

PROCEEDINGS - DAY FOURTEEN

P-1

Day 14 Wednesday, 2nd February 2000.

(10.30 a.m.)

MR JUSTICE GRAY: Yes?

MR IRVING: My Lord, may it please the court. Mr Rampton wishes to put the witness van Pelt back in the witness box (and I have no objections) to take further submissions in connection with the challenged document.

MR JUSTICE GRAY: Right.

MR RAMPTON: My Lord ----

MR JUSTICE GRAY: The incineration capacity?

MR RAMPTON: Yes, he has done his homework and I am just going to let him tell your Lordship ----

MR JUSTICE GRAY: Whilst we remember what the point is, it is a good idea.

MR RAMPTON: Can I, first of all, pass up to your Lordship, as requested, he has given your Lordship a nomenclature guide for Auschwitz and also he has done a hand drawn sketch plan of the whole site. I suggest your Lordship puts that in the front of the Auschwitz file, probably the second Auschwitz file.

MR JUSTICE GRAY: K2?

MR RAMPTON: Yes, K2. The documents which he will produce in a moment will go in tab 4 of K2, I suggest.

MR JUSTICE GRAY: You have had these documents, Mr Irving, have you?

MR IRVING: Yes, my Lord, I have just received them.

P-2

MR RAMPTON: Yes.

MR JUSTICE GRAY: I see, this is what I asked for.

MR RAMPTON: It is, my Lord.

MR JUSTICE GRAY: Thank you very much. I had not realized what it was.

PROFESSOR VAN PELT, recalled.

Further re-examined by **MR RAMPTON, QC.**

MR JUSTICE GRAY: Professor, thank you very much for doing that. Yes, Mr Rampton?

MR RAMPTON: Professor van Pelt, just one question. Have you taken up his Lordship's request or invitation to study this document, which is the one we had which is the document of 28th June 1943, which relates to incineration capacity, to study the question whether or not it is authentic ----

A: Yes, I have.

Q: Its having been challenged. Will you then please tell his Lordship what conclusions you have reached by reference to this document and any others in this little clip? Can you give that to the judge?

A: I have last night with what was still available to me, because I only carry a small bundle of documents I carried with me to London and even some already had been packed I did not want to open the box, but whatever I had, I was going to look at a couple of the challenges which had

been made yesterday by Mr Irving.

P-3

Before I go into that, I would like to present, first of all, my copy, my marked copy, which is No. 1 of the document which comes from Moscow. There are some calculations on the back, on the side, which are irrelevant. I have indicated on this, this is page No. 1, on what were the particular issues Mr Irving found important which is the way the date was typed in as 28th June 1943 without a location, without Auschwitz, Achtundzwanzigte Juni Neunhundertdreiundvierzig. The second thing which was challenged yesterday was the code which indicates the Briefstage Buchnumber which is 31550, and then Jahrling, or Jahrling, and then the secretary.

The third one was the title of SS Brigadefuhrer Generalmajor der Waffen SS Kammler. On the last point, I did not have find any document where the same mistake had happened. So I cannot explain that or I cannot give any second document, but then I only had one other document with me which was the Vergasungskeller letter of 29th June 1943 where Kammler has got on the right and the correct title.

The first document I would like to present which is a new document is No. 2, which is the copy which is in the Domburg archive in the DDR -- the former DDR now -- and which was made available to the Auswenzin archive. This was the document, the copy which actually has been

P-4

published in the 50s, and I have here the original.

I have given you a copy of my copy, but I have here the original copy from the Auschwitz archive with the original stamp on it, so I do not know.

MR RAMPTON: I do believe his Lordship ought to see that partly because our copy ----

MR JUSTICE GRAY: It is not a very good copy.

MR RAMPTON: It is not a very good copy. There are some colour on that, original colour on that.

A: This copy is not much better, but at least it shows the original stamp of the archive.

MR IRVING: Just so we can be plain, this one went, in other words, to East Germany and Auschwitz, not the other way round?

A: Yes, probably.

Q: Where it was stamped?

MR JUSTICE GRAY: Just to make sure I am following, the one that we have previously been looking at, I thought you said came originally from the Moscow archives?

A: That is the Moscow copy, yes.

Q: This is DDR?

A: Domburg, yes, the Domburg archive, which has been available in Poland since at least -- this was published in the 50s and this is also the document which went to Vienna, this particular copy. A copy of that was made available to Vienna.

P-5

Now, what is important in this second copy, and it is not a very clear copy, but I think the essential information is the same. I mean, the information is the same but the formatting is different. We see when we look at this particular copy, we see at the top it says "Abschrift" which means this is a typed copy. There was no photocopy machine in it. So while the original, the Moscow copy No. 1 is a carbon copy of the original, the second one is actually a newly typed

copy, and with all these newly typed copies there would always have been a note at the bottom. It should be signed. It says: "Für Die Richtigkeit der Abschrift which means for the correct ----

Q: Accuracy?

A: --- the correctness of this copy and then there is an initial there. It is very difficult even in my copy to see who actually signed this.

The reason that I think this is quite important is that this is a different copy of the Moscow one which is in a different archive. So we have now two different objects, both talking about an incineration capacity of 4,756 persons in the camp. If, indeed, the Moscow -- I mean, I think it is very, very unlikely that somebody who would have falsified this document, made it up afterwards, would have created both a carbon copy of one and then have made a new kind of Abschrift of that same

P-6

document, and then placed it into two different archives.

Q: Well, on the contrary, I thought that might have been what a determined forger might have done.

A: So that he actually make two different versions of the same copy?

Q: I understand your point.

A: I disagree with your Lordship on that, but your opinion in the end is more important than mine on this, I think.

Q: You are rather better informed than me.

A: This very much takes the format of a typed copy as you find in the Auschwitz archive. So I think that in this case there is a convergence of two different objects, showing in two different archives, that, indeed, we have here, you know, as far as I say with absolute certainty in the original document. But there were other challenges made and, in order to deal with the other challenges, I would like to go to a very short review of the way documents in the Auschwitz archive, both letters and also copies, are dated, and the way the code which shows which file it has to go in is done.

So when I go to No. 3, which is a letter from Bischoff, the chief architect to the chief doctor in Auschwitz, of 30th June 1944, about the building of small morgues in Birkenhau, they were built in the existing barracks -- every camp in Birkenhau would get one morgue -- we see basically that the heading says Auschwitz, 30th

P-7

June, "den 30.Juni 1944". It would be the normal accepted way of dating a letter, and then we see the brief type of book number. We see there two numbers and then we see "Jo" which is for Jotam who was at that moment the chief architect, and "Go" without dots, without periods. If we go to No. 4, this is a record of a meeting. We see that the date is again Auschwitz, 30th January 1943, but we see that the secretary who typed this letter in this case has a period behind the initial.

If we go to No. 5, which is a letter to Topf u. Sohne, a carbon copy of a letter to Topf u. Sohne, which was done on letter head, we see that there is no place. It says simply 28th February 1943. In this case there are no periods behind the initials of both Jahrling and the secretary.

Q: When you say "no place" do you mean no "den" ----

A: No period. It does not say Auschwitz den 28th February. Mr Irving yesterday challenged the authenticity of the Moscow document because there was no place. So this one does not have a place given.

Then we have No. 6 which is one of these typed copies, Abschrift, which does not have a place which probably would be, you know, probably would also not have been in the original. But what we see here is that the secretary has again a period behind her name, but the Jahrling thing, we see in this case Jahrling is typed JA

P-8

umlaut H, while in other ones he is only typed as JAH, umlaut, which means now they have added an H. So there seemed to be at least also the way the name has been shortened, there seems to be no kind of agreement on it. Then we go to No. 8 because No. 7 is the ----

Q: Second page?

A: --- the second page of that letter. We see that again the secretary has a period and then Dr E has a period. He is one of the doctors in the camp. No. 9 we see again, no place. This is a letter to Hoess from Bischoff and one would have expected this to be probably correct, following the correct format. We see that there is no place indicated. It says 12th February 1943. Again, the secretary has a period but not the Sturbannfuhrer Pollok, who dictated the letter. But, when we go to No. 10 and No. 11 ----

Q: There is a point on 6. I just wonder whether it is a good point or a bad point? Tell me. The tagebuch number is in typescript, not manuscript.

A: Sometimes it is typescript, sometimes manuscript.

Q: That was another point Mr Irving made, I think.

A: Yes, I am sorry, I had forgotten that. We see again that sometimes it is handwritten and sometimes it is typed.

Q: Yes. Sorry, that was taking you back.

A: Yes. Now we come to No. 10 and there we see that in fact both the person who dictated the letter and the person who

P-9

typed the letter in this case have a period behind their initials, and in fact behind the person who typed it there is even a dash. No. 11, the letter of 19th July 1944, we see that this is a letter dictated by Steilv.Bauleiter Teichmann. We see there is a period behind the shortened form of his name and a period behind the letter indicating the secretary.

So I think that the only conclusion one can draw out of this is that there was no standard procedure in the Zentralbauleitung.

I have added two other documents and this has to do really with a challenge Mr Irving gave in his letter to me which was posted on the web. I do not know if I can address that, but it is an alternative way of dating a letter, which says "am" instead of "den". So sometimes it says "Auschwitz den" and then the date comes, but sometimes it also says "Auschwitz am" 14th May 1943.

MR JUSTICE GRAY: Mr Irving, I do not think that was Mr Irving's, if he will forgive me, best point. They are both used, are they not?

MR IRVING: I accept his point on that.

MR JUSTICE GRAY: I think you did.

A: Then there was one other thing which came up yesterday and I do not know if I am allowed to give testimony on that, which was the number of 2.5 million and 1.1 million which were given by Hoess.

P-10

MR IRVING: Yes.

A: I have re-read that passage.

MR JUSTICE GRAY: You do not object to this? You introduced it Mr Irving, so I think it is right.

A: I would like to go back to the point in my report which is at page 306 where the actual quotation is. I have repeated it in a few other places but I think 306 is a good point to do that.

MR JUSTICE GRAY: Yes.

A: It starts in the second paragraph: "On the basis of the figure of 2.5 million", and I do not know if you want me to read it?

Q: Shall I just cast my eye down it? (Pause for reading) Yes, I have looked at quickly. I have read it before.

A: OK. So the point is that what Hoess says -- I will summarize it -- is that there is this figure of two and a half million which is mentioned by Eichmann. This is the only figure we have because Eichmann mentions it. But then he says that I have only kept to this figure because Eichmann has given it, but I myself think it is too high. Then he makes his own calculation on the basis of transports coming into Auschwitz. So he actually challenges that figure. After he has first mentioned it he challenges this figure and he comes then to a total number of deportations of 1,125,000 Jews going to Auschwitz at the bottom of that paragraph.

P-11

So that I think will in some way resolve the confusion about these two numbers.

MR JUSTICE GRAY: Thank you. That is helpful.

MR RAMPTON: My Lord, there are a couple of other points -- I have seen these documents for the first time myself -- which I just draw attention to, perhaps through the witness. Can we go back to page 10, Professor van Pelt? I do not know that you did draw attention to this, it really is obvious. There is underneath the Kommandantur KL there is an AZ and a colon.

A: Yes.

Q: And then a number. Do you see that that number is somewhat typed? It may have been altered in hand, I cannot see.

A: Yes.

Q: You notice also that the reference is underlined?

A: Yes.

Q: If you turn over the page,, this one is coming from Birkenhau apparently and, unlike the previous one, the reference is handwritten and there is no underline.

MR JUSTICE GRAY: What is the significance of the underlining, do you suggest?

MR RAMPTON: I am not suggesting any significance at all. All I am suggesting is that this is a medley.

MR JUSTICE GRAY: Another variation?

MR RAMPTON: It depends who is typing it, it depends how fussy

P-12

the boss is, all that kind of thing. There is nothing to be told from these documents except that, like all offices, they vary in their practices. Look, will you please, Professor, at page 12, again at the reference, there is no underline. We see that it is apparently typed by a secretary called Lm, whatever gender that may have been. If you turn over to the last page, again we find the reference both typed and underlined. And we find that Lm is typing for somebody else called Eg. Do you see that?

A: Yes.

Q: You do not happen to know who Eg was, do you?

A: Egelich.

Q: It does not particularly arise out of this, I think, or indirectly -- do you happen to know how many secretaries there were at any one time?

A: That changed. There are documents which have actually been signed by people who also had other functions. Normally I think there were one or two German secretaries and there were a number of Polish secretaries also. For example, P is a Polish worker named Pluskurer. It seems to be that there was no regular typing pool in the Zentralbauleitung. Also the Zentralbauleitung, if you look at the personnel lists, changes very rapidly, with people moving in and people moving out.

Q: Thank you.

P-13

MR JUSTICE GRAY: Mr Irving, if the authenticity of the incineration capacity is still in issue, you might want to cross-examine further? I do not know.

MR IRVING: I think I am entitled on the points he has made, my Lord.

MR JUSTICE GRAY: You are certainly entitled to, yes.

MR IRVING: I will be as brief as I possibly can.

MR JUSTICE GRAY: Do not hurry

Further cross-examined by Mr Irving

MR IRVING: Firstly, I will abandon relying on the full stops. That will probably ease your Lordship's task in assessing the matter, but the other matters, I am afraid, are just reinforced by what I have seen here.

First of all, reverting to what you said about the witness Hoess, the Kommandant of Auschwitz, have you seen a handwritten confession by Hoess made in British captivity at the request of Colonel Draper, the British public prosecutor?

A: No, I have not seen that.

Q: It was one of the very first statements he made, in which he admitted -- it is just five or six lines long -- having killed 2.8 million people in Auschwitz.

A: No, I have not seen that one.

MR JUSTICE GRAY: Killing by gas?

MR IRVING: Just killing, my Lord. He does not actually say. I rely on that purely to indicate the vacillating nature

P-14

of the figures that the witness Hoess gave.

Reverting now to these documents that you very kindly produce for the court, I will take up first of all the point that his Lordship very astutely made about page 6, where you pointed out that the letter book number was typed. Witness, what does the first word on that page mean, "Abschrift"?

A: That means it is a copy.

Q: In other words, it has been copied from the original?

A: Yes.

Q: Would there have been any reason why somebody copying an original document would have then left a space there and handwritten in the letter book number, which was presumably

handwritten in on the original? He would have typed a copy of the whole document, would he not?

A: I presume so, yes.

Q: So it would be wrong to draw any significance from the fact that that one is typed. Stepping through the documents, I would just ask in general, have you seen, in all the documents that you have worked on in the Auschwitz archives, any other document in which the year 43 or 44 is missing from the letter register line?

A: Are we referring back to the original Moscow document?

Q: Any document at all. Have you seen any document at all? I am not referring to the date of the document. I am referring to the letter register line.

P-15

A: The 31550 and no year.

Q: That is correct, which has no year. Have you seen any document at all which omits the year?

A: I do not remember.

Q: Very well. Have you seen any document at all which has a secretary with the initials Ne?

A: As I said, I do not remember. I could reconstruct who the secretary was, but that is at the moment not available to me. The point I thought I made was that many different people are typing these letters. We have seen, I think, not one time the same person typing any of these letters in this very small collection.

Q: Is it correct that there are about 50,000 such letters now extant, now in the archives, in Moscow and in Auschwitz?

A: Something like that, yes.

Q: Yes. Would it surprise you that other researchers investigating specifically this document have looked for any other letter at all in all the thousands of letters available signed by a secretary Ne, or with the secretary's initials Ne on them, and there is no such letter?

A: This is a big problem, of course, how to make a proof, how to make a negative proof. I can imagine that people have been looking for this. What I can say is that I have not investigated the secretary who wrote this letter. The only thing I can say is that there seems to have been no

P-16

consistent policy. I must also remark that, if I were to be a forger ----

MR JUSTICE GRAY: This is not really a policy point, is it?

MR IRVING: It is the only way I can phrase the question.

A: OK.

MR JUSTICE GRAY: It is not a policy point. It is was there a secretary whose name started ne? It is nothing to do with policy.

A: When I am back in Canada I can look that up, but I think the important point is, if I were to be forger, I would of course not invent a new name.

MR JUSTICE GRAY: That is a different point.

A: I would take one of the existing initials.

MR IRVING: This is clear. So you would not be surprised if we found another letter with the secretary's initials Ne on it? I am afraid I cannot give evidence in my questioning. I can only say would you be surprised to hear that there is not one?

A: If this were to be a forgery, the forger would have been a very, very dumb person.

Q: In all the letters that you have seen, Professor van Pelt, including these ten you provided this morning, have you seen any in which the rank of the Brigadier General Kammler is wrong? They

have left out the words "Generalmayor der Waffen SS". My Lord, I will draw your attention to the way it should have been.

P-17

MR JUSTICE GRAY: I have noticed Kammler is the recipient of one of the other documents.

MR IRVING: It is, on page 13, my Lord. That is the correct way it should have been written.

MR JUSTICE GRAY: You have the answer, that this is the only occasion on which the Professor has seen that happen.

A: Yes.

Q: There is one final point, my Lord, which is a fourth question, which is possibly new and I would certainly be willing to let Mr Rampton come back on this one. The serial number of the document 31550, is that in sequence with the other documents of those days?

A: In the file, you mean?

Q: Yes.

A: I do not remember. I looked at the document in the file originally in relationship to the contents and not in relationship to the serial number. I am happy to go back, when I am back in North America, and have the whole file printed out, and then this thing could be reconsidered.

Q: Again, I have to ask the question this way. Would it surprise you to hear that the number is way out of sequence by several weeks?

A: In general, if you look at the files -- I am not completely surprised but the thing is, the way the files were created, the files quite often have things not in sequence, even in the Auschwitz archive. So it is very

P-18

difficult sometimes to see. Normally what happens is a file is built up, that the earliest documents are at the back and then, of course, as new documents come in, the documents ultimately get their final order.

Q: But you agree that all the other documents, in these ten you have provided, the numbers are in serial sequence?

A: In serial sequence?

Q: I have just checked them and they are, in so far as they are part of the same series?

MR JUSTICE GRAY: They are put together for the purposes of this clip.

MR IRVING: I appreciate that, my Lord.

A: I just picked up some things from a pack I had last night. I just was going through what I had in my hand.

Q: The very last question is this. Was Jahrling an SS Sturmbannfuhrer?

A: I think Jahrling was actually a Zivilarbeiter.

Q: Why is he on the second page of this document signing as an SS Sturmbannfuhrer, the one that has been provided?

A: It seems that the original document was obviously meant to be signed by Jahrling, but this is an abschrift and he initialled this thing. Whatever the abschrift was made of, whatever copy the abschrift was made of, had his initials on it and this happens quite often. Since the original signed copy went to Kammler, which was signed by Bischoff, then quite often there would be a little -- one

P-19

of the other people would just ----

Q: Professor van Pelt, I think you have misunderstood my question. Would you look at page 2, please?

A: Yes. I see Jahrling, yes.

Q: It appears to have been signed three lines from the bottom Gezeichnet Jahrling SS Sturmbannfuhrer.

A: It says "Zentralbauleitung der Waffen SS und Polizei" on the top, which means this is signed by the leader, the chief architect which was SS Sturmbannfuhrer Bischoff at the time, but the copy which was available to the person who wrote the Asbchrift must have had Jahrling's signature on it, which is something which happens quite often, that you see another signature than Bischoff's in actually the copies which are in the archive.

MR JUSTICE GRAY: Does "gezeichnet" actually mean "signed".

MR IRVING: Yes.

A: If means "signed" here, but I presume that this person who was writing this Asbchrift had in some way ----

MR JUSTICE GRAY: I follow what you are saying.

MR IRVING: Is it not correct civil service procedure to put the letters "iA" if you are signing on behalf of someone?

A: Yes, but I do not think we are here in a kind of typical Civil Service condition. We have seen that people are all over the place in the way they are actually formatting these documents.

MR IRVING: My Lord, I have no further questions.

P-20

MR RAMPTON: Well, sorry, I do have some by way of re-examination.

MR JUSTICE GRAY: You may want some re-examination.

Re-examined by **MR RAMPTON, QC**

Q: Can we take that last point first? Can you take page 1, please? In the bottom left-hand corner of the page is a column what looks a bit like names?

MR IRVING: It is a distribution list.

MR RAMPTON: Thank you, Mr Irving, but I am asking the witness questions. "Verteiler", do you see that?

A: Yes.

Q: And the last name on that might be "Jahrling", might it?

A: Yes, that is Jahrling. So Jahrling got a copy of this letter.

MR JUSTICE GRAY: That is the point you have made, that is the only indication of who signed it available to the person who did the Auschwitz. So they put "gezeichnet" by Jahrling?

A: Yes.

MR RAMPTON: Yes. Do you notice, please on page 4 a signature over a Sturmbannfuhrer?

A: Yes.

Q: Whose signature is that?

A: That is Bischoff's signature.

Q: What about page 7 over the same word Sturmbannfuhrer?

A: That is not Bischoff's signature, but it was ----

P-21

Q: Somebody has written "signed Bischoff"?

A: Yes, what we see here is we see that there is a little note on the lower corner, the lower on page 7, it says Fur die Richtigkeit der Asbchrift, which says, this is Pollock, I think it is Pollock, SS Untersturmfuhrer, and so Pollock now has put the name of Bischoff, signed in his own handwriting Bischoff's name, since we are dealing here with an Asbchrift. So in some way Pollock has done by hand what in some way occurred in page No. 2 which is typed.

Q: There is only one other thing I need to ask you about and it is this. Mr Irving seems to take the point, if I have understood it, that if the reference number is typed rather than handwritten, one must expect to find the word "Abschrift" on top of the document. Can you look at page 3? Is there "Abschrift" on top of the document?

A: No, that not Abschrift.

Q: And is the reference number typed or handwritten?

A: The reference number is typed.

Q: And at page 6 we see Abschrift and a typed reference number, but what about page 10?

A: Page 10, it was typed and it was corrected by hand.

Q: And there is no Abschrift on top of it?

A: No, there is no Abschrift.

MR IRVING: It is not actually a letter register number there; it is the file number.

P-22

A: [German].

MR RAMPTON: Well, this is the third or fourth example so perhaps the point is made. What about page 13?

A: Page 13, it is typed.

Q: It is typed and there is no "Abschrift" on top of it?

A: Yes.

MR RAMPTON: Yes, thank you.

MR JUSTICE GRAY: Can I ask you the same question, Professor, that I asked you when you gave evidence yesterday which is whether the points that have been put to you this morning raise something of a doubt in your mind about the authenticity of this document?

A: No, it does not.

Q: The point about the year not being included, is there anything in that?

A: I think it is a good observation, but what we see also here, you see if we look at this Moscow, this Moscow document, what we see that the numbers were actually typed in later. It seems to be that there is a -- it is a slightly different - also when we look at the persons, it seems they may made up first the letter and that ultimately they were -- this letter was drafted and the numbers were put in after some kind of final consultation. It is a very marked difference with the second copy with Domburg. It seems to be that the final numbering, the number, was brought in later and I can

P-23

quite imagine that there was a slip occurred at that moment.

