

PROCEEDINGS - DAY TWENTY-THREE

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Day 23 Monday 21st February 2000. (10.30 a.m.)

MR JUSTICE GRAY: Mr Irving, I just want to say something to Mr Rampton, if I may, first off. Do you think it would be possible, Mr Rampton, to get an index prepared for these files that have come into existence during the course of the trial? I mean J.

MR RAMPTON: In hand ----

MR JUSTICE GRAY: Good.

MR RAMPTON: --- already.

MR JUSTICE GRAY: Because I am finding with the transcript so often you cannot actually discover where it is from the transcript and then you have to wade through.

MR RAMPTON: Yes, I quite agree, but that is in hand. Slowly a process is happening whereby each topic will have a separate distilled file.

MR JUSTICE GRAY: I am glad it is in hand. Thank you very much.

MR RAMPTON: I have nearly finished the one on history and then there will be others.

MR JUSTICE GRAY: Yes, Mr Irving.

MR IRVING: May it please the court. My Lord, three minor points to deal with before I resume the cross-examination of Professor Evans. First of all, the Defendants provided to me, or served on me at about 6.30, in other words after close of business on Friday, a 24-page glossary of

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meanings of German words prepared by a Dr Longerich, who is going to be the next expert witness. I am not very happy about this way of doing things. They have been working on this case now for 18 months or more, and to have quite an important document like that provided to me at literally the last moment is awkward.

MR JUSTICE GRAY: I sympathise with that because you have quite a lot on your plate already but, having said that, I think I would probably be able to guess at the contents of a good deal of it because we have been through a lot in the evidence, have we not, like Ausrotten and so on.

MR IRVING: It is perfectly proper that they should served such a glossary as that because experts are allowed to give evidence on the meaning of foreign words, as I understand it, and that is what this largely is. It is looking at various words in various documents partly pre-empting what I was about to say anyway. I am unhappy about the document being put to your Lordship in that form without your Lordship realising that it has only just been put to me. It is rather like the catalogue of extracts, a very handy reference form for your Lordship, rather like a printed index. I am just unhappy that it has been done at this very late moment.

MR JUSTICE GRAY: I will certainly bear that in mind.

MR RAMPTON: Your Lordship has not got one, so can I pass one up. It is really a most helpful document, I find. That

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is in English. The original was in German. It is relatively uncontroversial, I would have thought.

MR JUSTICE GRAY: It may be controversial, but nothing new?

MR RAMPTON: There is nothing new in it. It is a review of the usage of certain key words. That is all it is.

MR JUSTICE GRAY: As I understand it really, there is pretty much agreement that a lot of these words are either in themselves equivocal, they can mean something sinister or not, or in many cases the words are innocent, ostensibly innocent words are used to camouflage a sinister meaning. So in the end maybe not a great deal turns on it.

MR IRVING: It may be helpful in some respects, it may be contentious in others, my Lord. That is all I want to say before I actually start the cross-examination on that. It is neither fish nor fowl again. Like so much that has been done in this case, it is neither the expert report which should have been served last August, nor is it something being put to the witness in the witness box. It is kind of halfway in between.

MR JUSTICE GRAY: Can I tell you, I will bear that in mind when we get to it. Mr Rampton, shall I put this into Longerich?

MR RAMPTON: Yes, would your Lordship put it in the front of Longerich, I would recommend.

MR JUSTICE GRAY: Yes.

MR IRVING: My Lord, the next point is of rather more

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substance. This concerns the matter of the expert reports which have been withdrawn. I am sorry, they have not been withdrawn, but on which no cross-examination will be possible.

MR JUSTICE GRAY: Yes.

MR IRVING: Your Lordship and I have both raised our eyebrows over the possibility of putting in reports without the witnesses to back them up as far as expert reports are concerned. I am going to invite your Lordship to direct that the Defendants should produce a skeleton, in effect, setting out the authorities and statutes on which they rely, if they intend to put in the reports without the experts. I think that would be perfectly proper to enable me to argue the matter at a later date.

MR JUSTICE GRAY: Yes. I think I said, when Mr Rampton indicated that that was what they were intending to do, that it was the first time I had come across this being done in relation to experts' reports. I think it is reasonable that, subject to what Mr Rampton may wish to say, you should have chapter and verse presented to you for an entitlement to take that course with an expert, but I will hear what Mr Rampton says obviously.

MR IRVING: Obviously, if I am not going to be required to present evidence or to impugn those experts reports, I should be told as early as possible because that will halt a major amount of the work that is still ahead of me.

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MR JUSTICE GRAY: I do not think anyone is suggesting you are not entitled to impugn their reports by evidence or in other ways. The question you are really on is whether they are entitled to adduce the experts' reports under the Civil Evidence Act or not.

MR RAMPTON: I have to say, I do not think it is an enormous point. If we think we want to rely to any extent on the actual contents of the reports of the witnesses that we are not calling in person, then naturally we will have to persuade your Lordship that we are entitled to do that. Presently, my view is that almost everything that I need for cross-examination of this subject and for proof is to be found in Mr Irving's own words and in documents sent to him.

MR JUSTICE GRAY: Yes, but if you are going to rely on the uncalled experts, then it may not take very long because I suspect the answer is that the language of the Act does not distinguish

between expert and lay witnesses.

MR RAMPTON: I am almost certain it does not, but I am not going to commit myself.

MR JUSTICE GRAY: There may be some authority on it. It does strike me as slightly unusual.

MR RAMPTON: I have not come across it before but that does not mean it cannot be done .

MR IRVING: It does certainly put me at a disadvantage, not knowing precisely what they are intending to do.

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MR JUSTICE GRAY: I think we know what they are intending to do. There is a question whether they are entitled to do it.

MR IRVING: Mr Rampton, as I understood, has just said that he might rely on parts and he might not, which leaves us precisely where we were when I into court this morning. What I am really asking is that your Lordship should direct them, if they intend to rely on part, they must indicate what statutes and authorities they are going to rely on to open that particular door.

MR JUSTICE GRAY: I think I will be a bit more specific about it. I think it would be helpful to have it in writing briefly.

MR RAMPTON: Yes.

MR JUSTICE GRAY: I think there must be a brief written submission lodged by -- are we going to finish Professor Evans today?

MR RAMPTON: Professor Evans today -- can I say a little bit about how I see things going? Your Lordship may or may not agree with me, I do not know. Professor Evans I hope will finish today. Then there will be Dr Longerich tomorrow. I hope that he will finish either tomorrow or Wednesday. Then comes the question what happens next. There is a vast amount of material in part generated by what one might call the history of Mr Irving's own activities in these areas.

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What Miss Rogers and I and others have been doing is to try and reduce all that vast amount of material to two files. Those files themselves are quite fat. First, I would not want to cross-examine Mr Irving on those files without his having seen them, and I do believe that the more time he could have to absorb -- it is all material which is in the wider range of files already. There is nothing new in it, but it has all been pulled together. In front of each section the intention is to have a little summary of what each section contains, which Miss Rogers has been doing with help.

MR JUSTICE GRAY: These are the people he has associated with, is that right?

MR RAMPTON: Yes, the people he has associated with, organizations and individuals.

MR JUSTICE GRAY: Yes.

MR RAMPTON: I began to read it over the weekend and it will be an extremely valuable set of documents. In the end, it will cut things down. My tentative proposal would be that, when Dr Longerich has finished, I would have some questions of Mr Irving in cross-examination on history, but I would leave that association cross-examination until the following Monday. Then, when that was finished, which would take maybe half a day or a day, I would then call Professor Funke.

MR JUSTICE GRAY: You are, effectively, suggesting that

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Wednesday onwards should be time for Mr Irving to digest these files?

MR RAMPTON: Probably Thursday onwards because I will have some cross-examination. A combination of Dr Longerich and my further cross-examination on history should get us probably through all or most of Wednesday. Then what I am proposing is we should take the last two days of this week off so that Mr Irving can read these files, which he should get by, I hope, tomorrow night.

MR JUSTICE GRAY: Yes.

MR RAMPTON: If he says he cannot do it in the time, then he will say so and your Lordship will hear what he has to say.

MR JUSTICE GRAY: Can we just revert to the written submissions? I think close of business tomorrow for the written submissions on entitlement not to call the experts but to rely on their evidence.

MR RAMPTON: I do not think it will take very long, I may be wrong. The new edition of Phipps has just come out, so I can have a look in that.

MR JUSTICE GRAY: Say close of business tomorrow for a short note of the submissions.

MR RAMPTON: Yes.

MR JUSTICE GRAY: So you will get it hopefully sometime towards the end of tomorrow. Mr Irving what about the suggestion Mr Rampton has just made about the way in which we deal

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with the rest of the evidence? I am not going to do anything if you have sensible objections to it.

MR IRVING: I have no objection to that, my Lord. The timetable sounds very sound. If I was to utter a wish and I know my wishes count for very little in this court room, it would be that one of the spare days should be put before Dr Longerich rather than after, to able me to take Longerich probably advised, although I am prepared for him and, of course, I have read his entire report and have prepared a large bundle of material, which would in effect being tomorrow being free and Longerich being called on the following day.

MR RAMPTON: I embrace that enthusiasm, if I may say so. It would make our task in completing these files a lot easier if we did it that way. I do not any longer have to do any preparation for Dr Longerich, except that that will also give me the opportunity to finish the history file. Mr Irving certainly will need that and, if he can get it by close of play tonight, or even lunch time tomorrow, that will help.

MR JUSTICE GRAY: Yes, I am happy to do that, providing that we have the bundles available so that tomorrow can be used looking through your new material. I can use tomorrow.

MR RAMPTON: The history file he should have tomorrow, because that helps his cross-examination of Dr Longerich. I will tell your Lordship how it is proposed to compose it. On

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one side would be in chronological order the German documents. So far as they are available, on the facing page will be an English translation of the key part. For the most part, that can be done just by removing. What I have done is to remove the page from the expert report and put it facing the German text.

MR JUSTICE GRAY: As long as that is going to be available by tonight.

MR RAMPTON: I will finish that tonight, it will be copied tomorrow morning and then distributed as soon as possible.

MR JUSTICE GRAY: Can that be accelerated? I think Mr Irving will want to use the whole of tomorrow, and indeed so will I.

MR RAMPTON: I have about another 30 pages to get through. When I have done that, it will go off and be copied. Whether late tonight or early tomorrow morning, Mr Irving will get a copy.

MR JUSTICE GRAY: Early tomorrow, yes. That is what we will do then.

MR IRVING: I am very pleased to hear that, my Lord. There is one very minor point which then remains. I might either put it just as a factual point or put it to the witness in cross-examination. This is the fact that, very minor point, the 10 a.m. broadcast by Dr Goebbels as opposed to 4 p.m., I have been informed by Mrs Weckert, who heard it, that she heard it at her school. It was repeatedly

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broadcast during the day. She heard it as a school child and the German school only operated from 8.00 am until midday.

MR JUSTICE GRAY: If you are going to say that, you can certainly put it. There is a technical objection to be taken that you cannot really put it unless you have Mrs Weckert available. She is alive obviously because you have spoken to her recently.

MR IRVING: A few days ago.

MR JUSTICE GRAY: You could probably correct it by means of a Civil Evidence Act notice but, Mr Rampton, I think it is reasonable to put this.

MR RAMPTON: If Mr Irving says it, Mr Irving says it. Whether Mrs Weckert is to be believed is quite another question.

MR JUSTICE GRAY: Or indeed whether she can remember. I think that is a question in cross-examination and not a submission.

MR IRVING: Very well. Professor Evans?

MR JUSTICE GRAY: Professor Evans, you have been waiting patiently. Would you like to resume, now?

PROFESSOR EVANS, recalled
Further Cross-examined by **Mr Irving**

MR IRVING: Good morning, Professor Evans. Are you aware of what time German schools operated during the war years? Was it on an all day basis?

A: To my knowledge, German schools have never operated on an

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all day basis. They still do not.

Q: Am I right in saying they start very early and end about lunch time?

A: That is right, about 1 o'clock.

MR IRVING: That is the only question that I can usefully ask.

MR JUSTICE GRAY: You have not put the thrust of it yet. You should.

MR IRVING: I will have to then. In that case, if a Mrs Ingrid Weckert was to say that, as a school child, she heard the Goebbels broadcast as a school child, when it was broadcast to all the school children, on the morning of November 10th 1938, would you agree that in that case this would mean that she had heard it during the morning?

A: The question is whether one believe her 62 years after the event, and given the fact that she is not to be believed in almost anything thing that she writes or says about these events.

MR JUSTICE GRAY: Is she the amateur -- perhaps amateur is wrong.

MR IRVING: An amateur historian who is a right winger.

MR JUSTICE GRAY: Who is accused of being anti-semitic by the Defendants?

A: Whose book has been placed on the black list by the German government, my Lord, as anti-semitic and liable to stir up racial hatred in its account of the events of 9th and 10th November 1938.

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MR IRVING: Professor Evans, you rely quite heavily in your expert report on a book by a man called Dr Kogon. Is that right?

A: Not very heavily, no. I do cite it in a number of places. It is not solely by him. It is written by him in collaboration with others.

Q: Can I ask you to have a look at this little bundle of documents? Your Lordship also has this bundle, I believe.

A: I have not seen this before, have I, Mr Irving?

Q: No. It is a new bundle?

A: Thank you. I have to say it is rather difficult being handed substantial bundles of material every morning by Mr Irving without any prior warning.

MR JUSTICE GRAY: I am sure you are going to be able to cope, Professor Evans.

MR IRVING: This is the way it works, Professor Evans. I submit documents to you and invite you to comment on them. Is page 1 an extract from a report in the New York Times of December 26th 1987?

A: It appears to be. It is not a photocopy though it is not an original.

Q: Does it refer to the fact that a well-known renowned anti-Nazi writer and Resistance figure, Eugene Kogon has been listed by the United Nations as wanted for mass murder on the same list as lists Kurt Valtheim and various other Nazis?

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A: It does. It goes on to say, "Hermann Langbann, the co-author and long time associate of Dr Kogon said from Vienna this week that Dr Kogon had saved many prisoners at Buchenwald at great personal risk, and that the Commission's listing was a tragic error."

Q: Yes.

A: The New York Times story starts with a reference to inaccuracies and untested allegations in the files on which such listings appear to rest.

Q: Yes. My Lord, just so you can know where we are going today, your Lordship might wish to know that I will certainly complete cross-examining the witness on the whole of the report up to but not including the Adjutants. Quite simply, I am still not certain whether the Adjutants are being relied on by the Defence or not in this matter.

MR JUSTICE GRAY: I think that is fair because they disappeared from the picture at one stage and I think they have partially come back in.

MR RAMPTON: No, not really. Can I say I rely on the Adjutants this far and I have already made the point in cross-examination. Professor Evans has already made it from the witness box. I rely on the Adjutants to show what one might call an uncritical credulity where they are concerned as contrasted with what one might call a critical incredulity where witnesses say things that Mr

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Irving does not like.

MR JUSTICE GRAY: Particularly in Kristallnacht.

MR RAMPTON: Exactly, and on Auschwitz.

MR JUSTICE GRAY: Yes. So, in other words, you are not really going to put your case in any greater detail than already has been done?

MR RAMPTON: No.

MR IRVING: In that case, I do not propose to waste much time on him. It is very interesting what the Professor has written, but we do want to press ahead. (To the witness): Professor Evans, will you go to page 397 of your report, please?

A: Yes.

Q: You touch there briefly on the gassings at Belzec, Treblinka and Sobibor, and you say that these events are not disputed by serious historians.

A: I do not see that.

Q: 397?

A: 399. I say that in 399, yes.

Q: Yes on 399?

A: Yes.

Q: I am sorry, paragraph 8.

A: Yes, that is a very brief summary of what I take to be the existing state of knowledge as a background to what I say in this section of my report.

Q: Yes. I am not going to question you in any great detail

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on those camps because, of course, for the purposes of this trial, we are accepting that gassings did occur in those camps. But again just going to the quality of your knowledge, are you saying that there is a broad consensus on these camps? This is another example of the broad consensus that you use sometimes as your guiding star?

A: It is really for the orientation for the court. It is not just on the camps. I describe in the paragraphs as rapidly and economically as I can ----

Q: Did you form an opinion about what ----

A: --- Nazi policy in occupied Poland in a general sense.

Q: Did you form an opinion about what kind of gas was used in those camps in your reading on the matter?

A: That is not -- yes, on the top I do mention this in relation to Belzec on line 3 of page 398, carbon monoxide.

Q: Are you aware that there has been dispute over that particular detail, whether it was carbon oxide or whether it was diesel engines or petrol engines or even steam being used?

A: I have not heard steam, I have to say, but in any case it does not really make a great deal of difference as to whether the gas was poisonous or not. The point is, of course, that if it was not poisonous, then asphyxiation was the cause of death.

Q: Has the position of the mass graves been fixed? There must be enormous mass graves of these, what, 1 million

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people were killed in these three camps.

A: This is really just painting in the background. If you want to present me with documentation on this, Mr Irving, I will be happy to comment on it.

Q: I am just asking the state of your knowledge. Are you aware if there has been any kind of archeological investigation of the sites because there are no remains on any of those sites, are there?

A: You would have to present me with documentation to show that there were no remains before I agreed with you.

MR JUSTICE GRAY: Mr Irving, I am a bit puzzled by this in a way because you have accepted that I think hundreds of thousands of Jews were gassed in those three camps, so, in a sense, there is not much to be gained by asking about archeological investigation.

MR IRVING: I was using that as an example really of exposing to your Lordship the rather shallow nature of the investigation made by this expert witness on matters of some moment, that I asked three or four questions, to each of which I got replies I can only describe as evasive.

MR JUSTICE GRAY: Yes, but if there is no issue about it, really it is beside the point.

MR IRVING: It is not about the fact, but about the scale, my Lord, really, and that is how I would leave it.

MR JUSTICE GRAY: Well, I think hundreds of thousands you have accepted?

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MR IRVING: Yes, of that order of magnitude.

A: The problem is, Mr Irving, I am not prepared to accept statements of your about archeological remains and so on unless you can present me with documentation.

Q: The question I asked you was were you aware of any archeological investigations.

A: Well....

Q: And I was asking purely about the state of your enquiries. We will now proceed, my Lord. We will make very rapid progress today. We are going to go to the Goebbels diary entry of March 27th 1942 which begins on that same page, 399, of your report, Professor Evans. I am going to ask you to look at page 400 of your report, Professor Evans, line 3. This is the part that matters. I am going to read out the translation that you have offered to the court of these three or four lines: "The Jews are now being pushed out of the General Government". What is happening here? Has Dr Goebbels received ----

A: The top line, yes.

Q: Has Dr Goebbels received a report from the SD or from some Nazi authority which he is summarising here, is this what has happened?

A: I am not saying -- he certainly has been informed about these events and he is putting down a summary of them.

Q: A summary of them. Is there any indication known to you that that particular report went to Adolph Hitler? I have

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to ask that because that is an element of this trial.

A: Then you would have to provide me with a copy of the report and we would have to look at it in detail.

Q: If there had been an indication that it had gone to Adolf Hitler in the diary, then you would have referred to it, would you not?

A: Yes, indeed, yes. I mean, if, or, rather, if Goebbels thought it worth mentioning that a report had been the basis of what he is saying here and that it had gone to Hitler and he had mentioned it, then I would have mentioned that too, yes.

Q: You rely on this diary entry quite heavily as evidence that Goebbels was what, 100 per cent aware of the killings in the East, the killing of the Jews being pushed out of the General Government, that Goebbels was aware that this was going on?

A: Yes.

Q: "The Jews are now being pushed out of the General Government, beginning near Lublin, to the East", he writes. "A pretty barbaric procedure is being applied here, and it is not to be described in any more detail, and not much is left to the Jews themselves". I have no quarrel with that translation.

You then continue: "In general one may conclude that 60 per cent of them must be liquidated, while only 40 per cent can be put to work". This is the sentence on

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which you really rely, is it not?

A: Among others.

Q: Yes.

A: I mean, I quote a very lengthy chunk of this because you used this -- you suppressed a great deal of this in your own, in your own work.

Q: Now, Dr Goebbels is not stating this as a fact, is he? He is speculating. You have left a word out, have you not, in your translation? You left out the word "wohl". I draw your attention to line 3 of the footnote.

A: No, I am sorry. I have not. I have translated that as "In general one may conclude", not that "one must conclude" ----

Q: I draw attention to ----

A: And that, if I may finish, that formulation is intended to convey the sense of strong probability that the word "wohl" indicates.

Q: Does not "wohl" mean "perhaps"?

A: No, it does not. It means "probably".

Q: Even if it meant "probably" which I would participate ----

A: If he wanted to say "perhaps" he would have said "vielleicht".

Q: You have left the word out, have you not?

A: No, I have not left it out, Mr Irving.

Q: "In general one may probably conclude" or "one may perhaps conclude" indicates speculation on his part and not

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knowledge.

A: No, I am sorry, Mr Irving. "Im grossen kann man wohl feststellen", "in general, large scale", "kann" is "can", right, not "may", "man", "one can", "wohl feststellen", very well, and it is "very well conclude".

MR JUSTICE GRAY: "Wohl" can be translated just as "well" here, can it not, "one can well" --

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A: "Conclude", yes.

Q: --- "suppose"?

A: I tried to render that slightly better, less awkward English by saying "one may conclude"; the "may" conveying the element of slight uncertainty in that use of the word "wohl".

MR IRVING: The meanings are, my Lord ----

A: I have not left the word out.

Q: --- "well" "indeed" "possibly" and "probably" in that order or "I dare say" which is a very nice one in this connection. "I dare say". "I dare say one can conclude that 60 per cent of them must be liquidated". Does this indicate an element of certainty?

A: It is probably. "Wohl" is stronger than "vielleicht". It indicates ----

Q: But you have left a word out, have you not?

A: No, I have not left a word out, Mr Irving. I have conveyed this, I think, accurately by indicating the element of slight uncertainty in the sentence by saying

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"one may conclude" instead of "one can well conclude".

Q: He is not stating it as a matter of fact; he is saying, "this is probably or possibly or I dare say one can say that this is happening"?

A: He is saying, "This is probably happening".

Q: Is this not a very weak and rusty hook on which to hang page after page after page of what now follows?

A: It is not the only statement here and it does, I think, reflect the policy accurately even if the percentages can be argued about in the way they were put into practice.

MR JUSTICE GRAY: Do you read Goebbels as talking about percentages in that sentence or about the fact of what is happening to the Jews?

A: Well, he says, "In general one may conclude that 60 per cent of them may be liquidated, while only 40 per cent can be put to work. It is those percentages, I mean, that is obviously again very rough and that again may well indicate the element of uncertainty that he is talking about. I mean, I think the "wohl feststellen" expresses his slight vagueness about these percentages. It might have been 70/30 or 80/20 or some other percentages, but he is saying that the probability is it is about 60/40. 60 will die, be killed, and 40 will be put to work.

MR IRVING: In other words, these figures are not contained in the report, are they, these percentages?

A: You would have to show me the report, Mr Irving, before I

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could comment on that.

Q: But you have seen the diary that you are seeking to draw major conclusions from it of the state of people's knowledge, and I am drawing your attention to the fact that it is not knowledge at all, it is speculation. He is saying, "I dare say one can conclude" or even in the bare, stripped down version you have put, "one can conclude". He is making conclusions. In other words, he is speculating on what is behind it. He may very well be right, but I am looking at the fact that you have made no attempt to appreciate the meaning of that word "wohl". "Im grossen kann man wohl feststellen" does not mean any degree of certainty at all on his part ----

A: I do not put that.

Q: --- he is saying, "By and large I dare say one can conclude", is he not?

A: I do not say that, Mr Irving. I say "in general one may conclude" not "one must conclude" or "the fact is". I say "one may conclude". That is to say, the word "may" is permissive. It means you may conclude 60/40 or you may conclude something else. The probability is 60/40. It is what I would regard as a well informed estimate.

Q: Do you now regret not having put in the word "perhaps" or "possible" or "dare say" in that sentence?

A: Certainly not, I do not. I think my translation is perfectly all right there.

Q: Well, notwithstanding that you raise your voice and interrupt me, do you agree ----

A: Well, it makes a change from you raising your voice and interrupting me, Mr Irving.

MR JUSTICE GRAY: Don't let us have you both...

MR IRVING: Do you agree that it would have been better to include a proper translation of the word "wohl" in that sentence?

A: It is a proper translation of that sentence. It is about the 15th time I have said that, Mr Irving.

Q: I have to say this because -- I am not going to move on -- of course, you do rely on that, you agree that you rely on that sentence and the burden of that sentence quite heavily, in refuting me and suggesting that I have manipulated, suppressed and omitted words myself, is that right?

A: Well, where is that in your description of these events which I deal with on the previous page?

Q: Over the next 27 pages you repeatedly hark back to this one sentence.

A: Can you direct me to where I repeatedly hark back to it?

Q: I have just said, over the next 27 pages.

A: Can you direct me to the exact pages and line numbers in which I refer to it?

Q: We are going to come to them bit by bit.

A: Then I cannot accept that statement of yours until you

actually do point me to the precise points where I rely and refer to that sentence.

Q: Do you agree that even in the stripped down version or truncated version of that sentence as presented by you ----

A: No, I do not agree that it is stripped down or truncated. It is an accurate translation, Mr Irving.

MR JUSTICE GRAY: I think you interrupted the question, Professor Evans.

MR IRVING: Thank you very much.

THE WITNESS: I have to dispute the premise, my Lord.

MR IRVING: Do you agree that in the version of the sentence as presented by you, you are, even in that version it can be relied upon only as evidence against Goebbels and not as evidence against Adolf Hitler? It is the state of mind of Goebbels, not the state of mind of Adolf Hitler or the state of his knowledge or speculation.

A: This is the state, this is the state of knowledge of Goebbels, yes. Who has said that it is anything else?

Q: Is this purporting to be a conversation between Hitler and Goebbels ----

A: No. Nobody says that.

Q: This is Goebbels in Berlin reading a report that has been put on to his desk in Berlin, is that not right?

A: He appears to be reading a report from which he arrives at this estimate that one may conclude that 60 per cent of

the Jews pushed out to the East may be liquidated and 40 per cent put to work, yes.

MR JUSTICE GRAY: Why do you say he has been reading a report?

A: Well, he says it seems to be that someone has informed about him about this, and maybe somebody has informed him verbally.

MR JUSTICE GRAY: Yes, I see.

A: I am sorry, I should not have said "reading".

MR IRVING: My version of Goebbels diary has vanished, my Lord, but I believe I am right in saying that the preceding sentence, that precedes the part quoted, said something like "I have received an SD report", or something like that.

A: If I could see a copy, I could comment on that, if it is important. Certainly somebody has informed him that he has gained some information from somewhere and he is writing down what he has heard.

MR IRVING: There is no indication in that diary because, as we said earlier, if there had been, he would have mentioned it, that Adolf Hitler had also received this report?

A: No, there is not. There is a statement here in which he goes on to link it to Hitler's views, by referring, as he so frequently does, and indeed as Hitler himself does, to the prophecy that Hitler issued on 30th January 1933, that, if the Jews, as he put it, started a new world war, they would be annihilated. He goes on to use the language

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that indeed is Hitler's favourite language in referring to the extermination of the Jews ----

Q: You mean 1939, do you not?

A: Yes. Did I not say 39? I meant 39 -- a struggle for life and death between the Aryan race and the Jewish bacillus. This idea of a bacillus is a very common Hitler terminology. Goebbels is taking it over here.

Then he goes on and says, "No other government and no other regime could muster the strength for a general solution to the question". "Here too", says Goebbels, "the Fuhrer is the persistent pioneer and spokesman of a radical solution which is demanded by the way things are and thus appears to be unavoidable". I take that to be the same kind of statement as is made about Lammers in what we have called the Schlegelberger memorandum. That is to say ----

MR IRVING: Please, can we keep very much to the questions?

MR JUSTICE GRAY: Do not interrupt.

A: That is to say, it is a statement about a number of occasions on which Hitler has said this thing, or revealed himself to be the persistent pioneer. So it is clearly talking about a number of occasions. It is not talking about a specific occasion on which he is shown a report to, or talked about it to, Hitler. That is what I would describe as the link between this diary entry and Hitler.

MR IRVING: You do admit of course that there are other passages in these same diaries which show Hitler in

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anything but a homicidal mood towards the Jews?

A: Point them to me, please.

Q: I am not going to keep on falling for this game throughout the day, Professor Evans, because we have to get through a great deal today.

A: Mr Irving, I cannot accept what you are saying without seeing the documentation, I am afraid. I think that is a perfectly reasonable thing to do.

MR JUSTICE GRAY: I am afraid it is. It does slow things down but I think, if you put a proposition to the witness, he is not inclined to agree to it unless he see the document you rely on, then he is entitled to ask you to look at it.

MR IRVING: Turn to page 404 of your report, please. You will see several such passages referred to by you yourself. Goebbels diary April 26th, May 29th, 1942, Hitler's table talk May 15th, July 24th, 1942. Are those non-homicidal passages, if I can put them like that?

A: What I say is that you rely on them to show that Hitler did not know about the extermination of the Jews while Goebbels himself did.

Q: Yes. We are going to come to that in sequence, but you asked me to point you to those passages. I have now pointed you to them.

A: I am pointing to the use you make of them, which is a slightly different thing.

MR JUSTICE GRAY: If we are coming to them in due course, then

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let us wait until we do.

MR IRVING: You are not claiming to be an expert on Goebbels and his relationship with Hitler, are you?

A: We have been through the nature of my expertise right at the very beginning, Mr Irving.

Q: You are not claiming to be an expert on Goebbels and his relationship with Hitler, are you?

MR JUSTICE GRAY: I think in these pages he necessarily is claiming that.

MR IRVING: Very well. Are you aware of how often Dr Goebbels was with Hitler each year around this time? Would it be five or ten or 20 times a year?

A: I have not counted, Mr Irving. You tell me.

Q: The answer is you have not any idea, have you?

MR JUSTICE GRAY: That is gratuitous. Put the number of times.

A: It seems from the diary entries that I have read to have been fairly frequent over the years.

MR IRVING: Fairly frequent. What do you mean by fairly frequent?

A: Would you like to put to me a number? I have not counted, Mr Irving. What I am doing here is writing not so much about Goebbels and Hitler but about your account of Goebbels and Hitler. That is the purpose of my report.

MR JUSTICE GRAY: Mr Irving, if it is your case that Goebbels was hardly ever seeing Hitler at this time, then I think

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you ought to say so and, if necessary, give the number of times they would have met, or presumably spoken on the telephone, I do not know.

