

**PROCEEDINGS - DAY THIRTEEN**

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**Day 13 Tuesday, 1st February 2000.**

**MR JUSTICE GRAY:** Mr Irving?

**MR IRVING:** May it please the court. Your Lordship will have appreciated that the Defence relied to a certain degree on that document about crematorium capacities.

**MR JUSTICE GRAY:** Yes.

**MR IRVING:** I was going to ask your Lordship's leave to have Professor van Pelt back in the box for 10 minutes to put further points about it to him which he may not be able to answer, but which would give the chance then for their other experts later on in the procedure to come back and address.

**MR JUSTICE GRAY:** I think your position on that document was that you doubted its authenticity. Is that fair?

**MR IRVING:** This is, I think, the only document whose integrity I am challenging.

**MR JUSTICE GRAY:** I do not think it is the only one but it is certainly one that you are challenging.

**MR IRVING:** It is a very important document. I did not appreciate at the time that we went over it the degree to which Professor van Pelt was going to rely on it. You remember the diagram he drew with the tall green column, and so on?

**MR JUSTICE GRAY:** Subject to what Mr Rampton says, as Professor van Pelt is here, I do not see any reason why he should not be further cross-examined, do you?

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**MR RAMPTON:** No, I do not mind at all, provided he does not.

**MR JUSTICE GRAY:** I am not sure he has a choice.

**MR RAMPTON:** He has not got any of his papers and I do not have the document here myself.

**MR JUSTICE GRAY:** I am sure he will manage. Let us have him back, shall we, now? Professor, would you mind coming back?

**PROFESSOR VAN PELT**, recalled.  
Further Cross-Examined by **MR IRVING**.

**MR IRVING:** It is in the Auschwitz core file No. 2. I have provided a set of documents to the Defence to operate with. It is under tab 4, item 49.

**MR JUSTICE GRAY:** Yes, I have it. What about these odds and ends, Mr Irving? Where are you suggesting we put them?

**MR IRVING:** If we come to Dresden during the day, my Lord.

**MR JUSTICE GRAY:** These are Dresden, are they?

**MR IRVING:** They are Dresden, my Lord.

**A:** This is Kristallnacht, so this is my own report.

**MR JUSTICE GRAY:** Can he have a copy of K2?

**MR IRVING:** This is the actual document. The first thing is that Jean-Claude Pressac on page 247 himself points to the fact that this document did not surface until 1981. Would you agree with that, Professor?

**A:** No, I do not agree, because it was available in the Vienna trial. The first copy I found was in

the Vienna trial. What I actually had in my hand was, I think, in file OM

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461 at the Dejaco and Ertl trial.

**Q:** When was that trial?

**A:** That trial was in 1971.

**Q:** Are you aware of any earlier occasions when that document surfaced, shall we say?

**A:** I think that Jan Sehn had it his hands in the early 50s, but I cannot be sure about that. When I talked about the Domburg version of the document -- there is a version of that document, as far as I know, in the Hoess trial transcript, and that would have been there in '48. I am not yet absolutely sure any more that I have seen that document in the Hoess trial transcript. I went through the Hoess trial transcripts. This was in 1990, but I am not absolutely any more sure that I have seen the Domburg copy in that transcript. I thought it was brought up -- I have certainly seen the Domburg copy. A copy was elsewhere in the Auschwitz und Bauleitung files.

**Q:** These would be useful pointers to the defence to research the document over the next few days.

**MR JUSTICE GRAY:** Sorry, Professor van Pelt, you referred to the Domburg document. I do not know what you mean by that.

**A:** There is an archive in the DDR, in Domburg. They sent at a certain moment a copy of that document to the State Museum.

**MR IRVING:** Would that be in 1959 that that transfer took

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place?

**A:** I am not sure. If indeed it is in the Hoess trial transcript it should have happened earlier because Hoess was in 1947, and then, of course, the other camp SS men were tried in 1948, and some of these files of the Hoess trial and that of Grapner and the others are actually combined, so it is kind of difficult to determine exactly what comes from where.

**Q:** The operative word in that response is the word "if" of course, "if it was in the trial". Is it right that the document as published, or a version of the document as published, in a 1957 volume published by the East German, the DDR, the German Democrat Republic?

**A:** I am not sure. I wonder, do you remember -- do you mean the Petsalt book?

**Q:** I do not know the title of the book.

**A:** I cannot comment on that. I am not absolutely sure, I think that Petsalt did it, but I thought the Petsalt book was later.

**Q:** Can I now draw your attention to the document in front of you which is in facsimile? This is taken from the Defence bundle, the Auschwitz core file No. 2.

**A:** Yes.

**Q:** This is an original document, is it not? It is not a postwar transcript, to the best of your knowledge?

**A:** Yes, this is a copy of an original document. I mean a

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wartime copy.

**MR JUSTICE GRAY:** A 1943 document?

**A:** Yes.

**MR IRVING:** Yes. But you have not seen this particular one in the Auschwitz archives, or have you?

**A:** No, this one is in Moscow.

**Q:** This one is in Moscow?

**A:** Yes.

**Q:** This is from the captured files of the Auschwitz construction office which are at present in the Moscow archives?

**A:** Yes.

**Q:** I draw your attention to the first line, the date 28th June 1943, right?

**A:** Yes.

**Q:** How many documents have you seen in carbon copy which do not include the word "Auschwitz" and the following word, "Den", D-E-N?

**A:** If this is a carbon copy, I presume it was a carbon copy of an original which was on a letter head.

**Q:** Yes.

**A:** On the letter head it does actually say "Auschwitz", so in carbon copies one can have quite often just the date and no information about the place.

**Q:** Very well.

**A:** But I cannot give a quantity in this case of how many

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documents I have seen.

**Q:** We go down now to the next line, which is what I will call the letter register line, which begins with the No. 31550. You will notice that that number is typed in and not handwritten in?

**A:** Yes.

**Q:** How many documents have you seen in the Auschwitz construction archives that have that letter register number typed in on a carbon copy?

**A:** I cannot say. I have seen it, but I cannot say how many copies.

**Q:** Very well.

**A:** If I had my files with me right now, maybe I could show you examples of it typed in, but at the moment I am standing here just with one document.

**Q:** I agree. I draw the attention of the Defence to what I call this discrepancy. The next event in that line is an oblique, stroke, followed by "JA.", JA period.

**A:** Yes.

**Q:** How many items have you seen in the Auschwitz construction office files which have a period after the JA?

**A:** I am sorry. I cannot answer that.

**Q:** Yes. I appreciate that. I draw your attention to the next item which is an oblique stroke and the initials "Ne.-". How many items have you in the Auschwitz construction office files which have the initials "Ne" as

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a secretary, signing a letter dictated by Jahrling or Jahnish, or by the man whose initials are "JA"?

**MR JUSTICE GRAY:** I am not quite sure I follow that question.

**MR IRVING:** I am sorry. Let me phrase it in two parts. Am I correct in saying that the man whose initials are "JA" was the man who dictated the letter?

**A:** Yes.

**MR JUSTICE GRAY:** That is Jahrling?

**MR IRVING:** Yes. Am I correct in saying that the following initials "Ne" would be his secretary?

**A:** Yes.

**Q:** Have you seen any other letters whatsoever in the entire 50,000 documents in the Auschwitz archives which have a secretary whose initials are "Ne"?

**A:** Since you brought up the challenge a few days ago, I thought it was an "M" here. I mean, it seems to read as "M". I actually checked. I think I mentioned the name of the secretary a couple of days ago. It should be in the transcript because I checked. A 28 year old woman employed as a secretary at that moment in the Zentralbauleitung, I think.

**MR JUSTICE GRAY:** You cannot remember her name?

**A:** Sorry, I cannot remember her name. I had all the documentation with me on Friday and on Wednesday.

**MR IRVING:** Very well. Are you aware that his secretary, actually her name began with an "L" or his name began with

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an "L", and that of the 50 items which are in the collection which we control or which I am advised exists, dictated by this man, 49 of them have the secretary's initials as "L" or "Lm"?

**A:** I cannot comment on that.

**Q:** Very well. And that in none of these cases is there a period after either the "JA" or after the secretary's name? Can you comment on that?

**A:** No, I cannot comment on that.

**Q:** Clearly, the reason I am saying this, my Lord, is to give the Defence a chance to come back possibly with documents proving me wrong on these points?

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

**MR IRVING:** Will you now look five or six lines lower down to the address: "SS Wirtschafts-Verwaltungs-hauptamt, Antsgruppenchef C". I draw your attention now to the following line. Is there anything missing from that line "SS Brigadefuhrer u. Generalmajor"?

**A:** Generalmajor SS that would have been normally.

**Q:** Generalmajor der Waffen SS?

**A:** Yes.

**Q:** Have you seen any other documents whatsoever in the entire construction files of the Auschwitz office, either in Moscow or in the Auschwitz archives now, in which the words "Der Waffen SS" are omitted after the word "Generalmajor"?

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**A:** I cannot comment on that.

**Q:** In other words, the address is improper in its present form; is that correct?

**MR JUSTICE GRAY:** Well, he cannot comment.

**MR IRVING:** Yes. Well, my Lord, it is an incorrect rank.

**A:** It is an incorrect designation of a rank -- a very important one because they were very particular, particularly if they had the rank of a Brigadier General.

**MR JUSTICE GRAY:** You can be a Brigadefuhrer.

**MR IRVING:** They were a Brigadier General in the SS and simultaneously they had a military rank in the Waffen SS.

**MR JUSTICE GRAY:** But you make it clear that it was an SS rank you were talking about, is that your point?

**MR IRVING:** No. What I am saying, my Lord, is that the correct rank, the proper designation, of Hans Kammler was SS Brigadeführer und Generalmajor der Waffen SS, and in every other document which exists it is written out in full.

Those are the only comments I have to make on the face of the document, but possibly, Professor, you are qualified to comment on the content, and I am now purely dealing with the crematoria. Am I right in saying that crematorium (i) was already out of service on July 19th 1943?

**A:** It was taken out of service shortly before, but the crematorium was completely intact, which means it was never dismantled. The incinerations, because, as we have

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seen, in May and June 1943 the total incineration capacity in the camp was so much larger than anything really the Germans needed at that moment.

It was absolutely no problem to take out, to decommission the incinerators of crematorium (i) because they were next to the SS, the house of the Kommandant and the laseret and the Kommandantur, to move all incineration capacity to Birkenhau and so that the SS quarters at the Stammlager would be spared the kind of environmental disadvantages of having a working crematorium right next to it. So this crematorium remained actually on stand-by throughout 1943, and these incinerations were only finally dismantled in late '44.

**MR JUSTICE GRAY:** So the capacity still exists?

**A:** The capacity still exists.

**MR IRVING:** The capacity still exists. Are you aware that on the date of this document, June 28th 1943, crematorium No. (ii) was also out of service?

**A:** Yes, but it was being repaired at the time and it was brought back into service a month later.

**Q:** You are familiar, presumably, with the letter from the Topf firm dated July 23rd 1943, which states, "Since the crematorium has been out of service for six weeks now" in one sentence? In other words, this particular crematorium was stated on July 23rd already to have been out of service for six weeks, so obviously it was a major problem

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with crematorium (ii) and yet they list it here as being capable of operating.

**A:** Yes, but this is a general accounting. This letter goes back to a request which was actually made early in January when Hoess wanted to have, the first indication anyway that he wants to have an accounting of total cremation capacity in the camp.

Indeed, crematorium (ii), after having had an overload of incinerations in March and April, had shown problems with the flues, actually the flues started to collapse, and was taken out of commission in May for repair. It took the Topf workers some time to actually determine exactly what had happened. It took them even more time to actually decide who was to blame, because the chimney maker said that it was Topf who was to blame, and Topf blamed the chimney makers. So they were, basically, negotiating who was going to pay for all of this throughout June. Finally, in August, the crematorium was brought back into operation. But throughout this time, I mean, when you look at incineration capacity in general in the camp, this letter does not refer to actually that day, but to the general capacity available in the camp.

**Q:** Professor, do you not agree that in that case, since these crematoria were so frequently down, out of service and under repair and being squabbled over, it was improper for a document to exist

giving an overall figure which made no

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reference to the fact that at any one given time, 20 or 30 per cent of the capacity might be down?

**A:** That was not yet known in June 1943. We know in hindsight that indeed crematoria (iv) and (v) showed many problems, and that ultimately even the incinerators were at a certain moment left alone for later '43 and early '44, but the fact that we have, in hindsight, acknowledged does not mean that on 28th June '43 that knowledge existed.

**Q:** Very well. One final question: in view of the discrepancies I that have drawn to your attention and which I allege exist in this document, will you be undertaking any steps to investigate whether there are any similar documents with a similar letter registry number and which contain similar discrepancies in the rank and other items to which I have drawn your attention?

**MR JUSTICE GRAY:** That is really a question for Mr Rampton, not for Professor van Pelt.

**MR IRVING:** I want it to go on the record, my Lord. That is all. I have no further questions.

**MR JUSTICE GRAY:** Mr Rampton, do you want to re-examine on that aspect?

**MR RAMPTON:** I would like the Professor -- I am sorry, I have only got the German with me. I have not got the Professor's report, unfortunately, or any of the other documents with me because I had no notice of it. I would just like him -- his German is pretty good -- if he will,

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just to read the text. (To the witness): Leave out the figures in the middle, if you will, Professor, but just read the text of the letter to us in English starting with "Unter den Eichen 126 - 135", will you?

**A:** So, OK. There is the address, "Unter den Eichen 126 - 135", which seems to be the correct address, as far as I remember. "I announce the completion of crematorium (iii) on 26th June 1943. With this all of the crematoria which were ordered, which were commanded, have been completed. The capacity of the now available crematorium when used at a 24-hour work cycle", and then we get the numbers.

**Q:** Then you get the numbers and the total at the bottom. I have one other question only. To your knowledge, did they ever actually use any of these crematoria for a full 24-hour period?

**A:** The time that they would have used it -- we have no account. Quite literally, we use it 24 hours or 16 or 18, whatever like that, but the only period in which they would have had to use these crematoria on a 24-hour cycle would have been in May and June 1944 during the Hungarian action.

**Q:** Were they using all five of these crematoria in the Hungarian action?

**A:** They certainly used No. (ii) and (iii) which were in full function at the time. (iv) and (v) were repaired for the

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Hungarian action, shortly before the Hungarian action, because they had been out of commission. But during the Hungarian action (v) and (iv) showed problems, and I think that ultimately (v) was a crematorium where the incinerator collapsed. We always have to make the distinction between the incinerating and the gas chambers. The gas chambers of (iv) and (v) were in full operation during the Hungarian action, but ultimately they created these outside incineration pits during the Hungarian action to compensate for the problems in crematoria (iv) and (v).

**Q:** Just to complete the picture of potential capacity, if we go on to the Hungarian action in the

early summer of '44, what about bunker 2?

**A:** Are we talking about gassing capacity?

**Q:** Yes bunker 2 was brought back into operation during the Hungarian action because they felt that the gas chambers of crematoria (ii) to (v) would not be able to cope with the arrivals.

**Q:** Where did they incinerate the people that were killed in bunker 2?

**A:** They were incinerated in open air pits which followed the example developed by Stammamptfuhrer Bloebbel in Chelmno which Dejacco Hussler had inspected in mid September 1942.

**MR IRVING:** My Lord, this re-examination is rather exceeding the bounds of the original cross-examination.

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**MR JUSTICE GRAY:** You are quite right, it is. But I want to ask you a question which I hope does reflect the cross-examination, and that is this, Professor van Pelt. Taking on board, as it were, all the points that have been put to you by Mr Irving about the authenticity of this document, do you have a view about it? Are you doubtful about it?

**A:** If this document were to pop up right now, after having not been seen for 50 or 60 years, given the kind of challenges which have been made by Holocaust denier/revisionist historians, however one would want to call people who challenge the historical record, I would be more suspicious, because, you know, where does this document come from? The issue is, however, that this document has been in existence, and the records of these documents before ever a challenge was being made to the incineration capacity of the crematoria. In fact, this document shows a much lower incineration capacity of the crematoria than we find in the testimonies of Hoess and others.

So what I do not understand is what purpose would have been served, let us say, in the 1950s by, let us say, somebody who wants to make a case that Auschwitz was an extermination camp, by creating a document, by falsifying a document, which shows a lower incineration rate for the crematoria than that which has been attested

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to under oath by the German eyewitnesses. That is the discrepancy. So, given the fact that it is lower, and given the fact that it appeared at a time that no one was challenging the incineration capacity, because the German testimony on it was kind of self-evident, and given the fact also that this document, I think, shows a very good convergence with Tauber's testimony, and Tauber's testimony which after 1945 really was not published until Pressac did it, and Tauber describes in detail the way the corpses in the incinerators were incinerated, with many corpses at the time, and he gives times for this, and in fact Tauber's figures do converge with this one, I think there is absolutely no reason to doubt the authenticity of this document as far as the content is concerned.

**Q:** Can I ask you one more question? When did the issue about incineration capacity really surface?

**A:** The issue of incineration capacity really started to surface, I think Faurisson mentioned it. Faurisson in the late 70s really concentrated on the issue of the gas chambers. The first major challenge which was made I think was Fred Leuchter in 1988. Butts in 76 also made an issue of it, but in some way this was buried, I think, in the larger context of his work.

**Q:** In the 70s anyway?

**A:** In the 70s, after this document had been admitted as evidence in the Vienna court.

**MR JUSTICE GRAY:** Mr Irving, there is a bit of a new point there, so do you want to ask any further questions?

**MR IRVING:** I do wish to re-examine just briefly. I do not want to go into the matter of the burning pits. I think that that is a side issue that was raised in cross-examination. I do not think it should have been because we had not mentioned the burning pits, but I do want to raise just two or three of the points you mentioned there. You referred to the witness Hoess, and you relied on his figures. Is it correct that the witness Hoess in his statements said that 2.8 million Jews were killed in Auschwitz?

**A:** I feel uncomfortable discussing what Hoess says without the documents, but since I discussed it in length in my expert report, Hoess ultimately comes down to 1.125 million. He makes a detailed calculation, and he does it actually on two or three different occasions.

**Q:** Did he use the figure 2.8 million at any time?

**A:** As a general, he said there were different ways to account to it. He said he had one kind of figure based on, he thought how many people had been killed, but then at a certain moment he corrects himself and he says but the real way to calculate it is by looking at how many Jews arrived by the transports. Then I come to 1.15 million people.

**Q:** If somebody oscillates between 2.8 million and 1.1 million

under oath, how can you place any reliance whatsoever on his other figures?

**A:** I think that there is the issue of how do you calculate the figure? There is one thing. He had no documents in front of him because no record was kept. He at a certain moment tries to reconstruct without having any figures, and of course we must remember that Hoess was, in the crucial time of the camp's history, Hungarian, actually late 43, he was not any more Kommandant of Auschwitz. He left Auschwitz. He was attached to the inspectorate in Oranienburg. So he only came back later to Auschwitz.

**Q:** We are only talking about the reliability of his figures.

**MR JUSTICE GRAY:** Mr Irving, we have to confine this. We cannot have an open ended further cross-examination. Confine it to the authenticity of the document.

**MR IRVING:** That did go to the authenticity because he relied on Hoess as a source of statistical evidence, my Lord. Secondly, is it correct that the version of this document which is in the Auschwitz State museum was provided to them by the East German communist authorities? In other words, not the other way round, as one would expect?

**A:** Yes.

**Q:** Thank you.

**A:** The version in Auschwitz, but this is the Moscow version, so we are talking here about the Moscow document. It is a different document. It is a different object, so to

speak. The object means the actual sheet of paper which came from East Germany.

**Q:** The final question is on the question of why the matter has only just recently been raised. Is it not correct to say that the Moscow archives have only become available for purposes of comparison over the last ten years or so?

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

**MR IRVING:** Thank you very much. I have no further questions, my Lord.

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

**(The witness stood down)**

**MR IRVING:** Your Lordship may have considered that a rather useless exercise but, as it is such a crucial document, I thought that we ought to examine it in greater detail.

**MR JUSTICE GRAY:** I personally think that the issue of authenticity of this document is important for the purposes of this trial.

**MR IRVING:** It is almost pivotal, along with the roof. Thank you very much.

**MR RAMPTON:** I certainly do not agree that it is pivotal. It may be an important document in some senses.

**MR JUSTICE GRAY:** The challenge to it may be important.

**MR RAMPTON:** Yes, absolutely. If I feel the need to meet that challenge beyond what the Professor has said in the witness box, I will do so.

**MR JUSTICE GRAY:** The Moscow archive presumably can be, as it

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were, consulted to see if the document is there.

**MR RAMPTON:** Oh, yes, but, if it was in the Vienna trial in 1971, I do not know that the Moscow archives have a lot to do with it.

**MR JUSTICE GRAY:** What now? Mr Irving back into the box?

**MR RAMPTON:** Shall I give your Lordship a little plan?

**MR JUSTICE GRAY:** Before you do, can I say something which I actually said yesterday? I think it became called L2, I think my L2 has gone back to you, but, in trying to go through yesterday evening, it really is impossible for me to follow it in the transcript when all I have is German documents, some of which have been partly translated in odd bits of Professor Evans' report. It is a nightmare exercise.

**MR RAMPTON:** It will not surprise your Lordship to be told that I took that on board. What I am going to do today will involve no reference to German documents by me. It will consist of a document prepared with, I have to say, the most extraordinary skill and expedition by Miss Rogers in relation to Dresden. There is a file of Dresden documents. They are mostly in English. I shall not make reference to them myself, because they have been summarized in the little document that Miss Rogers has prepared.

**MR JUSTICE GRAY:** Good.

**MR RAMPTON:** Contrary to my feeling yesterday evening, I am

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going to go to four topics in the aftermath of Reichskristallnacht, but I am going to do those, unless again I am pushed by Mr Irving to the German, exclusively from Professor Evans' report.

**MR JUSTICE GRAY:** I do think that is easier. Can I at the same time make this enquiry? It is important that we are clear for later on. Looking at Kristallnacht, not the aftermath of Kristallnacht, there are several points made in Evans and Longerich, I think, which I do not think you cross-examine to specifically. It is not a criticism obviously, but does that mean they have gone out of the case, or what?

**MR RAMPTON:** It is very difficult. I am very conscious of the amount of time that this case could take. That means I am also conscious of the amount of money it could cost my clients, never mind court time and the time of all the people involved. I have taken the view, right or

wrong, that, if I have three or four, or maybe two or three, or even five or six, dead cert winners, to use a colloquialism, in any particular topic, I am not going to spend a lot of time having argy-bargy about minor points with Mr Irving. I have one more what I regard as dead cert winner to finish which is this business about ND3052 or ND3051 because I have chased that it and I know the answer. But if your Lordship should take the view at the end of the cross-examination of my expert witnesses that

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certain points have gone from the case, well, why then they have gone, but if Mr Irving should take up with my expert witnesses things I have not cross-examined him about, why, then they will come back into the arena.

**MR JUSTICE GRAY:** But at the moment they are not in the arena.

**MR RAMPTON:** No.

**MR JUSTICE GRAY:** That is rather what I thought, but I think it is quite important to be clear about it.

**MR RAMPTON:** If I have missed something out, something important, I miss something important and that is just too bad. But there has to be a sense of proportion in all of this, in my belief.

**MR JUSTICE GRAY:** It might be something -- I have not got them in mind now -- there are some points that I think Evans attaches importance to on Reichskristallnacht which maybe we have not really touched on.

**MR RAMPTON:** I agree there are some things in relation to eyewitness testimony. I am as mistrustful of that in general as is Mr Irving, and I prefer the original documents, and that is what I did yesterday.

**MR JUSTICE GRAY:** Yes.

**MR RAMPTON:** I am going back to one other original document in a moment.

**MR IRVING:** I thought there was going to be a complex on the Adjutants we were going to hear about.

**MR RAMPTON:** There may be something about the Adjutants along

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down the road, but I have not got to that yet. It is a separate topic.

**MR JUSTICE GRAY:** That clears the air a bit.

**MR RAMPTON:** I have not given thought to what, if any, Adjutants I am interested in.

**MR JUSTICE GRAY:** Mr Irving, if you go back we are starting off now on Dresden.

**MR RAMPTON:** No. I am going to finish Reichskristallnacht and then I shall go to Dresden.

**MR DAVID IRVING** recalled.

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

**Q:** Your Lordship and the witness will need a document which we dug out yesterday.

**MR JUSTICE GRAY:** I will need my L2 back too, will I not?

**MR RAMPTON:** Yes, I do not know where it has gone. (To the witness): Mr Irving, can you please go back to your Goebbels book at page 276? At the bottom of that page we saw yesterday, we are going to read it again, you write: "What of Himmler and Hitler? Both were totally unaware of what Goebbels had done until the synagogue next to Munich's Four Seasons Hotel was set on fire around 1k a.m. Heydrich, Himmler's national chief of police, was relaxing down

in the hotel bar, he hurried up to Himmler's room, then telexed instructions to all police authorities to restore law and order, protect Jews and Jewish property, and halt any ongoing incidents." You give us

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the reference No. 43, you give us the reference for that on page 613, ND3052-PS?

A: Yes.

Q: Now please look at the document I have just handed in.

A: Well, in fact, there are two sources there. I have also referenced Karl Wolff.

Q: Will you please look at the document I have just handed in?