MR IRVING: May I enquire on what basis you say that the numbers were typed in later?

A: It seems that if we look at the way, if we look at, for example, No. 340 personen, the 340 seems to be almost done slightly sharper than "persona". If we can compare that to 1943 on top, I do not know, I mean, but it seems to be that it is -- that my sense would be that they were added later, that there was a first draft made, and especially if we look at the "31550/" in the

briefagebuch number, again the slash seems to come very close to the zero, almost as if they put it back in the typewriter and put in the numbers.

Now, it is also possible, of course, that they had cleaned their numbers. You know, these typewriters, these manual typewriters, they would get very messy at a certain moment and especially as in Auschwitz they were reusing the same, how do you call it, ribbon constantly because there was a great lack of it. They get very smudgy at a certain moment, and also the letters get very smudgy, so maybe they had cleaned the numbers to be absolutely certain that these numbers would be clear. I cannot say. But my sense would be, if you look at the briefagebuch number, that it is possible that they were, that it was added later, also because it goes left of the

P-24

original, how do you call it ----

MR IRVING: The margin.

A: The margin, and in the other things it seems to be in generally on the margin. So that also indicates that it was generally added later. So, you know, you cannot be absolutely sure about it. But, it seems to be that it was not regular that the person was typing that heading and at that moment was actually putting on all the information. So since the information was put in later, maybe it is simply the 43 slipped.

MR JUSTICE GRAY: Yes?

A: But it is speculation. We cannot be certain about it.

Q: Thank you very much. Can I give you back your original? I am ashamed to say I have made a slight mark on it, not realising.

A: You can keep it if you want because I have a copy now.

Q: But this is the original?

A: This is the original copy from Auschwitz. That is why it is stamped. If you want to keep it, since it has a stamp on it?

Q: All right. Thank you. Can I say one or more thing? On the back of it, of that copy you have, actually has the actual file in which it is. It says BW34. It is on the back, so that is the actual file in which that document can be found.

MR JUSTICE GRAY: Thank you very much.

P-25

(The witness stood down)

MR JUSTICE GRAY: Mr Rampton, where shall I put this clip?

MR RAMPTON: In tab 4 of K2, the second Auschwitz file.

MR JUSTICE GRAY: Immediately after page 49?

MR RAMPTON: I would think so. In due course I am going to sort mine into chronological order.

MR JUSTICE GRAY: So further cross-examination of Mr Irving now?

MR RAMPTON: Yes.

MR DAVID IRVING, recalled.

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

A: I have two things which I wish to say here from the box, my Lord, if I may?

MR JUSTICE GRAY: Yes.

A: One goes to yesterday, the letter, you remember, from the man who had been in an Aufraumungs Kommando, do you remember, and who had had knowledge of 30,000 records of 30,000 in Dresden.

MR JUSTICE GRAY: Dresden, yes?

A: Back on Dresden. I just want to draw attention to the fact that the letter was dated sometime in 1965, four years after the book was written. That is a reference to page 538 of the Evans report.

MR JUSTICE GRAY: Yes, thank you.

A: My Lord, I provided to your Lordship a copy of the actual order of the day which was missing from the bundle,

P-26

and ----

Q: The Tagesbefehl?

A: That is right, and I have provided you with an English translation of it.

Q: Thank you very much.

A: And in view of the fact that the Defence, at least in their catalogue, relied on a letter that Mr Kimber wrote to me, which I complained of as being prejudicial, I have put in the clip for your Lordship the reply that I sent to him.

Q: Just pause a moment. The Tagesbefehl we ought to put into...

A: It does not really add or subtract anything from the case, but your Lordship should really have a copy of the document we spent most of yesterday talking about.

Q: I quite agree. Mr Rampton, where would it go?

MR RAMPTON: This ...

MR JUSTICE GRAY: This is the genuine one?

A: No, my Lord. This was the fake one.

MR RAMPTON: If you look on the second page, my Lord, you will see it has the ----

A: I do not know whether there actually ever was a genuine one. I telephoned with Mr Bergander in Berlin this morning, and he said that the man who gave him the so-called genuine one had copies of both.

MR JUSTICE GRAY: I think page 14A, is that right?

P-27

A: The other only little bundle I have gave your Lordship this morning was ----

Q: Just pause a moment, and let us get this into the right place. Is that right? It is a question of where it goes in the chronological sequence otherwise it gets lost.

Come on, we are wasting time.

MR RAMPTON: My Lord, I have not got my Dresden file here so I am afraid I cannot help.

MR JUSTICE GRAY: No, can Miss Rogers find out where it should go?

MR RAMPTON: Can we sort it out?

A: The only other thing I gave your Lordship was just five photographs of the Goebbels diary so you know what we are talking about when we come on to the Goebbels matter. That is the boxes and so on that they came in.

MR JUSTICE GRAY: Thank you very much. **MR RAMPTON** (To the witness): Mr Irving, Hans Almeyer, I think you first discovered him in June 1992?

A: I think it was June 2nd 1992, yes.

Q: Your diary entry ----

A: June 3rd.

Q: --- is 3rd, so it would be yesterday, would it not?

A: Yes.

Q: Your diary entry reads -- you can see it if you like, we have it here -- "Later at PRO all day". This is what happened on 2nd. "Finished reading file of interrogations

P-28

and MS manuscript by one SS officer, Hans Almeyer, a high Auschwitz official. Once again, like Gerstein, his reports grow more lurid as the months progress. I wonder why? Beaten like Hoess or was he finally telling the truth? A disturbing two hours anyway." Do you remember that entry?

A: Very clearly, yes.

Q: Then I think there is a document you should look at. I am afraid, my Lord, I have no idea which file it comes from.

It is a letter written by Mr Irving on 4th June to Mr Marcellus?

A: "Dear Tom".

Q: The whole clump should go into L1 at tab 5, if it is empty which it should be.

MR JUSTICE GRAY: L1, this is nothing to do with Dresden, is it?

MR RAMPTON: No, this is to do with Auschwitz actually, but it has much more to do -- I mean, it is indirectly to do with Auschwitz because Almeyer was there for a time. I do not remember how long, about nine months, I think, perhaps a bit longer. No, it is the way in which Mr Irving handles this information that may be of importance. So that is why L1 is a what file?

MR JUSTICE GRAY: Dresden.

MR RAMPTON: It has "Hungary" in front, so it can have Almeyer at the back. So long as they go where Miss Rogers says,

P-29

my Lord, then the index will be of use, otherwise it will not.

(To the witness): Have you got that letter you wrote on 4th June 1992 to Mr Marcellus and Mr Weber?

A: Yes, I was looking at them last night.

Q: Oh good. That is all right. It is a fax, in fact.

A: Yes.

Q: They both would have received the whole text, is that right, although the first part is addressed to Mr Marcellus and the second part to ----

A: I think they worked in same warehouse, yes.

Q: I am only going to read the part that is addressed to Mark Weber or does he call himself "Weber"?

A: "Weber", I think.

MR JUSTICE GRAY: Who as Marcellus?

A: He was the Director of the Institute.

Q: So he is IHR as well?

A: IHR, yes and Mark Weber was some functionary there.

MR RAMPTON: You write to Mark Weber: "Working in the Public Record Office yesterday, I came across the 200 page handwritten memoirs, very similar in sequence to the Gurstein report versions of an SS officer, Almeyer, who was virtually Hoess's deputy. They have just been opened for research. He was held in a most brutal British prison camp, the London Cave (the notorious Lieutenant Colonel A Scotland)". Then you write: "These manuscripts are going

to be a problem for revisionists and need analysing now in advance of our enemies and answering. I attach my transcript of a few pages and you will see why. It becomes more lurid with each subsequent version. At first no gassings, then 50, then 15,000 total. Brute force by interrogators perhaps".

Now, I have a number of questions about that little message, Mr Irving.

A: Yes.

Q: Why are the manuscript notes, or whatever they are, memoirs of Almeyer going to be a problem for revisionists?

A: I think because they refute a number of the tenets of the revisionist Bible, if I can put it like that.

Q: What is the revisionist Bible?

A: Well, the revisionist credo.

Q: Which is?

A: Oh, at its most extreme, it is that not a hair was harmed on the head of the Jews which was the most extreme and indefensible position.

Q: Does that include Mr Marcellus and Mr Weber?

A: Obviously not, otherwise I would not be writing this kind of letter to them, but the Almeyer manuscript, as I would call them, just like the Adolf Eichmann manuscripts that I had found the previous October in Argentina, raised serious questions. They helped to do somewhat more than dot i's and cross t's.

Q: "... and need analysing now in advance of our enemies"?

A: Yes.

Q: Who is the "our" referred to there?

A: Well, the enemies of myself and Mr Weber and, presumably, Tom Marcellus.

Q: Who are those enemies?

A: Irresponsible historians who will leap on any document and use it to inflate the untenable position at the other end of the spectrum.

Q: What you were worried about, Almeyer tells a tale, accurate in parts, inaccurate in other parts, according to the traditional or the orthodox view of these matters, about his time at Auschwitz, does he not?

A: It is a very inaccurate tale which is, presumably, one reason why -- which is, presumably, one reason why the Defence has not relied on him so far.

Q: You will find him in extenso in Professor van Pelt's report. You will also find precise observations about what is accurate and what is not.

A: Well, you remember when we asked the witness van Pelt who his important eyewitnesses were, there was no mention of Almeyer.

Q: No, there is not because Almeyer is, in certain respects, plainly wrong.

A: Yes, exactly what I said.

Q: Yes, it may be what you said. What I am wondering about,

Mr Irving, is why you were so frightened of Hans Almeyer's handwritten notes?

A: I do not think I am frightened about him. I am just concerned for several reasons. Let me

explain. As an independent historian, with no tenure Professorship to fall back on and, as I explained in my opening statement to this court, no pension to rely on, I have to rely on what find in the archives to sustain myself and my young family. In order to do that, I rely on finding what might be commonly called scoops, and when you have found a scoop, it would be very foolish if you put it straight in the shop window and say, "Come on and help yourself".

This was clearly a scoop.

Q: Mr Irving, that is not what you mean by the little phrase "our enemies", is it? What you are frightened of is that somebody will find it or see it and will say: "Well, here is another little piece of information. It does not fit in every respect, but the bits which are consistent with what we have already got fit neatly into the Auschwitz jigsaw". That is what you are afraid of, is it not?

A: They do not fit neatly into Auschwitz jigsaw. It is quite plain. If he only refers to 15,000 dead or 15,000 gassed, then that fitted more into our jigsaw than into the jigsaw of our opponents.

MR RAMPTON: I will not ask you to look at it now, my Lord. I give in the reference a very full account of Almeyer,

P-33

warts and all ----

A: Well, let me just draw your attention to that letter.

MR RAMPTON: I am sorry, I am speaking to his Lordship.

MR JUSTICE GRAY: Let Mr Rampton finish. Then you say what you want to say. Mr Rampton, yes, where do we find it?

MR RAMPTON: May I finish what I am saying to his Lordship?

A: His Lordship has just said the same.

MR RAMPTON: On pages 260 to 266.

MR JUSTICE GRAY: Of Professor van Pelt?

MR RAMPTON: Not the whole of it, I am sure it is not the whole of it, but a good deal of what he said is set out there.

At various points in the footnotes, my Lord, Professor van Pelt, and probably also in the text, though I do not have the whole of it here, Professor van Pelt draws attention to passages in Almeyer which cannot be right.

MR JUSTICE GRAY: But the point on Almeyer was not really so much the number of Jewish prisoners who were gassed, but, rather, the detailed nature of the description of the gas chambers.

MR RAMPTON: Precisely, my Lord.

MR JUSTICE GRAY: Is that fair?

MR RAMPTON: Absolutely right.

A: Right.

Q: That is what you and your revisionist friends were afraid of, was it not, Mr Irving?

A: Let me explain. I saw the Almeyer file on three

P-34

occasions, as you now know, because I went to the Public Record Office and asked if they would give me a print out of all the occasions on which I saw the file. I saw it once for afternoon on June 3rd 1992, and I saw it subsequently four years later -- I have the actual print out here which will tell you the precise days when I saw it -- on May 29th 1996, and again probably in connection with preparation of this action on 6th September 1997. So I have seen it three times. I am not a Holocaust historian. My time in the archives is limited. If I am not writing about the Holocaust in 1992, I am not going to spend the entire afternoon analysing a file of what looks like

200 pages. I skimmed through it, looked at the various versions, spotted the obvious discrepancies and immediately sent this, what you quite rightly described, I suppose, as an alarm signal to other people saying, "There is this report in the archives which is going to cause problems, and we are going to have to face up to it and it is better that we are the ones who publish it, rather than the people at the other end of the extreme, of either end of the two extremes, who will put spins on it which are quite unacceptable.

Q: But, you see, Mr Irving, before ever having analysed it, thought about it, compared it with the rest of the great corpus of evidence about Auschwitz, you are already

P-35

suggesting in this letter that Almeier's account was beaten out of him by the British under the charge of the notorious Lieutenant Colonel Scotland, are you not?

A: I take it you have never heard of Lieutenant Colonel Scotland.

Q: Mr Irving, will you answer my question?

A: Well, I have. I know who Lieutenant Colonel Scotland is and I know all about the Kensington Cage in which the prisoners were tortured.

Q: Mr Irving, I dare say you have. I am not the least bit interested in Colonel Scotland. Please answer my question. Before you have analysed these notes or compared them with the corpus of evidence on Auschwitz, you have already begun to suggest that they were beaten out of it?

A: The papers are found in the files of Lieutenant Colonel A Scotland which were seized from him by the British Government after the war. Almeier was held finally in the London prison cage, which was Colonel Scotland's outfit, before he was turned over to the Nuremberg authorities. As his questioning proceeded, starting in Norway and then ending up in England because he was captured in Norway, his accounts became more lurid. The final accounts in his file are written in British Army style with all place names and proper nouns written in capital letters with all that that implies, in handwriting, in pencil.

P-36

MR JUSTICE GRAY: But Mr Rampton's question, I think, was suggesting this to you -- I am just going to ask it, if I may -- that in a way you are putting the cart before the horse jumping to the conclusion -- this is the question ----

A: Yes.

Q: --- that because the Almeier account was found in what you describe as the London Cage, it, therefore, followed that the account that he gives is worthless?

A: No, my Lord. What I am saying is because it gets progressively more lurid, because the numbers increase from report to report, and because it ends up written in traditional British Army style on British Army notepaper, in pencil with all the place names and proper nouns written in capital letters, one is entitled to draw certain conclusions from the physical appearance of this file, particularly when one associates it with the name of the notorious Colonel Scotland.

MR RAMPTON: Have you ever seen a police interview with a witness, Mr Irving -- a record, a handwritten record, of a police interview with a witness, Mr Irving?

A: I think there have been references to them in various Courts of Appeal, yes.

Q: No, Mr Irving. Have you ever actually seen the record of a police interview? I am talking about the days before they were tape recorded and later typed, transcribed.

P-37

Have you ever seen a record of an interview in a Police Station?

A: Yes.

Q: You know perfectly well it is common form that poor old officer Bobby laboriously writes out what the witness is saying, and then when he comes to a name he always puts it in capital letters?

A: But is he writing out what the witness is saying or is he writing down something and saying to the witness, "No sign here, please. This is what you said"?

Q: So it is not just the notorious Colonel Scotland, it is the notorious Scotland Yard, is it?

A: Well, you dragged them in. I did not mention them.

Q: Come on, Mr Irving, the fact that it is written in pencil with the names in capitals tells us nothing.

A: On the contrary, it indicates clearly that he is doing precisely what he is told to at the dictate of the British Army officers who, undoubtedly, had ways of doing their job, they had ways of making people talk, and I have no criticism whatsoever of that. We won the war and these are the methods we used to win the war. But to use these same documents that we won the war with to write history from is, I think, indicative of the problems that we are having in the courtroom today. Because you yourself have admitted, your expert witnesses have admitted, that Almeyer frequently made wrong statements in his report.

P-38

Q: Yes, he did. In fact, he gave his first account in Norway, did he not?

A: Yes.

Q: I am told, and you probably will not know because you have never studied it, but in fact I am told that his most explicit and detailed account was given in Norway.

A: Not with these numbers, as I said in my letters to Mr Weber and also Mr Philip on the same day.

Q: His significance is not numbers, is it? His significance is procedure at Auschwitz, is it not?

MR JUSTICE GRAY: Is that right, Mr Irving?

A: I am sorry, I was not listening. I was just checking this other letter I wrote on that day. I am not sure if it is in the file or not.

MR RAMPTON: If there is one in German, I am going to ask you about it. It is Karl Philip.

A: Yes.

Q: I will ask you about that in a moment. The significance of Almeyer for the record in so far as he has significance is not the numbers that he gives, but the description that he gives of how they killed the people at Auschwitz, is it not?

A: Even there, if my memory is correct, he gets it wrong.

MR JUSTICE GRAY: Well, what is the answer to the question and then carry on about whether he gets it right or wrong.

A: He describes gassing procedures, this is true, but, of

P-39

course -----

Q: But the question, Mr Irving -- do focus on the question -- is that the significant thing about Almeyer's account is not the number that he gives of the Jewish prisoners who were gassed, but the description he gives of the way in which they were gassed. That is the question.

MR RAMPTON: It is the question.

MR JUSTICE GRAY: Can you say whether you agree or disagree with it?

A: If you tell me what the description is that he gave?

MR RAMPTON: Let me tan an example, the middle of page 262 of the transcript, as it where, that appears in van Pelt. It corresponds very roughly with what SS Untersturmfuhrer Broad tells us: "In the time that followed some three to four gassing were undertaken in the old crematorium. These always occurred in evening hours. In the morgue were two or three air vents and medical orderlies wearing gas masks should blue cyanide gas into these" ----

A: Now, which crematorium are we talking about? Crematorium number ----

Q: That is crematorium (i) at Auschwitz 1 at the stammlager.

A: About which, unfortunately, we have not asked the Professor very much in his evidence.

Q: Well, you did not.

A: Yes, indeed, but I tried to bring this up and his Lord

P-40

said, "We are not interested in whether this building has been faked after the war or not".

Q: Mr Irving, do you never answer an overt question?

MR JUSTICE GRAY: That is a total misrepresentation of what I said, but let us move on..

A: Well, I tried to bring up crematorium No. (i) in order to get the admission from the witness that it has been built in 1948 by the Poles and at this point your Lordship intervened, you will remember, and said, "This is of" ----

MR JUSTICE GRAY: Well, I am not going to go through that again because the transcript is there, but let us get back to Almeyer.

MR RAMPTON: We will just read on, and this is where Almeyer is a real killer for you revisionists, is it not, Mr Irving?

A: I do not know. I will have to see what it says.

Q: "We were not allowed to come close and only the next day the bunker, gas chamber, was opened. The doctor told that the people died within half a minute to a minute. In the meantime, in Birkenhau, close to the burial sites, two empty houses were equipped by the construction office with gas chambers. One house had two chambers, the other four. These houses were designed as bunkers 1 and 2. Each chamber accommodated about 50 to 150 people.

"At the end of January or February, the first gassings were undertaken. The Commando was called "SK" and the camp commander had put it under the direct

P-41

authority of Untersturmfuhrer Grabner and was again led and brought into action by Hoessler". That is different from Hoess. "The area was surrounded by notices and marked as a security zone and, moreover, encircled by eight guardposts from the Commando.

"From that moment onwards the camp doctor sorted from the arriving transports immediately the inmates and those who were destined to be gassed. They had instructions to select for gassing those crippled by illness, those over 55 years of age who could not work and children up to 11 or 12 years". From a revisionist point of view, that is a catastrophic account, is it not?

A: But I also draw attention to the frequent footnotes that Professor van Pelt has quite rightly written in saying this is wrong, that is wrong, the following is wrong, this is an incorrect account, the time was longer, the time was shorter. If one knows that, what kind of credence can you attach to a report like that?

MR JUSTICE GRAY: In relation to the passage Mr Rampton has just read, is that not an accurate account of, I do not know, is it crematoria (iv) and (v), or (iii) and (iv)?

MR RAMPTON: No. In that passage it is bunkers 1 and 2.

A: It is talking about the bunkers 1 and 2, which we have not talked about and which, as far as I

am concerned, actually existed.

MR JUSTICE GRAY: My question really is this. Is there

P-42

anything wrong with that as an account, so far as you see it?

A: I see nothing wrong with that as an account, my Lord, but then, of course, as I have to keep reminding the court, I am not a Holocaust historian. I have never set myself up as a Holocaust historian. I have not written about the Holocaust in books or otherwise. All I know is that this is a flawed account, if I can use that word. Professor van Pelt himself describes it as being inaccurate in very many respects, and this is the kind of problems which would no doubt have been brought out, had I ever sat down and read the whole file and start comparing it with all the others.

MR RAMPTON: Before suggesting that this flawed account, put into his mouth by the brutal British interrogators, was tortured out of him by Colonel Scotland?

A: I am talking about the figures of course, both in the English letter and in the German letter, June 4th. I said it becomes more lurid with each subsequent version, first no gassings, then 50, then 15,000 in all. I suggest brute force by interrogators perhaps.

Q: So you are quite prepared to accept that these accounts, he goes on on a subsequent page to give an account of gassings of crematorium (ii) in Berkenhau?

A: We have exactly same problem with Rudolf Hoess. We know Rudolf Hoess was badly manhandled and no doubt he richly

P-43

deserved it, but his account also became more lurid with each successive interrogation.

Q: Mr Irving, your answers are in danger of becoming characteristically inconsistent, if I may say so. You were worried that Colonel Scotland may have tortured these numbers, or threatened to do so, out of Almeier, is that right?

A: That is not actually what I said. I said his account becomes more lurid with each successive interrogation. That is all one can safely say, looking at them, on the basis of a first blush look at the entire file.

Q: Let us start again, Mr Irving. If this is a flawed account, and an obviously flawed account ----

A: In the opinion of your own expert witness.

Q: No. If you only have to compare it with the rest of the evidence. I know you have never done that, but it is, let me tell you, in certain respects unclear, confused and inaccurate. The guts of it, however, I put to you a moment ago, are dangerous to revisionists. If this account had been beaten or threatened out of this man by the brutal British interrogators, would you not think that they would have made it consistent with what else they knew?

A: That is perhaps what they were doing.

Q: Would you not think ----

A: Perhaps that is why it is marginally consistent with other

P-44

accounts known at this time. By this time, you have to remember, they already knew quite a lot from other interrogations.

Q: Exactly. So they would have made Almeier get it right. They have not only got all the details right, they would have got the numbers right, would they not, Mr Irving?