MR IRVING: Can you accept that Dr Goebbels, in the year 1942, saw Adolf Hitler about ten times all told? I mean in private.

A: Ah, that is a different matter.

Q: As opposed to at mass meetings or something like that?

A: I do find it difficult to accept anything you say, Mr Irving, without looking at the documentary basis for it.

Q: That makes life easier for you, does it not, but can you just answer the question?

A: It does not. It makes life a lot more difficult, actually.

Q: You do accept that I worked for 35 years on the Adolf Hitler book and I worked for nine years on the Goebbels biography, so that I am something of an expert on both people?

A: The question is how you worked, Mr Irving.

Q: Well, I am asking you a simple question. How many times do you think Goebbels actually visited Hitler in 1941 and in 42?

A: I have and I am giving the answer. I have not counted. My purpose here is to look at your account and your manipulation of this entry of 27th March to support your

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argument that Goebbels was concealing information about the extermination of the Jews from Hitler. That is my purpose here.

Q: Is it not the fact that, from 1939 onwards until 1944, after the bomb attempt on Hitler's life, their relationship can at best be described as distant?

A: No. I do not really think that is true.

Q: In view of the fact that Dr Goebbels as the Minister of Propaganda visited Hitler only about ten times per year during those years, is not that a distant relationship?

A: We do not know how many times they spoke on the phone.

Q: Have you seen any references in the Goebbels diaries to telephone calls from Adolf?

A: Or to Adolf, no. I think Goebbels had a good knowledge of what Hitler knew and talked about. It occurs frequently in his diaries.

Q: If you express that opinion, you must have a pretty profound knowledge of Dr Goebbels, is that right?

A: Not necessarily, no. I have read plenty of diary entries in which account -- these are the diaries entries I read in order to check up on the use you make of them. That is what I have done here.

Q: Have you and your researchers read the entire entries of Dr Goebbels' diaries?

A: Of course not. That would have been absolutely impossible. It is an enormously long collection of stuff

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and that is not what we had to do. Our task was to look at the use you make of certain specific diary entries.

Q: Are you familiar from the correspondence that has been shown you in discovery that I invited various Goebbels experts, including Dr Frohlich and Dr Friedrich Karbermann and others who have worked on the Goebbels diaries like myself, whether they have come across one single entry which explicitly shows that Adolf Hitler was aware of the homicidal killings of the Jews in the Goebbels diaries?

A: Yes.

Q: The answer is no, there is no such entry?

A: I do not accept that.

Q: Have you not seen this correspondence?

A: No, sorry. The correspondence yes, but I do not accept the conclusion that you make of it.

Q: You accept that they have read the diaries, unlike you, in their totality, but you do not accept what they say?

A: Ah, sorry. I thought you were saying that is what you said. Then in that case you have to show me a letter in Dr. Frohlich says that he has never seen such a----

MR JUSTICE GRAY: Let us short circuit this. Are you aware of any explicit acceptance, or document which shows explicit knowledge on Hitler's part of the extermination programme?

A: Well, I think there is evidence in the diaries that he did know. In this particular entry, when Goebbels says, "The Fuhrer is the persistent pioneer and spokesman of a

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radical solution", what else can he mean, except some degree of extermination, 60 per cent extermination, or more? He cannot mean at this stage, March 1942, that a radical solution is simply deporting them to the East.

Q: You read that entry, just to summarize it, as Goebbels saying that what Globocnik is up to is in accordance with what the Fuhrer wants done?

A: Hitler indeed has been a pioneer, persistent pioneer, of this radical solution.

MR IRVING: Do you agree ----

A: One can also look at the entry of 30th May 1942, which I cite at length in the letter of revision to my report that I sent on 10th January this year. Here again, I think there is a clear indication that this is recording a meeting of Hitler with Goebbels, a meeting between Hitler and Goebbels, where at the first paragraph Goebbels says that he presents the Fuhrer with his plan to evacuate the Jews out of Berlin with none remaining, Hitler is completely of his view, says Goebbels, and goes on to give orders and so on. "I plead once again for a more radical Jewish policy", this is on 30th May 1942, "whereby I am just pushing at an open door with the Fuhrer".

Q: You have left out quite bit, have you not?

A: Well, I will read the whole passage if you really want me to. I am trying to short things a bit. He goes on in the next paragraph to then say, "An extermination of criminals

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is also a necessity of state policy", thus implying quite clearly in the previous paragraph that he has been talking about the extermination of Jews. So that is another indication to my mind.

Q: As you have raised this particular entry, will you go to the bundle I gave you this morning and turn to page 2?

A: Yes.

Q: It is sometimes quite helpful that you go off on these excursions. Is that pages of the Goebbels diary?

A: Yes.

Q: My Lord, do you have this particular document?

MR JUSTICE GRAY: I do, yes. Thank you very much.

MR IRVING: Is this diary a typescript diary on the large Adolf Hitler typewriter, or the large face typewriter?

A: It is certainly large, unless it has been enlarged.

Q: So this time Dr Goebbels was dictating the diary to his private secretary, Richard Otty, is that right, the stenographer?

A: Yes, I think so.

Q: He did so since July 1941, did he not?

A: That is right, yes.

Q: So this is not in any sense a private diary any more full of top secrets. It is an official diary he is keeping?

A: No, I do not think it is an official diary. I think it is a private diary. There are certain things that he might feel he cannot say in it, which he could say when he was

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writing it down in his own hand, but it is still a private diary.

Q: Was the Final Solution in its homicidal sense something that was top state secret, and not to be written down in private diaries or official diaries?

A: Which do you mean? Official diaries or private diaries?

Q: Look at the first page, page 2 in my little bundle. You will see that it starts off with, "Yesterday the military situation:".

A: Yes, he always start off like that.

Q: It does not look like a private diary, does it?

A: He always starts off with the military situation. It is a private diary. He keeps tabs on the

military situation.

Q: On page 3, the last three lines, "The Fuhrer has returned from his headquarters to Berlin to speak to an officers' course in the Sports Palace". So Hitler has come to Berlin and Goebbels grabs the opportunity to have one of his rare meetings with him?

A: Yes, that is right.

Q: The next page is the part you then began reading?

A: Yes.

Q: Page 4, line 3?

A: Yes.

Q: "I briefed the Fuhrer once more on my plan, to evacuate the Jews completely from Berlin"?

A: Yes.

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Q: Why does he have to do it "once more"? Why did not Hitler leap at it and say, "Yes, sure, why are we waiting, what are we waiting for?" Why does Goebbels have to keep on putting this to Hitler if there was any eagerness on Hitler's part to deal with the Jews?

A: Because some were remaining, and it is a new situation which seems to have emerged which has alarmed Goebbels, and which he goes on at some length about later in the entry.

Q: Then he continues. "It is entirely my opinion", gives Speers the job, "to take care as quickly as possible that the Jews who are working in the German arms factories, arms economy, are replaced by foreign workers"?

A: Yes.

Q: Then he continues with a piece you left out, "I see a major danger in the fact that there are still 40,000 Jews in the capital of the Reichs who would have nothing more to lose, who are running around free".

A: Yes.

Q: Is there not a provocation, and is it not just asking for assassination attempts, if that kind of thing happens, then you cannot sleep safely in your own bed? That is roughly what it says, is it not?

A: That is right, yes.

Q: If I turn the page, we have now leapt forward.

A: Yes.

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Q: I think this is probably the part that you then begin quoting again. Halfway down, "The Germans take part in subversive movements only when the Jews lead them astray to it. That is why we have to liquidate the Jewish danger, cost what it may. How little the Jews in reality can fit in or assimilate to the Western European life you can see from the fact that, when they are sent back into the Ghetto, they very rapidly become ghettoised again". So he is talking about a geographical movement, is he not, they are in Western Europe and we are going to have to kick them out?

A: Yes, but this appears to be taken from Table Talk. The point about this entry is that it really subsumes two different conversations. The first of these appears to be a private conversation between Goebbels and Hitler, where he says, "I once more present the Fuhrer with my plan to evacuate the Jews out of Berlin".

Q: What makes you think that this is ----

A: Sorry, this is quite explicit. The bit you left out I will go on: "Once these outrages or assassination attempts break out, then one's life is no longer safe". I will carry on reading. "The fact that even 22 year old Eastern Jews took part in the latest fire bomb attack speaks volumes. Thus I plead once again for a more radical Jewish policy whereby I am just pushing at an open door with the Fuhrer. The Fuhrer has the opinion that the

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danger will become greater for us personally the more critical the war situation becomes. We find ourselves in a similar situation to that of the second half of 1932 where bashing and stabbing were the order of the day, and one had to take all possible security measures to escape from such a development in one piece". Then he goes on in a new paragraph, still this conversation with Hitler: "The extermination of criminals is also a necessity of state policy".

Q: Yes, we have had that already.

A: Let me give the German. The German gives actually a very strong feeling. Auch die Ausmerzung der Verbrechers: Literally also the extermination of criminals.

Q: What does "ausmerzung" mean.

A: Here it means the extermination -- he goes on to say exactly what he means.

Q: What does "ausmerzung" mean?

A: Literally "extirpation". It is quite clear what it means here. He goes on to say, "Should the war situation become very dangerous at any time the prisoners will have in any case to be emptied through liquidations so that the danger does not arise at their one day opening their doors to let the revolting mob loose upon the people". That is quite clear there that he means by "ausmerzung" it is linked to liquidations and those two are linked to the previous paragraph.

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Q: I appreciate why you are putting all this material in, but can we now come back to my question?

A: Yes, because you do not like this material being brought to anyone's attention do you, Mr Irving? You left it out in your work.

MR JUSTICE GRAY: Professor Evans, you are reading from a translation. Where are you reading from?

A: I am reading from pages 8-9 of the letter I sent on 10th January, my Lord.

MR IRVING: I would prefer if we adhere to my cross-examination.

MR JUSTICE GRAY: Pause a moment, Mr Irving. Your letter of what date?

A: 10th January 2000, with amendments to my report.

Q: Yet another file which it is not very easy to find one's way through. Can anyone help me? I am looking in what is called Evans 2.

MR RAMPTON: I think your Lordship might have put this, because it is amendments to the original report, in the front or the back of the main report. That is where I have put it.

MR JUSTICE GRAY: Quite right.

MR IRVING: I really have to protest about these time wasting tactics of the witness throughout the last week.

MR JUSTICE GRAY: Mr Irving, it does not help. This is in fact my fault if it is anybody's fault. I am trying to recall

where the translation is.

MR IRVING: It disrupts the flow of the cross-examination, and I am sure this is not the intention of the witness but it is certainly the effect.

MR JUSTICE GRAY: You will have to bear with me for a moment. Yes?

A: Then may I just go on very briefly, my Lord?

MR JUSTICE GRAY: Yes.

A: I was about to point out the passage in the third paragraph of the Goebbels diaries after the again rather revealing sentence, "Therefore one must liquidate the Jewish danger", there is that word "liquidate" again. Then it appears to be almost identical to an account in the table talk for the same day. So Goebbels seems then to be switching over to summarizing what Hitler is saying in a much larger circle, during a meal, and about how little the Jews can assimilate themselves to West European life, and so on and so forth. There of course then he engages, as Hitler customarily does in the table talk, in a much less direct kind of language, and a more vague kind of description. Hence he then starts to go on about settling the Jews in central Africa and so on.

MR JUSTICE GRAY: Yes, Mr Irving.

MR IRVING: I am being enormously patient. We will come back to the line of cross-examination. Can I refer you back to page 5 of the little bundle? We just looked at the

passage, you will remember (44 at the top, handwritten 5 at the bottom). I will continue: "That is why you have to liquidate the Jewish danger, whatever it may cost. How little that the Jews are able to assimilate themselves to western European life you see from the fact that, as soon as they are sent back to the ghetto, they very rapidly become ghettoised again". I do hope we are not going to have any more discursions or excursions now.

MR JUSTICE GRAY: Carry on with the question.

MR IRVING: Yes. Over the page: "Western European civilisation is for them just an external veneer". Then he goes on to talk about the fact that among the Jews there are elements who go to work with a dangerous brutality and vengeance: "This is why the Fuhrer also does not want that they are sent to Siberia, that they are evacuated to Siberia". The that word "evacuiert" there is quite clearly geographical, is it not, not homicidal?

A: Not necessarily, no. The word evacuiert is quite frequently used.

Q: You cannot say "killed to Siberia," can you?

MR JUSTICE GRAY: In that context, it must be in its literal meaning----

A: Evacuated to Siberia, the word "evacuation" can sometimes mean by this time it can be a camouflage, or the whole phrase "evacuating to Siberia" and all the talk about----

MR JUSTICE GRAY: Yes, but Mr Irving's point is not here.

MR IRVING: But under the harshest conditions of life they would certainly become a virile element again, would they not, as he says? He would most of all like to send them to Central Africa. How do you translate "am liebsten"? He would rather send them to Central Africa?

A: He would prefer to send them, or he would most like to send them.

Q: If it was "prefer", it would be "lieber", would it not? "Am liebsten" is most of all he would like to send them to Central Africa?

A: Most of all he would like to send them, he would most like to.

Q: Most of all, above what? Above Siberia? Above the East? Above Riga and Minsk? Most of all he wants to send them to Central Africa? Is this what Adolf Hitler is really about, as reported by Goebbels?

A: Yes. He seems to be saying that, and he says exactly the same in his table talk.

Q: You rather toned it down in your translation by saying he would rather send them to Central Africa, did you not?

A: I do not think that is toning it down at all, Mr Irving. It is clear from my translation what his preference is, or what he claims his preference is rather, in this rather camouflaged conversation at the dining table.

Q: There they would live in a climate that would certainly make them strong and resistance or resistive again. At

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any rate it is the Fuhrer's aim, and I am translating very loosely as I go along, at any rate it is the Fuhrer's aim to make Western Europe completely free of the Jews?

A: Yes.

Q: Here they may not have a national home any more?

A: That is right.

Q: So he is talking purely geography, is he not? He is not talking gas chambers, if I can put it like that. He is talking geography. He is saying well, the East, Siberia, Africa, anywhere but Western Europe.

A: Yes I think this is----

Q: This is real Hitler. This is not Goebbels. This is not his gloss, is it?

A: Well, nor is the previous account of what Hitler is saying. As I say, he is here at the dining table and he is really camouflaging. This is camouflage language. Quite a number of subjects, as you have said yourself, Mr Irving, were taboo at the dining table. Hitler talked in very vague terms and on pages 10 to 11 of my letter of 10th January I quote the table talk for that day at some length, which is almost exactly ----

Q: You quote everything at some length.

A: I am sorry?

Q: You quote everything at some length.

MR JUSTICE GRAY: That is not a helpful intervention.

MR IRVING: We are very short of time, my Lord, and this has

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taken far longer----

A: The problem is, Mr Irving, I have to quote things at length because you leave so much out that is inconvenient to your thesis.

MR JUSTICE GRAY: Let us skip the argument and get on with the questions and the answers.

MR IRVING: Do you agree that the Final Solution was top state secret in its homicidal sense, that all the SS documents and the documents generated by the SS gangsters were top state secret?

A: Those are two rather different questions, or points.

Q: What I am asking about is this. Is this diary being dictated to a Civil Servant, a lowly Civil Servant, and every day Goebbels is taking him out at the beginning of every morning and spending, sometimes it is 150 pages long for one day, this diary?

A: Yes.

Q: Is one likely, therefore, to be able to put, with any safety, a homicidal interpretation on any passages in the diary if it was top state secret?

A: One assumes that, like all secretaries, he was pledged to confidentiality.

MR JUSTICE GRAY: Can I ask you a slightly different question because I am not sure I understand this. The original part, the first part, of this diary entry you say is private diary entry in the ordinary sense of that term?

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A: Yes.

Q: Suddenly in the middle of it you say Goebbels sort of flips into reproducing the table talk of the 29th May?

A: It is not reproducing, my Lord. He is really summarizing two different conversations, one he has had with Hitler alone it appears, or in a very small group of people, and the second one simply goes on seamlessly.

Q: That is what is so odd about it, why should he go on seamlessly to do that when it is inconsistent with what is in the earlier part, which you say is straight forward diarising?

A: It seems strange, but I think there are similarities between what he says there in the second part of that, and the table talk. They are too striking to allow of any other conclusion.

Q: I accept that, but what strikes me as odd is that he should reproduce in his diary camouflage language used by Hitler in his table talk.

A: These are the golden words of his Fuhrer. He will put them down because he has heard them to preserve them for posterity.

Q: But they do not mean what they say?

A: No.

MR IRVING: You are saying that the whole of this talk about Siberia and central Africa and so on is hog wash?

A: Yes.

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Q: Do you have any evidence for that kind of thought? Is that just your speculation again?

A: The evidence is what is going on at the same time. We are talking now the end of May 1942 --

--

Q: And the killings have started, have they not?

A: They had more than started, gassings and death camps are in full swing.

Q: So either Hitler is totally in the dark as to what is going on, or he is the biggest hypocrite there has been?

A: I would go for the second of those two alternatives, Mr Irving.

Q: Do you have any evidence for that apart from your own gut feeling?

A: It is quite clear.

Q: Even one line, even one document?

A: Yes, I have already quoted two. Again, comparing the two halves of this diary entry, when he links the extermination of criminals, the liquidations of prisoners, to his earlier talk about the evacuation of the Jews. Even here Goebbels is using words like evacuation, but it is a give away in the second paragraph.

Q: Yet at about the same time at the end of March, early April, we have had Schlegelberger

document, Hitler wanting everything postponed until the war was over?

A: We have already been through this document at great length, Mr Irving, I do not accept what you say about the

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so-called Schlegelberger memorandum.

Q: Was it not typical of Hitler's desire to postpone tricky things until the war was over, until the fighting had stopped? Did he not do that with several problems?

A: I do not see this in this diary entry.

Q: Will you please look at page 7, and then you will see it?

A: Page 7 of what? Yours?

Q: Numbered page 60 at the top.

A: Right.

Q: I will read to you the middle paragraph in English. We briefly then touch upon the church question. Here the Fuhrer has reached a decision which is absolutely irreversible. He tells me to take care that nothing is done, that there is complete silence about the church question.

A: Public silence.

Q: The hour would come when we would then be able to speak more clearly than ever. Is this not another example of Hitler saying, "hey, put that on the back burner, too"?

A: I think this derives from the problems which they had in the previous autumn with Cardinal von Galen. After some discussion, it was decided, Cardinal von Galen's protest about the euthanasia, the Nazi leadership decided that during the war it would be too upsetting to morale to make a serious attack on the church and start arresting cardinals and the like.

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Q: I refer you to page 404, to footnote 22 ----

A: This is my report?

Q: Of your report.

A: Yes.

Q: Page 404, footnote 22, of your report where you show the kind of problems the Final Solution was causing, mixed marriages, you remember the Gotshalt case, the suicide of the entire family and so on, and Hitler saying to Goebbels try to avoid causing problems?

A: Yes. We already discussed this at length in talking about the so-called Schlegelberger memorandum that, while I think the Nazi leadership had little problem in deciding what to do with the vast majority of Jews in Europe, i.e. kill them, they had a lot of difficulties in deciding what to do with Jews in mixed marriages, married to non-Jews and with half Jews, and mixed, so-called mixed race Jews. That is quite clear. It runs through all the documentation connected with the so-called Schlegelberger memorandum, and here it is again.

Q: You rely in your reply to this Goebbels entry on page 402, paragraph 5, you refer to a July 1941 statement by Hitler about the Jewish family becoming a breeding ground for bacilli, do you remember that?

A: Yes, "Bazillenherd fur eine neue Zersetzung".

Q: But you agree that at that time, of course, there was no plan to liquidate Europe's Jews, it was still a

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geographical solution, so that is totally irrelevant in this context, is it not?

A: I do not think it is irrelevant, no. It is a general statement, rather like his statement in a speech of 30th January 1939 ----

Q: You put it in as a bit of a red herring.

A: Well, it is a very conditional statement.

Q: Hoping that ----

A: It is an "if" statement.

Q: --- we would not remember that your argument is that Hitler's speech to the Gauleiters in December 1941 was the trigger point. So July 1941, that is totally irrelevant to the argument about Hitler's homicidal intent?

A: I do not think it is irrelevant to Hitler's general hatred of the Jews. I am using it there because of this popular, this favourite phrase or word of "bacilli".

Q: The next question is on page 403, two lines from the bottom, and I ask this with great trepidation because it may unleash another torrent, you say: "Why did include", why did Goebbels include, "so many passages in his diaries which showed that he himself favoured the mass extermination of Jews?" Where are these many passages, which ones are you referring to? I cannot think of the "mass extermination of Jews" referred to in many passages in the Goebbels' diaries.

MR RAMPTON: I think Mr Irving should ask questions and not

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make speeches, my Lord.

MR JUSTICE GRAY: Well ...

MR IRVING: Is this ----

MR JUSTICE GRAY: The question you are being asked is where do you say Goebbels shows himself to favour the extermination of Jews?

MR IRVING: "Mass extermination of Jews". The fact that he said, "We cannot have Jews running around Berlin who may assassinate me", that kind of thing, is readily proved, but it is these throw away lines that are put into the report without footnotes or source notes that concern me.

A: Well, I will treat that as a question even though in a way it was not. It is on page 400, again talking about 60 per cent of the Jews being liquidated. Now, that seems to me on any measure mass extermination.

MR JUSTICE GRAY: Because you say he is quite clearly approving what he is describing?

A: Yes. It seem to be pretty clear, and he goes on to say that Hitler approved of it as well.

MR IRVING: I guess the question ----

A: Let me have, let me have another ----

Q: --- I am really asking is, is there another passage apart from that?

A: All right, well, let us just go...

MR RAMPTON: My Lord, this is very unfair. This is not a memory test. This gentleman has written a detailed

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report. He summarizes what he is talking about on pages 410 to 416 of his report. I am sorry that he did not remember it, but, I mean, really!.

A: I just got to there. I think I will just direct you to the Goebbels diaries entries on page 412, 414, Jews experiencing their own annihilation, I mean, I really do not want to read all of these

out.

MR JUSTICE GRAY: Do please, if you do not mind, 412, 414?

A: 14, then the pages 8, 9 of my letter of 10th January, so these are some ...

MR JUSTICE GRAY: Mr Irving, what is not clear at the moment to me, partly because of that question, is whether you are contesting the fact that Goebbels knew perfectly well what was going on.

MR IRVING: What I am contesting is that there are many passages in his diary which showed that he applauded the mass extermination of Jews which is the wording used by this witness in his report, but I will now move on ----

MR JUSTICE GRAY: Now would you answer my question? Is it your case that Goebbels did not know about the mass exterminations that were going on at this time?

MR IRVING: He had visited the Baltic states. He had actually heard about executions that had gone on there, just briefly. That was November 1941. He had received this SD report. He had received the Wannsee Conference report which was ambiguous. He had received this SD report on

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March 27th 1942 which gives him cause to speculate on what is obviously happening, if I can put it like that.

THE WITNESS: But in Hitler's War 1977, Mr Irving, you write: "The ghastly secrets of Auschwitz and Treblinka were well-kept. Goebbels wrote a frank summary of them in his diary on March 27th 1942, but evidently held his tongue when he met Hitler two days later".

Q: Yes.

A: And you talk again in that 1991 in a similar way so...

Q: Can I draw your attention, therefore, to a passage in Picker, Henry Picker, on April 4th 1942 which you are probably familiar with. I will read it to you. It was "characteristic that the upper classes who had never shown the slightest sympathy for the suffering and plight of the German emigres", and he uses the word "aus wanderer", and you will understand why I am emphasising that?

A: Yes.

Q: "... now claim to show sympathy for the Jews, although the Jews had their accomplices around the entire world and were the most climate hardened species there were. The Jews prospered everywhere", he said, "in even Lapland and Siberia". Does this not also show that on April 4th 1942 Hitler is talking purely in terms of his geographical solution? It may have been a pipe dream.

A: No, no, it does not. I mean, there are murderous

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statements here. He is attacking the so-called bourgeoisie, and even here it says, "If for reasons of State, one renders a definite racial pest harmless, for example, by beating him to death", very nice, "then the entire bourgeoisie cries out that the State is a violent State. If, however, the Jew", and here, well, "the Jew with judicial chicanery robs the German person of his professional existence, takes his house and home from him, destroys his family and finally drives him to emigration, and the German person then loses his life on the journey to his emigration destination, then the bourgeoisie ... (reading to the words) ... entire tragedy has been played out within the context of the possibilities offered by the law." And earlier on, of course -- that, of course, describes in a kind of upside-down way precisely what the Nazis were doing to the Jews

themselves. And on talking about -- another bit that you left out, Mr Irving, he is talking about Hitler (again absurdly) that "the Bourgeoisie did not concern itself with the fact that 250,000 to 300,000 German people were emigrating from Germany a year", that meant, I think, in the late 19th century, "and about 75 per cent of the German emigrants to Australia already died during the journey". That is more even than Goebbels 60 per cent. Emigration here, in Hitler's mind ----
Q: So what conclusions do you draw from these lengthy

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passages you are reading out?

A: Emigration in Hitler's mind here is quite clearly connected with mass death.

Q: That is the conclusion? Purely that emigration is connected with mass death?

A: It seems to be in this passage, yes.

Q: So you agree that Hitler was considering geographical emigration every time he mentions these passages at this time?

A: Well, connected with mass death. I mean, you take Jews from France or Serbia or Greece and you take them to Poland, that is mass emigration, but that is not all that happened, is it? They were killed when they got there. The two things are connected.

Q: So you are saying that when Hitler is talking about them emigrating to Lapland or Siberia or Central Africa, or all these other places he is talking about, or Madagascar, what he is saying is he will arrange that they get killed when they get there? What is the point of the emigration then?

A: No. There is also an element of camouflage in simply using the term "emigration" or "transportation", so ----

Q: So your entire case depends on the fact that when he says one thing he means another ----

A: Wait a minute, Mr Irving. I mean, also the notion that in the middle of 1942 that Hitler was actually serious

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about ----

Q: Madagascar?

A: --- transporting Jews to Madagascar is absurd because he had already personally ordered the stop to the Madagascar programme at the beginning of the year and, as for Lapland, that is even more ridiculous or Siberia. I mean, this is just camouflage in his case.

Q: Why would the Madagascar plan have been absurd then?

MR JUSTICE GRAY: I think we have been through that many times.

MR IRVING: My Lord, we have one more document I wish to show him, my Lord. Would you please go, therefore, to page 23 of the bundle? Do you know who Hassow van Evstorf was?

A: You tell me. I cannot see him mentioned.

Q: Hassow van Evstorf was the later Ambassador to the United Kingdom after the war. So he was not a neo-Nazi, was he?

A: I do not -- where is this?

Q: I just say that in advance.

MR JUSTICE GRAY: Page 23.

MR IRVING: Does your Lordship have it?

MR JUSTICE GRAY: Yes.

MR IRVING: It is the transcript of Hassow van Evstorf.

MR JUSTICE GRAY: This is van Evstorf's notes?

MR IRVING: My Lord, Hassow van Evstorf's notes are actually in this blue volume I am

holding in my hand. This is from my own archive. Hassow van Evstorf took handwritten notes as the liaison officer between Ribbentrop and the German High

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Command, so he was informed on an immediate basis of all the latest developments and secret happenings. Two paragraphs from the bottom, he had a paragraph -- this is the transcript of his handwritten notes, April 4th 1942 -- "A Japanese enquiry whether they will be permitted to occupy Madagascar", completing, no doubt, the triangle Singapore, Columbia, Madagascar, "has been answered in a positive sense. We would not take part in the operation. We are looking for a joint coalition warfare in the Persian Gulf" -----

MR JUSTICE GRAY: I am sorry. The significance of that totally escapes me.

MR IRVING: Well, I shall ask some more questions. Was Japan an ally of Nazi Germany?

A: Yes.

Q: So if Japan had occupied Madagascar, as was envisaged by this joint operation by this top level discussion between the German High Command and the Japanese High Command, then, of course, it would have been perfectly feasible to have completed the Madagascar plan?

A: I think that is rather a large leap, Mr Irving.

Q: So the talk of the fact that ----

A: That depends.

Q: --- Madagascar in May 1942 was occupied by the British is neither here more there?

A: The point here is on 10th February 1942 (and we have

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already been through this some days ago) the Foreign official who proposed the plan for deporting the Jews to Madagascar wrote that "Gruppenfuhrer Heydrich has been charged with the Fuhrer of carrying out the solution to the Jewish question in Europe. The war against the Soviet Union has opened up the possibility of placing other territories at our disposal for the Final Solution. Accordingly, the Fuhrer has decided that the Jews should be pushed off, not to Madagascar, but to the East. Madagascar, therefore, does not need to be foreseen for the Final Solution any more".

Q: You are familiar with that document?

A: That is absolutely clear and explicit about the ----

Q: Can I ask you some questions about who wrote that document?

A: -- that is from Rademacher.

Q: Who wrote the document?

A: Rademacher.

Q: Did Rademacher ever once in his life have a meeting with Hitler?

A: He says here, "The Fuhrer has decided" ----

Q: Will you answer my question?

A: Time and again, Mr Irving, if you do not like a document, you start saying, "It is a product of his imagination". This is quite clearly ----

Q: Answer my question.

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A: --- this is not a top Foreign Office official. It is quite conceivable that Ribbentrop or

somebody else has told him that this is Hitler's decision. It does not need to see Hitler to have this decision here. Hitler has decided in February 1942 that the Madagascar plan is out. It is quite clearly not practical.

Q: It is very difficult to conduct a cross-examination if you do not answer my questions. Did Rademacher ever see Hitler?

MR JUSTICE GRAY: I think the answer is Professor Evans does not know, but the point he has made (and you may not accept it, Mr Irving) is that does not need to have seen Hitler in order to know and to say that Hitler has time and again said "Madagascar is off the menu". That is what he said.

MR IRVING: May I by my questions now elicit the probable source of Rademacher's information? In view of the fact that the Rademacher document is in the same file as the Wannsee Conference report, right?

A: Yes.

Q: Is it not likely, in fact, that Rademacher had simply read the Wannsee Conference report in which precisely this concept was stated by Heydrich that they are now going to be shipping them out to the east, and that Rademacher is doing no more than just putting into another document what he has read in the Wannsee report. It is nothing to do

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with direct information from Hitler. This is now third or fourth hand information?

A: I not say it was direct information from Hitler, but, nevertheless, I do not think that people in Third Reich spoke so or wrote so, explicitly wrote in memos so explicitly about Hitler's orders and decisions unless they had very good reason for doing so.

Q: And yet you cannot ----

A: They did not invent these things.

