

PROCEEDINGS - DAY TWENTY-FOUR

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Day 24. (10.30 a.m.)

MR RAMPTON: My Lord, before I call Dr Longerich, there are three things I think I would like to mention.

MR JUSTICE GRAY: I want to mention two things to you too.

MR RAMPTON: Then judge before counsel.

MR JUSTICE GRAY: All right. One I think I have actually discovered the answer to, but can you just confirm that the statements which you rely on for saying that Mr Irving is a Holocaust denier, are they now collective in K3 and, if so, are they going to be refined down, as it were, any more or do I take it that K3 is the selection upon which you rely.

MR RAMPTON: My belief is there was an abstract rather like the anti-Semitic abstract. It is on Word disk.

MR JUSTICE GRAY: I actually heard that. If, in due course, Mr Irving and I can be supplied with a copy of it, that will help a great deal. The other thing is, looking ahead a little more, and this is for you, Mr Irving, as well is really looking ahead to final speeches, it seems obvious that you must both take matters in whatever order you think is appropriate, but it seemed to me in this particular case it would be quite helpful to have a discussion at some stage about a possibly agreed order of topics to be covered, because it would help me if I knew what you were moving to. If you were to take things in

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the same order, you do not have to obviously, but do you follow what I am getting at?

MR RAMPTON: I do.

MR JUSTICE GRAY: This is quite a difficult case in the sense of you cannot take it chronologically and it is quite difficult to interrelate some of the issues.

MR IRVING: Your Lordship is aware that I propose not addressing certain issues in my closing speech.

MR JUSTICE GRAY: That is a matter for you.

MR IRVING: But I certainly agree that there should be an agreed order.

MR JUSTICE GRAY: I think so. That makes it sound a bit more formal than I was really intending, but if we can set aside maybe half an hour some time early next week.

MR RAMPTON: May I say straightaway my present format is to do what I call historical falsification first, then because it goes with Holocaust denial, Auschwitz, and then what I call racism and then finally political associations. I will try to order the historical distortions as I did in cross-examination, and my witnesses have done more or less in the witness box, to do that chronologically.

MR JUSTICE GRAY: If I can just indicate the problem I have had is that the issue of Hitler's knowledge of what was going on is quite difficult to accommodate within the structure you have just outlined. That is, I think, the area that is quite difficult to slot in.

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MR RAMPTON: Except to this extent, it does not find a place, or not a significant place, in my

format because I do not believe that it has any relevance except in so far as it is on the back of that topic that most of the historical distortions ride.

MR JUSTICE GRAY: Quite, but if you limit -- I am sorry to go on about this point; it is quite important to thrash it out -- what one might call the historiographical criticisms of Mr Irving to the points that are made, effectively, by Professor Evans, you slightly miss the whole gamut of the continuum, to use a word we have been using, of the evidence in relation to that issue. So I will just mention that as being a possible difficulty.

MR RAMPTON: It will have a place in the file which -- your Lordship I hope now has, which we have finished, I am afraid -- that was the other thing I was going to say and apologise -- a bit late yesterday. It contains what we think are the core history documents and that, obviously, bears on the Hitler knowledge question.

There will be in what I have to say a certain amount relating to Hitler's knowledge, Hitler's authority, Hitler's orders, if you like, but only in so far as the evidence leads to the conclusion reached by Sir John Keegan, for example, that the idea that he did not know defies reason.

MR JUSTICE GRAY: We will spend a bit more time on perhaps

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discussing that.

MR RAMPTON: One other thing: as to that Hitler knowledge question, what Miss Rogers has done is to prepare a reference, chronological reference document, for what are the most important -- it is not exhaustive -- Hitler statements, in our submission. Can I pass that up?

MR JUSTICE GRAY: Where do you want me to put it? Have you had this, Mr Irving?

MR IRVING: No, I have not.

MR JUSTICE GRAY: Is there a copy for Mr Irving?

MR RAMPTON: N1, I think it is. It is the new file anyway and it is ----

MR JUSTICE GRAY: It is called N1, thank you.

MR RAMPTON: There is one other thing I should say. Your Lordship asked for a note on the admissibility of expert evidence in written form. I have done a note on that. It will be ready by 2 o'clock. It is being typed.

MR JUSTICE GRAY: Obviously, Mr Irving should have a chance to look at it before we have any submissions there are going to be about it.

MR RAMPTON: I will attach to it, there are some pieces of paper showing what the statutes and the rules say.

MR JUSTICE GRAY: Thank you very much. Mr Irving?

MR IRVING: My Lord, the only thing I would wish to add to that is a request that there should be one clear day before the submission of closing speeches.

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MR JUSTICE GRAY: There will be more than that, I think.

MR RAMPTON: I need much more than one day.

MR IRVING: The words "at least" was in square brackets before "one clear".

MR JUSTICE GRAY: Yes, I do not think we want to have too long because I am not sure that speeches are necessarily going to need to go through everything, as it were, in detail; it is more a question of references, I think, in a way.

MR RAMPTON: I thought what I would do is a shortish sort of summary to read out in court with a file, which I would not read in court, of where necessary detailed reasoning and references

just for your Lordship and, of course, eventually the public too.

MR JUSTICE GRAY: My feeling is it will be three plus days. Does that sound sensible to you?

MR IRVING: That will suit my needs, yes.

MR JUSTICE GRAY: That is everything you want to say?

MR IRVING: I think so, yes, my Lord.

MR JUSTICE GRAY: So it is Dr Longerich, gentlemen? Mr Rampton, I have just been told there is an interpreter as well which rather surprises me because I thought Dr Longerich was giving expert evidence about the translation of German words into English.

MR RAMPTON: Yes. His English is very good, but there are times when his thought processes on a sophisticated or difficult question are in German, and when he feels

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uncertain that he may get quite the right nuance or emphasis in English, and it is only for that. It is not going to be a continuous process.

MR JUSTICE GRAY: Good,

(Interpreter sworn)

DR PETER LONGERICH, sworn.

Examined by **MR RAMPTON, QC.**

MR JUSTICE GRAY: Dr Longerich, do sit down if you would rather?

MR RAMPTON: Dr Longerich, are your full names Heinz Peter Longerich?

A: Peter Longerich, yes.

Q: Peter Longerich, sorry. Have you written a report in two parts for the purposes of this case?

A: Yes.

Q: Are you satisfied, so far as can you be, that the statements of fact contained in those reports are true?

A: Yes.

Q: And that, so far as those reports contain expressions of opinion, those opinions are fair and accurate?

A: That is correct.

Q: You speak quite softly. I am a long way away at least. Can you try to speak up?

A: I will do my best.

Q: Thank you very much. Please remain there to be cross-examined.

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Cross-examined by **MR IRVING.**

Q: Good morning, Dr Longerich.

A: Good morning.

Q: Just to clarify one matter. Should I address you as "Professor" or a "Doctor"?

A: Dr Longerich.

Q: Thank you very much. My Lord, just by way of diversion, I provided your Lordship the two documents of which you asked translations. This is nothing to do with Dr Longerich, but you asked this and I should have drawn your attention to this. There is the translation of the Party court in 1939.

MR JUSTICE GRAY: I remember, the Bericht.

MR IRVING: It is the final paragraph which is in endless lawyer language. That is the official

American translation of it.

MR JUSTICE GRAY: I will tell you what, let us come back to this and then we will at the same time work out where to put these documents.

MR IRVING: Precisely, my Lord, and also there is a small bundle of documents which look like this beginning with some Gothic script on the front cover.

MR JUSTICE GRAY: With "ausrotten".

MR IRVING: With "ausrotten", yes.

My Lord, just so you know where we are going today, I will advise your Lordship that I intend to deal

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today largely, and certainly this morning, with this witness's statement on the meaning of words, this late arrival, which I thought would be a useful way to kick off and then we will turn to this formal reports.

Before we do that, I just want to address one or two matters concerning, through the witness, conduct of the case and his credentials. Professor Longerich ----

A: Dr Longerich.

Q: --- Dr Longerich, I am sorry. You work for a number of years at the Institut fur Zeitgeschichte in Munich, did you not?

A: This is correct, yes.

Q: You have to say yes clearly. A nodding will not do. You have to say yes otherwise ----

A: Yes.

Q: --- the microphone does not hear it. How many years did you work at the Institute of History in Munich?

A: From 1983 to 1989.

Q: 1983 to 1989. That was, what, five years then?

A: About five years -- a little bit more.

Q: About five or six years. Did you have a special subject you were working on there?

A: I worked on a project called condition of the files of the Party Chancellory.

Q: The Martin Bormann files, the files of the Party Chancellory?

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A: Yes I edited the second part of this edition.

Q: Yes. The Party Chancellory files no longer existed and they were reconstituted, is that right?

A: It is an attempt to reconstruct the lost files of the Party Chancellory, so I edited about 80,000 pages of these documents.

Q: A spectacular task. So that gives you a very good overview over the whole of the domestic life of Nazi Germany?

A: I think it gave me a good insight into the day to day operation of the bureaucracy in the Nazi State.

Q: And into the kind of language they used?

A: Yes, of course.

Q: And into the hierarchy and the various rivalries and disputes?

A: Exactly.

Q: Was friction between the top Nazis a major element of the Third Reich?

A: Absolutely.

Q: [German] -- in other words ----

A: Yes.

Q: --- jealousies between the different ministries and agencies?

A: In-fighting and these things, yes.

Q: Would you, from your knowledge of other governments, think it was more or less than other governments around that

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time, British government or the American government, or was it something extraordinary, the degree of ----

A: I made point in the book I wrote on the Party Chancellery that I think this exceeded the normal of in-fighting you find in all governments. It is a special case here.

Q: Yes. When you worked in the Institute of History, who was the director at that time? Was it still Martin Broszat?

A: At this time it was Martin Broszat until his death in 1989.

Q: He had a very great reputation, did he not, and he is still greatly admired by German historians?

A: Yes, I think so.

Q: Were you familiar with all the collections of documents in the Institute files? Did you work in the archives at all?

A: Not all the files. I mean, the Institute has an enormous collection of files, but I know some of them.

Q: Yes. Was Dr Hoff still there, Anton Hoff, the archivist?

A: No, I think he died in 1883.

Q: 1983?

A: 1983, sorry.

Q: Just before you came?

A: Yes.

Q: It is a very friendly atmosphere there at the archives, at the institute?

A: I think they were friendly to me. I do not know ----

Q: They are very co-operative, are they not? They do not

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hold things back very much apart from own private collections?

A: I cannot make such a general statement.

Q: In fact, you probably had quite a lowly position there, did you not? You were a newcomer and you were working in the Institute?

A: I have no difficulties in actually getting access to the collection but I cannot make a general statement on that.

Q: Did you ever take the opportunity to look at what is now ED 100, the collection of my documents which is in the Institute?

A: I think I have seen some of the ED 100 files, but I cannot say that I have a complete overview.

Q: Yes.

A: I have seen some of them yes, but at the moment I cannot recall every document I have seen in the Institute.

Q: I am just going to give you a list of names of collections of diaries. I am sorry, you have a copy of this already. I ought to give a copy to his Lordship, perhaps. (Same handed) just on the

back of that there is a blue column called Hitler's People. Do you have that if you turn it over? There is a list of names of diaries that I used when I wrote my book Hitler's War, which are now in the archives. I have added to those since then but I just pick out a few names. Canaris: Would that be a valuable source?

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A: At the moment I cannot recall the Canaris diaries. I am not able to comment on every item, but I think some of them are of course important.

Q: Some are more important and some are less important?

A: Yes.

Q: Dr Longerich, I am not trying to trick you. I am just at this stage trying establish -- I will give a little warning if I am going to try and trick you.

MR JUSTICE GRAY: Mr Irving, do I get anything more from than that -- is this the new edition that is coming out shortly.

MR IRVING: No, this is the second edition, my Lord, but I just wanted to comment on the fact I wondered whether he had taken the trouble to look at these very important collections of diaries that are in my collection, either for his own work or in the expert report.

MR JUSTICE GRAY: Can you put it as a single question rather than the whole lot?

MR IRVING: Yes. Did you use the diary of Walter Havel?

A: I looked at the transcripts. I think it is in England, is it not, the original? I looked at the transcripts at one stage but not for the Party Chancellery. I think I looked at the Bormann, it is more a calendar.

Q: The calendar?

A: Yes.

Q: Which I have now provided to the Defendants. The Walter

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Havel diary does contain one of these episodes July 1941, does it not, where Hitler describes the Jews as a bacillus?

A: I cannot recall this particular passage, I am afraid.

Q: When you drew up this glossary of meanings of words, which, I must say, I find very useful indeed, and this goes purely to the conduct of the case, when did you start writing that approximately?

A: I think it was in December last year.

Q: In December last year?

A: Yes, I tried to use the Christmas holiday to do it.

Q: When did you complete it?

A: I think it was actually in January think.

Q: You completed it in January?

A: Yes, January I think.

Q: Yes. When were you asked to do it by the instructing solicitors in this case?

A: I think they wrote me an e-mail. I think it was in November, but I could not start immediately to work on it because I had other obligations. So I am sure I started to work on it at the end of the Christmas holidays.

Q: You got a letter of instruction?

A: I think, as far as I recall this, I got an e-mail.

Q: Yes. So you got an e-mail sometime in November, you began writing in December and you completed it in January?

A: Yes, that is right.

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Q: Any idea when in January you completed it?

A: I think it was more through the end of January, probably on the first days of February, I cannot recall.

MR RAMPTON: I can help, I think, because now it comes out of Dr Longerich's hands, as it were. It came in its first version in German, which, since I was the person who requested it, I think in November is right, maybe even October, and was useless to me. So it had to be translated. It came back and the translation was, to say the least, unsatisfactory. Then it had to go back again, and what we now have emerged in the course of the last few days.

MR IRVING: Yes.

MR JUSTICE GRAY: Mr Irving I am not unsympathetic to the fact that you are having to deal with this at pretty short notice because it came to you very, very late in the day.

MR IRVING: Of course I accept Mr Rampton's explanation but it was delivered to me on Friday evening and, if it turns out he completed it in January, I would have wanted to know what the reason for the delay was.

MR JUSTICE GRAY: If you want to say you want Dr Longerich to come back at some later stage because you want to ask some further questions, you would be pushing at an open door.

MR IRVING: I fully accept Mr Rampton's explanation about translation difficulties. During your professional career, Dr Longerich,

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as you say in your curriculum vitae on page 3 of your report, you have received research grants from the German Historical Institute in London, and from the Deutsche Forschungsgemeinschaft and also from Yad Vashem?

A: Yes, that is true.

Q: Are you still in debt to Yad Vashem in any way?

A: I started to work on the project. The project has not yet been completed. The relationship, there is no contract between us and in this sense, it is not a book contract or something like that, but I still have to complete this project we started a couple of years ago.

Q: I do not want to know any figures or quantum. Does this mean to say they paid you in advance for something and you are still working on it?

A: No. They paid me for ten months actually. It enabled me to live in Israel for ten months.

Q: As you say in this ---

MR JUSTICE GRAY: What will you be doing for them? What will you be researching?

A: We started to work on a project, a documentation about the deportation of the Jews from Germany to Minsk and Riga and I had a partner there. We started to collect the documents, but unfortunately the work has not been completed yet. It is actually a major project and has not been completed yet.

MR IRVING: The Eastern European archives have turned out to be

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particularly fruitful, is that right?

A: Absolutely, yes.

Q: Is it to be regarded as a great tragedy they have only recently in the last ten or 15 years become available to historians? Is that right?

A: I cannot comment whether it is a tragedy. It is a fact that it has become available in the last years.

Q: They were not available at the time I wrote my first edition of the Hitler biography in the 1960s?

A: With some exceptions. It was always possible to get some of the documents out of the archives. For instance, there is a large collection of documents in the German Central Agency for the Prosecution of Nazi Crimes. They actually managed to get a large collection from this material in the 1960s. There is also a large collection in the Bundesarchives archive and individual researchers had the chance to see not the whole archives but some of the documents.

Q: If I can just dwell briefly on the files in the Zentralestelle, which is presumably the ZST source?

A: Absolutely, yes.

Q: You did not identify that in your report, did you?

A: I think there is a list of abbreviations and it should be there.

Q: The documents provided by the Eastern European archives to the German Zentralestelle, which is a prosecuting archive

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-- could I put it like that?

A: It is the house archive of this agency. They have their own library and their own archival collection.

Q: At Ludwigsburg?

A: Yes.

Q: Is it specifically collected for the purpose of carrying out prosecutions of German and other citizens for war crimes?

A: That is the main purpose of the whole institution and of course mainly some historical background.

Q: They have very valuable collections of documents there, do they not?

A: They have a very good collection, yes.

Q: That is where Dr Goldhart worked, for example?

MR JUSTICE GRAY: Mr Irving, do you think we should move on from the archives?

MR IRVING: I just want to ask one question which makes the point clear, my Lord. Is it apparent to you that, if an archive has been collected for the purposes of prosecution, it is less likely to include defence material, if I can put it like that?

A: Well, you can use this material in different ways. I do not say that they had a complete set of documents from the Russian archives. It is certainly a selection. I did not select it. I do not know who selected it and who made the decision about this, so I should be very careful to make a

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comment on that.

Q: You would always bear in mind using such archives that you are only seeing one side of the picture and not necessarily the other side?

A: I think it is difficult to say because they were interested. They did a lot of work in this

Zentralestelle during the 1950s and 60s, and they actually had historical expertise there because they actually worked on the historical background. I would not say that they were only interested in this aspect of prosecution. I think they had to collect the historical expertise which was not available at this time and could not be provided by historians. So I would be cautious to make such a statement about this collection.

Q: I see on page 5 of your report that you are an expert, or you have written about the Wannsee conference?

A: Yes, I gave the annual lecture in 1998 at the Haus of the Wannsee conference and this published as a booklet.

Q: I do not want a lengthy answer at this time. I just want a brief overview. Is it right that opinions differ as to the importance of the Wannsee conference in the history of the Final Solution?

A: I do not think, generally speaking, the short answer, I would not say that there is so much difference about the significance of the Wannsee conference. It was basically a conference on the implementation of what is called the

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Final Solution. I think a statement like this could be accepted by most of the historians. Of course, if you go into the interpretation of the text, you will find differences.

Q: Opinions differ?

A: Opinions differ among historians.

Q: Yehuda Bauer has said one thing, Eberhard Jaeckel has said another, and so on?

A: I would be very careful to make a general comment. One could look at the writings of Yehuda Bauer and Eberhard Jaeckel and then I am prepared to comment on it.

Q: My Lord, the next question is purely pre-emptive in case another matter comes up. This is still on that page, three paragraphs from the bottom. You edited something called "Was ist des Deutschen Vaterland", a book on German unity?

A: Yes. That is a collection of documents. Actually I issued this in 1990 when this was actually called, as you see here, documents about the question of German unity so that, when the book came out, the question was solved.

Q: Would you tell the court please, during the 1960s, 1970s, and 1980s, or certainly during the 1960s and 1970s, what was the official designation in west German circles of the Soviet zone or the German Democratic Republic?

A: The official name?

Q: The official name, Sprachledlung.

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A: I do not think there was a Sprachledlung but I think in the 1950s the generally preferred term was Soviet zone of Occupation. This changed, then in the 1960s, at the end of the 1960s, when it became more common to speak of the German Democratic Republic, but I am certainly not an expert on, you know, on this issue ----

Q: Have you ever heard of the word Middle Deutschland.

A: Yes, of course.

Q: Was that also an official designation?

A: This was also common, yes.

Q: No kind of revanches sentiment was attached to that word?

A: I would be very careful to make such a general statement. It is a complex issue.

Q: Professor Longerich, I think I can say quite evidently that you harbour no personal dislike or animosity towards me at this stage?

MR JUSTICE GRAY: No, I am sure not. Mr Irving, shall we move towards one of the substantive questions that you are going to have to ask about? Let us move on, in other words.

MR IRVING: On page 8, three paragraphs from the bottom, you lecture the German Historical Institute ----

A: Yes.

Q: --- on the policy of destruction, vernichtung?

A: Yes, that is the title you prefer. I cannot recall the exact English title of this lecture.

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Q: Politik der Vernichtung. Was I present in the audience on that occasion?

A: I think I remember you, yes.

Q: Did you invite questions at the end of that function?

A: The Director of the Institute invited question, yes.

Q: Did I ask a question?

A: Yes, you asked a question.

Q: What did the Director of the Institute say?

A: The Director said, "Dr Longerich does not want to answer your question".

Q: He said, "Dr Longerich has informed me in advance he will not answer any questions from Mr David Irving"?

A: That is correct, yes.

Q: Thank you very much. Was there any specific reason for your refusal?

A: I think there was a discussion in the Institute whether you should be actually asked to leave the building, and, well, at this stage I actually know, I actually knew that I would be called into the witness stand here, and I thought it was better not to answer this question, not to have a kind rehearsal of this.

MR JUSTICE GRAY: Sorry, you did or you did not know you were going to be a witness?

A: I was quite aware, I think, that I would be.

MR JUSTICE GRAY: Oh, you were, even back in 1988?

A: Yes.

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MR IRVING: Did you state that at the time?

A: Pardon?

Q: Did you state that to the Chairman at the time as the reason why?

A: No. I did not give a reason.

Q: What was the question I asked? Do you remember? What document was I asking about?

A: I think you were asking about the Schlegelberger, what you called the Schlegelberger document.

Q: I read out the Schlegelberger document and invited you to reconcile it with what you had said in your lecture?

A: I think this was the moment when you called me a "coward"? Isn't this this incident?

Q: That is right, yes.

A: Yes. I can recall this, yes.

Q: Just a brief answer this time, do you consider the Schlegelberger document to be a key document in the history of the Final Solution?

A: No, absolutely not.

Q: Totally unimportant?

A: It is unimportant, yes.

Q: Have you mentioned it in any of your books?

A: No, I do not think so.

Q: A book, in other words, a document which says the Fuhrer has asked repeatedly for the solution of the Jewish problem postponed until the war is over, in your view, was

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unimportant?

A: Well, that is your interpretation of the document.

Q: I am saying what it says.

A: Yes, it is third-hand evidence. It is an undated document. We do not know who actually wrote the document. It is third-hand evidence. It is about Lammers who said that somewhere in the past Hitler had said something to him about the solution, not the Final Solution, of the Jewish question. I think we will come to the document later in more detail, but I think I could not see this and I cannot see this as a major document, let us say, for the interpretation of the Holocaust.

Q: What would have prevented you saying this to what was obviously a friendly audience at the German Institute on ----

MR JUSTICE GRAY: He has given his answer. You may not accept it, but he felt inhibited by the fact he had been asked to give expert evidence.

A: I should mention that I do not want to find myself on Mr Irving's website with my answer. I felt myself ten with the full comment, you know, of my behaviour and I know that Mr Irving was doing these things, and I do not want to get engaged in this kind of argument or debate, so I prefer to be silent.

Q: You prefer there not to be a debate, is that right?

A: Pardon?

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Q: You prefer there not to be any debate on things like this?

A: No, I do not prefer to be involved in this kind of debate that you, you know, should be more specific, not to be with my comment. I do not want to find me on your web page which is what I said during this discussion or during this lecture. This was the second reason.

Q: We are now going to go to the meaning of words, Professor Longerich. Again this is perfectly straightforward questioning and answering. There are no concealed tricks involved here. Would you agree that a lot of the words that you have put in your list quite clearly show an intention, a homicidal intent, if I can put it like that? A lot of the euphemisms used by the Nazis?

A: Yes, I think that is true.

Q: A lot of them are ambiguous?

A: They are in the way they were used they are. They are sometimes ambiguous, yes.

Q: It is really a bit of a minefield, is it not?

A: Well, I think, I cannot speak about minefields. I think what an historian has to do, he has to look at each document and has to look at the context and then try to reconstruct from the context

what actually the meaning of this, of this passage might be.

