

PROCEEDINGS - DAY FIFTEEN

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Day 15 Thursday, 3rd February 2000 (10.30 a.m.)

MR JUSTICE GRAY: Mr Rampton and Mr Irving, really not for either of your benefit but for the benefit of members of the public who are following the trial, we are not sitting tomorrow and that is going to be the pattern, generally speaking, for the future. That is just to save anyone a wasted journey.

MR RAMPTON: Your Lordship may wish to consider what happens next week because Monday, everything being equal, it will be Professor Browning. I do not know how long he will be. After that will be Professor Evans. Your Lordship has said that Mr Irving may have time, I do not know however long your Lordship thinks is needed, perhaps a day or whatever, to prepare cross-examination for Professor Evans. It may, therefore be that we shall be taking a day off before Friday next week.

MR JUSTICE GRAY: Yes. We will deal with that if and when it arises. I am anxious that Mr Irving should be given ample opportunity to prepare, because it must be exhausting, the burden that you are bearing at the moment.

MR RAMPTON: I quite agree.

MR IRVING: I have indicated that I would want one extra day between Professor Browning and Professor Evans.

MR JUSTICE GRAY: That is certainly reasonable. If you need more, say so.

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MR IRVING: Monday I will be pretty well prepared, but to save the court time actually in session it will be better if I come well prepared.

MR JUSTICE GRAY: That is true too, yes.

MR IRVING: My Lord, at sometime this morning I will be calling a witness who has not arrived yet, Mr Peter Millar, on the Moscow matter. I do not anticipate we will need more than one hour with him so, with Mr Rampton's consent, I would propose that we continue with the cross-examination of myself until my witness arrives, and that we then find a suitable point to interrupt and slot my witness in.

MR RAMPTON: I am sorry, I was being badgered. Is that today?.

MR IRVING: Peter Millar.

MR RAMPTON: Is that today?

MR IRVING: That is this morning.

MR RAMPTON: Any time.

MR IRVING: Yes. My Lord, the only other thing I want to say is that we mentioned yesterday the book by Gerald Fleming. It is right that I should say that I have now looked at the book and I have seen that I have marked it up in part. And I will give your Lordship a copy of book to see, which you can then pass to Mr Rampton. You will see that I have read, obviously, the first 22 pages of it from the annotations in the margin on one occasion, and then on another occasion I read into it specifically .

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concerning the Bruns episode.

MR JUSTICE GRAY: I will take what you have just said as evidence.

MR IRVING: Perhaps I should repeat it from the box.

MR JUSTICE GRAY: No, do not bother because we have a transcript. I will take it as your evidence because it does arise out of your cross-examination and it is something that Mr Rampton can pursue as and when he wants to.

Mr David Irving, recalled
Further cross-examined by **Mr Rampton QC.**

MR RAMPTON: I will not take time with that now, my Lord.

A: They have, obviously had the book already in discovery.

MR IRVING: Not the actual book?

A: That is the actual book. Those are their flags still stuck to the pages, and you will see that there are annotations that I made presumably about five or 10 years ago for the first 22 pages, pages five to 27, indicating that I have read into it for 22 pages, and then I went back at a later time, which is the second set of stickers and I looked just specifically at the Bruns episode, as I remembered yesterday.

MR RAMPTON: We will look at it in due course. Thank you, Mr Irving.

MR JUSTICE GRAY: Give it to your side, as it were.

A: I shall also be writing to the solicitors of the

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Defendants to suggest that I wish to have more information about the provenance of that document of August 1st.

Having seen it, it is a document I would like to know more about.

MR JUSTICE GRAY: Yes.

A: Also one other point the transcript we were reading yesterday of the speech I made in Bow, it is wrong by one year. It is May 1993. It should be 1992.

MR JUSTICE GRAY: It is dated '92 at the moment.

A: It is dated 1992 at the moment. I have checked the famous diary and it is May 1993, by which time, of course, many things had happened to justify the remarks I made in my diary.

MR JUSTICE GRAY: Yes, Mr Rampton?

MR RAMPTON: One small point first, Mr Irving: do you remember the discussion, I think on Tuesday, that is two days ago, 1st February, about the Nuremberg document PS 3051?

A: Yes.

Q: It is at any rate one version of a telex from Heydrich at 1.20 a.m. on the morning of 10th November 1938.

A: Yes.

Q: You in court would not accept that your reference to that document as 3052 was wrong and that, indeed, you were referring to 3051. Do you remember that?

A: I was referring to two documents in my source reference.

The other one, if you remember, was Karl Wolff. I have

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now checked with all versions of the manuscript -- it went through five or six different versions -- to see how the error occurred in the digit because obviously I want to track something like that down. The actual reference is to Karl Wolff as Karl Wolff quoting Werner Best, who was a

Gestapo official.

Q: Mr Irving, please, can we try today to stick to the point? I am going to read you something which appeared on your web site -- this is so as to remove a point of controversy from the case entirely -- yesterday or this morning. You print reports of your own version of what goes on in court.

A: The "Radical's Diary", yes.

Q: You write this. I am not entering into the argy-bargy at all. It is full of comments and I am leaving that out. "In 'Goebbels Mastermind of the Third Reich' I have muddled one source note identified there as PS 3052, thus Karl Wolff (it should have been 3051)".

A: Yes.

MR JUSTICE GRAY: 3051 is the one that was produced in court which has, as it were, nothing to do with it?

A: The diary just says that I identified it as P 3052 plus Karl Wolff. You rather swallowed the word "plus". It should have been 3051 instead of 3052.

MR RAMPTON: Mr Irving, I now would like you, in view of the answers you gave about the National Alliance yesterday ,

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notwithstanding the tape that we showed, to look at one very short part of the same tape. We will pause it still when we get to the right place. Then I shall ask you whether you still adhere to the position you took yesterday.

A: Which position are we talking about? Be specific.

Q: I think this is the October 1995 visit to Tampa. This is '96, sorry.

A: Can you specify what position you are referring to when you say I am still referring to the same position?

Q: You took the position that You had no idea who the National Alliance were, that it was a meeting organized by them, or anything of that kind.

A: Yes.

Q: Now, we will look at this.

(Excerpt of video was played)

Q: Does it get any clearer?

A: I can see what you are pointing to.

(Excerpt of video was played)

Q: That is not ----

A: It is rather unfortunate they show that bit, is it not, because I am accused of being a Holocaust denier.

(Excerpt of video was played)

Q: There. Now, Mr Irving, you see that picture?

A: Yes, it has its back to me apparently.

Q: It has not got its back to you.

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A: It has.

Q: It is there by your left shoulder.

A: Yes. If I see something like that in a hall, I would not know from Adam was that is. Would you know what it was if you went into a hall and you saw that?

Q: Yes, if I was speaking on a platform and that was part of my paraphernalia.

A: It is not actually a platform.

Q: And pictures put up by the organizer, of course I would know, Mr Irving. That is enough of that, thank you.

A: It is not enough of that because there is one----

Q: Turn it off now will you, please?

A: Yes because it might show some more unfortunate denials that I am a denier, would it not? Can I just make a statement, so to speak, in re-examination there and say that I will point out that you have had my entire correspondence with all organizations to whom I ever spoke. You have had my entire private diaries. Professor Evans himself says in his report that he has found no reference to the National Alliance in my private diaries. You have not so far produced to this court one single item of correspondence between me and the National Alliance.

Q: I just want to ask you two more questions, Mr Irving.

A: I take it you accept what I have just said?

MR JUSTICE GRAY: Mr Irving, you have said it to me. I have taken it on board but you do not need to get Mr Rampton to

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answer your evidence.

A: It is an opportunity for Mr Rampton to cross-examine on that point.

MR RAMPTON: No, Mr Irving, it was re-examination. You said so yourself. I do not butt in when people are re-examining. I let people do it to themselves.

A: You took away about 40 boxes of all my private files and papers and not one single letter between me and the National Alliance have you produced to this court.

MR JUSTICE GRAY: I have the point.

MR RAMPTON: We changed the date on this. My Lord, I am going back to the little clip of utterances, page 37 in the clip, my Lord, file K4, tab 4, page 3.

MR JUSTICE GRAY: I have lost the clip.

MR RAMPTON: Your clip, my Lord, has been put in the front of K4, apparently.

MR JUSTICE GRAY: Thank you very much.

MR RAMPTON: Page 3, my Lord. This is Bow 1993, I think you tell us now. Is that right?

A: That is right yes.

MR JUSTICE GRAY: Where?

MR RAMPTON: Page 3 of the transcript, my Lord, and page 37 of the clip. I am going to start a little bit before the clip extract begins. If Mr Irving wants to read on or have more, than he must do it himself, the whole text is there. I am going to read, Mr Irving, from the sixth line

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in the middle of the page after the words "our national heritage", where you say this: "When people ask me about racism I say 'would you mind explaining to me what is the difference between racism and patriotism'? Journalists, television interviewers, I've had a great deal of these in the last 2 or 3 weeks, you won't notice this of course, because I've been going to the television studios here or in Camden town or in Isleworth, speaking by satellite live on prime time

Australian television, 3 or 4 times last week. New Zealand television as well because New Zealand always picks up what their big brothers do in Australia, and the journalist has said 'Mr Irving, we read in today's newspapers that you told the ABC radio' -- that is an Australian radio, is it not, Mr Irving, ABC radio?

A: Yes.

Q: "That you feel queasy about the immigration disaster that's happened to Britain. Is that your opinion"? And I said well yes, I have admit to being born in England in 1938, which was totally different England, I feel queasy when I look and see what has happened to our country, nobody has stood up and objected to it' and he says, 'well what do you think about black people on the Australian, on the British cricket team then? How do you feel about that then, the black cricketers'? So I said, 'that makes me even more queasy, ". Pause there, please,

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Mr Irving.

A: Yes.

Q: I am going to read on. Why does it make you feel queasy that black Englishmen should play cricket for England?

A: What is left out here is what is also stated in the interview that he then said exactly same question as you and my reply to him on air was, what a pity it is that we have to have blacks on the team and that they are better than our whites.

Q: Why is that a pity?

A: It is a pity because I am English.

Q: Are they not English too?

A: Well, English or British, are you saying?

Q: I am saying that they are English. Most of them are born here, just as all the Jews in England were born here, most of them.

A: Are we talking about blacks or Jews now?

Q: It does not matter. They are all English.

A: The England I was born into it, if you had read earlier, the England I was born into, which is the England I come from and probably the England you come from, although probably a few years after mine, was different from the England that exists now.

Q: Well, thank goodness.

A: When I talk about English, I am talking about the England I came from.

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Q: When did the Irvings arrive on these shores, Mr Irving?

A: King Robert the Bruce, I think. We can go back as far as that.

Q: Where did they come from?

A: Scotland.

Q: No. The Bruces came from France. They were Normans, beastly foreigners.

A: The Bruces came from France?

Q: Robert the Bruce was a Norman princeling, if you like. Where did the Irvings come from?

A: What do you mean, where did the Irvings come from? How far back are we going to go?

Q: That is the point, is it not? How far back do you have to go? Does it matter, Mr Irving?

A: It does. You see, what I am saying in this entire paragraph is this. Somebody born in England of 1938, with all the values that I grew up in, grew to respect and admire and love, I regret what has happened to our country now. Sometimes I wish I could go Heathrow Airport and get on a

747 and take a ten hour flight and land back in England as it was, as it used to be. That is what this paragraph is saying.

Q: Yes, it is. It is saying that England has changed in this regrettable respect, that now we have all these black people in England.

A: One wonderful thing about England, Mr Rampton, you may

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disprove of it, is that privately you are allowed to have your own private thoughts about the way things go, what you would call a state of mind, and my state of mind is that I regret what has happened to the England I grew up in.