A: Yes.

Q: That is ----

A: 3052 -- yes, there is a mistake in the number.

Q: You have mistaken the number?

A: Yes.

Q: Professor Evans is right?

A: Yes.

Q: The correct number is 3051, is it not?

A: It is probably 3051. There may be another one, but this is clearly the wrong one, but I have also referenced Karl Wolff as my source.

Q: Can we please look then at what Professors Evans used as the translation of the key part of 3051 at the top?

A: Which, of course, I have not referenced.

Q: No, you have not. But, Mr Irving, I suggest that you had it in front of you and you simply made a slip of the pen (as we all can) and called the document 3052 when, in fact, it was 3051.

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A: You may be right, but you may be wrong.

**MR JUSTICE GRAY:** When you say "you may be wrong", you mean there is another document very similar to 3051 which you did in have in front of you?

A: My Lord, note 43 also refers to Karl Wolff which is a source which I also used.

Q: That is another matter.

A: I would have to look and see what Karl Wolff said which may very well be the source of that.

**MR RAMPTON:** Mr Irving, forget Karl Wolff. You have given ----

A: No, because -- I am not going to forget him because he is given in the footnote 43.

Q: Mr Irving, you have given 3052 as the reference?

A: As one of the references.

Q: That is wrong, as you can plainly see from the document?

A: Yes.

Q: It follows, does it not ----

A: It was another document.

Q: --- that the overlying probability is that you meant 3051 which is, indeed, a telex from Heydrich at 1.20 a.m. on 10th November?

A: That is one telex from him at 1.20 yes, but if ----

Q: Wait, Mr Irving.

A: --- if you look at the time scale, if you look at the time scale, these instructions I am referring to are unlikely to have got into a telex machine at 1. 20 a.m. It would

be closer to 2 a.m. that things like that went out, by the time he has got back to police headquarters.

**MR JUSTICE GRAY:** You say he "hurried up to Himmler's room"?

**A:** Yes, but they would not have had a telex machine in Himmler's hotel room, my Lord. He would have had to go to the local Gestapo headquarters or telephone instruction for local headquarters and tell them to type a telex and get this kind of thing out.

**Q:** So your suggestion is there is another telex from Heydrich?

**A:** Another source. I am not suggesting it is another telex. I am suggesting it is another source and I have referenced there Karl Wolff.

**MR RAMPTON:** Let us suppose for a moment that a three year-old child will not buy that story, Mr Irving, and compare what 301 says of what you wrote in the text, may we?

**A:** Well, shall we do that?

**Q:** Yes, let us look at the top of 263 of Professor Evans' report. The German is printed at the bottom. So if you want to read the German first, please do.

**A:** "On Himmler's instructions, they were to be sure some restrictions placed on the action", is that correct on the foot of page 262?

**Q:** Yes. That is absolutely right. Now you see what they are on page 263.

**A:** Yes, I have read that.

**Q:** Now tell me what foundation that provides for your assertion that Heydrich's telex was "to protect Jews and Jewish property and halt any ongoing incidents".

**A:** Well, clearly, this is a different message I am referring to.

**Q:** No, Mr Irving. Clearly, you have deliberately misrepresented the effect of this telex from Heydrich.

**A:** No, Mr Rampton. You are looking at a different message, and you are saying, "This does not look like the one you are quoting" which is just what I am saying. You are right. It is not the one I am quoting.

**MR JUSTICE GRAY:** Where is what you call 3052? Where physically is it?

**A:** My Lord, they have had complete access to all my files and we do not know which signals they have put in and which they have not put in.

**MR RAMPTON:** It does not exist, Mr Irving?

**A:** It may not be a signal. It may be what Karl Wolff reported. Karl Wolff was with him at that time. I have referenced Karl Wolff in footnote 43 which your Professor Evans has overlooked.

**Q:** The first reference you give -- I am only going to ask this once more -- is 3052, is it not?

**A:** Yes.

**Q:** The reader will suppose that that is a reference to the text of the Heydrich telex?

**A:** Well, no. The 43 refers to everything from the beginning of that paragraph, "What of Himmler and Hitler?" onwards.

**Q:** Mr Irving, the reference you give for the Heydrich telex is 3052, is it not?

**A:** One of the two references, yes.

**Q:** Yes. It so happens that the true Heydrich telex is 3051?

**A:** It so happens that a Heydrich telex is 3051.

**Q:** It so happens that 30512 has nothing whatever to do with Reichskristallnacht at all?

**A:** Yes.

**Q:** What do you think is the probability -- that had you some other document which has disappeared which had the No. 3052 on it?

**A:** My documents have not disappeared. As you are familiar, I have given all my documents to the German archives. I have provided to you what relics I have, what remnants I have, of my document collection.

**Q:** Well, now I would offer you the same opportunity, Mr Irving, as you kindly offered to us. You find 3052 and the text of a Heydrich telex which carries the information which you have put in the book.

**A:** Well, perhaps if you have the Karl Wolff's statement from the Institute files No. 317, then you will find precisely the content that I referred to.

**Q:** Can we move on now, please?

**A:** If you thought I was wrong, you would have actually

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produced to the court 317, the Karl Wolff statement, and said, "Mr Irving, can you find that in 317?"

**MR JUSTICE GRAY:** You are perfectly entitled to do that yourself, but it does not, I think it is fair to say, meet Mr Rampton's point which is that one of your references is 3052.

**A:** One of the references has a digit wrong, this is correct.

**Q:** And the ball, if I may say so, is in your court to produce the document that you say is 3052.

**A:** If I can do so, having given all my records away, this is true, but I shall certainly attempt to do so.

**MR RAMPTON:** Now, Mr Irving, I want to come to the aftermath of Reichskristallnacht. I want to move on now to the aftermath, the next day, starting with Mr Goebbels -- Dr Goebbels, I do beg his pardon. Can we start, please, and I promised I would stick Professor Evans and that is what I am going to, at page 281 of Professor Evans' report, please.

**A:** What does he mean by "the inevitable Goebbels diary"? Does that not suggest a mind cast on the part of your expert in paragraph 1?

**Q:** If you look at paragraph 2, please, Mr Irving -- you can ask Professor Evans any number of questions you like subject to his Lordship's control, but I am not going to answer your questions, I am afraid. Paragraph 2 on page 281.

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**A:** Yes.

**Q:** "In his account of the events of 10th November 1938, Goebbels wrote: 'New reports rain down the whole morning. I consider with the Fuhrer what measures should be taken now. Let the beatings continue or stop them? That is now the question.'" You, when you wrote about this in your Goebbels book, said: "Goebbels went to see Hitler to discuss what to do next. There is surely an involuntary hint of apprehension in the phrase". Why did you write that?

**A:** I am, first of all, checking to see the original German text because he has not provided it to us, has he, or has he?

**MR JUSTICE GRAY:** Check it by all means. If we have to go through it, we will have to go through it, but we are trying to avoid doing that.

**A:** Well, the reason for that is the translation of the word "now".

**Q:** You can tell us.

**A:** Can you confirm that the word he has used for "now" is not "nun" but "nunmehr"?

**MR RAMPTON:** I have no idea.

**A:** I am telling you -- I have a pretty good memory of these things.

**Q:** Why does it matter?

**A:** Why does it matter? Indeed. So what? "Nunmehr" conveys

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the hint of apprehension. "What do we do now?"

**Q:** You translate it in your book -- what you write is 277 of Goebbels: "As more ugly bulletins rained down on him the next morning, November 10th 1938, Goebbels went to see Hitler to discuss 'what to do next'"?

**A:** Indeed, "nunmehr".

**Q:** What is the apprehension in that?

**A:** Well, if you understood German and you knew the nuances of the German language, and any German sitting in this room would know there is a difference between the words "nun" and "nunmehr". Am I correct? Is that the word used?

**Q:** Mr Irving, will you answer my question? Did you write, "He went to discuss with Hitler what to do next"?

**A:** "What to do now" and "what to do next", what is the difference? You explain to the court.

**Q:** It might be right if the phraseology were apt to convey the impression, "Oh, dear. Whatever shall we do now?" but that is not what you translated it as?

**A:** I am trying to give the difference between "now", between "nun" and "nunmehr", and any German in this courtroom will know there is a strong difference. "Nunmehr" means "now more than ever" and this, I suspect, is why Professor Evans has not provided the original German here.

**MR JUSTICE GRAY:** As a matter of fact, he has. Note 104, page 282, he says the original German is "nunmehrige" which I think is the same as "nunmehr", in fact?

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**A:** Well, I wish we had had the entire text, but he has ----

**Q:** You are only quarrelling with that one word, as I understand it?

**A:** Well, indeed, but there is big difference, of course, between "nun" and "nunmehr", and I can only confirm that any German will confirm this.

**MR RAMPTON:** The German is, Mr Irving -- excuse my pronunciation once again, but I will read it slowly..

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

**Q:** "Den ganzen Morgen regnet es neue Meldungen". End of line. The next line: "Ich uberlege mit dem Fuhrer unsere nunmehrigen Masnahmen". That is "our next measures", is it not?

**A:** I am looking at the original translation in bundle L2 on page 3, the original German.

**Q:** It is on page 2, I think.

**A:** "Den ganzen Morgen regnet es neue Meldungen ... unsere nunmehrigen Masnahmen". There you are, "nunmehr".

**Q:** Yes, "our next steps"?

**A:** But I have to try to explain once again, because you do not hesitate also to keep repeating yourself, that "nun" and "nunmehr" have two totally different nuances.

"Nunmehr" in German means "now more than ever".

**Q:** What does it mean, "I discussed with the Fuhrer our next steps"?

**A:** "... unsere nunmehrigen Masnahmen".

**Q:** Yes, "our next steps"?

**A:** Yes, "what steps we should now take more than ever".

**Q:** What is apprehensive about that?

**A:** The adding of the word "mehr" to "nun".

**Q:** Then he goes on: "Weiterschlagen lassen oder abstoppen". "Shall we go on thrashing them or stop" or "Shall we let the thrashing go on or stop it", yes? "That is now the question"?

**A:** "Weiterschlagen lasen oder abstoppen", that is right.

**Q:** "Das ist nun die Frage"?

**A:** "That is now the question".

**Q:** Exactly. What is apprehensive about that?

**A:** Because he has been summoned to see the Hitler because the whole of Germany is in flames, messages coming in from diplomatic missions all around the world about it.

**MR JUSTICE GRAY:** But they are contemplating letting it go on?

**A:** Goebbels is contemplating letting it gone on, "What are we going to do now?" This is Goebbels' diary, my Lord, not Hitler. Goebbels has been summoned before Hitler like a schoolboy who has painted something on the wall.

**Q:** Well, who is meant to be being apprehensive? I took it to be Goebbels.

**A:** Goebbels is apprehensive, yes.

**MR RAMPTON:** About what?

**A:** That he had been summoned to see Hitler. Perhaps I should sketch in in two lines the background? Goebbels has been

a very bad for the last six months. He has been caught red handed in an appalling matrimonial scandal. He has been threatened with this missile. He has contemplated suicide. He thought he was doing Hitler a favour with this little outrage and, to his horror, he has found out he has done the exact opposite. He has been summoned before Hitler and Hitler is now showing him the diplomatic messages that have come in. Within a matter of an hour or two, Goebbels has had to issue a telegram which is on the very next page, or page 279 of my book produces a facsimile: "Everything is to be stopped immediately. All the orders I issued yesterday are cancelled". Am the I right?

**Q:** No, you are not right, Mr Irving. You are not right in your thesis. You are right in what that document says and it is sent to the propaganda chiefs. All that has been decided is, well, for the sake of foreign opinion and public opinion, we had better stop smashing up Jewish shops and killing Jewish people?

**A:** On the contrary, this document which I reproduce in a facsimile is sent to precisely the people he ordered the day before to start all the pogrom.

**Q:** So you say. We had that argument yesterday ----

**A:** Well, you keep saying "so I say", but I am the one who wrote the book.

**Q:** Well, I do say and I do not accept it, Mr Irving. We went

through it yesterday. It is quite obvious that I do not accept it. It is no good repeating it. We have been through it. The judge will decide the question and then see what happened in the next day's diary entry. If you pass over to paragraph 4 on the same page, 282 of Evans -- the German, if you

want it, is on tab 3 of the Reichskristallnacht file. It is the beginning of the diary entry, as I expect you know. "Following this first conversation with Hitler on morning of 10th, Goebbels drafted an order to bring the pogrom to a halt.

'Yesterday', he wrote on the 11th in his diary, 'Berlin. There, all proceeded fantastically. One fire after another. It is good that way. I prepare an order to put an amend the actions". That is the one you have just told us about, Mr Irving. "It is now just enough ... In whole country the synagogues have burned them. I report to the Fuhrer at the Osteria'." The German is printed at the bottom of the page if you want to look at it. The "Osteria" was a restaurant in Munich, I think, was it not?

**A:** It is still there, yes.

**Q:** I do not mind. It was, was it not?

**A:** Yes.

**Q:** And if we turn over the page, we can see what Goebbels reports of his meeting with Hitler at the Osteria sometime, presumably, on the 10th, in paragraph 5 on page

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283: "At the Osteria, Goebbels presented Hitler with his draft order to stop the pogrom. His diary entry continued: 'I report to the Fuhrer in the Osteria. He agrees with everything. His views are totally radical and aggressive. The action itself has taken place without any problems. 17 dead. But no German property damaged. The Fuhrer approves my decree concerning the ending of the actions, with small amendments. I announce it via the press and raid. The Fuhrer wants to take very sharp measures against the Jews. They must themselves put their businesses in order again. The insurance companies will not pay them a thing. Then the Fuhrer wants a gradual expropriation of Jewish businesses"?

**A:** Now, what holes can you pick in my account of that?

**Q:** I am coming to that in a moment, Mr Irving. Let us look at how you dealt with that entry, shall we, in a minute? That starts at paragraph 8. But, first, I want to draw your attention to what Goebbels did next, sorry, or before which is in paragraph 7: "On the afternoon of 10th November", that is after the meeting with Hitler at the Osteria, "Goebbels informed the Nazi Party chief of Munich-Upper Bavaria that the pogrom was to be terminated, and added: 'The Fuhrer sanctions the measures taken so far and declares that he does not disapprove". It is entirely consistent with the diary entry, is it not? Is it not, Mr Irving?

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**A:** What, what Evans wrote or what I wrote?

**Q:** No. What Goebbels wrote, "The Fuhrer sanctions the measures taken so far and declares that he does not disapprove of them"?

**A:** Which passage are you translating?

**Q:** I am reading from the text of Professor Evans.

**A:** Oh, I see. I thought you were looking at something hard and concrete.

**Q:** I told his Lordship that, unless forced to do so, I am going to keep off the German. It is much easier for us ----

**MR JUSTICE GRAY:** It is working much better.

**MR RAMPTON:** --- Anglophones. "The Fuhrer sanctions the measures taken so far and declares that he does not disapprove of them". That is exactly what Goebbels reported him as having said at the Osteria, is it not? Have you got the place in Evans, Mr Irving.

**MR JUSTICE GRAY:** Paragraph 7?

**A:** I am trying to read three volumes simultaneously.

**MR JUSTICE GRAY:** Yes, I know it is difficult. The bottom of page 283.

**A:** 283?

**Q:** Yes, 283.

**MR RAMPTON:** Then it goes on ----

**MR JUSTICE GRAY:** Are you there, Mr Irving?

**A:** I am, but I am wondering where he gets the words "on the

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afternoon of". I mean, the timing appears to be important, and ...

**MR RAMPTON:** Well, it is perfectly obvious. If he saw Hitler on the day, at the Osteria, and Hitler said ----

**A:** The note 107 refers to something dated November 11th.

**MR JUSTICE GRAY:** I am not following your point, Mr Irving.

**A:** Well, I am wondering where he gets the phrase "on the afternoon of November 10".

**Q:** Does it matter?

**MR RAMPTON:** Because it comes from the text of Goebbels' circular. If you look at what Hitler said to Goebbels at the Osteria, it is perfectly natural that later that day Goebbels should report that "Hitler sanctions the measures taken so far and declares that he does not disapprove of them". That is exactly what he had already said to Goebbels.

**A:** Well, we have a difficulty here. We have just one line, or one line from a message not from Goebbels but from a Gauleiter, from a Gauleiter's adjutant, the next day, in other words, it is already third-hand.

**Q:** Then I am going to read on, Mr Irving. Top of 284: "In another circular", this is Evans, "sent out the same day to Gau propaganda officials, quoted in Irving's own book on Goebbels, and quite clearly reporting Hitler's views at the meeting in the Osteria, Goebbels added: 'An order is to be expected according to which the (cost of the) damage

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resulting from the anti-Jewish actions is not to be met by insurance companies but by the Jews concerned themselves. Furthermore, a series of measures against the Jews will very shortly be implemented through the promulgation of laws or decrees'." I am going to show you, if you have forgotten, Mr Irving, what, in fact, happened next. But I want you to look next ----

**A:** I am finding it very difficult to see what point you are thrusting towards.

**Q:** You will see what point I am thrusting towards. Be patient. These things have to be built in blocks, Mr Irving. Look at paragraph 8: "How does Irving deal with this particularly incriminating diary entry? In 1992, when Irving first read the Goebbels diary entries for the period 9th to 10th November 1938, he was convinced that it showed that Hitler approved of the pogrom". Here is a quote from Mr Irving interviewed by Kurt Franz, CBC Newsworld in July 1992: "'According to his diary', that is Goebbels, 'and I can't emphasise those words enough, according to his diaries, Hitler was closely implicated with those outrages. And that's a matter of some dismay to me because it means I have to revise my own opinion. But a historian should always be willing to revise his opinion'"? So far, so good, Mr Irving. Let us see how it develops. 1993, "A year later he was sounding a slightly

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more sceptical note. Goebbels diary, Irving said", and this is part of the talk that you had been

going to make in Australia but which you were not allowed to make, Irving "describes how Hitler thoroughly endorses what he, Goebbels, has done, namely stating", this is the top of 285.

**A:** "Starting".

**Q:** ..."starting that outrage that night. This was a deep shock for me", that is Irving, "and I immediately announced it to the world's newspapers that I had discovered this material, although it appeared to go against what I had written in my own book Hitler's War. But even there you have to add a rider and say, "Wait a minute, this is Dr Goebbels writing this". Dr Goebbels who took all the blame for what was done. So did he have perhaps a motive for writing in his private diaries subsequently that Hitler endorsed what he had done? You can't entirely close that file'." Just pause there, Mr Irving, what motive did Goebbels have for, as it were, trying to implicate Hitler in something which Hitler knew nothing about?

**A:** I think if you read the whole of my Goebbels book, and I am sure you have, you will note that there were several occasions on which Goebbels took actions independently and subsequently sought shelter in either writing in his diary that Hitler had sanctioned it, or actually ly went to

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Hitler and informed him what he had done.

One example I quote is the decision to put forward Hitler's name in the presidential candidacy in 1932 which was a public relations disaster. So there are several episodes where Goebbels acts on his own and then seeks endorsement from Hitler, not just this particular episode. So one is entitled to say, was this another such episode?

**Q:** Mr Irving, the evidence is -- we went through it yesterday -- if you look at the evidence objectively, the evidence is such that it drives one to the inevitable inference that Hitler knew along and probably authorized what happened. There is no reason why Goebbels should put the blame on Hitler if, in fact, that is the case. Second, if Goebbels ----

**A:** Can I take these points one at a time?

**Q:** Yes.

**A:** So in cross-examination is always wise to ask one question at a time. There no reason why Goebbels should have sought refuge in Hitler at this time? Well, the answer is that by two days after the Reichskristallnacht, every finger in Germany was pointing at Goebbels. He had held a disastrous press conference before the Berlin foreign press corps where he had been ridiculed. Ribbentrop, Himmler, Heydrich, every top Nazi, the entire top Nazi brass, were pointing the finger at Goebbels and demanding

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that he should be finally dismissed because of this outrage. We know this from all the private diaries, including from the diaries of anti-Nazis like Ulrich von Hassell, and his only protection was to go to Adolf Hitler.

**Q:** But, Mr Irving ----

**A:** And, as I made quite plain, Adolf Hitler -- this is one of his weaknesses -- immediately covered for him.

**MR JUSTICE GRAY:** So what is said in the diary is true, but Hitler was, as it were, unnecessarily and inappropriately taking the blame, is that what your case is?

**A:** I think your Lordship has summed it, yes, and I would also draw your Lordship's attention to the fact that the Canadian video tape which quotes my initial apprehensions about what I had just found in Moscow is just four days after I returned -- six days after I returned from Moscow with the Goebbels diaries.

You cannot reach snap decisions about the content of a document as tricky as this without comparing with all the additional surrounding countryside of documentation which is what I then did by a year later.

**MR RAMPTON:** You may think that it is tricky because, of course, if it is not tricky, it immediately plants Adolf Hitler in the centre of the frame, does it not?

**A:** Well, the tricky thing about the Goebbels' diaries, as I have repeatedly said, is they are the diaries of a liar.

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**Q:** Suppose that Himmler, as I suggested to you yesterday, was as involved, and perhaps more so, than Goebbels, it would be in his interests to pass the buck. It was in all their interests, so far as they could, to leave somebody else holding the baby perhaps?

**A:** Are you suggest that Himmler was involved in it?

**Q:** I told you so yesterday.

**A:** But all the evidence is exactly the contrary. All the contemporary evidence, including the private diary of Ulrich von Hassel, says that Himmler and Heydrich were absolutely livid with what had happened that night, because Goebbels had played fast and loose with the police forces which came under them.

**Q:** Please explain to me, if Himmler and Heydrich were livid with what happened, the terminology of that telex of Heydrich, which we looked at earlier this morning, timed at 1.20 a.m.

**A:** Which was the one restricting certain measures.

**MR JUSTICE GRAY:** Saying continue, I think, carry on.

**MR RAMPTON:** Yes, "Carry on, have a good time, do not damage German property, do not assault foreign Jews, carry on, it does not matter what you do so long as you do not injure German property".

**A:** They apprehended that they were acting on Hitler's instructions and they found out at 2 a.m. that they were not, because Goebbels, in his famous speech at the old

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town hall, had clearly given the impression that this was what the Fuhrer wanted.

**Q:** And then?

**A:** At 2 a.m., when the Fuhrer found out what was going on right across Germany, he called the people to his private residence and said, "What on earth is going on?"

**Q:** Then, on 10th or 11th November, not only does Goebbels record Hitler's approval or lack of disapproval for what happened, he actually circulates Gauleiters with a statement to the effect that the Fuhrer sanctions the measures taken so far and declares that he does not disapprove of them. Now, if Goebbels had been lying in his diary about Hitler's approval, he was taking an awful risk, was he not, of telling everybody that Hitler did approve of it?

**A:** This is typical Goebbels. This is exactly the way he operated and, although I point once again to the fact that your source for this circular is a third hand item by an adjutant of a Gauleiter, assuming that that information is correct, this is typical of the way that Goebbels would operate. He would tell everybody to, "Shut up with your criticism of me, the Fuhrer was behind it".

**Q:** But it is true. The Fuhrer was behind it, was he not, Mr Irving?

**A:** Unfortunately, the documents operate the other way. We have that document which I produce now in the original on

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the headed notepaper of the deputy of the Fuhrer, saying from orders from the highest level these acts of arson and similar things against the Jewish property are to cease forthwith, a message sent out at high urgency, high priority, at 2.56 a.m.

**Q:** Do we get those words "Jewish property" again? When you were caught unawares with that document yesterday, you correctly translated the word "geschäften" as shops.

**A:** The important element of that telegram is not the translation of the word "geschäfte" but the fact that this is an order being sent out by Hitler's deputy saying, "The highest level has ordered these things to stop", at 2.56 a.m. You cannot get out of that telegram. This is the one thing that destroys your entire case.

**Q:** Mr Irving, it does not say it. It says the burning of Jewish shops and the like should stop.

**A:** If you were right, Mr Rampton, that telegram would say "carry on, not enough, more so, more so", and in fact it says precisely the opposite.

**Q:** It does not say precisely the opposite. We went through this yesterday, Mr Irving.

**A:** If you are saying Adolf Hitler was behind the outrages, what is his deputy doing sending out a telegram at 2.56 a.m., of which you provided a copy yesterday, without the heading showing that it came from the Deputy Fuhrer, saying these outrages and the like against Jewish shops,

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Jewish businesses, are to stop.

**Q:** No.

**A:** This is exactly the opposite of what Adolf Hitler would have said.

**Q:** No, Mr Irving, I am sorry, it will not do. You cannot get round the wording of that telegram.

**A:** You cannot get round the heading of that telegram.

**MR JUSTICE GRAY:** Wait for the question.

**MR RAMPTON:** However much you may wish to inflate it, the fact is that it is specific as to Jewish shops and the like. Geschäfte oder dergleichen.

**MR JUSTICE GRAY:** That is right. You do not need to check it, Mr Irving. That is right.

**A:** "I directed No. 174/38 repetition of the telegram sent out that same evening, 10th November, on express orders from the highest level, acts of arson against Jewish businesses or the like, are not to take place under any circumstances whatever." Signed by the Deputy Fuhrer, and you cannot get round it.

**MR RAMPTON:** Well Mr Irving, I use your own translation given from the witness box caught unawares, "shops". Nothing about synagogues?