Q: But is not the danger there that you then come back using our pre-Ori methods, that you extrapolate backwards from your knowledge and assign a meaning to the word rather

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than using the word to help you itself?

A: That is the problem with all interpretations. You have to come back. Of course, you cannot analyse the word completely, you know, outside. You have to look at the meaning of the word, but always in a historical context. I am not a linguist, so I prefer to actually, as I said, to look at the context and to ----

Q: You speak English very well, Dr Longerich, if I may say so, and I think we are all very impressed by that and I am certainly impressed by the arguments you have put forward in your glossary. Would you agree also that the same word can have different meanings when uttered by different people?

A: Yes. That is exactly why I think it is important always to look at the context because, as you rightly said, the same word could have different meanings in different contexts.

Q: The same word can also have a different meaning depending on when it is uttered?

A: Exactly.

Q: Even by the same person?

A: Exactly.

Q: Or in what circumstances it is uttered?

A: That is what I call the context.

Q: The only two words I am really concerned with (but we will certainly look at the other words in your glossary) are

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the words "vernichtung" which is destruction or annihilation?

A: I said, I translate it as, I could accept this translation, but I also think in our context, I said probably the translation "extermination" is the better one or the more appropriate one.

Q: Yes, well, "extermination" is a possible one, but you will appreciate it is not always proper to go for the third or fourth meaning of a word?

A: I do not know what you mean by "the third or fourth meaning". If you mean the use of dictionaries, I think that is a rather mechanical way, you know, at looking at dictionaries. Of course, a dictionary offers various meanings and you have to probably go to the third or fourth meaning if the context suggested that, the context in which the document stands. So I do not think a translator or an historian would always in a mechanical way take the first meaning in the dictionary.

Q: Here is a 1935 dictionary that says -- I will just check it -- "vernichtung" has only two meanings and that is "annihilate; destroy"?

A: This looks rather small, your dictionary, if I may say so, and you find other dictionaries -- actually, I do not think that.

Q: I have any number of other dictionaries going back over the years.

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A: We can go, if you want, to the dictionaries.

MR JUSTICE GRAY: I think what the witness is saying is you can swap dictionary definitions until the cows come home and no-one is at the end of it any the wiser.

MR IRVING: The other word I want to look at is "ausrotten" and I am going to ask you very quickly, Dr Longerich, to take this little bundle of documents which is on the left-hand side there which I just gave you.

A: I just see this for the first time, I have to say.

Q: Is that the little bundle there?

A: Yes.

Q: Yes. I have given it to you for the first time because perhaps I can ask an interim question. When you compiled your glossary, Dr Longerich, did you have before you a number of documents from a dossier on the word "ausrotten" that had been provided by the Defence solicitors?

A: Sorry, a glossary of terms of what the word ----

Q: When you wrote your glossary ----

A: Yes.

Q: --- did you before you a number of documents provided to you by the Defence solicitors?

A: No, I cannot actually -- I cannot recall this. I wrote this in Munich but, of course, it was holidays and when I did this, I did not have anything in front of me.

Q: Very well. The first page, page 1 -- I am looking at the big numbers at the bottom -- the ausrottung des Prostesten

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tismus?

A: Your bundle, yes.

Q: It is my little bundle, yes. This is 1900 ----

A: Yes.

Q: -- published by some church body, and it is about the ausrotten des Prostesten tismus in Salzburg?

A: Yes.

Q: Obviously, they are not talking about liquidating all the Protestants, are they?

A: I do not know, I mean, you know, in Germany in the 17th century, for instance, they had what they called religious wars and many people were actually ausgerot for religious reasons. So if you give me a chance to find out whether this is about the 30 year war.

MR JUSTICE GRAY: It appears to be dated 1900. I do not know whether the Gothic script means it is older than that.

A: It is written 1900, but is it not historical subject?

MR JUSTICE GRAY: Mr Irving, if I may say so, I do not think we will get very much help out of that.

A: I see. It is about the church history of the 18th century.

Q: I am looking just at the use of the word, my Lord, and suggesting strongly that at this time they were not -- it is in close parallel to the phrase the ausrotten des Judentums?

MR JUSTICE GRAY: Yes. I follow the point you are making, but

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can one not put it this way? Do you accept or not, I do not know, Dr Longerich, that you can use "ausrotten" to mean "rooting out". It depends on the context?

A: I am not sure about "rooting out". I think the meaning here of "ausrotten" is to wipe out, to get

completely rid of.

Q: All right, wipe out?

A: This applies not to -- I do not know, I mean, I am not familiar with the -- I mean, if you give me the time I will try to do my best to get familiar with the history of the churches, of a church in Salzburg in the 19th century, I am not sure whether they kill anybody or so.

MR JUSTICE GRAY: Let us forget about ----

A: I think the term "ausrotten" applies to an organization which probably Protestantism is here. It does not necessarily mean that everybody who belongs to this organization is going to be killed. You can also speak, I mean, today about "ausrotten" of criminality, for instance, if you mean, you know, that you get rid of this problem. But I think what is more important is that, you know, it is more tricky when it comes actually to the ausrotten of human beings, then I think the meaning is quite clear, as far I see it.

MR IRVING: Can we now go to page 2 which is a 1935 Nazi reference to it, one which you have not adduced in your glossary. This is a speech by Rudolf Hess on May 14th. My

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Lord, the translation is the final paragraph on that page. "National socialist legislation", the actual phrase which I am going to look at is "National Sozialische Deutschland des Judentums etwa richtiglos ausgerottet wurde".

A: Where is that?

Q: So there is a specific reference here to ----

MR JUSTICE GRAY: Fourth line?

A: Yes.

MR IRVING: --- the fourth line of the German. Here you have: "National Socialist legislation has now introduced corrective measures against this overalienisation. I say 'corrective' because the proof that the Jews are not being ruthlessly ausgerottet", which I say is rooted out, "in National Socialist Germany, is that in Prussian alone 33,500 Jews were working in the manufacturing industry, 89,800 are engaged...", and so on. So he is talking clearly there about rooting out, is he not, not about liquidating because this is 1935, no one is killing Jews at that time, are they?

A: I take your word that this is the authentic texts. I have not seen this document myself. I do not know the context. He is saying that the Judentum, which is probably the Jewry in this context, is not ausgerottet in 1935, which is perfectly true, I think. It is a preHolocaust document, I cannot see ----

Q: It is a Nuremberg document, is it not, if you look ----

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MR JUSTICE GRAY: But the point that is being put, Dr Longerich, is that "ausrotten" is being used there in a context which has nothing to do with extermination. That is the only point that is being put.

MR IRVING: By a Nazi, in connection with the Jews?

A: Yes, so it is not the Jews, it is the Judentum, the term "Judentum" means here, let us say ----

MR IRVING: The Jewish community?

A: --- the Jewish community, the alleged social position of the Jews in Germany, their property, their wealth and so on. So I think that, and so far the term means not only human beings, a collective, but it also means more than that, and in this sense the Judentum was not ausgerottet,

so that is....

Q: The next page, Dr Longerich, on page 3 is the English translation, but you can look at the German, if you wish, which is on page 5. This is on item that you yourself have adduced. This is Adolf Hitler's use of the word "ausrottung" in 1936. He is not talking about Jews, but it is the same word. He is talking about the need for an economic four-year plan. On page 3 he puts in this sentence: "A victory of Bolshevism over Germany would not lead to a Versaille Treaty, but to a final destruction, indeed the ausrottung of the German nation", "volk". Is Hitler saying that if the Bolsheviks succeed in war against Germany, they are going to exterminate the German

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nation?

A: I am sorry. Normally, I have more time to interpret documents than this one or two minutes.

Q: This is one referred that you yourself have referred to though, is it not, in your glossary?

A: So I just have to look at it because I quoted it myself in my own document, he goes then on and says after you stop here, "And if the ausrottung", he tries to explain what "ausrotten" means. In English, it says here that: "After a Bolshevik victory, the European states, including Germany, would experience the most terrible catastrophe for its people since humanity was affected by the extinguishing of the states of classical antiquity". So I think if you say, "Well, this will be worse than the end of the Roman Empire", this statement involves clearly that this will be done in a very, that this ausrottung will be done in very cruel manner, it will cost a lot of lives. I think this is implicit here in Hitler's words.

Q: But "ausrottung" here cannot be equated to the word "extermination", can it? He is not saying, "If the Bolsheviks win in a future war, it will lead to the extermination of the German people", he is saying, "It will lead to the emasculation of the German people or the end of them as an important power in Europe"?

A: I would not agree because when he makes this reference, "It is more terrible than the end of the Roman Empire,

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the states", he says.

Q: Yes.

A: Then it is quite something. I mean, this is not just, you the Versaille Treaty, as he said. It is not just the collapse of the German Empire; it is much, much more.

Q: Hunger, starvation and pestilence.

A: In a way, I am trying not to speculate what Hitler thought in 1936 what is actually more terrible than the end of the Roman Empire. I think it is quite reasonable to assume that this kind of "ausrottung" would, as the end of the Roman Empire did, involve the killing of many, many people.

MR JUSTICE GRAY: Can you just for my benefit translate quickly, if you would not mind, the immediately following words, where he talks about what a catastrophe that would be?

MR IRVING: "The extent of such a catastrophe cannot be really imagined".

MR JUSTICE GRAY: Next sentence?

MR IRVING: "How the densely populated west of Europe, including German, would survive after a Bolshevik collapse, it would experience probably the most awful national catastrophe since the extinction of the antique states -- since the" -- it is a complicated sentence.

MR JUSTICE GRAY: It is a complicated sentence, but, Dr Longerich, it is all pretty apocalyptic stuff, is it

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not, that he is ----

A: Yes. Exactly, and I think I translate it a little bit more, I said, "The most terrible catastrophe", "grauenhaft", I think is the word "terror" in it, and so it is ----

MR IRVING: "Awesome"?

A: I think it is more than that.

Q: Can I just ask you briefly about this document. This is, of course, a document dictated by Adolf Hitler to his private secretary, is it not? It is not a speech. He is choosing his words carefully.

A: Yes. I do not know whether he dictated this to his private secretary. It is a document he provided for Goring. It is an instruction for Goring to carry on with ----

Q: Well, I know because Christa Schroeder told me he dictated it to her.

A: I am trying to explain this to the court. It is the document which actually says that Germany should be able within four years to fight the next war. So it is an instruction for Goring. But I think if we go -- no, I cannot read more than that in this document.

MR JUSTICE GRAY: We have your answer about that document anyway.

MR IRVING: Yes. Page 6, again we are still in 1936, but collection of documents published obviously by anti-Nazis

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now about the expropriation, the humiliation and the vernichtung of the Jews in Germany ----

A: Yes.

Q: --- since the government of Adolf Hitler. This time it is the word "vernichtung".

A: Yes.

Q: 1936, of course, the Jews as such had not been vernichtet, had they, and yet this is a history of the destruction of the Jews?

A: I have to make here a general observation. I just have to trust that this is all, you know, this is original.

Q: I have the original documents here.

A: And I always prefer to look at documents in the appropriate context, but, of course, it is possible that somebody in '36, and I think these are the Jews who emigrated from Germany, would use the term "vernichtung" in a sense that, you know, "vernichtung" there, you would use it in the sense that he would not refer to the actual killing of the Jews because the actual killing, as we know, did happen later on. So I do not think how this document can help us to interpret or to put the Nazi terminology into the historical context.

Q: Yes, I agree. It is a low grade document. It is outside Germany but there is the phrase "vernichtung der Juden" in 1936.

A: Yes, and who actually published it, do you know that?

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MR JUSTICE GRAY: Let us move on. It is a low grade document.

MR IRVING: The next one is high grade. It is page 7, Walter Hewel?

A: Yes.

Q: Walter Hewel was a diplomat on Hitler's staff. He was the liaison officer, von Ribbentrop, was he not?

A: Yes.

Q: H-E-W-E-L?

A: Yes.

Q: And he wrote a memorandum on the conference between Hitler and this Czech State president Hacha -- H-A-C-H-A -- on March 15th 1939, which is in the official published volumes, is it not, ADAP?

A: Well, again I cannot recall the document. I just trust that this is correct what you are saying. I do not have the ADAP with me and I do not have ----

Q: Well, if this is a fig quotation, no doubt, I will be shot down in due course by the Defence. The phrase in German is [German - document not provided] which I will translate as "If in the autumn of the last year, 1938, Czechoslovakia had not given in, then the Czech volk would have been ausgerottet?"

A: Yes.

Q: What is Hitler saying there?

A: Well...

Q: Is it important, do you think, this use of the word here?

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MR RAMPTON: Do let him answer. One question at a time.

A: I do not know about Hitler's plan, you know, it is a hypothetical question. It is assuming that the Munich agreement would not have happened, and so I do not know what was going on in Hitler's mind about the future of the Czechoslovak people, you know, in the case that would have been in 1938. So I cannot answer this question outside this.

Q: Is Hitler telling the Czech State President, "Good thing you signed on the dotted line at midnight or 2 a.m. otherwise I would have liquidated your entire people", is that what he was saying?

A: Forgive me, I do not know to which text you are referring now.

Q: That is the context there. If the word "ausgerottet" used in Hitler's mouth talking about ----

A: Well, we have another document from the conversation between Hacha and Hitler where actually Hacha himself says, "Well, actually our people felt that -- our people are quite relieved because they feel now because they were on the assumption that they were going to be vernichtet in the case that, you know, the Munich agreement would not have kept ----

Q: How many Czechs were there? About 10, 15, 20 million?

A: Are we talking about the Czech Republic?

Q: Yes.

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A: I think 7, 8 million or something like that, yes.

Q: So Hitler is at this time, is this what you are saying, "I would have exterminated 7 million Czechs if you had not signed"?

A: First of all, I do not know whether actually, but this is verbatim document, whether it implies some kind comment on Hitler, and then I am not sure -- it is a hypothetical question because what happened is that Czechoslovakia and the Western powers gave in and the Czechoslovak people were actually saved from a major catastrophe, may I say it like this, and I do not know what was going on in Hitler's mind in '38 about the future of the Czech people in case that, you know, he

had not signed the Munich agreement.

Q: Yes, but ----

A: But ----

Q: --- you do get the drift of my question, that here is that word "ausgerottet" in connection with a volk and Hitler saying, "I would have done it to them if you had not signed"?

A: You know, it is a hypothetical. It is also, you know, Hitler sometimes uses, you know, he made threats and he threatened people and he made completely, you know, remarks which shows that he was out of control. So, you know, I do not know the context whether this is a kind of emotional reaction or anything like this.

MR JUSTICE GRAY: What you are saying, it all depends on the

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context?

A: That is absolutely true.

Q: And is it also right that sometimes politicians, or Hitler anyway, would use a term like "ausrottung" meaning "wipe out"?

A: Yes.

Q: Which is not to be taken literally?

A: Yes, that is what I would say.

Q: That is why I am not really ----

MR IRVING: That is precisely the point I was going to ask.

MR JUSTICE GRAY: It is all context, Mr Irving, is it not, really?

MR IRVING: The final question on that quotation, therefore, is, is it not likely that Adolf Hitler was just saying, "If you had not signed, I would have ended Czechoslovakia as a power"?

A: I think that is much, much stronger than that, "ausrottung", and again from the conversation with Hacha I know that Hacha was under the impression that the Czechoslovakian people would be vernichtet.

Q: What did he mean by "vernichtet"? I know you used this in your glossary.

A: I think that people had ----

Q: Gas chambers for the entire Czechs?

A: No, but I think that people had felt, that people in Czechoslovakia in '38, felt that probably their existence,

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probably their life was under danger. I think that is quite fair to say.

Q: The entire Czech nation or just a few left wingers and ----

A: That people felt that their life was in danger.

Q: Move on to the next passage, please? This is one you have quoted, is it not? This we do not have to argue whether he has been correctly reported or not because this is from a transcript of a speech that Hitler made to the Nazi editors on November 10th 1938.

A: Yes. This is actually the day, the day after Kristallnacht, so the day, during the night approximately I think 90 or more people were killed, so this gives you a kind of background. Now, the term here Hitler is hesitating in this speech. He says, "Well" -- may be I should go, I have to go to my ----

MR JUSTICE GRAY: It is quite a complicated sentence. Can you translate it?

A: Sorry, I have to go to my own text and I have to compare the two text. I am sorry about this.

MR IRVING: While you are doing that, can I set it in context? Is Hitler saying ----

A: I am sorry, I cannot do this and listening to you. I have to find my ----

MR JUSTICE GRAY: Just pause a moment, Mr Irving.

A: I have to find my own text. I know that it is somewhere.

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MR RAMPTON: On page 21, in paragraph 6.12.

MR JUSTICE GRAY: Yes, thank you very much, Mr Rampton.

A: Yes. Yes, and then the sentence -- you did not give the, you stop in the middle of the sentence and you did not include the last five words, and the last five words in German are "aber man brauch Sie leider", "but we need them, unfortunately". So the context is that he is going to say, "Well, actually, you know, I could when I look at the intellectual classes in Germany, you know, one could, I could come to the conclusion", and then he is hesitating and saying "ausrottung", and then he goes on and says, "Well, unfortunately, we need them". So he is saying this idea to ausrottung, to kill the intellectual classes is completely illusionary, and so he has to come back and says, "I cannot do it".

You see, I have difficulties with this kind of, you know ----

MR IRVING: My Lord, can I just translate the sentence for you?

MR JUSTICE GRAY: No, do not interrupt.

A: --- I have difficulties actually to with these kind of documents which come in the last minute and leave out an important passage of the sentence, of the German sentence. Please give me sometime always to find the original if I have not got it in my report, I actually would like to insist that the original is here because I think this is not the way one can do it.

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MR JUSTICE GRAY: Dr Longerich, I have some sympathy with that, particularly as you have pointed out that there is quite an important bit of that same sentence omitted in Mr Irving's piece of paper.

MR IRVING: Can I just read out the translation of that sentence to you, my Lord?

MR JUSTICE GRAY: No, because it has just been read out.

MR IRVING: I do not think he has actually read out the translation.

MR JUSTICE GRAY: Well, I have read it; I thought he did.

THE WITNESS: I can do it if you want to.

MR JUSTICE GRAY: Do if you want to, but include the last words because they make quite a big difference, it seems to me.

MR IRVING: Not in my submission, but there we are. "I look at the intellectual classes amongst us, then, unfortunately, well, you need them, otherwise, I do not know, you could ausrotten them or something like that, but unfortunately you need them". I do not understand why you say I left out the words "man brauch Sie an"?

A: Because you stop the sentence here with the colon and, in fact, the sentence is not stopping. You give as reference [German - document not provided] and this is not a complete, a complete sentence. You stopped in the middle of the sentence and left out the last five words. You should have used -- I mean ----

MR IRVING: Which are the words that I left out?

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A: If your interpretation differs, you should have used, you know, the normal, you know, these little dots one uses if one does not insert the complete sentence.

Q: Dr Longerich, which are the words you say that I left out?

MR JUSTICE GRAY: He has said many times, "aber man brauch Sie leider"?

A: "So you cannot kill them because we need them".

MR IRVING: Are those words not on the fourth line of my quotation on page 7? "Man brauch Sie"?

MR JUSTICE GRAY: Mr Irving, they are, but they come in twice and don't let us spend too long on this.

MR IRVING: Precisely, my Lord, but the whole point I am looking at there is this is Adolf Hitler in 1938 when nobody is liquidating anybody ----

A: Except the 90 people who just died the night before, and this is the little exception one has. I mean, you have to realize the context is that this is the most brutal killing which happened in Germany since, I think, the Middle Ages. There are more than 90 people, I would say several hundred people possibly were killed the last night, and in this atmosphere Hitler is giving a press conference and speaks about the *ausrottung* of intellectuals. I think one cannot, you know, one has to look again at the historical context because this is, you know, an atmosphere which is dominated by brutality and a kind of absence of public order and law. I think, you

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know, this has to be included here.

Q: Your answer invites two questions, unfortunately. The first question is was Adolf Hitler, to your knowledge, at the time you made this speech on the afternoon of November 10th aware that 90 people had been killed during the night?

A: I do not know. I do not know that.

Q: The second question is, are you, therefore, suggesting that the verb "*ausrotten*" is not a mass extermination but a midget extermination, if I can put it like that, of just 90 people? Is that the scale you put "*ausrotten*"? I thought that "*ausrotten*" meant extermination on a huge scale.

A: No, I am just saying that when he made this, he made the statement and the statement says, "I can't kill them, I would like to but I can't kill them", but one has to look at the atmosphere of this very day.

MR JUSTICE GRAY: It always comes back to context?

A: That is what I am trying to say.

MR IRVING: Precisely, but a perfectly reasonable interpretation of the word "*ausrotten*" there would be get rid of them, abolish the intellectual classes, abolish the ----

A: The translation here ----

Q: --- upper classes?

A: Sorry. I think the translation, the proper translation,

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is to kill them all, but, unfortunately, I cannot do it. I have said this now three times and I think it is-- I do not want to ----

Q: Adolf Hitler was telling the editors of the leading newspapers in Germany, "I just wish I could kill all the intellectuals" in 1938?

A: Yes, "But I cannot do it, unfortunately". That is what it says in the text here.

Q: Yes. This is the image you now have of that kind of thing 55 years later, but how would the

editors have picked up at the time if that was the meaning of the word "ausrotten" in 1938? You appreciate that the meaning of words change over the years and when Adolf Hitler uses the word in 1938, the editors sit there thinking, "Yes, he wants to abolish them, he wants to get rid of the upper classes", just the same as Tony Blair gets rid of the House of Lords?

MR JUSTICE GRAY: No, not the upper classes. I do not think that is right.

A: The intellectual classes -- well, then he could have said, "Well, actually I want" -- I said this here in my report, I said if he were just referring to a kind of, you know, social, you know, reform or reform of the educational system or some leveling of class, something like that, he could have said so. He could have said, "Actually I want, you know, to be more, Hitler jungens in the universities."

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I do not want to get -- I would like to get rid of the sons of academics, well-established people", but he says he used the term "ausrotten". I cannot help this-- it is here and ----

Q: Just one more question on that. Would it not be a parallel if Tony Blair said he wanted to rid of the House of Lords, wipe out the House of Lords, would he not say "ausrotten" there and would that mean that he wanted to stand them against a wall?

A: That is a hypothetical question. How can I answer this question?

Q: But it is that kind of word and that kind of situation, is it not? "This is a body which is bothering me. I wish I could, "Out, out, damn spot"?"

A: If you ask me as an historian, I should make a historical comparison, then you have to include in this picture that Tony Blair just killed 91 Conservative Member of Parliament. So this would give you a kind of -- and then if he would use at the same time, at the next day the term "ausrotten", I would look at it and say, "Well, a dangerous man".

MR JUSTICE GRAY: Mr Irving, let us move on because really this is not, I think, a very helpful exercise.

A: It is difficult for me to make such comparisons.

MR IRVING: I did not drag in the 90 deaths and I am going to have to ask a question. Did Hitler order the Jews killed

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that night?

A: Did Hitler?

Q: Or did Hitler order the Jews killed in Reichskristallnacht?

MR JUSTICE GRAY: I do not think that bears on the issue we are considering at the moment.

MR IRVING: It bears on the questions of intent behind the word "ausrottung"?

A: Well, I think that Hitler played a centre role in the launching of the Kristallnacht.

Q: We know your views on that.

A: Pardon?

Q: Can you now go to document No. 8, please?

MR JUSTICE GRAY: You did ask the question, Mr Irving.

MR IRVING: He then answered a totally different question whether Hitler played a central role or not.

MR JUSTICE GRAY: Let us move on if we have to do this exercise, let us do it quite quickly.

MR IRVING: Page 8.

A: I could not complete my answer, sorry.

Q: This is a 1941 document, a book again in German [German - document not provided]

A: Yes.

Q: Was Hungary exterminating the ethnic minorities?