Q: You cannot wish away that July 24th 1942 table talk by Hitler in which he says, "We are going to send them to Madagascar". So Madagascar is wrong and this table talk is right or is it the other way around?

A: It is the other way around. The table talk is quite clear camouflage. Hitler has commented on the table talk on 13th May 1942 that England is not going to surrender Madagascar. He knows that perfectly well ----

Q: There were all sorts of places that England was not going to surrender ----

A: It is a total fiction. It is a total fiction.

MR JUSTICE GRAY: You are talking over the witness and I personally think Madagascar is a bit of a side track, and I think we have had enough on Madagascar.

MR IRVING: I strongly agree, but the suggestion that England could say, "We are not going to surrender", do you remember a place called Singapore which was surrendered to

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the Japanese.

A: It is rather a different matter.

MR JUSTICE GRAY: It did not happen in Madagascar, Mr Irving. Why do we not get back to what you were on before which is really more, I think, central?

MR IRVING: I agree, but occasionally these little excursions are inflicted on me. Page 405 of your report, please. You are stating that, "I did not publish the passage from Goebbels diary" -- this is towards the end of paragraph 1.

A: Yes.

Q: "We speak in conclusion about the Jewish question. Here the Fuhrer remains, now as before, unrelenting. The Jews must get out of Europe, if necessary, with the application of the most brutal means"?

A: Yes.

Q: What inference do you draw from that -- a homicidal inference?

A: At this time, in March 1942, it is very difficult to draw any other inference than that.

Q: It was not the midnight knock of the Gestapo and instructions to get packed within two hours and you are only allowed to carry 28 pounds with you, and bring all your money and valuables -- was that not pretty brutal and unrelenting?

A: Pretty brutal, yes.

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Q: Pages 405 to 6 ----

A: The question, Mr Irving, is really about your omission of the statement that the Fuhrer is unrelenting.

Q: But I also omitted the part where it says that the Jews must get out of Europe which would have counterbalanced it ----

A: "With the application of the most brutal means".

Q: At the top of page 406, you quite rightly point out that I have a date, March 20th, when it should have been March 30th, is that right?

A: Yes.

Q: Will you concede that that is immaterial?

A: No, I will not, most certainly not.

Q: Why is it not immaterial?

A: Well, because, let me go back to what you say in 1977, Hitler's War: "Ghastly secrets of Auschwitz and Treblinka were well kept. Goebbels wrote a frank summary of them in his diary on March 27 1942, but evidently held his tongue when he met Hitler two days later for he quotes only Hitler's remark, 'The Jews must get out of Europe. If need be, we must resort to the most brutal methods'".

So, you maintain that he made that statement about, which I just quoted, two days after Goebbels wrote this summary on March 27th. In fact, what you are trying to do is to give the impression -- let me just find where I am on my notes.

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Q: Would it surprise you to hear that the error has been ----

MR JUSTICE GRAY: Please let the witness answer.

A: What you do is to quote Hitler, "The Jews must get out of Europe" from the diary of 20th March as if it was from 30th March, in other words, he made that statement before Goebbels made a frank summary. It is true that Goebbels made a frank summary of the extermination in March, but it is not true that he concealed it when he met Hitler two days later because the quote that you use to support your view that Hitler did not know about it after this frank summary on 27th March is lifted from a week earlier in the diary and not from two days later where it is not there. So I do think this is a clear piece of manipulation. This diary is written in chronological order. It is very difficult to get that date wrong.

MR IRVING: Would it surprise you to hear that the error has been corrected in the later editions

completely ----

A: I know that the error has been corrected in the later edition.

Q: Will you not interrupt me -- completely painlessly and without the slightest damage to the arguments that I have advanced?

A: It has been corrected in the later -- in the 1991 edition, but, of course, there you omit all mention of the "ghastly secrets of Auschwitz and Treblinka" because you do not believe they existed, these secrets any more, whatever

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they are, and it makes it easier in 1991 for you because you deny the gas chambers and also it has all been done on the initiative of Himmler and Goebbels, so ----

Q: Can we try to keep to the actual question that I am asking or we are not going to cover the ground today. Would you look at page 408, the footnote -- 407, the footnote?

A: Well, in order to answer the question about your changing the text in 1991, one has to give the context. Here again what you do not omit is the idea that Goebbels was concealing this information from Hitler. This time you, in fact, make it more general. You uncouple it from any specific meeting.

MR JUSTICE GRAY: I am afraid I must have a look at that? Have you got the page there?

A: That again is in my letter of 10th of ----

Q: But have you got the page reference in ----

A: Hitler's War.

Q: --- 1991 of Hitler's War?

MR RAMPTON: It is page 464. It is in the second part, my Lord.

A: 464.

MR RAMPTON: It is a paragraph which starts: "Dr Goebbels, agitating from Berlin". It goes down to the end of the paragraph at 465.

A: Here it says, "Although he held", that is Goebbels, "his tongue when meeting his Fuhrer" which suggests on every

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occasion that he met him he held his tongue about, well...

MR IRVING: What he knew?

A: What he knew, yes.

Q: Do you have any evidence otherwise?

A: Well, we have already been through this.

Q: Well, do you have any evidence in any of the files that Goebbels told Hitler: "Mein Fuhrer, there is something I have to tell you that I have found out"?

MR JUSTICE GRAY: I think we have had that, and I think the answer is there are two documents to which you point Professor Evans to support his contention that Hitler knew, had been told by Goebbels.

MR IRVING: No, Goebbels telling Hitler which is something slightly different, my Lord.

MR JUSTICE GRAY: There are those two documents. We had this point a little while ago, did we not?

A: Yes, we have dealt with it.

MR IRVING: Which arguments are you referring to, Professor? I have to know what I am answering here. Which documents are you referring to? Goebbels telling Hitler about the Final Solution ----

A: Do I really have to go through this again?

MR IRVING: --- in a homicidal sense.

MR JUSTICE GRAY: If can find it, I will just -- if you know the dates of the documents, we are not going to go through them again, but I do not have them. One is 30th ----

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A: 27th March and 30th May, I think, from memory.

Q: 30th May is one and 27th March?

MR IRVING: The one that I gave you as the facsimile, your Lordship?

MR JUSTICE GRAY: We can go all over it again, Mr Irving, but we have ----

MR IRVING: I do not really want to, but I cannot allow this court assumes that this final gap has been bridged by the bald statement that there are ----

MR JUSTICE GRAY: The court is not assuming anything; it is listening to what Professor Evans has said and he has said that one document is 30th May ----

MR IRVING: Which is the ----

MR JUSTICE GRAY: --- and the other is 27th March. You know which those two documents are. You may not agree with what Professor Evans says, but you know why he says what he does.

MR IRVING: But 3rd May is the Siberian one and that is the exact opposite?

A: Sorry...

MR JUSTICE GRAY: All right. We will go through it all over the again.

A: 29th May, yes.

MR JUSTICE GRAY: 29th May.

MR IRVING: 29th May?

A: Yes. That is the diary entry of 30th May for the previous

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day.

MR JUSTICE GRAY: Can you give me the page reference in your report?

A: This is pages 8 to 9 of my supplementary letter, my Lord.

MR JUSTICE GRAY: What do you want to ask about that, Mr Irving? 30th May 1942.

MR IRVING: 30th May 1942, is this?

A: Yes.

Q: This is the passage that we went through about 20 minutes ago.

A: Yes.

MR JUSTICE GRAY: That is exactly what I have just suggested, that we have actually been through these two documents in some detail. Do we need to go back and go through them all over again?

MR IRVING: No, I do not because I would not accept that this is evidence of Goebbels telling Hitler about a homicidal Final Solution.

MR JUSTICE GRAY: I follow you do not accept it, but Professor Evans says the opposite, you see.

MR IRVING: But this is what I call the Siberia reference which showed is exactly the opposite sense, and unless one assumes that evacuating Siberia is a euphemism for killing?

A: I am very loath to go into this all over again, my Lord. I think it is clear.

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Q: Can you just state simply ----

MR JUSTICE GRAY: What is the benefit? We have been through this. I can go back and get it up on the screen, but we have been through this document in some detail.

MR IRVING: We have indeed, but can I just ask ----

MR JUSTICE GRAY: I know what you say about it, I know what Professor Evans says about it and, in the end, I have to decide what a sensible, objective historian would make of it.

MR IRVING: Professor Evans, one simple question then and I hope you can answer yes or no, is your belief that the phrase evacuating to Siberia and evacuating to Lapland are euphemisms for killing when used by Hitler?

A: I cannot this yes or no because that is not the key passage in this entry of 30th May 1942. The key passages come earlier.

Q: Then we will move on. Will you now look at the footnote on pages 407 and 408?

A: Yes, I apologise for the glitch in the word processor there.

Q: It actually begins five lines from the bottom, does it not?

A: Yes, it has repeated a whole lot.

Q: On the second line from the bottom, you find the words "auswanderten" and "auswanderer", is that right?

MR JUSTICE GRAY: Where are you, Mr Irving?

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MR IRVING: In Professor Evans' report.

MR JUSTICE GRAY: You must remember that I have to follow what you are putting.

MR IRVING: I am moving too fast, my Lord. 407 to 408. We are looking at the footnote that begins on the foot of page 407. My simple question is two lines from the bottom, does the witness see the words "auswanderten" and "auswanderer" and it follows over, two lines down on the same footnote on the facing page, "Auswanderung" and "Auswanderungsziel".

A: Yes.

Q: How would you translate the root "auswanderer" there, "emigrate" or "kill"?

A: We have already been through this.

Q: Well, just a simple answer will ----

A: No, I cannot give a simple answer because it is a loaded question. That is the problem with your questions, Mr Irving. I have already been through this document and I have noted that when Hitler states that Germans emigrated, which is the meaning of the word "auswanderer", from Germany in the 19th century, in his view 75 per cent of them died. It is a deadly process. We have no evidence for that. It is a completely absurd idea, they did not, but that is his view of emigration. There is a clear connection there.

Q: Yes, but do you ----

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A: And then he goes on to talk about the way in which he thought that Jews drove Germans to emigrate in a way that describes exactly the way, in fact, that the Germans drove the Jews to emigrate.

Q: This is purely and etymological exercise, Professor. How would you translate then "Jewish emigration" in the emigrating sense, not the killing sense?

A: Yes, I mean, you enter reservations about the point of indulging in purely etymological exercises ----

Q: Can you just answer the question? Would it be "Juden Auswanderung"?

A: --- given the misuse that you make of them. But, of course, it means "emigration". I have said that repeatedly. That is the literal meaning of the word "Auswanderung".

Q: What German word would you use for "Jewish emigration"? "Juden Auswanderung"?

A: Something like that, yes, "Judische Auswanderung", whatever.

Q: Is that not precisely the word used in the September 1942 document that we are going to be looking at later?

A: Well, let us have a look at it.

Q: Can we tackle things in sequence, Professor ----

A: Well, you are the one who introduced the September document, Mr Irving, I did not.

Q: --- otherwise we are not going to complete today. We will

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come to that document in sequence and in the order that I dictate and not the order that you dictate.

A: You have just said you want to discuss it now, Mr Irving.

Q: I am discussing it now.

A: Now you are accusing me of bringing it up out of sequence. This is ridiculous.

MR JUSTICE GRAY: This is all degenerating.

Q: I am discussing it now ----

MR JUSTICE GRAY: Professor Evans, do not be provoked and, Mr Irving, can we try to get on?

MR IRVING: Yes.

A: It is very hard, my Lord.

MR IRVING: My Lord, the reason I did it here is because in this one footnote the word "Auswanderer" is used five or six times in the clearly emigrating sense.

MR JUSTICE GRAY: We have been over this many times. "Auswanderung" can be used euphemistically, but it is not always used euphemistically.

MR IRVING: It is a rubber word.

MR JUSTICE GRAY: But can I ask just about a general question which I think can be answered quite briefly? The table talk on page 407 of your report and the Goebbels diary entry on page 408 talk in terms of getting the Jews out of Europe?

A: Yes.

Q: Do you regard either of those documents because that is

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what they are, as being on their face sinister?

A: Yes, I do, my Lord. I mean, I think by this time ----

Q: Because it is euphemistic or for some other reason?

A: It is euphemistic and particularly in the table talk in May 1942 this linkage of mass death with emigration, not to mention the statements about beating racial pests to death. I mean, they are wrapped up -- he is, of course, trying to be euphemistic and then spins these ridiculous fantasies about the climatic, supposed climatic, resilience of Jews and so on. But they are both rather sinister, particularly when you take into account what was happening in the extermination camps at this time.

MR IRVING: With respect, I suggest the word "sinister" is wrong. "Homicidal" is probably what his Lordship meant.

MR JUSTICE GRAY: I was using a euphemism as well, if you like, but I thought everybody understood what the term meant.

A: Yes, I certainly did.

MR IRVING: But would you not expect precisely this kind of conversation to happen around the dinner table if somebody said, "Adolf, we are getting word from the BBC and from Voice of America, whatever it is, that killings are happening and that the Jews are dying like flies in the East", whereupon Hitler says, "So what! Look at the way our people suffered"? Is it not exactly that kind of conversation that you are looking at here? It is a "so what" conversation, is it not?

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A: I am not sure I follow the argument there.

Q: Is it not Adolf Hitler being tough, talking tough to his dinner table people saying, "Show these people no mercy. Look at how our people suffered when the boot was on the other foot"?

A: He certainly is saying that, yes.

Q: So, in other words, although it is tough talk, it is not necessarily Adolf Hitler saying, "Yes, we are killing them too like flies"?

A: That does not follow at all, Mr Irving.

Q: Yes, thank you very much.

A: When I say "it does not follow at all", I mean your conclusion does not follow at all. Let us get that quite clear what I mean by that. I think you might have misunderstood it. I do not think that because he is talking tough, it is just tough talk, that there is a reality behind it with which he is quite aware.

Q: Yes, but there is no evidence for that in these lines. I do not want to start nit-picking, but it is just tough talk that is recorded at this dinner table conversation?

A: Well, this is the leader of ----

Q: Ugly talk?

MR JUSTICE GRAY: We can go through it, Mr Irving, if you want to, but I have the witness's answer and I know you do not agree with it, but I have the witness's answer.

A: The question is that Goebbels, of course, was quite aware

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that resettlement meant that the Jews were being killed -- 60 per cent of them were being killed, he says in his diary -- and so why would he have described Hitler's views as being radical and unrelenting if that had only meant emigration? The fact that he knew it involved killing must, surely, have meant that Hitler's views were in favour of yet more killing.

MR IRVING: On page 410 of your report -- we are slowly chewing our way forward -- line 3, you say there is a large number of instances where Hitler spoke openly about exterminating ----

A: In my letter of 10th January -- I am sorry to interrupt ----

Q: You have withdrawn that, have you?

A: --- I have withdrawn the word "openly", yes. That was rather careless.

Q: Very well.

A: It is open to misinterpretation.

Q: Three lines from the bottom of that same page, you quote the Goebbels diary: "It would end with the annihilation of the Jews". Once again we have that old, familiar, rubber word

"vernichtung", do we not?

A: Yes, I think "annihilation" is an exact etymological translation of that. I tried to be careful to render it in that terms. "Nicht" means "nothing", so "vernichtung" means "making nothing of" or "annihilation", in other

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words.

Q: On page 412 of your expert report we have all those old words again. On line two you have the destruction of the Jewish element, which again is the "Vernichtung" is it not? That is in the Mufti conversation.

A: Yes. That should mean annihilation then.

Q: You did not give us the German text of that, did you?

A: No, I did not.

Q: But you will find that I provided you with the German text now?

MR JUSTICE GRAY: To save time, are you prepared to accept that is "vernichtung".

MR IRVING: At page 33.

A: Let us have a look at the German text, my Lord. This is very easy.

MR IRVING: Page 33 of my bundle. I went to the original microfilm last night and transcribed the passage in German, so it is "vernichtung" there again?

A: Yes, that is "vernichtung". I am quite happy to render that as annihilation.

Q: On December 12th, the indented passage two lines down, they would experience their own annihilation. We have "vernichtung" again.

A: Indeed, yes.

Q: By way of variety, three lines from the bottom, "the extirpation of Jewry", that is now "Ausrottung"?

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A: Yes.

Q: We have the whole kaleidoscope of words being used there by the Nazis?

A: By Hitler, not by the Nazis.

Q: Over the page, page 413, line 4 of the indented passage, we have once again January 25th 1942. That is just five days after the Wannsee conference, is it not?

A: Yes.

Q: All Hitler is saying is the Jews have to get out of Europe. Four lines lower down, "I am just saying, he has to go". It does not really very homicidal to me.

MR RAMPTON: Well, read on.

MR JUSTICE GRAY: Yes.

A: Let me read out the whole passage.

MR IRVING: Then comes the tough talk.

A: Of course. When it gets tough, it is just talk. When it is not tough, then it is real. That is your view.

Q: He is not saying we are setting about- he said if they die on the way --- ?

MR JUSTICE GRAY: Let the witness read it. Please do not let us have this batting backwards and forwards.

A: Hitler says in this table talk 25th January: "If I take the Jews out today, then our bourgeoisie becomes unhappy: what is happening then with them? But have the same people troubled

themselves about what would become of the Germans who had to emigrate? One must do it quickly, it

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is no better if I have one tooth pulled out by a few centimetres" -- he does say centimetres but I think he means millimetres -- "every three months, when it is out, the pain has gone. The Jew has to get out of Europe. Otherwise we get no European understanding. He incites the people the most, everywhere. In the end: I do not know, I am colossally humane. The Jews", carries on Hitler "were maltreated at the time of the Pope's rule in Rome. Up to 1830 eight Jews were driven through the city every year with donkeys. I am just saying, he has to go". That is, the Jew has to go. "If he collapses in the course of it, I can't help there. I only see one thing: absolute extermination, if they don't go of their own accord. Why should I look at a Jew with other eyes than at a Russian prisoner of war? Many are dying in the prison camps because we have been driven into this situation by the Jews. But what can I do about that? Why then did the Jews instigate the war?" So he is threatening absolute extermination if the Jews do not go of their own accord, and he is talking about the Russian prisoners of war, many of them dying in the same context as he is talking about Jews. The murderous character of that conversation could hardly be clearer.

MR IRVING: What is the phrase for "absolute Ausrottung"? You are quite incorrigible. What is the German he uses?

A: You just said.

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Q: "Absolute Ausrottung"?

A: Yes.

Q: You translated that as "absolute extermination"?

A: Yes.

Q: Quite clearly it is absolute rooting up, is it not? Have you never had to uproot?

MR JUSTICE GRAY: Again, we have had that point. I am well aware of the argument.

Q: It is these tendentious translations on which he relies.

A: I do not think it is a tendentious translation. "Ausrottung" means extirpation, uprooting, rooting out or total -- if you look up "extirpation" in the Oxford English dictionary, you will to try and it will mean----

Q: And you translate it every time ----

A: Let me finish, Mr Irving. If you look up "extirpation" in the Oxford English Dictionary, which you obviously have not done, then you will to try and the translations include "total destruction". If you look it up in the Cassell's 1936 English German dictionary, you will to try and "Ausrottungskrieg" is translated as a "war of extermination". It is a perfectly legitimate translation. There is nothing tendentious about it. In connection here with all the things he is saying about killing Russian prisoners of war, deaths in the prison camp, and so on, it is quite clear what it means.

Q: He says they are dying, he does not say they are being

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killed, does he? He says they are dying in the prison camps.

A: Yes, that is right.

Q: You are calling this extermination. You take the third or fourth meaning of the word.

A: I think it is a reasonable conclusion to draw, that the Russian prisoners of war, of whom 3 or 4 million died in the prisoner of war camps in the Second World War, are being exterminated by the Nazis. Why they are dying in the prison camps? Hitler knows perfectly well, because they are not being given food or sanitation. They are dying of typhus and starvation. He is aware of that.

Q: Can I give you another example of your tendentious translations of another word? Page 409.

A: I do not accept they are tendentious.

MR JUSTICE GRAY: Wait, Professor Evans.

MR IRVING: Page 409, please, halfway down. Have you got this passage: "In his table talk, Hitler even hinted at the violent fate of the Jews when he referred to 'racial pests' being beaten to death".

A: Yes.

Q: What is the actual document there? Can we have a look at the actual passage that was used?

A: Yes, pages 407 to 8, footnote 30. It is "Wenn man von Staats wegen einen ausgesprochenen Volksschadling unschadliche mache, zum Beispiel totschiage".

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Q: So how did you manage "Volksschadling" as "racial pests"? It is in the singular, is it not?

A: I think it is quite clear that he is talking in the singular, "der Jude". He says, "Wenn aber der Jude den deutschen Menschen" -- you think he is talking about one single Jew there? It is all collective.

MR IRVING: Does your Lordship have the passage?

MR JUSTICE GRAY: I think it is translated in the singular at page 407.

A: Yes, it is. Page 407.

MR IRVING: Halfway down page 409: "In his table talk, Hitler even hinted at the violent fate of the Jews when he referred to 'racial pests' or 'Volksschadlinge'". What entitles you, first of all, to translate the word "Volksschadlinge" as "racial pests"?

A: Well "Schadlinge" is derived from agricultural biology.

Q: We know that. What about "Volks"?

MR IRVING: Let the witness to.

MR JUSTICE GRAY: Will you let the witness answer, Mr Irving? It is impossible for me to follow it. Every answer is interrupted.

MR IRVING: I apologise.

MR JUSTICE GRAY: "Schadlinge" means what?

A: It is a sort of agricultural biology term meaning a kind of pest, of crops, or something like that, a sort of small animal that devours crops, I think.

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MR IRVING: It is the other half of the word I am looking at, "Volks". Would you call a Volkswagen a race car, racial car? A Volkskuche is a racial kitchen? A Volksseele is a racial soul?

A: A Volkswagon is a post 1945 term, even though the car was not.

MR JUSTICE GRAY: Do not let us worry about Volkswagons. Would you like to put what you think the correct translation of "Volksschadlinge" would be, Mr Irving? It is marrying up two

concepts and I think it would be helpful.

MR IRVING: Public pest.

MR JUSTICE GRAY: Public pest?

MR IRVING: It is a reference to a public pest. Is this not because Adolf Hitler was constantly issuing death sentences with summary procedures against rapists and train robbers and people like that, and you refer to them as the "Volksschadlinge"?

A: Yes. It is not a public pest. Public is "offentlich" and that word does not appear here. That is a totally tendentious mistranslation of this term. Volksschadlinge is a term which the Nazis used in indeed dealing with criminals, because they considered that criminality was basically racial in character. That is to say, either through inherited racial characteristics of some sort, whether the criminal was German or not. I think it is quite clear what they mean. How would one translate the

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word "Volkisch", which is the adjective? You would translate it as "public", I suppose? I think that is completely illegitimate.

Q: The word "Volkisch" is an extremely difficult word to translate, as you are familiar, is that not right.

A: It is the adjective of "Volk", and as used by the Nazis I think it means in most cases "racial".

Q: Is not the correct translation of "Eine Volksschadlinge totzuschlagen" to bump off a public pest?

A: No, it is not.

Q: He says, "if we are entitled to bump off a public pest, then".

A: No. To start with, almost everything is wrong there, Mr Irving, totzuschlagen is to beat to death, no ambiguity about that at all. "Volksschadling" I translate as a "racial pest". That is my view of what it means in this context as used by Hitler, and one comes across this in a lot of the legislation courts decisions and memoranda of the Ministry of Justice which I am familiar with. That word "Volksschadling" is legally defined, indeed, in the Second World War. It means, to my mind ----

Q: So this is another example ----

A: In my translation it is a "racial pest". To put a gloss on it, it is a pest who is damaging the German race. That is really what it means.

Q: It is another example of a euphemism, right? You have to

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translate it. It is a word which means one thing but you say this is euphemism for the Jews?

MR JUSTICE GRAY: No, I do not think that is what----

A: No. I do not mean that at all, no. Not necessarily at all.

MR IRVING: How you would you translate the words "public pest" into German?

A: Something like "offentlich ergonist", something like that. Public nuisance is "offentlich Unfug". The use of the word "Schadling" comes from the racial ideology drawing a parallel between growing crops and farming and human beings.

MR JUSTICE GRAY: A sort of agricultural bacillus?

A: Yes, my Lord.

MR IRVING: You are aware that Adolf Hitler personally had to issue the death sentences against train robbers, rapists, and people like that. He would be the one who sent the word down the phone lines, saying "Execute"?

A: I do not think he had to, Mr Irving. What he tended to do was -- I cite this in the book that I

wrote -- he quite frequently, on at least 18 occasions listed by the Ministry of Justice during the early part of war, was reading the Nazi newspaper, and would see a report of some criminal whom he considered had too lenient a sentence for robbery or whatever, would exclaim, "That person ought to be shot", and immediately Schaub or somebody else would

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leap up, get on the phone to Munich or wherever it was, and have the criminal shot while trying to "escape".

Q: Do not I say exactly the same in my book, Hitler's War, now that you have mentioned that fact, that a simple phone call to Schaub sufficed and the man was already sent to be executed. Do you remember the passage in my book, Hitler's War, where I said that in the Kaiser's time the condemned man had the right to see the Kaiser's signature on the death warrant, but in Hitler's time it was done more informally?

A: Yes, I remember that.

Q: Not a very flattering passage about Hitler, is it?

A: In order to comment on that I would have to see the passage.

Q: Yes, I thought you would say that. Will you now go to page 408?

A: I am sorry, I would have to.

Q: At the foot of page 408, the very last line of the footnote, you criticise me for failing to translate the last sentences. "In his translation of this passage, Irving fails to translate the last sentences".

A: Yes.

Q: If you look at the last sentences referred to, which is just above it in that footnote, it is not in the subjunctive, is it? So it is Goebbels, not Hitler.

A: No, I do not think that follows. You yourself said,

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Mr Irving, that Goebbels wrote a rather colloquial slangy sort of German so one would not expect him to stick absolutely consistently to the formal means of reported speech.

Q: Does the last sentence add at all or subtract at all to the story? Is there some criticism? Is there some reason why you criticise me for leaving out those sentences? Obviously I have left out a huge number of sentences, I have left out millions of sentences in writing my books. It is part of being a writer.

A: It is not a major point, Mr Irving.

Q: Yes. "Absolute Ausrottung" on page 413 is offset against going of their own accord, is it not? Either they go off their own accord or there is going to be "absolute Ausrottung"?

A: Yes.

Q: So it is clearly a going and not a killing?

MR JUSTICE GRAY: You have cross-examined about that.

MR IRVING: Yes. I just came across my rather nice way of putting it in my notes, my Lord.

MR JUSTICE GRAY: It had struck me.

A: Yes. What he is saying is that he will totally exterminate them if they do not go of their own accord, which of course by this time, January 1942, they were not going of their own accord because the Nazis had forbidden emigration of Jews from Germany in the previous October.

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MR JUSTICE GRAY: I think the point Mr Irving is making is that going and not going, as it were, are being contrasted.

A: Yes.

Q: Which suggests Ausrottung is----

MR IRVING: Going voluntarily and not going voluntarily.

MR JUSTICE GRAY: Yes.

A: How he thinks that Jews could have gone voluntarily at this point, I really do not know.

Q: Did large numbers of Jews leave Germany more or less voluntarily between 1938 and the end of 1939?

A: Yes, driven out by the enormous hostility of the Nazi regime, particularly in the Reichskristallnacht.

Q: Were they carried to the port or the airport and dumped on a plane?

A: No, they made the decision that life was unbearable in Germany and they left.

MR JUSTICE GRAY: This is 1942, that is the point.

A: This is 1942.

MR JUSTICE GRAY: Let us move on. I think we have had enough of that particular bit of table talk.

MR IRVING: Page 416, in paragraph 22 and paragraph 1, I am sorry, the top paragraph of that page, what you are effectively saying is that the Nazis are using a code, are they not? They are using special words when in fact they mean something different.

A: Yes.

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Q: Does not the use of a code presuppose some kind of code document or list that has to be both ends? People have to know. It is not just a nod and a wink in something as important as this. Would you not expect to try and some kind of little list that, when I say evacuated, I really mean kill?

A: No, I do not think so.

Q: Is there not a danger then that you send a train load of Jews to Minsk, you evacuate them there and the person at the other end, Joe Bloggs, thinks they are just going to be evacuated, and he has them evacuated without realising he is supposed to kill them?

A: Or the reverse, as we know happened in Riga. One cannot expect it to be entirely consistent, but I think it is clear that people knew that there was a euphemistic language. It is not consistent. There is a variety of different terms used.

Q: But does not this whole scenario raise the obvious objection that any conspiracy theory has, that as soon as you are presupposing a major conspiracy with everybody knowing what is going on, everybody who is in the know, there must be some kind of documentation of the fact of the conspiracy, the code list or the list of names, and, apart from one or two scattered references like Heinrich Himmler's Posen speech, we do not actually have the equivalences, do we, spelled out?

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A: That is such a convoluted question I am not how to answer it.

MR JUSTICE GRAY: I think it is the same question you were asked before. Would you expect some sort of list or code, and you have said no.

A: I do not expect some sort of list, no.

Q: Page 417, line 4?

A: Yes.

Q: The oath of secrecy which was taken by people involved in Operation Reinhardt, I think we agreed that there is such an oath because I have seen at least one. Do you remember what it consisted of, the three or four points what they swear to secrecy on?

A: Remind me. I quote it somewhere.

Q: Do they swear to preserve secrecy about what is going on in the evacuation?

A: I am sorry. I would have to see a copy of the oath, I am afraid.

Q: You asked me to remind you.

A: Yes.

Q: Do you ----

A: I think I quote it somewhere, I am trying to try and it.

Q: Let me put it like this. Was it not to protect the plundering character of Operation Reinhardt from unauthorized eyes?

A: In fact, I have it on page 609 of my report, the

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fundamental order No. 1. Is this what we are referring to?

Q: No.

A: 25th September 41. It is certainly what I am referring to there.

Q: No. The oath of secrecy that each person involved at Auschwitz or somewhere like that had to sign on pain of death?

A: I cannot comment on that without seeing it.

MR JUSTICE GRAY: It is very easily got hold of. It is document 112, is it not?

A: This is not the fundamental order No. 1 in September 1941, but something different.

MR JUSTICE GRAY: What are you referring to then? It is a document that camp officials at Auschwitz had to sign? Mr Irving, is that right?

MR IRVING: Yes, there was but, in view of this, let me move straight on to talk about the document which he has produced.

MR JUSTICE GRAY: Right.

MR IRVING: You refer to this Hitler secrecy order on page 417, line 2?

A: Yes.

Q: As the famous Hitler secrecy order No. 1?

A: Yes.