**A:** If Adolf Hitler was totally endorsing what Goebbels was up to, he would have done exactly the opposite. He would have said, "carry on fellows, magnificent stuff, let's have more fires".

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**Q:** You look at that message again, if you want. Where is the reference to synagogues, houses and apartments?

**A:** Where is the reference to Adolf Hitler eagerly backing up everything Goebbels was doing?

**Q:** No, Mr Irving. You use that telegram as incontrovertible evidence, to borrow one of your phrases, that Adolf Hitler smashed his fist on the table and said, "this has all got to stop". Look at it again.

**A:** Do not forget, I also have the eyewitnesses who were with him just before this telegram was sent out. I have his two adjutants.

**MR JUSTICE GRAY:** I think I have each party's case.

**A:** This is another of those pivotal items and this is very close to the horse's mouth.

**MR JUSTICE GRAY:** I agree it is pivotal, but there is no point in thrashing through it again. We went through it yesterday. I understand both cases.

**MR RAMPTON:** Yes.

**A:** It is just that my evidence is slightly better quality than his.

**MR JUSTICE GRAY:** Will you save that up for the end of the case.

**MR RAMPTON:** Yes, Mr Irving, laughter in court. Can we look at how you have finally come to deal with this Goebbels diary entry on page 278 of your book, Goebbels Mastermind of the Third Reich? It is the top of page 278 in the fourth line

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at the paragraph.

"He made his report (on 'what to do next') to Hitler in the Osteria, the Fuhrer's favourite Italian restaurant, and was careful to record this" -- and you insert "perhaps slanted" -- "note in his diary, which stands alone, and in direct contradiction to the evidence of Hitler's entire immediate entourage: "He is in agreement with everything. His views are quite radical and aggressive. The Aktion itself went off without a hitch. A hundred dead". Where did that hundred come from? I do not remember that. Anyhow, it does not matter. I thought it was 17 dead.

**MR JUSTICE GRAY:** 17, yes.

**A:** It must be a subsequent entry in the diary.

**MR RAMPTON:** "But no German property damaged".

**A:** My Lord, remember I was operating from the handwritten original.

**MR JUSTICE GRAY:** Yes.

**A:** I may have read the 17 as 100. It was in digits. I had the original.

**MR JUSTICE GRAY:** You may be right, it may be a hundred.

**A:** Indeed.

**MR RAMPTON:** The official total at the end of it all was 91, was it not, Mr Irving.

**Q:** I take your word for it, yes.

**Q:** We do not find that figure in your book, I do not think,

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do we?

**A:** You have 100 here.

**Q:** No, that is Goebbels. You do not trust Goebbels. You are just telling the readership in a moment each of these five sentences was untrue. You are discrediting the figure of 100?

**A:** On the previous page 276 I say, "191 of the country's 1400 synagogues had been destroyed; about 7,500 Jewish shops had had their windows smashed. 36 ... had been murdered, and hundreds more badly beaten". I give a source for that.

**Q:** 36. That was an interim report by Heydrich some time on the morning of the 11th.

**A:** Yes.

**Q:** The final official figure was something in the region of 91, was it not, dead?

**A:** Yes.

**Q:** That comes from the report of the people's court in February of 1939, does it not?

**A:** I cannot quite understand what the criticism is. I have said on one page the interim figure was 36. I then say Goebbels talks of a hundred.

**MR JUSTICE GRAY:** It is not the main point, I think.

**MR RAMPTON:** No. You say Goebbels spoke of 100 and then you immediately say that that is

untrue.

**A:** What I say is "perhaps slanted", or what?

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**Q:** No. I am reading your own words after the end of the quote. "Each of these five sentences was untrue as will be seen"?

**A:** Yes.

**Q:** Right. So you are discrediting Goebbels' total of the dead, despite the fact that you know perfectly well that even the Nazi people's court, or whatever it was called, in 1939 came to a total of 91?

**A:** Well, in that case 100 is untrue. Each of those figures is untrue. The point is I am pointing out exactly how unreliable Goebbels' diary is and I am saying, each of these five sentences is untrue, inaccurate. "No German property was damaged". There had been immense damage to German property. Things went off without a hitch.

Exactly the contrary.

**Q:** Tell me this. Do you accept that, whatever else you may say passed between Goebbels and Hitler at the meeting at the Osteria, Hitler told Goebbels that he wants to take very sharp measures against the Jews, they must themselves put their business in order again, the insurance companies will not pay them a thing. Then the Fuhrer wants a gradual expropriation of Jewish businesses?

**A:** Yes, that was said.

**Q:** That was said and it happened, did it not?

**A:** And it did happen, yes.

**Q:** On 12th November 1938 there was a conference chaired by

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I think Hermann Goring, at which I think probably Dr Goebbels was present, at which very harsh measures in accordance with the Fuhrer's wishes were taken against the Jews.

**A:** Yes, that is correct, Hermann Goring was head of the four year plan and he was in a position to issue these ordinances.

**Q:** You do not in your book, I think, Mr Irving, make any connection between the meeting in the Osteria restaurant, which in fact on reflection was perfectly obvious, and the Goring conference of the 12th two days later, do you?

**A:** You say that Dr Goebbels was present at that meeting. I do not believe he was actually present, but I may be wrong.

**Q:** I do not know. Just have a quick glance -- I am not a historian, Mr Irving -- at the top of page 290 of Evans.

**A:** 290 of Evans?

**MR RAMPTON:** Yes.

**MR JUSTICE GRAY:** Are we leaving now the passage at 278.

**MR RAMPTON:** Yes.

**A:** He was present, yes.

**MR JUSTICE GRAY:** The point is a wider one than the 100 dead, is it not?

**MR RAMPTON:** Yes, but I have been over that.

**MR JUSTICE GRAY:** Can I just put the question, so I get the

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answer.

**MR RAMPTON:** Yes.

**MR JUSTICE GRAY:** 278 of Goebbels. I think the suggestion is that there really is no basis for saying that the record in the diary is such a complete misrepresentation of what Hitler's express view was at the Osteria.

**MR RAMPTON:** That is right.

**A:** I am afraid I have not followed your Lordship's question.

**MR JUSTICE GRAY:** I am sorry, my fault. You see what you say about the diary entry?

**A:** Yes.

**Q:** You are saying that Goebbels is totally misrepresenting Hitler's attitude as expressed to him, Goebbels, at the Osteria restaurant on the 10th.

**A:** In as much as he has ---

**Q:** What is the basis for that? I think that is really the question.

**A:** He has misrepresented the diary in as much as the diary suggested Adolf Hitler endorsed, triggered, ignited and wanted the pogrom to take the shape it had during the previous night.

**MR JUSTICE GRAY:** Yes, but on what basis do you say that Hitler's view was something different from what Goebbels says in his diary?

**A:** This telegram, my Lord, the one that goes out at 2.56 a.m. saying, this has got to stop.

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**MR JUSTICE GRAY:** You rely on that?

**A:** And of course on the eyewitnesses von Behlo and von Putkammer who talked to me in a manner that they probably would not have talked to Professor Evans.

**MR RAMPTON:** How many years after the events, Mr Irving?

**A:** 1967. That would be 29 years later.

**Q:** Did you show them the geschafte telegram of 2.56 a.m.?

**A:** This telegram?

**Q:** Yes.

**A:** I am not sure if I had it at the time I saw them, but their own recollections were very, very clear because they were burned into their memories.

**Q:** Did you say to them, Mr Irving, look at this telegram, you cannot be telling the truth, whatever their names were, because this telegram is limited to Jewish shops and the like?

**A:** What they described to me was Hitler's anger on hearing that the synagogue in Munich was on fire, which news they brought to him. His response, "what on earth is going on, send for the police chief von Eberstein", the police chief arriving. He then said, "send for Himmler, send for Goebbels, let us get to the bottom of this". Then the orders were issued between 2 and 3 a.m.. This is their eyewitness account which they gave to me.

**Q:** The answer to my question is no, you did not show them the geschafte telegram?

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**A:** That I do not know. This interview is, what 32 years ago? I do not know what documents I showed to them.

**Q:** Nor did you show them, I take it, von Eberstein's telegram or message or whatever it was, of 2.10 a.m., saying in effect, "carry on, chaps"?

**A:** A message with Eberstein's typed signature on the bottom from police headquarters, where Eberstein was not, because at that moment he was at Hitler's flat.

**Q:** They had a telephone system in Munich in 1938, did they not?

**A:** Yes, but you have to take into account the factor of time. There is no such thing as instantaneous communication of ideas. They had to pick up the phone. They had to dial. They had to get through. They had to find the officer at the other end. Somebody had to take the message down, somebody had to type it on to the telex, they had to get open lines.

**Q:** All of that can be done in about five minutes.

**A:** I do not think so. I think we are talking about the 1930s when everything was done manually, including telephone exchanges.

**Q:** Eberstein already had the text of Muller's telex of 5 to 12 that night, did he not, and he just recites it.

**A:** Yes. There is no question that at the time those igniting orders went out in consequence of Dr Goebbels' speech at the old town hall, the executive branch, if you can put it

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like that, thought they were acting in conformity with Hitler's wishes. At 2 a.m. they learned their mistake.

**Q:** Did you show your eyewitnesses in 1967 or whenever it was the Eberstein telegram of 2.10 a.m.?

**A:** That would not be the way I would conduct an interview. I would go there and learn exactly what they knew without showing them documents.

**Q:** Did you not think it sensible to test a person's recollection, however amicably you do it, after more than 20 years by reference to the contemporaneous documentation?

**A:** Mr Gray, if you read the transcripts of these interviews ----

**MR JUSTICE GRAY:** I think you are getting confused between Rampton and me.

**MR RAMPTON:** You do me too much of an honour, Mr Irving, I am afraid.

**A:** I am sorry, Mr Rampton, I must remember Rampton.

**Q:** I do not mind but I really would not think it was very nice for his Lordship.

**A:** Mr Rampton, you have read the transcripts of my interviews with these Adjutants of Hitler because they are verbatim, and you will see that we did not go there with a set agenda to talk about. I would go along there, we would have tea, we would sit for five hours and talk about everything they remembered.

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**Q:** Old Hitler faithfuls and you swallowed their tale, if I may put it like that, hook line and sinker, did you not, because you wanted to?

**A:** I swallow their tale?

**Q:** Yes.

**A:** They were Hitler faithfuls?

**Q:** You did not take any trouble to test their evidence by reference to the contemporaneous documentation. That is the last time I am going to ask that question.

**A:** On the contrary, once I had conducted the interviews with these people, and I had a German secretary transcribe verbatim what they said, which transcripts you have had, I would then put that into the general dossier on that particular episode and I would weigh the interviews against the documents, which is precisely what I have done over the last 32 years for one book after another.

**MR JUSTICE GRAY:** Can I just intervene and ask this question? These diaries that Goebbels kept were for his own benefit, were they? They were not seen by others at the time?

**A:** My Lord, in 1933 he published the first volumes of diaries which covered the years of

struggle, shall we say, up to the seizure of power and he was recalled from the Kaiserhof to the Reichschancellery. In 1936 he sold rights in all his diaries in perpetuity to the Nazi publishing house for a large lump sum.

**MR JUSTICE GRAY:** So he was contemplating publication?

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**A:** They were very definitely written in contemplation of later publication. But that not necessarily mean to say that there were not also a lot of private materials in them which he did not intend to publish, particularly the handwritten diaries.

**MR RAMPTON:** Now I want to pass on to something else, also part of the aftermath. One of the consequences of this appalling business, Mr Irving, was that some people were brought before whatever the Nazi party court was called. Can you remember what it was called?

**A:** The Oberstes Parteigericht, the supreme public court.

**Q:** Just so we can be clear, that is not part of the established orthodox German judicial system at all, was it?

**A:** No. It was a party court established under Walter Buch, B U C H, who was a sworn and dedicated personal enemy of Dr. Goebbels.

**Q:** That is as maybe.

**A:** It is not as maybe. You have to bear this in mind when you consider what the findings are which Buch signed.

**Q:** The fact is, it was not part of the established judicial machinery, was it?

**A:** No.

**Q:** So you cannot describe the people who bring people before the party court as the public prosecutors, can you?

**A:** No.

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**Q:** Would you turn to page 281 of your Goebbels book, please?

**A:** Yes.

**Q:** Just above the middle of the page there is a reference to Rudolf Hess. Do you see that?

**A:** Yes.

**Q:** The long paragraph: "Hess confirmed that in his view Goebbels was alone to blame. He ordered the Gestapo and the party's courts to delve into the origins of the night's violence and turn the culprits over to the public prosecutors."

**A:** Yes.

**Q:** My first question about that is this. Would you agree that that was apt to suggest to the reader that anybody found guilty of arson, looting, damage, assault, rape, murder, or whatever, was going to be prosecuted by the State judicial machinery once the matter had been investigated?

**A:** I think that what happened, which is covered by the sentence, was that a number of people, both inside and outside the party, exceeded their orders, if I can put it like that, and went on little private rampages. I mention one case where somebody murdered an opponent because he was going to testify against him in a libel action.

**MR JUSTICE GRAY:** That is not really an answer to Mr Rampton's question.

**A:** Would you repeat the question, emphasising the part----

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**MR RAMPTON:** The question is this. Do you not agree that that sentence, not a long sentence, is apt to suggest to the reader that the matter was going to be investigated by the Gestapo and the party's courts to find out the origins of the night's violence and to turn the culprits, that is to say, those responsible for acts of violence of whatever kind against people or property, over to the public prosecutors so that they could be prosecuted according to the law?

**A:** I will not go beyond what that sentence actually says. What I intended it to mean to the reader I cannot recall now twelve years later, but it is footed in a very secure document of the day, December 1938.

**MR JUSTICE GRAY:** You are still not really addressing the question. If I read that, I think I would be inclined to think that these people were going to be prosecuted by the criminal system of the country.

**A:** My Lord, there was a large number of prosecutions in the regular courts and people went to jail for what they had done that night.

**MR RAMPTON:** Do you know the figures, Mr Irving?

**A:** I can find them for you, yes.

**Q:** 16 cases in the report of 13th February 1939. I am coming back to what actually these people were considering, which is an initial limitation, but we will look at that in a moment.

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**A:** If we look at the aftermath of this sentence, so to speak, there were public prosecutions in the regular criminal courts and people went to jail for what they did on the night of broken glass in Germany. If you are interested in figures I will obtain them for you.

**Q:** I will give you the figures in a moment.

**A:** I will provide my own figures, if you do not mind.

**MR JUSTICE GRAY:** Wait for Mr Rampton's question. You may agree with it.

**MR RAMPTON:** It is entirely up to you what material you choose to put before the court. This is cross-examination, Mr Irving, not a speech by you. Mr Irving, can we look, please, and see what in fact was the directive which went out under Hess's authority? It is in 293 and 4 of Evans. It is dated 19th December 1938. It is translated. My Lord, it is at the bottom of 293 in paragraph 1. Professor Evans translates it as follows. The German is at the bottom of 294.

**A:** Yes. This is the source of that particular sentence.

**Q:** I know it is. "The aim of the investigation by the Party Court is to establish which cases can and must be held responsible by the action itself and which cases arose out of personal and base motives. In the latter cases a referral to the state prosecution service will be unavoidable, indeed it will be just".

**A:** Yes.

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**Q:** The only people who were going to be handed over to be prosecuted by the State criminal justice machinery were those who had acted out of base motives of their own. Anybody else, however grave their crime, would be let off?

**A:** That is correct.

**Q:** Where do we find that in your book?

**A:** In this sentence. That document justifies the sentence I gave: "He ordered the Gestapo and the party's courts to delve into the origins of the night's violence and turn the culprits over to the public prosecutors." We have already seen in the previous pages that a lot of the violence was authorised by the head of state, so quite clearly those culprits are not going to be turned over.

**Q:** Wait a minute, Mr Irving. I am afraid I have now gone spinning round in 360 degrees. A lot of the violence was authorised by the head of State?

**A:** Yes. We have seen that. There is no question about that.

**Q:** In what sense?

**A:** Hitler has said pull the police back.

**MR JUSTICE GRAY:** That is authorizing the burning of synagogues?

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

**MR RAMPTON:** And the killing of Jews.

**MR JUSTICE GRAY:** What is the answer to that question, Mr Irving?

**A:** It is authorizing what happened in the run up to the

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Reichskristallnacht. If you remember, it was not on the actual night of the broken glass once it got out of control. When Hitler heard that there were individual outbursts in Kassell and Magdeburg and other provinces, he said the police are not to intervene, they are to hold back, the public must be given a chance to express their outrage and so on. That is what I mean when I say that that kind of violence was certainly authorized by the head of State, and it was not appropriate to turn people like that that over to the law courts. But there were other people who then went and settled private scores and that is what has been winkled out by these party court operations.

**MR RAMPTON:** Shall we just have a look at some figures? Page 295 of Evans, Mr Irving.

Paragraph 3, my Lord. Set out are what the people's court, or whatever they call themselves, set out above are what I take to be what they saw as their terms of reference. Perhaps I ought to read that as a preliminary: "The Fuhrer's Deputy", that is Hess, is it not, "shared the view of the Supreme Party Court that the excesses which had become known should in any case first be investigated by the party jurisdiction ... The view of the Supreme Party Court", this is in February 1939, "is that it must be fundamentally impossible for political offences which primarily touch on the party's interests,

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offences which ... are desired by the party as illegal measures," you notice that wording, do you not?

**A:** Yes.

**Q:** "desired by the party as illegal measures, are confirmed and condemned by state jurisdiction, without the party previously having the possibility of creating clarity about the events and contexts through its own courts, in order if necessary to ask the Fuhrer to quash the trial before the state courts at the right moment". This was just intended to be a complete whitewash, was it not?

**A:** Unfortunately, Professor Evans has, in his amiable way, translated only a fraction of the actual document which you will find under tab 2 of trial bundle L2, and you will find there that he lists there horrendous outrages conducted during the Reichskristallnacht at the end of 1938. I will translate very roughly to you, Mr Rampton: The Supreme Party court -- does your Lordship wish to look at the original German?

**MR JUSTICE GRAY:** No. I am listening to you. I am happy to follow you.

**A:** This is on page handwritten 3 of that document which Professor Evans has quoted from. At the end of November 1938 the Supreme Party court received from various gau courts, in other words the provincial party courts, information that in the conduct of the demonstrations on 9th November 1938, that is the Reichskristallnacht, in a

considerable degree there had been plundering and killings of Jews which are already being investigated by the police and public prosecutors, and so on. It then continues about how these various things are going to be investigated and it specifies particular episodes on the following day, crime committed by individual people who are named here, a whole series of them, then 16 specific episodes given just in that one party court file.

**MR RAMPTON:** I hear what you say. If we need it, we will have a translation made of the whole that report.

**A:** It does seem that Evans -- I mean, the dot dot dot he has put in there does conceal quite a lot.

**Q:** No doubt with an eye to saving paper. We can have it translated if necessary. You can take it up with Professor Evans.

**A:** You keep saying I can take these things up with Professor Evans, but at present his Lordship only has your word and this document in front of him in translation.

**MR JUSTICE GRAY:** No. I have got what you tell me is also there and, unless and until Professor Evans says that you are wrong about that, I will assume you are right.

**MR RAMPTON:** I cannot possibly take it up with you, Mr Irving. I do not have a translation. Paragraph 3 on page 295 of Evans, please?

**A:** Yes.

**Q:** Where the Party Courts drew the line between actions which could be justified, and those which were judged to have been committed out of vile" -- I could say base, I suppose, could I not? -- "motives, becomes clear in the various judgments of the Party Courts. For instance, in the report of 13th February 1939, Goring was informed of the outcome of the investigations in 16 cases which the Supreme Party Court had undertaken. In only two of the 16 cases, both involving the rape of Jewish women, had the Party Court transferred the perpetrators to ordinary criminal courts (and in these two cases the party judges were not motivated by concern for the victims, but simply by the fact that Nazi party members had committed 'racial defilement' or in other words compromised what the party regarded as their own racial purity). In all the other 14 cases the Supreme Party Court asked Hitler to quash proceedings. These cases included the brutal murder of 21 Jews, who had been shot dead, stabbed to death or drowned by Nazi party members. The worst punishment meted out to these murderers was an official warning and barring from any Nazi party office for a period of three years. The great majority of offenders received even milder 'punishments', or none at all." Is that true or false, that account given by Professor Evans?

**A:** Well, Professor Evans has not given us the source of information for what happened to these people,

unfortunately. He has just relied on this one report which deals with the investigation of these cases, but he has not told us what he relies on for the outcome of the cases.

**Q:** 14 out of 16, the two transferred to be prosecuted in the normal way being rapists?

**A:** You heard me say earlier that there were substantially more cases than just the 16, and I will certainly be presenting to the court the evidence of the other cases.

**MR JUSTICE GRAY:** Let us stick with the 16. You are being asked, do you quarrel with this?

**MR RAMPTON:** You have only two out of 16. You have 14 that get let off despite being murderers.

**A:** We do not know what his evidence is for that.

**Q:** It is in the report. He says *ibid*, which is his footnote for 130, which means the same report, the report to Goring.

**A:** In cases 3 to 16 the Supreme Party Court requests that the Fuhrer halt the proceedings in the regular criminal court, so it does look as though those 16 were not further prosecuted.

**Q:** Two of them were, apparently.

**A:** Yes.

**Q:** So they get off just because they are jolly party members acting in accordance with the wish of the Fuhrer and murdering Jews?

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**A:** Yes.

**Q:** How does that chime with what you wrote in Goebbels? "Hess ordered the Gestapo and the party's courts to delve into the origins of the night's violence and turn the culprits over to the public prosecutors"?

**A:** He did. That is the document of December 1938.

**MR JUSTICE GRAY:** On the contrary, Mr Irving ----

**A:** No, my Lord ----

**MR JUSTICE GRAY:** 14 of them never went to the criminal courts.

**A:** My Lord, the sentence, he ordered the Gestapo and the party's courts to delve into the origins and so on, Hess ordered and so on, to delve into the origins of the night's violence and turn the culprits over to the public prosecutors, they did then enquire and delve, and subsequently in February 1939 there is this later report of what the outcome was.

**MR JUSTICE GRAY:** They just got a ticking off for raping and killing.

**A:** This is absolutely right, my Lord, but there were then very many other cases to which this document makes no reference where prosecutions were carried out, and I shall bring that evidence forward.

**MR RAMPTON:** You make no reference in your book to this absolutely scandalous manipulation of the justice system, do you?

**A:** I think I make any amount of reference in the Goebbels

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biography to the manipulation of the justice system by the Nazis. There is any amount of evidence of the way that they twisted the system in order to prosecute Catholic priests and so on. The whole way through the book I have shown the cynical manipulation of the German justice system but there is a limit to how much you can keep on packing into a book without making it 2,000 pages long or filled with the 8 pages of sludge that I referred to earlier. You have to halt the story at some point and proceed.

**Q:** To avoid misrepresentation, which I suggest this is an absolutely scandalous example, it is much better to leave it out. If you cannot find enough space to put in the truth, leave it out.

**A:** You are not suggesting the sentence that I wrote there is not the truth? It is absolutely true.

**Q:** Of course I am.

**A:** They ordered an investigation but at some point, we are dealing here with December 1938, you then draw the line. You have mentioned how many people have been thrown into concentration camps, you have mentioned the murders, you have mentioned the huge amount of looting and destruction that went on, and now I am being criticised because I have not referred to 16 specific cases where the Nazis acted in a perverse way when it was not Goebbels who was

acting in a perverse way, it is the rest of the Nazi system that is

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operating in a perverse way.

**Q:** You knew perfectly well when you wrote this that it was the intention of the Nazi Party that all but a tiny minority of those guilty of everything from murder downwards should get off. You never said it?

**A:** First of all, there is no evidence of any such intention and I am not writing a book about the Nazi justice system. If I was to write a book about the Nazi justice system, I would have gone in far greater detail into this kind of evidence. I am writing a biography of the man, Dr Josef Goebbels, who triggered this outrage, and there comes a point where you draw a line and say, "That is as far as one is going down that particular story because we now have other things to relate". Elsewhere in the book I have given any amount of evidence of specific distortions of the German justice system with which he was personally involved, for example, the prosecution of the German priests and the prosecution of Pastor Niemoeller, and so on.

**MR RAMPTON:** My Lord, I want to turn now, if I may, to Dresden.

**MR JUSTICE GRAY:** Yes, so we can put away Evans, can we not?

**MR RAMPTON:** He can be put by way, as it were. There are one or two places where the full text of a document is quoted in evidence which we may need to look at, but I would recommend using what I call the Heather Rogers' Guide to Dresden.

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**MR JUSTICE GRAY:** I do not think I have got it.

**MR RAMPTON:** No, it is coming.

**A:** But, I will, in fact, be in a position to call the evidence of the other convictions that resulted from the Kristallnacht ----

**MR RAMPTON:** By all means do.

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

**A:** --- if you attach importance to it.

**MR RAMPTON:** My Lord, neither your Lordship nor Mr Irving has seen this document. I would like to use it because, as far as I am concerned, it is both comprehensive and accurate. When I say that it contains a comprehensive catalogue in date order of all the material to which I want to refer.