A: Well, you see, give me the chance, you know, to read the book. Maybe the book, it might be a pamphlet from

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somebody who said, well, actually the Hungarians are killing, literally killing, the minorities. I do not know the order. I do not know whether Paclisanu is a reliable author. I have not seen the book and I do not know whether the book says -- I do not know whether you have read the book -- if the book says that the Hungarians are killing the minorities. There might be somebody ----

MR JUSTICE GRAY: I think that is a fair answer. Without that further information, I do not think that particular cover page really helps.

MR IRVING: Well, if this expert witness can answer the question whether Hungary was killing ethnic minorities, that would clarify what the title meant.

A: No, I do not -- that is in 41. I am a bit hesitating here because, well, they actually were quite rude with the minorities after that, but I cannot comment on that without actually looking at the content of the book.

Q: Dr Longerich, at this stage in our discussion, therefore, we can agree that the word "ausrotten" can mean just about whatever you want it to mean?

A: No, clearly not. You have to look at the context and the context will help you to establish a meaning of the word, I think.

Q: If you turn the page now to page 9, this is my summary of a telegram which I found in the Roosevelt library.

A: Yes, I would suggest that I should comment not on your

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summary but on the original, given the experience we have before.

Q: That is one way out of answering the question, is it not?

MR JUSTICE GRAY: No, Mr Irving, that is not fair. Do you refer to this yourself, Dr Longerich?

MR IRVING: No, he does not.

A: No. Sorry for interrupting you.

MR IRVING: Are you suggesting, therefore, that I have deliberately copied faked quotations from a telegram from my own files?

A: No, but I have the experience and that quite upset me that you left out here half a sentence of a sentence without actually ----

Q: Which repeated the precisely the same four words that were earlier in the sentence, right?

MR JUSTICE GRAY: We have left that document. Let us look at this one.

A: I am just saying, I am not just -- I am not happy, you know, just to comment on your summary of a report I have not seen in the original. I think it would be inappropriate for me, as an historian, to comment on that. I should see the original and I should not draw conclusions from your summary.

MR IRVING: Shall we try, unless his Lordship says that I should not ask the question about this?

MR JUSTICE GRAY: This appears to be -- is it Swiss?

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MR IRVING: It is an American diplomatic despatch in the Roosevelt Library.

MR JUSTICE GRAY: Commenting on whether a word in a report which we do not have has been correctly translated.

MR IRVING: It appears that this report may be based on mistranslation of the words ausrottung and entjudung. Is it possible therefore to mistranslate the words ausrottung and entjudung?

A: I have to fully digest, just one second.

Q: It is a bit of problem if you always have to produce the whole document or the original report, you do appreciate that.

A: So your question is what, sorry?

Q: The question, if you are prepared to answer a question on this summary, or extracts from an American diplomatic despatch, is it possible to mistranslate the word ausrottung and entjudung in a way which might go one way or might go the other. Even in 1944, in other words, there is no firm and fixed definition or translation?

A: Well, somebody speculates about the issue whether the words ausrottung and entjudung were mistranslated.

Q: Yes.

A: And how shall I comment on that?

MR JUSTICE GRAY: I find this frankly an absurd document because the report appears to refer to the extermination of European Jews at camps in Silesia?

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A: Yes.

Q: It refers to a cyanide process and to German executions and then Mr Harrison, whoever he may be, thinks that ausrottung has been mistranslated. It is an absolute nonsense.

MR IRVING: I am only relying on the mistranslation, the fact that it is possible to mistranslate the word ausrottung. That is all I can do with that particular document.

A: If you want me to comment on it, I should be able to know more about the facts than Mr Harrison did, shall I put it this way? At the moment I do not know what I should do with this document.

Q: The final sentence, of course, "I spoke yesterday with one of the men who planted the report with the newspaper agencies". Did this kind of thing go on during the war years, that documents were planted with newspaper agencies?

A: During the war documents were planted with newspaper agencies, yes. That happened.

Q: You always want to see original documents. If you turn the page to the next one which is unnumbered, is this the kind of document you are familiar with from Himmler's files? You may actually know it, in fact, because it is addressed to your subject Martin Bormann, is it not?

A: Yes. I became quite familiar with him, that is true.

Q: It is dated 21st February or thereabouts, 1944?

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A: Yes. It says that the misstande, what is misstande in English?

Q: Bad conditions?

A: Yes something like that.

Q: Naff, as they say in America.

A: Can I ask the interpreter something?

MR JUSTICE GRAY: Yes, of course.

THE INTERPRETER: Things which are not right, things which need putting right.

A: So he is not referring to people. He is referring to things which are not going right. He is saying that these misstande, these things which are not right, will be ausgerotet, so of course the term ausgerotet, you could give me thousands of documents which would show me that misstande ausgerotet were meant, ausgerotet, everything, every possible context.

MR IRVING: It has been dictated by Himmler, has it not?

A: Yes.

Q: Himmler's use of the word ausrottung in a non homicidal sense, that is all I am relying on this document for.

A: You can prove from this document so far that Himmler used the term ausrottung once, not referring to human beings but to misstande in a non-homicidal sense, yes, that is true.

Q: Dr Longerich, all I am trying to establish here in the beginning of the 21st century is that back in the 1940s

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the word ausrottung did not have necessarily the meaning that we now give it, with our knowledge of all the atrocities that happened. Do you accept that?

A: I myself in my report made a little reservation here and I said, well, not every time the word ausrotten means killing, but if it refers to people, or to a group of people, in the historical context of the Nazi period, I did not find a single document in which one would not translate the word ausrotten to kill in large numbers or to kill all as far as possible. This is my provisional conclusion.

Q: Wipe out?

A: I think wipe out is a possible translation. Exterminate is another one. Kill off, or extirpate, which is the one I preferred. But I think for the German living at this time the term from a leading Nazi or national socialist, the term ausrotten applying to people means quite clearly, I mean for the average German at this time means quite clearly to kill in large numbers. It is a very cruel expression and of course there is a lot of violence in this word.

Q: Yes. Can you not put yourself back in the mind set of the 1940 when the word possibly had a different meaning?

A: I think particularly at this time, because at this time people lived in the time when people were killed on a massive basis, they were quite aware that the use of this

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vocabulary by leading Nazis referred to mass killing. Why should I speculate in a general way? One could look at the individual documents and establish the meaning. It does not help us, I think, to look at documents which are outside the context.

MR IRVING: You have to have some kind of guiding star to look at, do we not?

A: That is fine.

Q: Go to the next page, page 11, which is a 1944 military dictionary. We are getting pretty close to the actual meaning of 1944 if we accept that the dictionary was probably printed a year or two earlier. No, it was actually printed in 1944. That is what page 10 shows us.

MR JUSTICE GRAY: Military dictionary?

MR IRVING: Military dictionary, yes.

A: Yes.

Q: Which is a dictionary produced just for the use of the armies. It contains all sorts of things, too. There you have the meaning of the word ausrotten given in the following sequence: Wipe out, crush, annihilate. Wipe out is probably right.

A: I again am not a linguist but, if I look at the other terms on this page, it is obviously that this is a dictionary for military terminology, so it refers I think particularly to the military sphere. But again I am quite convinced that you can present more dictionaries which

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actually do not have the meaning of extermination. I could probably show you dictionaries which have the meaning of ----

MR JUSTICE GRAY: I am really finding this all pretty unilluminating really, because in the end we have to look at the documents which actually do relate allegedly to extermination, and decide whether ausrotten in that context means extirpate.

MR IRVING: My Lord, it is an uphill task because we are looking backwards, down through the telescope so to speak, to the events of the 1940s and trying to work out what a word meant when in common usage at the time, when we find the common meaning of the word was quite different from the way every German, and every Englishman, now understands what you mean by it, because we know of the atrocities that happened.

MR JUSTICE GRAY: One has to make allowance for that fact, I accept.

MR IRVING: The reason I am going through this, if I can put it like this, is that, if we are looking at what Adolf Hitler means when he says certain things or issued certain orders, we really need to know what the word meant in common usage at that time, and not what it now means at the beginning of the 21st century.

MR JUSTICE GRAY: We really have spent a very long time on ausrotten and I think we have the full rage of

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possibilities in mind.

MR IRVING: That is the bad news. The good news is frankly that I am going to accept without demur that most of the meanings he applies to the other words, like Umsiedlung and the rest.

A: I think I have to say here that I last night found three mistakes in the translation. I think I should correct them.

MR JUSTICE GRAY: I think you probably should.

A: I know that I am responsible in the end -- I am not blaming the translator, I am responsible and for the text. It is in point 5.9 and it is on page 14. I think the term Juda must die should be translated not with Judaism must die, but simply with Juda must die, because it refers I think basically to the tribe of Juda and I think one cannot and should not translate the tribe of Juda with Judaism which has another meaning. The same would apply to 6.14. There is the same mistranslation. I apologise for that. In 6.7 actually the word nicht is not translated, so in 6.7 it says in the indented paragraph in the second sentence what does die and it should say what does not die. So this is unfortunately a mistake. I am sorry about that.

MR JUSTICE GRAY: Do not worry, that is fine. Shall we move elsewhere?

MR IRVING: We are now dealing with your glossary. I must say

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I take exception to the title of your glossary because this assumes a priori that there was such a

programme to exterminate or murder. Really what we are looking at is a glossary of terms used by the Nazis in their programme of persecution of the Jews, is it not? It includes murder in some cases but it is all sorts of other things, is it not?

A: In connection with a murder.

Q: Yes. You say in your paragraph 1.1 of your introduction, that the Nazi regime avoided speaking of the murder of European Jews by name, in other words they did not like saying it.

A: Yes.

Q: Do you not yourself say in your report, I think it is round about paragraph 4.3.1 that the Einsatzgruppen reported quite frequently in most glowing terms of the killings they were carrying out and they made no bones about what they were doing?

A: I said here generally, so the Einsatzgruppen, of course there are exceptions and the most known exceptions are the Einsatzgruppen reports. If you look into the history of the Holocaust, this is rather a rare example, I think. Historians of the events in Russia are quite happy to have this, if I may use this term here, this source, but generally you are looking at the whole system. They were quite reluctant to use openly this expression.

MR JUSTICE GRAY: Yes.

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MR IRVING: Except that it is rather odd that you should argue on the one hand there is this colossal use of euphemisms everywhere, but on the other hand everyone is talking about killing.

A: No, not everybody is talking about killing. I made it quite specific. We have some exceptions and the Einsatzgruppen reports are the best example for that. Of course there are more exceptions, but generally, and this explains why we do not have more documents, we should imagine that an operation like this, the killing of about 6 million people, in the 20th century we should have more documents on that, because it was an operation on an unprecedented scale. But to explain that actually the number of documents is in a way limited, I am saying here generally they prefer not to speak about the killing.

Q: Yes.

A: So in newspapers, for instance, and things like that they did not announce on the first page that we are killing the Jews today, 5,000 people got killed in Auschwitz. They tried to keep it as a state secret. Even in the bureaucracy you find the kind of hesitation. It was actually forbidden to use this terminology within the bureaucracy. Of course there were exceptions.

Q: You refer to the speech by Heinrich Himmler at Posnan on October 4th 1943 in your paragraph 1.2.

MR JUSTICE GRAY: 43 or 44?

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MR IRVING: It was actually 1943. I think that is mistake in the report, my Lord.

A: 1943, yes. That is a mistake.

Q: That is quite an ordinary speech, is it not?

A: Yes.

Q: Why is it extraordinary in the context of what we are talking about this morning?

A: Yes, he is saying: I also want to talk to you quite frankly about a very grave matter, we can talk about it quite openly among ourselves, but nevertheless we can never speak of it publicly, just to underline my point, just as we did not hesitate on 13th June 1934 to do our duty as we

were bidden and to stand comrades who had lapsed up against the wall and shoot them, so we have never spoken about it and will never speak of it. It was a natural assumption, an assumption which, thank God, is inherent in us, that we never discussed it among ourselves and never spoke of it. That is I think a remarkable passage. Then he is going on: "Most of you will know what it means to have 500 of a thousand corpses lying together before you. We have been through this and, disregarding exceptional cases of human weakness, to have remained decent. That is what has made us tough. This is a glorious page in our history, once that has never been written and can never be written". Of course, the last sentence is a kind of challenge for historians, I think.

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Q: He is talking about the shootings on the Eastern Front, is he not? He is not talking about the western European Jews. He is talking about here about the killings, the machine gunnings into pits and so on?

A: I am always quite cautious. He is talking about the killing of hundreds of people. I cannot see whether he refers to shootings, or whether he refers to extermination camps, or to labour camps, I have no idea.

Q: As you say yourself, he says, "most of you will know what it means to have 500 or a thousand corpses lying together before you". He is referring to the shootings on the Eastern Front is he not?

A: Not necessarily. He could also refer to extermination camps.

MR JUSTICE GRAY: This is a speech to SS officers, is it not, not to the generals or anything of that kind?

Q: To the SS Gruppenfuhrer.

A: To the SS GruppenFuhrer, that is true.

Q: He had this speech recorded on disk, did he not?

A: That is true.

Q: Did that indicate that he was particularly concerned about secrecy?

A: I think the procedure was, it was not uncommon that he had his speeches on disk. He would give the disks to his personal adjutant and Brandt, and Brandt would then write a good manuscript, what actually improved the wording and

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so on. So I think the disk was primarily meant to be used for internal purposes, just to record exactly the words of the speech and to take it as a basis for an extended and improved minute. I think it was not intended to broadcast the speech or something like that, definitely not.

Q: We had a discussion here about the script of that speech, the transcript that was made.

A: Yes.

Q: Are you aware that he required those who had not read it, or had not attended it rather, to sign a list saying that they had in the meantime read the speech?

A: It may be right. I cannot recall this, but I think you are right.

Q: Yes. It is in my discovery. It is a two or three page list of the names of all the SS Gruppenfuhrer and they had been required to confirm either that they have heard this speech or that they have since read it?

A: Yes.

Q: Would you like to speculate from your knowledge as an expert on this why Himmler would have wanted to make sure that they had all heard the politics of the Third Reich?

A: One should not speculate, but it is a very long speech. I think it is probably more than 50 pages or something like that.

Q: Yes.

A: He refers to the killing of the Jews. It might be that he

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wants them to share this secret with him, but it could also mean that he just thought it was an important speech and they should listen to him, and they should be aware, because he is speaking about the conduct of war and all other important issues. So I am not absolutely sure that this is particularly this issue, why he is doing that.

Q: Let me put it like this. Are you aware of any other Himmler speeches where he required those who had not attended to read it like school children afterwards?

A: I am not sure, I cannot say anything to that.

Q: Can you take it from me that I have never seen any other such list from any other Himmler speech?

A: No. I am afraid I have to say it might be, but I cannot recall that.

Q: Are you prepared to suggest that there is a link between the fact that he made this extraordinary expose in this speech with the fact that he required all the SS generals to sign that they had now taken cognisance of it?

A: If I should speculate on it in this sense, yes, it is possible.

Q: Probably a link?

A: Yes.

MR JUSTICE GRAY: I am not quite sure, Mr Irving, what the suggestion you are making is. What are you saying that the reason was?

MR IRVING: I was just about to try and elicit this. I think

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undoubtedly that Dr Longerich is an expert on these matters and I would be interested to hear his views.

MR JUSTICE GRAY: Yes. You are perfectly entitled to ask, but I was not quite sure what the suggestion was.

MR IRVING: Is there some suggestion that Himmler is making them all into accomplices after the fact?

A: That is a possible interpretation.

Q: Of something that he has done. Is he trying to spread the guilt, do you think?

A: It is a possible interpretation, yes.

Q: Am I right, if I can ask a general question here, in saying that we are very much in the dark when we get up to this rarified level of Heinrich Himmler, Adolf Hitler, we do not really know what happened between them? We are forced to speculate, depending on our own personal positions.

A: Yes, to speculate. We are in a way informed speculators so I think we have some sources and we should always take those sources as a basis for our speculation. And of course it is the nature of the system, the genre of decision making. We know there is a record of the relationship between Himmler and Hitler before this time, so we are also allowed, I think, to draw a conclusion from this wider context.

MR JUSTICE GRAY: You have not told me what your conclusion is?

A: My conclusion?

Q: The question really was, we do not know much about the relationship between Himmler and Hitler.

A: We know something about the relationship between Himmler and Hitler.

MR IRVING: Specifically in this connection, am I right, my Lord?

MR JUSTICE GRAY: It was your question I was paraphrasing.

MR IRVING: I am sure it would interest your Lordship too to know, from your own personal knowledge as an expert particularly on the Party Chancellery files, for example, is there any hint in all that huge body of, as you say, 50,000 documents which suggests that there were intimate discussions between Himmler and Hitler on the Final Solution with a homicidal intent, if I can put it like that?

A: Not necessarily in the files of the Party Chancellery but, if I can expand on that, the sources we have relating to Hitler and Himmler, I would say, the most important document we have, is the entry in the Dienskalender, the 18th December 1941. This is of course an important document. We have the speeches, not only this speech, but also a couple of other speeches, a couple of speeches Hitler made to this issue. We have a number of other documents which I refer to in my report number 1.

Q: We will come to them.

A: So we have documents from 42, where Himmler said, "the

occupied Eastern territories have to be made free of Jews, this is a burden on my shoulders, it was laid as a burden on my shoulders". We have more documents like this, which gave us a kind of insight into the relationship. They actually were discussing the issue of the Holocaust among them.

MR IRVING: Is it not a danger you refer to the December 18th 1941 document. That of course only turned up two years ago. Does that mean to say that for 53 years people were really reaching these conclusion without such a document, finally like a drowning man they found a straw?

A: No. The other documents are not known, and it added to our picture. As you suggested yourself, it is luck that we actually opened, that we have access now to Eastern European archives, but they were not in the dark before that. It adds to our knowledge.

MR JUSTICE GRAY: Just so I am clear, you say that the informed speculator would draw the conclusion that Hitler and Himmler were discussing the Holocaust. By the Holocaust in that connection you do not just mean the shootings by the Einsatzgruppen?

A: No, I mean the systematic killing of European Jews.

Q: By whatever means?

A: By whatever means, yes.

MR IRVING: What would you say to the historian who says that such speculation is without foundation if one looks at it

objectively?

A: I would reject this view.

Q: Yes. Would you say that one's personal political viewpoint come into it, that the extreme right-winger would adopt one view and the cautious German historian, aware of the laws in

Germany, would adopt a different view?

A: I do not know to which laws are you referring. I publish all my books in Germany. I never felt any restrictions on publishing books.

Q: I am sure.

A: As far as the own political viewpoint is concerned, the ideology, I think we have to rely on our professional work. So we have to just try to exclude this fact as far as it is possible. We have some rules how to interpret sources, how to deal with material, and I think what we do is, generally speaking, reliable. You can rely on that.

Q: Would you classify the great body of German historians as being diligent and applying themselves to the task?

A: Yes.

Q: Why did they wait for 25 years before looking at Heinrich Himmler's handwritten notes of his telephone conversations with Hitler?

A: Which ones are you referring to?

Q: The notes in Himmler's handwriting which were in the National Archives in America and available on microfilm

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since the 1950s and I was first person to use?

A: If you give me a specific reference to one quote, and you can go through the works of my colleagues and find out whether they left something out, I think that -- well, stop here.

Q: Yes. Let me put the question this way round. I do not want to go too far down this avenue, but are you aware of any other German historian who, before 1975, made any use of Heinrich Himmler's handwritten notes on his telephone conversations or meetings with Hitler?

A: Before 1975?

Q: Approximately, when my book Hitler's War was published.

A: Actually, I cannot recall that.

Q: Yes.

A: I cannot actually answer this question because I cannot recall every word which was published before 1975. But, if you are making the point that you were one of the first, or probably the first, who was using the documents, I agree.

Q: That is not the point I am trying to make. I am suggesting that, if an historian has not shown proper diligence in turning up and using the sources, then how he cares to speculate is not worth the paper he writes his speculations on.

A: I am reluctant to make a general statement about the historians. If you talk about a certain person, a certain

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author, you can discuss his books, whether the sources are available or not, but I am really hesitant to make a general sweeping statement about all my colleagues in Germany.

MR JUSTICE GRAY: The answer you gave me just now about what the informed speculator would infer was based on all the now available evidence including the Himmler diaries?

A: One would try to include these documents into one's own interpretation, yes.

MR IRVING: It is right that we are learning the whole time, are we not, that more and more documents become available, particularly from the Moscow archives and from your own work, for example, on the Martin Bormann papers? We are constantly adding to our information, so we are correcting misinterpretations, we are correcting even mistranslations sometimes, or

misreadings?

A: Yes. It is a research process, that is true.

Q: You rightly point out the fact that Muller in January 1942 said the word liquidierung was not to be used?

A: Yes.

Q: Which is understandable. If you are familiar with my Goebbels biography, do you know that it was Dr Goebbels who first issued that order?

A: No.

Q: Sometime in November or December 1941, Goebbels issued a propaganda directive that the word liquidate is only going

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to be used in connection with the Soviet killings?

A: Interesting. I am not aware of that, no.

Q: But liquidierung is quite plain. We do not have to argue about the meaning of that word of course.

A: No, definitely not.

Q: But on paragraph 2 we now come to Umsiedlung and the various other words with this settlement route.

A: Yes.

Q: It is correct to say that these words are used in both homicidal and non-homicidal senses throughout the documentation. Sometimes Umgesiedlung means they are going to be literally, as we saw in one document, in the same paragraph concerning Brestitovsk Jews in October 1942, we saw one document where at the beginning of the paragraph it referred to, I think, 15,000 Brestitovsk Jews had been Umgesiedelt, which is shot, and then at the end of the same paragraph it said, "The village of A, half the Jews had been shot and the rest had been Umgesiedelt to a neighbouring village", and that is a typical case of the problem facing us, is it not, with this particular word?

A: I do not have this document in front of me but in general I could agree.

MR JUSTICE GRAY: Assume it is true because we have been through it more than once.

A: That makes it so important to look at the context.

MR IRVING: Sometimes we just do not have the context to judge,

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is that right?

A: We try our best to establish the context.

Q: Sometimes when the Jews were sent just to ghettos, that is where the word "umgesiedelt" is used, is it not?

A: Give me please some kind of reference and I will comment on it, because it is a very difficult subject because the meaning, as you rightly said, changes and can change in the same document. So I should refer, I should in my answer refer to single documents.

Q: Yes, in paragraph 2.2, you refer to a Wehrmacht report. It is not even an SS report, is it?

A: Yes.

Q: So the German Army was also involved in the camouflage.

A: Yes.

Q: They replaced the word "shooting" with the handwritten word "resettlement"?

A: Yes.

Q: Which is a rather pointless kind of change if it is possible for us years later to see both words written down?

A: Yes. Obviously, this man was not very intelligent who did this.

Q: In paragraph 2.4 you quite clearly give an example here where "Umsiedlung" is unambiguously used in its homicidal sense: "There are two pits there and groups of 10 leaders and men working at each pit relieving each other every two

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hours".

A: Yes, and ----

Q: So that is what you are talking about when you are talking about the context, in context like that there is undoubtedly no question?

A: Yes, exactly.

Q: The clarity is beyond dispute, and it would take a lunatic to say or to continue to argue that the word "Umsiedlung" there does not mean that, it does not mean killing?

A: I agree.

Q: But in the case of the key documents that we are looking at with Adolf Hitler, which is all that interests me really, we do not have that degree of clarity, do we?

A: I think I would like to suggest we should look at the documents and then we could ---- I think I should not make these general statements, I think I should always refer to ----

MR JUSTICE GRAY: I think particularly in the light of that question, if there is a document, and I do not have one in mind, where Hitler uses the word "umsiedeln" ----

MR IRVING: With that degree of clarity.

MR JUSTICE GRAY: --- Then it would be helpful to put it to the witness. I do not recollect if there is one or there is not.

MR IRVING: What I am suggesting is that there is no such document with that degree of clarity.

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MR JUSTICE GRAY: Is there a Hitler document using the word "umsiedeln"?