A: What you mean? Put in 2.8 million or some ----

Q: Whatever. But 15,000? That is pathetic, is it not? That is not a very good answer to a threat of torture or torture itself, is it?

A: Maybe that was going to be in a later stage. Maybe there was going to be an interrogation 5 or 6 when he came to Nuremberg into the shadow of the gallows. This is a rather threadbare kind of argument. We do not know what stage they reached in their coercion.

Q: Mr Irving, you have made a suggestion in this letter to your chums in the revisionist movement to the effect that this man gave a fallacious account because he was tortured or threatened with torture by the Brits. You have absolutely no basis for that whatsoever.

A: Mr Rampton, when the time comes to cross-examine your expert witnesses, I shall be putting to them documents which show very clearly what methods were used to extract information from witnesses, including some of the most brutal and horrifying descriptions of what happened to the witnesses in the Malmedy trial. I shall invite them to

P-45

state whether they consider this kind of evidence is dependable.

Q: Mr Irving,, I am tempted myself to resort such methods to get a straight answer to my question, I have to say. You have no evidential ----

A: It included, for example, crushing the testicles of 165 out of 167 witnesses. Is that what you are proposing to do to me?

Q: We cannot fit that many witnesses into your witness box up there, Mr Irving, I am afraid. Can you turn to the next page, 92, please? It has a 92 in the right hand corner, so that you can identify it. It is a letter from you, London, 4th June 1992 -- it is a facsimile -- to Karl Philip. Just tell me, does it say more or less the same as what your letter to Mark Weber said?

A: Yes. I do not know what file I am supposed to be looking at.

MR JUSTICE GRAY: I think the answer is yes, having read through it.

MR RAMPTON: It looks like it. My German is rotten but it looks much the same.

MR JUSTICE GRAY: Who is Philip?

MR RAMPTON: That is my next question. Who is Karl Philip?

A: He is a German friend of mine.

Q: Why would he want to have this information?

A: I would have to think back. In 1992 he was publishing a

P-46

newsletter.

Q: He is another revisionist, is he not?

A: Oh yes. He is a wicked revisionist.

Q: No, he is another revisionist?

A: But I said yes, he is a revisionist.

Q: You said he was a wicked revisionist. Would you like to expand on why he is wicked?

A: Apparently all revisionists are wicked. This is a piece of sarcasm on my part which obviously totally escaped you.

Q: Mr Irving, revisionists are wicked if they tell deliberate falsehoods about the past.

A: Let us hear if you can catch me out in telling deliberate falsehoods on oath, which is of course a serious matter.

MR JUSTICE GRAY: On we go, I think.

MR RAMPTON: I quite agree. The last three pages in this little clip should be some pages from your book Nuremberg. Do you recognize them? Starting with the page number 245.

A: Yes.

Q: There is a paragraph at the bottom of page 245 which begins, "in fact Eichmann".

A: Yes. I just have the notes here. I have 245, yes, page 6.

Q: "In fact Eichmann had no authority to issue orders to Hoess, as they were in different branches..." I will not bother to read that. You are talking about the material

P-47

presented by the Allies at Nuremberg, I suppose, are you? "There is no trace on the Allied aerial photographs either of such burning operations or of the pits themselves. Perhaps for security reasons, the Allies made no attempt to introduce these highly detailed aerial photographs of Auschwitz in this or the later war crimes trial".

Those are probably including some of the photographs we looked at earlier in this trial, are they not, Mr Irving?

A: Yes. The aerial photographs helped in particular with secrecy by the Americans and the British after the war.

Q: Now, the footnote there is 34, and you will find that footnote on the next following page in this little clip of documents. At the bottom of the page, I am afraid the page has lost its number.

A: Pages 4 and 5.

Q: Yes. It is page 353 of the book. You write: "Nor did they (that is Allies) introduce other compelling evidence about Auschwitz, for example, the testimony of SS Sturmbannfuhrer Kurt Almeyer". In fact I think he is called Hans Almeyer, is he not?

A: That I do not know.

Q: -- "who had for several weeks acted as deputy Kommandant of Auschwitz. Almeyer was initially as incoherent as Hoess under interrogation by the British in Norway and

P-48

England. The memoirs and manuscripts which he pencilled in the Kensington Interrogation centre commanded by Lieutenant Colonel Scotland also displayed an increasing precision with each week that passed. The final manuscript (or fair copy) signed by Almeyer was pencilled in British Army style with all proper names in block letters. Almeyer was extradited by the British to Poland and hanged." If you write the words "compelling evidence", are you being sarcastic?

A: It is compelling. It is very important. I have always been puzzled why that evidence was not introduced at Nuremberg, unless perhaps the experts at Nuremberg said this will harm us more than it helps us because of the figures.

Q: How many people were tried at Nuremberg for the sorts of crimes alleged to have been committed at Auschwitz and Birkenhau?

A: At the principal trial there were 22 Defendants and in the subsequent actions, there were 12 subsequent actions with the United States, people of the United States against individual groups.

Q: How many of the 22 pleaded guilty?

A: None of them.

Q: Were they all convicted?

A: Two were acquitted.

P-49

Q: Was the evidence of, for example, Heinrich Tauber used at Nuremberg?

A: I do not think so. I do not know, is the answer to that.

Q: Right. I just want to come back to one thing on this.

MR JUSTICE GRAY: Before you leave that, I am a bit puzzled, Mr Irving. Can you help me? I had got the impression that you really thought that Almeyer's account was not worthless but really not worth a great deal because of the inaccuracy.

A: It is questionable material, but obviously, if you read the whole file, this was a man who was in a position to know. He is an important character, and I am surprised that they did not introduce either his statements or call him as a witness.

Q: If it is questionable, why do you describe it in your Nuremberg book as compelling?

A: It is compelling evidence which needs to be examined. It is compelling evidence that should have been before the court if they were looking at these atrocities. It is one of the oddities of the Nuremberg War Crimes trial that Auschwitz was hardly mentioned. The prosecution of crimes against humanity was left to the French and the Russian prosecutors, and the actual events in Auschwitz were very skimpily touched upon. The purpose of this footnote, my Lord, is to bring the attention of the Almeyer file to the historical community, to say there is this material, here

P-50

is the file number, it is important stuff, go for it.

MR RAMPTON: When was book published? 1996?

A: It was written in 1994, yes.

Q: When was the first time you went public on Almeyer? You discovered it in the beginning of June 92.

A: I drew attention of the fellow historians to it and other writers from 1992 onwards immediately. I found one letter in October 1992 to a Mr Paul Gifford, to whom I sent the entire file on the Holocaust, including the Almeyer material.

Q: Who is he?

A: He is a British writer. If you are interested in this letter, it was in the discovery. I sent it to him on October 7th, saying this file must be returned within four weeks please. I sent him a reminder on 29th 1992, that is the same year as I found it, saying please now return the file. So it went on. I sent it to Gerald Fleming. I believe I drew Sir Martin Guildford's attention to it, but on that I cannot be certain without looking at my papers.

Q: I cannot challenge that. I am in no position to do that.

A: I certainly drew the attention of, I would say, half a dozen or a dozen other writers around the world over these years to the Almeyer file.

Q: Finally this, Mr Irving, I am reading now ----.

A: Quite simply because I was not an expert on it and they were better placed than I was to evaluate it.

P-51

Q: I am reading now from the report of Professor Funker, which you may or may not yet have read, who will be giving evidence, I hope, in about a fortnight's time, about political movements and figures in modern Germany. You know who I mean, do you not? Hyo Funker?

A: Yes.

Q: I think he is a Professor in Berlin. He tells us this about Karl Philip and I want you to comment on it.

A: Yes.

Q: You will obviously get the chance to cross-examine him if he is going to be a witness, I mean Professor Funker.

Karl Philip NPD: What is NPD?

A: It is national something or other.

Q: Party Deutschland?

A: Yes.

Q: Is that a legal political party in Germany?

A: What are you suggesting, that he was a member or an official of it? I do not know.

Q: Functionary?

A: I do not know. That is news to me.

Q: You do not know that? In the 1970s and 1980s?

A: No.

Q: Did you know that in 1990 he received a fine of about 3,600 deutschemark for incitement of the people and defamation?

A: I know the expression give a dog bad name and hang them,

P-52

yes.

Q: Is it correct that he received a fine, to your knowledge -- if you do not know, say so -- of 3,600 deutschemarks for incitement of the people and defamation?

A: This is not known to me, no.

Q: It is not known to you?

A: When was this?

Q: 1990.

A: No.

Q: When did you first meet Mr Philip?

A: 1989, October 23rd or thereabouts.

Q: How often do you correspond, speak to or meet Mr Philip, Herr Philip?

A: I suppose 1989, for about two years. He was in correspondence with me for those two years. He occasionally sends me emails now.

Q: Do you know a newspaper called Die Barenschaft?

A: The little magazine, yes.

Q: Is a neo-Nazi magazine?

A: I do not know. I never opened it. It was sent to me and it went straight into the trash can.

Q: Do you know Ahmed Rami of Radio Islam in Stockholm?

A: I have had no dealings with him whatsoever.

MR JUSTICE GRAY: Are you leaving Almeyer?

MR RAMPTON: Yes, I am.

MR JUSTICE GRAY: Mr Rampton, is the allegation pursued that

P-53

Mr Irving sat on the Almeyer material until it was discovered by the defendants' solicitors?

MR RAMPTON: Since I am in no position to challenge that he wrote to these various people when he says that he did, it obviously is not. He did not go into public print on until the Nuremberg book but he did mention it there.

A: The reason I did not go in public with it is because it was my scoop, and although I am known for my generosity in giving my files away to other writers, this particular one ----

Q: What would be the value of a scoop, Mr Irving, when, as soon as you have made the scoop, according to you, you have to throw it away because it has been devalued by being tortured out of

the man who provided it?

A: No. What would have happened, you see, is just the same as the Institute of History in Munich published the Hoess memoirs. I would have contemplated publishing the Almeyer memoirs with suitable surrounding material and documents from the archives, but from 1993 of course this became impossible when I was banned from the German archives on July 1st and banned from German soil on November 9th.

Q: It would be a bit like publishing the Hitler diaries and saying, look at this, it not terrific, it is a forgery? It would be absolutely worthless, would it not, according to you?

A: I can see no comparison whatsoever.

P-54

Q: Now I want to move to something else, if I may. Again it is only a little point. My Lord, what I am going to do, if I may, is spend a little time just clearing up some loose ends. Loose ends do happen in the course of litigation.

MR JUSTICE GRAY: Of course they do. Can you explain to me, as you do so, where the loose ends fit in?

MR RAMPTON: I am now going to deal with three documents which Mr Irving Denied in evidence that he had ever seen.

A: Can I come back on the Almeyer thing by way of re-examination, so to speak?

MR JUSTICE GRAY: Yes.

A: Your Lordship very rightly asked if they were upholding that allegation that I sat on it. There is the specific allegation in the van Pelt report that I did not let it be known until I heard that Mishcon de Reya ----

MR JUSTICE GRAY: That was what I was asking Mr Rampton about.

A: You did not specifically mention that footnote, my Lord. I think I have established that I put it in the public domain long before Mishcon de Reya started scrabbling around in the archives.

MR JUSTICE GRAY: Mr Rampton is not pursuing that allegation.

MR RAMPTON: I am not pursuing it, subject to this, that I would quite like to see the letters which he said that he wrote to the various historians.

A: Certainly. I will try to find them. I have seven copies

P-55

of it here, if you would like to have this.

Q: Being a suspicious bloke, I like to see the chapter and verse.

A: This is dated October 7th 1992 and there are seven copies of it which I did at 4 o'clock this morning.

Q: My Lord, what I am going to do now is refer to three documents -- they are different documents -- which Mr Irving told us in evidence that he had never seen. The first one is the letter from Muller, the head of the Gestapo, the order rather, to the Einsatzgruppen, all four of them, of 1st August 1941, which says, in effect, that the Fuhrer will be getting continuous reports about the work of the Einsatzgruppen in the East.

MR JUSTICE GRAY: Where is it, just in case it is necessary to look at it?

MR RAMPTON: My Lord, it is in Professor Browning's documents. It is referred to by him.

MR JUSTICE GRAY: That will do.

MR RAMPTON: On page 7 of his report. I think my memory is that he has written it out in translation. Unfortunately, I do not have it here. It is actually in H4 (ii).

MR JUSTICE GRAY: I think that, unless Mr Irving wants it dug out, this will probably do.

MR RAMPTON: I have given a sort of a translation.

A: I am not normally very picky, my Lord, but in this particular case it would be nice sometime to see the

P-56

original or a facsimile of it.

MR RAMPTON: I agree. I do believe that Mr Irving should be given H4 (ii). That is actually Dr Longerich's documents but it is the same document.

A: It is a document from the Russian archives?

Q: Yes, and it is the first sentence of the writing which I am interested in. It is footnote 143, in handwriting at the bottom right hand corner of the page. Do you see it? It is a copy.

A: Yes.

Q: It says so. Did I more or less translate the first sentence correctly?

A: Oh dear. I can only say "oh dear" about this document. Where does it come from?

Q: I can tell you that, Mr Irving. It has been available in the Munich Institute of Contemporary History IFZ with the reference number FA 213/3 since before 1982.

A: That does not tell us so much about the provenance though, does it?

Q: Why? What is the matter with it?

A: Well, I mean, normally you would have either a Nuremberg document number in the top right hand corner or some indication of provenance and it would not contain German spelling mistakes.

Q: Why not? Do soldiers not make mistakes when they write, or civil servants? Goodness me. We have spotted several

P-57

already in the original documents in this case, have we not?

MR JUSTICE GRAY: Are you saying that this not an authentic document?

MR RAMPTON: Another fake, I think. He does not like it so it is another fake.

A: I am seeing this for the first time, of course, but I noticed straightaway at the bottom line that interestingly it does use the SS runes after the word "Muller", which implies that it is a wartime document.

MR JUSTICE GRAY: I think I am looking at the wrong document.

A: My Lord, it is footnote 143.

MR JUSTICE GRAY: I see. There are two 143s.

MR RAMPTON: I am sorry, it is a copy.

MR JUSTICE GRAY: It is page 295?

MR RAMPTON: That is right, yes.

MR JUSTICE GRAY: There is another footnote 143.

MR RAMPTON: I am sorry about that. Both Dr Longerich and Professor Browning make reference to this.

A: It may be that I am more picky than they are when I am dealing with what looks like a duplicated copy of a document.

Q: Never mind. It is a what?

A: It looks like a duplicated copy of a document, in other words on an old fashioned Gestetner duplicator, so to speak, but it has the SS runes on it after the name

P-58

Muller, which implies, or should be taken to imply, that it is a wartime document rather than a postwar one.

Q: I would guess that it is. Why not?

A: What worries me is the word "verschlüssel" in the fifth line, which is neither fish nor fowl in German. It is "verschlüssel". It is not "verschlüsselt," it is not "verschlüsselung". It is a word that does not exist by itself.

Q: Well tell me what it means.

A: If it was completed it could be to be coded or cyphered, encyphered, but it is just, as I said, wrong.

Q: Mr Irving, suppose that there was an N instead of an L, would that make a difference?

A: It would have to be after the L. It is a strange error, I would say that. If it is genuine, then the next thing I would point to, of course, is the fact that it has a very low classification, just G, secret.

Q: Mr Irving, I am not asking you about the document.

A: All right.

Q: When I asked you about this document before, it was ages ago, you denied ever having seen it.

A: Now I am seeing it for the first time, yes.

Q: So you say.

A: I beg your pardon. I am on oath and, if I say I am seeing this for the first time, then I am seeing it for the first time.

P-59

Q: Mr Irving, you have said many things on oath which I simply do not accept, so we can get past that childish stage of this interrogation.

A: I think this is probably the time to have it out. Where you think I am lying on oath, then you should say so.

MR JUSTICE GRAY: He is saying so.

MR RAMPTON: I am doubting it, Mr Irving.

A: My Lord, he is not saying when. He is just alleging in broad terms.

MR JUSTICE GRAY: Mr Irving, that is not right. Let me make it clear to you.

MR RAMPTON: Will you please wait. I do not do that.

MR JUSTICE GRAY: We are all talking at once. Mr Rampton, I was talking.

MR RAMPTON: I am sorry. It might be valuable if your Lordship reminded Mr Irving of my duty.

MR JUSTICE GRAY: Yes, I am going to. I think it is fair to say that every time Mr Rampton is challenging the truth or credibility of what you are saying, he has made that clear in his questions.

A: He is saying that he does not believe ----

Q: Please wait. If you think that he is not making his case clear at any point, then you are entitled to say, what are you asking me, Mr Rampton? What are you putting to me? But on this particular document, I would like to know whether you do or do not challenge its authenticity.

P-60

A: I think for the purpose of today I will accept that it is genuine, but it has these blemishes to which I may refer later on. But to suggest that I have seen this document before is inaccurate and untrue.

MR RAMPTON: I have not said that yet, Mr Irving.

A: You said "so you say" and the record shows that.

Q: I do say "so you say" because I doubt your answer, and I will tell you precisely now why I doubt it, as I always do, because I am not allowed to make that suggestion unless I have a basis for doing so. It has been in Gerald Fleming's book "Hitler und die endlosung" ever since 1982.

A: I have not read that book.

Q: You have not read that book?

A: It has been sent to me twice by Gerald Fleming, once in English and once in German, and I have not read that book.

Q: Are you not interested in books which contain references to documents which focus on your very field of historical activity, that is to say the connection between Adolf Hitler and the endlosung?

A: The reason why is because Gerald Fleming and I had a very lively correspondence and he was constantly sending me copies of his latest documents. It is unlikely there were going to be documents in the book which he had not already sent me months earlier.

Q: You told us near the beginning of the case that Gerald

P-61

Fleming has done some very good work on one particular episode, not this. That was Bruns and Altemeyer.

A: Yes he corresponded with me about it. You have seen my entire file of correspondence with Gerald Fleming and you know exactly how detailed that correspondence is. It is about 4 inches thick.

Q: Do you possess a copy of "Hitler und die endlosung"?

A: Yes, two copies.

Q: And you have never looked at them?

A: I may have looked for a specific document in it. I seem to remember looking to see -- that is right. When I wrote my web site page on General Bruns, I checked up on the spellings of the names and the correct identification of Altemeyer and people like that, and I used it as a reference work. I looked in the index, in other words, for Bruns and Altemeyer and got the data out of that, one or other of the editions.

Q: How much time have you spent in the Munich archive, the IFZ if that is what it is?

A: Until I was banned in 1993? I was there from 1963 for 30 years.

Q: If Gerald Fleming found it in the Munich archive before his book was published while he was writing it, it was published in 1982 and you spent time in that archive, I know not how many days or hours or weeks, looking for documents about Hitler. Do you expect us to believe that

P-62

you did not come across this document?

A: Both. I looked for documents back in 1964 and 1965 and I hired a lady whose name almost certainly will be mentioned later on in today's hearing to do the research for me, to re-research the files for me, looking for material on Adolf Hitler and the final solution, and certainly neither of us came across that document. However, your researchers could have established if I saw that particular file, because the IFZ keeps a detailed log of who sees each file, just as the Public Record Office does.

Q: Down the line that may happen, Mr Irving. Now I want to turn to another document, which I find even more puzzling, if I may say so.

A: You are implying that the IFZ has a record of my having seen that document, which is untrue.

Q: No, I am not implying that at all. I have absolutely no idea. All I would say, if you want me---

A: That was the innuendo of "down the line this may happen", was it not?

Q: It may do if we look. That is all that means. All I will say at the moment, if you want me comment, is this, that I do not find your answer very convincing. But that is not my task, it is his Lordship's task.

A: I am sorry I do not convince you but it is your duty to come forward with plausible evidence to the court that I

P-63

am lying, and you cannot because I have not seen this document before.

Q: You have two copies of Gerald Fleming's book.

A: I have two copies of Fleming's book, one in German and one in English.

Q: You write about Hitler and his connection with the endlosung. You spent hours in the Munich archive and this is a key document which you have missed.

A: I read the reviews by Tom Bower and by Gordon Craig of Gerald Fleming's book. Tom Bower said that Gerald Fleming has failed to destroy David Irving's central hypothesis, and Gordon Craig said exactly the same. That being so, why should I waste my time reading that book, apart from looking up specific references, because undoubtedly Fleming has done very detailed research, but I am not a Holocaust historian. If I was writing a book about the Holocaust, then no doubt I would consult Fleming.

MR JUSTICE GRAY: This does not really go to the Holocaust, does it? It goes to Hitler's knowledge of the shooting by the Einsatzgruppen.

A: Yes, but I can only repeat that my attention was never drawn to this document, I never saw it in that book, there is no reason why I should have done.

MR JUSTICE GRAY: It has not yet been established there is any evidence you actually saw this although I think the evidence does suggest you had an opportunity to find it.

P-64

MR RAMPTON: I make it quite clear I shall invite----

A: I had an opportunity to find very large numbers of documents, my Lord.

MR JUSTICE GRAY: It is a different thing, I accept that.

A: But I am very well known for not consulting other people's books. If Gerald Fleming had sent me the document as a copy, which I would have expected him to have done, then I would of course have taken it into account.

MR RAMPTON: I am sorry, I am a little bit at sea, Mr Irving, because this has only just been brought to my attention. You were asked some questions in an IHR conference on 4th September 1983 -- I am telling you this as a fact because I have the printed version in front of me -- and the question was: Could you give your reaction to the recent book by Gerald Fleming, "Hitler und die endlosung", so we are talking about the same thing, are we not?

A: Yes.

Q: Then you say this. I have not been able to edit it because I have only just been shown it. "Yes, Gerald Fleming, frightfully nice, he and I were face to face once on the David Frost programme" -- again it does not seem to be much of an answer to the question -- "for an hour and a half in England on television. He was not able to prove me wrong then. He has ever since felt mortally wounded by the fact that he was not able to prove me wrong in front of" -- goodness me, this is all about the

television audience.

A: I am failing to answer a question, am I?

Q: Yes, you are.

A: Yet again.

Q: Because you were asked the question, what do you think of the book?

A: Well, I probably did not want to admit that I had not read it.

Q: The reviewers admit in reviewing his book that he has not found the evidence that I am wrong, that he has not found documentary proof.

A: That is exactly what I just said 17 years later. My memory is not all that bad.

Q: "His book in fact is a lie"?

A: Yes.

Q: How on earth can you say that about a book you have not read?

A: I have read the reviews. The book was written as an attempt -- the book has been written specifically, it says in the introduction, this is an attempt to answer David Irving. The whole reason he wrote the book was to answer my book "Hitler's War". I read the reviews by Tom Bower and numerous other people and they say this book has failed to refute David Irving.