**MR JUSTICE GRAY:** What I think I will do with it is put it in your summary of place, is that a good idea?

**MR RAMPTON:** Yes, that is a good idea, in the Dresden section.

**MR JUSTICE GRAY:** Are you producing a file on Dresden?

**MR RAMPTON:** There is a file on Dresden. Sorry, my Lord, about this conversation. It is meant to be helpful.

**A:** My Lord, I also provided your Lordship with a small clip of documents.

**MR JUSTICE GRAY:** We might put it in the same file, I suspect.

**A:** Yes, that is why I was mentioning that.

**MR RAMPTON:** I have here two sets of documents, one of which one might call the David Irving original research file, or

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clip, the other is some of what Mr Irving has said on this question. I am trying to not refer to those if I possibly can because I want to use this schedule here. My Lord, there is an empty file on the bench, I think, if those could go in as tabs 2 and 3?

**MR JUSTICE GRAY:** I do not think I have this empty file. Has it got anything on the back of it?

**MR RAMPTON:** L1.

**MR JUSTICE GRAY:** L1, yes. This is going to become Dresden, is it?

**MR RAMPTON:** Well, the first part is history. That is not what I meant. The first part is Hitler/Horthy which is a very slim clip of, I think, two pages or something, and the next two tabs can be Dresden.

**MR JUSTICE GRAY:** I am going to ask if somebody can put this into tab 2 because they have been individually hole punched so that it is half an hour's work.

**MR RAMPTON:** Yes. Before I start on this topic, my Lord, I think I need to know from Mr Irving through your Lordship whether he has any objection (and he has not seen it before) to using this tabular schedule that I have just handed in.

**MR JUSTICE GRAY:** Does it contain anything that is not in the other documents?

**MR RAMPTON:** It is all taken from the documents.

**MR JUSTICE GRAY:** Are you happy with that, Mr Irving?

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**A:** Well, with reservations, yes. I think it contains prejudicial material which does not -- but it depends how he presents it

**MR JUSTICE GRAY:** Let us work off it anyway, shall we?

**MR RAMPTON:** Let us start off anyway. My Lord, I start on page 3. I should preface that by saying on page 1 your Lordship will see as the first four items listed four authentic German, that is to say Nazi German, wartime documents dealing with the numbers of dead as a result of allied bombing at Dresden in February 1945. As your Lordship will see, there is no dispute about the authenticity of any of those four documents. That is right, is it not, Mr Irving?

**A:** I do not have them in front of me yet.

**Q:** You know what they are, 15th March 1945, final report?

**A:** Yes.

**Q:** 22nd March 1945, situation report 1404; the real Tagesbefehl 47 of 22nd March 1945, not the fake, and the situation report 1414 of the Chief of Police of 3rd April 1945. You are well familiar with all those documents, are you not?

**A:** I am sure about No. 3 and 4 until I actually see them. Do they come from my discovery?

**Q:** As far as I know. I think perhaps the last one comes from Bergander, but I am not sure. There is no doubt that the real Tagesbefehl was obtained, I think was sent to you by

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Bergander, but I am not sure, in 1977. Have you seen the real Tagesbefehl -- the non-faked one?

**A:** Well, I am afraid my bundle is not assisting me here. Where do I find these four documents in the bundle? I have got 15th March one.

**Q:** I do not know that I can tell you that.

**A:** I have 22nd March one.

**Q:** Because for one thing I can hardly read it. There is a document on page 7, for example, which might be anything. There is a document of 22nd March at page 8.

**A:** Yes, those two I am familiar with.

**Q:** Right. That goes on and on.

**A:** That goes on and on. I am lacking the next 22nd March one which you say is Tagesbefehl 47.

**Q:** I do not know if there is a next 22nd March one. I really cannot help. But these documents all, I think -- we think that these documents came from your discovery, such as we have. But you know what I mean by the real Tagesbefehl 47, do you not?

**A:** Well, I do not. The only one that I am familiar with is the one turns out to have been faked by the German Propaganda Ministry.

**MR RAMPTON:** I see.

**MR JUSTICE GRAY:** Where is the original? I mean the genuine one? It does not look as if it is in the bundle.

**MR RAMPTON:** No, it does not, I agree. I do not know

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actually. It is referred to in a book by somebody called Bergander in 1977.

**A:** I do not think there is a genuine one, document No. 47. The only one I have seen was a fake which was produced by the Goebbels Propaganda Ministry for propaganda purposes.

**MR RAMPTON:** Yes, which had an extra 0 added to all its figures, did it not?

**A:** It multiplied everything by an order of magnitude, yes.

**Q:** If you turn to page 11, my Lord, of the table, it says, basing herself on Professor Evans, Miss Rogers writes this: "1977, the real TB 47 comes to light. It is discovered by Bergander who found a reservist Ehrlich who had a copy cited at page 261 of Bergander, etc. Evans describes Bergander as the most authoritative work", and so on and so forth. I dare say if you have not read Bergander, Mr Irving (and I know you do not read other people's books) you will not be conscious of ----

**A:** Well, Gutz Bergander was a very good friend of mine -- he still is a very good friend of mine.

**Q:** Have you read this 1977 book of his?

**A:** I have not, no.

**Q:** Then the answer to my question was, "You are quite right, I do not read even my friend's books and so I am not familiar with this document". Is that right?

**A:** Well, I gave him a great deal of assistance when he was writing his book, but I had no reason to read his book

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because I was no longer writing about Dresden.

**Q:** Whether or not he has found the real one, and I expect you to accept that he has ----

**A:** That is the first I have heard of it actually at this moment there is supposed to have been a real one.

**Q:** Yes. But the interesting thing about the real one, as you will see in a moment, is that its numbers coincide more or less ----

**A:** Well, we have not been shown it. I cannot comment on that.

**MR JUSTICE GRAY:** Page 67, tab 2.

**A:** It was in his book, right. Is this from a printed book?

**MR RAMPTON:** No, this is from Bergander.

**MR JUSTICE GRAY:** So we have not got it?

**MR RAMPTON:** We have not got the document, no.

**A:** Are you referring to the handwritten page 67 or typed?

**MR JUSTICE GRAY:** Handwritten. That looks like Bergander.

**MR RAMPTON:** It does.

**A:** I cannot see any reference to the Tagesbefehl. It is T-A-G-E-S B-E-F-E-H-L.

**MR JUSTICE GRAY:** Page 235. I am probably wrong, but there is a reference to "befehl" there. No, I think it is a different "befehl".

**MR RAMPTON:** My Lord, I can tell your Lordship this, that on page 553, 552 and 53, Professor Evans reports the discovery of the real TB 47 by Bergander through Ehrlich

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and at paragraph 2 on page 553 he says this: "In this new, authentic Ehrlich copy the death figure was put at 20,204, the expected dead at 25,000 and the number cremated at 6,865", which are exactly the same figures as in the fake or forged TB 47 except for the missing 0 at the end.

**A:** In fact, I calculated that myself when I rewrote the Dresden book three or four years ago. I spotted the fact that somebody had clearly juggled the figures, but this is literally the first I ever heard of the existence of a real Tagesbefehl.

**Q:** And the reference given for that is Bergander at page 261.

**A:** Well, the reason I mention that this is the first I have heard of it is I see that here Professor Evans in his infinite wisdom is saying, "despite having been finally forced to disown", what by? I never knew there was a real one. I have always recognized the other one was fake.

**Q:** You have not always recognized it, Mr Irving. We are coming back to that.

**A:** Well, ever since -- the last 20 or 30 years I recognized it was fake because the figures were so totally inflated.

**Q:** All I am asking you to accept -- you can look at it in Bergander, it is on page 77 of tab 2 of the file.

**MR JUSTICE GRAY:** Yes, that is right.

**MR RAMPTON:** All I am asking you to accept, because it does

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save such a lot of time -- there is no trap in it -- is that the real Bergander (sic) was found and that, as one would expect, its figures are short by a 0.

**MR JUSTICE GRAY:** You said the real Bergander, you mean the real Tagesbefehl?

**MR RAMPTON:** I mean the real Tagesbefehl, sorry, yes.

**A:** I shall get on the phone to Mr Bergander tonight and ask him if he knows about this.

**Q:** Well, it is in his book at page 261.

**A:** I shall conceal the fact I did not read his book.

**Q:** You can tell him that you were forced to read it in court if you want?

**A:** I beg your pardon?

**Q:** You can tell him you were forced to read it in court.

**A:** Well, we cannot read it in court because you have not got it. You have only got his book. We have got his ----

**Q:** As I say, his book?

**A:** Oh, the book, yes, but I would have liked to have seen the document itself which he says he has.

**MR JUSTICE GRAY:** Yes, so would I. I wonder where it is?

**MR RAMPTON:** I do not know. Perhaps Mr Bergander has it. I do not know.

**A:** Perhaps I can get him to fax to me.

**Q:** But it really does not matter.

**A:** Well, it does because -- well, I am not going to presuppose what you were going to say.

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**Q:** I am only asking you to accept that the figures for deaths and expected deaths in the real version are 20,000 and 25,000, respectively?

**A:** Yes. That closely tallies with the Police Chief's report of that date.

**Q:** Exactly.

**A:** Yes.

**Q:** That is all I was driving at.

**A:** And I reached this deduction independently of all this about five years ago when I rewrote my Dresden book.

**Q:** That is as may be. In fact, document -- I will just read out the figures and then we can get on - - the final report of 15th March 1945 which I think you have got, or have seen?

**A:** You call it the final report?

**Q:** It is called the final report of the Dresden Police sent to you on 27th May 1966 ----

**A:** My Lord, I am bit unhappy -- oh, it is called "Flusmeldung", right?

**Q:** I do not know.

**A:** 15th March.

**Q:** Which should be pages 17 of tab 2 in this file.

**A:** That is correct, yes. It is the final report on the four air raids.

**Q:** Yes, good. The figures given in that document, I am told by Professor Evans (but you dispute it, if you wish) are

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18,735 dead, 212 badly wounded and quite a lot more people slightly wounded, is that right? It is no good -- I cannot read it, so...

**A:** Well, of course, the Police Chief actually does not spell it out quite like that. He says, "18,000 bodies so far found", I believe, which is a subtle difference.

**Q:** Sure, and we will come to that along down the road, I am sure, Mr Irving. The situation report 1404 of 22nd March 1945?

**A:** Yes.

**Q:** Situation report gives figures of, I think, and it may be there is a misprint because it is odd that it is 18,375 and not 735. Maybe they have been adjusted. 25,000 total expected and 35,000 missing, is that right?

**A:** Yes. The interesting thing was that the one document was supplied to me in 1966 by the Soviet Authorities and simultaneously in the same mail I received the other document from the West German Authorities. They had found it in the German Finance Ministry files.

**Q:** Middle to end of May 1966, is that right?

**A:** Yes, this is three years after I published my book.

**Q:** I want to go back, if I may, because again I am not interested for this purpose -- I know you will get angry about it, but I am not -- I am not interested in what actually happened at Dresden or in the total numbers, though that, as it has in other areas of the case, may

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emerge ----

**A:** I remember you said, "So what?"

**Q:** Yes, because that is not what this case is about, Mr Irving. You accuse people too readily of a kind of callousness, I do believe. We are investigating your bona fides as an historian and nothing

more than that.

**A:** Well, you were the one who said, "So what?" ----

**Q:** Yes, because the reference to Dresden was irrelevant ----

**A:** --- about the way we killed 100,000 people in one night.

**Q:** --- to your reference to Auschwitz. Now, just keep our eye on the ball, if we may. Would you turn to page 3 of this tabular document, please? Is it right that in November 1964 you were in Dresden and you visited somebody called Hahn, is that right?

**A:** Walter Hahn.

**Q:** Yes. Is it right that when you were in the sitting room Hahn and a man called Walter Lange, who is the director of the Dresden City Archive, began to discuss the implications of the 200,000 figure, yes?

**A:** Well, if you have a source for that, yes.

**Q:** I have your own words.

**A:** A diary or?

**Q:** Page 517 of Evans. When you came back from this visit, you wrote a long memorandum, did you not? It is in the file.

**A:** Yes.

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**Q:** It is difficult to read because it is a photograph of a negative or whatever.

**A:** Yes.

**Q:** I would much prefer to read it from Evans' text. "'Lange had not realized that it gave this figure'", that is the so-call TB 47, "'and I at once realised why Hahn had seemed reluctant it show it to me (in fact he had had that probably since 1950 or so, yet he had not shown it to me on any of my previous visits in 1962 and 1963)'" . Then comes this: "'As soon as Lange began to expostulate on this document being a patent forgery, Hahn became very worried'" . What sort of man is or was Lange, Mr Irving?

**A:** He was a short, bald headed gentleman with a prominent Communist Party badge in his lapel.

**Q:** What sort of a man is or was Professor Seydewitz?

**A:** He was the former Mayor of Dresden and, obviously, a Communist Party official.

**Q:** Both of those, I think I am right, cast doubt on, if not the authenticity of the document, certainly the reliability of the figure, did they not?

**A:** I am not sure that Walter Lange did, but Max Seydewitz had published his own book on air raids on Dresden -- a very good book -- and he produced different figures.

**Q:** You knew from the beginning -- for you this is the beginning -- that there was grave doubt about the figures given in this document?

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**A:** Yes.

**Q:** That the figure for dead was 202,000 plus and the figure for expected death, again a forgery, was 250,000, was it not?

**A:** Yes.

**Q:** You knew from this time and said you thought the document was genuine, but that the 200,000 figure might be suspect?

**A:** Yes.

**Q:** You said that on a number of occasions. If we turn over to page 4 of the table, you said it to --

--

**A:** Of the table?

**Q:** --- to Mr McLachlan, the Editor of the Sunday Telegraph: "It remains to be established whether" -- this is the second box, 26th November '64 -- "the 200,000 number it contains is equally genuine and if not why not".

**A:** Well, yes, that sentence is quoted.

**Q:** And on 28th of November 1964 you wrote to a Herr Struss, Deiter Struss, I think his name was?

**A:** My German publisher.

**Q:** Yes?

**A:** Yes, my German publisher.

**Q:** Yes, your German publisher, referring to the death figure of 202,040 people. You said: "This information is naturally sensational and because it comes from the then Deputy Chief Medical Officer, Dr Max Funfack, there is no doubt about the authenticity of the document." Now, did

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you in that letter to Herr Struss express any doubt about the figure?

**A:** Without seeing these two letters, it is difficult to see ----

**Q:** I quite share that, if I may say so.

**A:** --- exactly what the context these sentences are taken out of.

**Q:** Page 37 of tab 2. It is probably written in German, I should think, since it is from you to a German gentleman. It is page 37 and 8. It is a letter from you to Herr Dr Struss. Can I ask you to read it to yourself?

**MR JUSTICE GRAY:** Where is the relevant bit, Mr Rampton, do you know?

**MR RAMPTON:** It is right in the first paragraph, my Lord.

**A:** They do not seem to be irreconcilable. In the previous letter on page 36, I say, "Having now examined the document minutely myself, I am satisfied of its authenticity. It remains to be established whether the 200,000 number it contains is equally genuine and if not why not".

**MR RAMPTON:** That is what you said on 26th November ----

**A:** And two days later I then write to Dr Struss.

**Q:** Yes. Tell us whether in that letter -- my only question this, I do not know, I have not read the whole letter -- you raise a doubt about the reliability of the number in the same way as you had two days earlier to the Editor of

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whatever the paper was, The Telegraph.

**A:** It is exactly the same. "This information is naturally sensational and coming as it does from the Deputy Local Chief Doctor, Dr Max Funfack, there could be no doubt as to the authenticity of the document".

**Q:** Fair enough. I quite agree. What I asked was whether in this document Dr Struss, your German publisher, you raise any doubts about the reliability of the figures which is the key to this argument, Mr Irving. You need to read the whole of it.

**A:** "I have just returned from a visit to Dresden and I have received from confidential sources the Police report of the Police Chief in Dresden on the four air raids". This is the Tagesbefehl 47, of course, not the final report.

"This document gives the death roll known as of that date as 202,040. This information is naturally sensational and coming as it does from the Deputy Local Chief Doctor, Dr Max Funfack, there can be no doubt as to the authenticity of the document. This document has been

mentioned in Eastern Germany, in other words, Communist Eastern Germany, but only with the comment that it is a Nazi propaganda lie, and extracts have been published from it. I accept this judgment on page 245 of our book".

**Q:** Which judgment is that?

**A:** Of the propaganda lie, presumably. Without checking the book, I cannot tell.

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**Q:** Well, now ----

**MR JUSTICE GRAY:** "Urteil" means "judgment", does it?

**A:** "Urteil" is "judgment", yes, or "verdict".

**Q:** Can you just read the next rather long convoluted sentence?

**A:** "As I have now seen the complete document with my own eyes, I do not doubt that it is genuine, and should there be a second edition of my Dresden book, this information should certainly be incorporated, possibly as an appendix, perhaps mentioned instead on pages 295 to 296 of the present appendix on these pages".

**Q:** Including the number of dead? You do not say that, but that is what you mean, is it not?

**A:** Well, reproducing the document and I believe I am right in saying that is what we actually did. We reproduced the document in toto as an appendix which is what one would do with a document that one wants to present to readers without necessarily forming a judgment on it.

**MR RAMPTON:** You say that, Mr Irving. You see, what I am I am wondering is how it came about, as I shall shortly, I hope, show.

**A:** I have to introduce the caveat, of course, you are asking me about things that lie 36 years back.

**Q:** Of course. This is why contemporaneous documents are so valuable, Mr Irving.

**A:** Indeed, and if you ask for my recollection of things, like

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what I said at a meeting with a man in his front room...

**Q:** I will show you the documents.

**A:** Yes, it is better that we refer to the documents.

**Q:** Why it was, Mr Irving, that with such rapidity between 26th November and onwards, from 26th November onwards, your lingering doubts, if indeed you had any, about the reliability of the numbers seems to have evaporated?

**A:** Well, I do not think I have referred in this letter -- I may be mistaken -- to saying, I do not think I have said that the figure is genuine. I have said the document appears to be genuine, but I have doubts, as I make quite plain in the letter two days earlier to McLachlan, who is an intelligence chief himself, about the actual figure. So, clearly, one has to carry out further investigations.

**Q:** Let us see what you said, roughly speaking, a week later ----

**A:** If I can just continue? Of course, clearly, it would have been improper for me to suppress the document in any way.

**Q:** I am not suggesting you should have done, not for a moment.

**A:** Yes.

**Q:** It might have been an interesting document. It turned out to be ----

**A:** It turned out 20 or 30 years later to be totally fake, and interesting in as much as it was issued by the Goebbels propaganda ministry.

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**Q:** Actually about 10 years later but that does not matter.

**A:** As far as I am concerned, it was 20 or 30 years later.

**Q:** Let us see how your attitude to this document, which I quite accept you did not know at the time was a fake, though you had expressed considerable doubts about the reliability of the figures up until now. 6th December 1964, you wrote to the Provost of Coventry. The only mistake in Miss Rogers' document is that she describes the Provost of Coventry as Mr Cunningham. That is, in fact, Mr Irving's telephone number, telephone exchange?

**MR JUSTICE GRAY:** She is too young to have remembered that.

**MR RAMPTON:** It was Cunningham 8426 for anybody that is interested. It was late at night, I know that. That is on page 40 of this document. This, I think ----

**A:** Can we look previously on December 1st, the letter where I am writing to the German Federal archives trying to make attempts to find out more about the people concerned and the authenticity of the document?

**Q:** Again I have no translation of this which is why I have not referred to it. If it is important, please tell us what it says.

**A:** "Dear Colonel Teska, during a recent visit to Dresden, I have received from an erstwhile officer in Dresden who during the war was the Local Chief Medic in Dresden, Dr Max Funfack a copy of the attached document. As you can see, it is supposed to be an order of the day issued

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by the Dresden Police Chief in which for the first time the number of air raid dead is provisionally estimated at 202,040. Obviously, it is important for me to establish how genuine this document is, and I am trying to locate the officers who signed this document, Colonel Grosse", G-R-O-S-S-E, and so on. I have written to the German Federal Government, the archivist trying to track down the authenticity of the document.

**Q:** That is very proper, if I may say so, a very proper proceeding, Mr Irving. Before you barge into the public arena waving the document and saying how wicked the Allies were, it is best to be sure that the document is genuine and the figure is reliable, do you not agree?

**A:** I consider this to be wicked, burning thousands of bodies at a time in a public funeral. You may say: "So what?", but you are saying about how wicked the Allies are. It is a war crime and there is no way round it.

**Q:** Let us clear the air. Nobody on this side of the court is supposing that it is a jolly good thing that, let us say, 25,000 or 35,000 innocent German civilians were roasted to death in Dresden in 1945.

**A:** Roasted to death?

**Q:** We are concerned about your gigantic appetite for distorting and exaggerating; that is all I am concerned with. I think it was your correspondent -- I cannot remember his name now -- a German gentleman who drew your

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attention to the fact that it was probably only 35,000?

**A:** Only 35,000 people burned alive in one night by the British.

**Q:** Yes, and he said ----

**A:** A charming term of phrase, only 35,000.

**Q:** As opposed to the huge figures you were punting about and he said, with which nobody

would disagree, that is bad enough, that is two divisions.

**A:** At least he did not say: "So what?"

**MR JUSTICE GRAY:** Yes, Mr Irving, I think you are being unfair when you pick on that phrase when it was used in context and Mr Rampton was not belittling the tragedy of the bombing. So you have made your point. I do not think it is a fair one, but let us move on.

**MR RAMPTON:** Do you not think it even worse or even more of an offence to those people who died in Germany and Dresden ----

**A:** I think his Lordship has said that we should move on.

**Q:** --- To exaggerate the numbers of the dead for your own base-political purposes, do you not think that would be worse, Mr Irving?

**A:** I think his Lordship said we should move on.

**MR JUSTICE GRAY:** That is a different point, but, anyway, I think it is comment.

**MR RAMPTON:** Is there anything else in this letter from you to Colonel Teska on 1st December 1964 to which you want to

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draw attention?

**A:** No.

**Q:** Let us see what you said five days later in a letter to the Provost of Coventry. Was Coventry holding some kind of memorial exhibition or what?

**A:** Coventry is a twinned city with Dresden and I was collaborating with the Coventry Cathedral authorities in their celebrations.

**Q:** Coventry was quite badly bombed in the war, too, but not as badly as Dresden.

**A:** I believe 300 people were killed, were they not?

**Q:** Not as bad as Dresden. Mr Irving, please keep your eye on the ball.

**MR JUSTICE GRAY:** Actually, Mr Rampton, if I may say so, that may have been slightly your fault.

**MR RAMPTON:** But there is no doubt one reason for what you call the Dresden/Coventry link, is there not?

**A:** Yes.

**Q:** They are both victims of bombing during the war?

**A:** Both cities were used for propaganda purposes.

**Q:** What?

**A:** Both bombing raids were used for propaganda purposes.

**Q:** I have no doubt, war is a terrible thing. "I am now enclosing", this is dated 6th December 1964, "I am now enclosing a large number of photographs of the destruction caused in Dresden by the Allied bombing. Some of them

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should be suitable for the exhibition we had in mind to raise funds for the Dresden/Coventry link. I have enclosed several duplicates of some of the best for a particular purpose. I suggest that when your exhibition opens you might circulate these both to the local and national newspapers as free publicity material which they can print if they like".

"To drive home the impact of the exhibition, I also suggest that you have the text of the Police President's report on the Dresden raid attached, printed in large type. I think that it is nonchalance and the casualties" (please note those words) "it mentions have a shattering impact. Please also feel free to quote any excerpts you wish from my book or, for example, from the feelings

expressed by RAF airmen, without acknowledgment if you wish. The Police President's report is really something sensational. I brought it back from Dresden two weeks ago and I have been trying to establish its authenticity through Ministry of Defence channels".

**A:** Also, in addition to the German archives.

**Q:** Yes. Now this: (Underlined) "I am myself in no doubt as to the authenticity of the document."

**A:** Can I point out that I have not underlined that document myself.

**Q:** That is not your underlining?

**A:** It is certainly not typed in; nor have I done that line

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down the left-hand margin.

**MR JUSTICE GRAY:** I had assumed you had not.

**MR RAMPTON:** I did not take the line down the side to be yours. I am not accepting that it is not possible when you have typed a letter and looked at it and thought that is an important passage, I will underline that in ink, but that is not what you did.

"In view of having obtained it indirectly from the Dresden Deputy Chief Medical Officer responsible for the disposing of the victims still lives in Dresden. It was circulated to him officially in March 1945. Please note that I am leaving", so on and so forth, "at the end of December for three and a half months".

Mr Irving, you will agree, I hope, that you are urging the Provost of Coventry to put into his exhibition, with as much effect as he can achieve, a document which shows casualties of 202,040 people?

**A:** Yes.

**Q:** And yet, Mr Irving, you still were not certain, or should not still have been certain, that those figures were accurate?

**A:** I said quite clearly here that I am satisfied as to the authenticity of the document, and we now know that the document is accurate, except for the figures.

**Q:** Mr Irving, in your earlier correspondence ----

**A:** The document also mentions enormous damage to buildings

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which, if you have been to Dresden you will know precisely which buildings we British were responsible for destroying that day ----

**Q:** What has that got to do with casualties?

**A:** I heard laughter in court and I thought I should make plain that this document did not ----

**Q:** Because your answer was absurd, no doubt, Mr Irving. You have just been telling us that, we have been through it, how you had lingering and then disappeared doubts about the authenticity of the document ----

**A:** Of the figure.

**Q:** You were satisfied of the authenticity of the document, but had doubts about the reliability of the figure?

**A:** That is correct.

**Q:** Those doubts about the reliability of the figures have now disappeared. Why?

**A:** I have told him that I am in no doubt at all as to the reliability of the document, The authenticity of the document because of where it came from.