MR IRVING: I do not believe there is, my Lord, in which case ----

MR JUSTICE GRAY: Then the point is academic.

MR IRVING: Your Lordship will know that I do not attach much importance for my purposes. I attach more importance to the words "Vernichtung" and "Ausrottung".

MR JUSTICE GRAY: Let us move on to Vernichtung; we have done Ausrottung.

A: My list is not complete; it is just what I found.

MR IRVING: In paragraph 3, page 3, we are dealing with section 3 now, Evakuieren.

A: Yes.

Q: You do incidentally accept that the word "Umsiedlung" referred equally sometimes to the westward movement of ethnic Germans?

A: Yes.

Q: And similarly "Besiedlung" can be the resettlement, for example, we have a September 1942 document where Lublin is being besiedelt with Volksdeutschen?

A: I will always say that I would like to prefer to see the document and not to speculate about this, but you may be right.

Q: "Evakuierung" does not always mean the killing, does it? It does not always have homicidal context either, does it?

A: It always depends on the context.

Q: Yes. It usually means deportation under rough conditions or sometimes?

A: Sometimes, yes, it also, you know, there was a scheme for, what is the expression, Luftkriegsevakuierung ----

THE INTERPRETER: The evacuation from air raids.

A: In the context of air war, this was also the official term. So it could be used in a different context.

MR JUSTICE GRAY: I think you are really agreed about Evakuierung, that ----

MR IRVING: On paragraph 3.2, we come to the 6th March 1942 meeting where Eichmann is talking about the evacuation of the Jews to the East.

A: Yes.

Q: The second and third line it says: "Further evacuation of 55,000 Jews", and you conclude that they are being sent to Auschwitz, and they should, you quote a document there, the Reich's security.

A: No, I do not conclude that these Jews on 26th were sent to Auschwitz. One should, to make it clear, it would have been better to start on 20th with a new paragraph. This is a completely different issue.

Q: On 20th February, the Reich's Security Head Office issued guidelines on implementation of the evacuation of Jews to the East, Auschwitz Concentration Camp.

A: Yes.

Q: And from that, you conclude that the evacuation of the Jews to Auschwitz is a homicidal meaning, is it?

A: I think this is quite clear from the document that the people were sent to Auschwitz and ordered to kill them there. So the term evacuation then, particularly after 1941, could just mean the deportation to a point but it also could mean the deportation to this point plus the killings of the people there. So, I think these two interpretations are possible after 1941.

Q: Yes. I will come to this later on, either today or tomorrow, are you familiar with the Ahnert document, the deportation from France?

A: No.

Q: We will come to that when the time comes.

A: Yes.

Q: But you are not saying that all the people deported to Auschwitz were killed. You accept that some were used for slave labour?

A: I think we went through the history of the Auschwitz. It was a combination of a slave labour camp and extermination camp.

MR JUSTICE GRAY: But I do not think, Mr Irving, that you are suggesting that, when guidelines are issued on the evacuation of Jews to the East (Auschwitz concentration camp), you are not suggesting, are you, that evacuation has a wholly non-homicidal connotation there?

MR IRVING: It can be either, my Lord. Here is one typical example where the context does not really help us. I am trying to establish that, from what we know, we do not know whether they were killed on arrival or whether they were put to work as slave labour as very large numbers or what. So that document does not really help us.

A: May I comment on that.

MR JUSTICE GRAY: Yes, of course.

A: I think that we know, not from the document, but, of course, we have enough information about Auschwitz to establish that, because these are guidelines; the general picture of what happens to Jews who were deported to Auschwitz after February 1943. So I think we could establish the context if we want to do so, but the selections and about sending people to gas chambers I think we have this information, and from this, I would then take this information and say that actually this makes it, I think, almost clear that the term evacuation here could include the killing of the people.

MR IRVING: In fact, it means exactly what it says that has been evacuated to Auschwitz.

A: I think we could, in a way, extend our knowledge and go into this day of Auschwitz, and it is not that this is a dark area ----

Q: This is not the time or place for that.

A: So, we could do research and I think that, in the end, we

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could come to the conclusion that this, in general, meant the extermination of the people in the camp at Auschwitz.

Q: If I refer to the previous sentence beginning: "A report of 26th December", in which the head of the police force Saliter reported in detail about his experiences accompanying and supervising the transport of 1,007 Jews from the Rheinland to Latvia, is an entire report on the of evacuation of Jews to Riga, is that right?

A: Yes.

Q: In December 1941, what happened to these Jews who were deported to the Riga at that time?

A: At this time, the Jews were actually sent to ghettos or to camps.

Q: To the Jungfernhof camp?

A: To the Jungfernhof camp or to the ----

Q: So they were not massacred on arrival, then?

A: Most of them were not massacred on arrival.

Q: What conclusion do you draw from the use of the word evacuation there, then?

A: Here, it says that the Jews -- I am trying to be cautious -- it says here that the Jews are going to be deported to Riga, and the document does not say that the Jews are exterminated on the spot. There is actually one reference in the Saliter report, where Saliter says that the collaborators, if I may call them so, in Latvia were quite astonished to see the Jews here because they said that you

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can Ausrotten them yourself in Germany. But I think they were probably a little bit ahead at this time and in this context, I could not say that the word evacuation would necessarily include the killing of the people who were sent to this place.

Q: Dr Longerich, we have actually seen a number of documents over the last weeks from this December 1941 period, indicating that these trainloads from the Reich to Germany carried provisions and equipment for their first weeks in their camp on arrival there. So the evacuation here, would you accept, does actually mean evacuation then and not necessarily anything more

sinister?

A: This is what we call the second wave of deportations. This was about 21 trains to Riga and about, I think, seven or eight trains to Minsk which happened between November 1941 and February 1942, except the six trains where the people were shot on the spot in Kovno and in Riga, except these six trains where the majority of these people actually were not shot on the spot but they survived a couple of months, most of them, and they were provided with all kinds of things, with tools and so on, from the Jewish communities because they, some of them, maybe even the majority, I do not know, some of them may actually have thought that they were some sort of pioneers who were sent to the East. So I think this idea to provide them with tools and so on also includes a moment of an element

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of deception, giving them the idea that they actually can start a new life somewhere in the East.

Q: Do you have any proof for that. This is an important point, I think. Do you have any proof that this was an element of deception in inviting them to take their belongings with them?

A: I think that the fact that 6,000 people were shot on the spot gives you an idea there was a kind of, you know, a kind of juxtaposition between the provision of these trains and actually what happened to those people. If I can explain this.

Q: I do not want really get into the police records business here, my Lord, because I think we will stick to the meaning of the words.

MR JUSTICE GRAY: The cross-examination is notionally to do with the translation of words.

MR IRVING: It is, entirely.

MR JUSTICE GRAY: The trouble is you are chasing some of the uses. I understand why, Mr Irving; it is not a criticism of you, but the result is that it is a little bit scattered this cross-examination, and it is not a criticism.

MR IRVING: I have two ways of doing it. Either I can follow my own plan or I can follow his own very useful glossary which he has provided for us, and as we all have the glossary, I think it is more useful if I follow his

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paragraphing rather than introduce yet further confusion. But I am taking large leaps and bounds through it.

MR JUSTICE GRAY: Yes. You have been confronted with the glossary and I suppose you have to really deal with it.

MR IRVING: Well I hope that is not implied criticism of my dealing with it.

MR JUSTICE GRAY: It is not a criticism at all of you, Mr Irving, no.

MR IRVING: But if the Defence does seek to rely on these meanings of these words, then I have to try to shoot them down.

MR JUSTICE GRAY: Yes, I know. Well, take your own course.

MR IRVING: Paragraph 3.3, the evacuation to the Lodz ghetto ----

A: Yes.

Q: Which was referred to in the Gestapo report of June 9th.

A: Yes.

Q: In fact, the stages of the evacuation make it quite plain that were not actually being evacuated to their death, so they were initially evacuated somewhere else.

A: Yes, but it is ----

Q: They were transported to the special command.

A: Yes, but it is clear from, if you look at the following document, it is clear that they were deported to the extermination camp Chelmno. The Sonderkommando is the Sonderkammandolange which actually was responsible for the

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Chelmno extermination camp and the gas used there.

Q: Abschieben, which is No. 4, carries only the meaning of deport really, does it not, or does it -- --?

A: This is the original meaning, I think.

Q: Yes. Goebbels, for example, in his 27th March 1942 entry, talks about the Abgeschobene Juden, of whom 60 per cent would probably be liquidated.

A: Yes.

Q: Which implies that the Abschiebung, the deportation, was not the killing, that was just what they used what came first.

A: You might be right in this case, but it is clearly said in his document what happened, so I think one of the key documents as far as Holocaust is concerned.

Q: We are now on No. 5, which is Vernichtung.

A: Yes.

Q: In other words, abschieben is not a very important word in this particular argument, would you agree?

A: I think that, in a kind of hierarchy, I would not put it on the top.

Q: Yes. Vernichtung is, however, quite important, is it not?

A: Yes.

Q: You have quoted in 5.1, the Langenscheidt version of the word, as destroy, annihilate or exterminate, presumably in that order.

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A: Yes.

Q: It is really destroying a thing, is it not, or if you can regard a group of people as a thing, then it is destroying a group of people?

A: If you look at the group of people as a thing then, if you make this ----

Q: For example, Judentum is a body of Jews, a community of Jews, is it not?

A: Again, I think that we have enough examples to discuss it with reference to a document. We do not have to speculate about the possible ways the terminology was used.

MR JUSTICE GRAY: I quite agree.

MR IRVING: You refer to Clausewitz?

A: Yes.

Q: As defeating the enemy, you destroy the enemy?

A: Yes. He is referring to, I think, an enemy army. So he is not referring just to people; he is referring, well, to an organization, and he is making it quite clear that the term "vernichtung" could mean, well, it could mean, as he said, annihilation of the enemy forces either by death or by injury or any other ways, either completely or merely to such an extent that the enemy no longer has the will to continue the fight. So I am trying to illustrate here that if the term "vernichtung" refers to an organization, it can have the meaning, you know, following Clausewitz, to kill all of them, to kill part of them, but basically

to make sure that the organization, as such, is not able to exist any more as an organization.

Q: You could bankrupt somebody and he would be destroyed, could you not?

A: Yes, you can make all other kinds of connotations.

Q: Take the army prisoner ----

MR JUSTICE GRAY: It all depends on the context.

A: Yes, you can make all kinds of combinations, but I think the most interesting, I mean if I may suggest that the most interesting case is of course when it refers to the vernichtung of people, not of an organization, of Judentum but of Jews, then I think it becomes clear what the term actually meant.

MR IRVING: You have referred to Adolf Hitler's speech of January 30th 1939 ----

A: Yes.

Q: --- in this context where he uses the word "vernichtung"?

A: Yes, 5.6, footnote.

Q: We do not have the exact quotation.

A: Unfortunately not.

Q: But the sense is, he said: If international finance Jewry once more succeeds in launching a new world war, then it will end not with the destruction of the European people, but with the destruction of, is it Judentum?

A: Well, I have the quote in the first report.

MS ROGERS: 38.

A: 38. Shall I read this again?

MR IRVING: I think it is an important passage.

MR JUSTICE GRAY: Yes, perhaps you should in that case.

A: I will only read the second -- well, I should read the whole passage: "In my life I have often been a prophet and was generally laughed at. During my struggle for power it was mostly the Jewish people who laughed at my prophecies that I would some day assume the leadership of the state and thereby of the entire folk, and then among many other things achieve a solution of the Jewish problem. I believe that in the meantime the then resounding laughter of Jewry in Germany is now choking in their throats. Today I will be a prophet again. If international Jewry within Europe and abroad should succeed once more in plunging the people's into a world war, then the consequence will be not the Bolshevization of the world and therewith a victory of Jewry, but on the contrary the annihilation of the Jewish race in Europe."

So "Jewry" is here in the German original Judentum, and the annihilation is the vernichtung, annihilation of the Jewish race in Europe.

MR IRVING: Yes. The words "on the contrary" you just interpolated that. They are not in the original, are they.

MR JUSTICE GRAY: "Sondern".

MR IRVING: Sondern, it just means "but"?

A: But, yes.

Q: It is the word "but" that comes in after a negative, is it not, as in French? I am going to draw your attention to the fact that this speech is on January 30th 1939?

A: Yes.

Q: Had not a few days earlier Adolf Hitler through Hermann Goring as head of the four-year plan, appointed Reinhardt Heydrich to set up an agency to speed the emigration of the Jews from Germany?

A: Yes. That is true, yes.

Q: Yes. That was just four or five days previously, was it not, or about two weeks previously, something like that? It was one of the consequences of the Kristallnacht?

A: Yes. Shall I explain the context?

Q: Was that genuine or was that camouflage?

A: Sorry?

Q: Was the setting up of the Heydrich agency genuine or camouflage?

A: I think this was at this stage genuine, but I think I have to explain the background, if you do not mind.

MR JUSTICE GRAY: Yes.

A: You know there were international negotiations going at this time between the so-called international government for refugees and the German Government represented by Hischaft. So the idea was that actually one could, you know, force world Jewry, as the Nazis perceived it, to pay

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for the emigration of the Jews from Germany. In my interpretation I think they really thought this was a serious idea, a serious plan, that one could actually let them pay for the emigration of 400,000 Jews from Germany. So I think we have to look at Kristallnacht in this context, because I think the policy of the Nazis was to start a policy of terror against the Jews, to terrify them to leave the country, but also to force the Western powers actually to give in and to support this emigration programme. I think the speech has to be seen in this context. It is a threat, it a very violent threat: Look, if you don't agree and if we are getting in a kind of dispute again and if this dispute again will lead to another world war, then of course the life of the Jews in Europe is threatened, we are threatening the life of them. So if you look at the context they were, on the one hand, planning and preparing a programme for emigration, but on the other hand they were looking at the consequences if this programme would fail and if they would be involved in a military conflict with the Western powers again.

So if you threaten somebody, you know, it is a possibility. The whole idea I think of, well, threatening people is that you, in a way, leave a kind of uncertainty what you actually will do with the people you are threatening.

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MR IRVING: I am sorry, did you want to say anything else? No. Would you regard this speech by Adolf Hitler as being a further twist to the Jewish arm, saying: "Get out while you can"?

A: I think the motive behind the speech, there are various motives behind the speech, and one motive is clearly to threaten German Jews to leave the country as soon as possible. This is one of the motives behind the speech.

MR JUSTICE GRAY: On what matters, which is what "vernichtung" means in that context ----

A: Yes.

Q: You say it does mean extermination or extirpation?

A: I actually said here in the text "annihilation". You know, historians are debating this question. Some of my colleagues would say this is clear, Hitler actually at this stage had a clear programme to kill European Jews. I am not sure. I think the motives behind the speech are, there were different motives between the speech. It is a violent threat. It includes the possibility to kill the Jews in Europe, but I am not sure whether, you know, actually one can interpret this as a kind of programme which was already there.

MR IRVING: What possible proof is there for the fact that Adolf Hitler had at this time, at the beginning of 1939, a programme or a plan or intent to liquidate the Jews of Europe or anywhere else?

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A: The historians who would take this line would argue the events which followed to actually give us a kind of clue that Hitler probably had this plan at a very early stage. I do not agree with this view. I think he still, you know, was not sure whether he preferred emigration or whether he was going to the next step and actually envisaging, was actually trying to envisage what would happen in a case of a war. So I think it is a kind of a watershed here.

Q: Is he effectively saying: "We will hold the Jews hostage"?

A: I think this is the message. There are various motives behind the speech. The fact that he is referring here to a world war, not simply to a war, a war against Poland, let us say, but a world war, which implies the involvement of the Western powers. I think this is a threat against, the Western powers against Great Britain, in particular against the United States. But this speech is really open for interpretation. I cannot prove at this stage that Hitler had a programme, a blueprint to kill European Jews during the next years. I think it would go too far to draw this conclusion from this speech. It is definitely a very violent threat. It is three months after Kristallnacht, and actually I think one has to bear this in mind that, you know, it is saying we could actually repeat Kristallnacht on a much, much wider scale. I think

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something like is implied here.

MR JUSTICE GRAY: Mr Irving, I am conscious that time is passing and we are spending huge amounts of time on the meaning of these various words. In a way you have been rather pushed into doing it because of the form of the glossary, but it does not seem to me terribly helpful all this, because it all depends, and Dr Longrich's last answer reveals, that exploring what the context of a document is can be quite a complicated exercise.

MR IRVING: I agree, my Lord, but I hope I am gradually bringing it home to your Lordship that when Adolf Hitler is concerned, which is the person I am largely concerned with, we are all at sea and anyone can draw whatever conclusion they want.

MR JUSTICE GRAY: We are at sea in 1939. I am not so sure about 1941 and 1942.

MR IRVING: Which I hope we will reach in the course ----

MR JUSTICE GRAY: Well, let us move on.

MR IRVING: In that case I will not draw attention to what he said two days previously.

MR JUSTICE GRAY: No, I think 41 and 42 is the time, when the shooting started on the Eastern Front, paragraph 5.7 maybe.

MR IRVING: I was up to 5.8 already.

MR JUSTICE GRAY: Good.

MR IRVING: At 5.8 you refer to the Goebbels diary entry, Adolf

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Hitler speech?

A: Yes.

Q: To the Gauleiters on December 12th 1941?

A: Yes.

Q: Here the reference is, well, actually the reference is not, the "vernichtung" does not come in a speech; it comes in the second part, in the Hans Frank diary four days later.

A: According to the Goebbels diary he says "vernichtung" in this speech, and again the full reference is in, the translation is in the other report, in the first report which is in chronological order so we should find it.

MR JUSTICE GRAY: 61?

A: Yes. There is footnote 156, so if we look at the German text in the first report, page 61, then we have the translation I think in both.

MR IRVING: That is in fact harking back to precisely that speech, is it not.

MR JUSTICE GRAY: It is completely circular.

A: Yes.

MR IRVING: It is exactly the same.

A: Yes, he did this a lot of times. He always came back to this speech. I think he have five or six or more examples where Hitler is actually referring to this prophecy, particularly at this time. It is not only on 12th December; it is also on 1st January, 30th January and 24th

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February. He is always giving the same text. On 21st February he is actually replacing the word "vernichtung" by "ausrotten". So he is actually saying, he is indicating that things become actually more violent and more threatening.

Q: You then look at what Hans Frank said on December 16th?

A: Yes. So we are back in the glossary?

Q: Yes, back in the glossary, paragraph 5.8.

A: Yes.

Q: Is it plain that the word "vernichtung" as used by Hans Frank is unambiguously referring to liquidation there? Immediately before the passage you quote, has not Frank told subordinates that a great Jewish emigration is about to begin, meaning the Jews of the German government are going to be deported and adopted by the Soviet Union?

A: Yes, again I would prefer to see the text here. I do not know who has the full.

MR RAMPTON: I think we probably need the new file. That is much the best way of doing it.

MR JUSTICE GRAY: I am just wondering where we get with this. This is Frank putting a gloss on Hitler had said in 1939. We have looked at what Hitler said in 1939.

MR RAMPTON: No, my Lord, I think the case is Frank is putting a gloss, if that be the right word, on what Hitler said on 12th December 1941.

MR JUSTICE GRAY: Do we need to trouble with what Frank says?

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MR RAMPTON: The witness makes the point, and indeed Mr Irving accepts, that the

understanding which Frank had of what he had been told by Hitler in Berlin was quite unequivocal. It was about physical liquidation.

A: Yes. He came back from Berlin -- it is four days after Hitler's speech -- saying he had discussions in Berlin and he is referring to this discussion. I think it is fair to assume, because Frank was as Reichsleiter present at the Reichs and Gauleiter meeting, so it is fair to assume that he is referring to this speech and may be other discussions they had.

MR JUSTICE GRAY: I thought he was referring back to 1939.

A: Yes, but if you look at the ----

MR RAMPTON: I think, my Lord, it would honestly be helpful because what we have done in this file is to put in fact a long translation provided by Professor Browning against the German text. Would you turn to 172, first of all? That is the English of Professor Browning. .

A: Where will I find that?

MR JUSTICE GRAY: It is called N1. It is also in another file but this is probably the best place.

MR RAMPTON: Do not worry about the other file. N1 is the one you need. I hope this should be a long paragraph in English indented. My Lord, may I ask the witness whether that is what he has?

A: Yes, I have got that.

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MR JUSTICE GRAY: Yes.

MR RAMPTON: If one turns to page 6 in a bold crayon, 178, one finds a third of the way down the page the words "mit den Juden".

A: Yes.

MR RAMPTON: That I think is the passage we are looking for.

A: Yes.

MR RAMPTON: I will leave it there.

MR JUSTICE GRAY: Thank you very much, Mr Rampton.

MR RAMPTON: I should add that it goes over the page to the end of a paragraph, the next paragraph beginning "Die ucheiner".

A: Yes.

MR JUSTICE GRAY: Yes. Mr Irving, have you got N1? Were you able to follow all that?

MR IRVING: I am going with your Lordship's view that what Hans Frank's use of the word means is really not of much relevance, having gone to all that trouble.

MR JUSTICE GRAY: The way it is put is, and just decide whether you want to ask a question, is that Frank had just come back from Berlin where he had heard Hitler speaking, so he is not harking back in all of what he says to 1939 but to four days before.

MR IRVING: Yes.

MR JUSTICE GRAY: I think the way it is put is that vernichtung is used fairly unambiguously in Frank's speech as a record

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of what he had been told in Berlin. It is really that one phrase, is it not, Dr Longerich? "In Berlin we were told why all this trouble, we cannot use them in the Ostland or the Reichskommissariat either, liquidate them yourselves"?

A: Yes. That is I think the main paragraph, the main sentence.

Q: It may be that you do not want to cross-examine about that, Mr Irving?

MR IRVING: Not really, because it is not the word vernichtung unfortunately.

A: It is the words Juden vernichtung. That is in there, in the German text. (German spoken). The term vernichtung the term vernichtung is clearly in here. When he is not sure about the means how to vernichtung the people, he is saying we cannot liquidate, we cannot execute them, we cannot poison them, so what shall we do?

MR IRVING: That is the problem we have with that particular passage, of course, my Lord, is it not Frank says earlier, we cannot poison them, we cannot shoot them.

A: Yes. We are looking -- this is on page bold 7, second paragraph. So they are looking for a kind of solution, how to vernichtung the people.

MR IRVING: Without shooting or poisoning them?

A: Yes. Poisoning could be a possible method. They are looking for a kind of solution to this problem and then it is explained here that we will have a meeting in Berlin,

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and this is obviously the Wannsee conference. Then it becomes clearer what would happen in the Generalgouvernement.

Q: If you went back to the Klauserwitz example and somebody said to a German general, we have Eisenhower's armies in front of us, we cannot shoot them, we cannot poison them, how are we going to destroy them? The answer is, cut off their water supply, cut off the power, deprive them of the shipping lines, the oil. There are all sorts of ways of destroying an enemy.

A: That is why I am trying to explain how difficult it is to make comparisons because clearly von Klauserwitz is referring to an army, and in your example you refer to an army, but here it is about the Jews.

Q: An enemy?

A: An enemy, but the Jews are the Jews. This is the people, the human beings, and if I destroy, vernichtung, human beings, and I discuss then the methods, whether I should liquidate them, execute them or whether I should poison them, I think then the context is pretty clear. There is not much room for interpretation, I think.

Q: Dr Longerich, it is even clearer than that because he says, we cannot shoot them and we cannot poison them.

A: Yes, because they have not been told from Berlin what method they should use. Then, if you into the Wannsee protocol, actually the suggestion comes from von Below,

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they had the Secretary of State, "We could like to deal with the Jews on the spot, we do not want to send them to the East, we would like to do it here". Then it goes on in the Wannsee protocol. The various methods were discussed how to solve the problem. Then they were discussing what to do, poisoning, gassing, probably executions. This is preWannsee. He was sure that they were going to vernichtung the Juden, because it came back from Berlin and heard the speech, but the method was unclear.