Q: That, I am afraid, Mr Irving, is characteristic of people that one may properly and legitimately call racist, is it not?

A: Or patriotic. Patriotism is literally respecting the country that has been handed to you by your fathers, by your parents.

Q: You are proposing ----

A: I wish you would not interrupt me when I am speaking.

MR JUSTICE GRAY: Finish your answer.

MR RAMPTON: I am sorry, I had not thought you had anything more to say, I am bound to say.

A: You interrupt my flow of oratory.

MR RAMPTON: Carry on.

A: I do not think there is anything despicable or disreputable about patriotism. You wish to call it racism, that is your choice. I call it patriotism. Respect and love of the country that I grew up, the England I was born into.

MR JUSTICE GRAY: Can we just go back to the cricketers? Is the regret you feel about them playing for England or wherever because of the colour of their skin?

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A: No, it is, I think -- I feel sorry that my England was unable to provide enough good cricketers, if I can put it like that.

MR RAMPTON: So the answer to his Lordship's question is yes, is it not?

A: No, it was not.

Q: You regret the fact ----

A: The answer was as I stated it.

Q: Don't you interrupt either, please, Mr Irving. You regret the fact, do you not, that there are not enough good white cricketers to keep out the black cricketers?

A: Well, again this is probably a tendential answer, but I am not very well up on cricket and I am not a great cricketing fan. This is an example that I am not very positive about.

Q: Do you ever watch the English football team or any of the English clubs play football?

A: If I do not watch cricket, I certainly do not watch football.

Q: Do you propose that the numerous black people who play for first class football clubs and for England in this country are not patriotic, Mr Irving?

A: What I am probably saying is this, is that it is regrettable that blacks and people of certain races are superior athletes to whites. Now, if this is a racist attitude, then so be it. It is a recognition that some

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people are better at different things. And perhaps you may wish to legislate that state of affairs away, you may wish to describe it as despicable, but it is a recognition and it is an objective statement about the way things are. They run faster, they jump higher and there is no disputing that fact.

MR JUSTICE GRAY: Why is it regrettable?

A: Well, it is regrettable in as much as it is now described as being a racist attitude, and there is disreputable to point out that there are differences between the species.

Q: You would like it to be the position, would you not, as with the National Alliance, that this country was a pure white Aryan race of people who went back at least as far as Robert the Bruce, for what difference it makes, would you not?

A: Well, you heard what I said about taking off in that 747 and landing back in England as it was, the England of the blue lamp and Jack Warner and when there was no chewing gum on the pavements, and all the rest of it.

Q: I will just finish.

A: It is just an old fashioned attitude, I think. You will probably find that 90 per cent of Englishmen born at the same time as me think the same. That is what democracy is about.

Q: I am sure you have not been standing with a clipboard in Oxford Street either, Mr Irving?

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A: You will have heard the word "probably", on the balance of probabilities.

Q: I will just finish this, if I may, and then I want to pass to one more. Where was I? "How do you feel about that then, the black cricketers?" So I said, 'That makes me even more queasy ...' and so he says right, and I say, 'No, hang on, it makes me feel queasy but I would like to think we've got white cricketers who are as good as the black ones' and he couldn't climb out of that, you see"?

A: There you are. That is precisely what I just said.

Q: Yes, Mr Irving, but I do not myself see -- perhaps you can enlighten me -- why the journalist should have anything to climb out of.

A: Because he was wanting me to express an attitude that the blacks are in some way inferior to us. They are different from us but not inferior.

Q: Then he says, you see, he has rather not had anything to climb out of, he has picked up on what you said, he says: "'So what you're advocating then is a kind of race hatred'." He was absolutely right, was he not?

A: Well, he obviously had his agenda of questions. He probably had them written down on his clipboard in front of him, "Ask him about race hatred. Use the word 'race'. Keep calling him a racist'. This is the way journalists keep their jobs, is it not? They are politically correct. They know the questions to ask and nobody fires

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them. I have never been politically correct and I am not ashamed of it.

Q: "So I said, 'Before I answer your questions, would you tell me what you believe in, as a journalist, an Australian journalist. Do you believe in mixing up all God's races into one super, kind of mixed up race? Are you in favour of racial intermarriage and racial mixing?' and he said, 'Well, I believe in multi-culturalism'." Do you believe, Mr Irving, in intermarriage between races, as you call it?

A: I have precisely the same attitude about this as the Second Defendant does.

MR JUSTICE GRAY: Tell us what your attitude is.

MR RAMPTON: Tell us what her attitude then is.

MR JUSTICE GRAY: Well, or yours.

A: I believe in God keeping the races the way he built them.

MR RAMPTON: Yes, I see.

A: And I will be putting evidence about the Second Defendant's position on this in court later on.

Q: Although he is remorselessly ----

A: I beg your pardon?

Q: Sorry, although he is remorselessly pursuing his Final Solution to kill off all the blacks in Africa?

A: In his infinite wisdom.

Q: In his infinite wisdom.

A: That is not exactly what I said in the previous diary

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passage. That is a total manipulation of that passage.

Q: One more and then we can pass on to Moscow, Mr Irving.

There is a tab 3A in this file, K4. Your Lordship will find this, I hope, on page 37A of the clip.

This is, I think, the Clarendon Club speech?

MR JUSTICE GRAY: My clip does not have a 37A.

MR RAMPTON: It has not got a 37A? It is a very short passage. I have mine at 37A. May I ask your Lordship to use the file which has got a tab 3A -- at least mine has. Your Lordship has a 3A tab.

MR JUSTICE GRAY: A tab, yes, but not in the clip.

MR RAMPTON: No, I am sorry, that is my fault. I have made my own new number?

A: Can I say here, of course, that when the tables are turned and it is my turn to cross-examine, I shall be putting in any amount of evidence which completely refutes the notion that I have racist attitudes.

MR JUSTICE GRAY: That is a perfectly proper thing to say.

A: The reason I say that, of course is ----

Q: You will have your turn, Mr Irving, of course.

A: Yes, but in the meantime, the world turns and newspapers appear.

MR RAMPTON: That is too complicated for me. I cannot follow that. Could you turn to -- this is the Clarendon Club in 1990?

A: Yes.

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Q: The numbers of the pages are at the top right-hand corner. There are 12 pages in all. Can you turn to page 9 of 12, please? I am going to read the whole of this. This block in the first half of the page, leaving aside the interesting historical comment in bold type. You say: "Thus, we follow this tangled thread. At the end of the war in 1945, the British Empire was at its greatest ever extent in history. Our armies straddled the globe. We were beginning to get back the territories that we had lost in the Far East through Churchill's foolish military and naval strategy. And suddenly the Empire went.

Groping around in the darkness, we look for", capital G, "Guilty", capital M, "Men. Partly I think that we must blame sins of omission. If we look back from where Britain is now, with just a handful of people of true English, Irish, Scots and Welsh stock - apprehensive, furtively meeting in dinners like this, exchanging our own shared sensations and sorrows - then we can see where

some of the worst errors have been made.

"In 1958, for example, we find Lord Hailsham saying at a Cabinet meeting, 'I do not think this Coloured Immigration is going to be much of a problem in Britain. We only have 100,000 of these immigrants so far, and I do not think the numbers are likely to grow much beyond that! So on chance I am against having any restrictions imposed'. It might be "on balance", is it?

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A: It should be "on balance", yes.

Q: I think it should. Then you close the quote from Lord Hailsham and you say: "Traitor No. 1 to the British cause". What do you mean by that?

A: Lord Hailsham, these were records that were in 1988 just released from the Public Record Office, Cabinet records, and they reveal Lord Hailsham, who later became a Lord Chancellor, I believe, having said at a Cabinet meeting in 1958 in a totally negligent manner that he did not think that immigration into Britain was going to be a problem and that so far only 100,000 had arrived, and he thought it would not go to more than that.

Q: And why does that make him a traitor, No. 1 traitor?

A: Because it is the duty of the custodians of government in this country to look ahead and to try to ward off any kind of misfortunes and tragedies that may otherwise befall the country which is put into their guardianship.

Q: So what you are really saying is they have an overriding obligation to safeguard the racial purity of the mixed bag of mongrels of Anglo Saxons, French, Celts, Irish and goodness knows what all that you call "English", is that right?

A: I am not sure that the British or English would be very flattered by the "mongrels" that you have called them. If I were to use language like that, I could be rightly and justifiably accused of vilification, of defamation and

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possibly even of racism.

Q: Some of us, Mr Irving ----

A: Are you calling the English half breeds then?

Q: Exactly, one of your favourite terms, "half breeds".

A: Well, you called them "mongrels". If I had used the word "mongrel" in my diary, then I would have been the subject of massive obloquy.

Q: Some people, Mr Irving, leaving aside yourself and some of your friends from the Third Reich, do not mind having mixed ancestry. Does that baffle you? Do you find that shocking?

A: Well, I have explained to you what my notion of patriotism is. Patriotism is pride in the country that has been handed down to you by your parents and by their parents before them.

Q: I will carry on with the text, if I may? There is not much more. I should like to think there is somebody somewhere doing what Gilbert and Sullivan would have done had Mikado do which is making up a little list of named people", to be executed is the allusion, is it not?

A: That is a childish remark, frankly.

Q: Well, that is right, is it not? Who is childish, me or you?

A: To suggest that a little list, there is a little list of people to be executed in some kind of Fourth Reich what is, no doubt, what you will have said next.

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Q: I am not suggesting ----

A: That we have democratic processes in this country where lists of people get regularly fired by the electorate, but, unfortunately, we did not know in 1958 that Lord Hailsham had taken this wicked decision.

Q: I am not suggesting you wanted Lord Hailsham executed, though may be you did ----

A: That is precisely the innuendo you placed on that phrase.

Q: But the little list in your book, if you are the Mikado, is a list of traitors and the nature of their treachery is to allow large numbers of people who are not of pure mongrel English stock into this country, is it not?

A: That is precisely what I did not say. What I did say, he is a traitor because he has not had Britain's interests, the interests of the British people at heart. He has failed to see ahead to the tragedy which massive immigration would inflict on this country.

This country was existing in a relative state of peace. If you ask the family of Steven Laurence, you will see the kind of tragedy that has been inflicted on an individual scale by massive immigration into a foreign country.

Q: So people like the Laurences, rather like your remarks about the Jews, have brought it on themselves, is that the theory?

A: Oh, really! If this is the level of your advocacy ----

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Q: Well, what do you mean?

A: --- this morning, then perhaps we ought to take a break.

Q: What do you mean, Mr Irving?

A: Shall I spell it out?

Q: Yes, please.

A: I will repeat what I just said. In the 1950s, Britain was a country at peace. We had defeated a major world power. We were licking our wounds and recovering and, for no perceptible reason, we then through the folly and negligence of the government that we had voted into power, as we now see, through their total negligence, through their ignorance, we inflicted on this country a body wound which only began at that time, the kind of wound which has led to 100,000 cases of the Stephen Laurence tragedy occurring on one level, and it could have been avoided.

Q: Those tragedies ----

A: It was a tragedy inflicted on the immigrants whom we imported as slaves, as cheap labour into this country, and it was a tragedy on this country.

Q: Yes, and the reason why people like Stephen Laurence or Stephen Laurence, if you like, was killed was because he was black, was it not?

A: I think you are absolutely right. Of course, we do not know because there has been no formal finding in that matter.

Q: And who is to blame for the fact that Stephen Laurence was

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killed because he was black?

A: Well, I do not want to sound legalistic, but until there is a proper legal enquiry into the matter and the guilt is apportioned and we find out exactly what happened, it would be wrong to kind of prejudice that issue, but we can talk in theoretical terms and say who is to blame if a black is killed by racist white thugs.

Q: Yes, who is to blame?

A: The racist white thugs are to blame.