**Q:** You are asking the Provost of the Cathedral of Coventry to plaster these figures, the casualties it mentions which have a shattering affect, impact all over his exhibition.

Why, if you do not believe that the figures are reliable?

**A:** Are you suggesting that at this time I had any reason to doubt that the figures were inaccurate?

**Q:** You have said so a dozen times.

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**A:** I said I am investigating the figures and I am going to great lengths at this time, through the various archives and governments, to find out what I can about the people who signed the document.

**Q:** You have known from the beginning that the figures were suspicious, have you not?

**A:** Suspicion inasmuch as I have not seen them substantiated by other documents, for example, on the Eastern Front, we have seen some of the major figures of the killings of the Jews substantiated by the lower-level documents on which those totals are based, and I would have liked to have seen similar documents reflecting these totals, as indeed subsequently turned up in 1966 when the West German Government and the East German Government simultaneously provided me with corroborating documents for their document.

**Q:** A month before this document was sent to the gullible Provost of Coventry Cathedral, you wrote a long memorandum which had as part of its introduction (my Lord, it is page 27 of tab 2), in paragraph 4, you wrote this, Mr Irving -- Has your Lordship got it?

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

**MR RAMPTON:** Obviously, it is of some importance to determine, one, whether the document is genuine, i.e. was really written by the person claiming to have signed it and on the date specified; and two, if the document is genuine,

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whether the 202,040 figure is itself an accurate and true detail or whether it was deliberately falsified at this time. By the time you write to the Provost of Coventry on 6th December 1964, that last enquiry, that last doubt, equivocation seems to have disappeared, am I right?

**A:** Have I specifically said to the Provost of Coventry there is no doubt that these figures are accurate?

**Q:** No, but, Mr Irving, bear with me; you could hardly invite the Provost of Coventry to include, with maximum impact, in his exhibition these figures, if you did not think that they were reliable -- if you were an honest man, I mean?

**A:** But you are familiar with the fact that the document does not just refer to death or casualties; it refers to the entire damage which was inflicted on that city.

**Q:** "Casualties", Mr Irving, is your word, the casualties, it mentions, have a shattering impact. Of course they will do if they are authentic and reliable. But, Mr Irving, what if they are not?

**A:** Are you suggesting that the people of Coventry would have been any less dismayed or shocked if the figure had been 35,000? I do not think so.

**MR JUSTICE GRAY:** You are saying in your letter to the Provost, you are saying this figure of 200,000 plus is going to have a shattering impact. That is the very point you are making, is it not?

**A:** Well, my Lord, we have not been shown the order of the day

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No. 47 which in everything that it contains, part of which is the death roll, is the document, and the nonchalance of the document to which I am referring saying this is going to have a shattering impact on people who visit your exhibition, and I have no reason at this time to doubt the overall

authenticity of the document, although I was making enquiries to investigate that actual figure because I obviously wanted to make very much more of the figure when the time comes. But before I went ahead, I wanted to know who had signed the document could I speak to him, for example. This is 1964 and there was every chance that the man who signed the document, Colonel Groesse, was still alive. In fact, I eventually tracked down his widow.

**MR RAMPTON:** Yes, Mr Irving. Could we now turn ----

**A:** And if I can also refer to that memorandum you were dealing with on page 27. In paragraph 3 I gave reasons why the figure did not seem outlandish. I looked at the death rolls in Hiroshima and the other major air-raid disasters of World War II, so there was less reason than might now seem apparent, to question the final authenticity of the figure. But you did not read out that paragraph.

**MR JUSTICE GRAY:** I am reading it now.

**A:** It is probably also appropriate here to mention that the figure of 200,000 by no means orphaned very many people

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referred to that death roll for Dresden, including members of Hitler's private staff, including Hermann Goring's personal Liaison Officer Budenschatz who visited Dresden and came back and spoke of that figure.

**MR RAMPTON:** It was a jolly good propaganda figure, was it not?

**A:** They used it for propaganda, yes.

**Q:** Of course they did, and it was totally false, was it not?

**A:** It is easy to say in retrospect that that document is fake. But I am looking at this in 1964. The document has been given to me by Dresden's Deputy Chief Medical Officer. The document itself is authentic as we now know, but this figure has been inserted for propaganda reasons.

**MR JUSTICE GRAY:** What I am not really clear about is when you first saw this document, whether your reaction was that the figure does look amazing high; I really am rather suspicious about it?

**A:** My reaction on seeing a figure as high as that was to say, if true, this is sensational. Clearly one has to carry out proper enquiries which I then began with the archives and trying to track down the people who signed the document and through whose hands it passed in 1945. In the meantime, I began making cautious use of it on the assumption it was genuine, for example showing it to the Provost of Coventry, mentioning it to newspaper editors, contacting my publishers, saying we may have to put this in as an appendix and so on. One does not know how long

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it is going to take to make the enquiries. The German archives might have responded a week later and said yes, Colonel Grosser is now living in Cologne at such and such an address.

**Q:** Well now, it was not exactly moderate or reserved and in accordance with the need to make careful enquiries to place these figures before the public in Coventry, and no doubt for other parts of this country and abroad, so that they shall have a shattering impact, was it, Mr Irving?

**A:** I did not hear the adjective. It was not what?

**Q:** It was not in accordance with what one might call the need to make careful enquiries, and to take stock of this figure, to place it with shattering impact before the public in Coventry the rest of this country and perhaps other parts of Europe?

**A:** I think it was a proper usage of that telegram for the purposes of the charitable fund raising of

the Coventry Cathedral, yes.

**Q:** Tell a lie if it raises money, is that it?

**A:** I do not think I said that. It would have been a lie if -- if I had known that the figure was untrue then it would have been a lie.

**Q:** You had no idea whether it was untrue or not, back in 1963 you told your publisher Mr Kimber that you thought it was probably a piece of Nazi propaganda, did you not?

**A:** I did not have it in 1963.

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**Q:** Now I want to turn a year on to early 1965.

**A:** Do you wish to dwell on that statement? Do you want to find the actual reference?

**MR JUSTICE GRAY:** I do not think that is right.

**MR RAMPTON:** It is right.

**MR JUSTICE GRAY:** It is?

**MR RAMPTON:** Yes.

**A:** Can we look at the actual reference.

**MR JUSTICE GRAY:** Page 39.

**MR RAMPTON:** No, it is page 2 of the table.

**A:** Page 2 of?

**Q:** April 1963, it is in the Kimber edition of the Destruction of Dresden. What is written here is: "In the 1963 Kimber edition", second box, my Lord, "edition of Destruction of Dresden" ----

**A:** Can I halt you there and point out that at this time I did not have this document. So we cannot possibly be referring to this document.

**Q:** Let me read on, will you, Mr Irving?

**A:** I know the reasons why you want to read this out, because you want to confuse the court and confuse members in the public gallery.

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

**MR JUSTICE GRAY:** It is a bit confusing to me. Can we understand the sequence?

**MR RAMPTON:** This is before he has been supplied with a copy of

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a copy, as a matter of fact, was it not, Mr Irving? It was not an original copy?

**A:** It was the fourth or fifth carbon copy, yes.

**Q:** But it was typed out by Frau Grosse?

**A:** If we are going to look at a letter as prejudicial as this I think we should see the entire letter and not just the sentences that Miss Rogers has picked out. Your Lordship will remember that at this time, I said in my opening speech at this time Mr Kimber was knee deep in the Auschwitz trial, the Dr Dering trial, and he was in a very sensitive and raw state.

**Q:** Let us see what was published in your William Kimber book first of all, Mr Irving.

**MR JUSTICE GRAY:** Tab 3, page 1, is that right?

**MR RAMPTON:** Yes. I take it you take responsibility for what appears in your books, do you? Or are you going to tell me this was put in by some sub-editor?

**A:** You probably know what I am going to say then, do you not?

**MR JUSTICE GRAY:** Can you let me in on this?

**MR RAMPTON:** I am just going to read out what you wrote.

**A:** What I wrote or what was published?

**Q:** Mr Irving, come on, let us have a nice gentle read of it together: "Now if a trifle belatedly in

the weeks after the American and British destruction of Dresden, Dr Goebbels was also discovering the use to which bombing

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propaganda ..."

**A:** I do not know where are. What are we looking at?

**MR JUSTICE GRAY:** L1, tab 3, page 1.

**A:** Yes.

**MR RAMPTON:** In the middle of the page under, "They shall reap the whirlwind" - "Now if a trifle belatedly in the weeks after the American and British destruction of Dresden, Dr Goebbels was also discovering the use to which bombing propaganda could be put. At the beginning of fourth week in March he set in motion a cleverly designed campaign of whispers calculated to galvanize the German people into a last horrified stand against their invaders. For this purpose he appears deliberately to have started a rumour about the death roll in Dresden wildly exceeding any figure within the realms of possibility. On 23rd March a Top Secret order of the day, Tagesbefehl, was leaked to certain Berlin officials would could be relied on not to keep their tongues still." And it read: "In order to counter the wild rumours circulating at present, this short extract from the final report of the Dresden Police President on the Allied raids on Dresden of 13th to 15th February 1945 is reproduced: 'Up to the evening of 20th March 1945 altogether 202,040 bodies, primarily women and children, were recovered. It is expected that the final death roll will exceed 250,000. Of the dead only some 30 per cent could be identified. As the removal of the

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corpses could not be undertaken quickly enough, 68,650 of the bodies were incinerated. As the rumours far exceed reality, these figures can be used publicly."

**A:** That is what I wrote in 1962. Yes, I wrote that.

**Q:** I am going to finish it: "It was characteristic of the highly advanced national and socialist propaganda experts that they did not try to spread this figure through public press announcements, but by means of this apparently indignant denial of an exaggerated rumour. All responsible authorities placed the Dresden death roll considerably below this figure. Neither the Dresden Police President nor his report on the air raids survived the end of the war, the President dying by his own hand and the order never having been referred to outside this spurious order of the day." Now that was the position in 1963, Mr Irving?

**A:** 1962, yes.

**Q:** 1962. You received a copy of a copy, not even a photographic copy, but a typewritten copy of a pre-existing document in Dresden in November 1964.

**A:** Yes. So this was not ----

**Q:** By which time ----

**A:** But this passage is not based on the document of course. It is based on ----

**Q:** By which time you had on a number of occasions, quite properly, asked yourself whether the document was

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authentic and, more particularly, which is what matters, whether the figures were reliable. You had yourself raised the possibility in your introduction to your memorandum of November 1964

that there might Nazi propaganda, had you not? What was it, I ask you, that had happened to eliminate that proper doubt about the reliability of the figures by the time you wrote to the provost of Coventry at the beginning of December 1964?

**A:** Right. Taking it in sequence, this passage which is in the book which I wrote in 1962 and was published on April 1st 1963, was based, to the best of my recollection, on the version of that document given in the book by Max Seydewitz, the Mayor of Dresden, who was, as I mentioned earlier, he was a leading Communist party official. So I accepted what he said in that book about the probable origins and motivation of the circulation of that document by the Nazis at the end of World War II.

In November 1964, as we see from Professor Evans' report, he has found among my papers a memorandum I wrote on my visit to Dresden where I obtained a copy, a carbon copy, a fourth or fifth carbon copy of the actual document, coming from a provenance where you would expect such a document to emerge, namely the Chief Medical Officer of Dresden from whom Dr Walter Hahn, the photographer Walter Hahn, had obtained it. This clearly gave me food for thought that this document which had been

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mentioned dismissively by the Communist Mayor of Dresden apparently did exist and it is in the hands of the Deputy Chief Medical Officer of Dresden who considered it to be genuine. Does this sufficiently answer your question?

**Q:** No. I want to know how between your receipt of that document you are writing to on various occasions, though of course one could not be certain that the figures were right ----

**A:** Yes.

**Q:** --- thought the document was probably authentic, but you still thought that the figures might be unreliable.

**A:** Yes.

**Q:** You said as much in the memorandum you wrote about this document?

**A:** Yes.

**Q:** How it was that that doubt about the reliability of the figures had evaporated apparently by the time you wrote to Provost of Coventry on 6th November 1964?

**A:** I have not actually in that letter to the Provost of Coventry said there is no doubt that the figure is correct. I said take the document with its shattering figures and use it to raise money for the cathedral.

**MR JUSTICE GRAY:** Your answer is that the document appeared to you to be authentic because of its provenance?

**A:** Precisely, my Lord, and I was carrying out the proper enquiries at that time to try narrow, to focus in on the

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specific authenticity of its contents.

**MR RAMPTON:** But the answer to my original question is nothing had happened to bring any greater certainty about the reliability of the figures, had it?

**A:** No. The figure was as dubious as ever, but I had an improved perception of the authenticity of the document itself, and we now know that everything else about the document was accurate, the contents, because it was based ----

**MR JUSTICE GRAY:** Did it not cross your mind that it was a bit suspicious that the figure of 200,040 in the Tagesbefehl was identical with the leaked phoney figure, leaked propaganda

phoney figure?

**A:** You mean plus or minus a 0?

**Q:** No. I do not know mean that. I may have misunderstood the figures?

**MR RAMPTON:** No, your Lordship does not misunderstand. If you go back to the Kimber book, there was a propaganda document which mentions precisely the same figures.

**A:** Well, this is the same document. This is the Max Seydewitz obviously also had a copy of the document.

**MR JUSTICE GRAY:** But it might be said that an historian ought or his ears ought to prick up when he sees, well, it is the very same figure which Goebbels was putting into circulation for propaganda purposes?

**A:** I do not think your Lordship has understood me, with

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respect. The Max Seydewitz had the same document as I obtained. The Mayor of Dresden had the same document. He printed it in his own history of the raids. That is where I first found it in 1962 and I used it. Two years later somebody gives me the document. It is the same document.

**MR JUSTICE GRAY:** I follow that.

**A:** But it is now not coming from a communist party official. It is now coming from somebody who during the war was the Chief Medical Officer of Dresden, and for better or worse he himself considered it to be accurate. So obviously I have to take that into account. It is also not greater than the largest figure which had previously been said for the Dresden air raids. It only becomes suspect two years later with emergence from the archives then finally of the Police Chief's report which gives very similar figures but of one magnitude smaller.

**MR RAMPTON:** My Lord, I am going to go to 1965 in a moment, but perhaps I could preface that with this. My Lord, this is page 40 of tab 2. You had explained to the Provost of Coventry that one of the reasons why you had no doubt as to the authenticity of the document, I am not talking about the figures ----

**A:** Yes.

**Q:** This is the bit that is underlined. "I am myself in no doubt as to the authenticity of the document, in view of

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having obtained it indirectly from the Dresden Deputy Chief Medical Officer responsible for disposing of the victims who still lives in Dresden." That gentleman was a Dr Funfack, was he not?

**A:** Yes.

**Q:** He was never Deputy Chief Medical Officer of Dresden, was he?

**A:** If I wrote here that he was then certainly that is what I was informed at the time.

**Q:** He never had anything whatever to do with estimating the numbers of the dead, did he?

**A:** Well, if I wrote here any differently, certainly I did not know any differently.

**Q:** You knew, however, on 19th January 1965?

**A:** I knew what?

**Q:** That he was neither Deputy Chief Medical Officer nor had any responsibility for estimating the numbers of dead?

**A:** You are referring to the letter that he wrote me subsequently on the following page?

**Q:** Yes, 19th January 1965.

**A:** Yes.

**Q:** You have pinned your hopes on Dr Funfack, have you not?

**A:** Pinned my hopes on him for what?

**Q:** He was one of the routes to authentication, is that right, yes, authentication of this document in your mind, was he not, this Deputy Chief Medical Officer?

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**A:** Without you having read the document since he wrote it 35 years ago, I can tell you straightaway what the problem with this is.

**MR JUSTICE GRAY:** I suspect that is not quite so simple as it sounds. Shall we do that at 2 o'clock?

**A:** Very well. (Luncheon Adjournment) (2.00 p.m.)

**MR RAMPTON:** Mr Irving, we are in January 1965. My Lord, this is page 5 of the table and it is page 520 of Professor Evans' report. The person that you believe to be the Deputy Chief Medical Officer of Dresden at the relevant time, 1945, and whom you thought was likely to have corroborative information about the number of deaths and casualties, was a Dr Funfack, was it not?

**A:** Yes.

**Q:** Did he write to you on 19th January 1965?

**A:** He did, yes.

**Q:** You will find the original German of that letter at page 41 at tab 2 of this file.

**A:** Yes.

**Q:** A translation of, at any rate, part of that letter is set out on page 520 of Professor Evans' report. May I read it in English? If you have a quarrel with the English, please tell me or would you like to read the German original first to yourself?

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**A:** This is paragraph 3, is it, of ----

**Q:** No, it is actually paragraph 4 at the top of page 520. Professor Evans says: "On 19th January 1965 Irving received a letter from Funfack".

**A:** Yes.

**Q:** And, as I say, no good asking me ----

**A:** I am just puzzled by where it says, "... after six weeks of frantic marketing". I do not quite understand the significance.

**MR RAMPTON:** Never mind that. You can ask him about that.

**MR JUSTICE GRAY:** Yes, that is gratuitous.

**MR RAMPTON:** Let us try to keep to the dry facts, shall we, Mr Irving?

**A:** Yes.

**Q:** I would like you just to glance at the German first. It is no good asking me to do it.

**A:** I have read it during the lunch break.

**Q:** You did, good. Now I would like to read the English translation, if may. Funfack is said by Professor Evans to have told you this: "Why should I now, after 20 years, be put on the spotlight with the mention of my name in the West German papers and be named as a witness to the number of dead is a complete mystery to me". How did his name get in the West German papers, Mr Irving?

**A:** Presumably, the German edition of the book had been published by Bertlesman.

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**Q:** The German edition of what?

**A:** "The Destruction of Dresden".

**Q:** Your book?

**A:** Yes.

**Q:** In which you name Dr Funfack as a source for these figures, is that right?

**A:** If you say so, yes.

**Q:** "Exactly like everyone else", goes on Dr Funfack, "affected, I have only ever heard the numbers third-hand from city commandants with whom I was friends, from the civilian air raid protection, etc. But the numbers always differed greatly, I myself was only once present at a cremation on the Altmarkt, but otherwise completely uninvolved. Likewise, I was never Dresden's Chief Medical Officer or even Deputy Chief Medical Officer, rather I was always working, or worked, I always worked as a specialist urologist in a hospital. How one comes to such suppositions is incomprehensible to me. I did not have the slightest to do with rendering any such services. The photos of the cremations on the Altmarkt as well as the "Order of the Day 47" were also given to me by acquaintances. Therefore, I can give no firm [verbindliche] information about the figure of the dead but only repeat what was reported to me." Mr Irving, from that date you knew, did you not, that Dr Funfack was not your man?

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**A:** Can I comment first on the person of Dr Funfack?

**MR JUSTICE GRAY:** Well, answer the question first and then go back to that.

**A:** Well, the answer is, no, I did not accept that. My Lord, I gave you a little glossy brochure, a brown brochure, and if we were to open up the middle picture, it opens -- the middle, that is the picture section of my book, "The Destruction of Dresden", and you will see a rather horrible scene of the burning -- of the public cremation of the air raid victims; and Dr Funfack is one of the uniformed characters in the background of that picture. He had been identified to me on that and other photographs standing on top of one of the heaps of 1,000 bodies waiting to be cremated.

**MR JUSTICE GRAY:** Well, he says he attended one cremation at the Altmarkt?

**A:** Yes, that is correct. He was wearing Nazi uniform, a Nazi Party uniform. He is living in East Germany. They are all wearing uniform in that picture. He is living in East Germany a quiet life as a retired doctor in 1965, and this letter and the subsequent letter which he wrote me, which I am not sure if Mr Rampton is relying upon ----

**MR RAMPTON:** Yes.

**A:** --- makes it quite plain his agony at having been mentioned in the West German press. In the subsequent letter which I will draw your attention to ----

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**Q:** I will tell you its date. It is 19th March, I think, 1965.

**A:** 19th March, which is page 51, is it? Yes, page 51 of the bundle. He refers to his friendship with the City Commandant, General Mehnert, "who was a close friend of mine" and he anxiously then goes on to say, "He was, God knows, no Hitler fan, and for this reason he was particularly sympathetic in my -- sympathetically in my memory", and he continues either in this letter or in the next letter which he wrote, which I will now find, very significantly to say that the information that he had been mentioned in the West German press was brought to him by the officers of the Ideological Department of the Socialist Unity Party in East Germany who gave him a very rough time.

Now, I think it does not take very much perception or imagination to perceive the reasons why he

now denies that he was a senior medical officer in Dresden. I will put it no more strongly than that.

**Q:** That is it, is it, Mr Irving?

**A:** Yes.

**Q:** So you had no positive basis for continuing to assert that Dr Funfack, not only was Deputy Chief Medical Officer of Dresden at the time, but would know the figures?

**A:** I had had a lot of correspondence with people living behind the Iron Curtain, and I am very familiar with this

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kind of letter. All three letters that he wrote to me are riddled with the kind of sentences that one put in letters that one knows are going to be read by the Gestapo or by the Communist letter censorship authorities, repeating that his close friends were dedicated anti-Nazis, and so on. The information that I had that he was Deputy Chief Medical Officer of Dresden came from a reasonable and reliable source.

**Q:** Which was?

**A:** I do not know. But, obviously, I would not have stated it off the top of my head. But I would also draw your attention to the passage which Professor Evans has left out immediately following the part which he quotes, and I will translate it for you, after the words, "I can only repeat what was reported to me", and he then says what was reported to him which, for some reason, your expert has left out: "The City Commandant" ----

**MR JUSTICE GRAY:** Sorry, you are going just a little bit fast. I am trying to keep up with the highlighting.

**A:** I am continuing the quotation from January 19th 1965, my Lord. The letter of January 16th -- January 19th 1965, pages 41 and 42.

**MR RAMPTON:** It is on page 42, my Lord, I think.

**A:** On page 42.

**Q:** The sentence begins half way along the line at the first quarter of the page ----

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**A:** [German - document not provided] I am relying on that sentence which says: "The City Commandant, General Mehnert", who was a friend of Funfack, as he stated earlier in the letter, "spoke to me on about February 22nd 1945 of 140,000 dead, and Professor Fetscher" -- F-E-T-S-C-H-E-R -- "of the Civil Defence Organization spoke of 180,000 dead". And I should emphasise the fact that Professor Fetscher, the well-known Communist, a doctor, the father of very well-known West German politician now, Iring Fetscher -- I-R-I-N-G -- who was shot by the SS at the end of war, so it can be no suggestion that he was a Nazi propagandist, and that passage has been left out of the passage quoted by Professor Evans.

**Q:** It is there. It is on page 533 of Evans. It is a case for humble pie, perhaps.

**A:** Well, I take that back but, of course, he has not quoted it in the apposite part, the appropriate part.

**MR JUSTICE GRAY:** Just let me see why he divides it up.

**A:** Well, I am sure he had his reasons, my Lord.

**MR RAMPTON:** It is quite an interesting passage, is it not? Have you got 533?

**A:** Yes. He goes on to say that the International Red Cross sent people to investigate Dresden and, as will you notice on the rest of the bundle, I then went to very great lengths contacting the International Red Cross, locating

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the person concerned, and so on.

**Q:** Yes, have no fear. I am coming to the Red Cross, Mr Irving. It is a little bit further down the line the next month. I still am puzzled for an answer to my original question. What basis did you have for continuing to assert that Dr Funfack had been Deputy Chief Medical Officer of Dresden and would have known the figures?

**A:** Firstly, I had been informed he was the Deputy Chief Medical officer of Dresden. Secondly, this letter of denial is couched in precisely the kind of letters that you got from these Communist countries where people were terrified because they knew the problems that were going to open up for them. He had been visited by, as he says, officers of the Ideological Department of the Socialist Unity Party who had come and asked him penetrating questions about how his name had got into the Western press and ----

**MR JUSTICE GRAY:** I do not quite understand what he had to be ashamed of.

**MR RAMPTON:** Nor do I.

**MR JUSTICE GRAY:** If he had been in the SS or something like that, yes, but he was Deputy Chief Medical Officer. Is that something that ----

**A:** My Lord, it is difficult for us to appreciate living in a free democracy the kind of terror that people lived in, first of all, in Nazi Germany and then in the Communist

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East Germany. There were informants everywhere. People were being arrested at the drop of a hat, and the suspicion that somebody had been a senior officer in the regime or hierarchy of a Nazi German City, wearing whatever uniform and had not yet been punished for it, would certainly have persuaded me also to write this kind of letter and make repeated references in the letters to "my proper beliefs" and "my anti-Nazi friends", and all the rest of it, particularly as he then went on to give me very useful information which is the reason for writing the letter, that his friend, the City Kommandant of Dresden, General Mehnert, had told him the following figures, and that was what he obviously wanted to tell me in this very guarded manner.

**MR RAMPTON:** I quite appreciate, Mr Irving, you may have had, perhaps, quite sensibly inspired doubts about Dr Funfack's denial of knowledge. Did you ever make that clear to any of your correspondents or your readers?