Q: You date it for some reason September 25th 1941.

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A: Yes. Is that wrong?

Q: What inference do you draw from that and have you drawn from that?

A: It is all right? The date is OK, is it?

MR JUSTICE GRAY: Is the date suggested to be wrong, Mr Irving?

MR IRVING: That is question two, my Lord. I am asking question one at this stage. What inference do you draw?

A: I do not draw any inference in the report from the date.

MR JUSTICE GRAY: It is document 112.

MR RAMPTON: I am going to try to find the document.

MR JUSTICE GRAY: Yes, I think it might be worth doing.

MR IRVING: Do you not say at line 4 that this order for secrecy clearly covered the operational details of the Final Solution? Is that not the inference you draw from it?

A: It was in effect, unless you are telling me it was issued in 1945 or 44, then I think that follows.

Q: No. You are implying that this order, unless I have totally misunderstood you, in which case I apologise, was drawn up as part of the security measures to protect the ugly details of the Final Solution?

A: Ah no, I am not. I do not think that follows there at all. It certainly did cover all of that.

Q: Does not even the most incompetent historian know that the famous Adolf Hitler secrecy order was dated January 11th

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1940 and it was issued as a direct result of the famous Mechelin incident when a German plane landed carrying secret documents?

A: Provide me with documentation, Mr Irving.

MR RAMPTON: Can we just to try and the document?

MR IRVING: Probably one of most famous orders Hitler ever signed.

MR RAMPTON: I am sure Mr Irving is right about everything but I wish he would give me a moment to try and the document.

MR JUSTICE GRAY: Have you got document 112?

MR RAMPTON: Yes. It is file H1 (ix) and it is page 238. We will provide your Lordship, and somebody will do it for the witness.

A: Could I have a copy, please?

MR RAMPTON: Yes.

MR JUSTICE GRAY: Could I have a copy too?

MR RAMPTON: Yes. I will pass this up.

A: 238?

MR RAMPTON: 238 is a stamped page number.

A: Yes, on the bottom.

MR RAMPTON: The right hand corner is said to be document 112.

MR JUSTICE GRAY: Have you got this, Mr Irving?

MR IRVING: My Lord, I know all about Hitler's top secret order and I do not need to see this thing. This is a subsequent reissue of it.

MR JUSTICE GRAY: It is a reissue of the same document, is it,

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Mr Irving?

MR IRVING: That I do not know, my Lord. The original January 11th 1940 version says nobody under any circumstances who has no need to know is to be informed of any secret operation. It is a basic need to know document on which a lot of other governments have modelled their own secrecy laws since then.

A: This is where I got it from.

Q: So you have never heard of the original basic order No. 1 which was issued on January 11th 1940? I thought every historian knew of it.

A: If you can point me to a copy of it, I am quite happy to accept your dating. It does not really affect what I say at all.

Q: The question is: You do not know of the January 1940 one?

A: I found it here. I quoted it as the date given here. I do not see what the point is you are trying to make, Mr Irving.

MR JUSTICE GRAY: Nor do I.

MR IRVING: The point I am trying to make is, firstly, once again there appear to be gaps in this expert witness's knowledge of the Third Reich.

A: I am sure there are gaps even in your knowledge of the Third Reich, Mr Irving.

Q: Secondly, the inference which you invited the reader to draw from your expert report, that paragraph at the top of

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417, that there was some sinister connection between the issue of the order and the Final Solution evaporates?

MR JUSTICE GRAY: I do not read it as saying that so I think we can move on.

A: I do not draw that inference at all. That is just reading far more into there than is actually there.

MR IRVING: Good. Line 5, you quote Henry Picker as saying, "Over state secrets Hitler was totally uncommunicative. He told us nothing in his table talk about the extermination of the Jews in the concentration camps". Does this not render nugatory every clever translation you have made of "Ausrottung" and "vernichtung" in the table talks up to this point and beyond?

A: No. I do not recall any mention of the concentration camps.

MR IRVING: No, the "Ausrottung" and the "vernichtung"?

A: No, we are talking about the concentration camps here. I do not see any mention in the table talk of the concentration camps. That is what he is talking about here.

Q: So you believe Henry Picker is being clever when he is saying, "OK, he told us about all the other extermination of the Jews going on but not about what was going on in the concentration camps"?

A: That is what he is saying. He says, "he told us nothing in his table talk about the extermination of the Jews in the

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concentration camps." It may be clever or not, I think it is probably true. What he goes on to say his (Hitler's) conversations nevertheless revealed his deep rooted and fanatical hatred for all other races. That I think is also a true observation.

Q: What about Adolf Hitler's other private staff, his stenographers, the people who took down every word he spoke from September 1942 onwards, people like that, the Adjutants, the private secretaries?

A: Oh goodness. You want to go all through all the whole section on the Adjutants now?

Q: I do not, but what I am going to draw your attention to is page 36 of the little bundle I gave you and invite you to look briefly at pages 39 and 40. Just run your eye over that letter from a lawyer to me dated 1974, when I was writing Hitler's War. He says that he carried out interrogations of all Hitler's Adjutants, stenographers and people like that in American captivity, and he has all their statements, and what should he do with them, if my memory of the letter is correct.

A: Yes.

Q: If you go back now to page 36, in the meantime he has now given them to me and I am listing them. That is a little index of them.

A: Yes.

Q: Page 37 shows that I, like a total idiot, give them to the

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archives in Germany, where I can no longer get them now. Is that right?

A: Yes.

Q: I can only draw your attention therefore to the summary in this listing. If you look down the page numbers on the right of that page 36, there is a statement by Ludvig Krieger, who was one of Hitler's stenographers, his extraordinary impression of Hitler, and Hitler never mentioned the Holocaust of Jews. Right?

A: Yes.

Q: Do you see that one?

A: Well, without actually seeing the written statement, of course we do not know whether that summary of it and account of it is correct.

Q: Ah. We will come to that.

A: What exactly he means by that is unclear.

Q: If you look at the item listed as page 23, Hitler never discuss concentration camps, the statement of another stenographer, Heinz Bucholz ----

A: Page 23? Down the list?

Q: Yes, down the list?

A: Yes.

Q: I think it is true he did not discuss concentration camps. I do not think one sees the word "Auschwitz" anywhere in the Hitler table talks.

Q: Your experts have had total access to my records,

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including of course those particular interrogation reports, have they not, in my papers in Munich?

A: Yes.

Q: Did they look at those interrogations, do you think?

A: I would have to check, but I do not see what the relevance of that question is. I do not think we used them, put it like that.

Q: Do you accept that I used them in my books?

A: Yes.

Q: And that, if I had statements by members of Hitler's private staff, not only questioned by me but questioned by others and by people far cleverer than myself, all of whom elicited precisely the same information that the Holocaust was never discussed by Hitler or at Hitler's headquarters, is that not a significance?

A: Well, there are a number of problems there. First of all, what some of these say is that Hitler never discussed the concentration camps, and that is true. What I say in my report is that he used a generalized language of racism, exterminatory racism, towards the Jews. You can read that in his table talks and in the Goebbels diaries, but he did not go into any details. That does seem to be the case on reading through the table talk. He did not talk in any detail about gas chambers in Auschwitz or the actual processes. The second thing to say is of course that ----

Q: These are all Nazis?

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MR JUSTICE GRAY: Will you let him finish?

A: Yes. A lot of these people of course were concerned to exculpate themselves, and therefore were being very cautious in what they admitted about what Hitler did or did not say to them. The third thing to say is of course the fact that Hitler did not talk about these things does not mean that he did not know about them, and a number of his entourage who said that Hitler did not talk about the extermination of Jews went on to say that they thought it was very clear that he did actually know about it.

MR IRVING: Is there even one member of Hitler's staff who has stated from absolute certainty that Hitler had discussed this to your knowledge?

A: All right. We shall have to go through the whole section on the Adjutants in that case which I thought we were not going to do. .

MR JUSTICE GRAY: I would be interested, though, if you could tell me and, if you cannot do it from memory, have a quick glance at your report, who are the members of the entourage who you say believed that Hitler did know about the extermination? You do not have to go into the detail of it, unless Mr Irving wants to ask you questions.

MR IRVING: I will ask about specific people.

A: Right.

Q: Did Otto Gunscher make a statement?

MR RAMPTON: I am sorry, I do not think this is a satisfactory

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way of dealing with it. Because I had said that I was not any longer much interested in the Adjutants, I dare say Professor Evans has not committed them all to memory over the weekend. I do not know because I have not spoken to him.

A: I have been repeatedly assured that this was going to be ditched so I have not.

MR RAMPTON: I do think it right that, if he is going to answer this perfectly proper question, he should be given time to read the adjutants section of the report, or skim it anyway, so that he can bring it back to mind.

MR JUSTICE GRAY: Yes. We have all got time pressure slightly in mind. I therefore was inviting him just for my reference, then I could read about it later, to identify the names of some of those.

MR IRVING: It is purely the fact that Otto Gunscher, who I think is the last surviving Hitler adjutant, told my Dusseldorf lawyer five days ago that the first he heard of it was when he was in the Luganka in Moscow. Although he has made statements differing from that, he now accepts that the first he heard of it was when he was in Russian captivity, the first he heard specifically of the Holocaust and of Auschwitz. He was with Hitler from 1936 until literally he was the man who burned Hitler's body. I have a letter from my Dusseldorf lawyer to that effect reporting this conversation.

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MR JUSTICE GRAY: It is up to you, Professor Evans. Would you rather come back to this, maybe at 2 o'clock?

A: I think I would, my Lord, yes.

MR IRVING: If we have time.

A: If we have time. It has caught me on the hop, I am afraid.

MR JUSTICE GRAY: That is totally understandable. Do you mind moving on, Mr Irving?

MR IRVING: Yes. Page 421, Professor Evans.

A: This, as you realize, has been superseded by my letter of 10th January.

Q: Paragraph 4?

A: Yes.

Q: I was just going to comment that you are effectively going to leave the debate to Longerich.

A: I have withdrawn that page.

Q: You are hoping that Professor Longerich is going to cure that little snag?

A: I have withdrawn that page and the previous page, and the top half of the following page and replaced them with a new section, which is on pages 8 to 12 of my letter of the 10th January.

Q: Page 425, I am hoping this is going to take less than 15 seconds, Magnus Brach (?) says that the Madagascar plan was a pure hypocrisy, a verbal smoke screen born out of thought games. I am looking at the phrase "thought games",

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would you agree that this is the same as saying it is a pipe dream?

A: He is not -- we are not talking about the Madagascar plan, but about the Hitler table talk of the 24th July mentioning the Madagascar plan, when, as we know, Hitler had long since abandoned it. He says "pure hypocrisy", I had better give the whole quote. "The talk on the 25th July by Hitler about sending the Jews to Madagascar was pure hypocrisy, at best a verbal smoke screen of Hitler's born out of thought games, a smoke screen with which he took up a known topic which had also once been the subject of concrete planning in order not to call the measures which are actually going on against the Jews by their name."

Q: Page 426, paragraph 1, which is the lower paragraph 1 on the page, an examination of?

A: Yes.

Q: I may have a mistake here. I have a note here, you say that I omit the reference when in fact --

MR JUSTICE GRAY: Well, if you do not, we should look at it.

A: It must be a different page or something.

MR IRVING: Must be looking at a different page. In fact, I have commented, it is, in fact, printed in full. Where am I accused of omitting a reference? But let us move on. In other words --

MR JUSTICE GRAY: Take your time, do not rush, Mr Irving.

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MR IRVING: In that case we will have a look. 388. "It is a life and death struggle between the Aryan race and the Jewish bacillus" is the reference I am accused of omitting.

MR JUSTICE GRAY: I am not sure what are you looking for. The allegation against you by Professor Evans is that you did not --

MR IRVING: I left out --

MR JUSTICE GRAY: Presumably in the Goebbels book refer to the passage which Goebbels has talking about Hitler as being a persistent pioneer and spokesman of radical --

MR IRVING: Here, too, the Fuhrer is the staunch champion and promoter of a radical solution, and I am accused of having omitted it and in fact it is on page 308 of the Goebbels biography?

A: Which page of my report is this?

MR JUSTICE GRAY: Page 426.

MR IRVING: Ah.

MR JUSTICE GRAY: Well, at least that is where I assumed you were.

MR IRVING: Yes. Yes, it is staring me in the face, three lines from the bottom of the main text.

A: Right.

Q: It has also been shown how Irving manipulated the diary entry in order to omit the Goebbels' reference to Hitler as the persistent pioneer and spokesman of a radical

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solution to the Jewish question"?

A: Yes.

Q: If you look at page 388 of Goebbels book it is there.

MR JUSTICE GRAY: 388 or 308?

Q: 388, it is there.

MR RAMPTON: To be fair to the witness, this is a reference back to -- I do not see a reference to the Goebbels book here.

MR IRVING: Hitler's War.

MR RAMPTON: I think it is a reference back to Hitler's War?

A: Yes, I was about to say that, my Lord. I do not deal with the Goebbels book in this section.

MR RAMPTON: No, I think that is right.

MR IRVING: But you agree that it is in the Goebbels biography because this, page 388, and it is relevant as concerns Goebbels, but not very relevant as concerns Hitler; is that a fair statement?

A: But you omit it from Hitler's War.

Q: Yes.

A: Yes.

MR JUSTICE GRAY: Well, do you accept it is not very relevant as far as Hitler is concerned?

MR IRVING: Do you accept that the entry incriminates Goebbels, but does not incriminate Hitler?

A: No, I do not, no.

Q: In law, would it incriminate Hitler?

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A: I am not a lawyer, Mr Irving, I am an historian.

MR JUSTICE GRAY: What do you mean by "in law", Mr Irving? Do you mean as hearsay as regards Hitler?

MR IRVING: In a criminal case, would that be accepted?

MR JUSTICE GRAY: I do not think it matters whether it would or it would not. We have to look at hearsay in an historical context. We have spent most of the morning looking at it.

A: Particularly in the so-called Schlagerberger memorandum. It is hearsay twice removed. You rely very, very heavily on that.

MR IRVING: Professor Evans, when were faced with an abundance of documentation and materials and you are obliged to write a book that does not contain eight pages of sludge every now and then would you agree that the first kind of thing that you would chop out would be the hearsay and you would leave the hard core stuff in like the police decodes and material like that?

A: But you do not do that, Mr Irving. There is masses of hearsay. As I said the so-called Schlagerberger memorandum is nothing but hearsay twice removed.

Q: I will ask the question again.

A: If it suits you, Mr Irving, you will put this hearsay in. If it suits you to discredit it because it is hearsay because it does not conform to your arguments you will leave it out. You have double

standards in dealing with

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this evidence.

MR JUSTICE GRAY: Well, the question, I will ask it again is; as a historian, Professor, do you agree that if you are cutting down a published work for a new edition, the first thing that goes is hearsay evidence?

A: I cannot agree with that as a general, global statement, my Lord. It depends on what you are writing about, and, of course, it depends on what the quality of other evidence bearing on this particular problem is. There are occasions when we have to rely on hearsay evidence, though one would perhaps rather not.

MR IRVING: Page 427, please, the last sentence. You say there is a number of documents and sources which strongly suggest that Hitler knew all along. So at the end of all this all can you do is say the document strongly suggests something; is that right?

A: Yes. It seems to me a reasonable statement. I think history is about balances of probability, I think.

Q: It is a rather damning statement for the defence in this action though because what you do not say, and apparently you can not say, is that there is a number of documents which prove beyond reasonable doubt that Hitler knew, or even prove on the balance of probabilities. It is just saying you strongly suggest it, after all this huffing and puffing and after 55 years of searching through the archives and after millions of dollars which your defence

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assistants have spent the most you can say is "strongly suggest"?

MR JUSTICE GRAY: Is that meant to be question?

MR IRVING: It is. Well, there was a --

MR JUSTICE GRAY: You know what I am getting at, Mr Irving.

MR IRVING: Well, sometimes the answers are also long, my Lord.

MR JUSTICE GRAY: True.

A: Am I supposed to try and answer that?

MR JUSTICE GRAY: No, I think you have answered it.

MR RAMPTON: So do I.

MR IRVING: In other words, there is nothing better than just strongly suggest that is how far we have reached?

A: I think they do strongly suggest and the point is, of course, that these documents, which do strongly suggest to the objective historian that Hitler knew all along, are not directly confronted by you and taken into account by you, but they are manipulated, misrepresented or suppressed. That is the conclusion.

Q: My Lord, we are on page 428. We are now on the Himmler minute of 22nd September 1942, on which I have cross-examined this witness in connection with the chain of evidence.

A: Yes, I thought we dealt with this.

Q: So, really, there is just one or two little dotting Is and crossing the Ts?

MR JUSTICE GRAY: Is that the "abschaffung" of the French

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Jews?

MR IRVING: No, my Lord, it is the Juden austvanderung which is one reason.

MR JUSTICE GRAY: Sorry, what date did you say? December 1941?

MR IRVING: September 22nd 1942.

MR JUSTICE GRAY: Sorry.

MR IRVING: And it is Himmler's handwritten agenda for a conversation with Hitler on which he firmly noted down before going into see Hitler the topic of Juden austvanderung, emigration of the Jews; how are we to proceed?

Then there is a new topic underneath that about the settlement of Lublin.

THE WITNESS: Yes.

MR JUSTICE GRAY: Yes.

MR IRVING: It will be in my bundle in the chain of documents, my Lord.

MR JUSTICE GRAY: Yes. What are you going to ask? Are you going to ask more about that?

MR IRVING: One or two minor things, because he has dealt with it in some detail. I am not going to ask about where they were going.

On page 430, these are ancillary documents to his argument on this, paragraph 4, line 2. I am afraid you have not provided the document for this, so we are

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not...

A: No.

Q: We are not in a position to judge the quality of this source. It is not in the bundle. I looked. You have quoted it from Brightman and from Labotsnik's file. Now we know from various sources, including Himmler's letter to his mistress?

A: That is generally publicly available, is it?

MR RAMPTON: That is not the first time Mr Irving has mentioned that correspondence. It is evident he has either got it, or he has seen it, or knows where to find it. We would be very much obliged if it were disclosed.

MR IRVING: I am sure you would.

MR JUSTICE GRAY: That is not really an answer, Mr Irving. If you have it, it should have been disclosed. Do you have it?

MR IRVING: My Lord, they are aware from the correspondence. It is not in my custody, power or possession. I read through the entire file in Chicago. It is in private hands and I have made a three page note which I have supplied to the Defendants now.

MR JUSTICE GRAY: And you have not taken copies of it? Or of any of it?

MR IRVING: The gentleman concerned wanted a quarter million dollars for them.

MR JUSTICE GRAY: Have you taken any copies of any of it?

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MR IRVING: There is one page of which I have a facsimile which I provided. But I provided to the Defendants the note I took at the time on that, which is pretty full and extensive. The reference, from memory, it is Himmler writes to this female in July 1942. He is just about to set out on a swing round Lublin and Auschwitz and other places. He mentions Auschwitz by name and says there are ugly things that he has to do for Germany's sake. But that is the sense of it. I have not got the exact quotation. But anyway we do know that he had set out.

He the question is, witness, at this time, this letter is just after Himmler had visited Lublin, Auschwitz --

MR JUSTICE GRAY: Mr Rampton, just pause a moment, if you can bear in mind that we have all got to get, or at least I have to get my bearings, Mr Rampton, it seems to me that cannot be taken any further.

MR RAMPTON: What cannot?

MR JUSTICE GRAY: You have had a synopsis.

MR RAMPTON: No, I sat down. I have not seen it. I do not know when we had it but that is --

MR JUSTICE GRAY: Well, chase it up if you want to raise it again.

MR RAMPTON: That is my problem. That is not Mr Irving's problem.

MR JUSTICE GRAY: Yes, so are we back to the Himmler minute of

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22nd September?

MR IRVING: July 22nd 1942, it is very interesting period, is it not, witness?

A: September?

Q: Yes, or July --

A: Page 430, yes.

Q: -- 430, yes. Labotsnik has written a message in which apparently he says the Reichsfuhrer SS has given us so much new work that with it now all our most secret wishes are to be fulfilled; I am unhappy about this omission after the word "Reichsfuhrer SS" because we have established you have a bit of a track record of leaving things out, have you not, Professor?

A: No.

MR JUSTICE GRAY: Well, leave aside that is gratuitous as well, where is the document?

MR IRVING: We do not have the document, my Lord, I have not been shown it.

MR JUSTICE GRAY: Yes, I know you do not, I am asking the witness, where is the document that you are quoting from.

A: It is in the Berlin document centre. It is cited in a book by Richard Brightman called The Architecture of Genocide. It is not -- I mean, it does not play a very important part in the report, I have to say I am not quite concerned why Mr Irving is asking about it.

MR IRVING: It is in the report, I am entitled to ask you, what

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do you think --

A: Of course you are entitled to ask, I am not --

Q: -- what do you think our most secret wishes are at that time? Do you have any indication from the document that the secret wishes concern the homicidal disposal of the Jews en masse?

A: -- I think that is one possible interpretation of that --

Q: One possible interpretation --

A: -- given the fact that that is what Labotsnik was doing.

Q: -- is it not evident from the September 22nd document, the handwritten agenda, that the discussion between Hitler and Himmler in which Labotsnik was mentioned was in fact the resettlement of the Lublin area with the ethnic Germans and this might equally well have been the most secret wish?

A: Well, the two were, of course, combined, and in fact on 18th July 1942 Himmler had ordered that the Jews must finally disappear from Lublin, which is on page 495 of the Himmler calendar. So very shortly before this the disappearance of the Jews from Lublin to make way for these ethnic Germans moved in there, of course was to be undertaken by Labotsnik and involved sending them off to Treblinka where the killing started on the 23rd July. So I think it is

reasonable to assume that he is talking here about the whole package. These two things are very intimately connected.

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Q: There is one possible inference, right?

A: I think it is a reasonable inference.

Q: But the document obviously does not tell us anything else more specific, otherwise it would have been quoted, would it not?

A: Yes, that is what I think he is talking about. He is talking about the killing, mass killing of Jews to make way for the people resettling the Lublin area from Bessarabia, Lorraine and Bosnia, ethnic Germans.

MR JUSTICE GRAY: Would Labotsnik have had a particular wish to see Lublin being cleared of the Jews as quickly as possible?

A: I think, yes, I think that is certainly the case, yes.

MR IRVING: Would it have been a security wish? Was he chief of police in that region?

A: That is right, yes.

Q: The remaining messages in that paragraph, you do accept that I have adequately used them or referred to them in my biographies of Hitler and Goebbels?

A: Goodness, you do cite them, yes.

Q: Despite their very ugly language --

A: You certainly cite them --

Q: -- the reference to the 5,000 members of the chosen people and so on?

A: -- yes, you cite them.

Q: Page 433 of your report, please, in the last indented

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passage on this page, it is admitted that the plaintiff did not draw attention to this minute, in fact, I did, did I not?

A: Yes.

Q: I quoted from it?

A: I think you were doing yourself an injustice.

Q: Yes. So I quoted the lines of Himmler's September 1942 agenda in full in Hitler's War on page 392, I just merely left out the reference to Globos, did I not?

A: Yes, that is right, on paragraph 3, page 434, I note in going through the pleadings in the case both the defence and Irving are, in fact, wrong in claiming that Irving has not used the note by Himmler in his work.

Q: Page 435, paragraph 4, I am again going to have ask you something from your memory, if you do not know the answer then just say so.

A: Yes, OK.

Q: Can you give one example where austvanderung as opposed to "evakuieren" or "umsiedein" is used explicitly by Hitler or anybody else as a euphemism for killing? If you do not know the answer then just say so.

A: Well, let me draw attention to the passage we looked at a little bit earlier, where he talks about that and says that 75 per cent of those who emigrated from Germany in the 19th century died.

Q: Yes, well, they were killed or they died of natural

causes?

A: Well I think it is clear he means that they were transported in conditions so brutal and murderous that it came to the same thing.

Q: That they died because of privations?

A: Deliberately inflicted on them, yes.

Q: I do not really want to follow that up, I do not it really advances it.

Page 441.

MR JUSTICE GRAY: If we are moving to a new topic it would help me, Mr Irving, if you put it in context rather than just going to some rather small point on the text.

MR IRVING: Your Lordship has rightly noticed that we have now moved to the Horthy meetings, Hitler and Horthy of April 1943.

(To the Witness)

Your contention is, is it not, that I deliberately transposed the two sentences referred to on page 441?

A: Yes.

MR JUSTICE GRAY: I am sorry, I did not catch... which page, 441?

MR IRVING: Page 441 of the report.

A: The point here is that Hitler and Ribbentrop met the Hungarian leader, Admiral Horthy, on 16th and 17th April 1943, and the minutes of the meeting make it clear that Hitler and Ribbentrop failed to get their message across

that the Hungarian Jews should be delivered to the Germans for killing, on the 16th. And, in fact, seemed to have failed to make clear that killing was what was actually involved. So on second day, the 17th April, they put much more pressure on Horthy, and were much more explicit, and on the 17th April, for example, Ribbentrop said the Jews had be annihilated or put in concentration camps, and Hitler said the Jews in Poland were shot if they were unable to work and he uses the usual language of tuberculous, bacilli and killing them and shooting hares and deer he talks about. On the previous day, on the 16th, Hitler, when Horthy had "surely you do not mean kill them", Hitler had said "there is no need for that". But on the 17th he does not, he is much more explicit "they must be killed", and what is done in the account of this in Hitler's War is that phrase, "there is no need for that", is placed after an account of what Hitler on the 17th, removing also Ribbentrop's remark about the concentration camps or killing into the footnote. So, in other words, it makes it look as if Hitler is opposing the killing of Jews, whereas, in fact, he was advocating it. That is the nub of the case.

MR JUSTICE GRAY: That is very clear. Thank you very much.

MR IRVING: A very useful summary. But now let us cut down to the bottom line. Firstly, does it change the burden of Hitler's remark one bit whether it is uttered on the 16th

or 17th April 1943?

A: Yes, it does, yes, I have already explained that Hitler and Ribbentrop were much more explicit on the 17th because they had failed to get their message across to Horthy who was either too dim or too old or too devious to get the message on the 16th, so they were more explicit on the 17th.

Q: So on April 16th when Horthy apologised that he had done all he decently could against the Jews and continued "but they can hardly have been murdered or otherwise eliminated" Hitler reassured him, and there is dispute between us on that, "there is no need for that"?

A: Yes.

Q: In other words, there is no need for them to be murdered or otherwise eliminated?

A: That is right.

Q: Is he not being perfectly explicit there on April 16th as to what Adolf Hitler's position is?

A: No. He is drawing back from the actual brutality of saying "yes, that is what I do mean". He is trying to throw up a bit of smoke screen there. In saying "give us your Jews", as it were, and Horthy says, "well, we do not really want to do that if they are going to be killed" and Hitler "says all right, that is okay, just give them to us".

Q: Did you find any support for this homicidal intent by

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Adolf Hitler in the Hungarian version of this meeting?

A: Ah, right. This is on pages 443 to 446 of my report, these are much less explicit, though they do not say what you claim that they say.

Q: What we are looking for is some reference in the Hungarian record to killing Jews. "Adolf asked us to kill our Jews and we put up a strong fight against it", is there anything in that sense?

A: Well, the Hungarians were very careful about being explicit about this.

Q: Why should they have had to be?

A: Horthy, Horthy put in -- drafting a letter with the phrase -- and we are back to "ausrotten" here again, "Your Excellency", writing back, it was a follow up to the Nazi leaders, "further approached me that my government did not proceed in the extermination or extirpation of Jewry with the same radicalism with which this had been carried out in Germany". That is also regarded -- desired for other countries too, but in fact he crossed that out. He thought that was really too blunt and too brutal.

Q: Does this indicate that Hitler and Ribbentrop told Horthy about the radicalism that they were carrying out the operation in German?

A: That seems to have been the case, yes, on the 17th April.

Q: Is there any hint of that in Schmidt's report of their meeting that they had this lengthy disquisition to the

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Hungarians on how they were killing all the Jews?

A: Yes, now on the 17th, when Horthy says again "what should he do with the Jews" after he had pretty well taken all means of living from them, because Horthy was anti-semitic too, although in a somewhat less extreme sense than Hitler. "He surely could not beat them to death", the Reichs Foreign Minister replied that "the Jews must either be annihilated or taken to concentration camps, there was no other way". The alternative given there, that is footnote 8, page 441, and the alternative given there makes it quite clear what "vernichten" means, it means "killed".

Q: So the word that is used there is "vernichten" again annihilated?

A: Yes. He cannot be talking about anything else. He gives the alternative, it is a sort of alternative of "work" or "death" again.

Q: You have read the entire Nuremberg transcript of the examination and cross-examination of Ribbentrop and Schmidt on the Horthy meeting?

A: Yes.

Q: Was there any admission at any point by either of those people, either by Ribbentrop or the interpreter, that there had been talk of annihilating in the murderous sense, the homicidal sense?

A: This statement by Ribbentrop was regarded by the

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prosecution as an extremely damning piece of evidence, that Ribbentrop had been responsible for mass murder and therefore Ribbentrop, of course, in his own interests disputed this.

MR JUSTICE GRAY: Standing back from the documents, this is the Germans really soliciting Horthy to agree to the Hungarian Jews being transported to the General Government?

A: Yes.

Q: Looking at it, as it were, from Horthy's point of view, what would he have thought that the Nazis' interest in doing that was?

A: He is trying to find out, my Lord, and this is why he is asking repeatedly, "surely, you do not want to beat them to death? You do not want kill them?" I have done everything that I can, he says.

Q: What other motive would the Nazis have in relation to Hungarian Jews?

A: None that I can imagine, my Lord. They certainly do not say that they want to take them away for labour.

Q: Labour would be the alternative?

A: Would be the only other possible motivation that they could have. But it is quite clear here they have got to be annihilated or taken to concentration camps. And the whole language which is used, "bacilli" and giving a humane death to wild animals and so on makes it quite clear what they are talking about.

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Q: Yes, but I was thinking, leaving aside the documents, what the sort of thinking must have been on the two sides, the Nazi and the Hungarian side?

A: From Horthy's point of view, of course, he did, in fact, deport non-Hungarian Jews who were then killed. But he objected on grounds of sovereignty to Hungarian Jews, his Jews, as it were, even though he put all sorts of legal discriminations on them to being taken away by a foreign power.

Q: Sorry, Mr Irving.

MR IRVING: Right, now I have to ask you two very clear questions following up on his Lordship's very well-informed questions; it is true that the Nazis not only wanted Hungarians as slave labour, but they also perceived (this is not evident from the Schmidt transcripts) the very large Jewish population of Budapest and the environments of Hungary as being a serious security problem within the boundaries of Hitler's empire, if you can put it like, that they regarded the Jewish population in Hungary as being a serious security threat or problem; is that right?