MR JUSTICE GRAY: I am sorry, I am going to come back to what seems to be perhaps more important. I had the impression,

and it is a long time ago now that we had evidence about it, that you accepted that Hitler was kept informed about the shootings by the Einsatzgruppen?

A: You are absolutely right, my Lord. Certainly as far as the Russians Jews were concerned, and the non-German Jews were concerned.

MR RAMPTON: My Lord, I am on the question whether Mr Irving was telling the truth when he said first time around that he had never seen this document.

A: I can tell you I have never seen this document before in my life.

Q: Mr Irving, laughing will not help. I am going to read on what you said at this IHR conference shortly after the book was published. "The book is a lie because the book's title is 'Hitler and the Final Solution' when underneath is a subtitle in quotes, 'it is the Fuhrer's wish...'"

A: It is the Fuhrer's order, yes.

Q: "As though this is from some document. In fact it is not. This is just what some Nazi big wig after the war, sweating and pleading for his life in the dock at Nuremberg or somewhere else, tried to claim that it was the Fuhrer's wish that this should be done. This is precisely the kind of evidence which I am not prepared to accept. It is a well-written book. He has done a lot of research but he constantly mixes first, second and third order evidence in a completely reprehensible way".

A: Yes.

Q: You did not read the book?

A: This is precisely what the reviewer said. Actually, exactly what the reviewer said about the book. I can produce to you tomorrow the reviews by Tom Bauer and Gordon Craig and the other reviewers of the Gerald Flemming book.

Q: Mr Irving, was there in your discovery ----

A: And also in correspondent with me he told me what he was going to base his subtitle on, namely a particular statement by a particular General. Every time he found a new document, he would write me a triumphant letter. I remember that one particularly.

Q: Mr Irving, was there in your third supplemental list of documents two editions, one in German -- no, sorry, an edition of a German book by a man called Koegon and others?

A: Eugene Koegon, yes -- a murderer.

Q: And you know that its German edition is called "National Sozialistische Massentugenturm Durch Giftgas"?

A: That is right. Koegon is on the United Nations "Wanted" list for mass murder.

Q: What is the point of that remark?

A: Well, I am just trying to, shall we say, equalify the author of this work so that you know what kind of credentials he has.

P-68

Q: I am not interested in the very least in Mr Koegon's credentials. He has not brought an action for damages for libel against my clients.

A: Well, just in case you rely on anything Mr Koegon wrote.

Q: No. Have you a copy of the English edition published in New Haven in 1993?

A: That I do not know offhand, probably not.

Q: It has been disclosed in your supplemental list of documents.

A: Well, then, it is probably on my book shelf, yes. I certainly would not have purchased it. Somebody must have handed it to me.

Q: You what?

A: I would not have purchased it. Somebody must have sent it to me.

Q: You would not have purchased it? So that is another book you will never have read?

A: Oh, yes.

Q: You mean you will not have read it?

A: Highly unlikely that I would have read it and I can say for certain I have not read his book.

Q: You see, it contains printed out in full -- if you are interested in this subject, of course ----

A: Yes.

Q: --- what the people were doing to the Jews in that part of Eastern Europe during 1941, '42 and '43, if you are

P-69

interested in that subject, it contains printed out in full the RSHA letter of 5th June 1942 which recites that they have managed to process 97,000 people in gas vans at Chelmo. Do you remember that document?

A: Yes, the incredible -- 97,000 people in how many weeks, five weeks?

Q: Five weeks.

A: That is approximately 40 people per hour per van.

Q: You accepted it. I am not going back to that, Mr Irving.

A: Well, we are going to be questioning your experts about those figures when the time comes.

Q: You may do whatever you like with my experts ----

A: I remember the document clearly.

Q: Provided, Mr Irving, you let them finish their answers. Mr Irving, that document, you accepted when I was cross-examining you earlier in this case ----

A: It is a genuine document.

Q: Yes, and you accepted that it showed that, so far from being an experiment on a small scale, this was a systematic and large scale operation?

A: Well, we are going to be looking at the figures later on, as I say.

Q: Mr Irving, you have already accepted that.

A: Do not start brow beating me about the figures. I have accepted the document is genuine, but we are going to be looking at the figures when your experts are standing

P-70

here.

Q: If we need to go back, Mr Irving, to see what you actually said, we will, but that is not the point. You denied ever having seen that document before?

A: Yes.

Q: But you have a copy of the book in which this document is actually printed?

A: And?

Q: Are you interested in this period of history or not?

A: I am not interested in that aspect of the history, no. I am interested in Adolf Hitler's personal role in decisions taken during World War II.

Q: And you do not think the question whether or not these gassings and shootings in the East were large scale and systematic has anything to do with Hitler's role, is that is right?

A: Mr Rampton, I do not know if you have ever written a book in your life. You probably have.

Q: As a matter of fact, I have.

MR JUSTICE GRAY: We have had this before, yes.

MR RAMPTON: It is a very small book and not a very good one, but it does exist, yes.

A: Well, I can believe that.

MR JUSTICE GRAY: Come on, it is ----

A: But the time comes when you have ----

MR JUSTICE GRAY: --- degenerating.

P-71

A: Well, that was well deserved modesty on his part. The time when you are writing a book when you have to decide what to leave in and what to keep out if the book is not going to be 2,000 pages long with 8,000 pages of sludge in the middle. If you are writing a book about Adolf Hitler's command of the war and his command decisions, then really what happens in detail, the crimes committed by these gangs of gangsters on the Eastern Front, you have to decide to leave the detail out otherwise your readers will not see the wood for the trees.

MR RAMPTON: So we have now two books in your possession, one was sent to you by the kindly -- is he Professor Fleming?

A: I think he probably sent it to me himself. Yes, I think he actually dedicated it to me.

Q: And one which either somebody sent you, you certainly would not have bought a book by the mass murderer Mr Koegon?

A: That is what surprises me. You say it is in my book shelf and I am sure nobody planted it there, but ----

Q: It is in your discovery, Mr Irving.

A: But, for the life of me, I never knew I had that book in my book shelf.

MR JUSTICE GRAY: Can we just go back to Professor Fleming's book for a while? Correct me if have this wrong, Mr Irving, you are saying that what you said at IHR press conference was derived from the reviews, not from your

reading of the book. One of the things that you said was that Professor Fleming is given to citing second and third-hand documents?

A: Yes.

Q: So your evidence is that that also would have come from one or other of those two reviews?

A: Well, and from the fact that he and I were in almost daily correspondence at that time and also on the telephone, he would be constantly on the telephone to me, telling me about his latest discoveries and latest finds and what he was doing and what he was writing.

Q: I thought your evidence earlier on was that what you had said came from the reviews.

A: Well, and from the reviews, yes, but you asked me, my Lord, if I have understood correctly, whether my statement to the IHR was based only on the reviews, and I was saying that those and the personal communications I had with him on a daily basis and, indeed, a very, very thick file of correspondence with him indeed, mostly handwritten on his part.

MR RAMPTON: There is one more book I am going to ask you about, Mr Irving. Do not take it from my silence that I accept a word of what you say. The coincidence is too great, if I may say so. There is another book. Do you remember Gertz Bergander's book about Dresden?

A: Indeed, yes.

Q: You told us yesterday you have never read that either, did you not?

A: Certainly I never read it from cover to cover, no.

Q: I asked you twice.

A: Yes.

Q: I asked you, "Have you read this 1977 book of his?" Answer, "No, I have not".

A: Can I enquire what you mean by "read"? Do you mean sitting down and opening at page 1 and reading through or dipping into it to look for a fact or item?

Q: The context was that you had not read it in such a way as to be able to evaluate the figures he gave.

A: I want to be precise about the answer I give here, so I know what you mean by "read".

Q: You actually interrupted a question -- not for the first time -- that I was asking. I will read the whole passage. My Lord ----

MR JUSTICE GRAY: Page.

MR RAMPTON: --- page 75 of yesterday's transcript, line 9.

"If you turn to page 11", my Lord, I said, "of the table", that is Miss Rogers' table, "it says, basing herself on Professor Evans ... this: '1977, the real TB 47 comes to light. It is discovered by Bergander who found a reserivist Ehrlich who had a copy cited at page 261 of Bergander. Evans describes Bergander as the most authoritative work', and so on". Then I turn to

Mr Irving: "I dare say if you have not read Bergander, Mr Irving ... you will not be conscious of" ---- And you interrupted, Mr Irving, and said this: "Well, Gutz Bergander was a very good friend of mine -- he still is a very good friend of mine". Question: "Have you read this 1977 book of his?" "I have not, no." Then, my Lord, on page 178 also in yesterday's transcript: Question: "Look at Bergander's book. Have you not read that?" Answer: "No".

A: This is a reference to the Order of the Day, the Tagesbefehl?

Q: No, no.

A: Well, that was the page you ----

Q: 35,000 was the question.

A: Well ----

Q: Then you said: "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 I put Reichart's book having read Reichart book".

A: I assume that I had read Reichart's book at that time, yes.

Q: Now, was it true or not -- people make mistakes; you might have forgotten -- when you told me that you had not read Bergander's book?

A: I have never read Bergander's book.

Q: You have never read it?

P-75

A: Yes. I may have dipped into it. I may have looked at the photographs or looked to see what his sources were.

Q: What do we understand when on page 281 of your Dresden 1995 edition, at footnote 10, you tell us that Bergander -- this is about the ACK-ACK gunners, saying that Bergander was one of them -- then you say this: "Bergander subsequently published his own well researched account of the raids, Dresden, in Luftkrieg, Cologne and Vienna 1977"?

A: Yes.

Q: If you had not read it, how do you know it was well researched?

A: Because he asked me to help him with the research. That is why it was well researched. He is a very good friend of mine. He asked me where he should go to, what archives. He got all my archives. I give him 8,000 pages of my paper. It was a well researched book he wrote. He went beyond what I had done and did further research as I know.

Q: Is it unreasonable for me to suggest on the basis of this morning's discussions, Mr Irving, that everything you do not like is either a forgery or you have never seen it before?

A: Well, you put to me specific example of books and said, "Have you read this?" to which my answer has always been accurately on oath, "No, I have not read it". We have

P-76

looked at two documents today in detail, one of which is the crematorium capacity document which I insist is not genuine, and nothing that I heard this morning has changed my mind on that, and that is the only document I intend impugning in this entire legal action. We have looked at another document now ----

Q: You have just been having a go at the Muller order of 1st August.

A: Well, that is because I have seen it for the first time, and every time I look at a document for the first time, my first instinct, particularly when it is not an original, but a Gestatnat duplicated copy which comes from an uncertain provenance with no kind of markings whatsoever, is it say, "Hello, what is this then?" If my eye immediately alights on German words that have been spelt wrong and, as I say, are neither fish nor fowl, then that makes me slightly more nervous about it.

MR JUSTICE GRAY: Well, you backed off that in relation to the Muller document, did you not?

A: I did not want to waste the court's time, my Lord.

Q: Well, do not worry about that.

A: Well, I appreciate your Lordship's impatience when I start looking at documents in detail.

Q: No, no, I am not in the least bit impatient. I am interested to know.

A: No, the reason why I backed off it, my Lord, is because

P-77

I accepted that Hitler knew about these actions and there not much point going into that one.

MR RAMPTON: My Lord, I now pass on to something rather more central which is Mr Irving's utterances on the subject of Jews, blacks, etc. etc., both public and private.

A: Are we not dealing with Dr Goebbels today then? The Goebbels diaries?

Q: What has Goebbels got to do with it?

MR JUSTICE GRAY: No, the Goebbels diaries. I think the answer is yes if we have time.

MR RAMPTON: We will get to Moscow along down the road if we have time.

A: Well, we have my witness coming tomorrow, Mr Peter Millar.

Q: That is fine. I do not mind. You can interpose him if I have not finished. I am not troubled about that.

I will certainly finish tomorrow to make room for Professor Browning on Monday.

MR JUSTICE GRAY: Mr Rampton, may I enquire when these bundles that have just been handed up were generated, as it were?

MR RAMPTON: I think they came into court at about 29 minutes past 10.

MR JUSTICE GRAY: Have they caused you a problem, Mr Irving, these new bundles?

MR RAMPTON: My Lord, they are not new.

MR JUSTICE GRAY: I appreciate that they are somewhere in some bundle, but I am just asking Mr Irving if he has found it

P-78

a problem dealing with two new bundles.

A: Well, are they new? To what degree are they new?

MR JUSTICE GRAY: Well, I think the documents are not new in the sense that they are probably in one of the other files, but I am concerned that you are being presented with newly arranged documents and that may cause you a problem.

A: My Lord, my concern is not being presented with the big bundles. I am very concerned about these little catalogues of excerpts that they are presenting your Lordship with, which appear to look to me not so much like case management as case manipulation.

MR RAMPTON: It is perfectly all right, Mr Irving. Everybody has the full text. You are perfectly free to refer to the full text or ask the judge to read the full text if you should be suspicious.

A: Well, I think ----

Q: If we had not -- Mr Irving, please -- had done this bundle of extracts, we shall be here until next Christmas.

A: Yes, but we have seen the kind of policy that the Defence uses when it makes their extracts and excerpts. There is one passage by Professor Evans where "..." stands for 86 words and four sentences and three full stops and two or three semicolons.

MR JUSTICE GRAY: Well, as we go through, Mr Irving, will you say when you think the context ----

P-79

A: Well, it is very difficult ----

Q: --- puts a different gloss on what you are recorded as having said.

A: It is very difficult just on the basis of the catalogue that they are going to leave your Lordship with.

MR JUSTICE GRAY: I have not yet digested what I am being presented with because I have not seen these.

MR RAMPTON: What your Lordship is being presented with is, in effect, our selection of those passages all from Mr Irving's own documents and his own words -- nobody else's words, just his own words -- of those passages which best represent -- they are by no means exhaustive -- what we say is Mr Irving's underlying frame of mind. This is the only neat way we could think of doing it without scuttling about from one file to another and from one page within the file to another.

Mr Irving is a very wordy person and many of these transcripts are very long.

MR JUSTICE GRAY: I think I did ask at an earlier stage for a marked up version and I have now got that.

MR RAMPTON: You did, and your Lordship has three things. First of all, the original unvarnished speeches, etc. etc. in the various D files. Then your Lordship has what your Lordship first asked for which is a marked up copy of the important passages in those files, but those have now been transferred into the other two files. Finally, what has

P-80

happened is that for ease of reference and to make everybody's life simple, we have extracted those passages on which we rely. It is as simple as that.

MR JUSTICE GRAY: And that is that, is it?

MR RAMPTON: And that is that. This is going to be a long job anyway.

A: Well, let us see how we proceed, my Lord, is probably the answer, but I have waved a little red flag.

MR JUSTICE GRAY: If you find yourself in difficulties, then just say so.

A: It is not the difficulties, my Lord, it is the little catalogue of excerpts, the manipulation that is going on, that concerns me.

Q: Well, let us wait and see whether that is right or wrong.

A: If I were to do this with my books, I would be in deep trouble and justifiably so.

MR RAMPTON: Can I start on the first page of the text of this, please, under the heading "Anti-Semitism, the Holocaust", subheading -- these are our headings, I hasten to add, not yours. "Jewish responsibility for anti-Semitism pogroms, Holocaust".

On 12th July 1997, your action report, "A Radical's Diary" is recorded as having expressed this thought ----

A: What page are we on?

Q: It is page 3 at the bottom of the page. Every single one

P-81

of these passages is referenced. Top of the page, I think it has a 11/A in square brackets.

A: What bundle am I supposed to be looking at?

MR JUSTICE GRAY: This little one, I think.

MR RAMPTON: It is a small quote. Some of them, I am afraid, are much longer. If you would not mind looking at the little bundle?

MR JUSTICE GRAY: I am sure he has it. Have you got this, Mr Irving?

A: I do not think so.

MR RAMPTON: My Lord, Mr Irving was given one.

MR JUSTICE GRAY: Was he? Anyway, he has another one.

A: I strongly object to this kind of excerpting. You are taking a sentence out of, I do not know what, a long article or a speech or something.

MR JUSTICE GRAY: We can look at them. We have them here. But let Mr Rampton ask his question and then we will look at the context.

MR RAMPTON: Mr Irving, can I suggest that every time you think we have tried to distort the record ----

A: "Manipulate" is the word I used.

Q: Yes, great, "manipulate the record" -- I must remember that -- for the purposes of presenting a skewed picture to the court, please mark beside whichever quote I refer to "check" because then when you reexamine yourself you can show his Lordship how bad our manipulation has been.

P-82

A: Can I ask that each time we open the full speech first and then find what you are taking the excerpt from?

MR JUSTICE GRAY: No, Mr Evans, but what we can do is have Mr Rampton ask his question and if part of your answer is, "Oh, well, you have taken it out of context, then we will look". I think that is the right way of proceeding.

MR RAMPTON: But you have plenty of time to check whether we have taken it out of context, Mr Irving. The full speeches are in those two files.

A: Well, this is going to be a very long procedure.

MR JUSTICE GRAY: Right. Let us make a start.

MR RAMPTON: Yes, but I would rather you did not do it. Let me say this, I take it that every single extract that I ask you about you will preface your answer (and so let us take it as pregnant preface) with the answer, "Ah, yes, but you must look at the context", all right? Can we proceed on that basis because if you reply in that way every single time, we really are going to be here until the cows come home.

MR JUSTICE GRAY: Mr Rampton, I am bound to say -- I am sorry, this debate is going on and on -- I do think if he says in relation to any of your questions, "Well, yes, that is what I said but look at what I said immediately afterwards", he must be entitled to make that part of his answer to you.

MR RAMPTON: Of course, if he wishes to do so.

P-83

MR JUSTICE GRAY: Yes, right.

MR RAMPTON: Let me take the first one on this page 3, may I, Mr Irving? This is your action report No. 12, I think, of July 1997. The reference is given if you want to look at it. "Why are they [the Jews] so blind that they cannot see the linkage between cause and effect? They protest, what, us? when people accuse them of international conspiracy. They clamour, 'Ours, ours, ours' when hoards of gold are uncovered and then when anti-Semitism increases and the inevitable mindless pogroms occur, they ask with genuine surprise, why us?" Mr Irving, is that a fair quote in the context from ----

A: Can I read the two paragraphs before that?

Q: Yes, please do.

A: To set it in context: "Three hours work today on discovery", that is for this action two years ago already, "compiling exhaustive files for my papers for my libel actions, my archive files on the Judenfrage, the Jewish problem. Depressing.

"There is an item in today's Jewish Chronicle which reports that, according to a study by the University of Tel Aviv, anti-Semitic incidents everywhere are on the decline. There has been an 8.1 per cent decline in Britain over the 12 month period to the end of 1996.

"There are two significant exceptions, however.

P-84

An increase in anti-Semitic propaganda in Switzerland during 1996 was generated by 'Jewish claims for the return of money and of the property of Holocaust victims or their heirs'. The other exception is Australia 'where there was a 12 per cent rise over the previous year'. I then continue with the passage that you have put before his Lordship which is the conclusion to be drawn from this fact, that in Australia -- "In fact, Australia today is on fire about me again, about my not being allowed into the country. The Prime Minister of Australia this morning has criticised me. This kind of thing generates the anti-Semitism in countries", and this is precisely what this is about.

Q: You do not see anything in what I have just read which might account for the Australians' unwillingness to have you on their shores?

A: On the contrary, this is saying cause and effect. Why is there increasing anti-Semitism in Switzerland today when it is going down everywhere else in the world? Answer, we know why. Why is there anti-Semitism today in Australia today? Answer, we know why.

Q: But you are adopting it, are you not? You are saying the anti-Semitism is justified on account of the fact that the Jews are greedy?

A: Did I say justified or explicable? Is there a subtle difference there, do you think?

P-85

Q: We will read the next passage, Mr Irving.

MR JUSTICE GRAY: I cannot find the reference. K4, tab 10, page 60.

MR RAMPTON: At 1.

A: This is a typical example of something being taken out of context and the word "explicable" being changed into "justifiable". This is a typical manipulation.

Q: If you say so, Mr Irving. It is going to get worse, I am afraid. Can we read the next passage? This is rather a long passage so perhaps you would like to have a look? This is taken from your interview with Errol Morris on 8th November 1998.

My Lord, the passage in the file is at page 60 of tab 10. 60 is written in the round circle. It is at the bottom of the left-hand column of page 22 of the action report.

MR JUSTICE GRAY: Is this your second one?

MR RAMPTON: No, that is first one your Lordship was asking after.

MR JUSTICE GRAY: Yes, I did find it. I am sorry. I have it now.

MR RAMPTON: This comes from, if you want the reference, Mr Irving, pages 25 to 27.

A: I have it. I have the full text in front of me. Once again you left off the opening passage which explains what I am saying.

P-86

Q: Which opening passage?

A: You began half way down the paragraph of what I said.

Q: I will read the whole thing if it bothers you.

MR JUSTICE GRAY: Mr Irving, I have just read the opening part of that paragraph. It makes

no difference at all to what is relied on, I do not think, does it?

A: No, what I am saying is if somebody calls me a liar, which frequently happens, especially in this courtroom, even when I am on oath, I shrug my shoulders.

Q: And then you contrast that with the Jewish reaction?

A: And I contrast that with the sensitivity of the Jewish community. When they are called liars, then suddenly all the force and majesty of the law is called in and you are invited to go before the Magistrate and all the rest of it, and this generates anti-Semitism, in my view.

MR RAMPTON: Well, Mr Irving, I am going look at something which I suggest is a massive exercise in the generation of anti-Semitism. It is you speaking at line 39 on page 25 of the file. You see: "It is certainly is inexcusable. Every country, every people, particularly the Jewish people, I think are robust enough to survive the knocks, to survive the insults, to survive the impugning of their integrity". So far so good.

"If somebody says to me, 'David Irving, I think you are a liar', I shrug my shoulders and say, 'So, so

P-87

what? You are entitled to your opinion'. But if somebody says to the Jewish community, 'Jewish community, we think you are a liar', suddenly the jail doors are swung open and people say, 'This way, come on, you have called them a liar' ----

A: Like Karl Philip, for example, fined 3,000 deutschemarks for some utterance. That is precisely the example, and that generates anti-Semitism, in my view.

Q: Yes, "... and this I think does harm to the Jewish people in the long run because the non-Jewish people will say, 'What is it about these people?' Irving: I am deeply concerned about this and I have said this to people like Daniel Goldhagen who I challenged to the debate at a meeting in New Orleans a few months ago. I said, 'You have written a book called Hitler's Willing Executioners. You have talked to us this evening at great length about who pulled the trigger, but the question which would concern me if I was a Jew is not who' ----

A: "If I were a Jew".

Q: --- "pulled the trigger, but why? Why are we disliked? Is it something we are doing? I am disliked. Dave Irving is disliked. I know that because of the books I write.