**A:** No.

**Q:** That he had denied it?

**A:** No.

**Q:** You just suppressed the fact that he denied it and continued to refer to him in categorical terms as the Deputy Chief Medical Officer of Dresden at the time?

**A:** Indeed. In a letter immediately following, I referred to him as being a Senior Medical Officer in Dresden, which he

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clearly was, he was head of the urological department of one of the City's biggest hospitals, which is precisely the position that the Deputy Chief Medical Officer of the City would also have occupied, in my view.

**Q:** It follows, does it not, that ----

**A:** Can I draw your attention -- I am sorry to interrupt you -- page 42, at the foot of that first letter, it is very difficult to read, but I have read it during the lunch hour: "I learned of the naming

of my name in the press by a Mr [somebody] of the Ideological Commission of the Socialist Unity Party of the City administration in Dresden; and that is his way of telling me, "This is what all the above is about. I have been hauled over the coals by the local Communists because of this". [German - document not provided] It is an appalling copy, but that is what the words say, and that is what he is saying in this postscript.

**MR JUSTICE GRAY:** The irony is, of course, that he was right?

**A:** I beg your pardon?

**Q:** I mean, what he said, "It has nothing to do with me", he was right; it was not anything to do with him?

**A:** Well, except that he admits that he did have the copy of the document in a later letter. He said, "I have a copy of the document. I have the original here. You are welcome to come and see it, and he also tells me quite gratuitously that he knew from the City Kommandant, who

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was a close friend of his, which is exactly what you would expect of somebody who is Chief Medical Officer, that the figure was 170,000 or 180,000, and that the Professor Fetscher, who was the head of the Civil Defence, also stated such figures as early as 22nd February. So that is very much in the same order of magnitude as what the document said.

**MR RAMPTON:** Did you write to the Red Cross at the beginning of the next month, Mr Irving?

**A:** In view of the fact that Funfack said that there had been a Swiss Red Cross visit to Dresden, yes, I did.

**Q:** Sorry, it was at the end of January?

**A:** A very few days later, yes.

**Q:** I think on 4th February you got a reply, did you not? My Lord, this is the bottom of page 5 of the table.

**A:** Yes.

**Q:** I am afraid there is no copy of this. The reason for that is a simple one, Mr Irving. Your copies of these letters -- it is not a criticism -- are on microfilm, are they not?

**A:** Yes. All these negative ones, presumably, come off my microfilm.

**Q:** I do not know where they came from. When my researchers, our researchers, looked at them, they were able to see what they said. However, it was not possible to produce satisfactory photocopies of the copies made from the

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microfilm. Do you understand?

**A:** Yes.

**Q:** Does that sound technically likely to be right?

**A:** It sounds highly likely, yes.

**Q:** If you turn to page 534 of Evans, we see what the Red Cross said in their letter to you of 4th February 1965.

"It is correct to say" -- this is in paragraph 3, my Lord -- "that one of our delegates, Mr Walter Kleiner, was in the Dresden area during the period you mention, for the purpose of carrying out his duties of visiting camps. We have in fact in our possession the reports he made at the time on prisoner-of-war camps. We have, however, no information concerning the victims of the Dresden air raids."

Then so that we can telescope it, I think on 17th of the same month they wrote to you and said: "There were no prisoner-of-war camps in Dresden itself.

Consequently, Mr Kleiner's reports did not even allude to the air raids on the town."

**A:** Yes.

**Q:** That was a dead end, was it not?

**A:** Well, except that they gave me the name, the address of Mr Kleiner, and I then wrote a letter to Mr Kleiner which was also in this file which came back that he no longer lived there.

**Q:** But the Red Cross provide no confirmation one way or the

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other of the figures which were being floated around at this time?

**A:** No.

**Q:** How is it then, if you turn the page to page 8, that in the 1966 Corgi edition of your book -- it is in the middle of page 8 ----

**A:** Yes.

**Q:** --- I have asked Miss Rogers to try to find the page in tab 1 of the file?

**A:** What tab are we now on? I am now lost.

**Q:** I am sorry. I am at page 8 of the table at the moment. I am just searching for the reference in the Corgi edition. Thank you very much. My Lord, it is page 9 of tab 1.

**MR JUSTICE GRAY:** When you say tab 1, do you mean tab 3?

**MR RAMPTON:** Yes, I am sorry. I will find it in my own copy.

**A:** Perhaps you can help me -- what are we actually looking at now?

**MR JUSTICE GRAY:** I thought we were looking for the Red Cross-- here we are, yes. In the middle.

**MR RAMPTON:** I have found it.

**A:** In the middle of what?

**MR JUSTICE GRAY:** Sorry, tab L1, tab 3, page 9.

**MR RAMPTON:** Page 9, and this is page 225 of your 1966 Corgi edition, and in the middle of the paragraph which begins "shortly after", you write this: "On 22nd February

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1945, nine days after the attacks during the tour of allied prisoner-of-war camps in the Dresden area, Mr Walter Kleiner, the Swiss leader of an International Red Cross delegation, was in the presence of witnesses informed by the Dresden City Commandant, General Karl Mehnert, that the current death roll was 140,000." Where can that come from, Mr Irving? It did not come from Mr Kleiner, did it?

**A:** No, Mr Kleiner was dead at the time.

**Q:** And it did not come from the Red Cross either, did it?

**A:** Not at that time, but, I mean, without going back to my files and looking for this, I certainly would not have invented that passage. There are two possible sources. Either the Red Cross published a report which the person who made the response to me was not familiar with and I relied on that. That is one possibility. Or possibly one of the prisoners in the prison camp who kept diaries (and I had some of their diaries) was a witness of it.

**Q:** Well, I am sure you will produce them if you still have them.

**A:** Right.

**Q:** But you cannot tell ----

**A:** OK, no, I can see what this is.

**Q:** Well, tell us then.

**A:** This is derived entirely from the Funfack letter, quite clearly.

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**Q:** Did Funfack say anything about what Mehnert had told Kleiner? Funfack reported to you what Mehnert, his chum, had said to him, did he not?

**A:** Let us go back and see the letter then.

**Q:** Or have I misunderstood that?

**MR JUSTICE GRAY:** Can you just go a little slower -- where is the Red Cross letter?

**MR RAMPTON:** I am sorry. The first one did not reproduce, but the second one we do have, and I will give your Lordship.

**MR JUSTICE GRAY:** I could not find -- I was scrolling back and I cannot find the reference.

**MR RAMPTON:** It is page 43 of tab 1. That one did reproduce.

**MR JUSTICE GRAY:** Tab 2?

**MR RAMPTON:** 2. Tab 1 is Hungary. I am so sorry. Tab 2. It is dated 17th February 1965 and the first paragraph says: "There were no POW camps in Dresden itself.

Consequently, Mr Kleiner's reports did not even allude to the air raids on the town. Moreover, the ... (reading to the words) ... is only to hand its delegates reports to the detaining power of the prisoners power of origin", whatever that means.

**MR JUSTICE GRAY:** Right, so it did not come from there.

**MR RAMPTON:** It did not come from them.

**MR JUSTICE GRAY:** So the question is where it did come from.

**MR RAMPTON:** Well, Mr Irving says Funfack. If one looks back at page 42 ----

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**A:** Well, I suggest Funfack. Can I interrupt my own train of thought at that point and say the two following things? We have in this file approximately 100 pages of paper, do we not, which is a selection of, I suppose I had four microfilms of paper, 8,000 pages of paper were before you when you did your discovery, inspection of my discovery. So you selected 100 pages from 8,000 pages of paper, right? There is a clue to what the source is if you go back to page 42A under tab 2. If you read the second paragraph?

**MR RAMPTON:** I have not got that.

**A:** It is the letter which I wrote to the International Red Cross on January 27th, 1965: "On about 22nd February, a representative of the International Red Cross visited Dresden to ascertain, among other things, the fate of the prisoners-of-war in the City. The American Government kindly quoted to me details from the report your officer wrote." Now, that report, of course, is not in the discovery as is before the court.

**Q:** Carry on en.

**A:** Has your Lordship the passage? "I have just today learned from a leading Medical Officer in Dresden at the time that during visit of your officer, which he recalls as having been from 22nd to 26th February, all the casualty figures for Dresden were made available to your Officer, the Red Cross Officer".

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**Q:** Is that a reference to Dr Funfack?

**A:** That is to Dr Funfack, yes.

**Q:** Where is the communication from Dr Funfack which he says that he got the figures from the Red Cross or the Red Cross gave figures to Kleiner -- I am sorry.

**A:** The figures -- Funfack told me, is this correct?

**Q:** Funfack told you that Mehnert had told him. That is stage I?

**A:** That Mehnert and Fetscher had told him these two figures?

**Q:** Yes.

**A:** Right, so those would be the figures that would have been given on that date to the International Red Cross visitor, Mr Kleiner.

**Q:** But I want to know who told you that during the visit of Kleiner all the casualty figures for Dresden were made available to Kleiner.

**A:** The American Government report.

**Q:** No. "I have today from a leading Medical Officer in Dresden at the time that during a visit of your Officer all the casualty figures for Dresden were made available to your Officer".

**MR JUSTICE GRAY:** That must be information from Funfack?

**A:** That is correct, but I am referring to this letter dated January 27th which states originally, "The American Government has kindly quoted me details from the report your Officer wrote and you have not produced that".

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**Q:** But that is nothing to do with it. That is before the semicolon. I do appreciate your difficulty, Mr Irving, because you are being asked to produce the source for something out of a ----

**A:** 35 years ago.

**Q:** --- very, very large quantity of documents.

**A:** With respect, I see little difficulty. This is quite clearly sufficient material to identify the circles from which the information came which I wrote that paragraph on, namely there is an American Government report citing a report by the International Red Cross Officer, Mr Kleiner; that Mr Kleiner has visited Dresden and toured camps in and around the City; during that tour he has been told figures by Mr Funfack, as Mr Funfack recalls; Mr Funfack tells us in that letter what the figures were that he knew from the City Commandant and from the Civil Defence Chief, Fetscher.

**MR RAMPTON:** Where does Dr Funfack say that he gave Mr Kleiner the figures -- because that is what this letter says.

**A:** We have three Funfack letters to rely on. Which is the Funfack letter that refers to the International Red Cross? If you know that, that would be of use.

**MR JUSTICE GRAY:** Funfack's letter to the Red Cross or referring to the Red Cross?

**A:** Referring to the visit from the Red Cross.

**MR RAMPTON:** It is probably this one on 19th January.

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**MR JUSTICE GRAY:** Page?

**MR RAMPTON:** I do not know; it is in German.

**MR JUSTICE GRAY:** What?

**MR RAMPTON:** Sorry, it is in German.

**MR JUSTICE GRAY:** No, but it has a page number, 41.

**MR RAMPTON:** Yes, sorry, my Lord, yes. It starts on 41 and finishes at ----

**MR JUSTICE GRAY:** It is hopeless. I mean, not only are these almost illegible, but they are in German and why should one have to plough through them?

**A:** My Lord, I have read it actually during the lunch hour and there is the reference to the International Red Cross visit.

**MR JUSTICE GRAY:** I know, but I am complaining on my own behalf, you see, rather than

yours.

**MR RAMPTON:** I complain on my behalf as well.

**MR JUSTICE GRAY:** Well, why does somebody not do something about it?

**MR RAMPTON:** There are two reasons for that, (a) because I do not believe it is necessary because there is not any connection in Funfack's letter between the Red Cross and what Mehnert's version of the figures was, according to Funfack. Once again, Mr Irving has made a bridge where none exists. You have made a bridge a between Funfack and the Red Cross.

**MR JUSTICE GRAY:** Well, he is having difficulty (as I am) in

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even reading this document, let alone seeing what it actually means.

**MR RAMPTON:** The other reason, my Lord -- I will be quite honest about it -- unless it is strictly necessary, we do not translate things if they are already in an expert's report.

**A:** But you see one example of where your expert has left out a very relevant fact, namely that in the very next sentence ----

**Q:** Which is what?

**A:** --- my source was telling me about 180,000 dead as reported by the City Commandant on February 22nd and 170,000 dead as reported by Iring Fetscher, the Chief of the Civil Defence Organisation, and because that goes very closely to the 202,000 contained in the Grosse report, your expert left it out.

**Q:** Very good point, Mr Irving. Take it up with Professor Evans. My Lord, on page 533 of Evans you will find the relevant passage from Funfack's letter translated.

**MR JUSTICE GRAY:** I know it is there, but what we are looking for is to see whether there is anything about the Red Cross in this letter.

**A:** Oh, we have it, my Lord. It is on page 42, and I am sorry to disappoint Mr Rampton.

**MR RAMPTON:** No, it does not disappoint me. You are wrong, Mr Irving.

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**A:** The City Commandant ----

**MR JUSTICE GRAY:** What are you looking at? Come on, let us get ----

**A:** "The City Commandant, General Mehnert, spoke on or about 22nd February 1945 of 140,000 dead, Professor Fetscher of the Civil Defence Organisation of 180,000" ----

**Q:** Yes, but that has got nothing to do with ----

**A:** --- "but I have never seen written records of that. I attach great importance to the fact, to the facts in order to pay justice to the truth. Best of all, the delegate of the International Red Cross should know the facts who visited Dresden on about 22nd to 26th February under the leadership of a Swiss gentleman and to whom all the figures were placed at the disposal of."

**MR RAMPTON:** So you infer from that, do you?

**A:** Oh, yes. Oh, yes. Remember, we are writing a book on a very ----

**Q:** That is fine.

**A:** --- very little known document in history. We have a 50 year rule on the records of the British in force at that time. Dresden is behind the Iron Curtain. I am doing my little best. I think I have got very close to it with this one document where I am dealing with the man who was the Deputy Chief Medical Officer and who gives me figures given to him by his best friend, the City Commandant of the Chief of the Civil Defence, and he says, "We passed

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them on to the International Red Cross delegate". I then contacted the International Red Cross who told me the name of the gentleman. The American Government had the report of this delegate.

**Q:** So you have converted that letter and what you were told by the Americans into this proposition, if I may call it that ----

**A:** At set out in that paragraph of the book, yes.

**Q:** --- Mr Irving, that the Red Cross were told or Mr Kleiner, the Swiss leader of the Red Cross delegation, was told by General Mehnert that the current death toll was 140,000?

**A:** Yes, because that is the figures that Funfack is referring to.

**MR JUSTICE GRAY:** I think we must have a translation of the whole of that page. I mean, that is a very good illustration of why it is unsatisfactory to work off illegible German text.

**MR RAMPTON:** I will ask for it to be done. Every time it is done it costs money because it is better if it is done by an independent translator. I am resistant to doing it unless it is absolutely necessary. If your Lordship thinks it is necessary in this case, we will have that Funfack letter translated.

**MR JUSTICE GRAY:** Well, I can see Mr Irving's point. I mean, you may say he is adding two and two together and making five.

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**MR RAMPTON:** I do, yes, at least.

**MR JUSTICE GRAY:** And it is a point that would not have been apparent if Mr Irving had not spotted it.

**A:** Fortunately I took the lunch hour to read the whole letters.

**MR RAMPTON:** Well, the whole thing is translated in different places, I agree ----

**A:** But may I enquire at this stage whether the report of my conversation with Grosse's widow, the Police Chief's widow, is in this file? I cannot see it.

**MR RAMPTON:** I have no idea.

**A:** Right. That also appears to be a relevant document.

**Q:** Mr Irving, you have to make your own case. If there are documents which you think we have not included in the bundle which are going to undermine what any of my experts say in his report, then you must produce them.

**A:** My Lord, I should explain that the person who wrote this Tagesbefehl No. 47, Colonel Grosse, I tracked down his widow and interviewed her at length.

**MR JUSTICE GRAY:** I knew that, but I had forgotten the significance of that.

**A:** Well, she confirmed that, yes, she remembered her husband talking to her about that kind of figure.

**Q:** 202,000?

**A:** Yes.

**MR RAMPTON:** Now you also corresponded in February 1965,

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Mr Irving, with somebody called Theo Miller, did you not?

**A:** Theo Muller.

**Q:** Well, I have him as "Miller". Unfortunately, once again the copies -- M-I-L-L-E-R -- my Lord, this is page 538 of Professor Evans' report ---

**MR JUSTICE GRAY:** Thank you.

**MR RAMPTON:** --- and page 6 of the table. This is written in English, apparently. One can

probably see from reading what it says. My Lord, there is quite a lot of Miller and I do wish to draw attention to all of it. 538 to 540.

Might I ask that your Lordship and Mr Irving ----

**MR JUSTICE GRAY:** Yes, I would be grateful for the opportunity.

**MR RAMPTON:** --- read it to yourselves. Now, you have read those passages?

**A:** Yes.

**Q:** From Mr Miller's letters. Were they all in English?

**A:** I have no recollection at all of this man, but it appears to be a letter written in English by this German.

**Q:** There were two.

**A:** Yes. Do we know where he was living? Was it West Germany or East Germany?

**Q:** I have no idea. One of the 7th February and one of the 25th.

**A:** This is one problem. We are seeing only an extract like this rather than the whole letter.

**MR JUSTICE GRAY:** I think we will assume he is in East

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Germany. He is probably still in Dresden, is he not?

**A:** That is my suspicion.

**MR RAMPTON:** He has told you that he was a member of the Dresden clearing staff.

**A:** I just wanted to develop what I was saying there. Presumably the same kind of constraints operated on him as operated on Funfach when he wrote letters.

**MR JUSTICE GRAY:** His name had not gone public.

**A:** No but he is aware that any letter he writes from East Germany to England is going to be opened and read.

**MR RAMPTON:** Taking all that into account Mr Irving, that account from a man who, if he is telling the truth, was on the spot and could be expected to know the truth figures, if correct, totally exploded the 200 to 250,000 figure, did it not? This is in February 1965.

**A:** Yes.

**Q:** Do we find any reference to Mr Miller's account of the matter?

**A:** Anyone can play this game, Mr Rampton.

**MR JUSTICE GRAY:** No, that is not an answer.

**A:** I am just explaining.

**Q:** Yes or no?

**A:** The answer is no. I do not think so anyway, but there are very many witnesses who wrote to me who did not finally get mentioned in the resulting book.

**MR RAMPTON:** No. You have mentioned what may be a third or

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fourth hand hearsay account numerous occasions, apparently derived from Dr Funfach but which Dr Funfach denies.

Great faith you place in that third, fourth hand denied account of Dr Funfach. Do you not think that the account of Mr Miller ----

**A:** What is the third or fourth?

**Q:** Who claims to have been there, deserves a place by way of balance at the very least?

**A:** What is the third or fourth hand account?

**MR JUSTICE GRAY:** Answer the question and go back to that. I think the answer is obvious.

**A:** It is not. I will go back to that in a minute. Do I think this deserves a place? The answer is no.

**MR RAMPTON:** Why?

**A:** Because we have better quality evidence from somebody better placed to know.

**Q:** Who is that?

**A:** General Mehnert.

**Q:** He is dead.

**A:** Can I quote you the letter of 19th March 1965, page 51?

**MR JUSTICE GRAY:** I am really not going to stop you at all, but I suspect Mr Rampton would you like to just maybe answer one or two more questions about Miller first.

**A:** I was just stating in principle that anyone can play that game, that is where your Lordship stopped me earlier, picking documents that back up your own case and ignoring

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the rest, which is precisely what I am accused of.

**MR RAMPTON:** No, no, Mr Irving. You mistake me completely. I am not trying to prove a case about the number of deaths at Dresden one way or another. This is a mistake you habitually make. You make the same mistake in relation to Auschwitz and elsewhere. No, Mr Irving. I am wondering why it is that an honest, upright, careful, meticulous, open minded historian does not mention two alternative sources, the one of which claims to be a direct witness of what happened.

**A:** Are you saying that nowhere in my Dresden book do I state that there are authorities which hold that lower figures are more accurate? Is that what you are suggesting?

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

**A:** And that this person is not included among those authorities?

**Q:** I am very puzzled why an open minded historian desiring to give a balanced account of what the figures might be would not include this man who, on the face of it, appears to be a very powerful witness for the opposition.

**A:** Indeed. I am sure that Evans will have seized all the particular letters that run in that vein and said, here are all these ones and let us ignore all the rest, the same as he has ignored the figures that are presented in Funfack's letters.

**MR JUSTICE GRAY:** I think what Mr Rampton is saying is that

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this is a man, part of whose job was to try and record the numbers of deaths at the time. Does that not make him rather a specially valuable witness?

**A:** Purportedly he was.

**MR RAMPTON:** Did you follow him up?

**A:** Can I just finish what I am saying? When you write a book like this, you get letters from all sorts of people who claim to have been on the spot. If they do not provide some kind of instant justification, for example the man who took these ghastly photographs of the, so what, burnings on the Altmarkt, he produced to me his actual pass signed by the Gauleiter giving him permission to go through the police cordons. If someone comes to me with this kind of evidence and I am also looking for something which gives verisimilitude. Do you remember General Bruhns and the girl in the flame red dress that was still in his mind's eye? Looking at that letter, and it is difficult, having only two paragraphs presented to us, for me to say what caused me to put this lower down the ladder of reliability, because we are only just shown two paragraphs from it. It may have been the fact that it was typed on a very cheap typewriter or perhaps it was badly spelt and illiterate, and the person was not in the right position where he should be. But there may have been something and I cannot tell you after 35 years what it was that told me that this letter assigned

less importance to

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than the letter typed by Mr Funfach.

**MR RAMPTON:** Mr Funfach denied having had any direct knowledge of it at all. All he told you was that General Mehnert, who is dead, had mentioned a figure of, what, 180,000.

That is better evidence, is it, than the direct eyewitness testimony, on face of it, of Mr Miller?

**A:** If you turn to page 52, you will see Mehnert telling to Funfach, we were both absolutely astounded at the low figure of 35,000, which is given in the press here.

**Q:** I repeat it, Mr Irving. Mr Funfach says he was not there. He reports the words of a dead man.

**A:** He reports the words of a man who was alive at the time he spoke to him.

**Q:** You put that in the forefront and reach firm conclusions on the basis of it. You suppress what you were told by Mr Miller.

**A:** You say suppress. This implies that there has been a deliberate act of suppression of something because it does not agree with what I intend to say.

**Q:** Indeed. That is precisely my suggestion. You have got it in one, Mr Irving.

**A:** Nowhere in my Dresden book have I stated words to the effect that there are authorities which hold that lower figures are more credible, and that this kind of letter is not covered by that kind of statement.

**Q:** I did not say that, Mr Irving.

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**A:** I have repeatedly said, both in the Dresden book and elsewhere, there are upper figures and there are lower figures and you have to decide yourself what figure is more plausible. I then said I consider figure X to be plausible because ... and I have then given the reasons why, which is precisely the way that a scientist should do it. But for your Professor Evans to come along and say, oh, look at this letter which he ignored or suppressed, which is the word you use, is totally unjust.

**Q:** My information, for what it is worth, I do have a sort of ---- where does this come from? It is in an H1 file.

Mr Miller wrote to you, Theo Miller, from Ingoldstadt, Donau which I think is in West Germany, is it not?

**A:** Why is the entire letter not before us in this bundle so that I can form an impression?

**Q:** I am afraid, Mr Irving, somebody is to blame for that. It ain't me and I don't know the reason.

**MR JUSTICE GRAY:** The reason is that it is not legible. That is what it says in the table.

**MR RAMPTON:** It is jolly difficult to read.

**MR JUSTICE GRAY:** I think Mr Irving ought to have a look at it.

**MR RAMPTON:** I agree.

**MR JUSTICE GRAY:** If there is a point to be made, he ought to have the chance to make it now.

**MR RAMPTON:** That is the second letter. I do not know about the first letter.

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**A:** Anyone can use this tactic of coming along with isolated paragraphs and say, why did you not quote this and why did you not quote that?

**MR JUSTICE GRAY:** I have not concealed from you that I think it is all rather unsatisfactory.

**MR RAMPTON:** My Lord, this is not actually very funny, but that is the state of the first letter.

**A:** Well, let us see.

**Q:** The second letter is a bit more easy, so there they are.

**MR JUSTICE GRAY:** How much of the first page did Professor Evans -- he has a good imagination.

**MR RAMPTON:** When you read the microfilm, you can read them.

**MR JUSTICE GRAY:** Off the microfilm.

**MR RAMPTON:** I will not hand that one up.

**A:** Unfortunately, he says, my recollection is very poor.

**MR JUSTICE GRAY:** Whereabouts on the page? I think I have page you are looking at?

**A:** It is about line 10 of the first page, my Lord. "My recollection of names etc. is very poor. Please understand everybody" ----

**Q:** Yes, names. That is the point, is it not?

**A:** Yes.

**MR RAMPTON:** It looks as though you did write back to him, Mr Irving.

**A:** He says he is answering my questions.

**Q:** No, he wrote to you first, I think, on 4th February, 7th,

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that is the one we cannot read. The first line of this says: "Dear Mr Irving I thank you very much for your kind letter of February 21st". Do we have that in the bundle?.

**A:** Yes. That is the one I am looking at.

**Q:** ---- "Which I received today. Your compliments on my English are undeserved but Cassell's Dictionary being rather a help, I think I had better continue writing in English". Then I am afraid it gets harder and harder. Is there anything in that letter which betrays a good reason not to accept the evidence of Mr Miller, given that he is not after all writing under the heel of the communists of East Germany?