Q: Thank you very much. Now we go on, please: "Even if we all pull together jointly and severally for the next 10, 20, or 30 years and manage to put the clock back, say, half an hour of its time, the really", capital G, "Guilty", capital P, "People" will have passed on commemorated only by the bronze plaques and the statues and memorials scattered around our capital. We can go around and efface those monuments; but it is going to be a damned sight harder to put Britain back where it was. I don't think Mrs Thatcher or her like are going to be the people to do it. Even less do I think the Socialist Party are going to be the people to do it. Nothing makes me -- Mr David Irving -- shudder ----

A: Can I just explain the phrase Guilty People, why it is in capital letters?

Q: We have had all that earlier on.

MR JUSTICE GRAY: Say what you want to say about it and then we

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will come back.

A: It is a reference of course to a very famous book by Michael Foot in 1938 about the appeasers.

MR RAMPTON: In this context it means the politicians who allowed all these black, brown and Jewish people into this country, does it not?

A: I do not think we are talking about specific categories of people. We are talking about the appeasers, who have kowtowed to the Buddha of political correctness.

Q: Whatever.

A: And have ruined their own country in the process.

Q: Mr Irving, please. Sometimes your interpretation of your own words is, to say the least, bewildering. In this context, it must be, must it not, that one of the principal guilty people, in fact possibly the most guilty because he is traitor number 1, was, for example, Lord Hailsham?

A: And cabinet ministers like him, quite clearly. I have simply taken him as an example because that record has just come into the public domain at that time, but we presume that there are others like him, Harold Macmillan and others of that ilk.

Q: Anybody who, at the very least, acquiesced in the admission to this country of large numbers of immigrants?

A: Of whatever colour. It would have made no difference if they had acquiesced in the immigration into Britain of

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huge numbers of, shall we say, Slovaks or Poles or people of whatever colour. If you import people, whatever colour, into a country on that massive scale, it introduces social unrest and economic unrest. There is no reference in this passage, what you have read, from which one can deduce that I am referring in that passage only to people of colour, let alone the Jews or anybody else that you are trying to shoehorn into it.

Q: Do not worry about that. We have just seen a reference in the Hailsham passage to coloured immigration.

A: That is what was happening at that time. Lord Hailsham referred specifically in cabinet to the coloured immigration.

Q: Capital C, capital I, Coloured Immigration. Now we are going to see exactly what you talking about in the next sentence, if you will just let me read it: "Nothing makes me shudder more than two or three months, working on a new manuscript, and I arrive back at Heathrow Airport - where of course, my passport is checked by a Pakistani immigration officer (Laughter). Isn't that

a humiliation for us English? (Applause)".

A: Can we continue, please, and we will see what makes me shudder.

MR JUSTICE GRAY: No. We will come to the rest of it in a moment.

A: That is the parenthesis. He has read the parenthesis as

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though that is what makes me shudder, and of course that is not what makes me shudder.

Q: You are going to be asked a question about that particular sentence now.

A: Can we read the whole sentence in context?

Q: You can see what comes later in a moment. Just answer Mr Rampton's question first.

A: He has paused at the wrong place.

MR RAMPTON: No, Mr Irving. I want to know what is the matter with your passport stamp being put, or whatever it is, put on by a Pakistani.

MR JUSTICE GRAY: "Checked by".

MR RAMPTON: Checked by a Pakistani immigration official, officer, which caused great laughter amongst the audience apparently, or the laughter anyway, and why you should be applauded for saying that such an experience is an "humiliation for us English"?

A: Well, presumably, if he is a Pakistani and he is working there, he has less right to check my passport than an Englishman who is working there. I would expect an Englishman to be better in control of immigration into England than somebody who has born outside the country, which is why that remark is made.

MR JUSTICE GRAY: That is as maybe. Mr Rampton's question is why is it humiliating?

A: That is bound up in my answer to the question, my Lord,

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that I would have expected English people to be checking the immigration. If you go to Germany, you do not have, for example, Jamaicans, or you do not have Kosovans, or you do not have Russians checking the passports going into the country. You expect to have people of the country concerned who are checking the passports of the people going in and specifically at immigration control.

MR RAMPTON: There might be a problem if you have had an immigration officer newly brought from, let us say, the north west provinces of China who did not speak English. Beyond that I simply do not understand what you are saying, I am afraid.

A: I think I have explained it relatively well. On the balance of probabilities at the time that I am talking about, these people have not been born in England. You were referring specifically to these people, these people that you have referred to. They have not been born in England, but they have been granted jobs in the Customs and Immigration service, and we find that they are checking our right to come back into the country in which we have been born, which strikes me as being paradoxical. This is what I am trying to convey to the readers.

Q: Do you have any idea, Mr Irving? I do not, but I can easily find out if it is necessary. Do you any idea, Mr Irving, how many of the so-called coloured minorities, minority peoples, in this country have been born here?

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A: Are you going to lead evidence on this?

Q: No. I want to know if you know.

A: Well, I have no idea whatsoever that I can state here on oath, no.

Q: Then what is the basis for your remark that on a balance of probabilities that chap at the airport not been born here?

A: That is why I used the phrase "on the balance of probabilities".

Q: What is your basis for thinking there is a balance of probabilities?

A: Because we know of the rate at which immigration occurred within the last ten years, within last 15 years, at the time this speech had been, so on the balance of probabilities these are recent arrivals, which is why I stated that. Now can we have the rest of that sentence?

MR JUSTICE GRAY: Yes, by all means.

A: Nothing makes me shudder more than arriving "and I go outside the Terminal building and there is an Evening Standard placard saying, 'Kinnock in fresh Wedgwood Benn row'". That is what made me shudder. You tried to pretend it was a Pakistani immigration official that made me shudder. That is what I call manipulation.

MR RAMPTON: Oh, really? Mr Irving, I am afraid I reverse that arrow and throw it straight back at you, because it is

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exactly what you have just done. What you were telling your audience, which is why you got laughter and applause, is that there was a humiliating experience of having your passport checked by some dreadful little brown man who had no business to be here that made you shudder.

A: No. It is having it checked by a foreigner that made me shudder. You yourself adduced the fact that he was brown. Pakistanis of course are not necessarily brown. It is perfectly possible to be Pakistani and white, but you are the one who has the racist attitude and you automatically assume that the Pakistani is brown.

Q: There are some, very few we know but, Mr Irving, do not---

A: I know a number of very interesting cases of English people who are born in Pakistan and found difficulties getting back into England.

Q: Mr Irving, this passage in your speech is all about coloured immigrants.

A: It is not. It is about immigration, of which the major element is coloured immigration, of course, at that time.

Q: Yes, and so that is why you chose----

A: Now of course we have other immigration which is causing problems. I would deliver exactly the same speech now about immigration from central Europe which is not a coloured immigration problem.

Q: That is why you chose the Pakistan instead of somebody

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else of, say, German ancestry, is it not?.

A: It is unlikely there would be a German checking our passports at Passport Control. I think that probably everyone would draw the line at that.

Q: Why do you not say, "What makes me shudder, it is so humiliating, when I get back to London I too often find that the immigration officer is an Australian"?

A: You are manipulating this again. What made me shudder was the placard outside reading, "Kinnock in fresh row with Wedgwood Benn" and you know you are back in England again.

MR JUSTICE GRAY: It speaks for itself, does it not?

A: He is manipulating again, and trying to tell the public gallery that I shuddered at arriving and finding a Pakistani checking my passport.

MR RAMPTON: Now, my Lord, I propose to pass from racism ----

A: That is precisely the kind of manipulation that I am accused of.

Q: I propose to pass from racism -- I have said enough about that, I believe -- to Moscow.

A: Can we then in at that case please call my witness first?

MR JUSTICE GRAY: Yes, but just before you do that, I want to get something straight. I have got a clip, which I suppose consists of, I do not know, 30/40 speeches or extracts from the speeches.

MR RAMPTON: Yes.

MR JUSTICE GRAY: It seems to me that on this aspect of the

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case the position is somewhat different. The mere fact you have not cross-examined on these other speeches.

MR RAMPTON: I should have said that.

MR JUSTICE GRAY: That does not, it seems to me, mean that they are not part of the case and, Mr Irving, you should be clear that that is the way in which I am approaching this part of the case. Do you follow what I am saying?.

A: In other words, you intend to take into account the other ones on which he has not cross-examined?

MR JUSTICE GRAY: Yes. I think that must be right on this part of the case, that being the criticism, because you have explained very clearly, if I may say so, what your views are on the topic of alleged racism.

A: Yes or whatever, patriotism.

Q: I think I am entitled therefore to look at the totality of all this.

A: Well I would have preferred that they would have marked those passages in the full text of the speeches.

MR RAMPTON: They are.

MR JUSTICE GRAY: They are. That is what has been done, you see. I have the full context..

A: And that you would have looked at the full text so you could have seen the full context.

MR RAMPTON: I would invite your Lordship -- I should have said it. I did sort of indicate it when I started, by saying, if we went through every single one, we would be here

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until Christmas, which we would have been.

MR JUSTICE GRAY: I wanted to spell it out and have it on the transcript.

MR RAMPTON: I am very grateful. I do urge your Lordship, as far as your Lordship wishes to do, it is entirely a matter for yourself, to read as much of the whole of the speeches as is relevant, which are not necessarily just the passages marked.

MR JUSTICE GRAY: I have been through quite a lot of it before we even started.

MR RAMPTON: That is not excellent. That is really not for my sake but for Mr Irving's sake. My Lord, can I say something before Mr Millar is called, and tell your Lordship our proposal in relation to what I might call Mr Irving's right-wing associations. I mean that at the moment in a neutral sense. The relevant documents, which consist of letters, diary entries, and so on and so forth, are spread across 14 files. Cross-examination making reference to 14 different files is, we believe, simply not practical. What we -- I say "we", I mean Miss Rogers -- is actually going to do is to produce a single file, as we have for Moscow and for Dresden and for this topic that we are have been dealing with, which shall have -- this is not necessarily written in stone -- but

documents relating to the IHR, and these will all be the plaintiffs documents, sorry Mr Irving's documents, correspondence

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with Zundel, correspondence with German right-wing persons, the DVU, somebody called Woch, Kristofferson, Altsans and Karl Philip. Then there will be some diary entries as well relating to all over the world, but they will be in sequence. Whether we divide them up by country, I do not know.

MR JUSTICE GRAY: That is fine by me. I am anxious that it does not prejudice Mr Irving. I do not think it will, will it, Mr Irving?

A: Once again, as we have frequently seen in the past when they have done this kind of selection exercise, they have left out sometimes replies which are germane to the issue, and they have left out other letters which tend to neutralize the effect of the first. And, of course, I am also preparing a very extensive selection of extracts from the diaries which neutralise their extraction from the diaries.

MR JUSTICE GRAY: I do know how you want deal with that physically because it is a problem. You are perfectly entitled, if a document is put to you, to say, well, that is fine but you must also have available the reply, whatever it may be.

A: At present we are intending to come back with our counter attack when we have the chance of cross-examining each witness concerned, Professor Funke and the others.

MR JUSTICE GRAY: In the context of this case I think that is

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probably a reasonable way of dealing with it.

A: It makes more sense, but of course it is going to produce a very lopsided effect to start with and I would ask your Lordship to bear that in mind.

MR RAMPTON: What will also be in the file, my Lord, is the statement of case on this part of the case, which will be cross-referenced to the contents of the file, and also the relevant request for information and Mr Irving's responses. Mr Irving will necessarily and obviously get a copy of the file. I hope he will get one before your Lordship sees it. If he has any objection to it, aside from the fact that he may want your Lordship to see other stuff, then no doubt he will say so.

MR JUSTICE GRAY: When are you thinking we are going to embark on this? We are going get that when? On Monday?