I could be instantly disliked by writing. I could become instantly liked by writing other books. You people", by which, of course, you mean the Jews, "are disliked on a global scale. You have been disliked for 3,0000 years and

P-88

yet you never to seem to ask what is at the root", misspelt, "of this dislike. You pretend that you are not disliked but you are disliked. No sooner do you arrive as a people in a new country, then within 50 years you are already being disliked all over again. Now what is it? And I do not know the answer to this. Is it built into our microchip? When a people arrive who call themselves the Jews, you will dislike them? Is there something in our microchip? Is it in our microchip that we do not like the way they look? Is it envy because they are more successful than us? I do not know the answer, but if I was a Jew, I would want to know what the reason is why I am being disliked, and not just disliked in a kind of nudge, nudge, wink, wink, he is not very nice kind of sort of way, but we are being disliked on a visceral, gut wrenching, murderous level, that no sooner do we arrive than we are being massacred and beaten and brutalized and imprisoned until we have to move on somewhere else. What is the reason? I would want to know the answer to that, and nobody carries out an investigation about that".

Then I have to go on: "(Interviewer) What would you say the reason is? (Irving) I am just looking at this as an outsider; I come from Mars and I would say they are clever people. I am a racist, I would say they are a clever race. I would say that, as a race, they are better at making money than I am". That is a racist remark, of

P-89

course, Mr Irving. It is worthy of Dr Joseph Goebbels, is it not?

A: Now then, you are taking words here and you are putting your own intonation on them: "If I am a racist, then I would say these things, I say things in a racist kind of way -- there are better people than us, they play the violin better, they make money better than us and this would generate my envy".

Q: "But they appear to be better at making money", you repeat yourself, "than I am".

A: That is right, I am putting myself in a position of the critics. I am trying to find reasons why people are anti-Semitic. I am talking here to a television interviewer. We are investigating the reasons why people may become anti-Semitic in my own rather clumsy and incoherent way. We are trying to find what makes people anti-Semitic. Is it because the Jews are better than us? Is it because they play the violin or the piano better than us, better at making money than us or is there something built into our microchip?

Q: Yes, Mr Irving.

A: I think this is a very coherent expression of the whole anti-Semitic tragedy, that nobody knows what it is that makes people dislike foreigners, the xenophobia that is inside every human being.

MR JUSTICE GRAY: That sentence (I do not know whether

P-90

Mr Rampton has read it yet or not), you say: "If I was going to be crude, I would say not only are they better at making money but they are greedy", that is you, Mr Irving, saying the Jews are greedy, is that right, or have I misunderstood?

A: No, this is the two or three levels down in the argument, my Lord; this is putting myself into the skin of a person who is asking questions about those clever people. There should be triple quotation marks around this.

MR RAMPTON: Oh, no, Mr Irving, that will not do; that is another rash and hasty ----

A: If you read on, you will see exactly why we are talking about the Swiss gold business.

Q: I am going to read on, Mr Irving. That is exactly why I said it was a rather rash answer.

A: This is precisely the moment when Abraham Foxman and the Jewish newspaper 'Forward' have said: "Sure, we bludgeoned them until they had parted with the money".

That was his headline: "Yes, we bludgeoned them". This is the kind of thing that generates anti-Semitism as witnessed what happened in Switzerland.

Q: So every time there is a pogrom or a machine gunning into a pit, or a mass gassing, it is entirely the Jews' fault because some of them make money and some of them are good at the piano, is that right, and some of them are clever?

A: I regard that a very childish oversimplification of what

P-91

I have tried to set out in two paragraphs there.

Q: It is just exactly what you have been telling ----

A: It is a childish oversimplification. I am confronting Daniel Goldhagen who is a very clever writer and who has written a whole book on Hitler's willing executioners asking the question: "Who pulled the trigger?", and I am attending a meeting, in fact, in a synagogue in New Orleans, November two years ago. I am the first person who is allowed to ask him a question and I say to him -- these are the questions I asked him and I am repeating the questions I have actually said to him and you will also find that in my Radical's diary; the whole of this episode is also there --- Professor Goldhagen, a very interesting book you have written. Of course, it caused a great sensation around the world in May 1996, but the question you have asked is the wrong question. If I were a Jew, the question that would interest me is not who pulled the trigger but why, and why does it keep on happening again and again and again and why does nobody investigate that phenomenon, the phenomenon of where does anti-Semitism come from?

Q: Your thesis, Mr Irving, is perfectly clear and will become clearer and clearer as we go through these extracts.

A: So what is my thesis?

Q: Your thesis is that the Jews have deserved everything that has been coming to them?

P-92

A: That is totally different; the difference between justification and explanation, already made once earlier this afternoon, to say that something is explicable is totally different from what I am saying, that it is justifiable. Nowhere have I ever (and I would find it repugnant if anyone suggested this) heard suggested that what happened to the Jewish people, that that tragedy is justifiable; it is not justifiable. But anti-Semitism, as a different phenomenon, you can begin to explain it; you can say that if somebody acts like Abraham Foxman and bludgeons the country like the Swiss in departing with billions of pounds of money, then it must not be surprising if it turns out that Switzerland is one of the few countries in the world where anti-Semitism increases. There is, surely, a cause-and-effect connection between those two facts.

If I were Daniel Goldhagen, or his father, the famous Professor Goldhagen, I would want to investigate that phenomenon rather than the rather more mundane phenomenon of which gangsters actually pulled the trigger on those sub-machine guns.

Q: Does one swallow, or to use something more akin to your terminology, one vulture, does one swallow or vulture make a summer, Mr Irving?

A: I do not understand that question.

Q: Mr Irving, you have used one case to characterize the

P-93

whole of the Jewish people, wherever in the world, as greedy and, therefore, as having brought anti-Semitism on themselves.

A: Did I say this was the only instance?

Q: I have your words in black and white in front of me.

A: I do not think so; I think this is a pattern, unfortunately, which is repeated again and again. These whole page advertisements around the world which you yourself have undoubtedly seen, and which I can certainly introduce if you have not seen them, where it states: "You can get money, too; you do not have to have been in a concentration camp, you did not even have to have been a slave labourer. It suffices if you are a member of a minority persecuted by the Nazis living within the Third Reich, you can get money out of it". This generates anti-Semitism, in my view. I may be totally wrong; maybe anti-Semitism comes from somewhere else.

MR JUSTICE GRAY: Mr Irving, may I just ask you a question about the interview you gave in

November 1998?

A: November 1998?

Q: The one you have just been asked about?

A: This actually was August 1998, I think.

Q: Right. It may be wrongly dated. But I just want to get the sort of structure of what you are conveying to your interviewer. You are saying of the Jews, well, they have been disliked for 3,000 years, they are disliked wherever

P-94

they go?

A: Yes.

Q: Then you say: "Well, I do not know the answer".

A: Well, I do not -- I am not ----

Q: Pause. Am I right so far?

A: You are absolutely right, yes.

Q: But then do you not go on to say ----

A: I venture a suggestion.

Q: Well, look at it as if I came from Mars"?

A: I tried to stand right back from the planet Earth and look down on these people.

Q: "And it appears to me that the reason why they are disliked is because they are greedy"; is that not what you are saying?

A: I go on to a whole series of different reasons.

Q: All right, but that is the first one you come up with?

A: I say globally I do not know what the reason is. Effectively, I am not a sociologist, I am not an expert on this, but possible reasons are -- what is the connection between the rise in Swiss anti-Semitism and the gold bank business?

Q: But you are putting that forward as the reason why there is this dislike of Jews?

A: My Lord, with respect, not the reason.

Q: All right.

A: One contributing reason -- one contributing reason at this

P-95

moment in time.

Q: I see. I just want to get it clear.

A: But I also suggest very strongly it may be built into our microchip, as I put it. It may be part of the endemic human xenophobia which exists in all of us and which civilized people like your Lordship and myself manage to suppress, and other people like the gentleman on the Eastern Front with the submachine guns cannot suppress.

MR RAMPTON: Mr Irving, before we proceed any further, I think you might be advised to have a look at your own diary, if you would not mind?

A: Well, you have had 50 million words of my diaries to look at.

Q: Yes. Aren't we fortunate?

A: Well, I think discovery on a scale like this contrasts very severely with the discovery that your own instructing clients have made.

Q: Yes, Mr Irving, good point.

A: Sarcasm is, perhaps, not called for.

Q: 38, please, Mr Irving -- no, indeed not, when you look at this.

MR JUSTICE GRAY: 38?

MR RAMPTON: 38 of tab 10 of the bundle K4, my Lord. It is page 36 of the extract bundle. This is Irving speaking to Irving. This is not Irving punting some thesis about Jewish culpability to the television audience. I want you

P-96

to look at the last part of the entry for September 17th 1994 which was a Saturday.

A: I am looking at the wrong page.

Q: Page 38 of the bundle, tab 10.

A: Tab 10?

Q: Of K4?

MR JUSTICE GRAY: Is it in your ----

A: Yes.

MR JUSTICE GRAY: --- selection?

MR RAMPTON: This is a typed or printed page.

A: Yes.

Q: Some of it has underlines and italics?

A: The underlinings are not from me.

Q: "A quiet evening at home", etc, "Jessica", who is Jessica?

A: My little infant child.

Q: Yes.

A: At this time she was nine months old at this time.

Q: Nine months old in September 1994. "Jessica is turning into a fine little lady. She sits very upright on an ordinary chair. Her strong back muscles, a product of our regular walks in my arms to the bank, etc., I am sure. On those walks we sing the binkety-bankety-bong song. There are two other poems in which she stars: 'My name is baby Jessica. I have got a pretty dressica, but now it is in a messica' and, more scurrilously, when half breed children are wheeled past" and then you go into italics, "I am a

P-97

baby Aryan, not Jewish or sectarian. I have no plans to marry an ape or a Rastafarian"?

A: Yes.

Q: Racist, Mr Irving? Anti-Semitic Mr Irving, yes?

A: I do not think so.

Q: Teaching your little child this kind of poison?

A: Do you think that a nine month old can understand words spoken in English or any other language?

Q: I will tell you something, Mr Irving, when I was six-months old, I said, "Pussy sits in the apple tree until she thinks it is time for tea"?

MR JUSTICE GRAY: You were very precocious!

MR RAMPTON: I was, but then I burned out at two!

A: Yes. Perhaps I should set this in its context. The scurrilous magazine "Searchlight" (about which we will, no doubt, hear more) had just published a photograph of myself and Jessica and her mother, who is very blond and very beautiful, and it had sneered at us as being the "perfect Aryan family".

Q: They did not write this, you did?

A: Yes, but this is my little private response to this rather nasty sneer ----

Q: You wrote this on 17th September.

A: Please do not interrupt me. This is my private response to this rather nasty smear by this magazine which has been giving me trouble ever since I had the man arrested for

P-98

breaking into my house 30 years earlier when he called my family a "perfect Aryan family" in a public magazine. So I sit with my infant child on my lap, humming a little song to her about us being a perfect Aryan. Do any other words upset you?

Q: What?

A: Do any other words in the poem upset you apart from the "Aryan".

Q: No, no. It is the contrast. The poor little child has been taught a racist ----

A: Poor little child! She is a very happy child.

Q: --- ditty by her perverted racist father.

A: Have you ever read Edward Lear or Hilliard Belloch?

Q: They have not brought a libel action complaining of being called a racist, Mr Irving. You have ----

A: I do not know if they have brought libel actions or not.

Q: Mr Irving, you sued because you said we called you a racist and an extremist?

A: Yes, but I am not a racist.

Q: Mr Irving, look at the words on the page.

A: Mr Rampton, are you accusing me of racism, in other words, looking down on ethnic minorities?

Q: Oh, yes.

A: Well, how is it behind you in the entire four weeks we have been here today I have not seen a single coloured member on the team behind you, when I have employed

P-99

coloured people of ethnic minorities on my staff and, so far as I can see, not you or your instructing solicitor have employed one such person.

MR JUSTICE GRAY: Now, shall we have a little pause? I do not think that is a very helpful intervention.

A: I think it is very important to say that. It is the point where hypocrisy begins and dudgeon ends.

MR RAMPTON: Mr Irving, you are condemned out of your own mouth, you see. That is the trouble.

A: Well, I am condemned by what I say and you are condemned by what I see. Not once have you had a member of the ethnic minority working on your side.

MR JUSTICE GRAY: Mr Irving, I just suggested that was not a very helpful intervention. Do not just repeat it.

MR RAMPTON: I expect you are hoping the newspaper reporters are going to write it down, are you not, Mr Irving?

A: I do not place much trust in the newspaper reporters. I can recognize hypocrisy when I see it.

Q: Let us go back in this same tab of the file to a diary entry for 10th November. That is a long way back. If you want to turn to page 17, you are in South Africa, Johannesburg, on November 10th 1987?

MR JUSTICE GRAY: Page 17 of your extracts.

MR RAMPTON: No, my Lord, I am trying to avoid accusations of manipulation.

MR JUSTICE GRAY: Can you give me the references if they are

P-100

there?

MR RAMPTON: Yes, it is page 41, I think of, I hope, the extracts bundle, my Lord.

MR JUSTICE GRAY: Page 41.

MR RAMPTON: Yes, it is the last entry on page 41 in my copy. I will read the whole of it because I do not want -- the entry on page 19, please, Mr Irving?

A: What page am I supposed to be looking at?

MR JUSTICE GRAY: Page 4, tab 10, page 19.

A: Yes.

MR RAMPTON: "Stayed in hotel all evening apart from a short walk down the street. Worked revising Goring in the foyer. The conservative newspapers of Johannesburg and Pretoria are full of my coming. Unfortunately, I have not left all my blue sheets and media and personal contacts in London. Around 8 p.m. ... (reading to the words) ... She is bristling a bit about some of my more blatant chauvinism; he talking most interestingly about the AIDS epidemic in black Africa. He says he thinks that the black population in all Africa will die out within a very short space of time". That was in 1987 -- poor man will have been disappointed. "He attributes the incredibly high AIDS" ----

A: On what do you base the conclusion he is going to be disappointed?

MR JUSTICE GRAY: Let us read on. I think the trouble is with

P-101

interpolations, they ----

MR RAMPTON: "He attributes the incredibly high AIDS incidence among blacks to their sexual activity, few blacks, apparently, engaging in less than five sexual acts per night". Whose underline is that?

A: It looks like mine.

Q: It does, does it not? "He says the astonishing sexual activity among black men accounts for why a large number of white female intellectuals and students like having black boyfriends which now, of course, they will regret. God works in mysterious ways, but here we agree he", that is God, not your mate Burrige, "appears to be working remorselessly towards a Final Solution which may cruelly wipe out, not only the blacks and homosexuals, but a large part of the drug addicts and sexually promiscuous and indiscriminate heterosexual population as well." Not racist, Mr Irving?

A: What is racist about that?

Q: You are hoping that God is going to complete his long term plan, his Endlosung, his Final Solution, and wipe out all the blacks as well as the homosexuals and everybody else?

A: What a totally perverse spin you have put on that diary passage. I am a religious man. When I see things happening, I see God's hand in everything that is happening. When I see God inflicting a plague like this

P-102

on Africa, I ask myself what the possible explanation for it can be. I am talking to a medical expert, who is a medical expert from Swaziland, who is describing to me what I did not know, I had never heard of at that time. I know a great deal more about the AIDS, the incidence of AIDS,

among the native population of Africa. At this time it was total news to me and he told me, and it undoubtedly is true, that it is cutting a swathe right through the native populations of the whole of the African Continent, and we are musing about the strange way that God works in.

Q: So God, like you, would have used capital F, Final, capital S, Solution, would he, just as Hitler, no doubt, was God's instrument in applying that to the Jews? Is that right, capital F ----

A: It is obvious I am referring to the Final Solution in the Aryan sense there, yes.

Q: Do you think God ----

A: But you will not find in that sentence the slightest trace of approval of what is going on there. I think this is another of these enormous human tragedies.

Q: Do you think, and I do not want ----

A: And to suggest that I approved of what was done to the Jews or to suggest that I am approving here of what is happening to the wretched black population of Africa is perverse and repugnant.

Q: It is God working remorselessly towards his capital F,

P-103

Final, capital S, Solution, so far as the blacks etc. are concerned ----

A: You cannot find in any of that passage any hint of approval from me of what is happening.

Q: I see.

A: It is -- I am listening aghast to what the doctor is telling me about what I had never heard of before, namely the incidence of AIDS in the black population of Uganda and Swaziland and the southern African Continent.

Q: Now I would like to look at something else, please. Tab 5 of this file, pages 10 to 11. This is your talk to the Clarendon Club ----

A: While we were on that previous African tour, it is a pity you did not leave in the pages of the diary which referred to my visit to Soweto township where we picked up several black people in our car -- this was at the height of the troubles -- and drove around Soweto with these five blacks sitting in our car allowing -- to show us around the whole of their township because I was very interested in their problems, but, unfortunately, you took those pages out.

Q: Do you agree with me, Mr Irving, that one sometimes gets a better insight into a person's true thoughts and feelings when one reads them written in his private diary than in a speech, for example?

A: Oh, yes. These diaries are not intended for publication and you have been very fortunate to have them. 50 million

P-104

words have been placed at your disposal.

Q: No, thank you, Mr Irving. People who bring libel actions have to make discovery. It is as simple as that.

A: And I have had no objection whatsoever. I attach the proper conditions to it and I said you can have access to my entire private diaries and telephone logs and everything. So far this is all you have found.

Q: Can we turn to tab 5 in this one? This is something, my Lord, that is not copied into the extract.

MR JUSTICE GRAY: Is not?

MR RAMPTON: It is in your Lordship's but not in mine.

MR JUSTICE GRAY: Can you give me the reference in mine?

MR RAMPTON: I cannot, no, because I have not got it -- page 35, 2/D.

MR JUSTICE GRAY: Thank you.

MR RAMPTON: Mr Irving, I am going to read the full entry in this which is a talk I think you gave to the Clarendon Club, whatever that may be, on 19th September 1992, as you can see from the beginning of the tab. After some applause you say this: "For the last four weeks just for once I have gone away from London, where I have been sitting, down in Torquay, which is a white community. We saw perhaps one black man and one coloured family in the whole time I was down there. I am not anti-coloured, take it from me; nothing pleases me more than when I arrive at an airport, or a station, or a seaport" ----

P-105

A: Can you tell me what page you are, please?

MR JUSTICE GRAY: I am lost too.

MR RAMPTON: 10 of 13 at the top of the page. I will start the paragraph again.

A: The bit about I am not anti-coloured, right?

Q: Yes. I read the previous paragraph. "I am not anti-coloured, take it from me; nothing pleases me more than when I arrive at an airport, or a station, or a seaport, and I see a coloured family there - the black father, the black wife and the black children. I think it is just as handsome a spectacle as the English family, or the French family, or the German family, or the South African family ... (reading to the words)... I think that is the way that God planned it and that is the way it should be. When I see these families arriving at the airport I am happy (and when I see them leaving at London airport I am happy)". Well, Mr Irving, well, Mr Irving?

A: It reminds me of a bumper sticker I saw in a car in Durban which said, "Welcome to Durban, now go away". I think we all dislike tourists of any colour.

MR JUSTICE GRAY: These are black tourists though, that is the point.

MR RAMPTON: Tourists? These are black people ----

A: Yes.

Q: --- you are talking about, and your statement, "i am not an anti-coloured, take it from me", was a cynical little

P-106

joke?

A: I do not agree. I am not anti-coloured. This was the cynical little joke at the end because you will notice that the first bit did not get the laughter. It was the cynical little joke at the end that got the laughter.

Q: Yes, "... and when I see them leaving" ----

A: Right, so that was recognized as being the joke.

Q: "When I see them leaving at London airport I am happy. [Cheers and Laughter]". You were speaking to a bunch of fellow racists who would like to clear these islands of all their black people?

A: On what information do you base the knowledge of what the audience was ----

Q: Otherwise you would not have got cheers and laughter; you would have been bundled out ----

MR JUSTICE GRAY: I think it is a question. It is a question. Were you speaking to a bunch of racists?

A: Was I -- no, I was not. No, they were perfectly ordinary ----

MR RAMPTON: Why were there cheers?

A: Well, they obviously liked the jokes that I said. They liked the way that I told the joke at the end.

Q: If you had been speaking to a normal audience of non-racist people and you had said something like that, you would have been chucked out on your ear, Mr Irving.

A: Mr Rampton, you can take it from me, I am less racist than

P-107

yourself probably as witnessed the people that I employ.

Q: All right. I am going to read on. "But if there is one thing that gets up my nose, I must admit, it is this -- the way ... the thing is when I am down in Torquay and I switch on my television set and I see one of them" -- "one of them" -- "reading our news to us". Now, who is the "them" and who is the "us"?

A: Trevor McDonald.

Q: No, "one of them"?

A: Well, in fact, this is a stock speech I used to make. I used to -- it was a debating speech I would deliver to university audiences. I would start off by talking about having our people, the God old days, Lord Reith, the announcer wearing his dinner jacket, you knew the people behind the camera were actually wearing dinner jackets too on Royal occasions, but now in the gradual drumming down of television, they have women reading the news and they have -- it is part of a general speech I used to deliver and I used to say ----

MR JUSTICE GRAY: The question, I think before you go further ----

A: I am trying to set the ----

Q: --- was what did you mean -- listen to the question ----

A: Yes.

Q: --- what did you mean by "them", not what did you mean by "one". What did you mean by "them" and "us"? What is

P-108

the answer to that?

A: As you say, I go on straightaway, I talk about women.

MR RAMPTON: Right. Wait a minute. We are coming on, Mr Irving. You have rambled on without reading the text, unfortunately.

A: Well, that is the clear answer. The very next sentence says ----

Q: No, Mr Irving, we are going to read on.

A: I do admit to chauvinism.

Q: "It is our news and they're reading it to me"?

A: That is right.

Q: If I was ----

A: It is male news and it should be read to us by men wearing ----

Q: Mr Irving, will you please be patient?

A: --- dinner jackets and ----

Q: We are going to read quite a lot of this. Please.

MR JUSTICE GRAY: Mr Irving, please. Can I just ask one other question because I am puzzled, and I want to make sure I understand what you are conveying. When you were asked what was meant by that passage, you said the "one" was Trevor McDonald ----

A: Yes, because ----

Q: --- but you then said that the "them" was women.

A: Well, we come to ----

Q: Well, I do not understand.

P-109

A: --- oh, we come to Trevor McDonald over the page, I see, my Lord. I was jumping ahead of myself. He is three paragraphs on.

MR RAMPTON: Trevor McDonald is one of us because, like me, he wears glasses, is that right -- one of them, rather?

A: I am afraid I do not follow that.

Q: You said initially without thinking of your clever, clever "woman" answer, you said, "That is Trevor McDonald"?

A: Well, this is a standard speech that I used to give as a standard gramophone record.

Q: Why did you say that Trevor McDonald was one of them?