**A:** This is the second letter, not the first letter of course.

**Q:** No, but answer my question. I cannot read the first letter. It is blank. Is there anything about that letter which makes you suspicious of his veracity?

**A:** His veracity?

**Q:** Yes.

**A:** I do not think he is deliberately lying, no.

**Q:** No. so there is no reason to suspect his good faith?

**A:** Yes.

**Q:** Is there any reason to suspect that he is not telling what is accurate?

**A:** He is telling me what his recollection is of the events to the best of his ability, given what he admits is a poor recollection of details.

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**MR JUSTICE GRAY:** Names.

**A:** Well, names, etc.

**MR RAMPTON:** Names, and the effect of his evidence is twofold. First, that the amount of dead persons that they had managed to count by I think the middle of March was 30,000.

**A:** I would say may well be the result of cross pollination from the fact that this was the figure which was always stated in the western media and in the East German media.

**Q:** He writes in the middle of March 1945, "Our task was almost completed. The town was free

of corpses. My records at the clearing staff showed 30,000. If you assume that the amount of dead, completely burnt, etc. would reach 20 per cent, the total figure of victims will not exceed 36,000". Then he goes on to explain in quite a lot of detail in the second letter how it was impossible that 68,000 corpses could have been burnt in the Altmarkt, does he not?

**A:** Are you referring to the second letter of February 25th?

**Q:** Yes, February 25th, PS, which is set out on page 539 to 40 of Evans' report.

**A:** There is nothing on this letter of February 25th by nature of a PS, and there is no reference to those figures.

**Q:** Well, then poor Professor Evans must have made it up.

**MR JUSTICE GRAY:** Well come on, no. In a post script typed a day later.

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**MR RAMPTON:** Yes.

**A:** It is not on these pages I have here.

**MR JUSTICE GRAY:** No. I suspect that is the explanation.

**A:** Again, I can only talk in generic terms and say that I collected several thousand letters of this nature when I wrote the book, far more material than I could possibly use, and I would be looking for specific pointers in an instinctive way as to which letters were written. I think it is acceptable, it is common knowledge that some people have better memories than others. Some people have better short term or long term memories than others. They can be the same age, but their memory differs from person to person. I would have been looking for people who had specific information about specific events rather than more general information.

**MR JUSTICE GRAY:** I am sorry, Mr Irving, for interrupting, but I cannot understand how you could get more specific information than the information from Mr Miller, whose job it was to compile records, that his records at the clearing staff showed 30,000 corpses.

**A:** That is the only specific information contained in it.

**Q:** What more can you want than that?

**A:** If I was to sit down and type an index card on that letter, that is all it would contain. I would say, it says he was a member Aufrollungskommando based on such and such a place, recalls figure 30,000. Against that I would

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set the fact, well, this is the figure which all the West German Press says, this is the figure that the East German Press says, it does not really advance the cause of our knowledge. I would clearly recognize that as being an echo of what this man is reading in the press, my Lord, at that time.

**Q:** So he is a liar, then?

**A:** No, a liar is somebody who wilfully ----

**Q:** But he says, "My records at the clearing staff showed 30,000 corpses". That is a lie if what he really means is, "I read in the press the other day that it is 30,000".

**A:** I agree. I think he is fantasizing slightly.

**MR JUSTICE GRAY:** He is fantasizing?

**A:** Yes. We remember that Ada Bimko also remembered seeing 4 million in the Auschwitz record that she read.

**MR RAMPTON:** Mr Irving, we know, with the wonderful benefit of 20.20 hindsight, that, so far from Mr Miller being a fantasist, he actually got the figure more or less spot on, did he not?

**A:** His figure compares very closely with the figure contained in the police chief's report.

**Q:** And in the genuine TV 47, and in Reichert's book, and everywhere else you want to look, the true figure is somewhere between 25 and 35,000 at the maximum, is it not?

**A:** Except for the fact that, if you look at that little

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passage sideways on the letter, page 2, he says, "by the way, the figures of dead were reported every day to a central air defence staff in Berlin". Now, I am quite familiar with those records and there is no such figures reported from Dresden over that period. It is that kind of thing that would have lit a little alarm light in my brain. That is exactly the kind of place that I was looking for data like this, and had there been daily reports coming from this Aufrollungskommando in Dresden, I would have seen them.

**Q:** Now I wonder ----

**A:** I admit 20.20 hindsight is very nice, but we are not blessed with it.

**Q:** No. I only said that in the poor man's defence. For all I know, he is sitting in Ingoldstadt on the Donau, reading books of this case. You accuse him of being a fantasist. As it turns out, his information was almost precisely accurate.

**A:** Well I said this in response to his Lordship's suggestion that I was imputing that the man was a liar, and I thought that that was going too far, the fact that he said that they kept records, and the fact that he said, "we had 30,000", I would not----

**Q:** He was right.

**A:** I would not have said that this was evidence of lying. I would suggest that this was evidence of the fact that

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yes, he was telling the truth about keeping records and that he then tacked the figure of 30,000 on because he knew that was the newspaper figure.

**Q:** I am sure he will be delighted to read that in the newspaper. Mr Irving, I am going to leap ahead, if I may.

**A:** Perhaps one day I shall bring my entire Dresden records to court and then his Lordship can see how many thousands of pages these are selected from. This is a very easy exercise to perform, if you want just want to suggest that someone is suppressing documents.

**Q:** My Lord, I am now turning to page 9. I am going to the early summer May 1966. Have you got that, Mr Irving? It helps to follow the chronology?

**A:** We are back on your tabulation.

**Q:** Yes. I do not know whether Boberacht's discovery of situation report 1404 was communicated to you. Was it?

**A:** As I mentioned earlier today, I received both those documents in the same post on my return from abroad.

**Q:** In May 1966?

**A:** Yes, both the East German one and the West German one.

**Q:** Right. Which is which of those? Boberacht is East Germany, is he?

**A:** Boberacht was the head of the West German archives.

**Q:** His figures were 18,375 current death roll up to 22,345, expected death roll 25, and 35,000 missing, yes?

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**A:** Yes.

**Q:** Whereas the one from East Germany, we do not have the figures here but I know what they are and I am sure you do. So that up to early 10th March 1945 there were 8,735 dead, 2,212 badly wounded, 13,718 slightly wounded, and 350,000 homeless and long term re-quartered, did it not?

**A:** Yes.

**Q:** Upon receipt of those documents you must have given this problem some very considerable thought, did you not?

**A:** I discussed them with my London publisher.

**Q:** You wrote a letter to The Times?

**A:** My London publisher advised me to keep quiet about them.

**Q:** Never mind.

**A:** This is quite important.

**Q:** Oh no, Mr Irving ----

**A:** He said, you will do yourself discredit if you let people know that there are figures that dispute yours.

**MR JUSTICE GRAY:** But you form a judgment. You do not do what your publisher says?

**A:** If you are dependent upon your publisher for your entire livelihood, sometimes you do, my Lord.

**MR RAMPTON:** So much more so, Mr Irving, if I may be a little cynical for a moment, if you should go on trumpeting the 200 to 250,000 figure, and these two documents should be brought forth by somebody else. Much better to come clean to protect yourself.

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**A:** This was one argument I used to the publisher, of course.

**Q:** Quite right, too. You wrote to The Times. I am not going to read it out. On 7th July, it is at page 56 of this tab 2, you said that, in effect, you thought that the original TB47 figures were falsified and that you had no interest in promoting -- this is the last paragraph -- "or perpetuating false legends and I feel it is important that in this respect the records should be set straight".

**A:** I do not refer to TB47 in this document, of course.

**Q:** No, but that is what you mean, is it not?

**A:** But you implied that I did.

**MR JUSTICE GRAY:** Well, you do eat humble pie. One does not want to skim over this letter so quickly. In the second paragraph you do say you are to blame for all this, you got it wrong.

**MR RAMPTON:** Yes. Quite right.

**A:** Yes.

**Q:** You say at the end of the third paragraph -- Mr Irving, sometimes it is not good to be too much of a trainspotter -- "Two years ago I procured from a private East German source what purported to be extracts from the police president's report" -- that is the forged TB47, is it not?

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

**Q:** -- "quoting the final death roll as a quarter of a million. The other statistics it contained were accurate but it is now obvious that the death roll statistic was

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falsified, probably in 1945".

**A:** Yes.

**Q:** That is a reference to TB47.

**A:** Yes.

**Q:** And a recognition that it was a forgery?

**A:** That is correct. No, that the figure was falsified.

**Q:** Yes. I agree.

**A:** The document was genuine but the figure was falsified.

**Q:** Sure. That is what you do if you are a reasonably good liar or forger. You get as close to the truth as possible but falsify the crucial fact. Now, in August 1966 you were ----

**A:** Can I just draw your Lordship's attention to the fact that what you are looking at on that page 56 is not the actual page from The Times, which actually looked like this ----

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

**A:** That I went to the trouble of having 500 copies of that letter printed at my own expense.

**Q:** I see.

**A:** That is what you are looking at there. I wonder how many historians would actually do something like that and sent it to historians around the world to correct the error that I thought I had made.

**MR RAMPTON:** That is what is troubling me, Mr Irving.

**A:** I am sure.

**Q:** No, for quite a different reason. In August 1966 an

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Italian edition of your book was about to be published, was it not?

**A:** Yes.

**Q:** Can you please turn to page 65 of this tab? My Lord, I am now on page 10 of the tab. You wrote to your Italian publisher, a Miss Calabi on 28th August 1966: "Dear Miss Calabi, thank you for your letter. I have now written out the few alterations that are ideally necessary for my book, The Destruction of Dresden, in the light of the new documents I have obtained from Germany." Those are the two documents we have just been discussing, are they not?

**A:** Yes.

**Q:** Thank you. "They are not too sweeping because, despite what I wrote in The Times, I do not think too much importance can be attached to the figures given in the new German documents. On the other hand, they cannot be ignored. I have marked a copy of the Corgy edition of the book and I am sending it to you separately. I do not think it is necessary to print my letter to The Times as an appendix, as this would call unnecessary attention to the new documents. If you have any urgent comments, I am at the following address in Spain, yours sincerely". What does that letter mean, Mr Irving? You tell me. I know what I think it means, but you tell me.

**A:** I have no idea. This letter was written 34 years ago.

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Would you run your own hypothesis past me?

**Q:** My hypothesis is a suggestion which you will need to deal with. You had written to The Times. You had withdrawn, and you had accepted, on the basis of those two documents, that the original figures were pie in the sky. But now you do not want to draw attention to them. Why not?

**A:** I will tell you what puzzles me, Mr Rampton, and that is why you have not included in this bundle the actual changes that I made, so his Lordship can judge whether they were apposite or not. I have them here and they are in the little bundle I gave your Lordship this morning.

**MR JUSTICE GRAY:** I think we ought to look at them.

**MR RAMPTON:** It is quite right. We should look at page 63, Mr Irving, which is in fact

Montadori, the publisher, writing to you. She says on 15th July 1966: "Dear Mr Irving, I have seen your letter to the editor of The Times on the figures of the bombing of Dresden in 1945 and I wonder whether you would like us to publish it as an appendix to a possible reprint of a populicia Dresda".

**A:** Yes.

**Q:** Your response was, I had better keep off that, I do not want too much attention to be drawn to these two new documents. Now why?

**A:** Why do we not just look and see the changes I sent to them?

**MR JUSTICE GRAY:** I think, if you want to and I see why you

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want to, I think we should. The difficulty I have is that I do not quite know where they are.

**A:** Pages 6 and 7 of the little bundle, the one with the photograph in the front.

**MR JUSTICE GRAY:** Has Mr Rampton got this?

**A:** Yes. Everyone has it.

**MR RAMPTON:** I hope so.

**A:** It is page 6, right at the back, my Lord, the last two pages. Unfortunately, my secretary has stapled in inverse order. That kind of thing happens. Alterations in the text of destruction of Dresden resulting from -- I draw your attention, my Lord, to the very last item on page 2 of the last but one. Delete this appendix, the order of the day, No. 47, so that was out.

**MR JUSTICE GRAY:** Wait a minute.

**A:** I am beginning to understand why this document is not before the court until I brought it this morning.

**Q:** Are you referring to the English edition page numbers?

**A:** This was the Corgi edition, but the same document went to all the publishers. It is dated August 28th, as can you see. It is the same date as my reply to the Italians.

**MR JUSTICE GRAY:** Have we got the Corgi edition?

**MR RAMPTON:** S of it. I have not got the whole.

**MR JUSTICE GRAY:** This exercise is not going to achieve much unless we know what is actually in the Corgi edition.

**A:** Except, my Lord, if you look at the long paragraph I am

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saying to insert on the second half of the first page ----

**Q:** Page 226?

**A:** Yes. That is my treatment of the new evidence.

**MR RAMPTON:** Yes. I am reading it.

**A:** That was my take on the new documents as of that day.

**Q:** Yes. It is the paragraph underneath the big paragraph which is going, you are suggesting, to go on to page 226, which starts "These figures must be regarded with extreme caution".

**A:** Yes. That is still my position to this very day, in fact.

**Q:** Oh, is it? I see.

**A:** I am curious that this was not included in your bundle.

**Q:** Do not worry, it was not deliberate. Miss Rogers could not find it.

**A:** It was not suppressed in any way, was it?

**Q:** No, of course not. It is in the bundle anyway, Mr Irving, if you bothered to read the papers. This is a bundle prepared by us. Suppress, my foot!

**A:** It is in now.

**Q:** My Lord, can we put it in this bundle?

**MR JUSTICE GRAY:** I was thinking exactly the same thing.

**Q:** It should go behind the letter to Miss Calabi, should it not, so it should be 65A and B.

**MR JUSTICE GRAY:** Where is this going?

**A:** It should be behind the next one actually, behind 65A. It should become 65B perhaps.

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**MR RAMPTON:** 65B and C. You have written in similar terms to Miss Amy Howlett, I see, on 28th August?

**A:** I wrote to all the publishers who at that time had the book under licence.

**Q:** Right, Mr Irving, let us get to grips with it. What are your reasons for being suspicious of the new figures which suggest a maximum of, say, 30,000?

**A:** Well, it was not a maximum of 30,000. He mentions of course all the numbers of those missing, and so on.

**Q:** Yes, 35,000 missing. A whole lot of people fled the city, did they not, after the bombing?

**A:** Yes. The reasons for my being suspicious, even of those figures, are, firstly, the statements by Mehnert and Fetsher as quoted by Funfach. Secondly, comparison of the disaster that had befallen Dresden with the disasters that had befallen similar cities under similar conditions. Thirdly, the statements by large numbers of Dresden civilians that they considered those figures to be far too low.

**Q:** This is hard documentary evidence dating from the period by the Nazis themselves.

**A:** Fourthly, that the man who drew up the report dated March 10th 1945, the police chief of Dresden, was ipso facto also in charge of civil defence precautions for Dresden, the air raid shelters and so on, and so, if there had been a huge casualty resulting from inadequate provision of air

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raid precautions, he was largely to blame himself, so he would have every justification to keep his estimates as low as possible.

**Q:** Is it not odd? He has therefore doctored both reports, has he, or had them doctored?

**A:** I am not saying he has doctored them, but the police chief of a German city was also ex-officio the head of the air defence precautions for that city. He was in charge of ensuring the underground air raid shelters, the static water tanks and so on. In the case of the biggest disaster in German history like this, he must have been deeply conscious of the fingers being pointed at him for having provided no air raid shelters and inadequate air raid precautions for the city.

**Q:** So, Mr Irving, what is your rational, calm, best estimate of the likely death toll at Dresden now?

**A:** In the latest edition of my book, *Apocalypse in Dresden*, which was published two years ago, I think I estimated that the best margins for the figures which I would accept would be between 60,000 and 100,000, which brings down the original figure that I suggested substantially, which still puts me in a bracket above that contained by the police chief of Dresden. But I have explained in that book the reasons for these calculations. I have not just stated this as being gospel. They are not carved in letters of stone.

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**MR JUSTICE GRAY:** Mr Rampton, this all started with a document coming to light and I am trying to find where that is, because I do not think we ever looked at it, did we?

**MR RAMPTON:** Which was that, my Lord?

**MR JUSTICE GRAY:** This particular line of cross-examination all started with a particular document coming to light, the report.

**MR RAMPTON:** Two documents, my Lord.

**MR JUSTICE GRAY:** I am trying to find it in the table and I do not think we have looked at it, have we?

**A:** It is almost illegible, my Lord. It is printed as an appendix to the Corgi edition of the book. It is page 1 under tab 2, that is, the major police report, and on page 8 of tab 2 there is the minor one which was found in the West German archives.

**Q:** Thank you very much. That is very helpful. We have not actually even read what Evans says it says.

**MR RAMPTON:** I have given the figures. They are here. We will look at Evans if your Lordship pleases, 546 and 547. There is no dispute about what they say, I do not think, and there is no dispute about their genuineness, as far as I know.

**MR JUSTICE GRAY:** No, but I need to know, do I not.

**MR RAMPTON:** I did read the figures out, but your Lordship should see them. On page 545 your Lordship should start, which is the so-called final report of 15th March 1945,

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and it had all the right signatures on it.

**MR JUSTICE GRAY:** Broadly speaking, they are all saying the same thing.

**MR RAMPTON:** Yes.

**A:** The statistics are exactly the same.

**MR JUSTICE GRAY:** What puzzles me is why you do not accept -- I suppose the reason why you do not accept these three more or less unanimous reports are the reasons you have just listed from 1 to 4. Is that right?

**A:** The underlying reason is that the report specifically states that this is the status as of March 10th, at which sometime the city was still completely ruined. The cellars had not been cleaned out. The whole of the centre of the city, I am sure your Lordship has seen the photographs of what Dresden looked like afterwards. They did not have the manpower to dig out the bodies, whatever figure he gave was an estimate. He said we have done this so far. We have counted these bodies. The latest book published by the East German authority goes into enormous detail. They have now dug out of the archives the cemetery registers of how many bodies were delivered to the local cemeteries and how many rings were taken off the bodies and how many shoes were taken off the bodies and shipped off to be recycled elsewhere.

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

**A:** Frankly, truck loads of shoes were taken off the bodies.

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**MR RAMPTON:** Do you know how many bodies were discovered under the ruins of Dresden between 8th May, that is the day of the German surrender, in 1945 until 1966?

**A:** Yes, I have read what the latest book says on that and it is very illuminating. They have done a very thorough piece of research on that.

**Q:** 1800. Do you know that between 1990 and 1994 when I have no doubt Dresden was being extensively rebuilt after reunification, they found no bodies at all?

**A:** Yes. If you see the heaps of ashes, do you think they managed to keep account of the heaps of ashes? You are not looking, Mr Rampton, but you will see the photograph here, the heaps of ashes in the background.

**Q:** Put your horrid photograph away, please, Mr Irving.

**A:** Two photographs.

**Q:** Tell me how many people.

**A:** You see heaps of ashes and you tell me how they can count them.

**Q:** Tell me how many people you think were incinerated in the Altmarkt after the 13th to 15th February 1945?

**A:** Large numbers.

**Q:** Tell me how many. 35,000?

**A:** Large numbers were incinerated.

**Q:** Maximum of 9,000, is it not?

**MR JUSTICE GRAY:** Give us your best estimate, Mr Irving.

**A:** I do not know, my Lord, not off the top of my head without

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looking at the figures.

**MR RAMPTON:** Where did the 35,000 missing people go? They have not been found in the ruins. You cannot incinerate that number in the Altmarkt. Where did they go, Mr Irving?

**A:** Have you ever read -- I will not put this as a question. I have read the report of the police chief of Hamburg on the after effects of the British fire storm air raid on Hamburg, which described how, in the cellars and bunkers, they just found heaps of ashes, because the bodies had just self incinerated inside these buildings in the heat. Tell me how you can count them.

**Q:** The fact is, Mr Irving, that the scientific, the cold objective, clear headed assessment of those who investigated this matter in depth cannot get you beyond the figure of 30 to 35,000, at the very most, for those that died. Is that not right?

**A:** No, it is not.

**Q:** Well, answer my question, please.

**A:** If you have been to Dresden, I have not been to Auschwitz but I have been to Dresden and I have been to the cemetery where they buried the bodies, and there is a big monument above the mass grave which says in a German poem: How many lie here? Who knows the number? Nobody knows.

**Q:** I repeat my question. I am not going to get an answer, I know, where did the 35,000 missing go? They are not found under the ruins, they cannot be burnt in the

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Altmarkt. Where they have gone?

**A:** I gave one answer and that is to say a large number were cremated live in their homes. I do not think you have any perception of what a fire storm does to a city. There is not very much left in the centre after it has passed.

**Q:** Have you been in one, Mr Irving?

**A:** I spent 3 years of my life investigating this one. I am deeply ashamed of what we did.

**MR JUSTICE GRAY:** Mr Rampton, it is my fault. I am not quite understanding your question about where did the missing 35,000 go.

**MR RAMPTON:** My Lord, one of the documents said, I think it was the final report, no, it was the other document, situation report No. 1404, page 547 of Professor Evans' report, my Lord,

paragraph 3, I will read it: "Simultaneously on 13th May 1966 the West German archivist, Dr Boberacht, drew Irving's attention to the discovery of a document in the Federal Archive in West Germany that confirmed the authenticity of the final report (that is to say the real one). Amongst the situation reports on air raids on Reichs territory dated between 23rd February and 10th April 1945 situation report No. 1404 of the Berlin chief of police", that is the Berlin chief of police Mr Irving, "dated 22nd March 1945 had appeared, a document dated the very same day as TB47. In it the same data were recorded as in the final report

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including the then current death roll of 18,375".

**A:** Can you tell me what page you are on, please.

**MR JUSTICE GRAY:** 547.

**MR RAMPTON:** "A predicted death roll of 25,000, that is total, and a figure of 35,000 missing". Now, Mr Irving, if, which is insane, but if you propose that all those 35,000 were incinerated in the fire storm as opposed to some proportion at least having fled the city and not come back, particularly if they happen to be refugees, if you add those together, what is the total that you get?

**A:** I do not know. Tell me.

**Q:** 60,000, is it not?

**A:** If you look at page 9 of the first major report dated March 15th, where it says, "personal damage, damage to persons", it says: "By 10th March in the morning we determined 18,375 killed, 2,212", these are actual bodies they have counted.

**Q:** No 2,212 is badly wounded, not bodies.

**A:** I am saying badly injured, yes.

**Q:** So some of those might die.

**A:** 350,000 homeless.

**Q:** Yes.

**A:** 350,000 homeless.

**Q:** Yes, Mr Irving.

**A:** Right.

**Q:** Not incinerated in a fire storm.

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**A:** If they count 18,375 killed, that means they have had the actual bodies stretched out in front of them and they have done a head count. If you see the damage to the city of Dresden, the way it was, you will know there were not bodies in the centre of the city. There were just heaps of ash.

**MR JUSTICE GRAY:** My impression was -- I probably got this wrong -- that they actually were rather thorough in the Altmarkt and that they did try and identify all the bodies that were there. Is that wrong?

**A:** My Lord, if you look at the second page, you will see them doing some of the identification. The bodies have been laid out, there are the horses, they have been taken off the horse drawn carts, but these are not bodies that have been cremated in cellars. These are bodies that have been taken into the Altmarkt to be cremated.

**Q:** No, but I think you just said, did you not ----

**A:** They have done what they could. They have taken the rings, they have looked at the inside of the rings to see the initials that are engraved inside the wedding rings.

**Q:** When you refer to heaps of ash, I thought you were seeking to suggest that you did not know

who had been incinerated in the Altmarkt.

**A:** Certainly, these ones, the big funeral pyres, they would have done what they could to identify them and that is what Funfach is doing in the photograph in the centre of

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the book I showed you, but in the Hamburg air raid it is very clearly described, in fact in horrible detail about what people found when they went into the basements and what they found when they went into the bunkers. In Hamburg alone 48,000 people were killed. That was in a city that had been completely prepared for air raids with air raid shelters and bunkers and anti-aircraft guns, and the city was aware what air raids were, they had air raid sirens. This was a city with a million refugees, many of them camping out in the open streets with no shelters.

**MR RAMPTON:** Now, Mr Irving, a little bit of arithmetic, if you do not mind. I added together the prediction, 25,000, in the situation report 1404, to the 35,000 missing.

**A:** Yes.

**Q:** Making 60,000.

**A:** Yes.

**Q:** That is already an exaggeration because, if you base your prediction on a figure of 18,375, some part of those predicted 25,000 are going to come from the 35,000 missing, are they not?

**A:** I think these are very round figures indeed. Nobody knew how many people were in the city that night because of the refugees that had poured in from Bresslau and all the eastern provinces fleeing the Russian advance.

**Q:** If you push it as far as you possibly can and assume that all the missings are going to have to be added to the

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18,375 as dead people, quite ignoring the probability that the whole lot of them actually just left and were never found again, at any rate by 22nd March, you only get a figure of 53,000, and that is a pie in the sky, over optimistic in your terms, exaggerated estimate even then, is it not?

**A:** I did all these calculations at the time back in the 1960s, backwards and forwards from every possible available source.

**Q:** Well then, why did you write in Hitler's War in 1991, page 739, the night's death toll in Dresden was estimated at a quarter of a million?