Q: You are not suggesting, although I am sure you quite accidentally gave the opposite impression, that in the Wannsee protocol there is any reference to killing at all, is there?

A: I do not know whether we will go to the Wannsee conference in more detail.

MR JUSTICE GRAY: The problem with all of this is that it is not Mr Irving's fault at all, because he has been confronted with this glossary and I can understand why he is going through it, but to me it is unhelpful, this whole exercise. We are coming across odd documents from 39 or 35 or 43.

MR IRVING: Rather the same thing happened with the previous witness, my Lord. We came across topics that the witness urgently wanted to talk about and which no doubt will get raised later on.

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MR JUSTICE GRAY: I think it is better to look at these words when we come across them in the context of examining the substantive issues rather than having a kind of linguistic sequence of questions.

MR IRVING: That would be the other way of slicing the same cake.

MR JUSTICE GRAY: I know it would. I say again -- it is not intended critically of you at all -- that darting from one document to another is not I think particularly helpful.

MR IRVING: I am very rapidly going through the remaining part of the glossary to see if there are any important points to take. The fact that Robert Lie used a word a certain way does not mean to say necessarily that that was the standard meaning of the word?

A: I am only referring to Lie. He was one of the top Nazis and he used the term in a quite open way. I find our discussion quite interesting but ----

Q: Very well. In that case that finishes the with the glossary I think. I may wish to come back to it. Dealing now with your first report, Dr Longerich, page 10, you say there in your opening sentence that there can be no doubt that Hitler's behaviour during his entire political career was characterised radical anti-Semitism.

A: Yes.

Q: Was he always an anti-Semite, in your view, or did it come

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upon him in his youth?

A: I think this way of radical anti-Semitism, which means that he wants to basically remove the Jews from, let us say, German soil, I think this is a product of the First World War and appeared immediately after the First World War. Other historians would argue that actually he learnt this in Vienna, but I think one has more to emphasise.

Q: There have been all sorts of weird theories, have there not, about where it came from?

A: Yes, there are all kinds of theories. I think we are on safer ground if we look at the period after the First World War.

Q: Were all the top Nazi leadership equal in their anti-Semitism, or were some more anti-Semitic than others? Were some more motivated than others?

A: Quite clearly some more anti-Semitic than others.

Q: Some were more homicidally anti-Semitic than others?

A: Yes.

Q: Obviously you have worked for 20 years now in the records so you must have gained some impression that you can tell us about, the kind of league table of anti-Semitism. Would Martin Bormann be high up the list of anti-Semitism as an active anti-Semite?

A: Absolutely, yes. Definitely.

Q: Dr Josef Goebbels, would he be more or less anti-Semitic than Bormann?

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A: I have never thought about a kind of hierarchy, but I think, if you look at the top Nazis, I think you can fairly say that radical anti-Semites, people who wanted to remove by any means the Jews from Germany, I think you would count among them Hitler, Himmler, Goebbels, Bormann, I think, and some others.

Q: Hermann Goring, for example, was always getting in trouble because he had Jewish friends, did he not?

A: Yes, but the fact that one has Jewish friends does not necessarily exclude that one can be an anti-Semite or even a radical anti-Semite. I think probably Goring looked at this more from a kind of political or tactical point of view. I am not sure. I think the anti-Semitism of Goring and his role in the Final Solution has not been fully researched. That is all I can say to that.

Q: Goebbels was the real mover and shaker, was he not? He was the propagandist, he was the little poison dwarf, the evil genius?

A: He was definitely a radical anti-Semite, and he was trying to push forward anti-Semitic policy, this is right, but I would not make a kind of hierarchy where I would place Goebbels at the top.

Q: The reason why I am asking this is this. Goebbels, for example, would never have dreamed of employing a Jew on his staff or a half Jew on his staff, would he? I do not think he did.

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A: I cannot say anything about his dreams, but I think he did not, as far as I know.

Q: That is an English expression. Adolf Hitler of course did have some half Jews on his staff, did he not?

A: I do not know. I cannot recall any names. Hitler?

Q: Yes. His private chauffeur, Emile Morris. When it turned out that Emile Morris was Jewish, did not Hitler protect him and keep him on to the end?

A: I cannot recall this.

Q: Do you know Peter Hofmann, Professor Peter Hofmann?

A: Yes.

Q: He is a well-known Canadian German historian, is he not?

A: Yes.

Q: Have you read his book, Hitler's Personal Security?

A: I know the book but I cannot recall this detail. I simply do not know.

Q: Does it not strike you as odd that an anti-Semite like Hitler would not mind having a Jewish chauffeur, Emile Morris?

A: I cannot comment on this story. I do not know whether it was an established fact that Morris was a Jew. I cannot comment on that. Again I would say, if you look into the history of anti-Semitism, the greatest anti-Semites had sometimes Jewish friends. They would say, well, this is my friend, he is an exception, he is not like others. This is a typical stereotype.

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Q: You are damned if you do and damned if you do not, effectively?

A: It is a typical stereotype. I do not think one can draw major conclusions from the fact that somebody protected a Jew or had Jewish friends.

MR JUSTICE GRAY: Just pause a moment, Dr Longerich.

MR RAMPTON: Can I say something? I am not criticising Mr Irving in the very least for having gone through that glossary, and he did it really rather quickly, but I am a bit concerned

now because Mr Irving conceded one question and answer to the effect, I think, that Hitler was from 1919 onwards a profound anti-Semite and that anti-Semitism was one of the important planks of Nazi ideology.

MR JUSTICE GRAY: So, in the early years you say that this is really not an issue?

MR RAMPTON: I have made it specific. From 1919 onwards and that anti-Semitism became an important plank of Nazi ideology or policy call it what you like.

MR JUSTICE GRAY: Adding the rider that, as far as Hitler personally was concerned, he had other things on his mind from about the invasion of Russia.

MR RAMPTON: He may have had other things on his mind. Being an anti-Semite is not exclusive of other things.

MR JUSTICE GRAY: No, but I think Mr Irving's case, and he will correct me if I am wrong, is that anti-Semitism was not really something that was concerning Hitler from -- am

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I right about this -- about 1941 onwards, because he was fairly preoccupied.

MR RAMPTON: No. He said from the time he came to power. From 1933.

MR JUSTICE GRAY: You tell me, Mr Irving. Have I misunderstood your case?

MR RAMPTON: I have misunderstood Mr Irving's concession, if that be right.

MR IRVING: My Lord, my general impression is that Adolf Hitler abandoned that particular plank once he came to power. It had been very useful for getting him into power but, once he was an absolute dictator, he did not need it any more and it bulked less large.

MR JUSTICE GRAY: The point Mr Rampton makes is do we need to spend very long exploring anti-Semitism in the 30s, given that you accept that he was a radical anti-Semite over the entirety of that period?

MR IRVING: The question is whether he was a cynical anti-Semite and used it in the same way that an Enoch Powell might use immigration as a means of establishing a political position, or whether he was profoundly viscerally anti-Semitic.

MR JUSTICE GRAY: Which option are you going for?

MR IRVING: I am going for the cynical version, my Lord.

MR JUSTICE GRAY: So he was not really an anti-Semite, it was just a political gambit?

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MR IRVING: He was when it served his purpose. He was a beer table anti-Semite. He used it to whip up support, but in private, and this is what counts, his state of mind was slightly different, which is what I was trying to elicit from just one or two episodes of his own---

MR JUSTICE GRAY: I find that slightly difficult difficult to reconcile with your acceptance earlier on in this trial that he was without qualification a rabid anti-Semite, at any rate in the 30s.

MR IRVING: I would then say it is perfectly possible for him to have been like that originally and then drifted out when he no longer needed it, just as with Goebbels it was the other way round. Goebbels was originally viciously anti-anti-Semitic and wrote his letter to his girl friend---

MR JUSTICE GRAY: Do not let us worry about Goebbels. Can you put this point that you are now making in a general way to Dr Longerich?

MR IRVING: Two more questions and then we will have it, I think. Adolf Hitler's dietary cook was also Jewish, Marlene Exener.

MR JUSTICE GRAY: That is not putting it in a general way.

MR IRVING: I was going to say -- well, is the answer do you know that or not?

A: No.

Q: If somebody maintained people like that on his private

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staff, is it an indication that personally he had no real -- what is the word I am looking for -- distaste for Jews as individuals?

A: I think I made my point. I think, if you look into the history of anti-Semitism, you cannot draw conclusions from these personal relationships, because the anti-Semite would always argue, well, this is an exception, this is not a typical Jew, this person is different. I remember vaguely these rumours that one or the other person was Jewish, or what they called half Jewish, but I do not think one can actually write a kind of history of Hitler's anti-Jewish policy on this basis. This might be the case, but it does not -- it is a well-known stereotype in the history of anti-Semitism, as I said.

MR JUSTICE GRAY: Can I interrupt you rudely and just ask you the question which was the one I had in mind? Do you accept what Mr Irving is contending, that Hitler's anti-Semitism in the 1930s was not an expression of a genuine anti-Jewish feeling, but was simply a political gambit to enable him to achieve power?

A: No, I do not think so. I do not agree.

Q: Pursue it, if you want to, Mr Irving, but that was the general question I had in mind.

MR IRVING: I would ask again the general question. If he was viscerally anti-Jewish and anti-Semitic, would he have tolerated Jewish members of his personal staff? Would he

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have tolerated Field Marshal Milsch, who was a well-known half Jew?

A: I think I made my point clear. As far as I see anti-Semitism -- my English runs out a little bit - - there is no contrast, no juxtaposition. I think this does not actually disturb my view. It does not surprise me.

Q: OK. Just one final question to round off this context. In that little league table I was beginning to draw up of Himmler, Goebbels, Goring, Bormann, Lammers, Hitler, where would Hitler come on the anti-Semitism scale? Would he be above or below Dr Goebbels? Would he be more or less anti-Semitic?

A: I would just say that Hitler was a radical anti-Semite like Goebbels. The degree of percentage, I cannot make a judgment about that. I do not know how one measures radical anti-Semitism.

Q: Which way did the anti-Semitic current flow? From Goebbels to Hitler, or Goebbels to Hitler?

A: If you look at this group of people, I think I would describe it as a consensus. It was a general radical anti-Semitic consensus among them and it is impossible to say.

MR JUSTICE GRAY: I think we understand the difficulty you are in and I think, Mr Irving, you must move on.

MR IRVING: If you had read the Goebbels diaries right through, would you be able to form an impression on who was making

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the suggestions to whom, or who was just listening?

A: Again, I would prefer to look then at certain passages. As a general view I think my interpretation is that there was a high degree of anti-Semitic consensus between Hitler and

Goebbels, and of course Goebbels in his diaries, one of the motivations, motives, why Goebbels wrote the diaries is that he wanted to show, the diaries should present him as a very active energetic person. So of course, he is in a way the actor, and others actually are reacting to him. My general impression is that there was an anti-Semitic consensus among them.

MR JUSTICE GRAY: Yes.

MR IRVING: Can we now go to page 12 of your report, paragraph 1.4?

A: Yes.

Q: In general terms you are saying that, between the outbreak of war in summer 1939 and the middle of 1941, the Nazis were look for a territorial solution to the Jewish problem.

A: Yes.

Q: Is this commonly accepted or do most historians now accept that there was no homicidal plan?

A: This is accepted, but I made a little comment there at the end, and I said, well, actually, if you look at the so-called territorial solution, one should actually say, and this is my argument, that this increasingly offers a

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perspective of the physical end of the Jews in Europe. So I think the territorial solution, it was not meant that the Jews should actually come back from this reservation or whatever they planned, and they should stay there for 300 years. I think, if you look seriously at this territorial solution, these plans had clearly a genocidal implication, but they were still plans. They were not carried out.

Q: So that, although they were talking in terms of geography and moving them out beyond the pale, even then you suspect that they would really like to kill them? They were thinking in terms of killing? You want to have it both ways, really?

A: I would come back to this phrase there is obviously a strong genocidal element in those plans, so they were considering among themselves the question how and whether the Jews would survive or they would not survive.

Q: Are you talking about the European Jews here or the Russian Jews?

A: I am talking about the European Jews.

Q: But there is no actual document which indicates a homicidal intent. It is just that your feeling is they were talking geography but thinking in terms of bullets?

A: I could expand on that. There are two arguments. First of all, if you look at the plans themselves, at the comments they made on the plans, I think you can come to

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the conclusion that these so-called reservations would not offer sufficient means for existence to the Jews. On the other hand, I collected quite a number of comments from top Nazis, which actually made quite clear from the context that what they envisaged was that the Jews, the Jewry, Judentum, the Jews would actually not survive in the end this deportation to reservations.

Q: They hoped they would perish in the process?

A: They would perish and put to death by a combination of diseases, epidemics, simply insufficient means for survival, hard labour and things like that.

Q: Dr Longerich, you appreciate there is a difference in intent there, just saying, "I want them to get out and who cares what happens to them when they are out"?

A: Yes.

Q: That is one thing, but that is not quite the same as saying a homicidal intent?

A: Yes. I think that is to say very short, that is the difference between the idea to let them perish out there and to immediately kill them by executions or gas and so on. That is the difference.

Q: I do not want to go right back to the 1920s, but you do rely in part on Mein Kampf, do you not?

A: Yes, of course.

Q: I have a copy of Mein Kampf here, one of these little things you collect over the years, given to me. I hasten

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to add I have never read it. Am I right in saying that Adolf Hitler was not the only person whose hand is to be seen in Mein Kampf? In fact a number of other people wrote it with him, Rudolf Hess and others?

A: I should say I read the book. I think it is a very interesting book. One should read it. Hitler dictated it to Hess. It is unclear. Some historians would argue that actually he helped to improve in a way the text, but I think the fact that Hitler's name is on the book indicates that he is responsible for every word in the book. I think also one recognizes of course his thoughts in the text.

Q: Do you see a direct line then between what Adolf Hitler put his name to in Mein Kampf in 1923 or 1924 and what subsequently happened 20 years later?

A: No. I think the policy developed gradually, but we have to take the fact into account that Hitler made very radical anti-Semitic statements as soon as the mid 20s. We cannot overlook this fact.

Q: He made anti-Semitic statements in it?

A: Yes, Mein Kampf. He spoke about putting 12 to 15,000 of these people to gas and so on.

Q: They could be held under gas?

A: Yes. He did not say that he was intending to kill European Jews, but he made some very, very interesting statements concerning the fate of the Jews.

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MR JUSTICE GRAY: Mr Irving, this is only a suggestion. It seems me that the key phase really is when talk moved, as Dr Longerich says it did, from deportation to Madagascar or wherever else ----

MR IRVING: 1941 is the key year.

MR JUSTICE GRAY: Yes, exactly. Do you think that is where your quarrel with Dr Longerich really starts, is it not?

MR IRVING: This is absolutely true and that is why your Lordship will see that I am rapidly leafing through the pages which are heavily annotated by me, the Reichskristallnacht and so on.

MR JUSTICE GRAY: I know it is a temptation, but if you can resist the temptation.

MR IRVING: In the meantime we have dealt with the Reichskristallnacht.

MR JUSTICE GRAY: I think you have.

MR IRVING: I do not know what the law is here. If I do not traverse these matters here in court ----

MR JUSTICE GRAY: I have said this already. I think in the context of this case, if you have already cross-examined another expert on a particular topic, and you have certainly cross-examined Professor Evans on Kristallnacht, that is quite sufficient, unless Mr Rampton wants to persuade me otherwise, by way of putting your case, and you certainly do not need to traverse

the same ground again with Dr Longerich. Mr Rampton, you do not disagree

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with that?

MR RAMPTON: No, I do not. Reichskristallnacht is mentioned in passing only in the first part of Dr Longerich's report.

MR JUSTICE GRAY: I think the same applies really to the shooting by the Einsatzgruppen.

MR IRVING: To much else, which is not a matter of great contention between us.

MR JUSTICE GRAY: That is true.

MR RAMPTON: I think it has gone really as an issue.

MR JUSTICE GRAY: So really I think we are looking towards the 40s in terms of pagination.

MR IRVING: We are making rapid progress. For the remaining three minutes I will just have a quick look at page, 45 please. On May 25th 1940 Himmler did put this document to Hitler on the plans for the East?

A: Yes.

Q: Was this again Plan Ost or was that another document?

A: This was the future of the Frenfturgischer, as it was called in the text, the alien people.

Q: Does not Himmler in this document say words to the effect that we cannot do what the Russians do, we cannot just liquidate them?

A: Yes, the quote here is: "The Bolshevik methods of physically extirpation (Ausrottung) of a people because of inner conviction, as un-German and impossible". So he is distancing himself from ausrottung. In the same text he

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says: "I hope to see that by means of the possibility of a large emigration of all Jews to Africa or to some other colony - that the concept of Jew will be fully extinguished". So I think we have take these two sentences into account. Distinguished but not ausrottung.

Q: I just wanted to look at the fact that the word ausrottung in that document does not by itself mean killing, because Himmler had to add the word "physical" in front of it, did he not, so going to physically ausrottung them?

A: Of course that is a possible interpretation, but sometimes in a document you make your position very clear by actually repeating the same meaning and adjective.

Q: That is added emphasis, is it?

A: Yes, you have to have a subject but you also add an adjective.

Q: To make it unmistakable?

A: Yes, exactly.

Q: Because otherwise it could be mistook.

A: Yes, and also probably you want to strengthen your point. People tend to repeat themselves. That is quite a common experience. If in the same document you make the same point twice or three times, it does not always, I think one cannot -- well, I stop here. Sorry.

Q: Just like Adolf Hitler in that November 10th 1938 speech using the phrase "we do not need them"? He says it twice

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in one sentence.

A: Yes.

Q: It does not add anything really?

A: Yes, for example.

Q: I see a smile from his Lordship. That was not the point I was hoping to make there. I would hate to go down just on that one sentence. That is the reason. Page 46 just for one minute. The Madagascar plan was quite feasible, was it not?

A: In which sense feasible?

Q: It could have housed them. The island is big enough.

MR JUSTICE GRAY: The relevant question is they thought it was feasible? Whether they were right or not may not be here or there.

MR IRVING: I was going to ask the witness. He is rather dismissive of the plan.

A: In which sense feasible? You mean to provide a place where 4 million Jews could have a happy life? In this sense feasible?

Q: Happier life.

A: Or feasible in the sense of an SS police state, so to say a big prison, with a high death rate? In this sense I would say, yes, it was feasible. We have contemporary examinations about this problem. For instance, the Polish Jewish Commission which was sent to Madagascar in 37, they came back with a recommendation that, as one member put

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it, Madagascar would offer a place for about 50 to 75,000 people. The Jewish members of this Commission did not agree. They said 2,000 probably. So this is contemporary evidence we have. I would say clearly that I doubt that 4 million Jews would have the chance to survive this, if I may say, excursion to Madagascar in 1940.

Q: Dr Longerich, one final question before the adjournment. Are you aware that the population in Madagascar has increased from about 2 million to 13 million over the period?

A: I looked it up because this was always said. 4 million in 30s to 30 million indeed in the 1990s, yes.

Q: So that kind of population could have been absorbed?

A: Yes, within 50 years, with an infrastructure and so on, of course. Experience shows that.

MR JUSTICE GRAY: Two o'clock.

(Luncheon Adjournment)
(2.00 p.m.)

MR RAMPTON: My Lord, can I hand in my little note on the inadmissibility of expert witness statements?

MR JUSTICE GRAY: Thank you very much -- yes, please.

MR RAMPTON: I say no more about it. Yes.

MR JUSTICE GRAY: Yes, Mr Irving?

MR IRVING: Thank you. (To the witness): Dr Longerich, we had reached the middle of 1941 roughly and I think I am right in summarizing that there is no evidence up to 1941, the

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middle of 1941, of any directives by Hitler to exterminate Jews, no order for a systematic extermination of the Jews that you are aware of by the middle of 1941?

A: Well, if it comes to the preparation of Barbarossa, I would not agree. Before that -- at the moment I cannot -- probably you are right, I cannot recall something like that.

Q: Yes, shall we have a look at the directives issued in May 1941 now?

A: Yes. Well, by the way, no, I have to correct myself, there is no -- we do not have a written, a written statement by Hitler signed by Hitler, you know, that the Jews have to be killed. This is something we do not have.

Q: On page 55 of your report, 15.1, you begin by saying: "In the course of the preparations for the racist war of extermination against the Soviet Union", that is rather colourful language, is it not?

A: Well, this is actually a language which is commonly used by historians to describe the specific nature of this war.

Q: Yes. It is not really material here except that it goes to your state of mind, I suppose, but are you not aware that there is a body of historical opinion on the other side now which says that to a certain extent, notwithstanding that Hitler had always wanted to fight the Soviet Union, by June 1941 it also had a preventive character?

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A: No, I do not accept this thesis. I think it does not convince me at all. These historians have not produced, in my opinion, enough evidence to prove that Hitler was just, well, fighting a preventive war.

Q: Preventive war?

A: Yes.

Q: I did not say he was just fighting a preventive war because I said that there was certainly evidence that he had always wanted to fight the Soviet Union. I chapter 14 of Mein Kampf goes that way, does it not? But Stalin's biographer, General Volkogonov, has presented documents from Stalin's own private archives indicating that the Russians were planning to attack Germany?

A: I do not think there is enough evidence now. I mean, I know that research is going on, and one actually can find more material in Soviet archives, but at the moment I do not think that the case is made that Hitler was just fighting a preventive war against the Soviet Union and that Stalin had decided to attack Hitler somewhere in the summer 1941.

Q: Once again, I did not say he was just fighting a preventive war, but it had a preventive element?

A: I do not accept this. I think, from the German side, if you follow the preparations, I mean, I am, of course, more an expert -- expert on the Germans, not on the Soviets. I am just following the discussion, but on the German

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side, it is quite clear in the preparations, from my point of view, that Hitler actually is planning this war since the summer of 1940, and in the documentation that there is actually, as far as I am aware, almost no reference to the policy of behaviour of the other side. So I think it is the main reason for this was really, on the one hand, the ideological belief of Hitler that he has to destroy this so-called Bolshevik Empire and, on the other hand, he is trying to find a way out of the general, the war situation he found himself in in the summer of 1940 when Britain was not prepared to surrender. So I do not share this view, that it was to some extent a preventive war.

Q: Or to any extent at all a preventive war?

A: No, I do not share this view.

Q: I do not want to labour the point, but I am just drawing attention to the fact that in that first line you do appear to throw around words like "extermination" rather loosely.

A: I do not think I throw around; I just say that, in my opinion, if you follow this documentation, I think it is fair to say that this was a racist war of extermination from, you know, as both, if you look at the preparation and planning and, on the other hand, if you then look at what happened after the 22nd June 1941.

Q: We are looking now at Hitler's instructions to the High Command Operations staff, March 3rd 1941. These are the

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guidelines which I believe I gave your Lordship in complete translation a few days ago, the English translation of the document.

MR JUSTICE GRAY: Yes, I think you did.

MR IRVING: Is there any indication in that document, apart from that quoted paragraph, that there is an intention when the Russian campaign begins to liquidate the Jews as such rather than just the leadership?

A: I do not have the full document in front of me, so I cannot answer this, but you could probably help me.

Q: But you would have quoted it if it was in the document?

A: I think I looked through the document and if I did make a mistake, it is nothing, there is not such a phrase in document.

Q: I think we can take it that Hitler himself is the author of this document, can we?

A: Yes.

Q: When Hitler refers to the Jewish Bolshevik intelligentsia, der Judisch Bolschewikisch intelligentsia, he is referring to the people around Stalin and the leadership of the NKBD and the Commissarts, that kind of people?

A: Well, I think the top leadership but also the Party functioners, I think.

Q: Whether they were Jewish or not, he just put them all into one package?

A: The Jewish Bolshevik intelligence, yes, Jews and non-Jews

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probably.