A: Because I know what is coming. I know what is coming in the speech.

Q: What "them" is Trevor McDonald one of?

A: Well, he is someone who is different from us.

Q: In what sense? He wears glasses?

A: No, he speaks English better than you and I do ----

Q: That is what you meant, is it?

A: --- for example -- yes.

Q: He is one of them very good English speakers?

A: This is a witty speech being delivered after dinner to an audience in a private club.

Q: "Wicked", Mr Irving?

A: "Witty", not wicked.

Q: "Witty", did you say?

A: Well, it got laughter.

P-110

Q: Oh, yes -- just, no doubt, as Dr Goebbels' audience would have laughed at him.

A: I used to deliver exactly the same speech to the University of Durham, Cambridge University Union Society -- no complaints from anyone. The women laughed loudest of all.

Q: Can we turn over the page to page 11 of 13. Can?

A: But, of course, you are missing out the bits that help to set the tone of the kind of mood of the evening.

Q: I do not mind, Mr Irving. I want to finish this question before the adjournment. You do not like what is coming, I know, but I am going to do it very, very quickly so that I get my question in: "Because basically international news is a serious thing and I yearn for the old days of Lord Reith when the news reader on the BBC, which was the only channel in those times, wore a dinner jacket and bow tie and rose to the occasion. On great State occasions, one had the satisfaction of knowing not only that the news reader wearing the dinner jacket and the bow tie -- on great State occasions I think it was even a white tie that was called for -- but you had the satisfaction of knowing that the gentleman behind the camera was also wearing a dinner jacket. It gave a certain solid sense of satisfaction that all was well in the best", you should have said "all possible worlds" but it has got missed out, "but now we have women reading out

P-111

news to us"?

A: "Now we have women reading out the news to us".

Q: Wait, Mr Irving, the good bit is coming. "If they could perhaps have their" ----

A: But this is setting the whole tone of it, you know, you are not enjoying this speech.

Q: "If they could perhaps have their own news which they were reading to us I suppose [Laughter], it would be very interesting. [Good-natured female heckling]". So far, Mr Irving, so good. "For the time being, for a transitional period, I would be prepared to accept that the BBC should have a dinner-jacketed gentleman reading the important news to us, followed by a lady reading all the less important news, followed by Trevor McDonald giving us all the latest news about the muggings and the drug busts - [rest lost in loud Laughter and Applause]".

Are you not appalled by that?

A: Not in the least. This is a funny after dinner speech in the spirit of any stand up comedian on the BBC. We have heard exactly the same comedy from the end of the pier in Brighton. It is exactly the same kind of speech, and if you find that -- even the black audience would not find something like offensive, believe me; and as for which of us two is the racist, I can only refer to the fact that I, unlike the members of the Defence team, employ ethnic minorities without the slightest hesitation ----

P-112

MR JUSTICE GRAY: Mr Irving, how many times do I need to tell you not to make that comment? It is inappropriate, futile ----

A: Well, if I am being accused of racism, my Lord, I think ----

Q: --- and is doing your cause no good, I can assure you.

A: If I am being accused of racism, I think it is highly relevant to find out that I employ ethnic minorities without the slightest hesitation.

Q: Well, it is my view that counts and I do not think it is says, so please do not say it again?

MR RAMPTON: My Lord, what I would like to do with your Lordship's permission -- there is an awful lot of this -- I have got a very little way, and your Lordship can understand one reason why that is so -- what I would like to do is at 2 o'clock -- it will take a little bit of time to set up -- is show a video of one of Mr Irving's speeches at Tampa, Florida, on 6th October 1995 at a gathering of something called the National Alliance.

MR JUSTICE GRAY: Right. We will do that at 2 o'clock.

(Luncheon adjournment)
(2.00 p.m.)

A: May I first apologise for my unruly behaviour on the race matter. I should not have kept making that point.

MR JUSTICE GRAY: Do not worry. I do appreciate that it is quite stressful. You have been being cross-examined for

P-113

quite a long time, but I think it is better unsaid.

A: Secondly, in view of the fact that I was broadcasting to Australia at five this morning, may I sit during the film?

MR JUSTICE GRAY: Of course. Sit any time during your evidence.

MR RAMPTON: I hope that goes for me too so far as the film is concerned. My Lord, this is a video tape recording of a speech or talk, call it what one likes, by Mr Irving at Tampa, Florida, on 6th October 1995. The transcript, I think, is K3, tab 20. The plan is to do the beginning, and there is a specific reason for that, and then go to the section which your Lordship has in the extract at

page page 14.

MR JUSTICE GRAY: Thank you very much.

A: My Lord, is there any reason why they are just showing this section and not the whole tape?

MR RAMPTON: I do not mind. It takes an hour. I have absolutely no views about that at all, my Lord.

MR JUSTICE GRAY: Why not watch the extract and then we can go on the written page to any other passage you want.

A: Very well.

MR RAMPTON: If it makes Mr Irving uncomfortable, I would much rather ----

MR JUSTICE GRAY: I am just concerned about time, Mr Irving. Explain to me why you want the whole thing shown.

P-114

A: Your Lordship will probably have glanced through it and you will have seen that----

Q: No, I have not, actually.

A: I am sorry. In fact, I remarked to one of Mr Rampton's instructing solicitors as I came upstairs in the elevator that I was astonished that they had chosen this particular video tape because that is precisely the one that I would have wanted shown. I had apprehended they were going to show the whole tape and not just a fragment.

MR JUSTICE GRAY: I see. You think this in a way gives the flavour of the sort of speeches you were making?

A: Unless they are intending showing lots of extracts from lots of speeches, then I would prefer one entire to be shown rather than just one fragment taken out of context.

MR JUSTICE GRAY: If Mr Irving puts it like that, that in a way this would be a good sample speech, I am inclined to think he is entitled to have the whole thing played.

MR RAMPTON: I quite agree. I have no feelings about that.

Video is shown. Break in video at this point.

A: I then leave the room so there is not much point in showing the rest of it.

MR JUSTICE GRAY: I think there may be.

MR RAMPTON: Yes.

(Video continued).

P-115

MR RAMPTON: There is a small break.

A: That is when I then leave the room.

MR JUSTICE GRAY: I think I know what the point is.

MR RAMPTON: If your Lordship has the point in the transcript, then we do not need to see the tape because it is at the beginning of the transcript as well as the end.

MR JUSTICE GRAY: We are stopping?

MR RAMPTON: That will do, if your Lordship is satisfied that what I need is in the transcript.

MR JUSTICE GRAY: You have laid the ground for a question.

MR RAMPTON: Yes. Mr Irving, do you remember that earlier on in this case we asked you some written questions, or we requested some information?

A: Yes.

Q: And do you remember that we asked you questions about the national alliance?

A: Very clearly. I remember very clearly what answer I gave too.

Q: I asked you a number of questions, general and specific, about the national alliance. You gave some replies. My Lord, these are in bundle A, tab 8. Mr Irving should be handed bundle A, and he should turn to tab 8 where he gave some answers. If turn it to the seventh page -- have you got your answers, Mr Irving -- it is a document which calls itself "some answers".

A: Yes.

P-116

Q: If you turn to page 7 of those answers, you will find a page which begins with the answer number ----

A: Tab 9, that is correct.

MR JUSTICE GRAY: Yes.

MR RAMPTON: Tab 9. That is my fault. 23 and 25 are the relevant answers. You said this, Mr Irving: "I have no association with the body known to the Defendants as the National Alliance as such or whatsoever."

A: What number are you?

Q: Number 23. "I have no association with the body known to the Defendants as the National Alliance as such or whatsoever".

A: Yes.

Q: "I cannot rule out the members of that organization which I take to be a legal organization in the United States.

They have attended functions at which I spoke. Accordingly I have no knowledge of, and I take no interest in what materials it publishes or distributes. I have no knowledge whatsoever of the character of the National Alliance other than what is now claimed by the witnesses for the Defendants nor of the publications which it is alleged to publish or advertise"?

A: Yes.

Q: "I do not agree that I have spoken at any National Alliance meetings. It might be that on occasions a gentleman who was a member of the National Alliance

P-117

offered to organize a lecture for me. In other words he undertook to find a suitable room but I then circulated my entire local mailing list to provide an audience. No doubt he brought his friends as well. It will be seen that in all these photographs of these events which were produced at trial there is no kind of National Alliance presence"?

A: Yes.

Q: Mr Irving, that was a false answer, was it not?

A: Both answers are absolutely true. I draw your attention to the fact that your expert witness, Professor Evans, having read my entire diaries from start to finish, has lamented the fact that he has found not one single reference to the National Alliance. Am I correct?

Q: I have no idea what Professor Evans ----

A: I am telling you. That is the answer to your question.

Q: It is not the answer to my question by any manner of means, Mr Irving. We are going to show a film of you in a moment wearing a National Alliance -- never mind that.

Look at the beginning of the tab?

A: Do you wish to have that part struck off the record?

Q: No. It is a misunderstanding by me. I do not have things struck off the record. That happens in the United States, Mr Irving.

A: There is a fragment of a sentence there about my wearing something.

P-118

MR JUSTICE GRAY: On we go. On we go.

MR RAMPTON: On we go, Mr Irving. Tab 20, please, of K3, which is the transcript of this last film we have been watching.

A: Oh, yes.

Q: Right at the beginning. Look at the beginning of it please, Mr Irving.

A: Yes.

Q: "The first transcribed speech. Ladies and gentlemen, on behalf of the National Alliance and National Vanguard Books, I would like to proudly welcome Mr David Irving".

A: Yes.

Q: You were not in the room at the time, of course?

A: I was there at the time.

Q: On behalf of the National Alliance?

A: It would have meant nothing whatsoever to me. There is no reason at all why I should have remembered that phrase.

I have no idea what the National Alliance is. I still do not know what it is. If somebody introducing me says I am here on behalf of some legion of something or some alliance of something, it is instantly forgotten by me two minutes later. I was there at a meeting which had been organized with my mailing list and the evidence for that is in the following paragraph: "Ladies and gentlemen, there are few familiar faces here this evening". In other words, all my own friends off my own mailing list.

P-119

Q: It would not be right to suggest that, including this meeting, you have attended no less than eight National Alliance events between 1990 and 1998?

A: I have attended no events that have been organized, to my knowledge, as National Alliance events and, had I attended such events, then it would have been described as such in my private diaries, quite clearly.

Q: What do you think that was?

A: This was a function which had been organized by an individual for me to attend and to which I had invited my entire Florida mailing list.

Q: "On behalf of the National Alliance and National Vanguard Books I would like to proudly welcome Mr David Irving"?

A: He had a table there no doubt on which he was selling books. That was no doubt the return that he got. But I have no idea what the National Alliance is and I supposed 90 per cent of the people in this audience also have no idea what the National Alliance is.

Q: You were the ham in the sandwich between that man introducing you proudly on behalf of the National Alliance and another man after you spoke, who also spoke out on behalf of the National Alliance, Mr Irving.

A: That may well be, but I repeat what I say. 99 per cent of the English public, of which I am a member, has not the slightest idea what the National Alliance is in the United States, and that is the position I am in, and what I am

P-120

still in. This is no doubt the reason why your expert was unable to find the slightest reference to this organisation in my private diaries.

Q: Do you remember speaking at the Best Western Hotel in Tampa on July 25th 1998?

A: I remember speaking at the Best Western Hotel in Tampa, yes, but I do not know what the date was.

Q: I am just going to hold it up. This is a flier, poster or leaflet for your talk. Do you recognize it?

A: No. I have not seen that. It would not have been sent to me for obvious reasons.

Q: It says: "Banned. World famous British historian banned for publishing politically incorrect views about the Holocaust".

A: Can you tell me where I find it in the bundle, please?

Q: It is one of these files, trial bundle C, tab 2, page 78. Mr Irving, there is a witness statement in tab 2 which is that of the Defendants' witness Rebecca Gutman.

A: Who we are not going to be able to cross-examine, I take it?

Q: No, you are certainly not. I am only interested in pictures of you, Mr Irving, and the stuff that you know about?

A: I am talking about my coming back. If this witness is not presenting herself for cross-examination, then the court is entitled to take what view of her evidence it wishes.

P-121

Q: Of course we know that, Mr Irving. Not only that, you should know that you are entitled to introduce by the same method material which might be apt to discredit her testimony.

A: I am not the one who is defending this case. You are the one defending this case. I remind you that I am the Claimant in this action and you are the Defendants, not other way round.

MR JUSTICE GRAY: On we go.

MR RAMPTON: Thank you, Mr Irving. I think his Lordship probably knows that. You can be sure that I do.

Mr Irving, will you look at that poster?

A: Tab 2.

Q: Page 78 on the right-hand side of the page in the stamp.

A: C2.

Q: Mine has just got C on it.

A: This appears to be a leaflet handed out in the University of Southern Florida, University of Tampa.

Q: Best Western Hotel, 820 East Bush Boulevard, Tampa. That is a regular venue for your attendances at the National Alliances meetings, is it not, Mr Irving?

A: I do not think I have ever spoken there again. I may be wrong.

Q: This is 1998.

A: There is no year on this document.

Q: No, no, but there is in Miss Gutman's statement. This is

P-122

where she picked it up, and when she picked it up she reads in paragraph 3 as follows: "On or around mid July 1998 the AJC (whatever that is) South West Florida Chapter, received a flier ... advertising a lecture to be given by Mr Irving on 25th July 1998 at the Best Western Hotel (address), this flier is attached".

A: The AJC is the American Jewish Committee, is that correct?

Q: I hope so, yes. Anyhow, it turns out it is another National Alliance meeting.

A: She says, "Although the flier made no mention of the National Alliance, the contact telephone number given was the number listed for the national office and the National Alliance", and I of course would have known that, would I?

Q: You would, Mr Irving, would you not, if you were pictured on the rostrum, podium or platform with a National Alliance banner beside you?

A: How on earth I would not what National Alliance banner looks like.

MR JUSTICE GRAY: Let us have a look at it. Tell us where it is.

A: Does it say National Alliance or something?

MR RAMPTON: As far as I am told. I have never seen it. Let us look at it.

(Video was played)?

A: It has also got David Irving posters behind.

P-123

Q: Yes.

A: So what is the significance of the CND banner?

Q: CND? I thought you said National Alliance. **(Video played)?**

A: It looked like the CND emblem to me.

Q: No, they are not?

A: Is that not the CND emblem?

Q: Mr Irving, if you would stop speaking for a moment, I could try and watch the picture.

Q: I see. That is what Mr Irving calls a CND banner.

A: If I could see it from where I was standing, which is highly unlikely, if you look at the way the hall is laid out, I would have seen it sideways and I would have thought either that is a tree or a CND banner or something, but certainly the words and the banner would have meant nothing whatsoever to me. There is no reason why they should have.

Q: This is the eighth of eight meetings of this body that you had been to.

A: What is the evidence for that.

MR JUSTICE GRAY: Is it true?

A: What?

Q: Have you been to eight meetings of the National Alliance?

A: No, my Lord. Of the National Alliance, not. I have spoken across the United States possibly 50 or 60 times a year.

P-124

MR RAMPTON: That is one of them, is it not?

A: Well, you have yet to produce any evidence that I have known that I am speaking in a National Alliance meeting and, if it is not in my private diary, which is the obvious place to look for that evidence, at a time when no legal action was contemplated, then quite clearly I had not the slightest notion what the National Alliance was.

Q: Mr Irving, in 1995 the man introduces you proudly on behalf of the National Alliance and National Vanguard Books.

A: Why should that have stuck in my memory, do you think?

Q: Because you are tailed by another man who speaks about the National Alliance. You go back again at least in 1998.

A: Excuse me.

Q: You go back again in 1998 and you speak from a rostrum with a prominent National Alliance banner beside you.

A: If you could see where this prominent banner is, it is either on a back wall or on a side wall where no doubt I cannot see it.

Q: How did you get into the room, Mr Irving? Did somebody let you in?

A: So you imagine I go into a room as the speaker and I say, before I just go up to the rostrum I am just going to have a look around all the walls to see what is on display here and oh, by the way, what is that banner over there?

Q: Who put up the pictures of you behind you?

P-125

A: No doubt the organizers did.

Q: Yes, the organizers, Mr Irving. Really!

A: The people who had invited me there.

Q: Yes, the National Alliance.

A: This is what you say but, unfortunately, you are introducing no evidence and your witness you are frightened to put on the cross-examination stand.

Q: We have seen the evidence on two tapes, Mr Irving.

A: I am sorry, that is not sufficient. You have somebody, a member of the American Jewish Committee, who makes a written statement, who is not prepared to subject herself to cross-examination. I am prepared to subject myself to cross-examination week after week after week by you and none of your witnesses are prepared.

Q: Very kind of you considering that you brought this action, Mr Irving. We are all very grateful to you.

MR JUSTICE GRAY: Mr Rampton, if I may say so, that sort of comment is going to prolong matters.

MR RAMPTON: I pass on to the actual text.

A: I think it is a very fair statement to make, to draw attention to the fact that they are not presenting their witnesses for cross-examination.

MR JUSTICE GRAY: That is a perfectly fair point to make and I will bear it in mind with all the witnesses who are not actually going into the witness box to be cross-examined, I can assure you.

P-126

A: In the circumstances I think Mr Rampton's sarcasm is not called for.

MR JUSTICE GRAY: Let us stop the comments and get on with the questions and answers.

MR RAMPTON: Yes. I quite agree. I am sorry about that. Will you turn, please, to the text of what we have just seen? I have only a couple of questions about this. It has to do with some of the things that you have said.

A: I draw attention first of all to the fact that there were familiar faces there, in other words people off my own mailing list are there. That is what the nature of the audience is.

Q: There was a lot of laughter, was there not, at your tasteless jokes?

A: My what?

Q: A lot of laughter at your tasteless jokes, Mr Irving.

A: I flatter myself that I am an accomplished speaker.

Q: I will not say what I was going to say. It would have been too obvious and rather cheap. Now, would you like to use the full text?

A: You mean there was laughter at the point where I said, "if it does not fit you must acquit"?

Q: No. There was laughter ----

A: I am drawing attention to where the laughter comes and of course the reference there is to the O J Simpson case.

Q: No, no, Mr Irving----

P-127

Q: You are interrupting me. The reference was to the O J Simpson case which had just ended two days earlier where Johnny Cochrand had won the case by saying, "If it does not fit, you must acquit."

Q: There was the first laughter. There was laughter all the way through and I am going to draw attention to some of the laughter. Some of it is noted not in that transcript, in my transcript. I made some notes as I was going through it. In particular, when you are dealing with the plan from Colindale, I think your page number is probably 18.

A: Yes.

Q: And over the page please.

A: These opponents had tried the usual tactic of taking over half the audience and then rioting throughout my entire lecture.

Q: Please be patient. In the top half of page 19, the man from Colindale -- I do not know how you knew he came from Colindale, I am bound to say.

MR JUSTICE GRAY: Let us leave that on one side.

MR RAMPTON: Yes. You said to your affable audience in Tampa, "And he went berserk". Yes?

A: Yes.

Q: He said: "Are you trying to say that we are responsible for Auschwitz ourselves"?

A: Yes.

P-128

Q: And I said: "Well, the short answer is yes", and at that point I made a note on my transcript that there was really quite loud laughter.

A: Well, it is funny that it is not on the transcript in front of us when all the other laughter has been noted.

Q: We can go back to it, Mr Irving. I assure you it is right.

A: I do not see quite what the point is that you are trying to make.

Q: What is funny about ----

A: I am repeating an actual exchange that happened in Shrieveport, Louisiana, between these hecklers who had decided to disrupt a lecture which I was delivering and then the heckling subsided and their ring leader stood up and I engaged him in this debate. He said precisely the words that I quoted there, and I could have dodged the issue and said I do not want to get into that, but instead I met it head on and I said, "Well, the short answer would be yes, but there is a long answer. The short answer misses out everything between the alpha and the omega, all the intervening stages". It may be that it is an uncomfortable answer, it may be that it was not the answer they wanted to hear, but it is a question I had been wrestling with ever since I first became engaged with the Holocaust, how do crimes like this happen, and why do they happen.

P-129

Q: I am asking you a completely different question, Mr Irving. You know that I was. Again you dodge because you do not like it. I asked you ----

A: I am sorry, you did not get to the question then.

Q: What was funny about what you said?

A: I disagree. I did not hear any laughter and, if there had been laughter ----

MR JUSTICE GRAY: Assume for the sake of argument, because I remember the laughter, assume there was laughter, what is funny about saying that the Jews are responsible for Auschwitz?

A: It is not the least bit funny.

MR RAMPTON: No.

A: It is not the least bit funny and, if the audience laughs, you saw precisely what my answer was, I do not see what relevance it has to me.

Q: All right. Let us go up to the top of page 18.

A: I think probably it would be called nervous laughter perhaps.

Q: Oh no, Mr Irving.

A: Nervous laughter, because they had never heard an answer as blunt as that followed then by the corollary which was to explain precisely what you mean between the yes ----

Q: Now Mr Irving ----

A: Between the alpha and the omega there is a whole series of intervening stages.

P-130

Q: Would you like a rest? You seem very enerve, if I can use the French word.

A: I can carry on if you can.

MR JUSTICE GRAY: Mr Irving, it occurred to me actually whilst watching the film that you said you were up till 4 or 5 this morning. I am very concerned that it is a huge physical strain on you and I would be perfectly happy if you said you had had enough.

A: I can go as many rounds with Mr Rampton as he wishes.

MR RAMPTON: You do not have to worry going rounds with me, Mr Irving. I have been doing this for 35 years. I am asking you genuinely. You seem rather rattled. Would you like a rest?

A: Mr Rampton, I am not rattled.

MR JUSTICE GRAY: Rattled is the wrong word.

MR RAMPTON: Whatever?

A: You have to accept the answers I give you in the spirit in which they are given.

MR JUSTICE GRAY: We are going to carry on.

MR RAMPTON: Go to the top of page 18, Mr Irving.

A: If you are just trying to score cheap points from----

Q: No, I am not.

MR JUSTICE GRAY: Mr Irving, please, there is a lot of point scoring going on. Let us get on with the question and answers.

MR RAMPTON: Mr Irving, what I am concerned about is that today

P-131

of all days you seem quite incapable of answering my questions. That is a waste of his Lordship's time and my client's money.

MR JUSTICE GRAY: Ask another one.

MR RAMPTON: Yes, I will.

A: These are comments for his Lordship to make rather than for leading counsel, in my view.

Can I draw your attention to the final sentence of that paragraph that you objected to?

MR JUSTICE GRAY: Yes.

A: It is an interesting point. They go round the other way and they make life unbearable for those who try to analyse whatever happened, whatever it was. That is what I try to do. I try to analyse whatever happened, whatever it was. It is not an easy task, because you are constantly being accused of wrong motives.

MR RAMPTON: Now, can we please go to the top of page 18 in the version you have there?