MR RAMPTON: It will be ready by Monday, yes, but at the moment my sense of direction if I can use that, tells me that, unless your Lordship thinks it right that I should do so, or unless we have a change of heart overnight, it may not be necessary for me to cross-examine on that topic at all.

MR JUSTICE GRAY: That is entirely a matter for you.

MR RAMPTON: I know it is. What I am not proposing at the moment is that the file should be produced on Monday and that I should carry on cross-examining Mr Irving. If, when everybody has digested the contents of the file, I would have to have your Lordship's permission if

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I wanted to cross-examine, your Lordship could ask me to do so, and I would do so, if asked, or Mr Irving might want me to.

MR JUSTICE GRAY: I will have to wait and see what is in the file. Mr Irving may have a view

about this as well.

MR RAMPTON: Of course. I add this. For fairly obvious reasons, the one witness on this that we are going to call is Dr Funke from Berlin, who is an expert in this area in academic life in Germany, and he will be called as a witness.

MR JUSTICE GRAY: Then I think it has to be put.

A: In view of the undertones in that remark, can I ask what other witnesses they do not intend calling, because we have prepared very extensively for cross-examination of Professor Levin, and Professor Eatwell.

MR RAMPTON: He is not coming.

A: This is news, of course.

MR JUSTICE GRAY: It will help Mr Irving if he knows what he does not have to deal with.

MR RAMPTON: He does not have to bother with Professor Eatwell or Professor Levin.

A: This is news which I am hearing for the first time. We have spent many weeks preparing documents for the purpose of cross-examination of those two witnesses, and this is not the way that a case should be conducted.

MR JUSTICE GRAY: I think it would be helpful if, to the extent

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that witnesses are not going to be called, that Mr Irving should be, as it were, the first to hear.

MR RAMPTON: He is.

MR JUSTICE GRAY: In this case that is quite important.

MR RAMPTON: It is a decision that I made, I think probably yesterday.

MR JUSTICE GRAY: Yes.

MR RAMPTON: The reasons for it I am certainly not going to go into. I do not have to at all.

MR JUSTICE GRAY: No.

MR RAMPTON: What Mr Irving knows, because I think I have told him before in open court, my Lord, is this. If there is material which in his eyes undermines or affects the credibility of witnesses who are not to be called as live witnesses, he is entitled to put those materials before the court.

A: You are not telling me anything I do not know, of course. I am perfectly entitled to do that under the circumstances.

MR JUSTICE GRAY: Mr Irving, we are trying to be constructive about this and I am actually trying to save you some----

A: Yes. I deeply regret this because we have informed the defence at every stage which witnesses we are calling and which we are not calling.

MR JUSTICE GRAY: Yes. I have just said to Mr Rampton what you heard me say, and I am sure he will let you know if and

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when he is abandoning any other witnesses. But if Professor Funke is going to be called, then surely what he has to say, for whatever it may be worth, ought to be put.

MR RAMPTON: If your Lordship pleases. That is what I said.

I might do it in very broad outline only.

MR JUSTICE GRAY: That is a matter for you, but something has to be put to give Mr Irving the opportunity to deal with it.

A: It makes it very difficult for me to put in a rebuttal document unless these witnesses are there to put them to, which may very well be why they have adopted this tactic.

MR JUSTICE GRAY: Shall we see how much of a problem that proves to be? I think less than perhaps you think.

Having cleared the decks in that way, shall we now have your Mr Millar? Do you need to speak to him before he goes into the box?

MR IRVING: No.

MR RAMPTON: I do not know which file his witness statement is in, I am afraid. C4, my Lord, tab 3.

(The witness stood down)

Mr Peter Millar, sworn.

Examined by **Mr Irving.**

Q: Mr Millar, do you have a copy of your witness statement with you?

A: No I do not.

Q: Your Lordship will find it in ----

MR JUSTICE GRAY: I have got it.

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MR IRVING: Mr Millar, when was the last time we met?

A: Several years ago.

Q: About eight years ago?

A: About eight years ago, yes.

Q: We have not rehearsed today's discussion in any way?

A: In no way at all.

Q: No way at all. I just take you very rapidly through your witness statement. In the third paragraph you say that the Russian archives were in a very dilapidated building and that the filing system extremely archaic. Is that correct?

A: Absolutely.

Q: In a minute or two I will be taking you through the diary which I wrote, one entry, one day's entry, concerning our discussion with the Russian archivists. Is it correct to say that, as you say in your witness statement, no written agreement was made, everything was arranged verbally?

A: Absolutely.

Q: If you turn back to the first page in your witness statement, please, at the bottom of that paragraph, "After Mr Irving was allowed access, he told me that the boxes of microfiches were stored in a very bad condition, in weak cardboard boxes, with the individual boxes over filled and no kind of special packaging to protect them". Can the witness be given a bundle of photographs, five photographs

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showing the boxes, or a number of boxes, and a number of microfiches, the glass plates, and a number of photographs made on those microfiches?

A: (Same handed) Yes.

Q: Are those the boxes that, as far as you can recall ----

A: Indeed, I remember them very well. I remember noticing in particular the contemporary 1940s packaging.

Q: In other words, these were the original 50 year old boxes that the glass plates were still stored in?

A: Oh, yes, quite clearly.

Q: Did you gain the impression that the Russian archivists, I am going by your statement again, were unfamiliar with the concept of outsiders having access to their material? I lived in the Soviet Union for three years and Russian archivists are completely unused to anyone having access to anything.

Q: So a research room is something they are not familiar with?

A: They would not even have ones to cope with.

Q: Did they facilities for reading these glass plates?

A: Not at the time, no.

Q: So they had no microfilm reader?

A: There was no microfilm reader.

Q: Nothing at all? How did I manage to read them, then, to your recollection?

A: I am not actually -- we looked at them at the time. They

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were not full script. You had a magnifying glass, and possibly a light source behind.

Q: When I went to Moscow, had the Sunday Times provided me with a list of episodes to look specifically for?

A: We had certainly at the Sunday Times, and I advising them, looked at certain episodes that we were particularly interest in, yes.

Q: Was I going to be there only for a limited space of time?

A: As far as we knew.

Q: Would it therefore have been practicable for me to have browsed at length in the diaries for passages which were not on the list?

A: I do not think so.

Q: Yes. I just want to ask you once again. There was no written agreement between us and the Russians?

A: There was no written agreement that I was aware of.

Whether or not anything else had been arranged between the legal department of the Sunday Times I have no idea. That was not my capacity.

Q: There was no verbal agreement between us and the Russians to your recollection or, if there was an agreement, what nature did the agreement have, to your best recollection?

A: My best recollection was verbal agreement that we would have access to the plates, that we would look at them and eventually this would be with a view to publishing some of the contents.

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Q: Yes. You say to publishing some of the contents. Was that restricted to a book or any kind of publication that we desired?

A: I do not recall that being discussed.

Q: Did they limit in it in any way?

A: I do not recall them doing so.

Q: On the third page of your witness statement you say that you double checked some of the transcriptions that I had made, and the translations. Did you find any reason to criticise the work that I had done?

A: Certainly the translations -- I am a fluent German speaker and the translations were excellent. The transcripts I had some difficulty because the archaic Gothic script is difficult to decipher, but in those stretches where I could make out words it seemed to be accurate.

Q: Moving rapidly on, the final matter on your witness statement is that you have visited me on several occasions in my office in London, in my study.

A: At the time when we were negotiating over the Goebbels diaries, yes.

Q: This was 1992, is that correct?

A: That is correct.

Q: Did you see hanging over my desk or anywhere in that office an Adolf Hitler portrait?

A: No. I would have noticed that.

Q: Was there an Adolf Hitler signature on the desk in a frame

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or anything like that?

A: There was, as I refer to in the statement, a water colour which I was extremely interested in, and you said that it had been painted by Adolf Hitler and I said it was rather better than my mother-in-law's.

Q: Was it an original or a duplicate?

A: It was, as far as I was aware, an original. I asked you that and you told me it was.

MR JUSTICE GRAY: Your mother-in-law has got a picture by Hitler as well?

A: My mother-in-law does water colours, sir.

MR IRVING: Finally, Mr Millar, would you turn to the little bundle of the diary? Is it lying around there somewhere? Otherwise, I will hand one up to you. I would ask you to just to go to one entry of June 9th 1992.

MR JUSTICE GRAY: Do you have a copy for me, Mr Irving, or have you handed it up before?

MR IRVING: It has been handed up before about four or five days ago with a green corner on it. I have one here.

MR JUSTICE GRAY: I think I will have it here. Is the first line "invitation needed"?

MR IRVING: Almost certainly, my Lord. It looks like a diary.

There are obviously many entries referring to Mr Millar, but I think we will stick with the one day in Moscow when we negotiated with the Russians, June 9th 1992, Tuesday. Does your Lordship have it?

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MR JUSTICE GRAY: I have not got there yet but I think I have.

MR IRVING: This is the famous diary. There are no little racist ditties in it, I am afraid.

MR JUSTICE GRAY: Let us stick to the task in hand.

MR IRVING: "9.30 a.m. collected Millar at Metropole". That is the hotel. I would ask Mr Millar, would you read rapidly through those two paragraphs?

A: Yes, I have read them.

MR JUSTICE GRAY: I have not so can you give me a moment? **(Pause for reading).**

MR IRVING: In fact, I am going to ask you to read the first four paragraphs down to the words "Left at 5 p.m."

MR JUSTICE GRAY: (Pause for reading) Yes.

MR IRVING: Very well. I think there is no need to read them out in court is there, my Lord?

MR JUSTICE GRAY: That is really a matter for you. There is certainly no need to.

MR IRVING: I would just ask him to paraphrase it. Am I correct in saying this shows us arriving at the archives, dealing with a man called Dr Bondarev?

A: Yes.

Q: Who was Dr Bondarev to your recollection?

A: He was curator in charge of the archives. Certainly he was the man who controlled access.

Q: Was he in overall charge of the Russian archive system?

A: No, only of that particular building.

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Q: Who was in overall charge of the Russian Federation archive system?

A: The man whom we had to contact to gain access was Bevininski at the Russian Federation Archives building.

Q: Who?

A: Sorry, Tarasov. I am confusing the two.

Q: Professor Tarasov. You negotiated with him in Russian?

A: That is right.

Q: And I talked with him in English and German?

A: That is correct.

Q: And eventually he lifted the telephone and he telephoned Bondarev.

A: Yes, he did.

Q: What kind of directions did he give to Bondarev in general terms?

A: He confirmed -- we had already seen Bondarev -- that we were to be allowed to see the plates and to work with them.

Q: Yes. Was any kind of restriction placed on that access in that telephone call, do you remember?

A: No, certainly not in that telephone call.

Q: Was there any kind of written paper passed between myself and Bondarev and Tarasov on that occasion?

A: No.

Q: I only have one other point I wish to examine you on, Mr Millar, and that is as follows. Two or three days

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later, I borrowed two of the glass plates from the archives without permission.

A: Yes.

Q: That is correct. Did I put the plates back to the best of your knowledge on the following day?

A: At my insistence.

Q: Was there any indication that I was intending not to put them back?

A: No, there was not.

Q: What did we do with those plates on the night that they had their night out, so to speak?

A: What was done with those plates was that you took them and, using two pieces of cardboard, left them outside the archive building.

Q: Yes, but what did we do with them?

A: They were then shown to the Sunday Times representative.

Q: Did we have prints made on that night by a man called Sacha?

A: That is right. They were taken away and used to take a photographic copy.

Q: You expressed your disapproval of this technique?

A: I expressed my disapproval of the fact that they had been removed from the archive because I thought it was jeopardising the chances of our continued access.

Q: Quite right. On the following day, did the archive allow us to remove plates with permission?