Q: This was part of the Nazi party jargon, was it not? It was part and parcel -- it was a word they liked using a lot?

A: Yes, but it refers to the fact that they were convinced that Bolshevism or Marxism is a kind of sinister, you know, tool of the Jews, you know, in order to destroy the Aryan people. This is, I think, the background. It is just not, it is just not kind of jargon. It has a thing, it has a background.

Q: The further quotations that you put on that page from the papers of General Thomas ----

A: Yes.

Q: --- who I incidentally learned was the father-in-law of my private secretary after 20 years she worked for me, oddly enough. It is a small world. These are just references to destroying the Soviet leadership?

A: Yes.

Q: Or murdering them or killing them?

A: Yes.

Q: Would that be a legitimate military aim to discuss with the German High Command?

A: Well, it gives you a kind of insight about the nature of this war because they are not planning only to annihilate or exterminate the Russian Army, but also they are trying to crush the whole

system, including killing, obviously,

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the leadership. So it is far more than a normal war when two armies fight against each other, and, yes, and ----

Q: So it is just one step up the ladder, shall we say, of extermination?

A: Yes.

Q: So it is not the whole way, but it is an interesting rung in the ladder?

A: Yes.

Q: If we can put it like that? Turning to page 56, please, paragraph 15.4, you refer to Hitler's guidelines of 3rd October?

A: Yes. It is a mistake. 3rd March. Sorry about that.

Q: 3rd March.

A: 15.4, first line, should have "March" instead of "October".

Q: In this directive it says, this is the directive of March 13th issued by General Alfred Jodl: "In the operation area of the Arm, Himmler is granted special responsibilities by order of Hitler for the preparation of the political administration."

A: Yes, but it is also -- yes, sorry.

Q: It looks pretty sinister and it probably is pretty sinister, but is this not within the guidelines of military operations, securing the rear areas?

A: Yes, but it says if you take the full, if you look at the German terminology, "die sich aus dem endgultig

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auszutragenden Kampf zweier entgegengesetzter politischer Systeme ergeben", this is in English "These special responsibilities arise from the ultimate decisive struggle between two opposing political systems". So it is not about just two armies fighting against each other. It is actually two political systems and the idea here is to completely, well ----

Q: National socialism, on the one hand, and Bolshevism on the other?

A: Yes.

Q: I think somebody once said the child with most -isms is the -ists. So they are dealing here with the Bolsheviks or the Bolshevists and the National Socialists rather than the Jews as such?

A: Well, but from the context it becomes quite clear that in the views of the National Socialist, you cannot separate Bolshevism from Jewry, so it is a kind of, it is quite clear it is one of the main elements of the National Socialist ideology that Bolshevism is in a way a kind of invention of the Jews, of all Jewry, in order to conquer world dominion, I think. This is something that you cannot separate here from this.

Q: Sure enough in the next paragraph it spells out what the special responsibilities are. They are going to be bumping of all the Bolshevik Chieftains and Commissarts?

A: Yes.

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Q: I agree with that. That is quite obviously contained in the documents. We now go on the following page to page 57 to the massacres executed by the four Einsatzgruppen?

A: Yes.

MR JUSTICE GRAY: But can I just be clear about that? Forgive me. The documents we have just been looking at, four of them, 3rd March onwards?

A: Yes.

Q: Do you regard those as being preliminary to the setting up of the Einsatzgruppen?

A: Yes, I think one has to bear in mind that this is, you know, this is preparation of a racist war of extermination. So the result of the speeches and of these instructions are certain guidelines which are given to the troops. This is the Commissart order, the order to kill all Communist Commissarts, and this is what was called here the guidelines for special areas. And then there is the jurisdiction decree which says, basically, that every German officer is entitled to take retaliation measures on the spot, and they are the guidelines for the conduct of the troops in Russia.

So the whole of it has to be seen as a whole set of regulations and guidelines, which I think can be described as a kind of package for the racist war of extermination and Hitler is intimately involved in the preparation of this.

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MR IRVING: As a what for the racist war?

MR JUSTICE GRAY: "Package".

A: A kind of package of set of documents which actually ----

MR IRVING: You describe them as the prerequisites ----

A: Yes, exactly.

Q: --- which does not necessarily mean that the one flowed from the other. The racist war of extermination would not have been possible without these prerequisites, but that does not necessarily mean that this was anticipated or planned?

A: Well, I think it is quite clear from the documents that this war, you know, this racist war, is planned from at least March 1941 onwards and Hitler is playing an active role in the preparations of those guidelines.

Q: Dr Longerich, if you are going to put it like that, I think you ought to point us to the passage of the March documents on which you are relying.

A: Yes.

Q: Am I right, my Lord, that he should ----

MR JUSTICE GRAY: Yes, you are, but I do not want to assume too much, but 3rd March refers to the establishment of guidelines?

A: Yes, it is an instruction from Hitler to Jodl to actually rephrase the guidelines, to be more radical in those guidelines. So it gives him a kind of idea of what he wants, and he says, this is the key sentence, "The Jewish

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Bolshevik intelligentsia must be eliminated". Then they are going on and revising these guidelines, and in end it says in here that there is in the operational area of the Army, the Reichsfuhrer SS special duties, he has to carry out and these duties relates to the fight between Bolshevism and National socialism.

So there is a specific political racist, I would say, element in here. It is not just a preparation of, let us say, a normal war between nations or armies.

MR IRVING: Racist or ideological?

A: Both. You cannot separate that. You cannot separate anti-Semitism from the anti-

Communism. This is one thing.

Q: But if I narrow it down, these actual documents before us refer only to the leadership, the intelligentsia. Everything beyond that is extrapolation by yourself, is it not?

A: I do not know what the "Sonderaufgaben im Auftrage des Fuhrers" are. There is no -- the document does not give us any explanation for that. It is not -- the documents refer to leaders and to special tasks "im Auftrage des Fuhrers", "on behalf of the Fuhrer", so I do not know what this actually, I mean, because I was not there and we do not have a document about this, I do not know what this means.

Q: This is the document of March 13th on page 56, is that right?

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A: Yes. "Sonderaufgaben", special tasks on behalf of the, by order of the Fuhrer for the preparation, and so on, and so I do not know what this really, how far ----

Q: Is it likely that Himmler went to see Hitler a bit jealous because the Army and the Air Force and the Navy had been given all these great tasks for this great ideological campaign in the East and Himmler has been to see Hitler and said, "Mein Fuhrer, I want jobs too. What are you going to give me?" and Hitler says to him, "Well, you are going to do this and you are going to do that. Your job is in the rear area, mopping up the partisans, holding down the population, securing the transport routes"?

A: No. What happens is that I think the initiative came from Hitler because he is the one who is revising, first of all, the instruction, the guidelines by giving Jodl this instruction. So he is the one who thinks that the Army is not radical enough about, the Army has not completely understood the task ahead of them.

Q: The ideological nature?

A: The ideological was, so he is giving this instruction. Then in the end it is ended in these guidelines where these special tasks are mentioned.

Q: Dr Longerich, you are interested in the special tasks, are you not? We do not know what they are, but can I remind you of the meeting after Barbarossa began on July 16th 1941 where Himmler is given special tasks, is he not?

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A: Well, he is then -- what he gets then is special tasks. He gets ----

Q: Pacifying the rear areas?

A: Yes, he wanted more. He wanted the overall political -- he wanted a political -- he wanted the responsibility, the political responsibility, in a way to reorder the whole area. What he got there on 16th is the competence for the political -- for the security -- for securing.

Q: Securing the rear area?

A: Securing the rear area. So it is the word "police" is the crucial word in this.

Q: "Police"?

A: "Police".

Q: So did Hitler on that 16th July 1941 meeting effectively give Himmler carte blanche? I am anxious not to lead you in any way on this. If you disagree, then please say so.

A: Yes, I think the meeting is decisive and we can see after the meeting that actually Himmler sent more men to the East and the killings were radicalized and, you know, and the whole process escalated.

Q: And is it possible (and I put this as a hypothesis to you and it may militate against me or for me, I do not know) that Hitler may have said to Himmler, "Herr Reichsfuhrer, do what you see best, do whatever you think is right, but do not tell me what you are doing"? Would that be possible? "Just keep me out of it"?

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A: It is difficult for me to speculate about this.

Q: On the basis of their relationship, as we know?

A: It is really difficult for me to speculate about this question, what he actually said, because I do not have minutes or anything about that. I find it difficult to answer this question.

Q: But later on we do find in 1942 the documents where Himmler says: "The Fuhrer has ordered the Eastern territories to be rid of the Jews. He has placed this burden on my shoulders. Nobody can take it off me"?

A: Yes.

Q: And that rather fits in with that kind of hypothesis? I only want to put it you if you think you are comfortable with it.

A: I find this difficult to answer. You can, of course, argue that, in general, how this system, the political system, worked, the decision-making worked, that Hitler would make a general statement, gave general guidelines, and then leave it to other people responsible for this area actually to fill this out, you know, with their own energy and their own ideas, but really I do not know about the exact content of this guidelines.

Q: If it repeatedly happened that somebody like Hans Lammers went to see Hitler to protest about this or that, and Hitler would answer, or Ribbentrop would go to Hitler, and Hitler would answer, "Keep me out of this. Take it up

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with Himmler. It is his pigeon, it is his business"?

A: Well, I think, if we want to, if we want to discuss it, I think we have to discuss these individual letters or pieces of documents.

Q: It is just a general impression I was asking you about from your knowledge of the papers. So what we differ on, Dr Longerich, is this, am I right in saying this, that the March 1941 documents, you think it was an ideological preparation for the ideological war in the East, that Himmler was being given orders for, and I say it was a typically military securing the rear areas kind of job he was being given?

A: Well, you cannot separate the Nazi ideas of warfare in the East from their ideological goals. I mean, for them it was not contradiction to speak about securing of areas and to speak of ideological goals. I do not think one can separate these two issues.

MR JUSTICE GRAY: Can I just ask you this, Dr Longerich. Do you regard it as legitimate in deciding what the objective was to look and see what actually happened?

A: Yes, of course.

Q: Because we know pretty precisely what happened?

A: Yes, of course.

MR IRVING: I will come to that question as question B, but, first of all, I will ask question A, if I may, my Lord? Would you agree that the documents before us fit entirely

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with the notion of military securing of rear areas?

A: No, because it says, if you just look at the documents and leave out what happened after that, it says here: "Special responsibilities by order of the Fuhrer for the preparation of the political administration. These special responsibilities arise from the ultimate decisive struggle between two opposing political systems". So it is not just about policing and security.

Q: Would that include the murder and extermination of the political and military leaders on the other side, the intelligentsia?

A: Yes, I think so.

Q: Now, if we turn the page and now we come to the four Einsatzgruppen, page 57?

A: Yes.

Q: I am only going to ask you one question about this because I think we accept what happened there, that killings began, but this is going to be now questions B to start with, the fact that the killings began, is there any indication that they began as a direct result of these orders and guidelines or did they just begin of their own accord like a spontaneous combustion?

A: No. We have, I think, quite good documentation because we have Heydrich's order of 29th and Heydrich's letter to the highest SS police leader of ----

Q: I think the 2nd July.

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A: --- 2nd July which actually gives you a very clear idea what the task of the Einsatzgruppen was.

Q: The 2nd July one which, my Lord, I am afraid I still have not translated for your Lordship -- we are working on it -- this is 2nd July 1941 where Heydrich, am I correct, says to the people in the Baltic states: "If pogrom start, you are not to stop them and, in fact, you are to help them along"?

A: Yes. I ----

Q: "But don't let it be seen"?

A: I think I translated this in the second part of my report. This is at page 6, and if you look at the English translation, I have to say here that I have, unfortunately, made a mistake here which I have to correct because if you read this indented paragraph "To be executed are", you have to add the word "or" to the first line, "To be executed are all" and then it goes on "functionaries of the Comintern", and so on, so that the word "all" ----

MR JUSTICE GRAY: So all of the lot of them?

A: "All" also relates to the last line, "All Jews in Party and State functions", so this is the way the original German document is arranged. So we know from this document that Heydrich ordered the Einsatzgruppen to execute all Jews and part -- all Jews in Party and State functions and the more, I think most interesting word in

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this "all" is the next line which you find on page 7 and "other, and all other radical elements including", the most important word is I think the "etc." in the end, which says, "Well, this is not a definite list of the people we are going to kill". You know, you actually, you know, can add to the list. You can add saboteurs, propagandists, snipers, assassins and agitators, others who fall into this category.

MR IRVING: But am I right in saying ----

A: My interpretation of this order is that this is a kind of open, very general order which appeals

to the initiative of the men in the field. They can actually go and extend the killings if they find it appropriate, if it is feasible.

Q: An umbrella order?

A: Sorry?

Q: It is a kind of umbrella order?

A: Yes. Also, there is no indication in this order who actually is to be spared. It does not say, for instance, it is not allowed to shoot women.

Q: Why should it not be allowed to shoot women?

A: Well, it is not said in this order here.

Q: If there is a woman kommissar she was going to be spared, or a woman sniper?

A: Then would assume that this is a Jew in party or state function, or it is one of the propagandists, saboteurs

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snipers, and so on. So I think this is not ----

Q: Dr Longerich, I really want to come to this July 2nd document tomorrow when we deal with your second report, but I do draw attention to your footnote there, the second line from the bottom, the only Jews who are actually included in that are the Jews in party and state positions who are on the shooting list.

A: Yes, and the word "etc." in the end, I think in my interpretation ----

Q: That could mean anything. It could mean the milkmen and everybody else, could it not?

A: Yes, everybody else, everybody Jew or non-Jew who was suspicious from the point of view of the Nazis, the invaders.

Q: Can I now take you back to page 57, where we are looking at the Einsatzgruppen?

A: Yes.

Q: I take it from your footnote that you have not made any use of the police decodes that are in the Public Record Office?

A: I have looked at the police decodes, both in the collection here and also at the collection in Washington. I have seen several hundred of them, not more.

Q: Since you wrote this report or before that?

A: I saw the Washington decodes about two years ago and the ones here after I finished the report, I think.

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Q: Just a subsidiary question: How would you rate the decodes as a source? Are they really pure gold, untouched and unimpeachable integrity as a source?

A: In the sense that they are authentic?

Q: Authentic and likely to contain something approximating to the truth?

A: We have actually the chance in some cases to complete the decipherers with the German originals in this case.

Q: Compare them?

A: Sorry, compare them, and in this case it is clear that they are authentic. The problem with the decipherers is that they are relating to the order police, which is one branch of the German police. A second problem is that the German would use, as far as I am aware, a different code for the highest class of classified documents. They would not use this code. The Einsatzgruppen would not send their messages through the order police system. It is clear from one of the decipherers

from September that the Germans were aware of the danger that the codes could be broken and the Deluger sent an order to say what actually ----

Q: Keep the figures up or something?

A: Be quite cautious here what you are sending. Also, we do not know how comprehensive actually the work of the deciphers were. Is this everything they got? Is this the whole communication of the German police? So I think we

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will spend, as historians always spend, a lot of time actually to assessing this document and to find out to which extent it will help us to understand the killings better than we did before.

Q: I have to take up two points. First of all, you say that because it is the Ordnungs Polizei, the order police, it does not contain a high level of material, but we have seen in this courtroom messages from Himmler to Jeckeln, and that is of course at the very highest level, is it not?

A: The high SS police leader would use the communication system of the order police. That is possible, yes.

Q: Would you accept, having spent some time looking at these decodes, that they are a pretty random selection, that they are not methodologically skewed in any way? Although it is not 100 per cent, the volume of documents that has been left for us to look at is a random collection of many hundreds of thousands of items?

A: I am not sure what the numbers -- what I am trying to say is, if you look at the deciphers, you cannot be sure that the deciphers contain the whole radio communication between, let us say, Himmler and Jeckeln, for instance. I have no way to find out how comprehensive and how representative this collection is. But of course it adds to our knowledge.

Q: Yes. You did not have those, just to make this quite

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plain, at your disposal when you wrote this report?

A: I looked into some of the Washington files.

Q: The Washington files are not as complete as the British files?

A: Yes, exactly.

Q: Yes.

A: I had the Washington files in front of me when I wrote the report, and I did not include them here because what I have seen in Washington for me -- for instance, I did not find in Washington the Himmler Jeckeln correspondence and I did not spend enough time probably on it, but there is nothing in it which actually I thought was valuable enough to include it into the report.

MR JUSTICE GRAY: Mr Irving, could you put, really for my benefit as much as anybody else's, to Dr Longerich what it is you say about the decodes that is significant.

MR IRVING: I am just about to come to that very point, my Lord.

MR JUSTICE GRAY: Good.

MR IRVING: You say you were not at that time familiar with the Himmler and Jeckeln decodes?

A: Yes.

Q: Have you in the meantime had a chance to look at them?

A: Yes.

Q: I am referring here to the decodes of November 30th, the telephone call from Himmler to Heydrich on November 30th,

and principally I am going to ask you now about the deeds codes of December 1st 1941.

A: Yes.

Q: There are three?

A: Yes.

Q: The first one is a message from Jeckeln to Himmler on the morning. My Lord, do you want to have the items in front of you?

MR JUSTICE GRAY: I am trying to follow but the documents are now even more scattered about.

MR RAMPTON: No, they are not.

MR IRVING: They should now be ----

MR RAMPTON: They are now collected in here.

MR JUSTICE GRAY: I know, but I had marked the previous versions of them, that is the problem, and these are all in German.

MR RAMPTON: No, they are not.

MR IRVING: I have translated them.

MR RAMPTON: Wherever possible the English has been put opposite the German.

MR JUSTICE GRAY: 31st December?

MR IRVING: 1st December, my Lord.

A: Page 142, if I am right on this, in this blue bundle.

MR JUSTICE GRAY: Thank you very much.

MR IRVING: There should be three altogether. The first one is page 141. This is 9.15 in the morning. This is from the

senior SS police commander, north Russia, to Berlin, saying: "I need by next available air courier 10 Finnish military pistols with two drum magazines, each execution of Sonderaktionen". He requests a radio telegram reply. What inference do you draw from that?

A: I do not know whether the term Sonderaktionen refers here to shootings, and I do not know whether these Finnish pistols were used.

Q: Is it a reasonable inference if I say that this is probably a reference to the machine gunning of Jews into pits?

A: I do not know. It says militairpistol. This is not a machine gun or short machine gun.

Q: Execution of Sonderaktionen?

A: I am not sure. I think it is reasonable to argue this line, but I do not know whether ever Finnish military pistols were used. They had their own weapons. I do not see a reason why they urgently needed for these executions Finnish weapons. It does not make sense for me. It might be right, but I do not know the background.

Q: Might not there be reasons of camouflage? They wanted, if bodies were dug out, to have Finnish bullets found in the bodies rather than German bullets? This kind of thing might have been in it.

A: We have enough expertise information that they use normally the standard Army pistol.

Q: Tommy gun?

A: The 9 millimetre pistol for these operations. Actually I have not found something like that.

Q: Dr Longerich, the ones I really rely on are page 143, two messages that afternoon, or evening rather, 7.30 p.m., both at the same time. One from Himmler's adjutant, Grotmann, and one from Himmler himself, to Jeckeln. Jeckeln was the chief villain, was he not? He was one of the biggest murderers in Riga.

A: Yes he was the highest SS police leader.

Q: The chief SS police leader. The first one summons him to a conference with Himmler on 4th December?

A: Yes.

Q: The second one, even more peremptorily, from Himmler himself says to him, "The Jews being outplac'd to the Ostland are to be dealt with only in accordance with the guidelines laid down by myself and/or by the Reichssicherheitshauptamt on my orders. I would punish arbitrary and disobedient acts".

A: Yes.

Q: That looks like quite an important telegram or message?

A: I think you will relate this to the telephone call of 13th November, and I think you are right to do so.

Q: I am anxious to hear your opinion about it because it appears to be significant.

A: Yes. I think these are two significant and important

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entries.

Q: Yes. Let me float a hypothesis past you, Dr Longerich. Does this indicate to you that Jeckeln has acted outside the authority that he believed he had to kill Jews?

A: I think this is a fair assumption. I think this is absolutely possible. Also, I find it quite striking, if this is right, if Jeckeln is actually responsible for the murder of 6,000 people, what is the consequence of that? Is he then court martialled? Or he is thrown out of the SS? No. He got a nasty letter.

Q: A rap across the knuckles?

A: Yes. That is all he got. Then he had dinner with Himmler on the 4th and that is it, obviously. It was probably a violation of the guidelines but it was not seen as a kind of severe disobedience, a lapse or something like that.

Q: These were just Jews, were they not? They were German Jews but just Jews?

A: That is probably true, yes. That is definitely true.

Q: I think no one disputes the fact that this is a gangster state and these are gangsters amongst themselves are they not?

A: Yes.

Q: Did the killings then stop for a while as far as German Jews were concerned?

A: As far as we know, the killing on a large scale, mass executions, stopped in Riga until a couple of months,

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until they used gas vans at the beginning of 1942.

MR JUSTICE GRAY: Just in Riga or elsewhere as well?

A: Well, to make this quite clear, there were two waves of deportation, the first one to Lodz of 20,000 Jews in October, and the second one, they planned to deport 50,000 people, 25,000 each to Riga and to Minsk. They managed to deport about 21,000 to Riga or 24,000, and 8,000 to

Minsk. The general observation is that it was obviously, as far as I see it, not the policy to kill them all because we do not have mass executions at this time in Lodz concerning German Jews and in Riga concerning German Jews. We only have these six trains in Kovno and Riga, and this was stopped. It was obviously, as is said here, not in accordance with the guidelines given by the Reichssicherheitshauptamt .

MR IRVING: It is a strange little glimpse of history which you have come across now at the end of the 20th century, 55 years or more after the events. Is this an indication to you of how history is constantly in flux?

A: No. These two messages confirm what we actually knew before. Obviously these killings in Riga were obviously not in accordance with the guidelines of the Reichssicherheitshauptamt and now we have another confirmation by these two telegrams.

Q: Has it been very widely noised around among German historians that the orders came down from on high that

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these killings had to stop? I have never heard it before.

MR RAMPTON: That is a slightly tricky way of putting that question. What does Mr Irving mean by on high?

MR JUSTICE GRAY: I think that is right. The problem is -- I think this is what Mr Rampton is really saying -- that there are guidelines. We do not know quite what the guidelines say. That is the difficulty. We cannot assume that the guidelines say no killing, full stop.

MR IRVING: I was tempted to say from the Fuhrer's headquarters, but then Mr Rampton would certainly have objected.

MR JUSTICE GRAY: That is a separate point.

MR RAMPTON: No. Himmler was probably somewhere in that complex at the Wolfsschanze when the telephone call of 30th November was made. That is as far as one can push at what one might call wishful thinking.

MR JUSTICE GRAY: Can I just ask the question? There obviously were guidelines knocking around somewhere?

A: Yes.

Q: Do you take the view that the guidelines said no Jews, German Jews or any other Jews, to be killed ever?

A: No.

Q: Or what?

A: I have not seen these guidelines.

Q: No. Nobody has.

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A: I think I should not speculate on the guidelines. As far as I see this, the Holocaust emerged in different phases. We have the Soviet Jews who were killed during the summer first, and then the killing was extended in the autumn of 41 to parts of Poland and to Serbia, then in the spring and summer of 42 to other areas. So the German Jews at this stage were deported into these ghettos, and the majority of them survived until the spring of 1941. So it was not policy at this moment, I think, as far as I know, as far as I am able to reconstruct this, to kill systematically German Jews on arrival in the ghettos in Minsk, Riga and Lodz. Here obviously Jeckeln, let me put it this way, made a mistake, which is quite difficult to say because it involved the death of 6,000 people.

But it was obviously not the policy of the Reichssicherheitshauptamt to kill every German Jew who was deported in the East at this stage.

MR JUSTICE GRAY: Was it the policy to kill some of them in so far as you can speculate?