A: Let us have a look. Where can we see this? Where does he say this? I am not disputing it, I just want to know what passage you are referring to in the Schmidt's minutes.

Q: I am going to come back after lunch to that if I may, my Lord, because I spent a great deal of yesterday evening

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reading through the entire memoranda and also the interrogations that Schmidt conducted by the

US State Department which I still have in my files here. There is no reference to this kind of homicidal conversation going on in the interrogations.

MR JUSTICE GRAY: Yes, well, speaking for myself, I do not find that all that surprising, but it would be interesting if Schmidt does record some other reason for wanting to get rid of the Hungarian Jews.

MR IRVING: That I will try and elicit today, my Lord, but there is one final question I would like to ask before we adjourn and this is following.

(To the Witness)

Is there any reason why in their own internal foreign ministry memoranda in Budapest the Hungarians would have had to use euphemisms to conceal what they perceived the Germans were going to do with the Hungarian Jews? Is not likely that they would have been brutally frank to their own officials in saying "what is this madman Hitler up to now? He is going to take our Jews away from us and liquidate them. We have to stop it however we can". Is that not the kind of memorandum you would expect to find and have you found such memorandum?

A: Well, the memoranda you are referring to I think is a report by the Hungarian representative in Berlin to the Prime Minister in Budapest, which you say summarized the talks between Hitler, Horthy, and Ribbentrop and said that

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the Jews are not to be liquidated only interned, and in fact the document deals with a separate conversation between the minister and Ribbentrop, and all it says is that "Hitler personally drew the attention of His Highness the Regent [which is Horthy] to the necessity of settling in a more thorough and penetrating manner the Jewish question in Hungary". That is all it says. It is about many other things as well. As for euphemisms, that is just a diplomatic phrase.

Q: No, but why should they have pussy footed around in their own internal Hungarian memoranda? I can understand why the Germans adopted euphemisms for their murderous programme, but why should the Hungarians have had to adopt euphemisms?

A: Well, this is an extremely sensitive issue, as we know. The Hungarian government actually refused to deliver the Hungarian Jews and for that and because the Hungarian forces were partly withdrawn from the war effort as Germany's ally, Hungary was actually invaded and Horthy was pushed aside. This is a very, very sensitive issue within the Hungarian ministries.

MR JUSTICE GRAY: I was under the impression they had voluntarily in the end handed over the Hungarian Budapest Jews.

MR IRVING: It was not voluntary. They sent Adolf Eichmann to do it.

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A: It was not, no. The Germans invaded and sent Eichmann in who organized it himself.

MR IRVING: Their question is, my Lord, and I am sure your Lordship appreciates it.

MR JUSTICE GRAY: Yes, I understand why you put the question. It was my ignorance, I did not realise what had been...

MR IRVING: (To the Witness) The question is, quite simply, you have not found anywhere in the Hungarian files, or in my copies from the Hungarian files, any explicit references that make plain that the Hungarians were aware that killing was what lay ahead?

A: Well, they must have been -- the Hungarian file?

Q: Yes.

A: Well, no, and I think obviously Storzzy (?) who was the minister concerned, is much more favourable to the Germans than Horthy was, and was, in fact, put into power by the Germans when they invaded. So he may well have felt it necessary internally, in the internal power games he was playing to cloak what was being asked in a certain amount of euphemism, but that is only speculation on my part. I do not want know enough about the ins and outs of bureaucratic Hungarian politics at this time.

Q: Thank you, my Lord, I think we have made good progress.

MR JUSTICE GRAY: But it is a fair point, is it not, that if this was something that they were being dragged kicking and screaming into doing against their will, you would

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think from their own point of view that they would have recorded in their own internal documents something to the effect that, you know, this is all ghastly. We know what is going to happen to these Jews and we are doing everything we can to prevent it happening.

THE WITNESS: Well, I think, my Lord, one has to make a distinction between this particular politician, Storzzy, who was no doubt looking for the main chance, which he eventually got when the Nazis invaded and was put into power and Horthy who was the one who really objected. I think Storzzy was much less hostile towards the idea and therefore may well have felt the need for euphemism.

MR RAMPTON: Perhaps one should draw attention, save me coming back to it, to paragraph 3, the last part, on page 444, and the last sentence of page 445 in Professor Evans' report.

THE WITNESS: Yes, this is Horthy deleting the reference to "extirpation" from his letter to the Germans. It is not an internal memorandum.

MR IRVING: Reference to "ausrotten", right. Was Horthy surrounded by a large staff of people with him? Did he have interpreters with him and flunkys who also attended the conference?

A: I have to say I do not know how many people came with him.

MR JUSTICE GRAY: Yes, shall we say five past 2? How are you doing, Mr Irving, are you more or less on course?

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MR IRVING: We have made excellent progress.

MR JUSTICE GRAY: Well, do not rush your fences, particularly on the big points.

MR IRVING: If your Lordship thinks I am rushing then please slow me down.

MR JUSTICE GRAY: Well, I have tried to slow you down on the odd occasion. But five past 2.

(Luncheon Adjournment)
(2.05 p.m.)

MR JUSTICE GRAY: Professor Evans, you were going to help us about the Adjutants, I think, were you not? If you had the chance to see whether there were any who, on reflection, did say that they thought Hitler knew about the extermination? I think that was the point, was it not?

A: Yes, I have looked very hastily at my report. I refer you to pages -- oh, yes, well, first of all, page 622 of my report and pages 15 to 16 of my letter of 10th January this year which makes it clear that the conversation which Engel reported was on 2nd November, and Himmler was reporting to Hitler about what was going on with the Jews in Riga and Minsk at the very time

when shootings were taking place. It seems highly likely that they were discussed. Pages 629 to 30.

MR IRVING: Can I take them one at a time, my Lord?

MR JUSTICE GRAY: Yes, I think that probably is better in the

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end, Professor Evans, if you would not mind?

A: I have 10 references my Lord. It may take some time.

MR IRVING: We will deal with them very rapidly. Is this the only reference to Engel on which you are going to rely?

A: Yes, this is all we had time to look at really.

Q: Major Engel or Lieutenant General Engel, as he became, was Hitler's Army Adjutant, is that correct? He was the Army Adjutant on Hitler's staff?

A: Right, with Hitler, yes.

Q: You never met him, did you?

A: I did not meet him, no.

Q: Did you ever see the original diary or pages of diary on which this is based?

A: Yes, well -- oh, I see what you mean. I explain the background to the diaries on page 617 to 18 of my report and again on pages 15 to 16 of my letter.

Q: I am not going to discuss contents ----

A: This is a shorthand diary you are saying or?

Q: I am not going to discuss the content of the diary. Am I right in saying that there is a dispute over the time when the diaries were written?

A: I think there is some confusion which was partly his own fault, but I think it is fairly clear what happened, and that is laid out in my report and in the letter.

Q: I am going to ask you questions. Is it right that the diaries were purchased by the Institute of History in

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Munich in the 1960s from the General for a sum of 50,000 deutschemarks?

A: I will accept if you say that, yes.

Q: Is it right that the Institute then learned to their consternation that the diaries were written on postwar paper?

A: It is clear that the diaries were, in short -- that what Engel did -- I am trying to find the place here -- is that he seems to have sort of made up another version of the diaries or used a copy of the diaries after the war to answer questions which are put to him, and that he added in some extra, some additional notes, and then somehow the originals got lost, so that what exists is a sort of hybrid which consists partly of original material and partly of copied out and partly of the later editions, and the problem is trying to disentangle these things.

What one can say is that there is some original material there and then some material written down from memory. So they have to be treated with a considerable amount of caution, particularly where dates are concerned, as I make clear in the editions to my report where he reports a conversation on 2nd October 1941 which can, in fact, be dated to 2nd November 1941.

Q: Would a genuine diary do that?

A: I have already explained the status of the diary which was copied by Engel with some additions, so it is not a

question of being genuine or fake. It is a question of a kind of hybrid document.

Q: Would why he copy dates wrongly in his own diary?

A: Well, we all make mistakes.

MR JUSTICE GRAY: A slip of the pen, I suppose.

MR IRVING: I beg your pardon?

MR JUSTICE GRAY: A slip of the pen, could be?

MR IRVING: Are there many such slips of the pen?

A: There seem be a number, yes, and it is also, of course, in shorthand, shorthand notes. And Engel, in fact, went to the Institute of Contemporary History in Munich twice to read out his shorthand notes for copying, and so there are a lot of opportunities for error there in all these various processes.

Q: Is it not likely that, in fact, he tried to reconstruct years later what had happened and when and that in that process he got the dates wrong?

A: Not entirely, no. I mean, it is very difficult to second guess exactly what went on.

Q: Are you familiar with the passage in the Engel diary dated November 24th 1942 where he describes a heated conference between Hitler and Goring over the Battle of Stalingrad at a time when Goring was, in fact, nowhere near Hitler's headquarters but was on a shopping expedition in Paris?

A: There are many instances like that, but if one looks at it patiently, I think one can disentangle them and to track

down the right date as we have done in once instance that we had time to do.

Q: Have you seen several items of correspondence from me to the Institute in which I have drawn their attention to genuine entries in genuine diaries, like Walter Hayhol or the widow of Schmutt, which makes the entries in the Engel diary completely impossible?

A: Yes, and if you check them against the Himmler Diensttagebuch, you can also find some misdating there as well.

Q: How can ---

A: That does not mean, however, that the whole diary has to be dismissed. Responsible historians do not dismiss whole sources just because of complex problems of this sort. You have to find out how the sources came into being and then try to track down what went on there. The point, since we seem to have got on to the Adjutants on a kind of larger scale, the point that I make in my report is, of course, that because you find Engel's diary/memoirs, I think one should call it, in many ways embarrassing, you dismiss it altogether just simply as a forgery which is completely irresponsible.

Q: How can one have the slightest confidence in a diary ----

A: Whereas the very similar diaries/memoir of Friedrich van Owan you treat quite uncritically because he says he was a neo-Nazi after all and says what you like.

Q: You say that I treat it uncritically. Have you seen the reference in the Goebbels biography to the faults that are contained in the Owan diary and the evidence has quite obviously been constructed postwar? There is this very lengthy footnote in my Goebbels biography.

A: If you point it me to?

Q: I will point it out later on because I do not want to be distracted from this.

MR JUSTICE GRAY: Right, we have dealt with Engel, have we not? What about your second reference?

MR IRVING: I want to ask one summary question. How can one have the slightest confidence in a diary of a man who has repeated mistaken dates, invented fictitious events ----

MR JUSTICE GRAY: You have asked that question, Mr Irving. You have asked that question.

A: And the answer is through the use of painstaking objective scholarship of a kind which you seem unfamiliar with, Mr Irving.

Q: Are you aware that I am the person who has exposed the Engel diary as being suspect?

A: It is suspect now, is it? Not completely falsified?

Q: And that until I did so, the Institute of History had not the slightest idea that these pages had been faked?

A: It is not at all -- it has no relevance at all to what I am saying.

Q: What is the next name?

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A: What we are dealing with here is the point that while the Adjutants said that the subject of extermination of the Jews was not mentioned in so many words in Hitler's headquarters, it is not legitimate to draw from that the conclusion that they thought that Hitler did not know about it which is the conclusion that you draw. On page 632, for example, we have Karl-Jesco von Puttkamer who says, "I can state with certainty that Dr Dietrich knew nothing of such things", and we are talking here about the press spokesman Otto Dietrich. "Because of Dietrich's sensitive nature, Hitler would have completely oppressed him with the knowledge of it", talking about the extermination of the Jews, "and Hitler, who knew precisely this quality in Dr Dietrich, took care, alone on these grounds, not to initiate him." Thus, what Puttkamer says is that Hitler knew but did not tell Dietrich.

MR JUSTICE GRAY: So that is the second one?

A: That is the second one. That is, of course, a sentence omitted by Mr Irving. He writes about this. Thirdly, 633, Wilhelm von Bruckner: "Hitler never talked in my presence about the so-called Final Solution of the 'Jewish question' or 'extermination of the Jews'. This applied equally to the whole of Hitler's entourage". Then Bruchner added: "These questions were probably left to the close and competent circle, to which Dietrich", again talking about him, "did not belong". That is another one

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who says that they -- in other words, it was discussed, not just by Hitler, Hitler did know about it in other words.

MR IRVING: Can I draw your attention to page 634, please, paragraph 2? You state that I did not provide the statements by the stenographers Buchholz, Jonuschat, Krieger, Reynitz and Thot. Is that not precisely the file of which I have just drawn your attention in the bundle this morning, at page 36, the written statement of Hitler's stenographers, that that was, therefore, in the Institute and available to you and your researchers?

A: Yes. I am just saying that you did not provide it to the court before this morning. That is all.

Q: Did not do what?

A: Provide it to the court before this morning.

Q: Are you aware that that list is in my discovery as a numbered item in my discovery?

A: Are the actual statements there?

Q: The actual statements are in the Institute of History where they have been ----

A: So they are not in the discovery? That is all I am saying.

Q: Well, I think his Lordship has the point. Next name?

A: 636, this is Krieger, one of the stenographers.

MR JUSTICE GRAY: Krieger, yes, I see.

A: Yes.

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MR IRVING: Ludovic Krieger.

A: Who as a sort of a "don't know": "It remains a problem" -- it is rather awkward English -- "It remains a problem first unsolved whether Hitler himself issued the orders of such cruelties or authorised men as Himmler or Bormann to do so or whether generally held orders were carried out by subordinate organs and sadists in such a brutal and vile manner" which is somehow rewritten on a different version which is used by Mr Irving where he says: "For the present it must remain an unanswered question, whether Hitler himself issued specific orders ... or whether orders issued in generalised terms were executed by subordinates and sadists".

MR JUSTICE GRAY: Whose translation is the first one?

A: That is, I think, it looks like it is originally -- it is such peculiar English, it looks like it was originally written in English actually. Anyway, he keeps it open. He says it is certainly possible that Hitler issued the orders.

MR JUSTICE GRAY: That is page 636?

A: Yes. And then Buchholz, page 636, again it was never discussed.

MR IRVING: "It is possible that Hitler issued the order", what does he mean by that?

A: He is just saying that; it is possible that he issued the orders of such cruelties.

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Q: It is possible the Queen Mother issued the orders, but we are dealing with likelihoods here, are we not?

A: Yes, but you are saying that, you are drawing a conclusion from all these people's testimony that they all thought it was not possible.

Q: No, the conclusion that I have drawn is that all of them were questioned and all of them came out -- in every case the interrogators drew a blank, if I can put it like that?

A: No, well, there are two issues here which you have already mentioned. One is whether or not the extermination of the Jews was actually discussed in Hitler's entourage to which these people all said, leaving aside whether you believe it or not, no; and the second question, whether they concluded from that that Hitler did not know about them, which is the conclusion that you draw from their evidence. I am saying here, in this series of examples, that they did not, in fact, draw that conclusion.

Q: Are you aware of the fact that in most of these cases I personally interviewed all these men myself?

A: Yes.

Q: That I am capable to judge whether they are telling the truth or not and the nature of the evidence they are giving?

A: No.

Q: You do not accept that?

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A: Well, no, I think you wait for the answer you want and you do not probe any deeper.

Q: So I am not capable of detecting forgeries or lies or anything like that?

A: Not when people are saying what you want them to say, no.

Q: Can we have another name?

A: Buchholz: "The Fuhrer did not discover" -- well, "The treatment of political prisoners in concentration camps was never discussed in the briefings with Hitler at which I was present".

Q: Page, please?

A: 636. "The reason why lies in the fact", he says, "the reason lies" and then: "The circle of those in the know had been kept very small. I am convinced that such questions have always been treated between the Fuhrer and the Reichsfuhrer SS", that is Himmler, "Himmler in strict confidence. Especially in last half year, such conversations between these two often took place, usually before or after a briefing at which Himmler appeared". And then ----

MR IRVING: Can I stop you?

MR JUSTICE GRAY: That is a specific claim that Hitler did know, is it not?

A: Yes.

MR IRVING: Yes, but it is based on the fact that Himmler and Hitler met in private and that this, therefore, invites

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the following immediate question, do we not have the notes which Himmler drew up for the meetings of the ----

A: Well, not obviously -- one does not know whether they are complete or not.

Q: Professor Evans, have we not been not been looking at some of the handwritten notes ----

A: Mr Irving, the ----

Q: --- the handwritten notes of the ----

A: These members of this staff are giving their opinion. What we are talking about here is their opinion. You have said that because they say that there was no discussion in Hitler's entourage, therefore, Hitler did not know about it. I am quoting the opinions of various of these people that Hitler did know. That is what is at issue. That is a separate matter from whether Hitler really did know or not. It is a question of ----

Q: Shall we look at exactly what Buchholz says?

A: -- a question of the evidence. Yes, indeed.

Q: He says: "I am convinced that such questions have always been treated between the Reichsfuhrer and Hitler and Himmler in strict confidence". Of course, Buchholz is, effectively, saying, "I do not know what happened between them", is he not?

A: Well, no. He is actually saying he knows what ----

MR JUSTICE GRAY: He is guessing, I suppose that is fair, is it not?

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A: --- he suspects. Yes, but he is giving his opinion.

MR IRVING: He is guessing. But we do not have to guess, my Lord, because we have the agenda.

A: He is giving his opinion, "I am convinced".

Q: Yes. Do you have another name? I mean, unless his Lordship has further questions to ask ----

A: No, I have plenty more.

Q: Yes, well, we want to move through the names with speed because we are not ----

A: I am moving them as fast as I can.

MR JUSTICE GRAY: I am happy just to have the names, but if you want to ask questions, Mr Irving, that is entirely appropriate and please do so.

MR IRVING: I am asking, for example, on Engel where there is an important point, I slowed the matter down, but on the other names I am not really going to halt the flow.

MR JUSTICE GRAY: Well, it is up to you decide. I mean, if you say, "Oh, well, do not be ridiculous, he is not even hinting that Hitler knew", then I think you ought to put a question to that effect.

MR IRVING: I have heard nothing that shakes me yet, my Lord, because frankly I am very familiar with all these papers.

MR JUSTICE GRAY: Yes, well, I am not nearly as familiar as you so it helps me to know which Adjutants Professor Evans is going to point to.

A: Right, the next one.

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MR IRVING: Then I will ask a few general questions at the end.

MR JUSTICE GRAY: All right.

A: Then a statement by Heinz Linge.

MR IRVING: On which page?

A: 639 to 40.

Q: 640?

A: Yes, and again 642 to 3. Then 645, let us have a look at this. Brottigan, 645 to 6.

Q: Can we know exactly what is in your statement ----

A: It is all in my report.

MR JUSTICE GRAY: Just go to the bit because I was looking for the particular passage you rely on.

A: Right. Well, there are two passages, 639 to 40 and 642 to 3, by Hitler's attitude towards the Jews. All right.

MR IRVING: It does not amount to a row of beans really, does it?

A: Brottigan/Schumndt, pages 645 to 6.

Q: Have you read the diaries of Brottigan which I found in the Library of Congress? Are you aware that I found the diary of Otto Brottigan in the Library of Congress, the handwritten diary?

A: And Christa Schroeder ----

Q: Can you answer my question, please?

A: Sorry, yes. I am aware you found it, yes.

Q: Is there anything in the handwritten diary of Otto Brottigan which indicates a knowledge of Hitler of the

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Final Solution in the homicidal sense?

A: Right, page 645.

Q: This is Wolga German's episode, is it not?

A: That is right, yes.

Q: Yes?

A: That is to say, in the report that Rosenberg urged a kind of retaliation for the Stalin deportation of all the Germans to Siberia.

MR JUSTICE GRAY: I do not read that as suggesting that Brottigan thought that Hitler knew.

MR IRVING: You come to Christa Schroeder?

A: Yes, page 652. I did this very hastily, I am afraid, just after the lunch. Speaking to Gita Szereni, of course, Hitler knew it was all his ideas, his orders who remembers a particular incident.

MR IRVING: Christa Schroeder was pretty frank with me, was she not, Hitler's private secretary? She told me about Hitler after the Night of the Long Knives and things like that. I remember: "I have had a shower and I feel as clean as new born baby", episodes like that.

A: On that particular incident, yes. That was some years before, I believe, not in 1977. In other words, it was earlier, was it not?

MR JUSTICE GRAY: Schroeder is again categorical. Hitler knew perfectly well he had been told by Himmler.

A: Yes.

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MR IRVING: Where is this?

MR JUSTICE GRAY: The top of page 650.

Q: This is the book by Christa Schroeder, is it?

A: No, it is an interview by Gita Szereni with Christa Schroeder in an article Szereni wrote about your work.

Q: Are you aware that I am conducting a libel action against Gita Szereni?

A: Yes.

MR JUSTICE GRAY: What has that got to do with this case?

MR IRVING: The following question will explain, my Lord. I have asked for her notes on the discussion with Schroeder by way of discovery and she has said that no notes were taken. Are you aware of that?

A: You would have to show me the correspondence before I will believe you, Mr Irving.

MR JUSTICE GRAY: She must have taped it; she could not have kept it all in her head, Mr Irving?

A: Tape recorders did exist in 1977.

MR IRVING: My Lord, I do not consider Gita Szereni to be either a neutral or a reliable observer. I knew Christa Schroeder extremely well. I persuaded her to talk me in very great detail over a period of 10 years. She wrote to me from her death bed. Your Lordship is aware that she gave me as a gift a prized possession of a Hitler self-portrait, that kind of thing, so a lot of what you can read here about Christa Schroeder has to be taken very

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much cum grano salis, in my submission.

MR JUSTICE GRAY: When did she die?

MR IRVING: In 1984, June.

A: I think that I do not dismiss this as being Miss Szereni's invention. I do not think that Miss Szereni invents things.

MR IRVING: Until and unless Miss Szereni can produce the notes, and ----

A: It is not necessarily notes; it could be tape recordings.

Q: --- I am sure that every effort was made the Defence in this action to produce the notes from her of this alleged interview and these alleged remarks by Christa Schroeder, I am afraid you and I must agree to differ on that.

A: I will believe it when you show the correspondence relating to the notes.

MR JUSTICE GRAY: Would you care to deal with it this way, Mr Irving? Would you like to put to Professor Evans exactly what your case is? Is it your case that there is not any record, whether tapes, notes or anything, of Gita Szereni's interview with Christa Schroeder and she is, in fact, making the whole thing up?

MR IRVING: Yes.

MR JUSTICE GRAY: Because I think that should be put clearly, because she is still alive and well. Put your case, would you?

MR IRVING: Yes. As stated in your report, your expert report,

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this relies entirely on one published source by Gita Szereni. Is that correct?

A: Yes.

Q: This passage on page 652.

A: Where there are lengthy previous quotations?

Q: Yes.

A: Quotations from Christa Schroeder.

Q: Did you or your researchers make any attempt to obtain from Gita Szereni, who lives in London, any original notes or tape recordings, or other memoranda drawn up contemporaneously on her interview with Christa Schroeder?

A: No, I do not see why we should have done so. She says clearly that this is in her article. This is what Christa Schroeder told her and we have no reason to disbelieve her.

Q: Are you aware that Christa Schroeder expressed herself to me in terms of the utmost contempt for this particular author and what she was trying to get her to say?

A: No, I am not. You will have to show me evidence of that if I am to believe you.

Q: Have you had complete access to all my private diaries, papers and telephone logs?

A: Yes.

Q: Have you seen no reference to any conversations or letters from Christa Schroeder in that vein?

MR JUSTICE GRAY: If there are any, I would like to see them.

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A: Yes. It would be very interesting to see them. I mean, obviously, there is far too much there for us to read all the way through. As I have said many days ago, we were particularly looking at the diaries and telephone logs and so on, with a view, with certain particular questions in mind, and we were not looking to them in order to verify what seems to be a perfectly straightforward statement by Miss Szereni in her article, that this is what Christa Schroeder said to her in her statement and which we had no reason to disbelieve, and I still have no reason to disbelieve.

MR IRVING: Are you aware of a book called "Hitler Privat" written by a Frenchman called

Albert Zoller which, apparently, is conversations with Hitler's private secretary, Christa Schroeder?

A: This is discussed at length in my report.

Q: Would you draw us to the page, please?

A: Pages 647 to 651.

Q: Have you seen Christa Schroeder's original copy of that book with the crossings out and heavy lines in the margin and exclamation marks where she has dismissed most robustly the statements she is alleged to have made?

A: That is much too sweeping, Mr Irving.

Q: Well, the answer is no, is it?

A: No, I am trying to give you an answer, if you will let me.

MR JUSTICE GRAY: Yes, wait for it.

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A: So many of your questions do require a lengthy answer. It is on page 649 that I describe the critical addition in 1985, where Frau Schroeder tells the Editor, Anton Joachimstahler, the exact nature of the book produced by Zoller, which leads to conclusions about 160-70 pages originated by Frau Schroeder, although some of those are distorted or amended more, in a greater or lesser vein, by Zoller.

Q: Can you, in that circumstance, attach any value whatever to the Zoller book?

A: Yes, of course, yes.

Q: Can you show straightaway what was said by her and what has been said by Schroeder?

A: It is a complex -- well, because we know in her copy the pages she has crossed out were not by her, so at least we have got rid of those extra 70 odd pages which do not originate from Frau Schroeder. Frau Schroeder was asked with reference to or in the course of the preparation of the 1985 edition about these amendments in the pages she did write, and she said that she did not doubt the truth of the statements in the least, only that they were polemically distorted in some details and not represented quite exactly. That is rather a convoluted way of saying that they are basically her words, but slightly altered in some cases or given a slight spin.

Q: Was this book published after her death?

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A: Yes, seems to have been. As you know, books are prepared a long time in advance of their publication. She died in 1984 and the book was published in 1985. You have argued with reference to some of your books that you wrote them four or five or six years before they were published.

Q: If Christa Schroeder had any reason whatsoever to be disgruntled with what I wrote or to dispute what I wrote in my various biographies, why would she have continued an amicable correspondence with me until the very last weeks of her life?

A: Let me try to find it.

Q: Which has been in discovery throughout this action. Every single letter she wrote me has been in discovery.

A: That is right, yes. We have looked at some of them.

MR JUSTICE GRAY: Page 647.

A: Yes. There she says, that she regretted this and once rashly put a part of my, I guess, letters at

David Irving's disposal. "I passed on (parroted) the judgments expressed therein from Hitler's conversations, for instance about the Russian mentality. Today I am horrified about these views thoughtlessly taken from Hitler".

MR IRVING: It is true that she wrote these letters to a woman friend. She had a woman friend living in Switzerland, and that she had written some pretty harsh judgments on other peoples in those letters, and that is what she regretted

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I had access to.

A: In the later years of her life. In other words, she seems to have changed her mind somewhat about many issues.

Q: As people frequently do when they give their most intimate papers to a writer and it is then used in a book. Sometimes they have second thoughts.

A: Yes, that is I think probably the explanation of why towards the end of her life she said to Gita Sereny, of course Hitler knew, not only knew, it was all his ideas, his orders, whereas she did not say that to you many years earlier.

Q: Have you any indication of the relationship that existed between Gita Sereny and Christa Schroeder, whether they were on an amicable basis or whether in fact there was the utmost hostility between them from the start to the finish?

A: I do not, no. I do not see how that affects this at all.

Q: Yes.

MR JUSTICE GRAY: It affects it in this way, and I am not quite clear what Mr Irving's case is on this. If the contention is that Gita Sereny invented effectively everything that Christa Schroeder said ----

A: It appears to be that.

Q: -- and, when asked for some note or tape recording, said, oh well, there is not any record at all of my interview, then I think that should be put. Is that your case,

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Mr Irving?

MR IRVING: That is, coupled with the fact that the book was published posthumously, the Christa Schroeder book, and the fact these statements by Gita Sereny have surfaced more recently still. Can I ask this question? Is it known to you that Gita Sereny had to withdraw statements that she made in her famous attack on my book in a letter pushed in the Sunday Times?

A: We could have a look at that. I think it is in discovery and we can see which ones. I do not think she withdrew this.

Q: Is it a fact ----

A: Of course I go back to the fact that the book was published very shortly, the edition of the memoirs was published very shortly after Christa Schroeder's death, and that the editor clearly had the collaboration of Frau Schroeder in preparing the edition, as he says in the preface. I do not accept your view, because I think it is your view, that Gita Sereny made all this up.

Q: Can I get back to my question, which is this? Given that Gita Sereny in an article in the Sunday Times also claimed to have interviewed Dr. Frohlich, and quoted Dr Frohlich in quotation remarks and saying various very disreputable things about me, and that two weeks later Gita Sereny had to publish a letter in the Sunday Times admitting that this was totally untrue, is she a reliable source, in your

view?

A: Could we have a look at the letter, please?

Q: It has been in discovery throughout.

MR JUSTICE GRAY: There is a problem, Mr Irving. I am reluctant to press you to chase up every document for which Professor Evans asks, and frankly I think we can forget about the Frohlich one. But, if you are saying that there are documents emanating from Christa Schroeder protesting about Gita Sereny, then I think those, at some stage I would like to see them.

MR IRVING: My Lord, I have a note of both Christa Schroeder's name and Sereny's name.

MR JUSTICE GRAY: I know it is difficult for you on the hoof but can you bear that in mind.

MR IRVING: It is important. I have one more question on this particular matter. Christa Schroeder, through the Albert Soller book, apparently makes a statement incriminating Adolf Hitler in the Final Solution, upon which reliance has been placed by people like Gita Sereny.

A: Sorry, is that a question?

Q: Yes.

A: I am not quite sure what I am meant to ----

Q: Do you agree this is so?

A: I would have to see the documentation for that.

Q: Well, in that case, let us move on to another name?

A: Obviously, you are suggesting that it derived from the

bits of the book which were not written by Sereny but were based on the interrogations of Heinrich Hofmann, the photographer and Schaub, the side kick of Hitler.

Q: Then I will ask this further question. Have you seen, as you say you have seen, all my memoranda on my interviews with Christa Schroeder, which are in the Institute's files?

A: Yes.

Q: Do you agree that I keep very clean records of all my interviews with these people, the times, the dates, exactly what they said, by numbered paragraphs and so on?

A: Yes.

Q: Have you not seen in one of these memoranda that Christa Schroeder specifically disavows that remark by Albert Soller and says that she never said it?

A: I would want to see that but I can quite accept that she might have said that, had it been derived from the other material used in the Soller book, certainly, yes. I make that quite clear, that the Soller book is a kind of hybrid of interrogations of Hofmann, Schaub and the Schroeder stuff, which is the majority of it.

