A:** Can I draw attention to the brief number on that document, handwritten number?

**Q:** Yes.

**A:** I do not say these things just to be pig headed about documents arousing my suspicion.

**Q:** At the top of page 341 of van Pelt we see this: "On August 19th 1942 Eiffel chaired a meeting in which members of the Central Construction Office discussed with engineer Kurt Brufer of Topf and sons the creation of four crematoria in Birkenhau. Item 2 mentioned the construction of two triple oven incinerators near the bath houses for special actions". If you look over at the other document, the original German document, it is in paragraph 2 on the first page, first sentence, is it not?

**A:** Yes.

**Q:** Could you read out what it says in German?

**A:** [German spoken- document not provided].

**Q:** No, I am sorry, I meant translated.

**A:** With regard to the erection of two each three muffle furnaces at the bath house for special actions we propose Engineer Brufer suggested ----

**Q:** That will do.

**A:** Taking the furnaces ----

**Q:** In fact as you see, if you look at the end of the memorandum, what in fact in the end they

decided on was

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I think two four muffle ovens?

**A:** Yes.

**MR JUSTICE GRAY:** What were sonderhaktiernun, do you think, Mr Irving?

**MR RAMPTON:** Notice that the word [German spoken - document not provided] are in quotes in the original, are they not?

**A:** Yes.

**Q:** I am going to ask you a question about that in a moment, go back to the text of van Pelt the top of 341, if you will. "Item 2 mentions the construction of two triple oven incinerators near the bath houses for special actions. These are the gas chambers also known as bunkers one and two". Van Pelt says that. "On January 21st 1972 Eiffel testified in court that, when he wrote down the word bath houses for special actions, he knew exactly what this euphemism meant 'I knew at the time that this concerned gassing spaces'". Now, that is right is it not? I mean, he said that, do you know? You say you know the trial well. Yes?

**A:** I know the reason why he was acquitted, yes.

**MR JUSTICE GRAY:** Concentrate on the point that Mr Rampton is on.

**A:** Yes.

**MR RAMPTON:** Concentrate on the point. It is at the bottom of page, the German, so we can be sure that you are not going to accuse van Pelt of mistranslation.

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**MR JUSTICE GRAY:** If it did not mean that, I think this is really the point, what did sonderaktionen mean?

**A:** It does not really advance us very far. It just says he knows they were talking about the gassing spaces.

**Q:** That was for clothes?

**A:** Vergassungsraume is always for fumigation of clothes, yes.

**MR RAMPTON:** No. Unless Van Pelt has got it wrong, I do not know, the German seem to say, I knew at that time that this, that is [German spoken- document not provided] concerned gassing spaces.

**A:** I think we can assume that, had Eiffel then been examined further, as no doubt a good counsel would have done, and said what do you mean by [German spoken - document not provided] presumably mean homicidal gas chambers, and he would then have given either yes or no answer, but we are not told because Mr van Pelt has only give us half a sentence here.

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

**MR RAMPTON:** You can take that up with him. It is maybe a fair point.

**MR JUSTICE GRAY:** Mr Rampton, at some stage can we elicit something we had planned to elicit, namely to what extent was Mr Irving aware, when he made his statements about the gas chambers not having existed, of this and indeed the other evidence which you are taking him through? At some

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stage we have to know the answer to that, do we not?

**MR RAMPTON:** Actually no, because I have always said, as I have said earlier, I think last week, that he leapt on to Leuchter when it must have been perfectly obvious, if he had been interested in finding out, by thinking about it and asking if the Leuchter was rubbish, he stuck with Leuchter, despite the fact that it is rubbish. He has never taken the trouble to go to Auschwitz and look and I suggest two things flow from that. One is that he is not just a rotten historian but a bent historian because he lends his weight to Holocaust denial without having the materials to do so, and second, that he has an ulterior motive for that disreputable stance.

**MR JUSTICE GRAY:** I follow that, but does the question not need to at least to be asked at some stage?

**MR RAMPTON:** By all means.

**MR JUSTICE GRAY:** Well all this evidence is out there. Did you consult it and, if you did, why did you reject it? I think we went through this.