A: When this happened, as I said, there was no severe punishment for that. It was not seen as a major violation. It was seen as a minor incident.

MR IRVING: That is a different matter, whether it was punishable or not. Can I ask you to look back at page 122 of that bundle of German documents, the same one? It is another decode.

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A: Yes.

Q: Now this one you may also have seen in view of the fact that I found it in the PRO and brought it to the attention of the court. It concerns the shipment of train loads of Jews.

A: Where are we?

Q: Page 122 of the bundle of documents. It concerns whether there was a homicidal intention already in store for the train loads of Jews being sent out of Germany. This is a train load of Jews. It is a telegram. I will ask you just to read it first and then I will ask you some questions.

A: This is the first train to Kovno. The people were all killed in Kovno.

Q: Thank you for telling us. That is very interesting to know that. This is the train load on November 17th 1941, 6.25 p.m., the transport train number DO, presumably that is Deutschland Ost, 26th, has left Berlin for Kovno with 944 Jews on board, details of what the transport escort is. Then it says the transport has been provided with 3,000 kilograms of bread, 27 hundred kilograms of flour, and various other things, which indicates that they were going to have enough food for the journey and some.

A: Yes.

Q: There is another telegram, I am not sure if it is in this bundle or not, Miss Rogers will know, which actually says

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they are going to be taking their Gerat with them.

A: Tools.

Q: Their tools or appliances?

A: Yes.

Q: Does that imply they anticipated the people sending them, anticipated they were going to be going to a new life, if I can put it that way?

MR JUSTICE GRAY: We had this this morning, you got the answer you wanted. They were lured into thinking that they were going to a new life in the East.

MR IRVING: Very well, but am I right now, Dr Longerich, you said that this particular train load, which was referred to here, which I did not know, I have to confess, ended up being murdered?

A: The first five trains to Riga were diverted to Kovno and these are the trains where the people were killed, and the first train to Riga as well. If I am not completely mistaken, I am pretty sure the people on this train were killed.

Q: So would this indicate a totally chaotic situation? The people in Germany who were sending them out, assume they are going to need tools and bread for a new life, whereas the people who received them, bumped them off as they arrived?

A: Again, the tools and the food was provided by the Jewish community.

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Q: That is neither here nor there, is it, really?

A: It was provided by the Jewish communities, so the Jewish communities were assuming that, as a kind of solidarity with the people who were deported, they had to provide them with enough food and tools to survive the first days and maybe to build up new homes. I cannot draw from the fact that these trains were provided with food and tools, I am not able to draw any conclusions as far as the motives and aims of the Gestapo was concerned. It refers to the Jewish communities in Germany, what they thought it was appropriate to do.

Q: Yes, but ----

A: The SS or the police did not provide the trains with food from their own stocks.

Q: Yes. I now take you to page 124. That is the other message I was referring to, where they are being sent with the food and the money and the appliances.

A: Yes.

Q: This is a message from the SS, is it not, in Bremen to the commander of the police in Riga, saying, we are sending all these people with this food and with these appliances?

A: Yes.

Q: Is a reasonable inference, reading that, that the people in Bremen assumed that they were not just carrying all this stuff as camouflage, because they were going to be bumped off when they got there? The people in Bremen had

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no idea they were going to their deaths?

A: The Gestapo, you mean?

Q: The people who sent this message.

A: I do not know. I am really cautious to draw this conclusion from this document. They are just saying the Jews are coming and they are bringing money and tools and food with them. I have to see if it survives the internal correspondence of the Gestapo in Bremen. I would not simply agree.

Q: Would not the least perverse interpretation to be put on this message be that it is an innocent message from the people in Bremen, saying we are sending a train load of a thousand people who are members of the chosen race, with all their food and appliances, and they are arriving at such and such a time, and so on? Any other interpretation is pure speculation.

A: Every interpretation here is I think speculation. The money, for instance: Do you think this is money from the Gestapo in Bremen to buy food for the Jews in Riga? I would think the money is taken from the Jewish community and it goes into the pockets of the Gestapo. I see this document here and I cannot follow your line of interpretation.

Q: I am not interpreting it. I am just reading what it says.

A: Yes. So it says that this train was sent to Riga and did they have money and food and tools on the trains? That is

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what I can read from the document.

Q: Yes. I think, unless your Lordship has another question to ask about these decodes, we can move on.

MR JUSTICE GRAY: Not for me.

Q: We now move either onwards or backwards, whichever way you look at it, to the 16th July

1941 conference between Hitler and Rosenberg on the policing of the Eastern territories. Did you use the diary of Otto Brottigan?

A: I used part of it which is printed in a German edition.

Q: Did you not look at my original diary which is in the Institute of History? I donated the entire diary to the Institute of History.

A: Yes. I used the one which is printed and commented.

Q: I am not sure how much of it is printed but the handwritten diary describes the atmosphere of rivalry between Rosenberg and Hitler, and Rosenberg coming out full of glee because he had got all that he wanted.

A: Yes.

Q: There is this typical jealous going on at the top level inside the hierarchy of Third Reich.

A: Yes.

Q: You agree that in that entire meeting of 16th July 1941 the word "Jew" was not even mentioned? So it is not very important from our point of view, except for establishing the hierarchy in occupied Eastern Russia?

MR JUSTICE GRAY: Where is this in the report, or is it not?

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MR IRVING: Page 57, paragraph 15.7.

A: I am not sure at the moment whether in the entire text the name Jew is not mentioned, but I think for me the central passage here is this expression of Hitler.

MR IRVING: Anybody who looks askance?

A: How would you translate it?

Q: Anybody who looks askance can be shot.

A: Yes. I think this is a category which also would include Jews, without particularly referring to them.

Q: Yes. You do agree that "der nur schief schaut" does not actually refer to somebody looking odd? It is actually somebody who is looking out of the corner of his eyes at you, or something like that? Anybody suspect?

A: Anybody suspect, yes.

Q: You summarize in paragraph 15.8, rather dangerously and adventurously in my view: "With the beginning of the massive murder of the Soviet civilian population in the summer of 1941, a stage was reached in which these statements and similar ones by Hitler could no longer be understood as general threats of violence"?

A: Yes.

Q: So we are looking really between the lines, are we there? Again, we have nothing specific to point to.

A: I think, if you look back and look at Hitler's orders and his speeches in March 1941, and the fact that he demanded the annihilation or the extermination of the Jewish

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Bolshevik complex, if you look at the intelligentsia -- of course this involved the killing of at least 10,000, probably 100,000, people. Then I think one has to take this into account if one looks at the way Hitler actually used this terminology after these events. I do not know whether we have actually reached here the stage where I refer to the Einsatzgruppen and their reports back, and the fact that these reports were widely circulated, we have evidence that Hitler actually has

seen them ----.

Q: I would be interested. Do you know off the top of your head or from your memory what is the evidence that Hitler actually read the Einsatzgruppen reports?

MR JUSTICE GRAY: Let us find it in the report.

A: I should be cautious here. We have this document from the 1st August 1941.

MR IRVING: Muller document?

A: The Muller document, which I erroneously dated 2nd August, 41, in this report. I cannot find it for the moment.

Q: That document does not show he was shown any?

A: No, you are right.

MR JUSTICE GRAY: Take this a little bit more slowly. Lets find your reference to the Muller document. Is that in your second report?

MR RAMPTON: Yes.

A: Yes.

MS ROGERS: Page 26 of 2.

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A: You are right, one should be cautious. Is it 26?

MR JUSTICE GRAY: Are you sure it is page 26.

MR IRVING: It is in the bundle of documents.

A: I have it in the report 1, page 57, in the middle of 15.6.

MR IRVING: Page 50 of the bundle.

A: I use the wrong date. It is definitely the 1st August. It says here: "Dem Fuhrer soll von hier aus lfd Berichte unber die Arbeit der Einsatzgruppen im Osten vorgelegt weren". In English, the Fuhrer should be presented with continuous reports on the work of the Einsatzgruppen in the East from here. So it is an intention, yes. But we have also other evidence that were not only the Eichnesmeldung, which were done on a daily basis, but there were also monthly and bimonthly reports about the activities of the Einsatzgruppen. We know that these reports were widely circulated. They had a distribution list with more than a hundred names or institutions on it. These monthly reports were widely circulated among the different ministries. For example, in the Foreign Ministry one of the monthly reports was shown to 22 people. It is difficult, I think impossible, to argue that the result of the activities of the Einsatzgruppen could be hidden before anybody, because it was literally, I think hundreds of people actually in the official capacity have seen these reports. So I think that this is enough evidence to say that the intention that Hitler

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should see this, that this actually was carried out, because it could not be, it was impossible to hide it before. On the contrary, it is exactly what he himself demanded in these orders. It is about the destruction of the Bolshevik Judao empire. That is what he wanted to hear and that is why they presented him I think with these reports.

MR JUSTICE GRAY: You say he ordered it and it happened?

A: Yes.

MR IRVING: Now I have to ask supplementary questions on that of course. You say that these Einsatzgruppen reports had lengthy distribution lists. You mentioned 22 names on one.

A: Yes.

Q: Was the adjutants officer, the Fuhrer, one of them?

A: I did not say that 22, the Einsatzgruppen reports, we do not have complete distribution lists for every report and they vary from report to report. So I do not know.

Q: Well let me ask in general terms. On any of the distribution lists was there any of Adolf Hitler's officers?

A: We do not have a complete set of distribution lists.

Q: Yes. On even one report then?

A: I have to look to the reports. I cannot say this. I found in report No. 128 the Party Chancellery, for instance, involved. If you want to argue that these

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operations of the Einsatzgruppen were hidden before Hitler ----

Q: Hidden from?

A: From Hitler, sorry, then you must argue that Bormann was part of this conspiracy because he received a copy, and he would not be alarmed and go to Hitler.

MR RAMPTON: I am sorry. I do not interrupt in the middle of an answer -- at least I try not to. Again, I am a bit troubled by all of this. I had the transcript reference some days ago, weeks ago, I have not got it at the moment. My recollection is that Mr Irving accepted in cross-examination, first that there was systematic mass shootings in the East by the Einsatzgruppen and, secondly, that they were approved by Hitler. So where are we going I ask myself?

MR JUSTICE GRAY: Can I just check that because that thought had gone through my mind? I was hesitant about it.

MR RAMPTON: It was early on in the case, almost probably the first week.

MR JUSTICE GRAY: I think I will be able to tell you.

MR IRVING: I think the answer to that is that there are killings and there are killings.

MR JUSTICE GRAY: I am not sure that is the way it has been put.

MR RAMPTON: I am not going to swear to it, but I think my recollection is more or less right.

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MR IRVING: I am going to come back to this question.

MR RAMPTON: I am trying to prevent Mr Irving coming back to these questions, because I think it is a waste of the court's time and my client's money, and this witness's time too.

MR JUSTICE GRAY: I am not sure, doing the best I can from my own notes, that the latter part of what you have just said is right. But, if anybody can check on the transcript, it is quite an important point. I do not think if I may respectfully say, so on your say so I can stop this line of cross-examination. If you can pick up a reference?

MR RAMPTON: No, of course not.

MR JUSTICE GRAY: Your position now, Mr Irving, and I do not suggest it was different before, is that, yes, there were these mass shootings going on and there were documents floating around reporting them, but you do not accept that the reports ever got back to Hitler?

MR RAMPTON: What I am quite certain about, my Lord ----

MR JUSTICE GRAY: Can I have an answer first? Is that right?

MR IRVING: That is correct, my Lord. That is the position.

MR JUSTICE GRAY: Although the one we do have for December 42 says "vorgelegt", you still do not accept that Hitler saw it? That is what jogs my memory that I do not think it has ever been----

MR IRVING: December 29th, 1942 yes, but that is something different which we will come to

in due course.

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MR JUSTICE GRAY: It is the same thing. It is a report of shootings by the Einsatzgruppen.

MR IRVING: My Lord, if you feel I am wasting this witness's time, I do hope that your Lordship will tell me.

MR JUSTICE GRAY: What Mr Rampton is anxious about is that you should not waste time by cross-examining on a point which you have already conceded.

MR IRVING: I am very unlikely to do that, my Lord. It is my time also.

MR RAMPTON: I do not agree with that. Certainly it was conceded that report No. 51 of 29th December was probably seen by Hitler. That is out of the way. That has gone. That is 363,000 plus Jewish deaths by shooting.

MR IRVING: I beg your pardon? That was conceded?

MR JUSTICE GRAY: I do not think that was conceded. We must get the references.

MR RAMPTON: It was conceded that Hitler probably saw it.

MR JUSTICE GRAY: No. That is not my recollection.

MR RAMPTON: I will have to check this and I have to do it quickly because otherwise we are going to be here----

MR JUSTICE GRAY: Interrupt, if you would, again when you have the reference, but I think it is the sort of thing that we must have a reference on. Carry on, if you would, Mr Irving, unless and until you are interrupted.

MR IRVING: Very briefly, from your knowledge, if you had seen an Einsatzgruppen report which had indicated in the

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distribution list that it had been shown to Hitler or to Hitler's staff, or to his Adjutants, then you would have mentioned it, would you not?

A: Yes.

Q: Can you just say geographically where was the Party chancellery situated?

A: The Party Chancellery, the main office, was in Munich, but they had of course a liaison office in Berlin, or wherever Hitler was. Bormann was, after he became secretary of the Fuhrer, almost constantly a member of Hitler's personal entourage. He also made sure that the Party Chancellery was always represented in Hitler's entourage if he was not able to be present there.

MR JUSTICE GRAY: You have seen documents where Bormann is on the distribution list for these anmeldung?

A: I have found one. These distribution lists are not complete. In 128 it says among 55 copies there is one copy going to the Party Chancellery.

Q: Would that have been the Munich office?

A: I think it only said Party Chancellery, and it says Party Chancellery in the main well

Q: Let me ask another specific follow up. On all the copies that you have seen, are there any handwritten annotations like "has been submitted to the Fuhrer" or anything like that?

A: As far as I have seen, no, there is nothing like that.

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Q: No. Again if you had noticed that, you would have brought it to our attention?

A: Yes.

Q: It is not impossible they were shown to Hitler, but we have no evidence, is that right?

A: I would phrase it much stronger. I would think it is inconceivable that Hitler was not informed about these reports because they were so widely circulated, and there was a specific order on 1st August actually that materials should be shown to him.

Q: What period are you talking about now? Before December 1941 or after December 1941?

A: We are talking about what?

Q: The Einsatzgruppen reports where you say it is inconceivable that he was not shown them?

A: The reports started in June and ended in March '42, and I think this would apply to the whole period because this letter actually from Muller which says it should be shown to him is from the early stages, from 1st August 1941.

Q: The fact that the letter from Muller says that the Fuhrer wants to be shown them does not necessarily mean to say that it was acted upon?

A: Well, I assume that this was acted upon because, in general, orders by Muller were carried out as a very efficient head of the secret police. I think ---

Q: One example is that I requested that I should be shown

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proof of where this document is and that has not been acted upon either?

MR JUSTICE GRAY: Mr Irving, I think we have gone through this enough. I hear what the witness says. He says it is inconceivable that Hitler would not have known.

MR IRVING: One further question on the Muller document. The subject of the Muller document is the provision of visual materials, is it not?

A: Yes. Well, it says, in particular, visual material, it does not include -- it does not exclude, of course, other material. It says [German - document not provided] so they should be continuously informed and, in particular, he is interested in visual material.

Q: Will you read out what the topic line of the telegram is?

A: Yes, the topic line is [German - document not provided]. So the topic line is the visual material. But, of course, if you look into this, I mean, if you really look into the text here, [German - document not provided] So you can read it as it is an established fact that Hitler should be on a continuous basis provided with reports, and for this purpose he needs, in particular, with the material, so it could be that this refers to an older, to an older, earlier order, and this is kind of common practice, established practice.

Q: What were the tasks of the Einsatzgruppen that are referred to in this?

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A: Well, the tasks were basically the same, I would say, like the [German]. So they were, in particular, I mean, they, of course, had the explicit orders to execute enemies or potential enemies of the Reichs, particularly including the Jews, but also they had other tasks, in general, one could say intelligence work, for instance, to trace documents from the Communist Party, for instance. But also you can see from the reports that they were dealing with all kind of matters; they were dealing with the situation of the churches in the Soviet Union and with the food situation, and so on.

Q: So these reports were sometimes, what, nine or 10 paragraphs long of which only one paragraph concerned the killing of Jews?

A: One is, I think, in general, they had a kind of scheme and there is one paragraph concerning the fate of Jews and the other paragraphs were concerning other issues.

Q: So from the Muller telegram of 1st August 1941, is it plain what Hitler asked to be shown?

A: Visual material.

Q: Everything, visual -- would there have been visual material about the killings?

A: Well, it refers to posters. We know that there were posters, for instance, demanding the Jews had to -- my English is running out.

Q: "Concentrate"?

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A: --- concentrate somewhere a place. It refers to other documents; photographs, there were definitely photographs of mass executions. So from this, from this list of things, I would say, yes.

Q: Have you seen any photographs of mass executions in German files?

A: I have not seen photographs of mass executions in German files like the Ministry or something like that.

Q: Can I take you now to page 62 and we will move forwards from there? This is the Goebbels diary entry of December 12th 1941. We keep coming back against it again. The first two and a half lines on page 62: "As concerns the Jewish question, the Fuhrer is determined to make a clean sweep. He had prophesied to the Jews that if they once again brought about a world war they would experience their own extermination". That is Goebbels reporting Adolf Hitler, is it not, what he said in the speech?

A: Yes.

Q: "This was not just an empty phrase. The World War is there, the extermination of Jewry must be the necessary consequence. This question must be seen without sentimentality. We are not here in order to have sympathy with the Jews", and so on. The rest of that paragraph could be Hitler speaking, but it could equally well be Dr Goebbels' gloss on it, could it not?

A: I think it is -- I read this as a summary of Hitler's

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speech. If you compare the words of Goebbels, the way he put it, if you compare it with the speech Frank gave four years, four days later in Krakau, you can see that they actually use the same words. They both refer to the fact that one should not have compassion with them, that they both refer to the prophecy. So I think this is a, I would interpret it as a summary of Hitler's speech which is quite detailed here.

Q: As you are a German, Dr Longerich, it is proper to put this question to you. Would not that second part of that paragraph be in the subjunctive if it was referring to Adolf Hitler?

A: Yes, if one would assume that Goebbels always used the subjunctive when he refers to Hitler's speeches, but if you look into the Goebbels' diaries, we know that there is a mixture of the subjunctive and the present tense. So he did not use this in a -- it was not...

Q: Consistent?

A: Consistent, exactly, yes.

Q: If it had been subjunctive, then that would have been a clear clue that he was quoting Hitler, would it not?

A: It would be a clue, yes.

Q: So we are not sure either way?

MR JUSTICE GRAY: When you say subjunctive, you mean reported speech?

A: Yes.

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Q: Well, in German, for reported speech they use the subjunctive?

MR JUSTICE GRAY: Because we do not and that is why I was a bit confused.

MR IRVING: They do in various other languages too, I think the Spanish also do and...

MR RAMPTON: Can I intervene? I have not all the references I want, but I suspect this may be sufficient. On day 4 which is, because I think we can put a stop to all this now ----

MR JUSTICE GRAY: I think, unfortunately, we have moved past it .

MR RAMPTON: I am so sorry.

MR JUSTICE GRAY: It is not your fault, but I asked for reference.

MR RAMPTON: It is not my fault, no, because, as a matter of fact, I do not have time to read the transcripts in this case at the moment. I will have to do that in due course. 17th January, page 95 -- this reflects an earlier concession which I have not presently found -- line 1, question by me: "The probability that Hitler saw that report", that is report No. 51, "and was, therefore, implicated in the murder of all these 363,000 Eastern Jews is confirmed, is it not, by a subsequent knowledge of this document, by which I mean the Himmler note of the 18th December of that year?" Answer by Mr Irving: "Yes, there

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is no contention between us on that point".

Then if one turns to page 106 on the same day, we find your Lordship asking some questions, and at line 19, Mr Irving says: "What authorized, my Lord? The killing of Jews, the partisans?"

Question by your Lordship: "Yes, you accepted that, I thought, a few minutes ago". Answer:

"The Jews to be liquidated as partisans, 16th December, the conversation, yes. If we can expand that very meagre note, that skimpy note, into that interpretation which I think is a legitimate expansion, certainly Hitler sanctioned the killing of the Jews on the Eastern Front, all the rest of the Jews, the non-German Jews, and that has never been a contention for me."

MR JUSTICE GRAY: Well, that looks fairly clear.

MR RAMPTON: It is fairly clear. The next day it becomes even clearer at page 10, day 5, again it is your Lordship, this is line 12 on page 10: "Let us just keep an eye on the reality. You did accept yesterday, as I understood it, the shooting of Jews and others on the Eastern Front was a programme which was systematic and co-ordinated by Berlin and Hitler was aware and approved of what was going on?" Mr Irving: "The shootings of Russian Jews, my Lord, yes".

MR JUSTICE GRAY: Russian Jews?

MR RAMPTON: Yes. That means everybody but the people who were coming from Germany. In other words, he is not conceding

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that the shooting of the Berlin Jews in Riga was authorized, but he is conceding that there was systematic mass shooting by the Einsatzgruppen of the Jews in the East which was authorized and approved by Hitler.

MR JUSTICE GRAY: Yes, well again that does look to be fairly clear, Mr Irving. This is difficult for you because you are in the middle of your cross-examination, but I think you must pause and reflect about this because it seems to me that Mr Rampton is probably right in saying,

although I recollect a lot of cross-examination going the other way ----

MR IRVING: My Lord, I have made a note of the ----

MR JUSTICE GRAY: --- Mr Rampton may be right in saying you ultimately did concede it.

MR IRVING: I have made a note of the page number of the transcript and I shall certainly attend to it, but I do not think this is the time or place to do it. Certainly I cannot do it on the hoof like this.

MR JUSTICE GRAY: No, I think that is right. The problem, of course, is that we do not want a lot of cross-examination which strictly really is not really relevant because it is a point you have conceded, but I think you have really moved on beyond the issue of whether Hitler had these reports about the shootings on the Eastern Front, have you not?

MR IRVING: It is not a vitally important point.

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MR JUSTICE GRAY: Well, leave on one side whether it is important.

MR IRVING: But I am certainly entitled to ask this witness who has seen the reports whether he has seen any evidence that they were shown to Hitler in detail, and I would certainly have to look and see what I had said or m alleged to have concede.

MR JUSTICE GRAY: Yes.

MR RAMPTON: I just read it out.

MR JUSTICE GRAY: But, Mr Rampton, he is in the middle of cross-examining. I think it is difficult for him to ----

MR RAMPTON: I know that, but I am anxious to save time.

MR JUSTICE GRAY: So I am but ----

MR RAMPTON: I really am.

MR JUSTICE GRAY: --- I think and hope Mr Irving has moved beyond now whether Hitler knew through the reports of the shooting of Jews in the East.

MR RAMPTON: I just which I had been able to find this a bit more quickly and then I could have saved some time, but never mind.

MR IRVING: Then we would have missed out on some very important information which is that there is no evidence that Hitler saw the Einsatzgruppen report.

MR JUSTICE GRAY: Yes, but you have to take the witness's answer that it is inconceivable that he did not know which would mean that if you did concede the point you were

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right to have conceded it.

MR IRVING: My Lord, with the utmost respect to both yourself and to the witness, the fact that something seems inconceivable is not evidence or proof. It is interesting and has to be put into the scale pans against which has to be set the fact that all the evidence is there, the documents are now in 55 years later and the evidence is still not there.

MR JUSTICE GRAY: I know you have a lot of other things to do, but if you would be good enough to look at those passages overnight and perhaps indicate tomorrow morning what your considered stance is in relation to Hitler's knowledge ----

MR IRVING: I will make a little written statement on it.

MR JUSTICE GRAY: --- of the shootings by the Einsatzgruppen.