Q: Do you have another name?

A: Yes, the famous incident recounted on pages 653 to 4, by Sonnleithner and also by Lorenz.

MR IRVING: Sonnleithner replaced Walter Habel, did he not, for a time as the liaison officer of the foreign minister to

Adolf Hitler's staff?

A: Yes, Foreign Ministry official, that is right. This is quite a celebrated incident, so that is the last one, my Lord.

MR JUSTICE GRAY: Thank you very much for doing that.

MR IRVING: Since we are on that Maidonek episode that Sonnleithner relates here, is it not true that Ribbentrop, when he also heard the reports about Maidonek, expressed disbelief in September 1944?

A: Yes. He is quoted in fact on the next page, 655, as saying I did not know anything about the exterminations until the Maidonek affair came out in 44.

Q: Yes, and that he discussed it one morning with his son Roland, did he not?

A: That is right, yes.

Q: As Roland told me, he said his father had asked him and shown him a copy of the Daily Mail reporting the Maidonek episode.

A: Yes. I am trying to find where I deal with this. I think it is earlier on.

Q: Does this not rather indicate that Ribbentrop was somewhat in the dark until then?

A: This is dealt with.

Q: Either he did not know or he did not want to know what was going on?

A: On pages 478 to 496 of my report.

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MR JUSTICE GRAY: This is Ribbentrop on Hitler's knowledge, is that right, Professor?

A: That is right, my Lord.

MR IRVING: It is not really about this episode, is it?

A: I am not quite sure what are you trying to ask.

MR IRVING: I am asking whether you have not heard that Ribbentrop always maintained that the first he learned about the atrocities was when the reports came through the foreign press of Maidonek, the capture by the Russians of the Maidonek camp.

A: In 1944 he says -- on page 491 -- that is what he claimed, yes. Whether he is to be believed or not is quite a different matter.

Q: Have you seen any evidence?

A: Yes, the conversation with Horthy that we were discussing this morning.

Q: We were discussing this morning, where Ribbentrop says, "if you are not prepared to lock them up in concentration camps the way we are demanding, then your only alternative is going to be to shoot them". Right?

A: No, he did not quite say that.

Q: That is what it boils down to, is it not?

A: No, it is not.

Q: Ribbentrop is saying, either you do what we say or the only other thing you could do is liquidate them, meaning there is no choice.

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A: We had better look up exactly what he said.

Q: Is that not the sense of what he is saying?

A: I do not accept your version of it. I think we need to be exact here.

Q: Is the whole burden of what Hitler and Ribbentrop have been saying to Horthy, you have a security problem, we are worried that you are going to break out of the alliance?

A: Back to Horthy, no.

Q: The Jews are the biggest problem?

A: No, I do not think they said anything about a security problem unless you can point me to it.

Q: I am going to produce those documents to the court when we go back to the transcript. But is it not true?

A: The Reichs Foreign Minister replied that the Jews must either be annihilated or taken to concentration camps. There was no other way.

Q: That is right.

MR JUSTICE GRAY: Can you give the reference for that?

A: Page 441, my Lord, of my report.

MR IRVING: Is Ribbentrop in effect saying you have to lock them up as we demand because the only other thing you could do is with them is to kill them?

A: No, he is not.

Q: What is the difference?

A: He is not saying, lock them up or we will kill them. He is saying they must either be annihilated or taken to

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concentration camps.

Q: Tell me the difference between those two statements.

A: The first one, lock them up or we will kill them, says it is putting primacy, the emphasis on locking them up. The second one gives them two equal statuses and does not say anything about what is happen to them in the concentration camps. The words "lock them up" does not occur there.

Q: Is it not possible, lock them away, put them in concentration camps?

A: No, it does not occur, not in what he says.

Q: Is this not a perfectly feasible and reasonable explanation of the force that was applied to Horthy on that day, saying in blunt terms: You are going to have lock them away because, look, the only other thing you could do is kill them?

A: Not at all. We are back on Horthy, all right. It is not at all what he says. Let us go through this all over again. Pages 441 to 442 of my report.

MR JUSTICE GRAY: Just a second.

MR IRVING: I do not think we need to go through it all again.

A: Horthy says, "what should he with the Jews after he had pretty well taken all means of living from them - he surely couldn't beat them to death - The Reich Foreign Minister replied that the Jews must either be annihilated or taken to concentration camps. There was no other way."

Hitler then says yes, "Where the Jews are left

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to themselves, as for example in Poland, gruesome poverty and degeneracy had ruled. They were just pure parasites. One had fundamentally cleared up this state of affairs in Poland. If the Jews there did not want to work, they were shot. If they could not work, they had to perish. They had to be treated like tuberculosis bacilli, from which a healthy body could be infected. That was not cruel", Hitler goes on, "if one remembered that even innocent natural creatures like hares and deer had to be killed so that no harm was caused. Why should one spare the beasts who wanted to bring us Bolshevism any more? Nations who did not rid themselves of Jews perished".

That seems to be extremely open about what is to happen to the Jews whom Hitler and Ribbentrop want Horthy to deliver from Hungary over to their tender mercies.

Q: I must protest against this wasting of the time of the court reading out time after time after time paragraphs that we have already heard.

MR JUSTICE GRAY: Mr Irving, that is simply not fair, is it? We were on Ribbentrop's knowledge and you suggested that the first he knew was ----

MR IRVING: A perfectly reasonable explanation.

MR JUSTICE GRAY: -- in 1944 when Maidonek surfaced, to which the witness, as I recall, replied no, it was obvious to Ribbentrop what was going on back in 1942 and he cited Horthy. That was why it all arose.

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MR IRVING: I agree, and I put to him, not realising we were letting ourselves in for another torrent of quotations from his own report, page after page after page.

A: It is a quotation from Hitler, Mr Irving. I know you do not want to hear Hitler saying the Jews have to be killed. That is why you want to shut me up, is it not?

MR IRVING: A perfectly reasonable interpretation on the words that were used by Hitler and Ribbentrop to Horthy, which is to say, we are demanding you lock up all your Jews because of the security threat, which I shall establish to the court with the documents, and the only other thing you could do is kill them. In other words, you have no choice but to lock them up.

A: I think that is a perverted and distorted interpretation which you are putting on this document in a completely illegitimate way in order to try and bolster up your totally untenable view that Hitler did not want the Jews killed and did not know about it.

MR JUSTICE GRAY: Let us move on.

MR IRVING: Professor Evans, we are thoroughly familiar with the fact that you do not like me but there is no need to keep on expressing it again and again and again.

A: I have no personal feelings towards you one way or the other, Mr Irving.

MR JUSTICE GRAY: Can we all perhaps calm it a little bit and move on to the next topic. We have dealt with the

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Adjutants. What are you wanting to ask about now?

MR IRVING: We are dealing just with two tail end questions on the Horthy business. At page 441, footnote 7, you say that Paul Schmidt self serving memoirs are unreliable. Are memoirs sometimes unreliable when you so choose?

A: No, I am not using them. It is just a little note.

MR JUSTICE GRAY: The answer to that question must be yes. What is the next question?

A: Yes.

MR IRVING: Thank you very much, my Lord.

A: It is not an important note.

MR IRVING: Is a historian who researches, unlike yourself, both in the German but also in the Hungarian state files, and who finds in Hungarian state files no explicit reference to any discussion of killing at this Hitler Horthy meeting entitled therefore to assume that this did not bulk very large on that horizon?

A: No.

Q: At page 451 you talk in paragraph 14 about the effect of the bombing raids, in view of the fact that he had dismissed them as unimportant, it is highly unlikely that these bombing raids roused Hitler to an unprecedented anti-Semitic fury. Are you an expert on the bombing war as well then?

A: Mr Irving, I have already said that I have a general level of expertise on the Third Reich and the Second World War,

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Nazism, and historiography. I am not a specific expert on Auschwitz. I am not a specific expert on the bombing war. You could have many different levels of expertise. You could have someone who spends his whole life studying the history of a single village in 20th century Germany. If you want to know about the method of operation of gas chambers in Auschwitz, you ask an expert on that. My level of expertise is at a fairly general level. I have made that quite clear.

Q: So the answer is no?

A: I am not the world's greatest expert on every issue which is discussed in these documents. I do not pretend to be.

Q: The short answer is no. I do not mean that in any derogatory sense.

A: I am sure you do mean it in a derogatory sense, Mr Irving.

MR JUSTICE GRAY: Come on.

MR IRVING: When did the battle of the Ruhr start as it is referred to----

A: Let me just try and get across the point of what I am saying.

Q: If you do not know, just say so.

A: Mr Irving, this is not "Who wants to be a millionaire". I am not going to stand here and be quizzed by you on names, facts and dates.

MR JUSTICE GRAY: Professor Evans, come on.

A: I want to try and explain what I put in my report.

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MR JUSTICE GRAY: If I may say so, just confine yourself to a brief answer to the specific point.

MR IRVING: Would you agree that the battle of the Ruhr started around March 5th 1943, with a series of very heavy violent air raids on the Ruhr, coupled with air raids on Nuremberg, which is a city that the Nazis felt very fond of, and that this battering of the German cities continued throughout March and April 1943?

A: Yes.

Q: This may very well have formed the back drop to the conversation between Hitler and Horthy? You should not therefore dismiss it in the way you do in paragraph 14.

A: No, I do not dismiss it. It is Hitler who dismisses it. He says the attacks themselves have been irritating but wholly trivial: "Die Angriffe selbst seien zwar storend, abere ganzlich belanglos".

Q: If he refers in paragraph 17 to the effect of this bombing war, we know what the effects are because we have seen the photograph on women and children, then no doubt, although he is trying to act to his foreign visitors there to say this too we can take on the chin, in fact it is deeply upsetting and grieving him?

A: I cannot see that it is, when he describes them as irritating but wholly trivial.

MR JUSTICE GRAY: Mr Irving, if I am meant to be following this, I am afraid you have lost me completely.

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MR IRVING: Paragraph 17, my Lord, page 452.

A: I do not see any mention there.

MR JUSTICE GRAY: What is the suggestion? That because of the allied bombing raids Hitler

was adopting a particular policy towards the Hungarian Jews? That is an enquiry, Mr Irving. I do not know what you are suggesting.

MR IRVING: For some reason the witness has put in his paragraph 14 on page 451, he has dismissed the importance of the bombing raids and Hitler's particular feelings during the discussion with Horthy.

A: Well, my Lord, this is a comment on the 1991 edition of Hitler's War. In the 1977 edition Mr Irving tries to make the Warsaw uprising as the trigger for Hitler's outburst to Admiral Horthy, even though the uprising started after they met. So he has withdrawn that in 1991. In 1991 he says, "in Hitler's warning to Horthy that the "Jewish Bolsheviks" would liquidate all Europe's intelligentsia, we can identify the Katyn episode. That is a massacre of Polish officers by Russians. A propaganda windfall about which Goebbels had just telephoned him. Hitler warmly approved Goebbels' suggestion that Katyn should be linked in the public's mind with the Jewish question. But the most persuasive argument used to reconcile Hitler with the harsher treatment of the Jews was the bombing war from documents and target maps found in crashed bombers he knew that the British air crews were instructed to aim only at

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the residential areas, only one race murdered, he lectured to quailing Horthy, and that was the Jews. It was they who had provoked this war and given it its present character against civilians, women and children." These are wholly bogus claims by Mr Irving. The word Katyn is not mentioned at all in the Horthy Ribbentrop Hitler conversations.

MR IRVING: Would Hitler ----

A: "The source says that it is not that the British air crews are instructed to aim only at the residential areas, but to aim at them as well. Hitler describes these in the conversations with Horthy, when he is describing these air raids on Frankfurt, where the British bombers are instructed to destroy residential areas as well as industrial targets, Hitler says the attacks themselves have been irritating but wholly trivial". Now, if Hitler says that they are irritating but wholly trivial, it is very unlikely that he is so worked up into a passion about this that he indulges in an unusual outburst of anti-Semitism. That is all.

Q: Do you think Hitler was not worked up by the air raids on the Ruhr, on Nuremberg and elsewhere? Have you ever read Heiber's War Conferences, the verbatim stenographic records?

A: The attacks themselves had been irritating but wholly trivial.

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MR JUSTICE GRAY: Can I get a word in edgeways? You have just had quoted to you, Mr Irving, what Hitler himself appears to have said at the time so do you want really to pursue this any further?

MR IRVING: They are trivial, yes.

MR JUSTICE GRAY: Do you want to pursue this any further?

MR IRVING: At the risk of being lectured for repetition the fact that Adolf Hitler tells of visiting foreign dignitaries, effectively these British air raids are trivial, does not mean to say that he regarded them as trivial. Any more than if Winston Churchill had said in 1940 to Roosevelt, these air raids on London are trivial and Britain can take it.

MR JUSTICE GRAY: Your suggestion is that Hitler was wanting to take reprisals on the Hungarian Jews because he was alarmed at the effect the allied bombing raids on Germany were having?

MR IRVING: My Lord, it is not as simple as that.

MR JUSTICE GRAY: What is wrong with that?

MR IRVING: It was all in the background of his mind. He is dealing with these Hungarians who are being obstreperous. They are not towing the line in the way that he expects all these visiting dignitaries to do to the Nazi dictator so all these things were welling up within him. He knows about Katyn. There is no question he knows about Katyn at this time. Any suggestion to the contrary is rubbish. He

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know about the air raids. He has just taken a train right across Germany and seen the devastation of the cities.

MR JUSTICE GRAY: That is why he talks about killing the Hungarian Jews?

MR IRVING: I think that comes under the category of increasing the climate of barbarism. It increases the atmosphere. Things that would have been unthinkable in 1939 become more thinkable and that is when you start talking tougher. They are talking tough. They are saying, if you do not want to lock them up, what alternative do you have? You are either going to have to lock them up or you are going to have to kill them, which means effectively you can only lock them up.

MR JUSTICE GRAY: Is there any more on Horthy because I thought we had dealt with Horthy this morning.

MR IRVING: No, we moved on from Horthy a long time ago.

A: I did not take that as a question, my Lord, that I dispute virtually everything Mr Irving has said.

MR IRVING: 453, Professor. You take it ill that I have left out entirely the Hitler Antonescu conference?

A: Well, you do not leave it out entirely, Mr Irving.

Q: The second half of it?

A: Yes, exactly.

Q: Yes. Should I have mentioned every single diplomatic conference in which Hitler engaged during World War II?

MR JUSTICE GRAY: Obviously not.

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MR IRVING: Obviously not. That is exactly my answer.

A: But you do mention it.

Q: You accuse me of having left out the half that matters, the second half.

A: Yes.

Q: Because it was in two halves, this conference, was it not?

A: That is right. Another two day meeting, 12th April, 13th April 1943, just before Hitler met Horthy.

Q: Does this particular conference that you set out on page 453 add one iota to our knowledge of the whole problem? Is not our aim always to try and simplify the issues rather than just keep on repeating and repeating?

A: You discuss the 12th April meeting but you omit the 13th April because here again is Hitler giving voice to extreme anti-semitic sentiments.

Q: Well, big deal.

A: I know you think it is not a big deal, Mr Irving. The Fuhrer took the view that one must proceed against the Jews, the more radically the better. The Fuhrer said he would rather burn all his bridges behind him because the Jewish hatred is so enormously great anyway.

Q: Does it add anything to our knowledge?

A: Yes, I think it does.

Q: Which word adds something to our knowledge?

A: I think Hitler's anti-semitic statements here are another example of his extreme anti-Semitism at this time, which

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was not a chance or temporary product, exceptional product, of anger against bombing raids which he dismissed as being trivial or against the Katerbach massacre which you do not mention in these contexts. These are just another example of Hitler's extreme anti-semitism.

MR JUSTICE GRAY: If Mr Irving is right about the Schlegelberger memorandum, he is talking about a problem that he had already decided should be postponed until the end of the war.

A: Yes. It does not look very much like that here, does it, my Lord, since he is exerting enormous pressure on these foreign governments to deliver up their Jews for extermination.

MR IRVING: Or to lock them away? This is what the Horthy conference is about, is it not?

A: It is not about locking them away, Mr Irving. We have been through this many times.

MR JUSTICE GRAY: We have had that argument. Let us press on, Mr Irving.

MR IRVING: Yes. But you said to deliver them up for extermination, you have no evidence for the second half of that phrase, do you?

A: That is what happened, Mr Irving.

Q: So in other words, you are extrapolating backwards from what allegedly happen to the intention of this conference?

A: From what happened, and it seems a reasonable connection

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to make.

Q: My Lord, the next point is the deportation of the Jews from Rome, and here again I am not sure whether I have to attend to this or not. I am prepared to attend to this or not. I am prepared to attend to it but I am not sure if Mr Rampton ----

MR JUSTICE GRAY: On Thursday I think you said that you were wanting to because it was a completely false criticism.

MR IRVING: Obviously there are bits that I want to take out of it but if I can just look at page 457, line 4, the allegation or the comment is made that I omitted a sentence from the 1991 edition of Hitler's War.

A: Yes.

Q: The SS liquidated them anyway, regardless of Hitler's order.

A: Yes.

Q: Now, is the quality of information on the liquidation as good as it is for the deportation as far as Hitler is concerned?

MR JUSTICE GRAY: You are going to have to just slightly set the scene for me, Mr Irving. If we dart from one topic to another, I have not spent 30 or 40 years on this, so can you help me a little bit?

MR IRVING: I will do it in two lines rather than allow the witness to do it in 25.

MR JUSTICE GRAY: That was what I was inviting you to do.

MR RAMPTON: I do believe that Mr Irving should stop being so offensive. It does not improve the climate in court and this is a distinguished scholar. He may not be an expert on the Holocaust, and I really do think Mr Irving ought to mind his tongue, if I may respectfully say so.

MR IRVING: I will do it in two lines then.

MR JUSTICE GRAY: I think that is a point to be heeded. I know tempers run high and they inevitably do, but I think, if one can try and keep it civil on all sides, that does help.

MR IRVING: My Lord, with respect, for seven days and in 750 pages of this report, I have had to listen to the most defamatory utterances poured over my head by witnesses who speak in the knowledge that their remarks are privileged.

MR JUSTICE GRAY: That is why I said I understand that tempers run high, but lack of civility is not the way to deal with an attack of the kind that is mounted on you in Professor Evans' report. That is all I was saying.

MR IRVING: I would hate to think that I had been uncivil on any occasion in the previous seven days, my Lord.

MR JUSTICE GRAY: Let us move on.

MR IRVING: Undeservedly uncivil, anyway.

MR JUSTICE GRAY: You were going to tell me in two lines.

MR IRVING: In two lines as opposed to -- well, in two lines.

MR JUSTICE GRAY: A few lines. Do your best. I know you are darting from one topic to another as well.

MR IRVING: On October 6th 1943 the SS chief in Rome said we have received orders to transfer 12,000 Jews from Rome to northern Italy and liquidate them. This message went to Ribbentrop, who dashed across to Hitler's headquarters and back went the message from the Foreign Ministry down to Rome, saying they are not to be liquidated they are to be taken to Mauthausen and kept as hostages.

MR JUSTICE GRAY: Yes, I know. I have read about it but now you have reminded me, thank you very much.

A: My Lord that is Mr Irving's version.

MR JUSTICE GRAY: Wait for the question?

A: I make it clear I do not accept it.

MR JUSTICE GRAY: What is the question?

MR IRVING: Professor Evans, which part of that statement do you not accept?

A: Well, if I can just say that the actual context is that the German military diplomatic representatives in Rome, which had been occupied by the Germans, the local representative there wanted to stop the Jews of Rome being killed by proposing that they should be employed locally as forced labour in military installations. Hitler intervened via Ribbentrop to override them and ordered the Jews to be taken off and murdered, which eventually they were in Auschwitz. So that what Mr Irving is portraying as an intervention by Hitler in order to save the Jews was, when one looks at the documents and restores the bits

which he suppressed, actually the opposite.

MR JUSTICE GRAY: Does it depend a bit what is meant by taking them to northern Italy and keeping them as hostages?

A: That does to some extent, my Lord, yes, but also Mauthausen of course is notoriously a concentration camp in a class of its own, where the purpose was essentially to kill the inmates off by working them to death.

MR IRVING: How would you keep 12,000 just as hostages, if you kill them off by working them to death?

A: Let us have a look at the document, shall we? We are getting down to business here.

Q: You have none of these documents in your head, Professor?

A: I need ----

Q: Have you noticed that throughout this cross-examination I have ----

MR JUSTICE GRAY: Mr Irving, that is unhelpful. If he does not have it in his head, I, for one, would not criticise him for a second.

A: I want to be absolutely clear about what the documents said, say, and we must look at them in order to do that because your interpretations are so often wildly implausible. The problem with that is that there seems to be nowhere at this time where they could have been kept. There is a not a concentration camp there.

MR JUSTICE GRAY: Mauthausen does not sound as if it is northern Italy.

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A: Mauthausen, no, it is...

Q: It is in southern Germany?

A: Yes -- as it was at that time. So, talk of "Upper Italy" seems to be camouflage language.

MR IRVING: Who was talking of "Upper Italy"? Hitler or the SS?

A: Let us have a look.

Q: It was the SS, was it not? The SS said: "They are to be taken to northern Italy and liquidated" which is quite plain. They do not even use euphemisms, do they?

A: No, that not quite true.

Q: Well, "liquidated" does not appear to be a euphemism?

A: No, I do not think it is the SS who say that.

Q: "Liquidiert"?

A: Yes, I do not think that is the SS. I think it is the local consul in ----

Q: Consul Eitl Moellhausen?

A: Yes, it is the local Foreign Office official in Rome. It is not the SS who say that.

Q: Yes. He says: "The SS have told us they are going to take 12,000 Jews from Rome to northern Italy and liquidate them"?

A: That is right, yes.

Q: And the message goes straight to Hitler's headquarters?

A: An extremely tactless use of language by this man.

Q: No euphemisms, no "auswanderung", no "umsiedlung",

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nothing?

A: No, but, of course, he was trying to stop this.

Q: What you cannot get around is the fact that the order comes back after Ribbentrop goes to see

Hitler saying, "They are not to be liquidated. They are to be kept alive as hostages in Mauthausen". It could not be more specific?

A: Yes.

Q: And all the other messages are irrelevant in that connection?

A: No, I am sorry, that is not true at all. What you suppress is the fact that the local officials wanted to use them for, as it says, the telegram 201, "prefer to use the able-bodied Jews of Rome for fortification work here". So the local Foreign Office and military officials are proposing two telegrams, in fact, that it would be better business, says the other one, to use the Jews for fortification work rather than bringing them to Upper Italy where they are to be liquidated". So, let us get this quite clear. We are not talking about hostages in Upper Italy. I will read this telegramme in full. "Obersturmbannfuhrer Kappler has received orders to arrest the 8,000 Jews resident in Rome and bring them to upper Italy where they are to be liquidated ... (reading to the words)... Please advise Moellhausen".

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Then another telegram, Field Marshal Kesselring has asked Obersturmbannfuhrer Kappler to postpone the plan Juden Aktion for the time being, but if something has to be done, he would "prefer to use the able-bodied Jews of Rome for fortification work here".

So that is their proposal that they are making to the authorities in Berlin, particularly to Ribbentrop, and they, in other words, the idea, the notion of Upper Italy, since there is nowhere they could be taken there, is, I think, a euphemism for taking them off to somewhere like Auschwitz ----

Q: Can I help to cut through this verbiage and ask you ----

MR JUSTICE GRAY: No, that is unnecessarily offensive, Mr Irving.

MR IRVING: Well, to cut through this particular line of argument and say were the ----

A: Yes, I know you want to cut through this particular line of argument, Mr Irving, because you do not like it.

MR JUSTICE GRAY: Please continue, Professor Evans?

A: Thank you, my Lord. There is an additional document where on, it says, the local officials in Rome get back the message in answer to these telegrams on the basis of the Fuhrer's instructions. The Fuhrer's instructions, "the 8,000 Jews resident in Rome are to be taken to Mauthausen as hostages. The Heireich Foreign Minister asks you not to interfere in any way with this affair but leave it to

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the SS. Please inform Ambassador Rahn".

Another, still a telegram, again the same thing, taken to Rome -- taken to Mauthausen as hostages. The Reich Foreign Minister requests that Moran and Moellhausen be told under no circumstances to interfere in this affair but rather to leave it to the SS from Sohn Leitner".

And a further or even tougher line, Foreign Minister insists to his local officials that "you keep out of all questions concerning Jews". The SS, they should be the exclusive competence of the SS.

So what they are being told on Hitler's orders is, "Stay out of it. Go away with your proposal that they be used locally in Rome on building works." They are all going to be taken off on Hitler's orders to Mauthausen.

Now, hostages, well, one has to look at what went on in Mauthausen. This was, as I said, a

concentration camp in a class of its own in which murder, mass murder by brutality and overwork and malnourishment was the order of the day. It had an extremely high mortality rate.

MR IRVING: What use is a dead hostage?

A: "Hostages" I think is a camouflage word again.

Q: Another euphemism, another camouflage word?

A: Indeed, yes.

Q: Goodness! They are more useful than aspirin, are they not, these words?

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A: Of course, taking them to Mauthausen was a euphemism and in the end they were, in fact, taken to Auschwitz.

Q: I have been very reluctant ----

A: If you want to know what happened to hostages taken to Mauthausen ----

Q: Can I take it piece by piece what you have been saying ----

A: Outline it on page ----

MR JUSTICE GRAY: Let him complete this because once they have got to Auschwitz, that is the end and then you can ask questions.

A: If you want to know what happened to so-called "hostages" taken to Mauthausen, I outline it -

MR IRVING: In great detail?

A: --- on page 476:

Q: Why not read it all out and waste another 10 minutes?

A: 400 young men rounded up in the Jewish quarter in Holland ----

MR JUSTICE GRAY: We have the reference. We have the reference.

A: --- taken as "hostages" to Buchenwald and then 348 to Mauthausen. Most, nearly all of them, apart from one, were killed. That is that happens to hostages at Mauthausen. As I said, these ones went to Auschwitz where the vast majority were also killed. It is quite clear this Hitler knew that would happen to them.

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MR JUSTICE GRAY: Now, that was a long answer and now, Mr Irving, you have had the case spelled out, as it were and ----

MR IRVING: And I have also read it and your Lordship has read it and I do not think it really needed to be read out. Still, here we go with some short questions and let us have some short answers, please. Kesselring wanted to use them for fortification work, is that right?

A: Yes.

Q: Were they used for fortification work?

A: No.

Q: So that was a rather needless detour in this particular argument, was it not?

A: No, absolutely not.

MR JUSTICE GRAY: No, Mr Irving, that will not do. We have to tackle this point properly if it is going to be tackled at all. As I understand what the witness is saying, he is saying that, basically, those on the ground in Rome, including Kesselring, wherever he may have been -- in Italy?

A: General.

Q: Yes, all basically wanted the Jews to stay in Rome?

MR IRVING: For whatever reason they wanted them kept alive.

MR JUSTICE GRAY: For whatever reason.

MR IRVING: They wanted them kept alive and not liquidated.

MR JUSTICE GRAY: One of the points he makes is that when it is

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sent up to Hitler, they do not remain in Rome as a result of Hitler being consulted, they go north for whatever fate. So Kesselring's attitude towards the Jews is relevant, is it not? Can you not see why the Professor says that?

MR IRVING: I see those telegrams in Rome as being purely evidence that different people in Rome advance different, all very plausible, reasons why these Jews should not be rounded up and liquidated, which is what the SS wanted, but they should be kept alive, and Kesselring, who was a decent chap, said, "Well, I can use them for fortifications, let us use them for that, let us put that in the telegram" or whatever, and all of this, to all of this, and I say this quite boldly knowing that it will provoke the wrong reaction, I attach no significant whatsoever and far less significance than the fact that Ribbentrop took the message to Hitler, as we know from Hitler's register, the register kept by Heinz Linge, of the visits by Ribbentrop that day, and back came the telegram from Hitler's headquarters, effectively, back to Rome saying, "They are not to be liquidated. They are to be taken to Mauthausen", and I rely on this, "as hostages", and I emphasise hostages have, by their very nature, to be kept alive, so whether or not Mauthausen was a highly infectious place to be sent, or a place where people died like flies, which is unfortunately true, is

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neither here nor there; what is significant is that the message from Hitler to Ribbentrop clearly was, "See that they are taken to Mauthausen and kept alive, we can use them as hostages". I then also rely on the fact that, notwithstanding that this very clear order is in the files (which I understand the Defence have great problems with because it is much better than this kind of memoir quality of document that they rely upon) notwithstanding that, these orders from Hitler are flagrantly violated and they are taken off to Mauthausen, but 1,000 of them are rounded up, 1035, or thereabouts, that is all they can get their hands on, because in the meantime the local officials have managed to let the Jews escape, and the 1,000 are taken elsewhere and they are never seen again. They are taken to Auschwitz or somewhere. This is another, to my mind, highly significant fact that Hitler's orders have been violated.

MR JUSTICE GRAY: If may say so, Mr Irving, that was not a question, and I do not criticize you at all for that because you have set out your case as clearly as Professor Evans set out his case ----

MR IRVING: Now I will ask the Professor ----

MR JUSTICE GRAY: --- and I do not personally see that there is a great deal of need to amplify it by lot of cross-examination because it all turns on the question whether one takes at face value and literally the order

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that they are to be taken no Mauthausen as "hostages". That is what it comes to.

MR IRVING: I will ask one supplementary question.

A: May I just comment on what Mr Irving said which included several gross misrepresentations

of the document ----

MR JUSTICE GRAY: Briefly.

A: --- so I am afraid I really do have to point this out. The telegram giving Hitler's view did not say they are not to be liquidated. That is a complete fabrication that has emerged from Mr Irving here. The point is that the original protest, as it were, from the local officials in Rome are saying that the SS wants to liquidate them, and what is Hitler's response? "Leave it up to the SS". Finally, also, of course this is in mid October 1943 and Mr Irving has made it quite clear that from October 1943 Hitler knew perfectly well that the extermination of the Jews was taking place.

MR IRVING: He had no reason not to know is what I say, of course.

A: You actually have said that he did know.

MR JUSTICE GRAY: But, Professor Evans, can I just ask you this, I mean, if you look at the instructions that came back from Hitler's headquarters, they do say in terms that the Jews are to be taken to Mauthausen as hostages?

A: Yes.

Q: And it is true it goes on to say, "Leave it to the SS".

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That does not mean leave it to the SS to decide what to do with them, or would not appear so on the face of this telegram. It means, "Leave the handling of the hostages and the arrangements", I suppose, "for taking them north to the SS". Is that not a fair reading of the reference to the SS?