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A: After some discussion with them, yes, that is right.

Q: And this permission was granted on more than one occasion?

A: To the best of my knowledge, it may have been, but my memory is very vague on that part.

Q: Very well. Did we take two plates, or did I take two plates, back to England by the same method for the purpose of evaluation?

A: I am not sure what you mean by "the same method".

Q: In other words, without permission?

A: There was some question of whether or not permission had been granted at that stage.

Certainly two plates were taken back to England and were copied and as soon as valuation -- primarily because at the time we were very concerned about the authenticity. The Sunday Times had been caught with its pants down over the Hitler diaries. It did not want to repeat the same thing with Mr Goebbels.

Q: I should really have identified you formally at the beginning of this examination-in-chief by saying you were acting on behalf of the Sunday Times at all times on this occasion?

A: That is correct, yes -- in a freelance capacity.

Q: In a freelance capacity, but you were the go-between between myself and Mr Andrew Neil?

A: Yes, after you had initially made the contact with him, yes.

Q: And the Sunday Times quite properly insisted on having the

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plates authenticated?

A: Very much so. That was our major concern at that stage, to make sure that these were genuine.

Q: Yes. To the best of your knowledge, did we have these plates tested by a glass company, a glass laboratory?

A: Yes. I remember quite clearly that they were tested.

I think possibly it was Pilkingtons. They were tested to make sure that they were of an age and manufacture that they purported to be.

Q: Did we have the emulsion of those photographic plates or did the Sunday Times emulsion of those photographic plates?

A: Every possible test was done with a great concern about the authenticity, and at no stage did we want to be seen that we had got diaries that could be called into question as to their genuine nature.

Q: Did you at any time see me handing the plates in a way that might have caused severe damage to them?

A: Certainly not handling, apart from the occasion when they were removed. You did not handle them in any way, but I do think that the treatment on that night was perhaps unwise, to say the least.

Q: Well, the elicited nature of the removal?

A: Sorry?

MR JUSTICE GRAY: Mr Irving, can I ask this, did Mr Irving explain to you why he brought two of the plates, or

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whatever it was, back to England?

A: Yes. It was clearly understood at the time that was for the purposes of establishing the

authenticity and, as I say, it was part of the whole agreement that every check had to be made to be certain that these were genuine 1940s microfiche plates.

Q: Did you know in advance that he was going to do that?

A: Yes.

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

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

MR RAMPTON: I have very few. Mr Millar, can we just look at your witness statement, please? It is probably best if Mr Millar is given the Moscow file.

A: Sorry, could I ask you to speak up slightly?

Q: Yes, I am sorry. It sounds very discourteous, I was trying enquire -- your Lordship has a Moscow file, I think?

MR JUSTICE GRAY: I do not know. Has Mr Irving had this?

MR RAMPTON: Oh, yes. On Tuesday, I think.

MR IRVING: What document are you going to refer to?

MR RAMPTON: I am, first of all, going to refer to Mr Millar's witness statement which is tab 3 of C4 -- not that one, Mr Millar, I am sorry. I want you to have both. It is not your fault at all. There should be a file there marked C4 containing witness statements.

MR JUSTICE GRAY: There is not, so can he have a C4? It is

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blue, I think.

MR RAMPTON: It is tab 3, I think, of that witness statement.

This is very confusing, Mr Millar. It is certainly not your fault. That is your witness statement?

A: I have that anyway, yes.

Q: You have that anyway? There we go. You did not need the file at all. Can you turn to the second page of your witness statement, please? In the middle of the page there is a paragraph which begins "On one occasion", do you see that?

A: Yes.

Q: I am going to read it. "On one occasion, after the archives for the day, to my extreme annoyance, Mr Irving told me that he had secretly removed two plates from the archives to show to Andrew Neil, the Sunday Times editor who was also in Moscow at the time. These plates he had concealed in a James Bond-style fashion outside the Institute. I told him this was foolish and risked jeopardising the whole agreement - an opinion he thought to be rather 'wimpish'. I insisted they be replaced the next day, which, to the best of my knowledge, they duly were." Then if you skip a paragraph you see that, so as far as you were aware, you were not, I do not think, a party to this directly, the same thing seems to have happened with two more plates; is that right?

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A: That is correct.

Q: Yes. I only want to ask you two questions about that paragraph that I read out. First of all, are its contents true?

A: Yes.

Q: You have to say "yes" because of the microphone.

A: I am sorry, yes, they are true.

Q: It is a recording microphone. Thank you. The only other question is this. What do you mean

when you write, "These plates he had concealed in a James Bond-style fashion outside the Institute"?

A: He had, to the best of my recollection, prepared two postcards which were slightly larger than the glass plates, or of cardboard material, one of which certainly had a postcard picture on it, had wrapped the plates in these and left them on a piece of waste ground about 100 yards from the Institute.

Q: So it was clear to you that he knew that he should not be taking the plates?

A: Quite.

Q: Then only one other thing: now will you please take the other file, the one you were first given, which is that one, and turn in it to I think it is page A37? It is in the front tab of the file. At A36 you see what the document is. It looks like a document from a memo from you and John Witheroe to the Editor of the Sunday Times.

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It is dated 2nd July '92. Do you have that?

A: Yes.

Q: If you turn over to the second page, which is A37, and look at paragraph 10: "We have also carried out our own handwriting and forensic tests on the glass plates and microfilm. These are not conclusive, but all indicate that the plates are not recently made and that the writing is that of Goebbels, although one of the tests seemed to indicate that they could have been copies. (We have not been able to do all tests because this would have meant destroying or severely damaging the plates. See below in case this becomes an issue).

"Asked how we got hold of two of the plates for tests, I suggest we fudge it by saying we have been supplied with two plates and that they are now safely back in the archives".

I am not criticising you for anything, Mr Millar -- apart from anything else, you are not a party to this action -- but what was it that suggested to you the need to fudge?

A: There was nothing that suggested that we need to fudge it.

If you see, it was hypothetical. The question is if we are asked. The point was that the Times, as I repeat, the Sunday Times was very concerned about authenticity of these plates because of the Hitler's Diaries fiasco and, therefore, there was some concern that we should be seen

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to avoid any mistake again, and the question was whether and how we had got hold of these, we were obviously very concerned at this time nothing had been made known about the diaries. We did not want any other newspapers to get wind of what we were doing.

Q: In particular, you did not want it to be known that these two plates which you brought back to this country via Munich to be tested for authenticity that they had been nicked -- I know they were returned -- if I may use a common expression?

A: No, actually. I am going to disagree. As far as I know, the two plates that were nicked, as you put it, were those that were put on the piece of waste land overnight.

Q: What about the next two?

A: Those were nicked and returned, and that had nothing to do with these -- we are talking about two separate plates here and, as you will see from my witness statement, I was not present at the time the second two plates were taken back to the UK. I do not know the exact circumstances, I did assume that they were with permission.

Q: You assumed they were with permission?

A: Yes, I did.

Q: Look back at your witness statement, will you, the second page? I will put it this way: do you know now, Mr Millar, that they were not taken with permission?

A: Sorry, was that a question?

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Q: Yes, it was. I am sorry. It is difficult when I am asking you a question and somebody else answers it. Mr Millar, you do know now, do you not, that those two plates that were brought back to England were not taken with permission?

A: No, I do not actually. I do not know that.

Q: I am grateful to Miss Rogers. In the Moscow file, Mr Millar, could you look, in the light of that last answer, at page A28 in the front section of the file? There is a document whose format is not familiar to me, but I expect you will recognize it. What is it exactly? It is headed: "Catch gubby" -- is it some kind of computer print out?

A: Sorry?

Q: Is it some kind of computer print out?

A: Yes, oh, it is. I recognize it. Yes, it is ----

Q: You do recognize it?

A: It is -- yes, I do recognize it. Indeed, it is an internal print out on the Old News International printer.

Q: So it is a Sunday Times document?

A: It is.

Q: Yes, and do you know who wrote it?

A: It tells me at the top. It was, without looking at in great detail, if you would like me to take a minute I can do that, but it appears to have been done on Susan Douglas's computer.

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Q: Yes. Maybe it was done on her computer, but where would show get her information from?

A: Would you like me to spend a few minutes just reading the document?

MR JUSTICE GRAY: Yes of course, do.

MR RAMPTON: Well, look, just let us hurry up because I do not want to detain you longer than you need be here. Can you just read the third paragraph?

A: Actually, I would like to read the whole thing if we are going to talk about it.

Q: OK.

A: Yes, I am not familiar with it and, in fact, it is a memo that was composed by myself and Susan Douglas jointly for submission to Andrew Neil.

Q: So may I now read the third paragraph on page A28?

A: Yes.

Q: "Irving has taken liberties in our name in Moscow 'borrowing' two plates and taking them out of the country and will shamelessly take more. I would be very wary, as I am sure would John and Matthew, of giving any impression over there that Irving represents us in any way except in this affair. He is not above trading on our reputation for his own profit". Now, are those your thoughts?

A: They are the thoughts of Susan and myself combined, yes.

Q: So you were -- I do not blame you for getting in a muddle -- then that the second two plates which were brought

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back here were also nicked?

A: At the time it certainly appears that I was, yes.

MR RAMPTON: Thank you, Mr Millar.

MR JUSTICE GRAY: Can I, before you re-examine, Mr Irving, just ask one question? Looking at what you know Mr Irving did, do you take the view that he did break an agreement? You used the term "borrow", in inverted commas, but do you take the position that he was breaking an agreement with the Russians?

A: No agreement that we made specifically touched on the terms of whether or not the plates should be taken out of the archive. It may have been and it could have been understood, certainly, that they were not to be taken out, but there was no formal agreement.

Q: Could have been understood?

A: It could have been understood, yes.

Q: Thank you. Mr Irving, you have a right to re-examine.

Re-examined by **MR IRVING**

Q: By the use by Mr Rampton of the word "nicked", do you understand "stolen"?

A: Yes. I understood he was using it in inverted commas and I used the same verbal inverted commas around them on the way back.

Q: And do you understand by the word "stolen" the permanent depriving of somebody else of their rightful property?

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A: Yes.

MR JUSTICE GRAY: I am bound to say, Mr Irving, I did not really understand Mr Rampton's use of the word "nicked" to mean that, but perhaps he would clarify that.

MR IRVING: Well, your Lordship moves in different circles from myself.

MR RAMPTON: No, no, not only did I put the word "nicked" in inverted commas, but I actually said to the witness, "And, of course, I do not mean stolen because they were taken back", and I knew it.

MR JUSTICE GRAY: That was my understanding.

MR IRVING: His final words were that "Mr Irving nicked these plates", and the circles that I move in the word "nicked" certainly means permanently depriving somebody of their rightful property which is stealing.

MR JUSTICE GRAY: That is why I invited him to clarify and he has now done so.

MR IRVING: We have now clarified. Thank you very much.

(To the witness): So there can no doubt on two matters, Mr Millar, at no time have I permanently deprived the Russian archives of their property?

A: Not to my knowledge.

Q: Not to your knowledge. You inadvertently stated that, "the plates on the waste ground were left there overnight, in my view". Is it not true that, in fact, the plates were removed from the archives for a couple of

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hours, left in the cardboard protecting container there behind the wall on the waste ground until the close of the archives and then handed to the photographer so they were not ----

A: That is correct, indeed true. The intention was to present them to Andrew Neil the next

morning, and, as I recall, we went back to the archive, you should me where they were. I expressed horror and at that stage we said, "Let us take these now the archive is closed". I asked if we should take them back immediately, but the archive was then closed, so, I said, "Right, we will take them to show to the editor and, hopefully, they can be replaced first thing in the morning without anyone noticing they have ever been gone".