**MR RAMPTON:** I thought that I had done that. He had never been to Auschwitz.

**MR JUSTICE GRAY:** No, certainly never been to Auschwitz.

**MR RAMPTON:** Did you ever go to Vienna and look at the record of the trial of these people?

**A:** No. I can simplify the matter by saying that, whenever there is an Auschwitz stamp on a document like this one,

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I have not seen it before the trial.

**MR JUSTICE GRAY:** You follow the point I am trying to get at. There is a lot of evidence which the Defendants point to as demonstrating beyond the shadow of doubt that there were gas chambers at Auschwitz and they were used to kill Jews.

**A:** My Lord, I strongly disagree with that statement.

**Q:** When you read Leuchter, I appreciate that you then formed a view, but to what extent did you take into account the other evidence outside Leuchter and his examination of those samples?

**A:** Let me take it seriatim. First of all, I disagree with the fact that we have seen a volume of evidence that there were indeed gas chambers. I do not think that we have seen any evidence yet. We have seen evidence which can be read that way if you are so inclined. Secondly, I am told that I never tried to go to Auschwitz. In 1992 I contacted the director of state archives at Auschwitz, Mr Piper and he refused to assist me. So it was quite evident that I would get no assistance whatsoever from the Auschwitz state archives.

**MR RAMPTON:** We have been through this last week.

**A:** No, we have not.

**Q:** Yes, we have.

**A:** No, we have not.

**MR JUSTICE GRAY:** It is new to me.

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**A:** In 1998 when I attempted to go to Auschwitz with the BBC team, Auschwitz ruled that I would not be allowed to set foot on the compound, on their campus or to visit their state archives.

**MR RAMPTON:** I do not want to go over old ground, but I am going to in a minute, Mr Irving.

**MR JUSTICE GRAY:** Can he finish the answer? I personally think this is quite important. That was a closed book to you but there are other sources of information.

**A:** I have therefore never seen any documents that have come from the Auschwitz state archives. In 1992 I went to the Moscow state archives where the other major collection is, which I used

only in order to obtain the Goebbels diaries. As a result of the machinations of my opponents, the Moscow state archives were thereupon closed to me and I was informed that I would not be allowed to return there, so I am told. So that also closed that avenue of access to any documents which come from the Moscow state archives which were also not known to me until shortly before this trial.

**MR RAMPTON:** I am going to pursue that, Mr Irving.

**MR JUSTICE GRAY:** I am so sorry, Mr Rampton. I just want to get the complete answer and then by all means pursue any of it. So that, you say, closed off the Moscow archives as well. But you would accept, would you not, that there is whole lot of material and data to be found in all sorts

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of places, some of which is before the court and a lot of it in Professor van Pelt's report, to which you could have had access, had you been so minded? Is that not right?

**A:** My Lord, the litany of woe continues. I am banned from the Institute of History in Munich, thanks to exactly the same campaign. I am banned from the German federal archives with effect from July 1st 1993, thanks to exactly the same campaign. I have faced mounting difficulties in continuing to do research. When I tried recently to get documents from the Wiener Library in London, which is exactly the same kind of historical archives, the director of the Wiener Library archives said that it would refuse to assist me.

**Q:** So what it really comes to -- forgive me, Mr Rampton, I will stop after this question -- is that really almost every avenue, you say, has been closed to you for one reason or another and at one stage or another?

**A:** At one stage or another. I am not saying that it has been closed over the entire period. It is fair to say that.

**Q:** Might it be said against you that in that case it might have been more sensible, when were you giving talks about whether the Holocaust had happened or not, to make it clear that you really, beyond Leuchter, had almost no historical material available to you?

**A:** My Lord, there had been endless publications about precisely these matters, for example the suspect document,

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which I have paid due attention to. I have not had access to the archives myself, but I have had the opportunity of benefiting from the expertise of others.

**Q:** But my question was, should you not have made that clear to your audiences when you were saying, well, it is plain that battleship Auschwitz had sunk?

**A:** I think I made it quite plain to the audiences that the initial impetus for making that statement was the Leuchter report with the chemical results contained in that report, which I still considered to be a very valuable starting point for the whole controversy.