A: Yes, my Lord, well, it is saying, the two telegrams I quote are saying to the local officials: "Keep out of it. Leave it to the SS", and the SS, of course, are the instrument through which the Jews are being exterminated.

MR JUSTICE GRAY: Who would have arranged for their transport north -- the SS, presumably?

A: The SS, my Lord, yes. The message is quite clear: "No local works, no use of labour. Just take them off and kill them".

MR JUSTICE GRAY: I follow that point, yes.

MR IRVING: Are you familiar very briefly with the Otto Brottigan diary of September 1941 where Hitler agrees to the notion that the Jews should be held as hostages ----

A: That is September '41. This is October '43.

Q: Does Hitler frequently order Jews kept alive as hostages in bulk, en masse?

A: There are instances up until the American declaration of war -- the declaration of war by Germany on America on the 11th December 1941 where Hitler does talk, in general terms, about using Jews as hostages for the event of a

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World War. It seems to disappear after that. There are some -- we have already discussed the rather odd idea of keeping a small number of Jews with connections in America in a special camp and keeping them alive. But this, I think, I cannot conceive why these should be used as hostages. It is simply one word. There is not explanation of any larger policy, as you usually have when hostages are discussed.

I think this is simply a little piece of camouflage thrown in to try to appease the obviously disquieted local officials in Rome where the situation is extremely difficult, the Pope is threatening to intervene. It is quite clear that the local Italian population are extremely unhappy about the Jews being taken away and doing their best, such as it was, to protect them.

The members of the Foreign -- of the Embassy in Rome were connected with the German opposition, which eventually came out in 1944, the bomb plot. So it is a very convoluted and difficult situation. It is not surprising that they should want to sugar the pill a little bit by describing them as "hostages".

Q: We do have several SS documents from this episode, do we not, a couple of documents?

A: Yes.

Q: Is there any indication in any of the Himmler files or the

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SS files that this document from Hitler was regarded or recognized as being camouflage, and that "Although Hitler says, 'Send them to Mauthausen as hostages', we all know what the old boy really wants" is not in any of the SS files, is it?

A: No.

Q: I am going to move on now, my Lord, because otherwise we are not going to cover the ground. Page 491, the last few lines, please, of the main text. You say: "This last mentioned claim is an obvious untruth. It is undermined by Ribbentrop's knowledge of the activity and situation reports of the Einsatzgruppen". Do you remember writing that?

A: Yes.

Q: What evidence do you have that Ribbentrop read or received the SD Einsatzgruppen reports, the Einsatzgruppen reports? The mere fact that they are in the Foreign Office files?

A: Yes, I am relying here on the two standards works on the Foreign Office and the Jewish question of the Third Reich by Professor Browning.

Q: Are you aware that we heard Professor Donald Watt state here in the witness box that there were hundreds of tonnes of Foreign Office records?

A: As I remember, Professor Cameron Watt said that he was not really competent to judge on the nature of records during the Second World War. His expertise covered the period

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1933 to '39.

Q: Are you aware of any copies of these SD reports which have Ribbentrop's big letter "R", his initial on them, to indicate that he has read them?

A: I would have to check that up in the sources that I used which make it clear that Ribbentrop knew of these things.

Q: In your opinion?

A: In the opinion of Professor Browning whom you had ample opportunity to question about the matter.

Q: Yes, but I am questioning you on your report. You say there is ample evidence that Ribbentrop knew, and I am asking you what the evidence is and your information is second-hand, is that correct?

A: Indeed, yes. I rely on Professor Browning for that.

Q: Page 484 ----

A: That is not the only evidence, of course. There is also the Horthy conversation with Ribbentrop which I have also mentioned. Page 484?

Q: Page 484, you write two-thirds of the way down: "Irving is, of course, aware of this exchange which suppresses it altogether". What proof do you have in writing that I am aware of this exchange?

A: Because you used the Goebbels Nuremberg diary as a source.

Q: No, I did not.

A: Right, then "Nuremberg, the last battle" ----

Q: I have used one extract from the Gilbert book.

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A: Yes. That is note 27 on page 143 of "Nuremberg, the last battle".

Q: Which is one extract from the Gilbert book which is the Julius Schreiber papers. Does that mean to say that I have read the entire book?

A: One would presume so, yes.

Q: Are you aware that I had in fact Gilbert's original papers when I wrote the Nuremberg book?

A: Yes.

Q: Yes. So, in other words, you assume something there which turns out not necessarily to be true?

A: Well, since you cite the book in your work, I assume you have read it.

Q: Yes, two lines from the bottom of that page you say, "Ribbentrop writing under duress in allied captivity" ----

A: No, you say that.

Q: --- do you accept that he was writing under duress?

A: Sorry, you say that. You say: "Special circumstances ... (reading to the words) ... Ribbentrop writing under duress in allied captivity" ----

Q: But if you turn the page ----

A: --- "and facing an inevitable death sentence has to be borne in mind". Well, he was in captivity, of course, and he was facing a death sentence.

Q: Are you familiar with the physical conditions that the

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prisoners lived in at Nuremberg?

A: Yes.

Q: No table, no medication, no hygiene, no light, no spectacles and all the rest of it?

A: Well, I am not sure I accept all of that.

Q: Page 486: Hitler's last will and testament, or his political testament. This is the one he dictated on the last day of his life, is that right?

A: 486 -- 5 to 6.

Q: 5 to 6?

A: We may have slightly different pagination here.

Q: I am looking just at the first two lines. My Lord, do you have that?

A: The last five lines of page 485 and first two of ----

MR JUSTICE GRAY: Last five lines on page 485?

A: Yes, the indented quotation, my Lord.

MR IRVING: I said page 486, the last...

A: Well, the first two of page 486.

Q: What do you think Hitler meant by the Jews "having to atone for his guilt", "the Jew having to atone for his guilt even if by more humane means than being burned alive in air raids", and so on. What do you think he meant by ----

A: Well, let us read the quotation. "I also made it quite plain that if the nations of Europe are going to be regarded as mere shares to be bought and sold by those

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international conspirators in money and finance, then Jewry, the race which is" -- sorry, "then, Jewry, the race which is the real criminal in this murderous struggle will be saddled with the responsibility. I further", says Hitler, "left no one in doubt that this time millions of Europe's Aryan peoples would not die of hunger, millions of grown men would not suffer death, nor would hundreds and thousands of women and children be allowed to be burned and bombed to death in the towns without the real criminal having to atone for his guilt", that is the Jew, of course, "even if by more humane means". I assume there he is saying it is not, I mean, it is not bombing and burning to death in the towns or dying of hunger. It is shooting and gassing.

Q: So you think that he is referring there to the Holocaust, the Auschwitz, the gas chambers, the cyanide, the choking to death, all the horrible things that have been described?

A: Now, I am not saying I agree that it was humane; I am just saying he thought it was humane, or appears to say so here.

Q: Could it not equally ----

A: He was always, after all, and we have had several quotations today, congratulating himself on how humane he was towards the Jews.

Q: Does it not make for greater sense than this rather

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plausible suggestion that the Holocaust was humane which is what you are proposing?

A: I am not proposing it. It is Hitler who is proposing it.

Q: Which is what you are proposing is the meaning on this word, to be assigned to this word, that what Hitler is saying that, "We have had hundreds thousands, if not millions, of people burned alive, women and children, in our cities and we have just deported the Jews, booted them out to Siberia", or wherever he thought they had gone, and that is what he is referring to when he talks about them having had to atone for their guilt by more humane means, because the only other alternative is that you are accepting that the Holocaust was more humane?

A: No, that is not at all. That is another classic example of the way you twist everything to your own polemical purposes. I am not saying the Holocaust was more humane. I am not making a judgment at all.

Q: Or being machine gunned into pits?

A: I am simply quoting Hitler, and Hitler is saying that the Jews will have to atone for what he regards as their crime of having killed millions of Aryans through hunger, burning alive and so on, they will have to atone for it by more humane means which, I assume, he means, not explicit about it at all, he means gassing, possibly shooting.

Q: Well, the reason for that is, of course, you say there is a connection between that and the memorandum submitted in

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July 1941 by Ralf Heinz Hupner who says, "Would it not be more humane to find some rapidly working means of disposing of the Jews rather than have them exposed to the privations of the winter?"

A: Where do I say that?

Q: This is on page 486 -- I am sorry, 489.

A: 9?

Q: Yes.

A: Yes.

Q: Are you suggesting that the Hupner message was ever shown to or read by Hitler? Was it not addressed to Adolf Eichmann? Are you suggesting there is a direct causal link between the Hupner message and the Hitler ----

A: No, I am not.

Q: So just a bit of a smoke screen by you then?

A: No, it is not a smoke screen. I am drawing attention to the parallel there as ----

Q: Or do you think ----

A: --- as evidence of a wider mind set.

Q: Or do you think that the reference to humanity or humane is, in fact, an allusion to the blockade that we, Allies, imposed on Germany in World War I and after World War I which resulted in the deaths of large numbers of Germans?

A: I see no evidence of that in this statement by Hitler.

Q: 490, in paragraph 11, you cast doubt on the secretly recorded conversation between Ribbentrop and a British

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officer?

A: No.

Q: Paragraph 11 on page 490?

A: No. Where do I cast doubt on that?

Q: 490?

A: Right, I have it, paragraph 11.

Q: "Irving claims he had a fund of collateral documentary evidence"?

A: Yes.

Q: And you then lament the fact that there is this secretly recorded transcript which does not seem to have been included in my list of documents, and so on?

A: Yes. I am very cautious there -- conscious I might have overlooked it, but it does not seem to be there.

Q: You are not familiar with the XP series of transcripts which are in my files -- you accept that it is possible it was in the documents?

A: Well, that is why I have phrased it cautiously there.

Q: Page 491, paragraph 14, does that paragraph, far from being contradictory, not actually confirm that Ribbentrop asked Hitler and Hitler denied all knowledge and that was the end of it? This is the Maidonek episode.

A: Well, no, he is just saying he did not know anything about it until the Maidonek affair. That is all it says.

Q: 493, paragraph 5.1.1. I just draw his Lordship's attention to the fact the witness appears to be pleading

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innuendos of words there which is not part of his remit.

MR JUSTICE GRAY: No, I will not pay any attention to that.

MR IRVING: Page 495, paragraph 5.1.5, if I can find it?

MR JUSTICE GRAY: Well, that simply says that he is going to deal with the statistics and the numbers killed in the raids on Dresden.

MR IRVING: Yes. You say that my number of deaths in Hamburg of what I put at 48 -- did I

say 48,000, 50,000?

A: 48, 50,000, yes.

Q: And you consider this number to be totally exaggerated and perverse and another example of my manipulation and distortion?

A: It is not a very strong argument, but you do go for the highest number available.

Q: Is the reason ----

A: Which does not seem to have any basis and certainly is not ----

Q: Have you not ----

A: It certainly is not borne out by the local investigations.

Q: Have you not repeatedly referred to the fact that I have gone for these 50,000 figure in Hamburg and the high figure in Dresden and Fortzheim and elsewhere as an example of the distortions and false statistics that I introduced?

A: I think this is the only other mention of Hamburg, apart from the brief discussion of your use of the exaggerated

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figure in the caption to an illustration in one of your books.

Q: Are you now back peddling on that because ----

A: It is not repeated.

Q: Are you now back peddling on that because you have seen the page from the strategic air offensive against Germany, the official history which I have introduced in that little bundle? My Lord, it is page 9 of the little bundle, pages 8 and 9. Does footnote 1 say in regard to the Hamburg air raid: "In addition, there were 2,000 missing. The total number of deaths was probably nearer 50,000 than 40,000"?

A: Sorry.

MR JUSTICE GRAY: Sorry, page?

MR IRVING: It is page 9 of the little bundle this morning, my Lord.

A: It does not say which raid this was.

Q: That is going to be your answer, is it?

A: No, I mean, I take it that is 43, yes. Well, what I would say is that a responsible historian should in reaching an estimation of the number of people killed in bombing raid should look at all the available investigations there have been.

Q: Would you consider ----

A: And this is from 1961 which is relatively early after the event and does not actually give any source, any German

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source, at all.

Q: Would you consider ----

A: The German investigations in Hamburg of the bombing deaths came to a much lower figure.

Q: Would you consider that Sir Charles Webster and Nobel Franklin, the official historians who had the complete captured German and British records at their disposal in writing this multi-volume work, are reasonable historians for another historian to use as a source?

A: Well, let me -- two points -- yes, but this is 1961. I mean, there have been plenty of German investigations of the Hamburg bombing raids since then which a responsible historian would use. This is relatively early after the event and it does not cite any German material here at all.

MR JUSTICE GRAY: We are talking about Hamburg here, are we?

MR IRVING: Yes, we are talking about the 1943 raid on Hamburg. Are you aware that volume 4 of this work contains the entire police president's report on the Hamburg air raid as an appendix?

A: It is not cited here in arriving at the numbers killed.

Q: Can you answer my question?

A: Yes.

Q: So, in other words, it does have German documents as source?

A: Not cited as a basis for their estimation of 50,000.

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In fact, the figure they give is 42,600, whoever has reported that. Again, there is no footnoted source for that.

Q: Yes. Are you aware that ----

A: And their estimate of nearer 50,000 than 40,000 is very much a guess, as the footnote makes quite clear.

Q: In 1961, of course, there were still the 50 year rule in operation which prevented the official historians from giving sources, is that correct?

MR JUSTICE GRAY: Well, knowing what the sources said?

A: Well, they certainly cite sources here.

MR IRVING: My Lord, you can take it from me that the official historians in their volumes, the early volumes, unlike the later volumes, never gave sources.

A: But the 50-year rule did not apply to German documents, Mr Irving ----

Q: Have you ----

A: --- at all. It applied ----

Q: Answer the question then. As an historian ----

A: It applied to British documents.

Q: --- and as an expert witness before this court, no doubt you have read ----

A: What I am saying is that they did not use German documents.

Q: As an expert witness before this court, you have, no doubt, read large numbers of the official histories. Do

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any of the official histories ever provide any sourced references up until the most recent official histories of the intelligence service, and so on, which has changed the pattern?

A: Yes, well, I mean, that is as may be. The point I am trying to make is that since 1961, whatever they had available to them, and there have been numerous investigations which a responsible historian would make use of in arriving at an estimation of the numbers of dead in the Hamburg bombing raid in 1943, investigations carried out in Hamburg itself on the local Hamburg records.

MR JUSTICE GRAY: Do we need to spend very long on Hamburg because we are really in this case, I think, concerned with Dresden.

MR IRVING: It is difficult; each time when I think I have established a point to the court's satisfaction, we are dragged back down into the morass again, into the swamps. Strafing, page 500, I am at a loss here because there is no TV set, television, in the courtroom today and I was going to provide the court with ----

MR JUSTICE GRAY: You can do it at a later stage.

MR IRVING: At a later stage. It is a five minute segment ----

MR JUSTICE GRAY: Am I wrong in thinking -- I am trying to remember -- have you cross-

examined about Dresden before ----

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MR IRVING: I have been cross-examined about Dresden.

MR RAMPTON: I cross-examined Mr Irving about the bombing figures.

MR JUSTICE GRAY: Yes. I had an idea he cross-examined one of your witnesses about Dresden, but no?

MR RAMPTON: I do not think so, no.

MR IRVING: No. I have been cross-examined, but I have done no cross-examination.

MR RAMPTON: On the bombing ----

MR JUSTICE GRAY: I am sorry, Mr Irving, I am wrong.

MR RAMPTON: It seemed the strafing to me was relatively insignificant.

MR IRVING: On the question of strafing, and you have quoted a book by Mr Gurtz Bergander quite frequently, have you not?

A: Yes.

Q: Are you aware that Gurtz Bergander is (or was at all material times) a reporter for the German Government radio station? Did Bergander interview any of the aircrew members? If you do not know just say so. On page 500 roughly. If you do not know just say you do not know.

A: I cannot remember, to be honest.

Q: Have you read any of my notes on the interviews with the British and American aircrew members?

A: There is an awful lot of them, Mr Irving. I have concentrated on what you published.

Q: But if you are trying to impugn the question whether the

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British or the Americans opened fire with their machine guns during the raids, then this would be the kind of place to look for the source, would it not?

A: Well, yes.

MR JUSTICE GRAY: The British opened fire with machine guns, did they?

MR IRVING: At night, yes, my Lord. It was just typical of the useless exuberance. They would just poop off.

MR JUSTICE GRAY: The relevance of that is what?

MR IRVING: Strafing, the allegation of ground strafing. It is levelled more directly against the Americans during the day-time raids.

MR JUSTICE GRAY: That is what I thought.

MR IRVING: Yes. Page 503.

A: Sorry, I thought you said they did this during the day.

MR IRVING: Yes. Page 500?

A: Not at night.

Q: Page 503.

A: Yes.

Q: Paragraph 2: The witness here was a judge called Dr Wolf Rektenwault, that is correct?

MR JUSTICE GRAY: There is nothing about strafing by British aeroplanes.

A: It is Americans.

MR JUSTICE GRAY: It is the Americans.

MR IRVING: It is left open as to whether it is the British or

the Americans.

MR JUSTICE GRAY: It is not left open. It is just not mentioned. It is the Americans.

MR IRVING: I would not have included that if I had thought it was just limited to the Americans, my Lord. But what I intend to do ----

A: It says American fighters.

MR JUSTICE GRAY: I am mystified why we were strafing at all.

MR IRVING: Because I am accused of inventing it or having adduced it without adequate evidence or the usual kind of story, and what I have here is an American television film on the Dresden raid in which that interviewed some of the people involved.

MR JUSTICE GRAY: The point is that you have interviewed American airmen who have said they did not strafe?

MR IRVING: I interviewed or corresponded with large numbers of the American airmen and I read their Unit histories. It is not a major point.

A: Ah, yes, these are the members of the 20th Fighter Group.

Q: And other units.

A: Who, in fact, were strafing in Prague, not in Dresden, though you say it is Dresden.

Q: Well, as there is no television here, unfortunately I cannot show the film. So I am going to move on. Page 503.

MR JUSTICE GRAY: How would that help to say whether it was

Dresden or Prague?

A: Because it is a misrepresentation by Mr Irving.

MR JUSTICE GRAY: No. How would a television film, Mr Irving, help show whether was Prague or Dresden?

MR IRVING: Survivors from the Dresden air raid describing to American television cameras how these American planes came up and down the meadows of the river, machine gunning the people on the banks.

MR JUSTICE GRAY: I see. That has nothing to do with your interviews of airmen.

MR IRVING: I also have interviews with airmen, but it is not a point to which I attach much weight as, for example, the death roll in Dresden which I think the court is probably more interested in.

MR JUSTICE GRAY: I thought that was the real issue.

MR IRVING: Yes. In that case we will go straight to page 508 which takes us to the death roll in Dresden. Now the allegation, if I may summarize it to the witness, is as follows. I have given death figures ranging between 35,000 as the low limit and 250,000 as the high limit and a probable figure of 135,000. Is that correct?

A: Roughly speaking, yes.

Q: Yes,. And you think that this was a perverse thing to do, on the basis of the evidence before me at the time the I wrote on each occasion?

A: Yes, that is right. That is to say ti depends as much on

how you do it as on the fact that you do it.

Q: Would you first of all to document number 10 in the little bundle?

A: Page 10.

Q: Page 10, yes. Is this a book issued or pages from a book issued by the Press and Information Office of the German Federal Republic, evidently in the 1950s?

A: Yes.

Q: And does it have an ----

A: The late to mid-50s.

Q: --- introduction by the Federal Chancellor Dr Conrad Ardenhau?

A: It does.

Q: And page 11 shows his signature on the introduction?

A: Yes.

Q: If you now go to page 13, does footnote No. 2 say: The attack on the city on Dresden which was filled with refugees on 13th February 1945 alone cost about 250,000 dead?

A: No, I cannot find this.

MR JUSTICE GRAY: I have not got that.

A: That is page 12?

MR IRVING: It is page 12 or the paginated number is 154 and it is footnote No. 2.

A: Yes.

Q: So, prima facie, or on the face of it we have a German

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government book with authority of the Chancellor himself alleging that the city of Dresden was filled with refugees and that there were 250,000 dead?

A: Yes. This is Dr. Goebbels' figure of course which he put out in propaganda, knowing full well it was not true and was taken over.

Q: There is a distinction between Dr Ardenhau and Dr Goebbels, is there not?

A: Well, clearly whoever did this has taken that on trust.

MR JUSTICE GRAY: Is that what you relied on, Mr Irving? Is that your case? That is where the figure of 250,000 came from?

MR IRVING: My Lord, your Lordship surely does not accept that that is the only source I would have used.

MR JUSTICE GRAY: No.

MR IRVING: I am talking about the upper end of the scale.

MR JUSTICE GRAY: I am asking what your source for the figure you at one time were ----

MR IRVING: There were very many figures for 250,000.

MR JUSTICE GRAY: --- favouring as 250,000. Are you saying that this was at least one of the sources or not?

MR IRVING: One of the sources. I will now draw your Lordship's attention to a document that the Defendants have not been able to find, and it is in the interrogations of two doctors Fersage and Heard, page 41.

A: I think what I am saying about the Ardenhau figure, my

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Lord, is that this is I think simply taken over from the Nazi propaganda ministry. There does not seem to have been -- it is only in a footnote.

MR JUSTICE GRAY: How would ----

A: It does not seem to rest on any very elaborate investigation.

MR JUSTICE GRAY: No. How would Mr Irving have known that it was just taken from

Goebbels?

A: I did not know that he relied on this.

Q: No, well, he says he did.

A: It is fairly obvious that 250,000 is the figure that Dr Goebbels gave.

Q: Simply because he gave it?

A: Yes. That is where it appears. This is relatively shortly afterwards.

MR IRVING: Was not the figure that Dr Goebbels gave 102,040?

A: No, I do not think it was. Well, he used the figure -- 2040 was the figure in Tages Befehl, daily order 47. I think Goebbels blew this up to 250,000.

Q: Would you now look at the document 41 in my little bundle, please. This is the integration of the two doctors, Versage and Heard. Dr Versage was formerly a medical officer and Dr Heard was a woman physician.

A: Yes.

Q: Information on bombing casualties: According to the informants the total number of casualties in Germany due

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to bombing has been estimated between 3 and 4 million. That is an exaggeration, is it not?

A: It looks like it, yes.

Q: Do they continue: The most badly damaged town, in their opinion, is Dresden with an estimated casualty list of 250,000? Is that the same figure now?

A: That is another exaggeration, as you would expect from their previous estimate of 3 to 4 million.

Q: But it does not actually say in this report that is an exaggeration, does it?

A: Well, it does not say that 3 to 4 million is an exaggeration.

Q: But it does state it as a fact that the estimated casualty list in Dresden was 250,000?

A: No, it does not state as a fact. It says it is in their opinion. So it is a matter of opinion.

Q: The opinion is that was the most badly damaged town, that was the opinion; not that the opinion was the death roll?

A: Yes. Again that is mere hearsay. There is no documentary evidence they provide there.

Q: As a minor matter they also say that the city was filled with refugees?

A: That is right, yes.

Q: So that is two documents that give this upper limit figure?

A: No, they are not, well, they are not. I mean they are not

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contemporary documents. Neither of them is a contemporary document. This one is a mere matter of opinion by two physicians. It does not even say where they are from. It does not look to me as if they are actually Dresden doctors at all. There is no evidence here that they were even in Dresden. There is no documentary evidence as to the basis of the rather kind of casual footnote in the Ardenhau documents. So neither of these is really worth very much at all.

Q: While we are still looking at the 250,000 figure, you do accept of course that I have never, ever said that it was 250,000? I have said this was the upper limit that was given, is that correct?

MR JUSTICE GRAY: Has anyone got the Corgi edition of destruction of Dresden.

MR RAMPTON: No. I think we only have the most modern version which is I forget ----

MR JUSTICE GRAY: Professor Evans obviously had it at one time.

MR RAMPTON: Yes, obviously, and so did his researchers, but I cannot say where it is at the

moment.

MR JUSTICE GRAY: We have probably got the relevant bit. What we want is page 225.

MR IRVING: Of the Corgi edition.

MR JUSTICE GRAY: Yes.

MR RAMPTON: It is in L1, tab 3.

MR JUSTICE GRAY: Plus perhaps the footnote.

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MR RAMPTON: Page.

MR JUSTICE GRAY: 225.

MR RAMPTON: That is the 1966 edition.

MR IRVING: You agree that all of these figures show I am just saying that the upper limit or the maximum was 250,000?

MR JUSTICE GRAY: He is just having a look to remind himself.

A: Yes.

MR JUSTICE GRAY: Can you read out the bit which refers to the 250,000?

A: "Immediately after the war for sound political reasons, the Russia occupation authorities broached an announcement that the raids on Dresden had cost the lives of only 35,000 people, and the first postwar Lord Mayor of Dresden supported them. In fact the documentation suggests very strongly that the figure was certainly between a minimum of 100,000 and a maximum 250,000. Hans Voight himself estimated the final number would have been 135,000, but it now appears that there were other officers working parallel to his. On the registration of the victims, for example, a police unit with an office just behind ... all the evidence is that the figure was actually very much higher." Then there are further estimates of 120, 150, 180, 220, 140, 202,040 and Goebbels' figure of 250,000.

MR IRVING: Do you accept that some of those figures are taken dust jacket or blurb material which the author does not

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write?

MR JUSTICE GRAY: This is from the text.

A: This is in the text. I have just read the text of this.

MR IRVING: I am just looking at the quotations page 510 of the expert report.

MR JUSTICE GRAY: But we are looking at the Corgi edition.

A: Yes.

MR IRVING: I have another five or ten more minutes of cross-examination, but I want to make sure that Mr Rampton has enough time for his re-examination.

MR RAMPTON: Yes, I will have plenty of time.

MR JUSTICE GRAY: Do not worry about that, because the important thing is that you have put everything you want to put, Mr Irving. That is the priority.

MR IRVING: I do not think I will be able to put everything I want to put, but I am keeping it within bounds. Page 508, please. Now you say: "Irving has intimated", this is paragraph 1 halfway down, "that he will contest in court that estimates of", well, that I will maintain in court that estimates of the casualties vary between 35,000 and 250,000?

A: Yes.

Q: Do agree that General Kurt Maynard, the City Commandant of Dresden, and that Professor

Fetcher, the head of Civil Air Defence in Dresden, would have been in a position to estimate the final death roll accurately from their

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positions respectively?

A: Not necessarily. We will have to look at it in a bit more detail.

Q: Well, just off the top of your head, if somebody is the City Commandant or if somebody is the head of Civil Air Defence, do you agree that on the face of it they are likely to be in a good position to know what the final death figure is likely to be?

A: One has to know where they were and what they were doing at this time.

Q: Where they were, one was City Commandant and one was Head of Air Defence, Civil Air Defence?

A: Let us accept that for the moment and let you get on to the next question.

Q: Well, the next question ----

A: Accept that they might have been in a good position to know.

Q: My Lord, at page 19 of the little bundle I have inserted fresh copies of the Funfack letters. They have not changed at all from the translations I provided before, but just for the ease of this particular operation. Professor Evans, you are familiar with the correspondence that I had with a medical officer or a doctor called Max Funfack in Dresden?

A: Yes.

Q: You began quoting one letter he wrote me and then you

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stopped at a certain point, did you not?

A: Where is this?

Q: On page 520.

A: Yes.

Q: You quoted the letter he wrote to me dated January 19th, which ends: "Therefore, I can give no firm information about the figure of the dead but only repeat what was reported to me"?

A: Yes.

Q: Then rather oddly you tell us what it was?

A: That comes several pages later. One has to ----

Q: It is an odd place to break though, was it not?

A: It comes on page 533 where I quote that last sentence and then go on, because that was necessary.

Q: The City Commandant, General Maynard, spoke on about 22nd February 1945 of 140,000 dead.

A: That is right.

Q: That is the City Commandant?

A: Yes.

Q: How does 140,000 tally with the 135,000 figure that I wrote in my book? Is it more or less or about the same?

A: You know that. You do not have to ask me.

Q: You are an expert and I thought I would ask you for an expert opinion?

MR JUSTICE GRAY: You do not need to be an expert to see whether one figure is the same as another.

Q: Professor Fetcher of the Civil Air Defence spoke of 180,000?

A: Yes.

Q: But of course he then continues to say: "I have never seen written evidence for this"?

A: That is right. He advises you to get in touch with him. You could not with Fetcher of course but with Maynard.

Q: As you know, of course, I had met a man called Hans Voight who had represented to me, and no doubt accurately, that he was the head of the missing persons bureau in Dresden, and that he had undertaken identification work on the bodies for weeks afterwards?

A: That is right.

Q: And that he thought the good figure, in his estimate, would finally reach, the death figure would finally reach 135,000?

A: Well, that is somewhat disingenuous, the way you put it. He says that he had been able to clear up the identity of 40,000 of the dead.

Q: But did he estimate the final figure what it was likely to be?

A: Well, he told you that he estimated it as 135,000, but I do not think he is a particularly reliable witness here.

Q: But you like Walter Weidauer, do you not, who is the Mayor of Dresden, this Communist Mayor who tore the heart out of Dresden and tore the palaces down and all the churches

and turned it into a socialist jewel?

A: I thought it was the British who destroyed the palaces.

Q: No. The main parts were left and the central opera and all the rest were there waiting to be rebuilt?

A: Which they have been of course, starting with the Communists who began rebuilding them. I do not think the fact that someone is a communist totally disqualifies what he has to say.

Q: Does the fact that Walter Weidauer on page 515 of your report described Hans Voight as being a virulent fascist, does that qualify what he has to say?

A: It does seem that Voight was actually thrown out of the GDR as a neo-fascist or a fascist. I would put more credence in Voight's statement that the indices they had drawn up of the dead reached the number of 40,000. That seems to me to be more reliable than his then further rather wild estimates of 135. He has no source at all for the 135, whereas for his 40,000 he does. Of course when Voight says that the Russians closed down his office and struck off the first digit to arrive at their number of 35, I think that is just expressing Voight's resentment at his treatment by the Russians and the East Germans.

Q: Have you any evidence at all for this so-called treatment and so-called throwing out of East Germany? Did the East Germans normally throw people out of their country or did they in fact build a wall and barbed wire minefields to

stop people leaving?

A: That was in 1961.

Q: But you have no evidence at all for this alleged throwing out of Voight?

A: I am trying to find it. Well, it is Weidauer's description of him.

Q: The one who calls him a virulent fascist?

A: Yes.

Q: Do you call people fascist in your time?