Q: Precisely, and this, of course, had been the subject of a formal admission by myself. Once more, Mr Millar, did you or I or the Sunday Times at any time by our actions endanger these plates?

A: With the exception of having left them for those few hours on the piece of waste ground, no.

Q: Thank you very much. No further questions.

MR JUSTICE GRAY: Can I ask you one further question, Mr Millar? Did the Sunday Times pay Mr Irving the agreed fee?

A: That I think you will find is the subject of a separate legal action. There was ----

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Q: It does not stop you answering the question.

A: No, there was certainly a fee agreed, but at some stage a technical argument arose (to which I am not fully privy) about whether or not Mr Irving was in breach of that contract, and a lengthy, certainly a legal case was begun (and eventually settled) as to whether or not he should be paid any or all of the sums owing to him.

Q: Yes, well, I will not pursue that. Thank you very. You are free to go.

A: Thank you.

(The witness stood down)

MR DAVID IRVING, recalled.

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

MR JUSTICE GRAY: Do you want a break, Mr Irving?

A: No, sir, I will go straight on -- unless your Lordship wishes a five-minutes adjournment or Mr Rampton?

MR RAMPTON: Mr Irving, I am going to abbreviate this as far as I sensibly can.

A: We are on Moscow now, right?

Q: Yes, I am only on Moscow and then I finish. Mr Irving, you had heard of the existence of these microfiches at Moscow, I do not know when, but some time early in '92, was it?

A: Around about May 6th 1992.

Q: You thought you had a deal with Macmillan to publish them if you could, as it were, get your hands on them?

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A: No.

Q: You did not?

A: No.

Q: Well, what is the truth?

A: I was writing a biography on Dr Joseph Goebbels which was under contract with Macmillan Limited at that time.

Q: And what happened to that contract with Macmillan?

A: In September 1992 I wrote them a letter asking if I could buy the rights back from them

because I was not happy with them as a publisher.

Q: Well, I am sorry. You are going to have to be a little bit more, what shall we say, less opaque about this in a minute. We will use the file, if we may. Can you turn to page A1? It is not the first page. It is about the tenth page. A1 in the first section of that file?

A: Is this the one called "Background Information"?

Q: It should be a facsimile from you to the Editor of the Sunday Times dated 26th May 1992 marked "confidential", eight pages in.

A: Eight pages in?

Q: The numbers to look for, though they sometimes look like 4s, are called A1, etc., in a black circle at the bottom right-hand corner of the page. I am sorry, as with all the other documents, there is even one called 007 which is interesting in the context.

A: I have my A01 begins "Background Information", is that

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correct?

Q: No, that is 01. I am sorry. It is a complete muddle. If you could find A1 without the O?

A: How could I be so stupid? Right, now I have it.

Q: In strictest confidence to Andrew Neil. "Dear Mr Neil" -- this is your document, is it not?

A: Yes.

Q: "I have just had an important deal collapse under my feet, thanks to the prissiness of my New York publishers who felt it was unethical". Now, is that a reference to your Macmillan deal?

A: No.

Q: What is it a reference to?

A: On May 6th -- I will be very brief -- or approximately May 6th, I was informed in Munich by a personal friend of the existence of the glass plates in the Moscow archives.

Q: Yes.

A: This friend suggested that I should go to Moscow and if I took 10 or \$20,000 in cash I could buy these glass plates from the archivists. I contacted the American publishers of my Goebbels biography and asked if they would increase the advance on the book to provide the dollars necessary for this adventure. For four or five days the American publishers were very excited. I arranged the trip to Moscow, or I began arranging it, and when I was far advanced, suddenly the American

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publishers decided that the idea of buying glass plates from the Moscow archives looked unethical and they were not prepared to get involved with it.

Q: Right, and you say that those American publishers were not called Macmillan?

A: That Goebbels book went through so many hands, I would have remind myself.

Q: Yes.

A: When you said Macmillan, of course, I am assuming that you are referring to the English Macmillan publisher who did have the rights in the book.

Q: Well, I am sorry. I did not know they were different.

I am awfully sorry. I am sure that they are related -- they would have to be, would they not?

A: They were not related. They spell themselves differently too.

MR JUSTICE GRAY: They were not, oddly enough, no. I think that is right.

MR RAMPTON: Were not? Oh, well, that is my ignorance. I am sorry. Let us turn ----

A: I know the Editor concerned was Don Fehr, but he also meant from -- that is F-E-H-R ----

Q: That is a perfectly natural confusion on your part brought about by my ignorance. Can we turn to your diaries, please, your diary entries, section B of this file?

A: Yes.

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Q: On page B2 is your entry for 26th May.

A: Yes.

Q: Now ----

A: "Macmillan Incorporated", that is correct, yes.

Q: "Rose 6.45 a.m., ran round Mayfair 97 per cent hot." Never mind the next bit. "A hectic day from which Telecom much profited with calls to and from Moscow, New York, ... **(reading to the words)** ... Frohlich. Susie Terplar was the person that actually typed the entries.

A: She was my assistant, yes.

Q: "The fuss was engendered first by attempts to get the Moscow invitation needed, then tickets, then visas. Finally, at 5 p.m. came a totally unexpected fax from Macmillan Inc". So you were, sort of, preparing to go on behalf of Macmillan at this stage if I have understood -- Macmillan Inc?

A: On behalf of myself as the author, but I was obviously raising the funds by hook or by crook.

Q: Well, plainly. "Refusing [to] put up the funds after all, as they could not be party to a 'bribe!'"

A: Yes.

Q: That was their position?

A: Well, you have seen all the correspondence in discovery.

Their message said, "It looks like we are trying to bribe a Russian official" ----

Q: Yes.

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A: --- "and this looks unethical to us".

Q: Yes, whereas -- I am not taking any point on this -- your position was that you might need to pay for the right to use them?

A: In two lines: The Soviet Union had collapsed. The archive system was in total disarray. They could not even afford to pay their own wages. We were doing the archivist a favour by bringing him \$20,000 in cash.

MR JUSTICE GRAY: Yes, I do not think any criticism is being made or could be made.

A: Yes, well, having been publicly flogged for the last three or four days, I always assumed that was going to be ----

MR JUSTICE GRAY: Yes, but you are not being at the moment.

That is the point I am trying to make.

MR RAMPTON: I deliberately read that so that everybody should know that you put the word "bribe" in quotes and then put an exclamation mark after it.

A: Yes.

Q: Whatever your publishers might have thought, it was not something you agreed with?

A: No. It was not. The Hoover Library, the Stamford University, very many major American institutions had already bought large parts of the Russian archives over the previous weeks. There was a major sale going on.

Q: As I say, I really do want to rattle through the periphery of this as quickly as I can. I know you suspect me and

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I understand why, but you must not always be suspicious. Is it right that you were also concerned, and again I say quite properly concerned, as an historian and an author that the people in Munich might get there first?

A: Oh, yes.

Q: And spoil your coup, your scoop, whatever you would like to call it?

A: Yes.

Q: Do historians take perfectly natural pride in being the first there?

A: Yes.

Q: Now I want to whiz on, if I may? Did you eventually enter into a contract with the Sunday Times?

A: After -- it was a contract in two stages. There was a letter of agreement that they would fund the first exploratory trip which I made with Mr Millar to Moscow in mid June 1992 ----

Q: Yes.

A: --- when we would establish whether this was feasible, whether the plates were there, whether they were genuine, what their contents were, and whether the Russians were open to a piece of horse trading; and then after I came back from Moscow and we established to the satisfaction of the Sunday Times that I had obtained the material, or was in the process of obtaining it, then a contract was drawn up in a proper legal manner.

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Q: And I know that you fell out in some way (and I am not interested in why unless you want to tell his Lordship in re-examination) you fell out with them for some reason and they did not actually pay you, the contract ----

A: Well, the reason is, of course, material to this case -- we will find that later -- but the deal was they would pay me £75,000 plus VAT for the particular ----

Q: Did they ever pay any of that?

A: They paid one-third of it, yes, and they welshed on the rest.

MR JUSTICE GRAY: Did you say it was not material?

A: The reasons why they welshed on the deal is evident from the discovery. They came under immense world wide pressure. Andrew Neil said he had never experienced anything like it.

MR RAMPTON: Oh, you mean we are back at the traditional enemy, sort of thing, are we?

A: Well, if you wish to encapsulate it in that phrase ----

Q: Well, I am trying to use shorthand.

A: --- but you have seen the discovery, you have seen the documents.

Q: But none of them from anybody who is a Defendant in this case, I hope?

A: No.

Q: Then I do not see that it is material. Mr Irving, so you had two incentives to make this exercise a success?

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A: Three incentives.

Q: One was that you would then, as I say, quite properly get the ----

A: Kudos.

Q: --- kudos for having the job which, I have no doubt, you properly did when you had done it?

A: Yes.

Q: And the second incentive was financial because you had a good contract?

A: Well, the third incentive was that I wanted the material for my biography of Dr Goebbels.

Q: Yes. Right, that is three very sensible (and I make no criticism) three strong incentives to be the first there?

A: That is right, and the people you call the traditional enemy had precisely the same incentives for stopping me.

Q: You knew, however, that the Sunday Times -- this is after the Hitler diaries fiasco, was it not?

A: The Hitler diary fiasco in April 1993.

Q: Exactly. So you knew that the Sunday Times would be very wary, and no doubt they told you so, of getting their fingers burned a second time?

A: Andrew Neil said to me, "We are very wary about this here in the office, as soon as we hear the word Nazis and everybody gets very nervous", and my response was, "Andrew, this is the chance, I am giving the Sunday Times a chance to rehabilitate themselves".

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Q: One of the conditions, therefore, of this deal was no doubt that the Sunday Times had to be satisfied of the authenticity of the plates?

A: At some stage, either before or after the first trip, they made a contractual condition that I should obtain the opinion of experts on the content of the diaries, and that they should have other means of verifying of the integrity of the actual material.

Q: And that in due is what happened, was it not?

A: Yes. You will see have seen from this trial that I attach great importance to the integrity of the document.

Q: Can you turn in the same tab of the same file to page B7 to your diary entry of 10th June 1992?

A: Yes.

Q: "Rose 7.45 a.m. wretched breakfast at Cosmo", is that an anagram of Moscow or a misprint?

A: I think it is "Cosmos".

Q: Cosmos, is it?

A: Yes.

Q: To looks to me like an anagram of Moscow, but never mind.

"With dried salami", etc., yes, I sympathise with you.

"At 10 a.m. at the archives continued methodically reading the microfiches and flagging in catalogue. It was drizzling with rain. I illicitly borrowed the fiche we had found covering the weeks before the war broke out, and took it out of the archives at lunch for copying (in case

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the Germans managed to prevent this)".

Will you explain exactly what that means?

A: I knew from my contact in Munich that the head of the German Federal Archive System, Professor Karlenburg, was due to visit Moscow a few days later, and he was coming effectively with a large empty suitcase to pick up all the looted Nazis' documents, and my experience then was that when these documents get back into German archives they vanish for several years and are unable to the international community for historians. This has happened again and again and again. So it was important on the basis of what you have is what you have got, by hook or by crook to get these vital materials out of the KGB archives and make them available to the world of historians, which is what I did.

Q: Mr Irving, whether or not you had a written agreement with the Russians, which I understand you did not have, you describe to your own diary your conduct in taking this fiche as illicit?

A: Totally illicit. I am deeply ashamed to have done that.

You do not normally go into archives and remove materials, even though of course they are going to put them back the next day, but desperate situations call for desperate remedies. This was an archive with no copying facilities. It had no microfiche reader. There was no means of reading the materials they had. They did not

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know what they had.

Q: When you took it outside, and I do not know what Mr Millar really meant, I did not really understand it, but he put it in some kind of envelope when he took it outside disguised as something, that is why he said "James Bond"?