A: Yes.

Q: Here you cannot argue about laughter because it is written in.

A: Yes.

Q: You said, "I find the whole Holocaust story utterly boring. It goes on and on and on and they, that is the Jews, keep going on about the Holocaust because it is the only interesting thing that has happened to them in the

P-132

last 3,000 years". Funny, isn't it?

A: I think that 95 per cent of the thinking public find the Holocaust endlessly boring by now but they dare not say it because they know it is politically incorrect.

Q: The joke is in the sting in the tail. "It is the only interesting thing that has happened to the Jews in the last 3,000 years". Very funny, isn't it, Mr Irving?

A: Well, what other explanation is there for the fact that that is all they ever go on about now?

Q: It might very well be that---

A: Lots of wonderful things have happened to them in their 3,000 years. There have been the most incredible episodes in the Jewish history and yet all we hear from the movies, the television and the newspapers of late is the Holocaust, and people are thoroughly bored of it.

Q: You are, Mr Irving, no doubt, and you do not speak for anybody but yourself, I am sorry.

A: Maybe you stood in Oxford Street with a clip board taking a poll saying, "are you bored with the Holocaust yet?" My own perception, which is what I am giving here from this box, is that the people I speak to, who are intelligent people from academic and ordinary walks of life, say they are thoroughly fed up with it.

Q: You do not know anything about it and you have managed to lecture for an hour about the detail of it.

A: What, now?

P-133

Q: No, in this transcript. You went on for an hour.

A: It has been interesting to this audience because I had put to them facts they did not know about, the code breaking, about the aerial photographs, everything they have not heard about on the established media I have been putting to them. That is how I have held their attention.

MR JUSTICE GRAY: What I think may have been being put to you and, if it was not, I will put it ----

A: Question of taste.

Q: Listen to my question.

MR RAMPTON: It is not a question of taste.

MR JUSTICE GRAY: You said many times that you are not a Holocaust historian, and I understand that.

A: Yes.

Q: But you said you had to become one. I cannot remember and I have not got the reference, but when was it you told me that you decided you had to become a Holocaust historian?

A: I had to become one for this trial, my Lord, which means for the last three years I have wading around knee deep in matter and in files and in documents that I would never willingly and voluntarily have occupied myself with.

Q: Was the speech in Tampa, Florida, in 1995?

A: Yes.

Q: It appears to me that you knew an awful lot about the Holocaust then.

A: This is true because by that time there had been a lot of

P-134

discussion about it in the newspapers, and material had come my way. If people send you things about the decodes, if people send you things about the aerial photographs, if you are the Hitler historian that I was and people send you material indicating, for example, the police decodes, which have obviously now come to play a very important part in the Hitler history, for example the episode around November 30, December 1st 1941, you pick up this material as you go along. But I certainly never knew as much then as I have learned in the course of this trial, and particularly from the very interesting remarks made by Professor van Pelt. When I read Professor van Pelt's book for the first time "In 1270" I wrote both to him and to Trevor Roper in fact in May 1997, saying the most extraordinary book on Auschwitz had been published, which was one of the first books I have read from cover to cover. That was the kind of interest I had, general interest.

MR JUSTICE GRAY: Thank you very much. Mr Rampton, that was my interruption.

MR RAMPTON: I find that helpful. Looking back on it now, Mr Irving, in the light of what you actually know as opposed to what you purported to know in October 1995, would you accept that almost everything that you told this audience about the facts of the Holocaust was wrong?

A: Some figures are wrong, I think.

P-135

Q: Leuchter was wrong?

A: I do not agree. Can we just turn to the passage where I refer to Leuchter?

Q: I am not starting that cross-examination all over again.

A: If you look at the top of page 19, that is the passage you are referring to. I looked at that in some alarm, I must admit, in view of what we have been discussing here in these last few days. I refer specifically to the cyanide findings -- which is what Leuchter was good on, in my view.

Q: You mentioned Hinsley?

A: Yes.

Q: I cannot remember whether you mentioned the death books in this speech or not.

A: I did, yes.

Q: Without even pausing to consider the evidence to the effect that those who were immediately gassed were never registered?

A: That the burden of the eyewitness testimony, yes.

Q: It is also what a number of the Germans said too, for example General Oswald Pohl, but never mind that.

A: In what way is General Oswald Pohl not eyewitness testimony?

Q: It is. It is post war eyewitness testimony from the German side.

A: I shall be introducing a document to Professor Browning

which suggests precisely the opposite when the time comes.

Q: You go on about people faking their tattoos, in effect Mrs Altmann's tattoo is a fake, is it not?

A: On the contrary, I said that she no doubt suffered.

Q: No. I will take you to the passage. We cannot leave that answer where it is, I am afraid. What page is it in the transcript?

A: You have to remember I have had the benefit of seeing Mrs Altmann in action on television and you have not.

Q: Page 17, last quarter of the page. Tell me one thing. You are reporting in what one might think rather tasteless terms, that is your own word, your conversation with Mrs Altmann. Tell me one thing, and this is why I am going to get tasteless with her, because you have got to get tasteless. "Mrs Altmann, how much money have you made out of that tattoo since 1945? Laughter again. Jolly funny. How much money have you coined for that bit of ink on your arm, which may indeed be real tattooed ink"?

A: Yes.

Q: The suggestion is she has had it put on after the war.

A: You can take that one either way. As a general matter, in my view, expressing a criticism of the way that a Jew or the Jewish people are behaving or acting cannot be taken per se as anti-Semitism. They are not a people or a race who are immune from criticism, am I right?

Q: Mr Irving, the suggestion is that Mrs Altman had that

tattoo put on her and pretty damned quick after the war so as to get money out the German Government, is it not? Be honest for once, that is what you are trying to suggest and that is why you got a jolly laugh?

A: I said it may be genuine; it may not.

Q: That is why you got a laugh for your tasteless joke?

A: Whether it got a laugh or not is neither here nor there. I am concerned only with the words I have uttered, which is that may be genuine or it not may not. We cannot tell.

Q: The fact is that those which were gassed without going into the camp to work were never tattooed, were they?

A: That is the eyewitness evidence, yes.

Q: Yes, and it would not be in the least bit surprising, as in fact happened, if a lot of those who were registered tattooed and set to work, particularly towards the end of the war, actually survived, would it?

A: I think that the burden of my criticism of the Mrs Altmans of this world is that the ones who have been coining the money are the ones who suffered least. The ones who suffered most are the ones died under the most hideous circumstances in these camps, and they did not get a bent nickel out of it of course. It is survivors, whatever degree they suffered or otherwise, who have been turning their suffering into profit, whereas people who suffered in other circumstances, like the air raid victims or the Australians soldiers building the Burmese railway, have

never sought to make money of their suffering. This is a criticism of the Jewish survivors that it cannot be taken as anti-Semitism. The reason I say it is a criticism is because I perceive that as being a possible source later of anti-Semitism.

Q: Very nicely put in a nice academic way, Mr Irving.

A: Thank you very much.

Q: Yes, but I am not your audience in Tampa in October 1995, that is the difference.

A: In other words, I should tailor my utterances to the audience I am speaking to? This I think would be repugnant. I have never tailored my utterances to the audience. I have always given every audience exactly the same speech.

Q: Yes, exactly, and in exactly the same terms with the same sneer in your voice.

A: I disagree.

Q: We all heard it.

A: I disagree. I am not accustomed to sneer. I do not stoop to the hypocrisy or sarcasm when I speak.

Q: The same sarcastic jokes which evoked laughter from you sympathetic audience about the suffering of the Jews at Auschwitz?

A: I am prepared to take lessons in sarcasm from you, Mr Rampton.

Q: Mr Irving, I have no interest in a sober academic argument

P-139

which I believe to be hopelessly ill-conceived any, but that is completely beside the point, about whether or not the Jews are in some sense to blame for what has happened to them through the pages of history. I am interested in your motivation, your attitude and nobody else's. You notice I did not cross-examine your nice Mr McDonald.

That is the reason, Mr Irving.

A: Well, I think we know the reasons why you did not cross-examine Professor McDonald.

Q: If you would look, please, at page 19, it is the last reference I want to make to this transcript. Towards the end of the big paragraph at the top of the page there is a sentence which begins: "If you", that is Jews: "If you [Jews] had behaved differently over the intervening 3,000 years, the Germans would have gone about their business and would not have found it necessary to go around doing whatever they did to them, nor would the Russians, the Ukrainians, the Lithuanians, Estonians, Latvians and all the other countries where you have had a rough time." Why do you propose that in any sense, whatever the Jews might have done or not done, differently or otherwise, made it necessary for them to be exterminated by these other central Europeans?

A: I agree "necessary" is the wrong word. The point I am trying to make there, it is exactly the same question as I put to Goldhagen in New Orleans. I said to him, not

P-140

just the question that why have all these nations found it so easy to kill the Jews, why have all these nations found it so easy to unburden themselves for their Jewish population, for example the Slovaks and the Dutch and the Hungarians and Romanians and so on, when the Nazis said "Give us your Jews", all these surrounding countries said, "Take them off us", that would have worried me if I was a Jew. Also why the British and the Americans and the other nations refused to accept the boat loads of Jews, like the famous episode with the St Louis, the ship laden with Jews, these kinds of things would have concerned me as a Jew. I would have wanted to know what is it, why do people not want to accept us, why do people not want to rescue us. I would have wanted to know that far more than I would have wanted to know the sordid story of who pulled the triggers. But maybe I am different from Goldhagen in that respect. He wants to look at the immediate effect and I would have wanted to look at the cause.

Q: Thank you, Mr Irving.

A: I agree that the word "necessary" is totally misplaced there.

Q: Indeed so. You used it, nonetheless, to a different audience?

A: I am not speaking, as you will have noticed, from the film, I am not speaking from a prepared script.

P-141

Q: No.

A: Any more than I am speaking from a prepared script now.

Q: Mr Irving, do you have, only because I do not have a transcript in the file, that clip of extracts which I handed in this morning?

A: Do I have that clip of extracts?

Q: Yes, this little clip of extracts? If you do, could you please turn to page 24 of it, to the extract marked 1.7/A in a square bracket.

A: Yes.

Q: I want you to look at the top of the page. There are some words in German in a square bracket which are said to come from a video cassette of your having said something entitled the: "Ich Komme Wieder" about 1994.

A: Yes, rioters standing outside my home against whom the West End Police had to put up steel barricades, yes, very nice people.

Q: I am sure you were not feeling in the best of moods because you had just lost your contract with the Sunday Times for the serialization of the Goebbels' Diary, had you not?

A: Not true. This is two years before that.

Q: So it is not 1994?

A: No. The contract with St Martins -- I am sorry, the St Martins Press contract was lost in April 1996.

MR JUSTICE GRAY: No, this is the Sunday Times contract.

P-142

A: The Sunday Times episode was, if this is referring to July 1992, yes, the "Gas Irving" posters and so on.

MR RAMPTON: I am sure you were under pressure, as you are now, reasons for stress.

A: On the contrary, I would use exactly the same phrase now. Anybody who comes ----

MR JUSTICE GRAY: Let us see what the phrase was because I have not seen this before.

MR RAMPTON: Let us see what you said: "The whole rabble", you read the German and then you can correct the translation if it is wrong: "The whole rabble, all the scum of humanities stand outside. Homosexuals, the gypsies the lesbians" ----

A: This is a typical example of how objectionable it is to produce something out of context.

Outside what? The answer is outside my family home at 3 a.m. in the morning we hear the police bringing the barricades. I get phone calls from the police say, "Mr Irving, if your home is invaded this is the emergency number you have to phone". I get a phone call from Scotland Yard saying, "Mr Irving, we need to come and photograph the inside of your apartment in case we have to come rescue because we have had secret intelligence about what they are going to do to you." This is the kind of nightmare I went through in July 1992, when I see the barricades going up outside my house during the middle of the night and my family says, "What's the

P-143

sound?", and I say: "It's lorries unloading barricades again. Tomorrow the scum are going to be outside again", and here they are described.

Q: Now under stress, a perhaps little frightened, certainly angry?

A: I am not easily frightened but I get angry at this kind of thing.

Q: Right, angry when under stress. Do you know the expression, I am sure you do, which is sometimes used, it is Latin but it is not legal Latin so I can use it, in vino veritas?

A: Are you accusing me of drinking?

Q: No. Please do not always try to fifth guess me. In vino veritas, what does it mean? It means that we sometimes get better truth from people when they are pickled.

A: When they are drunk.

Q: No, in wine it means, in their cups.

A: Yes.

Q: Do you not agree sometimes when a man is angry or under stress the mask may slip?

A: That is precisely why I prefer to carry on talking this evening so that his Lordship knows that I am talking from the heart.

Q: I suggest this came directly from the heart, Mr Irving. This is when the mask slips. Mr Irving is under stress. He is angry. He thinks people are getting at him. He is

P-144

feeling persecuted.

A: I think people are getting at me?

Q: Yes.

A: Well, what evidence does one need before one stops thinking and starts realising?

Q: He has got a grudge against the Sunday Times and some people are causing a nuisance, and so what he says is this: "The whole rabble, all the scum of humanity, stand outside. The homosexuals, the gypsies, the lesbians", and now this is where you interrupted me, "the Jews, the criminals, the communists, the left-wring extremists, the whole commune stands there and has to be held back behind steel barricades for two days." That is Mr Irving's true mind, is it not?

A: This is a literal description of who was visible on the other side of those barricades. Shall I show you the photographs? We can identify who they are, the banners they are holding, the placards, the leaflets they are holding out, the stickers they are putting on all the lampposts: Irving speaks Rostock burns. That is what I had to put with day after day.

Q: Are we going to see gypsies?

A: They were there. They were there in the photographs. They were holding up placards saying "Gas Irving".

Q: What, the sort of "Gay liberation wants Irving gassed"?

A: I will bring the photographs in and you can satisfy

P-145

yourself. I have quite a folder of them.

Q: This is the plain language of a plain unvarnished racist?

A: On the contrary. This is the language of somebody who can see the evidence with his own eyes, the people who he has got to put up with, the people who are harassing everybody in that street for two days, being held back by the forces of law and order.

Q: Right.

A: I will give you one clue as to the conditions of terror we were living in, my family.

Q: Do not.

A: I am sorry, I am going to tell it to you. We had basket, a Moses basket in the corner of my drawing room with a length of wire rope so I could lower my child out of the window in case my house was set on fire. That is the conditions we were living under at the time I made that speech.

Q: Of course. I understand that.

A: It cannot be very nice. I am sure this very seldom happens to leading counsel.

Q: I will not respond to that either. Mr Irving, I want to look at some other little things that you said, if I may.

Page tab 10 of this file, please. Page, I hope this is going to be right, page 57.

MR JUSTICE GRAY: I am in the wrong file. Which file are you in?

P-146

MR RAMPTON: It is K4, my Lord. You are in the right file, my Lord. I am in the wrong one. I meant K4.

MR JUSTICE GRAY: Is this in the clip?

MR RAMPTON: Yes, it is my Lord.

MR JUSTICE GRAY: Give me the reference?

MR RAMPTON: It is the bottom of page 24 and the top of page 25 of the clip. This is from your publication Action Report, Mr Irving, is it not, for July 1997?

A: What page are we looking at, 24?

Q: 57.

A: Page 57.

Q: Tab 10, page 57. It is the column: "Going for Gold".

A: Yes.

Q: I will read the first paragraph as your Lordship has not got that in the clip, but it does no matter. It is very short: "Mr Winston Churchill is rumoured to have observed that he could listen to arguments about the merits of different breeds of tea with complete disinterest. Action Report finds it can view any dispute between New York politicians, lawyers, wealthy Swiss bankers and the international Jewish community with the same lack of passion. What is remarkable is that this community have considered it worth taking such a long-term risk, possibly evening sowing the seeds of future Holocaust in the name of short-term gain in gold. All the

P-147

elements of anti-Semitic stereotype are there. The cosmopolitan, rootless millionaire, bereft of any local patriotism, flinging his unpopular perception, ill-gotten gains outer head as he escapes from the country where he has briefly rested. The demand for 'unclaimed Gold' regardless of whose it is", note those words, Mr Irving, "regardless of whose it is, whether wedding rings eased off the lifeless fingers of Hamburg or Dresden air raid casualties for identification purposes and stored by the bucket in the Reichsbank vaults or dental fillings ripped out of the bodies of gas chamber victims by SS dentists, somehow immune to the Zyklon fumes which had dispatched the others." That is July 1997.

A: Yes.

Q: What is this reference then to the gas chamber victims and the Zyklon-B fumes?

A: Well ----

Q: The mask slipped again, has it?

A: No, but we saw in the drawings that have been shown to us by Professor van Pelt the gold aubeit, the rooms where the smelting furnace was contained.

Q: Sure.

A: It is well-known that in the mortuaries they ripped the gold teeth out of the victims.

Q: But, Mr Irving, "these gold teeth", according to you, "came from the bodies of gas chamber victims taken by SS

P-148

dentists somehow immune to the Zyklon fumes which had dispatched the victims."

A: Yes, this is one of the eyewitness statements that is obviously baloney because they could not have gone in there.

Q: What is it doing in this article, Mr Irving, by you in 1997?

A: I cannot quite understand the point you are making or the question you are asking.

Q: Why are you making reference to this if you do not believe it to be true?

A: Why am I making reference to this if I do not believe to be true.

Q: Yes. Why are you, a Holocaust denier in full fledged condition in 1997, making reference to dead people from the gas chambers having their teeth, gold teeth ripped out by the SS dentists?

A: But I have just said, it is accepted by all parties that the Nazis gangsters stole the gold teeth from their victims.

Q: Again you are dodging the point.

MR JUSTICE GRAY: You are dodging the gas chamber element.

A: Your Lordship, can you rephrase the question for me so I can understand it?

MR JUSTICE GRAY: Yes. What Mr Rampton is putting to is that it sounds as if you are accepting in what you there say

P-149

that there were indeed gas chamber victims who had their gold fillings removed by SS dentists.

A: I do not think so, my Lord.

Q: Why not?

A: The whole tenor of that is supposed to be disbelieving to the point of mockery, and the reason I say that is they are helping to regenerate the ill-gotten stereotype of the ugly greedy Jew. If you will carry on to the next paragraph but one, you will see the source of that particular criticism by me. I freely admit to having stolen the criticism from Heim Bermont who is a very wise English writer indeed who wrote for the Jewish Chronicle and who interviewed me once. He made precisely the same criticism, that by helping to create or recreate this public perception, this public image, of the grab-all rich, wealthy Jew, they were generating fresh anti-Semitism with this gold campaign.

MR RAMPTON: Mr Irving ----

A: And Heim Bermont went on to say that the truth is, as everybody knows, that most Jews are in fact not rich and wealthy.

Q: We see in the middle of that, you draw our attention to it ----

A: Yes.

Q: --- in middle of that paragraph, two on, on the other side of the column ----

P-150

A: Yes.

Q: --- after you have quoted Heim Burman, you say: "Commenting on the squabbles that had already broken out between rival factions ... and the anti-defamation league, all of whom want their pound of Swiss flesh." Whose words are those?

A: Probably Bermont. I have quoted Bermont.

Q: It is not in quotes.

A: Bermont wrote a savage leading article in the Jewish Chronicle. I have never seen an article written -- if a non-Jew had written that he would be described as being viciously anti-Semitic.

Q: It is a reference to the unsympathetic portrait of Jewish nature presented by William Shakespeare in the Merchant of Venice, is it not?

A: Yes.

Q: It is your reference and not Mr Bermont's, is it not?

A: Whether it is mine or Mr Bermont's I do not know, but placed where that it is in a paragraph which starts with Bermont and ends with Bermont, I am pretty certain it comes from Bermont.

Q: Can we go back to the paragraph on the left-hand side of the page?

A: Yes.

Q: You say: "All the elements of anti-Semitic stereotype are there"?

P-151

A: The stereotype.

Q: Yes.

A: Yes.

Q: I know. I have heard what you said about it. What I want to know is why the rest of it is there: "The cosmopolitan rootless millionaire bereft of any local patriotism".

Where does that stereotype come from?

A: That is part of the stereotype.

Q: It is, is it?

A: Yes.

Q: In whose mind?

A: It is part of the general anti-Semitic stereotype of the Jew.

Q: Which is you are busy promoting here, are you not?

A: No. I am not quoting in fact -- shall I bring in the article that Bermont wrote? I am pretty sure I can find it or get it from his web site.

Q: It has all this stuff, does it, about ----

A: The only thing I admit which Bermont did not write was where I said that the wedding rings may have come off the lifeless fingers of the Hamburg victims or the Dresden air raid victims, because I happen to know that our witness Hans Voight collected three buckets of wedding rings off the fingers of lifeless victims of the Dresden air raids, and they went to the Reichsbank and they were filmed in the Reichsbank subsequently for the Nuremberg trial.

P-152

I have the record of the Nuremberg trial officers who said: "Unfortunately we cannot use that film of the gold rings found in the Reichsbank because we have no evidence it came from concentration camps".

MR JUSTICE GRAY: So you are saying part of the stereotype is true and part is not?

A: Well, most of the stereotype is untrue, but this is what the Jewish people, the community, rightly objected, that they have gained this stereotype somehow and Bermont has written this warning editorial in the Jewish Chronicle saying: Here we go again, we are just helping create it again because a few self-appointed leaders of the Jewish community, whether they are Abraham Foxman or Charles Edgar Bronson, or whoever it is, are going about this ill-advised campaign against the Swiss, which is just helping to reinforce the ugly stereotype.

MR RAMPTON: While we are in this volume, Mr Irving can we just pick up that reference to the pound of flesh, please?

A: Yes.

Q: It seems to be one of your themes, if I may say so. Page 50 of the same volume, my Lord. This is page 23 at the top of the clip. I am going to read from the clip, because my copy of the article has been sliced off by the machine. There is a paragraph on the right-hand side beside the box in the middle which begins "Finally". Do you have that?

P-153

A: Yes.

Q: "Will Jon Dem Janjung now sue his tormentors" and it is all about ----

A: Yes.

Q: --- that man.

A: Yes, the most shocking episode in American judicial history I think.

MR JUSTICE GRAY: What, that he got acquitted?

A: He was finally acquitted on the orders of the Israeli judges, except he had been framed and set up by eleven false eyewitnesses, as one man identified him, and the Israeli Supreme Court set him free.

MR RAMPTON: Mr Irving, I am tempted to say "so what" but if I do you will produce a life size portrait of Mr Dem Janjung [Demjanjuk - RW. Sorry, I couldn't resist] I dare say. Really, Mr Irving, you did not mean that.

Page 23, my Lord.

A: You do not always get the answers you need, Mr Rampton.

MR JUSTICE GRAY: Page 23 of the little clip.

MR RAMPTON: I did not ask you about Mr Dem Janjung. That was one of your offerings, Mr Irving.