**MR JUSTICE GRAY:** I see. Thank you. That now clarifies my mind.

**MR RAMPTON:** I am sorry, Mr Irving, I simply cannot accept anything really of what you have said, apart from the fact that you have been banned from various places, but the thrust of it I reject in its entirety. Do you have the first of the Auschwitz files, please, the big one? Can you turn to the correspondence tab (which I think is tab 8) and to a letter of 30th October 1989? I do not have the page number, I am afraid.

**A:** I am hoping his Lordship will read all the letters under tab 8.

**Q:** Yes. I am hoping he will too but that is not the point. It is marked with a 10. Is that a letter

from Mr Weber to you?

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**A:** Yes.

**Q:** Will you turn please to the last page of that letter? Remember that the date is 30th October 1989.

**A:** Yes.

**Q:** Look at the first paragraph on that last page: "Some time ago you mentioned that we might be willing to contribute a Foreword to my book conditional upon reading the manuscript and, even though you are now working on a book of your own about Auschwitz and our work may therefore overlap somewhat, I hope that you are still willing to consider contributing a Foreword. I like to think that all the thoughtful and well documented revisionist work is mutually beneficial and a boost to the overall cause". Now, Mr Irving, were you working on a book about Auschwitz in October 1989?

**A:** No.

**Q:** Why did Mr Weber think that you were?

**A:** I do not know. In October 1989 I was working -- let me think -- I had just delivered the new edition of Hitler's War, I was almost certainly working on the Herman Goring biography.

**Q:** May I suggest that Mr Weber said what he did because either you or somebody else on your behalf had told him that you were working on a book on Auschwitz?

**A:** Mr Rampton, your instructing solicitors have had complete access to all my files, including my entire private

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diaries. If you had found any evidence that I was working on a book about Auschwitz, I am sure you would have had it before the court.

**Q:** I did not say that you were, Mr Irving. You notice I tried to choose my words carefully.

**A:** You were strongly suggesting.

**Q:** -- that somebody had told him, perhaps you, that you were?

**A:** Perhaps.

**Q:** Yes.

**A:** That is not evidence. As I say, you have had complete access to all my private records.

**Q:** It would be evidence, Mr Irving, if you had told Mr Weber that, would it not? Not that you were doing it, but that you said that you were doing it.

**MR JUSTICE GRAY:** I cannot quite see why he should, myself?

**A:** He does not say even though you said you are now working on a book. But I can only repeat, had you found any evidence of this in my private diaries or telephone logs or papers, I am sure you would have had it before the court.

**MR RAMPTON:** Mr Irving, the Leuchter report came to your knowledge in August 1988, did it not?

**A:** April 1988.

**Q:** I beg your pardon, April 1988. When did you first make an attempt to look at any of the archive documents, whether in Auschwitz or in Moscow?

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**A:** I cannot tell you off the top of my head, but certainly, when I went to the national archives in Washington, I would have read more intensively in the papers of Heinrich Himmler or the SS and, when I went to any other places, for example the Public Record Office, I started also paying more attention to Auschwitz at that time.

**Q:** When was that?

**A:** Well, again I cannot, I have been to the Public Record Office in London probably 50 or 100 times.

**Q:** You were going in August '89 I think, '88, and you said, I do not know what this is from, this is a speech in Toronto: "I am going to visit in this four-month swing around the entire United States, East Coast and West Coast, probably about 40 different Government and private archives on various projects, and everywhere I go I am looking into the archives to see what they have got on Auschwitz."

**A:** Yes.

**Q:** Yes. Now what was to prevent you making a similar trip to Poland at that time?

**A:** 1988?

**Q:** In 1988.

**A:** It was behind the Iron Curtain.

**Q:** So what?

**A:** The Iron Curtain had not come down.

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**Q:** Humble Mr Pressac got there in '82, '83. Professor van van Pelt was there in 1990.

**A:** Yes, but you seem to forget I am not a Holocaust historian. I have to keep on reminding you of this. I am an historian of the top Nazis. I write about Goring and Hitler and Rommel and Hess. To do that you do not have to go to Auschwitz. I read Professor van Pelt's book with enormous interest as a book. One of the first books I read from cover to cover.

**Q:** That is where I thought we were going to get to. So the fact that in due course you would have been unable to go to Auschwitz because of a ban, is quite beside the point. You never had any intention of doing so, did you?