A: No actually, not unless I really thought they were. I do not use it as a general term of abuse.

Q: At page 518 you use other words like ecstatic and mounting excitement and breathlessly to describe the way that I went about my research, is that right, frantic marketing?

A: It appears to be, yes, particularly to the Provost of Coventry Cathedral.

Q: On page 520 now, from the first sentence of the letter dated January 19th, which you omit, is it not plain that I did contact the Funfacks?

A: Point me to this, please.

Q: You said that I made no attempt to contact the Funfacks.

A: Where is this?

Q: Page 520. You have quoted part of that letter, but in fact you have missed out the first sentence.

A: 28th February, let us have a look.

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Q: He writes to me and the first sentence is: "You were so exceedingly kind as to send my wife a copy of your book about the destruction of Dresden. The book has arrived safely and we thank you very much."

A: Yes, so this is a letter from -- you had sent him the book, yes.

Q: Yes.

A: But then you had not actually ----

Q: Why would I send Funfack a book if not to contact him?

A: That is not really what I mean.

Q: Is not it true that with 20-20 hindsight that we all now have, thank God, although in some of us our eyesight is failing, we can perceive where figures are accurate and figures are not accurate?

A: Let me just deal with the previous point. You sent him a book which is fine, but the point is that you do not, you describe him in the book and he is replying to you here really in relation to the book which you sent to him, you are describing him as Dresden's Chief Medical Officer or Deputy Chief Medical Officer, whereas he says he was not; he was just a specialist in neurology. He says: "I have only ever heard the numbers third hand", and you describe him as being a kind of first-hand source. So he has a number of objections in the letter to what you say in the book.

Q: That is not the point.

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A: What I say here is on your rely to Funfack you had not in fact tried to contact Funfack to establish whether these things were true or not before you wrote the book.

Q: That is not what you write though, is it? In paragraph 5, page 520, you say: "From his reply on 28th February to Funfack's letter, it is clear that Irving had in fact made no effort whatsoever to contact Funfack"?

A: Yes, it is quite clear what that means from the context of the previous quotation and description.

MR JUSTICE GRAY: It depends what you mean by "had".

MR IRVING: Yes. Do you agree that Dr Funck living, as he did, behind Iron Curtain in one of the most Stalinist of the Eastern European states, Eastern Germany, had every good reason to be apprehensive when he was contacted by somebody living in the West and sending him presents and gifts and visiting him, and this is very evident indeed from the reference he makes in the letters to me about how he is doing everything now through the authorities, and that he had exceedingly unpleasant visits from members of the Ideological Committee of the City Commission and things like that? Is it not quite plain that the situation of terror they were living in?

A: He is actually suggesting that you contact the authorities; not that you contact him through the authorities but that you contact the authorities with reference to getting further work. I do believe you

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yourself visited East Germany and visited Dresden under the Communist regime.

Q: Did you, Professor, every have any contact yourself with Soviet citizens or citizens living in the Soviet zone of Germany at that time or thereabouts?

A: Not in 1965 when I was schoolboy, but certainly under the GDR, yes, I was visitor on a number of occasions.

Q: It was a police state, was it not?

A: You may describe it as such, yes, it is true.

Q: Well, did they have an organization known as the Stazi?

A: Indeed, yes.

Q: Did they have large numbers of political prisoners in their jails?

A: Substantial numbers, yes, that is true.

Q: So that somebody receiving letters from Western Germany or from England was, in fact he mentions in one of his letters that it had a stamp on the outside and this kind of thing; in other words, he is living in a state of ----

A: May I just ---

Q: --- genteel terror, if I can put it like that?

A: There is no doubt that correspondence was monitored by the Stazi.

Q: So this is one very good reason that he would have for denying that he had been anything at all in the Third Reich, is it not?

A: Not really, no. I do not think there is any shame in

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being a medical officer in Dresden in the Third Reich. It is not as if he was us a Obersturmbannfuhrer in the SS or the concentration camp.

Q: Did you not read that inference into his second letter where he explains the reason why he is wearing his uniform in the photograph? You remember the famous photographs of the mass relations and there he is in his uniform and he takes great pains in his letter to me to explain that that is the one occasion he wore the uniform because otherwise he could not have got through the police cordons? Does not that kind of thing in a letter written from East Germany tell you anything?

A: It does not cast doubt on what he says, that he was never the chief medical officer and that his knowledge was only third hand.

Q: His knowledge is direct from Klaus Maynard, is it not, the City Commandant, and from the Chief of the Civil Air Defence who stated their estimates to him and repeatedly said afterwards:

"We cannot believe these low figures we are hearing about now." They expressed their astonishment to him, did they not?

A: Yes, many people did, but there is no documentary evidence there. The document we are dealing with is a forgery which you knew to be a forgery and yet you present it to the Provost of Coventry as genuine.

Q: When a writer is carrying out research on a subject like

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this and he establishes contact under difficult conditions with sources as close to the facts as these sources purport it or appear to be, is not perfectly proper and the opposite of perverse for that writer to use the facts and figures that he gives to them?

A: I am sorry, I did not quite follow that question. It was a bit convoluted.

Q: It is getting a bit late. We will move on.

MR JUSTICE GRAY: Are you talking about Funfack's own figures or the figures he gives from

MR IRVING: Yes, precisely, the statements, the figure given to him, the quality of the source.

MR JUSTICE GRAY: Given to him by Maynard?

MR IRVING: Yes. It tallies closely with the figures given by Voight at that time?

A: It is just gossip and rumour.

Q: Page 544, paragraph 2 line 2, you refer to a letter to me from a man called Sperling. Was Sperling an official of the Federal German Statistical office?

A: Yes.

Q: Is that the German Government Ministry which is responsible for keeping all census and statistical figures relating to Germany?

A: That is the West German office, yes, at that time. Indeed.

Q: Did he write a letter in which he stated that immediately

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after the attack on Dresden the number of dead was estimated by local authorities at 180,000 to 200,000? Never mind about whether the figure is right or not, but did he write that to me?

A: Is this in discovery?

Q: It is on page -- you quote it on paragraph 544, your paragraph 2.

A: Yes. I am not sure I have seen this letter.

Q: Well, where else did you get it from?

A: This is quoting your version of it.

Q: On microfilm which was in the discovery. It is over the page, the footnote 151.

A: Yes.

Q: He wrote that letter to me before the book was published, April 25th 1962?

A: Yes.

Q: Information of that quality from that German Government source, would you describe it as perverse for a historian a writer to use that figure?

A: Let us have a look at exactly what this says.

MR JUSTICE GRAY: Who was Sperling?

A: He is an official of the Federal Ministry of Statistics.

MR IRVING: Statistics in Germany which keeps figures like this.

A: In West Germany in the mid-1960s. The figures that Mr Irving quotes in his very various works as having been

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given by Sperling seem to vary from one edition of the book to another one: 180 to 20,000 in one, 120 to 150 in another and then 120 to 150 again and then up to half a million.

Q: He quotes both those sets of figures, does he not, in his letter, is that right?

A: Can we have a look at the letter?

MR JUSTICE GRAY: Where is the letter? Can we dig it out?

MR IRVING: He quotes the letter actually in the book, in his report.

MR JUSTICE GRAY: 147, note 147.

A: No, my Lord, I do not think it is.

MR JUSTICE GRAY: Is that wrong?

A: 544.

MR IRVING: Page 544, paragraph 2. Unless they misquoted the passage from the letter, that is the actual quotation in quotation marks which gives both sets of figures.

A: Yes, to the microfilm.

MR IRVING: My Lord, I only have two more questions now and then I am through.

MR JUSTICE GRAY: I would quite like to find Dr Sperling's letter.

MR RAMPTON: If your Lordship would like to see the document.

MR JUSTICE GRAY: If you have it available.

MR RAMPTON: It is page 15 of whatever this thing is that I have here, tab 3 of L1. It is first of all in German.

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It is on pages 15 and 16 it is in German, and on pages 17 and 18 it is in English. I am afraid I cannot read either of them.

MR JUSTICE GRAY: L1 tab 1?

MR RAMPTON: Tab 3 of page 15. The Professor has not got it.

MR JUSTICE GRAY: Is this from Goring?

MR RAMPTON: No.

MR JUSTICE GRAY: L1 tab 3.

MR RAMPTON: Yes.

MR JUSTICE GRAY: Pages 17 and 18.

A: It is the blue numbers.

MR RAMPTON: The blue numbers on the bottom right-hand corner.

MR JUSTICE GRAY: Goring at the top of the page.

A: I still do not have this.

MR RAMPTON: It is tab 2.

MR IRVING: My Lord, the translation appears to be on the second and fourth pages.

MR JUSTICE GRAY: Yes, page 18. It almost completely is illegible.

MR IRVING: I have put a bracket in the margin next to the paragraph I quoted and relied upon.

MR JUSTICE GRAY: It is more literal in the German.

MR IRVING: It is exactly the same as is quoted in the expert report.

MR JUSTICE GRAY: Mr Irving, what does the last sentence in that paragraph say?

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MR IRVING: On the expert report?

MR RAMPTON: No, in the letter.

MR JUSTICE GRAY: Dr Sperling's letter.

MR IRVING: My Lord, as a result of the shock, the offices ----

MR JUSTICE GRAY: I think Dr Sperling comes up with a figure of 60,000.

MR IRVING: Yes.

A: Yes, but you say that it is 120 to 150, Mr Irving.

MR IRVING: "After weighing all democratic factors and technical numeral inferences, most probability is attached to a figure of 60,000 losses", yes. In West Germany at that time the tendency was throughout to quote low figures for air raids by the Allies, by the British on German cities. This was a very, very clear tendency which existed from the end of the war onwards. If I can draw one very simple parallel here. When I visited Dresden in 1990 on February 13th to my astonishment the whole of the city centre was turned into a huge funeral procession with millions of candles descending on the city centre in commemoration of the air raid. Something like that never, ever happened in Western German. In Western German the effect of Allied air raids on the cities was played down for reasons of greater politics.

MR JUSTICE GRAY: So the government statistician is giving a politically correct figure?

MR IRVING: My impression on the reason why he said, "We are

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inclined to play it down to 60,000", I weighted that in a manner which arose from the fact that I was familiar with the West German tendency to minimize air raid casualties?

A: I am sorry, he did not say "we are inclined to play it down" or weighting it. He said: "After weighing up all demographic factors and technical numeral inferences most probability is attached to a figure of 60,000 losses", which we know to be a very considerable exaggeration, since the generally accepted agreed documented figure is around 25,000 to 35,000.

Q: Is 60,000 still within my bracket, if I can put it like that, of 35,000 to 250,000?

A: That bracket, but of course in many places you say it is between 100,000 and 250,000, in many editions of the book.

Q: The final matter I want to deal with before turning you over to Mr Rampton again with many thanks, is the allegation that I sat on the information of the real figures for six or seven weeks before turning them over in the famous letter to The Times?

A: Where is this?

Q: This is page 546 or thereabouts.

MR JUSTICE GRAY: I am not sure that is the right reference.

MR IRVING: Unless your Lordship has a better one?

MR JUSTICE GRAY: I think there must be a better one.

A: This is Schlussmeldung.

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MR IRVING: I if I can summarize in two lines again what happened. Simultaneously the West German authorities and the East German authorities provided me with high quality documents, giving very specific figures, and the question is: When did I receive these documents and when did I make use of them?

MR JUSTICE GRAY: Yes, I remember the point, but I do not think that is where it is dealt with in Professor Evans' report.

A: 547.

MR IRVING: Paragraph 3: "Simultaneously on 13th May the West German archivist, Dr Brobart, drew my attention to the discovery of a document that confirmed the authenticity of the final report."

A: Yes.

Q: Right?

A: This gives a figure of predicted current death roll of 18,375, predicted figure, death roll of 25,000 and a figure of 35,000 missing.

Q: Yes.

MR JUSTICE GRAY: And the criticism is he top of 549.

MR IRVING: It gets very critical indeed on paragraph 7 on 548: "Irving was forced to make a humiliating climb down".

MR JUSTICE GRAY: Yes. That is not a criticism.

MR IRVING: The word "humiliating" seems slightly critical, my

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Lord. The allegation also that I disclosed none of my correspondence with Corgi. But I am probably not going to deal with that. I am just going to deal with the allegation that I sat on things for weeks.

MR JUSTICE GRAY: Put your question about that.

MR IRVING: Professor Evans, when were the two documents on the basis of your expert report, the East German version and the West German version, mailed to he me?

A: 13th May and you replied on 16th May.

Q: Which document are you referring to?

A: The Dresden city archivist informed you of the existence of the authentic final report of the Dresden authorities, the police authorities, on the death roll on 5th April 1966, and you replied that you continued to believe in the authority of the daily command signed by Grosse which gave a figure of 200,000.

Q: Can I halt you there for a moment and ask, did they actually send the document to me or did they just say: "We have found a document"?

A: Then they sent a document to you on 27th May asking for your opinion.

Q: 27th May.

A: And the West Germans sent you a copy on 13th May. So you had a copy in your hands by the time you replied to the West German authorities on 16th May.

Q: So what did the West German send to me on May 13th, a

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letter saying: "We have found a document" or did they send the document?

A: It confirms discovery, yes, they had ----

Q: You appreciate the difference?

A: Yes. I appreciate the difference. Yes. Giving a full account of what was in the document.

Q: What do you mean by a "full account"?

A: Well, I summarize it on paragraph 3 in page 547. It seems pretty full to me with the figures.

MR JUSTICE GRAY: Everybody knew what the Tagesbefehl was and there are they saying that actually it says 35,000?

A: The final situation report, it says 25.

MR IRVING: So what do you say was in the letter from the West German archivists, the first one 13th May? He drew my attention to the discovery of a document, is that correct?

A: That is right. Then it goes on to summarise a letter in the rest of that paragraph.

Q: I wrote back saying: "Please send me a copy of the report", is that right?

A: Yes, and saying that you would give the facts on 16th May, saying you realized the implications of the document and you were going to give the facts fullest prominence in England and Germany to counter what you now said was the false impression given by the Tagesbefehl 47 which you had said only a few weeks previously to the East Germans you continued to believe in. "We have to delay

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announcement by about a month", you said, "on diplomatic grounds" as the new edition of your book had appeared only 14 days earlier.

Q: Now, when did I receive the two reports, the one from East Germany and the one from West Germany?

A: Well, you were aware of their contents by the time you wrote back ----

Q: Can you answer the question?

A: --- on 16th May to the West German archives saying that you were going to give the new figures their fullest prominence.

Q: Should I have just done that on the basis of that letter or should I have asked to see the report first?

A: You clearly thought you were going to and you say you are going to just delay the announcement by a month -- six weeks is what you ----

Q: Did I do the right thing which any normal historian would do which is to say, "Please", as you have been doing for the last eight days, "show me the document"?

A: No, you did not. You said you fully accepted it and you were going to give the facts the fullest prominence in England and Germany to counter the false impression given by the earlier report.

Q: And did I not say, "Please send me a copy of the document"?

A: Or "Show me a copy of the letter". It does not make any

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difference to the fact you said you were going to give it prominence without actually having seen the document.

Q: If the Germans then sent me a copy of the document, can you take it that I asked them to supply me with a copy of the document?

A: That does not alter the fact, Mr Irving, that you said you were going to publicise the new, much smaller figures without having seeing the document.

MR JUSTICE GRAY: I wonder about this, Professor Evans. It seems to me, in the overall scale of things, six weeks does not seem a desperately long time, and then the announcement was made, as Mr Irving says, in a rather unusual way by means of a letter to The Times?

A: Yes, it is not a major criticism, my Lord, at all.

MR IRVING: My Lord, it gets better, it gets better. (To the witness): Can I ask you to turn to pages 44 and 45 of the bundle, please? First of all, will you accept that I left the United Kingdom on May 31st for a research trip on my new book in the United States on May 31st 1966?

A: Yes. That is after you had written to the West German archives saying that you fully realized the implications of the document and were intending to give the facts the fullest prominence in England and Germany to counter the false impression given by the inflated and forged figures that you had previously relied on.

Q: As soon as I saw the document, that is obvious, is it not?

A: No.

Q: How could I do this without ----

A: You said you were going to do it.

Q: How could I do this without seeing the document?

A: That is what you said. You said you were going to give it. I am quoting your letter.

Q: Page 44 of the bundle which is from my diaries. I always knew these diaries would help me. June 16th 1966. An appendix glued in on that page says: "Letters waiting for me on my return from the United States", right?

A: Yes.

Q: Apparently, I only had 23 letters. I get 170 a day now. Does it say No. 22 and No. 23, the first one, a letter from the Dresden City archives enclosing a photostat of a document, and is the document described there the final report?

A: Yes.

Q: No. 23, does it say: Letter from the German Federal Archives, Koblenz, enclosing a photostat of the document, the chief of the Ordnungs, Berlin?

A: Yes.

Q: Does that therefore satisfy you that I did not receive either of the two reports until June 16th 1966 when, by coincidence they both came to me in the same post?

A: Yes.

MR JUSTICE GRAY: But you had already written to The Times.

MR IRVING: No, sir.

A: He had already written to the West Germans, saying that he was going to give the new figures prominence.

MR JUSTICE GRAY: I am sorry, I thought both these pages were for the same date. I see the next one is the 30th June.

MR IRVING: The next page is 30th June 1966. Is this a page from my telephone log?

A: Yes.

Q: Does it show me telephoning the correspondence editor of The Times telephoning me at 5.45 p.m. to discuss the letter that they have now received from me?

A: Yes. This is all fine.

Q: Would you consider that is a very serious delay between June 16th, after arriving from the United States?

A: I do not think I say it is a serious delay, anyway, do I?

Q: You said it was a six week ----

A: Yes. I say that in your letter on 16th May to the West German Archives you say you are going to have to delay your announcement that you accepted the new figure of 35,000 dead by about a month, and you wait six weeks. It is not a major criticism at all. It is simply just recounting the facts.

Q: Do you not make a major criticism of the fact that for six weeks apparently I did nothing and pondered what to do, on your chronology?

A: No.

Q: And that your chronology was wrong?

A: No. It really it is not desperately important. The important thing is, Mr Irving, having accepted these new figures of 35,000, you then went back on them subsequently and reprinted the phoney targets of Filzeem and Fierzig and put your figures back up 100,000 to quarter of a million.

Q: You accept your chronology was wrong, is that correct?

A: No, I do not. I do not really see why we are discussing this.

Q: You accept that I did not get the reports until June 16th and that I had my letter published by The Times already on July 6th?

A: You said that from the 16th May, when you were told the West Germans that you were going to announce your acceptance of the lower figures, you waited six weeks to give them, but I do not regard that, to repeat myself, as a major criticism. I am simply trying to say what happened. I am trying to give an account of how you deal with these matters. That is all.

Q: Thank you very much, Professor Evans. I have no further questions.

MR JUSTICE GRAY: Well done, Mr Irving. You have completed your cross-examination as you said you would. That does raise a question of what we do about re-examination.

MR RAMPTON: It is really not going to be all that long.

MR JUSTICE GRAY: I do not really want you to, if I may say so, rush it.

MR RAMPTON: I have only got four things I want to ask.

MR JUSTICE GRAY: Is that really all you are intending to ask?

MR RAMPTON: Yes. One of the things, I will tell your Lordship now, I need not do in re-examination, because it is only, as it often is in re-examination, a way of getting your Lordship to look at some stuff which Mr Irving skipped over in cross-examination. I will tell your Lordship what it is. I am going to hand in a clip of documents taken from the files. There was an argument about whether or not Mr Irving was right to have accused the Allies of inventing the gas chambers by way of propaganda. There is very good evidence in the files that even by 1942 they had information that it was going to happen or was happening. I will just hand in the clip of documents, so it means that I do not have to ask about it. The first part of the clip relates to 1942 and the second part to 1943.

MR JUSTICE GRAY: Where am I going to put this?

MR RAMPTON: Ah!

MS ROGERS: In accordance with the rationalisation of your Lordship's files that your clerk very kindly helped with ----

MR JUSTICE GRAY: "Rationalization" is not a word I would use.

MS ROGERS: An attempt then, my Lord, on Friday with your clerk, you should have a file L1, I hope, and tab 6 may be

empty.

MR JUSTICE GRAY: It is.

MS ROGERS: If it is, I suggest it goes there and it will be entered in the index accordingly.

MR JUSTICE GRAY: Mr Rampton, I will be taken through this at some stage, will I?

MR RAMPTON: Yes. We will show your Lordship exactly what it says. They are in effect reports. One comes through Geneva in 1942 from a man called Riegner through the Jewish Congress, whatever it is, in Geneva.

MR JUSTICE GRAY: I remember that.

MR RAMPTON: There is another one that comes direct from Poland in 1943. It is merely to deal with the question whether the Brits invented the allegation. Plainly they did not. The question whether they used it or not is really beside the point.

I would like go to Reichskristallnacht, if I may, Professor Evans, very briefly. It is a file called L2, and I am in tab 1, I think. I need to start at page 9, which I think should be what Mr Irving calls the Hess message of 2.56 on the morning of 10th November 1938.

A: Yes.

Q: The bottom right hand corner. If you want the passage in your report, it is page 270 of the report.

A: Thank you. That is what I was trying to find.

Q: You should not need that, I do not think. I hope not.

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You remember there was an argument between you and Mr Irving about the meaning of this document?

A: Yes.

Q: He contending not only that "gescheften" meant something more than "shops", but the words "oder degleichen" should be attached to the word "ranleg gungen". You remember that?

A: Yes, that is right.

Q: You contend on the other hand that it means no more burning of shops, or the like?

A: Exactly.

Q: Arson against shops. Can you then turn to tab 2 in this file?

A: Yes.

Q: Which is the Nazi court report of 13th February 1939.

A: Yes.

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

A: That is, yes.

Q: Would you please turn to the third page where there seems to be a record of messages sent during the night, the Reichskristallnacht?

A: Yes.

Q: Would you look at the third entry on that page?

A: Indeed, yes.

Q: Which is page 3, and tell us what it means? First of all, give the time.

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A: This is a list -- well, the top says: "On 10th of 11th 1938 there went out".

Q: Yes.

A: And it comes down to this here a list, "2.56 a.m., the circular of the staff of the deputy of the Fuhrer".

Q: That is Hess?

A: That is Hess, "that, which forbids arson on Jewish shops".

Q: Thank you. The words "Oder degleichen" seem to have been omitted. Do you have a possible

explanation and a speculative explanation, as an historian, why the Nazi Party court should not have bothered about those words?

A: Yes. Obviously, this is an abbreviated list with abbreviated titles, and they did not think it was important to put that on. It is quite clear what its central thrust of this telegram.

Q: The reason why you said that it was confined in that way to shops and the like and to arson was that there was a fear that the German property would be injured by a fire started ----

A: Indeed.

Q: --- damage by a fire started in a Jewish shop?

A: Yes.

Q: And you said that reflected what Heydrich had said at 1.20 the same morning?

A: Yes.

Q: Can I take you back to that then which is pages 4 and 5?

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Here we better look at your report?

A: Of tab?

Q: 4 and 5 of tab 1.

A: Tab 1.

Q: That is for the German. We will look at the English because it will be much quicker which is in your report at page 263. What I suggest you do is put the two together. That is what I am going to do.

A: Yes.

Q: It is the second page -- no, it is not, it is the first page of the German, I think -- second page, page 5. This is Heydrich's telegram or telex of 1.20 a.m.

A: Yes.

Q: On the same morning of 10th November 1938.

A: Yes.

Q: Can you just on the left-hand column of the German there are four (a), (b), (c), (d), yes?

A: Yes.

Q: Is that what you have translated at the top of page 263 of your report?

A: That is indeed so. Yes.

Q: If we just read it (a), it says: "Only such measures may be taken as do not involve any endangering of German life or property (e.g. Synagogue fires only if there is no danger of the fire spreading to the surrounding buildings)", and so on and so forth?

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A: Yes.

Q: Can we then just look because Mr Irving, I think ----

MR JUSTICE GRAY: I am not sure I have the point on that. How does that help us to Heydrich's view about German owned ----

MR RAMPTON: What Professor Evans said in ----

MR JUSTICE GRAY: --- shops not to be set on fire?

MR RAMPTON: I am sorry.

MR JUSTICE GRAY: I just wondered how that cast any light on the 2.56 message.

MR RAMPTON: Because that also is a prohibition against the setting fire. It does not say any other kind of damage. The setting fire to Jewish shops.

MR JUSTICE GRAY: Yes, I see.

MR RAMPTON: This is synagogues: "synagogue fires only if there is no danger of the fire spreading to the surrounding buildings". Perhaps, my Lord, what one can -- I should not really give evidence, but it is an argument rather than evidence -- assume is that since Heydrich had spoken of synagogue fires at 1.20, Opdenhoff, Hess's man, need only speak of shops at 2.56.

MR JUSTICE GRAY: Yes, I see.

MR RAMPTON: I do not know. The key word is obviously the "arson" word. (To the witness): If you would just glance at those four headings, Professor Evans ----

A: Yes.

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Q: --- in the Heydrich telex and then please turn finally on this topic to page 276 of Mr Irving's Goebbels book?

A: Yes.

Q: At the bottom of the page we see this: "What of Himmler and Hitler? Both were totally unaware of what Goebbels had done until the synagogue next to Munich's Four Seasons Hotel set on fire around 1 a.m. Heydrich, Himmler's national chief of police, was relaxing down in the hotel bar; he hurried up to Himmler's room, then telexed instructions to all police authorities to restore law and order, protect Jews and Jewish property, and halt any ongoing incidents". I ask you this. Does that seem to you a fair and accurate reproduction of the substance of Heydrich's telex at 1.20 a.m.?

A: No, it does not, Mr Rampton.

Q: If you look over the page, you will see that the footnote reference for 43 and I think it is on page 613 ----

A: 613, I have it.

Q: It must be a wrong reference.

MR JUSTICE GRAY: Yes, it is.

MR RAMPTON: It is a wrong reference.

A: It should be 3051.

Q: Yes.

A: We went through this.

Q: Yes, we did, did we not. We have done the Heydrich telex. I am just going to go back momentarily to the

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Hess's office telex at 2.56. That is further down page 277. At 2.56 a.m. you see that, the end of a line?

A: Yes. I just say that the wrong reference is obviously just a slip of pen on Mr Irving's part.

Q: Mr Irving has accepted that and the right reference should be ----

A: The reference to Karl Wolff's evidence has nothing to do with what is in the text. It is simply an additional cross-reference.

Q: I understand that. That was my mistake, a slight diversion. Can we go down about quarter of the way down 277?

A: Yes.

Q: We have a sentence which begins towards the end of the line at 2.56 am. Do you see that?

A: Yes.

Q: At 2.56 a.m. Rudolf Hess's staff also began cabling, telephoning, and radioing instructions to gauleiters and police authorities around the nation to halt the madness". Again, does that seem to you a fair and accurate account of what was in that Opdenhof telegram?

A: No. It is total and obviously deliberate perversion of the contents of the telegram.

Q: If you would like to turn to page 613 to note 49?

A: Yes.

Q: I can tell you that the reference is ND 3063-PS, which is

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in fact the Nazi party court report of 13th February 1939 we first looked at.

A: Exactly right.

Q: Now, Professor, you will need a file called J1, tab 3, page 13.

A: Yes, I have it.

Q: Thank you very much. I just want to ask you, this is the famous or infamous Hitler Himmler telephone log of 1st December 1941?

A: Yes.

Q: You do not need your report for this at all. This is a question of German language. Do you remember that Mr Irving translated or transcribed this entry as (you will forgive my German) Verwaltungs Fuhrer der SS Juden zu bleiben, except he did not transcribe the first part?

A: That is right, Juden zu bleiben.

Q: If it had said Verwaltungs Fuhrer der SS Juden zu bleiben in German, would it make any sense?

MR JUSTICE GRAY: No, he said it would not.

MR RAMPTON: He said that, did he?

A: No, it would not make any sense.

Q: The second question is a history question rather than a German question. As it stands in its correct form Verwaltungs Fuhrer der SS haben zu bleiben, is it an entry of any significance, historically?

A: I suppose it might be, if you were writing a history of

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the Verwaltungs Fuhrer der SS.

Q: Yes.

A: But in the overall scheme of things it does not seem to me of shattering importance. Juden zu bleiben, of course, taken by itself, is not grammatically possible really.

Q: I suppose he might have just written down Verwaltungs Fuhrer der SS as a sort of isolated, what Mr Irving calls an orphan. It is difficult to see, I suppose, what it might have meant, is it?

A: No. It just would have meant you can see plenty further up there.

Q: Yes.

A: Of just notes to himself really. But clearly it is the indentation which is reproduced on the original, the next page but not on this transcript on the second line, which is the key.

MR RAMPTON: Yes, you made that point. Thank you. Finally this, and I am afraid it is because it is late and it is your last question, it is a little bit cheap. You remember the dispute on page 400 of your report?

A: Yes.

Q: About the way in which you translated in the third line Dr Goebbels' diary entry of 27th March 1942, "in general one may conclude that 60 per cent of them must be liquidated". Do you

remember that?

A: Yes. That was today.

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Q: That was today. Can I just show you, to give you some satisfaction to go back to Cambridge with, what we find in Hitler's War 1991, page 464?

A: Yes.

Q: Right at the bottom of page, he says six lines up, have you got it, "A barbaric indescribable method is being employed here and there is not much left of the Jews themselves. By and large you can probably conclude that 60 per cent of them have to be liquidated". Does that seem to be a fair translation of the German?

A: It seems perfectly reasonable to me. Yes.

MR RAMPTON: My Lord, those are all the questions I have in re-examination.

MR JUSTICE GRAY: Yes. Thank you very much, Professor Evans. That is the end of your quite lengthy spell in the witness box. We will resume on Wednesday at 10.30 with Longerich.

MR RAMPTON: Yes. If we finish this file tonight, I assume your Lordship will not want it until tomorrow morning anyway. We will send it over to your Lordship's room.

MR JUSTICE GRAY: Yes, as early as convenient.

MR RAMPTON: As early as possible.

A: The thing is we will not be able to do it late tonight because the courts are not accessible.

MR JUSTICE GRAY: Yes, I see. What about this recent bundle of Mr Irving's? It is called Claimant bundle G.

MS ROGERS: J2.

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MR JUSTICE GRAY: J2.

MS ROGERS: Tab 9 is empty, if not tab 10. I would like to know which, if that is possible.

MR JUSTICE GRAY: Tab 9 has something in it, so tab 10.

MS ROGERS: Tab 10.

(The witness withdrew).

MR JUSTICE GRAY: 10.30 on Wednesday.

(The court adjourned until Wednesday, 24th February 2000)

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