A: Well, it was not disguised as something. Obviously these were glass plates.

Q: I am not interested in that.

A: You just mentioned this. I just said they were properly packaged.

Q: Yes. I am not suggesting they were not. You took it out. You say: "I tucked the envelope with the glass plate into a hiding place before re-entering"?

A: Yes.

Q: What sort of a hiding place?

A: Behind a wall.

Q: Was it still raining?

A: No. Certainly I would not have left it standing in the rain obviously. It was very well wrapped in plastic and cardboard.

Q: I see. We can take this quite shortly now I think?

MR JUSTICE GRAY: I am sorry, I am not following. What was the point of tucking the envelope into a hiding place before re-entering?

A: I took it out at the lunch break, concealed it, noting where I concealed it, and I would come out then at the end

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of the archive closing, pick it up, take it to the photographers, the Sunday Times office, have all pictures, the images printed.

Q: It was prior to taking it back to England?

A: No, my Lord. This was in the middle of my visit to Moscow. We then had these glass plates printed up in Moscow and took them back the first thing the next morning and put them back in the box. That same day the archivist said, "Sure, borrow some more", and he allowed us to borrow more and we did the same again.

MR RAMPTON: Can you turn over page to your entry of 11th June which is B8. Can I start at 10.30 because I think we have had enough of your breakfasts in Moscow: "10.30 a.m. taxi to the archives. I return the borrow August 1939 fiche", that is the one we were talking about, is it not?

A: Why.

Q: So it had stayed out overnight, had it not?

A: Yes, but not out in the open.

Q: No, I understand that.

A: It had gone walkies.

Q: Mr Millar was wrong in saying it was returned the same day?

A: I do not think he did say that.

Q: Then I misunderstood. "I returned the borrowed August 1939 fiche and borrowed two by the same means", that means illicitly, does it not?

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A: Yes.

Q: This is March, June, September 1934, that is the night of the long knives period?

A: A vitally important period in Nazi history. It has been concealed from the world for 55 years up to that point and I found it.

Q: "Including the Rome purge"?

A: Yes.

Q: "I was overjoyed to find these two fiches. That clinches the importance of this stay". Over the page, please: "We left the archives at 5 p.m. I passed the hidden plates", is it?

A: Yes.

Q: "To Peter Millar to get it", it must be "them" "printed up tonight"?

A: Yes.

Q: Then you took them via ----

A: Actually it looks like one plate rather than two.

Q: I know. Never mind. It was in fact I think two because we know from the documents that two plates were brought back for testing.

A: Well, these obviously were not the ones brought back because we had them printed up that night and, therefore, put back the next morning.

Q: So you borrow one illicitly put it back and then two more and put them back, but the two that came to England, I do

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not really mind which they were, the two that came to England were also taken illicitly?

A: Well, I have to halt you there and say that this is now June 11th which is the day before I returned to England.

Q: Exactly.

A: I do think that these ones were borrowed illicitly, because certainly on that first trip Dr Bondarev allowed us, he permitted us to take some plates out and have them printed up overnight. So that may be these two.

Q: No. The two that went back to London via Munich were taken illicitly, were they not? There were five in all.

A: Yes, but if Peter Millar had them printed up overnight I would not have had to take them back to England to get printed. The ones that I took out, which would have been, I would have taken them out on June 12th ----

Q: Well, I do not know what time you ----

A: Presumably.

Q: I do not think you went back to the institute of whatever it was before you left for Munich. We had better look at the diary.

A: Well, I am not going to argue about this, because of course I have made a total admission in writing to you on the question of which ones were taken out and which ones were left.

Q: I know. I will finish now with one question. For the sake of your good name and good standing as an historian,

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for the sake of £75,000, for the sake of beating the Munich Institute to the line and for the sake of your Goebbels book, on two occasions at least you illicitly took valuable slides out of this Institute and on one of those occasions you transferred them via aeroplane to London?

A: That is correct.

Q: Are you proud of yourself?

A: I said earlier, no, I am not. It is not kind of thing one wants to do as an historian. But when you are dealing with the Russian archives which at any moment may seal up again, as they have in the meantime, so these plates are no longer available and the Germans are sitting on the plates too, they are just beginning to publish them now eight years after I was there. I think I did a valuable service to the community. Every single plate that I had copied I gave copies of the prints that I made to both German archives, both in Koblenz and also to the Goebbels' archives at his home town. So I made them immediately available to the world of historians. So I did a service.

Q: The end may have been worthy. The result may have been desirable, but the means that you used, perhaps you would agree, were, morally speaking, I am not interested in the legality ----

A: They were illicit.

Q: Illicit and would you accept the word rather shabby?

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A: Yes.

MR JUSTICE GRAY: Mr Rampton, I just want to be clear about this. Shabby, something not to be proud of, but is it the case that is put to Mr Irving that he broke an agreement?

MR RAMPTON: It must be, if he uses the word "illicitly", it must be that he knows impliedly he does not have permission, which is a breach of an agreement.

MR JUSTICE GRAY: Can we ask Mr Irving that. Did you know that what you were doing amounted to breach of an agreement ----

A: I disagree in view of the fact ----

Q: --- with the archivists?

A: --- in view of the act that they allowed us to borrow the plates anyway, it was obviously neither here nor there to them, and there was certainly no agreement either verbal or written.

MR RAMPTON: There is no written or verbal agreement, but ----

A: On the contrary.

Q: --- as I think you told us earlier, no self-respecting historian would deliberately remove such valuable material from an archive without the permission of the archivist in the ordinary way?

A: I do not think that I damaged the world of historians one bit. In fact I think I benefited them by having done it the way I did.

Q: That is not an answer to my question, but it really does

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not matter. Are you quite certain in your own mind that at no stage during the trip of these plates illicitly taking plates from Moscow to London, they were in any danger of being damaged en route?

A: You should have seen the packaging I put them in.

Q: Where did you put them, in a suitcase or your hand luggage?

A: They were put into this hard suitcase down there. They were heavily wrapped in foam packaging and with layers of cardboard. They were safer with me than they had been for 55 years

in the Russian archives.

Q: Hand luggage?

A: Hand luggage, and they were safer with me than they had been in those flimsy boxes for 55 years with the Russians boxes, in which boxes many of the plates were already broken.

Q: Had you any idea what means might be used to test the plates for authenticity when you got home?

A: Yes. It was obvious they were going to test the plates glass by probably spectroscopy or by similar non-invasive methods, and similarly also the emulsion. They would have chosen the part of the emulsion that was not written upon, so to speak.

Q: Well, in the event the emulsion test was not done for fear of damage, that is right, is it not?

A: If you say so.

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Q: I am only telling you what the Sunday Times tells me on a piece of paper.

A: We produced the reports in discovery from Pilkington and from the laboratories, the photographic laboratories. We carried out the appropriate or rather the Sunday Times carried out the appropriate test.

Q: You broke your journey I think in Munich, did you not?

A: The flight to Moscow was made from Munich because there were ----

Q: Yes, but did you not break your journey and go to Rome?

A: On June 9th?

Q: Yes. That was from Moscow?

A: No. On June 9th I flew from Munich to Rome and back.

Q: I think it was 13th. If we look at the diary page B10 ----

A: Yes.

Q: --- I think you went on 13th from Munich to Rome and back again?

A: Yes.

Q: Where were the plates when you went to Rome?

A: They were with me at all times. No, I am sorry. I am sorry, they were not. When I went to Rome I carried just a very small bag with me containing not even my typewriter. It contained just my overnight things for the stay in the university and then to come back to Munich, and I left that case in the hotel safe.

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Q: With the plates in it?

A: Yes.

Q: You were not concerned there might be a fire or something of that kind or are the safes fireproof?

A: Well, that thought did not cross my mind admittedly.

Q: While you were in Munich, can you turn the page to B11, four paragraphs down ----

A: Yes.

Q: --- you say that you phoned Susie, that is Susie Terplar, from airport?

A: Yes.

Q: "Book me into ... room 727. 7 p.m. back down to her and phoned Altans." Who is Altans?

A: He is a young German hot head.

Q: What do you mean by a "hot head"?

A: He turned out to be a hot head.

Q: What is a hot head in this context?

A: A typical -- a political hot head. He started off pretty level and respectable, but he gradually flaked out.

Q: In which direction does his hot headedness lead him?

A: Well, over the map really. He was right-winger, he was a left-winger. He went to Israel. He ended up in the pay of the German Intelligence services. It is difficult to fix him on the map at all.

Q: Was he on the right at this stage in history?

A: I do not know what you would call the right.

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MR JUSTICE GRAY: If he is arranging a big meeting for Ernst Zundel, it is fair to say he is not on the left.

MR RAMPTON: Put it this way, anything ----

A: I think he was a revisionist. I think that is a fair word to pin on him.

Q: Certainly I would accept that he was a revisionist. By "on the right" I mean somebody who would not approve of coloured immigration into Germany or anywhere else in Europe.

A: I do not think he would actively advocate it.

Q: "He is delighted to hear my voice. Has arranged a big meeting for Ernst Zundel." That is our old friend from Toronto, is it not?

A: I cannot see any reference in this paragraph to coloured immigration.

Q: No. I ask you a question. You have answered it. "Has arranged a big meeting for Ernst Zundel"?

A: Yes.

Q: That is our old friend from Toronto, is it not?

A: That is correct, yes.

Q: "To address this evening at the Zunfthouse restaurant.

Would I come and speak too. Answer: Provided you take three boxes of my books along to sell", and then you add the wry note, "All's well that ends well."

A: Yes.

Q: Did Mr Zundel speak at this meeting?

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A: I do not know.

Q: Why? You were there.

A: Well, I have a record or a habit of not bothering to attend other people's speeches if I can possibly avoid it, and if I have had an exhausting day flying down to Rome and back I would not have hung around to listen to somebody speaking.

Q: I am not sure I can really accept that answer, I am afraid.

A: You were not listening what I just said. I had had an exhausting flight down to Rome and back under the circumstances you are familiar with and I was not likely to hang around to listen to somebody speak.

Q: I am sorry, what time in the evening does Zundel speak then or do you not even know that?

A: Why should I know after eight years?

Q: I will tell you. Look at the bottom of the page: "8 p.m. taxi Zunfthouse, around 120 people packed into the restaurant, much applause, Zundel spoke"?

A: Yes.

Q: "Then after an interval I spoke half an hour on Goebbels' plans"?

A: Yes.

Q: You were then when Zundel was speaking?

A: I was certainly in the restaurant, but that does not mean to say that I am listening to what he is saying. If you

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know what he has said you can put it to me and I will say, yes, I heard him say this it or not.

Q: I have no idea what he said. I am asking you. You were there.

A: I confirmed from this diary I was in the restaurant. It is a very big restaurant like a typical German beer hall.

Q: Mr Irving, you told us a moment ago that you would not have got there in time to here Mr Zundel speak because you would not have been interested.

A: That is not exactly what I said.

Q: It is simply false statement.

A: I am sorry, I do not make false statements under oath.

I am careful not to and the words you have used are not the words I said. I did not say "I did not get there in time to hear him speak".

Q: You tried to give us the impression you were not there when Zundel spoke.

A: No. I gave the impression that if I have had an exhausting day flying to Rome and back, exhausting for the reasons you are familiar with, then I would not have hung around to hear somebody speaking. I would have gone and tucked myself down somewhere with a glass of beer or with a cup of coffee and read the local newspaper.

Q: "Then after an interval I spoke half an hour on the Goebbels' finds. I one 'plate'?"

A: Yes.

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Q: What does that mean?

A: We had had some prints made, I had had some prints made that day in the Munich archives I think, in the Institute.

Q: This is one of the borrowed plates?

A: That is correct, yes.

Q: That you had printed?