A: You asked me about the paragraph.

Q: And then you gave us a long lecture about something which has nothing to do with this case.

A: Perhaps you should not have paused.

Q: What you have actually written is this: "The world will not easily forget how, even when" ----

P-154

A: "Even when acquitted after all".

Q: Do not give me another pitiful lecture about Mr Dem Janjung, please?

A: You are just going to read what I wrote.

Q: "Dem Janjung was detained in custody by his enemies for two more weeks while they thumbed through their sweaty manuals looking for some way to crush him that they might have overlooked. Nor how when they failed again these shylocks cheated on their pray, frog marched him to his plane home to freedom still in handcuffs like a convicted criminal." I quite agree that one can take the view that it was a disgraceful prosecution. The fact that the prosecution was made by Israelis, who one must assume were Jewish, do you think that that justifies the use of language like this?

A: I do not think these particular lawyers are above criticism, and that was a criticism I chose to level at them. I think they are below, beneath criticism, these people.

Q: Why the shylocks though?

A: Because they wanted -- you know the Shakespearian quotation?

Q: Yes, Mr Irving.

A: They wanted their final pound of flesh. Although he had been acquitted by the Supreme Court they kept him in jail

P-155

and they frog marched him in handcuffs although he was a free and innocent man. What better description of it is there than that? I repeat, these people are not above criticism just because they happen to be Jews, believe me. They are beneath contempt for it. They tried to hang him for political reasons.

Q: On the next page 51, I do not know what this issue is, May 1995 I think, my Lord, this is page 26 at 1.7 (c). You are writing something about Wiesenthalers Zap Jap Crap, whatever you mean by that. This is full of stuff about Israel and Jews.

A: Either read the whole article or do not make any comments on it.

Q: I am not the least bit interested in, as it were, your themes in your articles, Mr Irving. I am interested in your terminology. That is why I drew attention to your use of the word "shylocks".

A: Zap, Jap or Crap, which is the word?

Q: I now look at the bottom of the right-hand column of this article and I see this: "Overshadowed by the gloating vulpine figure of Rabbi Cooper himself."

A: I cannot see this.

MR JUSTICE GRAY: It is right at the bottom right-hand corner.

MR RAMPTON: It has a 3 against it.

A: A 3?

MR JUSTICE GRAY: The right-hand column right at the bottom.

P-156

A: Yes.

MR RAMPTON: "The gloating vulpine figure", does that remind you of any sort of propaganda put out at any time in recent European history, Mr Irving?

A: No. It sounds rather Churchillian to me.

Q: Have you got your Goebbels book there?

A: Have you ever read Churchill's speeches about Adolf Hitler? Exactly the same kind of language.

Q: Neither of them is on trial here.

A: August 1941, a magnificent speech that Churchill made, oddly enough shortly after he had read the first police decodes of the crimes on the Eastern Front. He used exactly this kind of terminology.

Q: Mr Irving, you tried to lead us down that road before. I tried to suggest that Mr Churchill might have had some reason to be beastly about nice Mr Hitler.

A: Well, you asked for an answer and you do not like the answer you get.

Q: That reminds you of Churchill, does it?

A: You asked me about the language.

Q: Yes, I did.

A: And I am telling you that it is Churchillian language.

Q: OK. Now would you get your Goebbels' book please, if you have it to hand, and turn to after page 332. Sorry, I will have to count the pages. I will count them as double: 1, 2, 3, 4. On the left-hand side page there is

P-157

a picture of Hitler wearing what looks like a bathrobe in the bottom of the picture or it might be a dust coat, I do not know, with a hat on.

A: Yes.

Q: On the right-hand side there are some pictures with the heading "Isidor's Torment"?

A: Yes.

Q: "From the moment of his arrival in Berlin on November 28th Dr Goebbels wages a remorseless war against the city's police chief, Dr Bernhard Weiss. Weiss sues him forty times, mostly for calling him Isidor", of course his name was not Isidor. "Nazi caricaturist Mjolinir portrays him as a donkey skating on thin ice. After a judge rules the cartoon defamatory, Goebbels' newspaper announces: Judge agrees donkey does look like Isidor."

I do not know what that is doing in that book. Perhaps you would tell us?

A: In this book?

Q: Yes. You have put a picture of Dr Weiss or whatever he was.

A: If you have read the book ----

Q: He was chief of police, was he not?

A: I am sure his Lordship has read the book, although may not have. Goebbels' arch enemy during the years when he was Gauleiters of Berlin before the Nazis came to power, was in fact Bernhard Weiss who Goebbels mocked and called

P-158

"Isidor". He raged this remorseless campaign against him in the newspapers he controlled resulting in no fewer than 40 libel actions brought against him by the police chief, and this is a page devoted to that particular episode. Goebbels was obviously completely incorrigible. He had utter contempt for the law courts in Berlin. He repeated the libels. Weiss fled to England after the Nazis came to power, and I believe his daughter is still alive in North London.

Q: She may still be. We knew that she was in 1994.

A: Yes, I approached her to try to obtain a more flattering photograph of her father.

Q: Can I just read what you wrote, it saves us getting out yet another file. This is revelations from the Goebbels' diary in the Historical Review for January/February -- no, I am reading from the wrong thing -- it is 1995. My Lord, the reference is K3, tab 18, pages 7 to 8. Mr Irving, I expect you will want to look at the full text.

A: I am sure we can take it if you just read it out.

Q: You publish a picture of Dr Weiss or Mr Weiss or Superintendent Weiss or whatever he was.

A: Yes, I went to some pains to try to get a better photograph of him.

Q: You write this, the right-hand column on page 7: "Isidor Weiss", and you retain Goebbels' nomenclature and you put the two quotes round the name.

P-159

A: Yes.

Q: "When Goebbels arrived in Berlin as Gauleichter in 1926 he was confronted by a city with 179,000 Jews, one third of all Jews in Germany and he made use of this fact. The Berlin population already receding because of the presence of these Jews. In the coming years Goebbels repeatedly explained to foreign diplomats that the problem there was the usual one in which the Jewish population disproportionately controlled all the lucrative professions. This rankled the Berlin's non-Jewish population of course and Goebbels, whether deliberately or by instinct, zeroed in on this as a wound that he could work on to promote the Nazi cause." You seem to accept in that paragraph that Goebbels was right in thinking that the professions were

disproportionately controlled by the Jews?

A: Well, it was not just Goebbels; the German Federal Statistical Office has provided me with the figures.

Q: I am putting a marker down because this is something which you are going to have to argue with Professor Evans about.

A: What the German Statistical Office told me?

Q: No. About what the fact was.

A: Which fact?

Q: The one you have stated here.

A: In other words, the disproportionate ----

P-160

Q: "The Jewish population disproportionately controlled all the lucrative professions". I put a marker down. I am not going to argue about it now.

A: We are just going to argue about the word "all", are we?

Q: No. Read the report, Mr Irving.

A: Well, can I suggest that Professor Evans also reads what President Roosevelt said about precisely the same situation in Germany when he said, in fact he made the completely impossible statement that if he had been the Germans he would have acted in exactly the same way because of this disproportionate, this imbalance.

Q: I do not know about Professor Roosevelt.

A: President Roosevelt.

Q: I am sorry. Everybody in this court is a professor except you and me, Mr Irving. "He was aided in this endeavour by the fact that his chief opponent there, Berlin's Deputy Police Chief who acted as though he was police chief, he was a real police chief, referred to him as being a chief, Dr Bernhard Weiss, a Jew, Weiss looked so much like a Jewish character, but his photographs did not need to be retouched by the Nazis. He was stereotypically semitic in feature, short with rounded ears and hooked nose and wearing spectacles."

A: This is a description I took out of one of the contemporary Western newspapers I believe.

Q: We are not to take that as being any kind of endorsement

P-161

by you, are we, Mr Irving?

A: No. There is actually a very good book on Bernhard Weiss written by a Professor of history Cologne University whose name escapes me, and he made precisely that point, that because of his appearance he was unfortunately doomed to become a target of the Nazis.

Q: He deserved to be persecuted by Dr Goebbels.

A: That is not the words I used, Mr Rampton. But this is precisely the reason why I went to great lengths to locate his daughter in London and tried to obtain a different photograph of her father than the one the Nazis used.

Q: I have one more reference I think in this, maybe more than one I do not know, in this file K4, tab 4, page 33 at the bottom of the clip, my Lord.

A: We are going to go out with a whimper.

Q: I doubt that, Mr Irving. It is not my style. We are not going to go out with a whimper. Page 17 at the top. This is you speaking to, and I will tell you who you are speaking to, somebody or people at Bow in London on 29th May 1992. You say: "I had a lot of trouble with Simon Wiesenthal yesterday, and I remember that three or four years ago I had the unnerving experience

sitting in my rental car after I had been speaking in London, not London England but London Ontario, which is about 200 miles west Toronto and I had driven back to Toronto that night, the speaking was very exhausting and I got back in Toronto at

P-162

half past 2.00 on this November morning and as I drove up something street in Toronto, which is the main artery of Toronto, I pulled up at the traffic lights and glaring at me from the car next to me in the traffic lights was Simon Wiesenthal himself, his face hideously contorted by rage". So, evidently, Mr Irving, some things make him cross too. "I got a real shock because he looked into me through my driver's window and there was Mr Wiesenthal, this hideous, leering, evil face glaring at me, then I realised it wasn't Simon Wiesenthal, it was a Halloween mask [Applause]. "Now, those of who you have seen Mr Wiesenthal will know what I'm talking about. Mrs Wiesenthal who has seen Mr Wiesenthal many times, of course, and she says to him at Halloween, 'Simon, please keep the mask on, you look so much nicer with it on". That is just pure racist abuse, is it not, Mr Irving?

A: On the contrary, the word "Jew" is not mentioned there from start to finish. The racism is in your mind, Mr Rampton. This is a reference to a person who is not one of the world's most attractive people. He is known for not being particularly attractive. Whether he is Jewish or not does not play any part at all.

Q: Mr Irving, really! Will you turn back to ----

A: If I pick on any other name and put that name to this, then it would never have occurred to suggest, if I pick on

P-163

any other race, but because Mr Wiesenthal is apparently Jewish, I do not know, but he presumably is Jewish, therefore, you say it is anti-Jewish. It is not. It is anti-ugly.

Q: Mr Irving, now we are going to end with a bang. Turn back, please, to the top of page 16, will you?

A: Yes.

Q: "I have found governments being involved in trying to silence me in Canada and South Africa and Australia and I never used to believe in the existence of an international Jewish conspiracy". Pause there. Who is Simon or Simon Wiesenthal? Who is Simon Wiesenthal?

A: He is an Austrian who has no connection at all with the Simon Wiesenthal Centre.

Q: Is he Jewish?

A: I presume he is, yes.

Q: Right, and so now we are going to see the context in which you put his Halloween mask. "I never used to believe in the existence of an international Jewish conspiracy, and I am not even sure even now if there is an international Jewish conspiracy. All I know is that people are conspiring internationally against me and they do turn out mostly to be" -- in fact, the word must have been "Jews", must it not?

A: I do not know. It does not say.

Q: Oh, come on. Look at the syntax of the sentence.

P-164

A: OK, let us assume it was "Jews", yes.

Q: "Applause, applause"?

A: But that is precisely what we are going to be demonstrating to the court in the next few days, how much this international endeavour has been, unfortunately, guided by the self-appointed leaders of that community.

Q: If you are going to attempt that, you will have to give me notice. It is no part of your pleading and I shall have something to say about it because it has nothing to do with Mrs Lipstadt.

A: Well, you will see -- oh, and indeed it does and that is, undoubtedly, the reason why I have put in bundle E global.

MR JUSTICE GRAY: Well, that is a digression. We may have to come back to that.

MR RAMPTON: A digression. But that inspiring observation, Mr Irving, was greeted with applause. Do you see that?

A: Yes.

Q: Do you know why?

A: Probably because they thought it was funny or that they were applauding the fact that I said there was no international Jewish conspiracy or because -- I do not know. What is your theory?

Q: They are very pleased that, in fact -- it is another of your clever, little sarcastic racist jokes about the Jews -- though you do not know there is an international Jewish conspiracy, it turns out most of the conspirators

P-165

are Jews?

A: So, in other words, I am not allowed to criticise the fact that this community's self-appointed leaders around the world have set about trying to suppress freedom of speech, to abrogate my right to travel freely around the world, I am not allowed to criticise that because they are Jewish, is that right? On the contrary, if I find any person or any body of people, whether they are black or yellow or Asian or French or Germans or leading counsel, indeed, who are trying to abrogate my rights to freedom of speech and free right to travel, then I will criticise them without fear or favour. And the fact that this comment happens to be Jewish is neither here nor there. It cannot be construed as anti-Semitic.

Q: Shall we read on and see whether we agree with that, Mr Irving? "We have one basic problem and this is, apart from the literature displayed on the table over there, we have no national" -- I do not know who "we" are -- "organ that we can read to find out what is going on. I am not ashamed to say that I read the Jewish Chronicle to find out what they are doing because they seem pretty well informed". This is the sort of Aryan Defence League against the Jews, the "we", is it?

A: Where do you get "Aryan Defence League" from?

Q: Well, who is the "we"?

A: Well, I frequently find out what the Jewish organizations

P-166

are planning against me because it is announced in the Jewish Chronicle. They say, "Meet outside Mr Irving's flat, 81 Duke Street, 12.00 midday". That is how I know when these demonstrations are going to happen.

Q: It is not the Royal "we", Mr Irving. "I read the Jewish Chronicle to find out what we are doing". Who are the "we"?

A: I have no idea.

Q: "There is an article here only a couple of weeks ago called 'Anti-Semites ask for cash in latest sophisticated forgery'" -- not, by any chance, the united anti-Semites then, the "we"?

A: I have got no idea what the article is about.

Q: Well, you must have done because you mentioned it.

A: Well, it certainly was not me so I cannot see what the reference is.

Q: "This is, of course, an unusual twist as it is not usually anti-Semites who are asking for cash in sophisticated forgeries. A man called Mr Mike Whine, the director of the board of deputies of British Jews", Mike W-H-I-N-E, you spell it ----

A: You will appreciate the reason why I do not like Mike Whine because I discovered that he is the person who has dedicated much of his life to destroying my career and livelihood by now, and that those documents are also in the bundle.

P-167

Q: I might not like the black man who is my enemy, but I am not likely to use the fact that he is black in order to defend myself, am I, Mr Irving?

A: I do not criticise anybody because of their colour, Mr Rampton.

Q: Then why do you make such again with Mr Whine's name?

A: Because I am defensive about the man. The man has spent many years trying to destroy me. He has maintained a dossier full of the most evil and defamatory and lying facts about me which he puts to foreign governments with the intention of destroying my career, as we now know.

Q: You do not like Mr Whine. I understand that.

A: With good reason, and because he is Jewish does not make him immune from my criticism.

Q: Precisely. But the fact that he is Jewish has nothing to do with your criticism either?

A: I am perfectly entitled to make fun of his name among other ways of getting back at him.

Q: "I am bothered by their names". That is more people than just poor Mr Mike Wine, is it not?

A: We had this in another speech too and I have listed a whole bunch of names, Wieseltier and so on.

Q: I am going to read on. Please be quiet. "I love them dearly, I really do, believe me. I love them very dearly, yet around the world they have these extraordinary names. In Australia the man who has defamed me so consistently

P-168

has now received from my lawyers in West Australia four libel writs. His name is Mr Izzy Leibler".

A: Leibler, L E I B L E R. That has been misspelt.

Q: "Laughter".

A: Yes, if a man's name is Leibler and he has received from me four libel writs, it seems singularly apposite.

Q: Mr Irving, that is a perfectly decent joke. It is a pity it is misspelt, is it not?

A: It has been consider in your copy but I know how to spell properly. His name is L E I B L E R and his brother, Mark Leibler, spells it the same way, oddly enough. They are both multi-millionaires and they have used their money to try and destroy my career in Australia.

Q: I am sorry, L I E B L E R?

MR JUSTICE GRAY: No, it is misspelt. It is L E I. That is the point.

MR RAMPTON: Oh I see.

A: Which is pronounced by any normal person as "libeller". He is careful to pronounce it as "leebeller".

MR RAMPTON: Let us pass on, Mr Irving. "If I had a name like wine, W H I N E, or Leibler, it reminds me of Brentwood School, where I went to school. Perhaps I ought not to read out the name of the school. There was a boy in our class called Bottomwetten".

A: There is another one called Jack Straw.

Q: "What bravery to carry the name of Bottomwetten, not only

P-169

just through your own life, but also through generations before you, passing this name proudly down. Whine, Leibler. I would be inclined to change my name by deed poll, not once but twice, in case anyone asked what my previous name was". I am going to pause there, Mr Irving.

A: You will recognize this as the old gramophone record, you see.

Q: Yes. The old gramophone record, indeed I do. Mr Irving, when you were being cross-examined by me some days ago, there was a reference to a footnote in van Pelt's report, I think it was, it matters not, to a book edited by a lady called Deborah Burnstone.

A: Yes.

Q: Do you remember that, when that was drawn to your attention, you pronounced that name "Bronsteen"?

A: No, I do not.

Q: I will find it for you in the transcript. If I am right, why?

A: I have no idea. I have no recollection of that episode at all.

Q: Why this interest in names? What does it matter what a person is called?

A: You are putting this to me and I am hearing it for the first time. I am as astonished as you are. If I read it like that, then that was the way I read the name.

P-170

Q: No. You did not read it like that. You knew that she was called Burnstone?

A: Why would I know that she was called Burnstone?

Q: Because it is in the footnote and it was read out to you.

A: If I misread it, misreadings do occur. You have been misreading words----

MR JUSTICE GRAY: Let us wait until we have found the document.

A: You have been repeatedly misreading words throughout the last few days but I have not commented on that.

MR RAMPTON: "Do not worry. I will come back to it tomorrow. You may have a chance to answer properly. Let me go on. The problem is somebody has apparently issued a leaflet. I am sure that none of us here is personally responsible. The hoax, including a picture on the front cover of a notorious saisai" -- what is that? "Anti-Semitic forgery. The protocols of the learned elders of Zion. The covers cartoon which protects its serpent encircling the world used to have a traditional crude character of a hideous Jewish face, but it now includes instead a picture of Gerry Gable. I wonder how they spotted the difference."

A: You know the connection with Gerry Gable, of course. Or shall I explain it to you?

MR JUSTICE GRAY: I know it so you do not need to.

MR RAMPTON: I do not want to know.

A: Gerry Gable is also no friend of mine, so I am quite happy to describe him in these terms.

P-171

Q: I see. Another of your enemies whom you insult by, as it were, comparing with a hideous Jewish face - is that right?

A: Whether he is Jewish or not is neither here nor there. He is hideous, he is immoral, he has spent the last 36 years of his life trying to destroy me and my family because he has a criminal

conviction for breaking into my house.

Q: But the insult which you have prepared -- apparently they thought it was jolly funny because they laughed -- for Mr Gable is that he should replace the hideous Jewish face, is it not?

A: Well, it certainly was not forged by me. I do know who did that but obviously other people hold the same opinion of Mr Gable as I do.

Q: My problems began in October of last year when I was speaking in Los Angeles and I received a letter from the Canadian government telling me not to come home on my projected tour of Canada which was to cover 17 cities from Vancouver right the way across to Ottawa. The Canadian governments had been alerted by the Simon Wiesenthal Institute in Los Angeles and immediately clicked their heels together and said "Ja vohl, Herr Wiesenthal, we will not let him in". Now tell me about this Wiesenthal again. I asked you before and you said, "Oh no, it is not the well known Simon Wiesenthal".

A: Well, of course, H I E R is the director of the Wiesenthal

P-172

Centre. The Wiesenthal Centre in Los Angeles has no connection with Simon Wiesenthal apart from the concession they pay him every year for the use of his name.

Q: But it is a Jewish organization, is it?

A: I imagine that they restrict their intake of employees to Jews, yes, but I have no information on that.

Q: I do not know about that, but it is some kind of Jewish institute in Los Angeles, no doubt in some part concerned with the history of the Holocaust?

A: Yes, I have collaborated with them in the past with documents and things.

Q: Then comes the stuff about the Wiesenthal facial appearance and its comparison with the Halloween mask.

A: I think I should explain. It may very well help his Lordship. This date is wrong on this. It is not 1992, it is definitely 1993, after I have had to go through the harrowing episode of being deported and handcuffed on the floor of an Air Canada plane, after I have been thrown out of Germany. All these things have happened as the result of the machinations of these people around the world, after I have been banned from Australia. So I am afraid you have the wrong year on this and suddenly everything clicks into place. I am perfectly entitled to criticise these people for what they have done to me.

Q: As we noticed before, when an anti-Semite is rattled or riled, out comes the anti-Semitic language.

P-173

A: No, critical language. This is unfortunately where you make a mistake, Mr Rampton. When you are critical of what the Jews do to you as Jews, it is not anti-Semitism. They are entitled to take their action against me as Jews but, if I criticise them, it becomes anti-Semitism. Have I understood correctly?

Q: No, you have not. I do not think you are trying, actually.

A: I am trying very hard to understand the point that you are trying to make.

Q: The answer to one's enemies is not that they are ugly Jews with silly names, it is that they are acting badly, is it not?

A: They were doing all of it.

Q: But what relevance is it that they have ugly Jewish faces and silly Jewish names?

A: Well, you are talking about the ugly Jewish face. You are referring to the episode with the

Halloween mask in which the word "Jew" does not figure. We are talking about a man who is well known for not being a particularly beautiful gentleman.

Q: What relevance has it to your defence against him that he happens not to be beautiful?

A: I am just making fun of him. If I had made fun of any other person who was not Jewish, it would never have occurred to them to say this is anti-Semitism or

P-174

anti-Asian or anti-French. If I made fun of Monsieur Mitterand, for example, or Jacques Cherac, I would not be accused of being anti-French if I said that he had a ridiculous face that looked like a Halloween mask. I would be accused of being anti-Mitterand or anti-Cherac.

But, because we are talking here about Wiesenthal, suddenly different rules apply.

MR JUSTICE GRAY: Mr Rampton, when you reach a convenient moment?

MR RAMPTON: I have not quite finished this, I am afraid.

A: He is beginning to whimper a bit and he wants to find a---

MR JUSTICE GRAY: No, that is unnecessary. We will be here a long time if you go on.

MR RAMPTON: You are not going to provoke me at this time of night, Mr Irving. I can do another two of these things or I can stop and do them in the morning.

MR JUSTICE GRAY: Have you finished on this particular document?

MR RAMPTON: I have finished on Wiesenthal.

MR JUSTICE GRAY: Then I think, in all the circumstances, we will adjourn until 10.30 until tomorrow morning.

(The witness withdrew)
(The court adjourned until the following day)

P-175