**A:** Because it was. The estimates that came to Hitler on that day were quarter of a million.

**MR JUSTICE GRAY:** Can you just go a little slowly at the moment?

**A:** I am sure that Mr Rampton has anticipated that answer because I can see a little triumphant smile coming.

**MR RAMPTON:** Mr Irving, I mean really ----

**A:** It is so obvious that ----

**MR JUSTICE GRAY:** If I may, I would just like to have a look at that.

**MR RAMPTON:** I am sorry.

**MR JUSTICE GRAY:** What we have not done so far is seen what Mr Irving was writing in his books as opposed to writing to the Provost----

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**MR RAMPTON:** That is what I am coming to now. I have leapt into the future because it is very interesting to see what Mr Irving made of this information. I will take it a little more slowly

perhaps.

**MR JUSTICE GRAY:** In the end this is what matters, is it not?

**MR RAMPTON:** Of course. Oh, of course.

**MR JUSTICE GRAY:** Are there any earlier references than Hitler's War?

**MR RAMPTON:** These came to light in 1977, so I will start after that, if I may. Your Lordship in tab 3 will see a page, I think page 18, of the book Goring by Mr Irving, which was published in 1989.

**MR JUSTICE GRAY:** I am going to have to have an index to these files, am I not?

**MR RAMPTON:** I hope so. I hope I get one, too. You must have an index and it would be very nice to have an index for each file.

**MR JUSTICE GRAY:** That is what I am talking about.

**MR RAMPTON:** You should, if I may say it, and I am not criticising anybody, so that everybody can hear ----

**MR JUSTICE GRAY:** So that it gets done.

**MR RAMPTON:** You should have, I think, an index for the whole set of files, and in each file there should be a separate index so far as possible.

**MR JUSTICE GRAY:** Yes. The unfortunate thing is that I really need one when these files are produced, not later.

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**MR RAMPTON:** I know. Your Lordship will find in the table, if your Lordship turns to page 11, that the mistress of the documents has written in the reference.

**MR JUSTICE GRAY:** Yes. I was forgetting that.

**MR RAMPTON:** Page 18. This is in 1989, and this by Mr Irving's standards, I have to say, is a relatively conservative estimate.

**A:** What page are you on? Page 18 you say?

**Q:** Page 18 of the file, Mr Irving, yes, page 554 of the book. At the bottom of the big paragraph in the middle of the page you are writing about Dresden and you write in the last sentence: "The death toll of that night's massacre would rise to over 100,000".

**A:** I cannot find it.

**Q:** It is the last sentence of the big paragraph in the middle of the page.

**A:** Which book are we at?

**Q:** Goring, page 454 at the top, 18 in a round circle in blue biro at the bottom right hand corner.

**A:** I have no round figures on mine. Is this in tab 3?

**MR JUSTICE GRAY:** If you do not have pagination on the bottom you are going to have----

**MR RAMPTON:** You will find a Goring between two black lines.

**MR JUSTICE GRAY:** Somebody really ought to have paginated that bundle.

**MR RAMPTON:** My Lord, I quite agree.

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**MR JUSTICE GRAY:** I do think, bearing in mind how much time, energy and money has been spent on preparation for this case, that that sort of thing really ought to have been done. It is not fair. He has enough to contend with.

**MR RAMPTON:** I agree.

**MR JUSTICE GRAY:** It is about ten or eleven pages in to that tab 3.

**A:** I have it, yes.

**MR RAMPTON:** I am sorry about this. The last sentence of the long paragraph in the middle of

the page, Mr Irving.

**A:** Yes.

**Q:** You are talking about Dresden: "The death toll of that night's massacre would rise to over 100,000".

**A:** Yes.

**Q:** Where did that figure come from, Mr Irving?

**A:** That is my figure.

**MR JUSTICE GRAY:** That is not really an answer, is it?

**MR RAMPTON:** Certainly it came out of your head, but what is it based on?

**A:** All my books come out of my head.

**Q:** Yes, sure. What is it based on? You accuse poor Mr Miller of being a fantasist.

**A:** I am not purporting to write something from my own experience, which Miller was. If this is my best estimate on the evidence that I have up to that point when I wrote this manuscript, which was 1980 something, my best

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estimate of what I knew. This would be about 1984 that I wrote that.

**Q:** 1991?

**A:** Previously, of course, I had said 135,000, so I am bringing the figure down by now.

**Q:** If we turn over two pages in this file -- one page will do actually.

**A:** Yes.

**Q:** I do not know. This is from Hitler's War 1991.

**A:** Yes.

**Q:** And you are writing about, I think, the reaction to Dresden. I have not read this page 738 but am I right about that?

**A:** Yes.

**Q:** The reaction in Berlin?

**A:** Yes. You remember this book is viewing everything from inside Hitler's bunker.

**Q:** Of course, I understand that. When you write at the top of the page, therefore, tell me if this is right, the night's death toll in Dresden was estimated at a quarter of a million, that was the estimate that Hitler was being given, probably by Goebbels. Is that right?

**A:** Not by Goebbels necessarily, but it is quite clear by this time, when you have been reading 739 pages of this book ----

**Q:** I do not want to take any false point. That is not an

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estimate you are giving to the reader of your own?

**A:** No.

**Q:** Then the 1995 edition -- wait a minute, I have leapt ahead of myself. We will come back to it, Mr Irving, when we have the document, but I just want to ask the question whether you remember on 28th November 1991 saying in an interview with This Week that there were 25,000 killed at Auschwitz and that "we (that is Allies) killed five times that number in Dresden in one night"?

**A:** I probably would have said four times or five times.

**Q:** Check it.

**A:** I do not know. I would have to see what I said.

**Q:** If you did say that, what it means is that you are saying to the viewers on 28th November

1991 that 125,000 were killed at Dresden ?

**A:** I would need to know exactly the words I used in that statement.

**MR JUSTICE GRAY:** Rather than leave these things dangling in the air. Have we not got that somewhere?

**MR RAMPTON:** The files have been taken away to be marked up for another purpose which your Lordship knows, the K files.

**MR JUSTICE GRAY:** I have probably got them here, have I not?

**MR RAMPTON:** Your Lordship probably ----

**MR JUSTICE GRAY:** I would much rather not leave points hanging in the air or we will forget about them.

**MR RAMPTON:** I agree.

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**A:** If your Lordship knows can I know too?

**MR JUSTICE GRAY:** I was going to show you my copy. I am not going to keep it from you. The whole point was to show it to you.

**MR RAMPTON:** I cannot tell your Lordship where to look, I am afraid.

**MR JUSTICE GRAY:** Can you tell me even the letter of the alphabet?

**MR RAMPTON:** The date is 28th November 1991.

**MR JUSTICE GRAY:** What is the file called?

**MR RAMPTON:** K3, says Miss Rogers.

**MR JUSTICE GRAY:** K3.

**A:** This is a transcript of a Thames Television This Week film?

**MR RAMPTON:** No, it is a transcript of an interview with you This Week.

**MR JUSTICE GRAY:** Somebody has removed my K3.

**MR RAMPTON:** What I am going to do is to read out your exact words.

**A:** I always like to see the context of what things are being said.

**MR JUSTICE GRAY:** It is going to be shown to you.

**MR RAMPTON:** I am going to show you the whole page and a half that I have. I am going to read it out and if you have read it and say I have missed something or I am being selective, then please tell us.

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The interviewer, whose name I know not, asked you: "So what is the point of quibbling about the exact number of Jews that were killed by Hitler? Irving: Exact numbers are important. Look at Auschwitz, about 100,000 people died in Auschwitz. Most of them died of epidemics as we know now from code breaking", that is to Hinsley decrypts. "So even if we are generous and say a quarter of them, 25,000 were killed by hanging or shooting, 25,000 is a crime, that's true. 25,000 innocent person executed by one means or another, but we killed that many people, burning them alive in one night, not in three years in a city like Fauchheim. We killed five times that number in Dresden in one night, equals 125,000."

**A:** We killed I think 17,000 in Fauchheim in one night and five times that is less than 125,000.

**MR JUSTICE GRAY:** No, but that is not rally the relevant bit, is it?

**A:** That is precisely why I would like to see the original quote.

**MR JUSTICE GRAY:** Let Mr Irving have a look at and see if and make any point you want.

**A:** I am not really going to quibble about this, because to my mind if I said it is 125,000 and Mr Rampton says it is only 100,000 in my mind, or you said only 100,000 before, this kind of

chiselling around major catastrophes I find regrettable, repugnant. I will have a quick look at it.

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The reason I want to look at it, my Lord, is because Professor Evans by suppressing one word in a quotation from a certain letter has totally reversed another passage.

**MR JUSTICE GRAY:** You are absolutely entitled and right to ask to look at it.

**MR RAMPTON:** Yes.

**A:** Here I am going to have to say I want to hear the sound recording to see if I said five times or not or four times. If they are going to quibble on that kind of word I want to what hear if I said four or five.

**Q:** It is not a quibble.

**A:** It is a quibble.

**Q:** You said yourself, Mr Irving, that the figures are exact.

**A:** That is why I think it is important I should know whether I said four or five. Is that This Week recorded by the way?

**Q:** Yes, I think so.

**A:** I will listen to it at home. I have it on tape.

**Q:** By all means do.

**MR JUSTICE GRAY:** Please do.

**MR RAMPTON:** Mr Irving, remember the Leuchter press conference? My Lord, I am sorry, I have jumped a date, 23rd June 1989, page 11 of the table. I have got the transcript here.

**MR JUSTICE GRAY:** What is the reference? It is in D2

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somewhere.

**MR RAMPTON:** The actual file is D2(i) tab 5, page 10.

**MR JUSTICE GRAY:** Thank you. Does Mr Irving have a copy?

**A:** Yes.

**MR RAMPTON:** You start at the bottom of page 9. This is the question and answer session of the Leuchter press conference. Does your Lordship have it?

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

**MR RAMPTON:** Mr Irving, have you got it? I am starting with Irving at the bottom of page 9. "I am suggesting to you alternative explanations to the gas chambers, because obviously as the gas chamber now turns out to be phoney, then we have to try to explain what happened to the figures". I think you probably meant the people.

"Now one possible reason is the large number of Jews that turned up in the state of Palestine which is now the state of Israel. Jews in Israel did not come from nowhere. Another part of them when Auschwitz was liberated was set out on the roads and shipped westwards where they ended up in cities like Dresden".

Pause there, Mr Irving. What evidence do you have that any of the people from Auschwitz went to Dresden?

**A:** I say cities like Dresden.

**Q:** Let us read on in the light of that answer.

"I do not have to tell you what happened in

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Dresden three weeks after Auschwitz was evacuated by the Germans. One million refugees on the streets of Dresden at the time when we burnt Dresden to the ground killing anything between 100,000 and 250,000 of them"?

**A:** Yes.

**Q:** Of whom ----

**A:** Of the 1 million people on the streets of Dresden.

**Q:** One million refugees on the streets of Dresden.

**A:** One million people on the streets of Dresden.

**Q:** "One million refugees on the streets of Dresden at the time when we burnt Dresden to the ground killing anything between 100,000 to 200,000 of them."

**A:** Of them.

**Q:** The refugees?

**A:** Dresedens, the people in Dresden.

**Q:** I can well understand a degree of ----

**A:** Hyperbole.

**Q:** Sloppy expression in answer to a question. Of course I understand that. Although you say refugees, I do not suppose you meant that 250,000 refugees were killed in Dresden, any more than you meant that 250,000 refugees from Auschwitz were killed in Dresden?

**A:** I am giving the upper and lower limits.

**Q:** In 1989 where does the figure of 250,000 as an upper limit come from, Mr Irving?

**A:** It comes in the war years from the records that I saw, as

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the upper limit, hence the estimate that was put to Adolf Hitler on the morning after, but also over the intervening years I received very large numbers of letters from 1960 onwards when I was writing the Dresden book, from 1960 right up to 1989, that is almost 30 years I received persistent letters from people who said it cannot possibly have been as low as X; it must have been as high as Y. Nearly all of them gave as the upper limit the figure of 250,000. So I am stating here limits in my view; not more than 250,000, not less than 100,000.

**MR JUSTICE GRAY:** So you attach credence, do you, to letters like the ones you have just mentioned, giving an upper limit?

**A:** Not only to that, my Lord, I also mentioned the documents during the war years which also mentioned that kind of figure. It is an upper limit, however improbable and a lower limit, however equally improbable, without setting the figure in between which on this occasion I consider to be more accurate, given as an answer to a question, a belligerent question, at a press conference.

**MR RAMPTON:** I think the latest figures I have from you are probably in the Goebbels book. I notice, in passing, that in the republication of Dresden, the focal point edition of 1995, you say in the introduction: "Between 50 and 100,000", in the text, "up to 100,000". In Goebbels you say, "Between 60 and 100,000 men, women and children".

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**A:** Yes, that is having read the latest accounts that had come from East Germany, which I consider to be very impressive, which were published, I suppose, within the last three or four years or five years.

**Q:** Is Dr Professor Herr Reichert an East German?

**A:** My recollection is that the book was sent to me by the East German Government -- by the

Dresden City Authorities. I think it is the last item in your clip, is it not? The last item I saw anyway was a letter, yes, just above tab 3, my Lord. 1997, yes, they sent me a copy of that book. There had been several newspaper accounts also based on it.

**Q:** I am trying to find the Reichert's final estimate which I think is about 25,000.

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

**MR RAMPTON:** My Lord, 511 of Evans. Dresden historian, yes, you can call him an East German, if you like. I prefer just to call him a German?

**A:** "Central German", perhaps.

**Q:** From Dresden, a Dresdener?

**A:** 500?

**MR JUSTICE GRAY:** 511.

**MR RAMPTON:** 511, paragraph 6.

**MR RAMPTON:** "Many historians accept the 35,000 figure". Pommerin, Sherry. "For instance, the historian, Earl A Beck", who seems to be an American, "said the constant

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increase in estimates of the number killed in the raids does not comport with the facts. Official reports justify an estimate of between 25,000 and 35,000 killed. Figures that rose to 100 or 200,000 killed lost touch with the reality. In 1994 research by the Dresden historian Friedrich Reichart was published, using a previously unused source, which convincingly reduced Bergander's figure of 35,000 to 25,000. This figure", says Professor Evans, "can be regarded as close to definitive"?

**A:** Well...

**Q:** Well, now, Mr Irving, 100,000, 60 to 100,000 those figures are fantasy, are they not?

**A:** I think the answer to that is you pays your money, you takes your choice, and we know who is paying the money to Mr Evans and we know what choice he has made.

**Q:** I see. But what about Mr Reichert? Has he been paid by the international Jewish conspiracy to produce these figures?

**A:** What an extraordinary statement!

**Q:** Well, that is what you have been asserting all through this case.

**A:** I do not think I have mentioned the phrase even once. Do you want me to comment on Reichart's book or are you just making ----

**Q:** We are going to have a little trawl through your public utterances about the Jews tomorrow.

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**A:** Oh, good.

**Q:** You might enjoy that. Is it right, Mr Irving, that when ----

**A:** Can we also have a bit of a trawl through the public utterances about the Jewish community about me?

**MR JUSTICE GRAY:** You are perfectly entitled to.

**MR RAMPTON:** About what?

**MR JUSTICE GRAY:** Call evidence about that, Jewish organizations' statements about Mr Irving.

**MR RAMPTON:** Oh well, he can, yes.

**A:** I think Reichter has done a very good job. I have read the book in part. I have been very impressed by the solidity of his research, particularly as he had access to the records to the crematorium administration and the cemetery administration.

**Q:** That is right, the numbers of burials, certified burials and so on and so forth, the numbers of bodies found since and all that kind of thing, the capacity for incineration in the Altmakt. He is a sensible, level headed chap who has actually bothered to check the hard cold figures and the contemporaneous documentation, he is not?

**A:** Are you implying that these were documents that I was ----

**Q:** No.

**A:** --- that I suppressed when I wrote my book in 1962?

**Q:** I am implying that when you write in 1995 and 1996 figures as high as 100,000 you were just making it up?

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**A:** When was Reichart's book published?

**Q:** 1994.

**A:** Was that available to me at the time?

**Q:** I have no idea.

**A:** When you see yourself that it was supplied to me in 1997 with the covering letter.

**Q:** Look at Bergander's book. Have you not read that?

**A:** No.

**Q:** 35,000.

**A:** I know Bergander very well as a human being and I respect him as a friend and he is a jolly decent chap, but I do not put his book in the same category as I put Reichart's book having read Reichart's book.

**Q:** Mr Irving, a final question about Dresden. Then, my Lord, I shall run out topics for today. I explain what benefit we might gain from that when I finish. One final question on Dresden.

Is it right that when your German publishers put a out version of Dresden in 1985 they described it as a novel?

**A:** I believe I am right in saying that Schindler's List when it is published has always had the title "a novel" written on the front the jacket.

**Q:** Is the answer to my question yes or no?

**A:** Yes, indeed, and they apologised to me for their mistake. I consider that to be a repugnant kind of suggestion on

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your part.

**Q:** It is entirely consistent with every question I have been asking you on this topic since we started on it this morning. Pie in the sky, Mr Irving, your figures. May I suggest that the reason why you have done it is because you want to make false equivalence between the numbers of people killed at Dresden and the numbers of people killed at Auschwitz?

**A:** If I am permitted to re-examine myself in-chief then I would say the following, and it may be you would wish to interrupt me.

**MR JUSTICE GRAY:** No. That is a question and so answer it in whatever way you think fit.

**MR RAMPTON:** Is that right?

**A:** Do I consider my figures to be pie in the sky? No.

**MR JUSTICE GRAY:** Well, it is a bit more than that.

**MR RAMPTON:** A little bit more than that.

**A:** Would you repeat it?

**Q:** I suggested that your figures are fantastic, that they have no sound basis in real evidence, and

I suggested the reason why, to which you say no, and I suggested that the reason why you have done it is that you want to make a false equivalent between the numbers of people who died in Dresden and the numbers of people who were killed by the SS in Auschwitz?

**A:** I repudiate that suggestion. I can only state in general

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that I did not just write a book about the air raid on Dresden; I also spent three years of my life researching all the major air raid attacks, not only on German cities but on other cities, that I was able to compare the air raids on German cities like Hamburg, Castle, Fausheuim and Damschadt, if you look at the death rolls -- am I going too fast?

**Q:** No. I was distracted. I do not mean to be discourteous.

**A:** I had the impression you were not listen. I was able to compare the death rolls in those cities with the death roll in Dresden and come to an independent conclusion, independent of what people might write to me in private letters, that on the balance of probabilities, given the scale of catastrophe that was inflicted on Dresden, the number of homes destroyed, the numbers of people rendered homeless, the numbers of people in the city, the fact that the city had no air raid precautions whatsoever, that it had no air raid sirens, it had no defences, it had no guns, it had no shelters, on the balance of probability more people probably died in Dresden than are known to have died in Hamburg in a much smaller air raid when far fewer bombs are dropped, far fewer homes are destroyed and far fewer people rendered homeless. That, therefore, although I respect Reichter's work on the basis of the documentation of the numbers of bodies dragged up to the cemeteries, I concluded that probably more people died in

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Dresden because there were not enough bodies to find.

**MR RAMPTON:** My Lord, that concludes my cross-examination on Dresden.

**MR JUSTICE GRAY:** Yes.

**A:** I have still repeated the figures of 60,000 to 100,000 in my latest edition of the Dresden book. On my web site edition I have drawn attention to the fact that the figures are probably controversial which I think is the correct way to go about it.

**MR RAMPTON:** My Lord, that being so ----

**MR JUSTICE GRAY:** Mr Irving, do sit down.

**MR RAMPTON:** I have no further questions to ask Mr Irving this afternoon. The remaining topics are, there is a gentleman called Almeyer who was for a short time an officer at Auschwitz. I am not interested in, shall I say, the substance of Herr Almeyer's evidence, but I shall want to ask Mr Irving some questions about that. It is only about two questions. Then there is Moscow.

**MR JUSTICE GRAY:** Then there is who?

**MR RAMPTON:** Moscow. My proposal for that, actually it is not mine again, it is Miss Rogers' clever plan and it is not a trick, she has produced a sort of schedule of events which I can spend a day wading through in court by reference to documents, but which does seem to us to be really rather a waste of time, since, as I think your Lordship has already observed, much of this may turn out to be common ground.

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What we propose to do, particularly since it is only 20 to 4, is to give your Lordship and Mr Irving a copy of this, it is a similar sort of document to the one we have been using this afternoon

in relation to Dresden, and ask Mr Irving to read it overnight and to mark on it those areas which are in dispute. Then I can ----

**MR JUSTICE GRAY:** Yes. Mr Irving, are you happy about that?

**MR IRVING:** My Lord, I am not entirely happy about it. I was not happy about this tabulation that was put in because of its tendentious nature in parts. They put in quotations extracts from quotations.

**MR JUSTICE GRAY:** That the sort of thing that is slightly concerning me. That is not a criticism of Miss Rogers.

**MR IRVING:** Some of them are deeply prejudicial they are before your Lordship. Your Lordship is a human being. If one reads the entire letter you can see what the entire letter was about in connection ----

**MR JUSTICE GRAY:** I think what I will say, and I understand your concern, is read whatever it is that is being produced.

**MR RAMPTON:** I will not give it your Lordship.

**MR JUSTICE GRAY:** I do not suppose you mind me seeing it, do you?

**MR RAMPTON:** He did say he was a bit worried it might colour your Lordship's mind or something to that effect.

**MR IRVING:** It is already a selection of documents made from

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their own bundles which are not agreed bundles.

**MR RAMPTON:** Mr Irving, it will not do you any harm to read it, if I may suggest.

**MR IRVING:** I am not easily harmed, Mr Rampton.

**MR RAMPTON:** No, that is perfectly plain.

**MR JUSTICE GRAY:** Read it and then we will see in the light of your reading of it what we are going to do with it, if anything.

**MR RAMPTON:** I am quite happy for your Lordship to have one, but if Mr Irving is worried about it ----

**MR IRVING:** I prefer if your Lordship waits until I have read the first ----

**MR JUSTICE GRAY:** You say that and I think that is not unreasonable.

**MR RAMPTON:** Then beyond that which I am going to do in the form of broad questions to which I expect to get negative answers, if necessary, I will put the questions, Mr Irving's political associations, and I will leave the detail to be dealt with by my experts so far as they are going to be witnesses.

Only perhaps at the end, or perhaps not, some of Mr Irving's utterances about, put bluntly, anti-Semitism and racism, for which there would be marked up files, by tomorrow morning, but I do not have them yet.

**MR JUSTICE GRAY:** I have not, sort of, gone through to think of any other topics that may need to be covered, but I am

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sure you have.

**MR RAMPTON:** I am going to have a trawl through the undergrowth with Miss Rogers tonight to see if there is anything that we have missed, but we do not think there is. Else. We think that is all that is left.

**MR JUSTICE GRAY:** Adjutants occurs to me.

**MR RAMPTON:** I keep forgetting them because I do not like them, I find them muddly, but the

fact is there may be something in them that I do need to do. I am hopeful that I will finish cross-examining Mr Irving by the end of tomorrow, if not sometime early on Thursday, but certainly this week.

**MR JUSTICE GRAY:** That is very helpful.

**MR RAMPTON:** Then, my Lord, I tell your Lordship this, next week on Monday, Professor Browning will be here, and this is always subject to evidence that Mr Irving wants to call, because we are, in effect, unless he has finished his case at the end of this week, interposing. Then sometime when Professor Browning is finished, Professor Evans and following him, Dr Longerich.

**MR JUSTICE GRAY:** Right.

**MR RAMPTON:** So that should cover the next couple of weeks, the beginning of next week, which means we have done actually pretty well on the time schedule.

**MR JUSTICE GRAY:** Good. I have said this before, Mr Irving, but if you want a pause between the experts, I would be

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more than happy to agree to that.

**MR IRVING:** I may well ask for one day before we take on Evans.

**MR JUSTICE GRAY:** I think that is entirely reasonable.

**MR IRVING:** Yes. Between the experts, I think we are ready for Browning.

**MR RAMPTON:** I do not know, but my suspicion is that Professor Browning will not in the witness box very long.

**MR JUSTICE GRAY:** As we have a few minutes, I have a bit of a mound of documents.

**MR IRVING:** My Lord, the cream sheet of paper just confirms what I said to you yesterday morning, just those points that I made, and I thought you might like to have that in writing.

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

**MR IRVING:** The other items belong in the Dresden clip of Dresden documents they gave you.

**MR JUSTICE GRAY:** Right. I think what I will do with these is put them, whatever it was, L1.

**MR IRVING:** Yes. I was going to give your Lordship a bundle of photographs, but I find these repulsive photographs probably sit better in the Dresden file where they belong.

**MR RAMPTON:** Yes, I put that glossy brochure in the waste basket.

**MR IRVING:** I will retrieve it, if I may. I know you do not think very much of what we did to Dresden, but I do.

**MR RAMPTON:** What do you mean?

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**MR IRVING:** You said, "So what?"

**MR JUSTICE GRAY:** No. We have disposed of "so what", Mr Irving, once and for all.

**MR RAMPTON:** Enough "so whats", Mr Irving.

**MR JUSTICE GRAY:** I am putting it in tab 4 of L1 which I know is your bundle.

**MR JUSTICE GRAY:** 10.30 tomorrow.

**(The witness stood down)  
(The court adjourned until the following day)**

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