A: That is right. If I put it in quotation marks then that tells me I did not show the actual glass, but I showed the print I had made of it.

Q: Who took the plates back to Moscow after they had been tested in this country?

A: It should be evident. I think it was July 4th or July 3rd -- July 2nd the two slides were legally borrowed or returned by Sasha during the date of the archives.

Q: Can we turn on ----

A: "July 3rd at 11.58 a.m. I walked out. He was seated in a car across the street." That was Jonathan Bastable who had arrived from London as a courier bringing the plates from the laboratories.

Q: Carry on, will you.

A: Still July 3rd: At 11.58 a.m. I walked out. He was seated in a car across the street. He handed the glass plates back to me. I asked him to conduct the interviews requested by Andrew Neil re the authenticity of the provenance of the microfiche". In other words, he was to speak with the Russian archivists to ask what they knew

about where they came from, the glass plates.

Q: I will read the next bit if you are not willing to.

A: I beg your pardon?

Q: I wanted you to read the next paragraph. It is my fault.

A: "I replaced the two plates, March to September 1934, in the box of 13, making a total of 15. Unfortunately, the archivist told me today that the archives will not under their new agreement with 'the Germans' let me see the other big boxes again. Operation stable door, I already have nearly all that was necessary".

Q: I can understand that. It does not need an explanation.

So you put back the two plates that you borrowed from London, is that right?

A: That I borrowed for London and had now come back from London and they are put back where they belonged.

Q: After about three weeks?

A: That is correct.

Q: We will go, if we may, to the bottom of the page at 1.50.

A: "At 1.50 p.m. archivist asked me outside into the corridor and with embarrass asked me if I had taken plates out of the collection. I replied that we had borrowed plates with permission but had returned all those that we had borrowed intact."

Q: That was not true, was it?

A: Well, it was, I suppose, suppressio vale rather than suppressio falsi. I have no original items from their

collection in my possession. Only the copies we or they had made. I then voluntarily hand wrote a declaration stating this and had it translated into Russian and signed both text and took a photocopy.

Q: So, technically speaking, that was true of course.

A: Yes.

Q: Do you know the legal, it is a boring expression, but do you know the lawyers' expression swearing by the card?

A: Swearing by?

Q: The card?

A: No. That is legalese.

Q: In other words, literally true but, as a matter of reality, a false declaration. Do you agree?

A: Yes, but no attempt had been made to conceal the fact that I had those glass plates. In Munich, for example, I took them into the printing room in the basement, showed them to the staff there, had them properly printed by the staff there. While I was in Munich I then had two of the pages -- I am sorry, do I have your attention?

Q: Yes. Sorry.

A: While I was in Munich I had two of pages sent upstairs to the Institute and asked them: Will you please verify these pages I have obtained from Moscow. I also simultaneously sent two pages to the German Federal archives in Koblenz and asked them to verify the handwriting as well. So I made not the slightest attempt

to conceal that I had those plates.

Q: Except from the Russians?

A: Except from Russians.

MR JUSTICE GRAY: What Tatiana's response when you revealed that you had actually removed them from the archive?

A: I then wrote the declaration, my Lord, saying that everything that had been removed the archives, using, so to speak, the passive voice, was back and that nothing was missing.

Q: But was she shocked and horrified? That is what I am really getting at.

A: No, because, of course, they had allowed me to. They knew perfectly well they had allowed me to take plates out as well. So when I gave her that statement which was really the statement she was asking for, and if you read on, my Lord -- I am not sure if it is continued -- she then told me a few minutes later at 2.05 p.m. that they were most grateful for this, as this was an allegation that had come from Munich. In other words, my rivals had ratted on me and had sent a fax to Moscow saying, "He has got some of the plates".

MR RAMPTON: Mr Irving, I believe his Lordship may not have quite got the whole of the picture. One plate was removed and hidden for overnight?

A: Yes.

Q: Taken overnight and put back. You did not have permission

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for that?

A: Yes.

Q: Did you have permission to take two plates which were later replaced?

A: Two and two. They gave us permission to take two and two, so we took out four plates with permission.

Q: Yes, they did not give you permission to take plates back to England for testing?

A: No.

Q: And Tatiana never knew about the first plate and she never knew (because you did not tell her) about the trip those plates made to England and back?

A: No.

Q: Right, thank you.

A: But all this, of course, is the subject of a formal written admission which I made to you in this case over a year ago. So we could have spared a lot of this time.

Q: I am grateful.

A: It is not really material in the issue anyway, in my submission.

MR JUSTICE GRAY: Mr Irving, are you aware of serious concern in archival circles that you might have significantly damaged the plates when you had them copied without archival permission?

A: This is the allegation made in the book. We are not going to be able to test that allegation because we will not

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have the chance of -- I have not seen any evidence put in to that effect.

Q: I am asking you whether you are aware of any?

A: No, I am not aware of it, my Lord. We now hear that the Russian archivists are not going to be called either. So it is going to be very difficult to establish the truth of that allegation.

MR JUSTICE GRAY: I see the force of that.

A: But I shall try to lead evidence when my time comes to the effect that I have benefited the community of historians rather than having disadvantaged them.

MR RAMPTON: My Lord, for the moment at least, until we get back, if we do, to right-wing extremism perhaps next week, that concludes my cross-examination at the moment.

MR JUSTICE GRAY: Can I just ask you because it is something that went through my mind in fact this morning about Dresden?

MR RAMPTON: Yes.

MR JUSTICE GRAY: The position on Dresden is that there is quite a lot of material on it.

MR RAMPTON: Yes. It is all in that file.

MR JUSTICE GRAY: Yes. We really spent, I am probably wrong about this, but it seemed to me that we really spent most of the time on Tagesbefehl 47. There is a good deal more and I just wondered again what the position in relation to Professor Evans' other points on Dresden is.

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MR RAMPTON: Well, again, if Mr Irving wishes to challenge Professor Evans, that no doubt will be flooding back into the arena. For my part, again, one has to make judgments in a case of this magnitude.

MR JUSTICE GRAY: Yes. I quite understand.

MR RAMPTON: Or we are going to be here for ever. I am, I am afraid, not one of those advocates who takes every point under the sun in the hope that something will come out. If there are points on Evans' report that I have not taken, it is because I have made a deliberate decision not to.

A: I shall certainly be cross-examining Evans on matters relating to Dresden and putting documents to him.

MR RAMPTON: Might I enquire, before I sit down, through your Lordship of Mr Irving how long he expects that his cross-examination of Professor Evans might be?

MR JUSTICE GRAY: Evans or Browning?

MR RAMPTON: Evans. Both actually, because I need to schedule both of them.

MR JUSTICE GRAY: Do you want to go back to your other role?

(The witness stood down)

MR IRVING: I now wear my other hat and say that, in view of the revelation today that the defence are not proposing to call Professors Levin and Eatwell, a lot of the cross-examination that would have fallen on them will now fall on Professor Evans, who relied in part on their

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expert reports.

MR JUSTICE GRAY: You are perfectly entitled to cross-examine any of the experts on anything subject to their entitlement to say, "I have not a clue and I do not know about that".

MR IRVING: I can only do that of course if they are present.

I do not propose to subpoena them because I do not suppose that would have much point.

MR JUSTICE GRAY: You cannot do that for all sorts of reasons but there is no reason why you should not cross-examine Professor Evans about what is said in the other experts' reports that I am aware of anyway.

MR IRVING: I can put to Professor Evans the documents that I would have been putting to Professors Levin or Eatwell. It is an unsatisfactory state of affairs but it also means inevitably that

Professor Evans had better check into a hotel for some length of time.

MR JUSTICE GRAY: Shall we take them one at a time? Browning we have on Monday. His report is quite short, which is a virtue.

MR IRVING: Browning has many enemies around the world who have been funding me with material with which to challenge him.

MR JUSTICE GRAY: How long is the challenge going to take?

MR IRVING: Two days for Professor Browning, I think.

MR JUSTICE GRAY: That is Monday and Tuesday. Then Evans next?

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MR IRVING: Yes. February 7th we have probably half an hour or one hour of Sir John Kegan.

MR RAMPTON: Maybe Mr Irving would like to take Sir John Kegan first before we start on Browning?

MR JUSTICE GRAY: I would think that is better.

MR IRVING: That would make far more sense.

MR RAMPTON: Browning for two days, which brings us to the end of Tuesday, perhaps the beginning of Wednesday. Then Mr Irving's day or whatever he needs to prepare, which would be Wednesday.

MR JUSTICE GRAY: Start Professor Evans on Thursday.

MR RAMPTON: I would provisionally schedule Professor Evans for Thursday. That also has, from Mr Irving's point of view, the convenience that he then has three days off if he is a bit behind in prep, as some of us sometimes are, to get the ball rolling again on the following Monday.

MR IRVING: That is quite right. It sounds admirable.

MR JUSTICE GRAY: What you have not yet answered is the enquiry about how long you are likely to cross-examine Professor Evans for?

MR IRVING: I shall have to reschedule my thinking on that because I shall have now to go through my two filing cabinet drawers full of stuff that I was going to use against the other two and put it into the Evans slot. So it will be, I would say, probably four days.

MR RAMPTON: That is very helpful. That takes us to Wednesday

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16th, I think. A day off will be the Thursday but, if I schedule Dr Longerich for Friday 18th, there is a risk that he will not be needed because Professor Evans does not finish until Thursday.

MR IRVING: Longerich is based in England, is he not?

MR RAMPTON: He is partly based in England and partly in Munich. If your Lordship would like me to, I will provisionally schedule him for Friday 18th, subject to Thursday being a clear day. If it is not, then we can bring him on Monday of the following week.

MR JUSTICE GRAY: He is kind of the last in the band anyway.

MR RAMPTON: He is the most flexible.

MR JUSTICE GRAY: He is the last too, is he not?

MR RAMPTON: No. There is Professor Funke, the Berlin political scientist.

MR JUSTICE GRAY: Yes. We have it mapped out for a sufficient period of time to enable plans to be made.

MR RAMPTON: Yes we have.

MR RAMPTON: Yes certainly.

MR JUSTICE GRAY: So what now?

MR RAMPTON: I am bit sterile about ideas because I do not have further questions on anything else.

MR IRVING: You are not going to cross-examine on the Adjutants?

MR RAMPTON: No. I think probably I am not going to.

MR JUSTICE GRAY: When you say probably, it is getting towards

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the time when it has to be certain.

MR RAMPTON: If I say I am not going to examine on the Adjutants and then I come back next week and say, Oh, I would like to cross-examine on the Adjutants, I foresee a problem. I prefer to leave it in the air, although the air in that particular balloon, if I do not do it now, is probably going to be fairly restricted. Can I put it like that?

MR JUSTICE GRAY: Yes. I think that is right really.

MR RAMPTON: I well understand the problem.

MR JUSTICE GRAY: I know you have had quite a task too.

MR RAMPTON: If I do not take the opportunity now I may have a problem, I well understand, in trying to find another way.

MR JUSTICE GRAY: I am not going to make a ruling one way or the other at the moment.

MR RAMPTON: I am grateful for that.

MR JUSTICE GRAY: I do not think it is a bad thing from Mr Irving's point of view or, to be honest, from my point of view if we have a short day today because I have fallen a bit behind, too.

MR RAMPTON: I am not only slightly behind, I am, like Mr Irving and no doubt your Lordship, quite tired as well so I would not at all mind.

MR JUSTICE GRAY: Mr Irving, does it not really suit you quite well that we should have a short day?

MR IRVING: It does indeed, my Lord. I have a business to run .

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and a family to run.

MR JUSTICE GRAY: Of course. So what it comes to is 10.30 on Monday.

MR RAMPTON: I am grateful.

(Adjourned until 10.30 on Monday, 7th February 2000)

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