**A:** I never had any need to go there. I am not a Holocaust historian for the hundredth time.

**Q:** Then, may I suggest, that it was wholly improper of you to give Leuchter such a high profile, given your supposed position as an historian of repute?

**A:** I do not think so. You say "high profile", how many lines of each speech did I deliver? Shall I do a calculation tonight of how many per cent, what fraction of 1 per cent of my speeches concern Mr Leuchter over the last ten years? I would suggest it is less than 1 per cent. You have read out just the lines dealing with him.

**Q:** No, Mr Irving.

**A:** His Lordship has in front of him the entire bundle and he

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can see how very low he barked on my horizon.

**Q:** No, Mr Irving, it will not do. You actually went to the trouble of publishing your own glossy version of the Leuchter report nine months, no more, over a year after the Zundel trial, and of announcing its birth to the world with a press conference?

**A:** Yes.

**Q:** Well, what is the point of that?

**A:** I think it produced an extremely valuable stimulus to the entire research community. Without the Leuchter report there would have been none of these in depth investigations in archeological tests and searches and so on. It has been an extremely useful report in that respect. That is why I said in the introduction, I said the ball is now in their court. It is very much intended as stimulus to further research.

**Q:** Without your having taken the least trouble to investigate the question yourself?

**A:** I am a publisher in this respect.

**Q:** Oh, in this guise you are a publisher. You are only an historian when it comes to Adolf Hitler and that sort of thing, is that right?

**A:** I do not think I actually said that. Certainly you asked me about the Leuchter report and I acted as the publisher. I was not the author. You have seen the letters in which I say I did not write a single line of

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it, except the introduction. I merely provided the publishing facilities.

**MR RAMPTON:** My Lord, I do not think I can usefully ask any more questions in relation to Auschwitz at all, unless I am told that I must.

**MR JUSTICE GRAY:** No, I think that is right.

**MR RAMPTON:** I really do. I will come back now finally to where I started I think last week.

**MR JUSTICE GRAY:** My only hesitation is, and it is a problem because Mr Irving is in person, that he plainly is wanting, as I understand it, to say there are various later developments post Leuchter which confirmed in his original conclusion that Leuchter was really a dramatic new piece of evidence which really did clinch the argument against the Holocaust affirmers, as it were. Do you want to leave that hanging in the air until re-examination? You do not have to ask any questions, but there is something to be said for seeing ----

**MR RAMPTON:** About the new evidence?

**MR JUSTICE GRAY:** Yes.

**MR RAMPTON:** I have a question about the new evidence, because he mentioned, I think, really only one specifically which was a report by somebody called I think Germer Rudolf?

**A:** The Rudolf report.

**MR JUSTICE GRAY:** It was not only that, but certainly that was one of the things.

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**MR RAMPTON:** What else is there, Mr Irving?

**MR JUSTICE GRAY:** Something in 1945, Auschwitz.

**MR RAMPTON:** 45 was the Polish report we looked at.

**MR JUSTICE GRAY:** I am not sure it was.

**A:** There was no another Polish after the Leuchter report.

**MR JUSTICE GRAY:** Yes, in 1945.

**A:** No, in 1989.

**MR JUSTICE GRAY:** Was there not another one in 1945 that you are relying on.

**MR RAMPTON:** No, the only 1945 report is the report your Lordship has seen. There was a preliminary report by the forensic people in about 1991 in response to Leuchter. It was unsatisfactory. They redid it under Professor Markovic's aegis and that produced positive results.

**A:** The first one was politically incorrect, so they put it away in the safe and they produced a new

version.

**MR JUSTICE GRAY:** You say that. When are you proposing to deal with that?

**A:** My Lord I am going to have to ask for instructions from your Lordship as to how I can put this material. I was proposing to do this kind of thing in the -- I was going to put these documents to the experts and I thought that would be an appropriate way of doing it.

**MR JUSTICE GRAY:** I am not disagreeing about that, but you obviously want to say something on these topics.

**A:** I certainly do not like leaving it.

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**Q:** I am content to deal with it that way.

**MR RAMPTON:** I am too. The only thing I am not content about, since I have finished maybe I can say this now, I am not content about is (A) I have not had time and nor, I dare say, has Professor van Pelt who has been sitting in court, to review the new material we were given this morning; and (B) I have never seen the Rudolf report because it is not in Mr Irving discovery.

**A:** Yes, it is.

**Q:** I am told it is not.

**A:** If it is not then I humbly apologise. It certainly should have been, and I will provide copies immediately.

**MR RAMPTON:** Miss Rogers is the most reliable person in the world when it comes to these matters and she says it is not. So I am going to rely on her for the moment.

**A:** I will eat humble pie today provided ----

**MR RAMPTON:** If reliance is to be placed on it then we need time to look at it.

**MR JUSTICE GRAY:** Professor van Pelt needs time particularly because he will be the one who has to deal with it. How easy would it be for you to dig it out?

**A:** I can have it couriered around this afternoon.

**MR JUSTICE GRAY:** That would be helpful. I think he ought to have it.

**MR RAMPTON:** My Lord, that leads to my final enquiry of your Lordship. Other things being equal I would want Professor

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van Pelt to go into the witness box sometime tomorrow, but plainly if he does Mr Irving must keep off the new material until Professor van Pelt has had a chance ----

**MR JUSTICE GRAY:** He may have time because Mr Irving has just said he is going to be able to get it round this afternoon.

**A:** My Lord, there are two things. The Rudolf report is one and also on your Lordship's instructions I have allowed the Defence sight of an expert critique I received from an architect on his report.

**MR JUSTICE GRAY:** Is that what you gave me this morning?

**A:** It is what I gave your Lordship this morning, yes.

**MR RAMPTON:** It has no name on it.

**A:** You are not entitled to this man's name, with respect.

**MR JUSTICE GRAY:** I am afraid that is a matter for me and I do not at the moment understand why you say that.

**A:** This man is obviously in a leading position in the world of architecture and he is, frankly, frightened because he knows what the people backing the Defendants in this action are capable of

doing to people of stature.

**MR JUSTICE GRAY:** Hang on, are you proposing to call him to give evidence?

**A:** No, I am not. He is purely a person who has advised me in private on some of the technical matters, the architectural matters, which are involved in this case, as the nature of correspondence.

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**MR JUSTICE GRAY:** Then, subject to Mr Rampton, I think you can put the propositions contained in whichever document you are talking about, because I do not think I have seen it, and I do not think there is any reason why I should compel his identity to be disclosed.

**MR RAMPTON:** Absolutely not. As I now understand it, all I think has happened is that we have been given a brief for cross-examination.

**MR JUSTICE GRAY:** Yes, which is what you asked for and you have now got it.

**MR RAMPTON:** Yes. I do not think Mr Irving is asking your Lordship to receive it as evidence, because you cannot do that.

**A:** No, it is not, but your Lordship did say that this kind of thing was disclosable to the Defendants.

**MR JUSTICE GRAY:** I am bound to say I was under a slight misapprehension. I thought you were talking about material that was going to be led by you through the mouth of an expert witness. If I had known it was simply ----

**A:** It is more of the nature of correspondence between ourselves.

**Q:** --- simply material for you to cross-examine on, I think I would not have had said you had to hand it over.

**A:** We have no reason not to show it to them. It is just that unfortunately he have now been obliged to disclose some of our cards.

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**MR JUSTICE GRAY:** I think there may have been a misunderstanding.

**MR RAMPTON:** I misunderstood. I thought what we were being given was some sort of expert's report. As it is not so, may I in front of Mr Irving endorse what your Lordship said. I do not want to see anything which has not been tendered in evidence or otherwise relied on.

**MR JUSTICE GRAY:** You hear that, Mr Irving?

**A:** Yes.

**MR RAMPTON:** My Lord, with luck Professor van Pelt can give evidence tomorrow. He is here.

**MR JUSTICE GRAY:** I follow that. Then you are going to resume again afterwards.

**MR RAMPTON:** Yes, I am then going back to Irving stuff.

**MR JUSTICE GRAY:** Shall we have the discussion tomorrow about the future programme? I suspect you would rather do that then than now. Mr Irving has had a long day just as you have.

**MR RAMPTON:** I need to take instructions.

**MR JUSTICE GRAY:** That is what I thought, yes. So I think we will adjourn a little earlier, unless there is anything else that can usefully be covered.

**(The witness stood down)**  
**(The Court adjourned until the following day)**