MR RAMPTON: I am a bit cautious about that, if I may say so, because what it involves, if Mr Irving should back track on what I have just read, or tried to back track, Professor Browning has

now gone. I cannot bring him back without enormous expense and inconvenience from America to go through what he would have said if I had known that that position was challenged. It means that I have to rehearse my quite long cross-examination of Mr Irving on this question. I do not believe that in the interests of what one might call justice and proportionality that Mr Irving ought to be, if I am right about where I got him

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to in cross-examination. In the face of the documents and what I might call common sense, I do not believe it is right that he should be allowed to reconsider his position.

MR JUSTICE GRAY: Let us wait and see what his position finally turns out to be, and then we can argue about it if needs be. But let me know, please, in the morning and now carry on with your cross-examination.

MR IRVING: I do not think it is an enormously vital point actually in the whole Holocaust denial issue one way or the other.

MR JUSTICE GRAY: If it is not a vital point, it may be you will keep with your concession.

MR IRVING: Mr Rampton is yelping before he is hurt actually.

MR JUSTICE GRAY: Do not let's denigrate his motives.

MR IRVING: Yes. Page 62, if you look at footnote 157, please, you quoted there a document, a wartime document, in the last three lines of that footnote there, a very confidential information report: "The number of Jews in this entire area is estimated at 6 million and in the course of the coming year they are going to be brought across the Urals or otherwise got rid of"?

A: Yes.

Q: Does that not also indicate that the primary German intention was the geographical movement, dumping them across the Urals?

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A: Yes, it says ----

Q: Chased across the Urals?

A: Yes, it says two things. First of all, it is referring to the biological eradication of the entirety of Jewry in Europe -- sorry, I am confused now. Sorry, those are two different documents, yes. You are looking here at this confidential report which are the notes of the reporter, so this is from a press conference, from a press conference, and under the heading "strictly confidential". So somebody in the press conference said that, you know, a way to solve the problem is to bring this estimated 6 million across the Urals.

Q: Yes. But does that not indicate that there were two things being spoken of at that time, the geographical chasing across the Urals, generally spoken of at that time?

A: Yes, I think it is quite ----

Q: "Failing which we are going to have to liquidate them"?

A: This refers to -- yes, somebody in the press conference said in November '41, "It is still a feasible way of solving this problem to bring these people over the Urals". So that is all I can say.

Q: It is a press conference by Rosenberg, right?

A: Yes.

Q: It is not a vitally important point, but there does appear, even at that time, to have been a degree of

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uncertainty as to what was going to happen?

A: Yes, but one should then also, if one speaks about this press conference, one should not leave out the words, you know, Rosenberg's words, "biological eradication of the entirety of Jewry".

Q: They are both second-hand reporting, are they not? One is by the [German]?

A: Yes.

Q: Who is that? I forget who that was, Rosenberg, but, anyway, it is a second-hand report, is it not?

A: Yes.

Q: Over the page, of course, page 63, we have something that is very first-hand. This is the vital Heinrich Himmler note of 18th December 1941.

A: Yes.

Q: You probably know what I am going to ask you, if you have the phrase Judenfrager als partisan and ausurotten, what does that mean? How would you translate that into English? Als partisan and ausurotten?

A: Well, to be extirpated as partisans.

Q: Yes. I think there is no question in this case that it has a homicidal meaning, does it not?

A: Yes.

Q: And what does one normally do with partisans in warfare? Are they shot?

A: I do not know what one normally does, but from the -- the

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orders were here clear. I mean, I refer to this orders at the beginning. The orders here were clear that a civilian who would, you know, actually -- a civilian who ----

Q: "Who takes guns up"?

A: --- who takes guns up, yes, would be shot on the spot.

Q: That is the basic laws of war, the Frank tireur(?) are shot. The Americans did it, we did it.

A: Well, I only can answer this question as far as the German Army and the war on the East is concerned. It was, you know ----

Q: If it had said the partisan and ausrottung, that would have been to be shot like partisans ----

A: Yes, it would be different.

Q: That would have been a totally different meaning, would it not?

A: It would be different, yes.

Q: Does the meaning of that sentence as it stands imply that these were Jewish partisans who were to be shot as partisans?

A: No. "Juden to be extirpated as partisans". It does not mean that only Jews have recognized as partisans were shot, they are just Jews were shot as partisans.

MR JUSTICE GRAY: "As if they were partisans", that is what it comes to?

A: Yes.

Q: That is your evidence?

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A: Yes.

MR IRVING: Although it does say "as partisans" and not "like partisans", if I can put it in English. I do not want to hang that on the big bell, as you say in German, but there is a difference between the two words "als" and "wie", is there not?

MR JUSTICE GRAY: Yes, but I think the witness is not accepting your interpretation, Mr

Irving.

MR IRVING: Well, the translation is specific, but he may not accept the interpretation of it, of course, the conclusions from it. Paragraph 17.7, you have Adolf Hitler, on the fifth line of that, on 30th January 1942, saying that it is clear the war can only end with either the Aryan peoples being extirpated or the Jews disappearing from Europe", "Das Judentum aus Europa verschwindet". That again implies a geographical solution, does it not? This is 10 days after the Wannsee conference.

A: Well, "das Judentum aus Europa verschwindet", I think that this expression, "aus Europa verschwindet", could be seen as a camouflage language that actually disappeared from the German, from the area under German control, by, you know, anyhow. There was actually no chance how, you know, 6 million Jews could disappear at this stage from the German, from the territory under German control.

Q: As you point out just three days earlier in one of the

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table talks, this is now the following page, the second indented paragraph: "The Jew must get out of Europe. The best would be if they went to Russia! I have no sympathy with the Jews. They will always remain an element which stir up the peoples against one another". Again he is talking of a geographical solution even in private, to his own private staff? So why would camouflage be necessary there?

A: Well, when you refer to the so-called [German], the table talks, one has to take into account that the table talks, you know, there were various people present on the table, so you could not, you cannot just assume that this is what Hitler really thought, that this really, you know, you are getting deep insight into his real world. This is always addressed to all kinds of people who were just present there. So he would be very cautious to speak about his real intentions, as far as the Jews are concerned. So I would hesitate to draw this conclusion from that.

Q: He never had any outsiders at these table talks, did he? They were always members of his private staff.

A: Yes, but the members of his private staff, I mean, for instance, his secretary and others were not to, you know, Hitler has very specific rules about keeping secrets and they were not, you know, just because they were his coworkers, they were not allowed to share all the secrets with him.

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Q: But on occasion in his table talks he speaks pretty tough. He talks pretty violent language, does he not, in the table talk?

A: Yes, that is true, but I do not think that the table talks are the best, the ideal source to find out, you know, what was really going on in Hitler's mind because Hitler was very careful, particularly as far as the Holocaust is concerned, very careful what he was saying there.

Q: Well, the only justification for saying that kind of thing, of course, is if you have anything explicit anywhere else and there is not, is there? Is it not possible that he is just saying what is in the table talk and in Goebbels' diary and elsewhere is an accurate reflection of what Hitler really knew? Is that not a more logical explanation?

A: Well, I think the Goebbels diaries are different from the table talks but I ----

Q: Can I take you to paragraph 18.7 which is two pages later, page 56? The last paragraph there, you do not quote it in full, but this is the paragraph, my Lord, that we were looking at yesterday

which is ----

MR JUSTICE GRAY: Yes, I remember.

MR IRVING: --- the deportation to Siberia.

MR JUSTICE GRAY: Central Africa too.

MR IRVING: Central Africa, yes. Is that also more camouflage and even with Dr Goebbels sitting there who knows very

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well what is going on or suspects what is going on?

A: Yes, you know, if we look at the situation what was going on in April '42, we know that probably three quarter of a million or one million Jews in the Soviet Union were shot. They had started to systematically kill Jewish women and children in Serbia. They had opened the -- if this is the right way to say it -- extermination camp in Chelmo in December, they had just opened the extermination camp in Belzec and were carrying out mass extermination there. So one has to take this into account.

Really, I have difficulties, I have to say, to find, you know, an easy answer to this document because, I mean, they are in the middle of mass extermination and Goebbels is quite aware of that, and they are still talking about the idea that they could force the Jews out of Europe. I find this really difficult to explain.

Q: Can you not see any possible explanation?

A: Possible explanation ----

Q: That Hitler did not know?

A: The possible explanation would be that they just used among themselves this kind of camouflage language because they did not, they did not -- I mean, I have no trace, no evidence, that they spoke among themselves really about, "We are going, we are about to kill 6 million people. We are going to kill men, women, children, everybody", so they would use this kind of, this kind of language among

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themselves, and, yes, that is the explanation which seems most plausible to me.

Q: They were in a state of denial then, they were doing these things but pretending they were not?

A: Among themselves, I think, you know, they were in a way or Hitler was in this way using double standards. He was, I think, I am convinced that he was quite aware what was happening --

--

Q: You keep saying that.

A: --- but among one of his best friends, so among themselves they would use a different language, they would not speak about, they would not say, you know, "We are actually killing so many children per month". They would just ----

MR JUSTICE GRAY: But if he knew, supposing, assuming that Hitler knew all about the death camps and all the rest of it, what puzzles me a little bit about this camouflage theory is I do not quite see why it was necessary to talk about the Jews at all. Would you not keep your mouth shut rather than have this pantomime going on?

A: Well, if you look into the conversation between, you know, Goebbels and Hitler, this was a constant, you know, a topic which was constantly raised among them. It was a kind of tour de raison. They would cover every interesting, every aspect which looked interesting from their point of view. They would speak about the war, the conduct of war, they would speak about the -- the

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situation, the foreign policy, and they would cover this topic, the Jews, the Jewish question, and they would -- this is my reading of this -- they would encourage themselves, "Yes, they are dangerous, we have to do something against them, we have to carry on with our policy".

Q: That does not really explain why you then talk about it in camouflage language at the table talk; why not keep your mouth shut?

A: I think, if you remember the speech Himmler gave on 4th October, he said, "Well, actually we do not speak among ourselves about this. It is a question of taste. We do not speak about this". It is a history which has not been written which will never be written, and I think they went so far that even among themselves they would, you know, hesitate at this wonderful day in spring 1942 actually to say, "Yes, actually we are killing them". So that is the best explanation I can offer. It is clear from the documents that it stood in clear contrast to what they were doing.

MR IRVING: Dr Longerich, in the Institute have you read the memorandum by Karl Wolf who was Himmler's adjutant and liaison officer to Himmler for sometime?

A: Which?

Q: There were several handwritten memoirs by him, SS General Karl Wolf. Can I put to you one passage from them which

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might help to explain this kind of conversation and ask you if you remember it?

A: Yes.

Q: Where Karl Wolf says: "I am certain that Hitler did not know what was going on. I think it was kept from him. We had to keep the Messiah of the coming 2,000 years clean of this matter"?

A: Well, I think one has to again ----

Q: Do you remember that passage?

A: --- I have to look at the document. I do not think -- they are not published. I do not think they are accessible to everybody.

Q: I have seen them.

A: Yes, but I think ----

Q: And they are in my discovery.

A: --- as far as I am aware of, this is not a source which is accessible to every historian. They are not in a public archive on a library. If we, I mean, I would be happy to see them, but I think I would have to be in front of ----

MR JUSTICE GRAY: I think that is fair. It is very difficult to comment on an extract like that.

MR IRVING: But can I just put it this way? Is the suggestion that Karl Wolff or the SS were anxious to do the dirty deed without getting Hitler, the Messiah of the coming 2,000 years implicated himself, would that explain how this situation would arise?

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A: Wolff was sentenced in, was it, 199 -- 1965 or something, I think he was sentenced to a 15-year prison sentence, I think, so, really, he was -- his main occupation after the war was, actually his main problem after the war was to distance himself from these murderous actions. He did not want to spend the rest of his life in prison, so I would be very, very cautious to take this as face value, to, you know, what he knew, what Hitler knew. The whole attitude of Wolf is to say, "I was just a military man. I had nothing to do with these things. This was even not mentioned in

my presence".

So I am really, first of all, I have not seen the document, but really, in general, would be very, very hesitant to draw -- to follow him.

Q: Would that not explain Heinrich Himmler's later remark on October 4th 1943, that this is a matter about which we never talk, if they wanted to keep it away from Hitler, would that not be the explanation?

A: I do not think he said in the speech, "We kept it away from Hitler". He says, basically, "We do not mention it" ----

Q: Among others?

A: " --- among ourselves". If you go to the Himmler speech and if you do it in a more systematic way, you can see that actually he refers to higher orders which were given to him. So I think you can link this speech with Hitler.

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MR JUSTICE GRAY: That is the awful responsibility?

A: Yes, for instance.

MR IRVING: On page 66 near the end of that, five or six lines up, you say: "Even talking to his closest associates Hitler avoided speaking openly on mass killing". This is your kind of gloss you put on paragraphs like that, that you are trying to explain how it is that in the documents, contemporary documents there are these baffling passages, if I can use the word "baffling"?

A: No. I have only seen one, this is the one in 1985, and I think we do not have many examples of that.

Q: On 69 there is I think the one you were just referring to in paragraph 19.3, July 28th 1942, Himmler wrote to Gottlegberger, an SS General, saying: "The Fuhrer has placed on my shoulders the implementation of this very difficult order and the responsibility cannot be taken away from me in any case." What order was that?

A: That is left out in the translation unfortunately. One had to add the first sentence in German. The first sentence of this quotation is: "The occupied Eastern territories will be free of Jews", and then he goes on: "The Fuhrer placed on my shoulders the implementation of this very difficult order."

This is in July 1942. I think that quite clearly Hitler gave Himmler the order to kill every Jew in the occupied Eastern territories, and Himmler saw this a

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particularly unpleasant and difficult task, but he was of course, as obedient as he was, prepared to carry on. So this is my reading of the document.

Q: Of course the document does not reply to another letter referring to the killing of the Jews, does it?

A: No. It is mentioned in a letter to Berger, but I think this is one of the clearest statements we have.

Q: It is indeed very clear.

A: "The occupied Eastern territories will be free of Jews", it is, "The Fuhrer placed on my shoulders the implementation of this very difficult order, the responsibility cannot be taken away from me in any case".

MR JUSTICE GRAY: "Detesbefehl" must refer back, you would say, to making the Oskabritte free of Jews.

A: Yes, I explain this just for the minute. In the translation I left unfortunately out the first sentence.

Q: I follow that.

A: And the first sentence is: "The occupied Eastern territories will be free of Jews". It is in the German text but not in the English text.

MR RAMPTON: My Lord, the full text, in case anybody thinks it is important, which it may well be, is in the new bundle N whatever it is.

MR JUSTICE GRAY: You mean the words before the omitted words?

MR RAMPTON: Yes. There are two paragraphs and this is a microfilm.

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MR JUSTICE GRAY: I think this is worth looking at.

MR RAMPTON: I think it might be important for this witness in particular. 261, my Lord, we have reproduced Dr Longerich's short English translation of two sentences, and, as he says, defective translation of two sentences.

MR JUSTICE GRAY: Not defective but deficient.

MR RAMPTON: No, but the whole of the German text is in a microfilm copy on the right-hand side.

MR IRVING: My Lord, just for the record, I have no objection to any of the extracts this witness has made. He has left nothing out of any importance.

MR JUSTICE GRAY: No, I accept that. Should we just have a look. Did you say 261, Mr Rampton?

A: 261, yes.

MR RAMPTON: 261 I think I was told to say.

MR JUSTICE GRAY: I see, it is paragraph 1.

MR RAMPTON: It is in paragraph 1. It is the second part of paragraph 1.

MR JUSTICE GRAY: Can you just translate?

A: The whole thing?

Q: The first sentence on paragraph 1.

MR IRVING: Yes: "I urgently ask you not to have any ordinance about the concept of the word "Jew" issued. With all these stupid determinations we are just tying our own hands. The occupied Eastern territories will be free of the Jews. The execution of this very difficult order has

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been placed on my shoulders by the Fuhrer. So nobody can take that responsibility from me."

A: I would agree.

MR JUSTICE GRAY: So there has been some sort squabbling about what comes within the definition of a "Jew".

MR IRVING: Who is a Jew.

A: He did not want them to issue a regulation about the definition of the Jew because it was not necessary any more, because the problem has ---

MR JUSTICE GRAY: And Himmler is saying: "I have been ordered to sort the problem out by getting rid of the Jews and get on with it."

A: Yes.

MR IRVING: Yes. So the question which arises from that, Dr Longerich, is does this not fit in with the scenario that I suggested, that Hitler had said to Himmler: "You do the job, keep me out

of it, I will keep people off your back, just get on with it, but don't bother me with it"?

A: Well, it says here, this is my reading, that Hitler has given Himmler the order that the occupied territories shall be free of Jews. So which way this happened I do not know, whether this was ----

Q: So, "I can do what I want and buzz off"?

A: Yes, you can speculate about this, but I do not have the minutes of the conversation between Hitler and Himmler. It could be a very explicit order, a very clear order. It

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could also be something general. Why should I speculate about it? I do not have the text in front of me.

Q: Now let me take you ahead to page 72, please, the first indented paragraph, and we get a little bit closer to what I am asking for. This is the second closing speech on October 6th 1943.

A: Yes.

Q: "I ask you that which I say to you in this circle be really only heard and not ever discussed. We were faced with the question "What about the women and children?" I took the decision to find a very clear solution to this problem here too." "I took the decision". Now is Himmler saying Hitler took the decision or is Himmler saying "I, Himmler, took the decision"?

A: Yes, you answered the question yourself I think.

Q: Yes, and that is pretty clear, is it not?

A: Yes, but he did not say in this, he does not say in this speech that he took the decision without having the consent of Hitler.

Q: Oh, yes, he has been given the overall blank cheque by Hitler, has he not?

A: Yes, I think it is fair to argue -- I think he is referring here to the extension of the shootings in the Soviet Union, the extension of the shootings to women and children, which happened between the end of July 1941, end of October 1941, where actually the various killing units

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extended their shootings to include in the mass executions also women and children, shot also women and children. I think, as far as I am concerned, as I tried to reconstruct as precisely as possible the decision-making process, that clearly there is some kind of initiative coming from Himmler, but I have no doubts that this was in full consent and that Himmler acted under the -- that Himmler was convinced, deeply convinced that he acted with full consent of Hitler. I have no doubt about that. Also in this he says for the organization which had to execute this task. I think also this organization, it could be read as a reference to a higher order, an order which was given from, well, somebody above Himmler.

Q: I strongly disagree, Dr Longerich. If he says, "I am the one who took the decision that the women and children had to be killed too", and that the people who had to do this job, it was very unpleasant for them, there can be no doubt at all what job he is talking about and who gave the order, he Himmler?

A: Well, I think you can read this sentence, it also can be read as that the SS, a reference to a higher order, but I cannot dispute, I do not want to dispute, that Hitler is referring here to his own initiative, but I on the other hand, looking at the whole history in 1941, in the second half of 1941, I have no doubts that he came to this conclusion with the deep conviction that he acted

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according to the wishes of Hitler. I mean this idea to separate in a way Himmler from Hitler and to insinuate that Himmler would have carried out this operation behind Hitler's back, I really have to say that this looks quite absurd to me, because if you look at Himmler's personality, for instance, Himmler was obedient, he was as loyal as he could be to Hitler. He was an anxious person. I think the whole personality, Himmler can only be explained as somebody who, it is really a remarkable example of somebody who really did the utmost to carry out the wishes of Hitler. The whole died of idea that this whole operation, this enormous operation, killing operation of 6 million people could be started and could be carried out on a large scale with implications, you know, transportation, the building of extermination camps, the involvement of 10,000 people who had to carry out this programme and the ramifications as far as the foreign policy was concerned, the policy towards the German Allies was concerned, all this, that this could be carried out by Hitler not asking, not being sure that he actually acted, you know, on Hitler's, according to Hitler's wishes, this whole notion seems absolutely, I hate to say this in a very strong way, absurd. I think we cannot build this case on three or four documents you find in the archives. I think you have to look at the whole system. You have to look at the relationship between Hitler and Himmler. You

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have to look at the way this was carried out. I simply cannot follow this line of argumentation.

Q: So Himmler was a weak man?

A: In a way Himmler had -- in a way Himmler had some weaknesses. You are quite familiar, you wrote biographies about the leading Nazis, and you I think are quite aware of the fact where are his weakness.

Q: Himmler's brother Gebhardt told me that Heinrich was such a coward that he would never have done this without Hitler's orders. So he backs you. But the fact remains that we are faced with these baffling documents, are we not?

A: Yes. The question is now whether these documents are really sufficient enough to prove the case that the Holocaust was carried out by Himmler behind Hitler's back, you know, without his knowledge, without his approval. Generally speaking, my impression is that it is impossible to prove this case.

Q: You mention the transportation, that this could not have been done without Hitler's orders?

A: All this, not only transportation but the whole magnitude of this operation.

Q: But Himmler referred specifically to the fact that this movement of the Jews from the West to East is going to proceed stage by stage, is the Fuhrer's orders, September 1942 I think is the document?

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A: Yes.

Q: So that was covered by Hitler's orders, the actual transportation movement. That was clearly covered by Hitler's orders?

A: Yes, but all the over -- I can accept that, but it is not only the transportation. It is the involvement of 10,000 people in police units, in SS units.

MR JUSTICE GRAY: The whole. You do not need to spell it out?

A: The whole operation.

MR JUSTICE GRAY: One can imagine how logistically complicated it was.

A: The Holocaust became known in 1942 to the Western world, and of course it was used in the

Allied propaganda, for instance, they dropped leaflets on Germany, and so on. So the whole idea that this process could be kept as a secret when, you know, 22 officials in the Foreign Ministry alone read one of the activity reports of 1941 which quite clearly states that thousands of people are shot, and 22 diplomats were officially allowed to read this. Then to argue that this was done behind Hitler's back, it seems to me it defies reason.

MR JUSTICE GRAY: Yes. I have your very clear and full answer on that. Mr Irving, I do not know whether you are going to move on now?

MR IRVING: I have now reached effectively my planning for the first report. I will conclude the cross-examination on

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the second report tomorrow, and then I shall be finished with Dr Longerich tomorrow, if I may.

MR JUSTICE GRAY: Yes, you are really saying you would rather break off now?

MR IRVING: Quite simply because we did zip through the glossary. I think it does fall naturally in two stages.

MR JUSTICE GRAY: I am not sure about that, but if you say you would like to break off now then I am perfectly happy with that. Can we just see where we are going from here. Mr Rampton, are we expecting to have any other witness on Thursday? I suppose that depends on Mr Irving.

MR RAMPTON: No. I can start re-cross-examination Mr Irving on Thursday, if we go short with Dr Longerich. If not I will do that on Monday. I am expecting Professor Funke to be here on Tuesday.

MR JUSTICE GRAY: Have you got a whole day's further cross-examination, do you think?

MR RAMPTON: Probably.

MR JUSTICE GRAY: I am not surprised.

MR RAMPTON: Probably, because I have not done the political association. Considering the volume of material there is, I am going to keep it short, but it is still bound to take a bit of time.

MR IRVING: My Lord, ought I to question this witness about the Schlegelberger document which he has not referred to in his report?

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MR JUSTICE GRAY: He has not, you are quite right, and I personally think there is absolutely no need, because if there is one topic that has been investigated exhaustively it is certainly that one.

MR IRVING: I do not want to be criticised for not having done so.

MR JUSTICE GRAY: I will not criticise you and I do not think Mr Rampton will either.

MR IRVING: Your Lordship is aware I attach great importance to it.

MR JUSTICE GRAY: Yes, I realize you do.

MR RAMPTON: I would point out, therefore, that it is likely that I will place reliance on what Dr Longerich has already said about that, which is that, in effect, he thinks it is a document of no historical significance.

MR IRVING: Yes.

MR JUSTICE GRAY: Yes. The trouble is you cannot nibble at these issues. I hope Mr Irving will not take that as an invitation to open the whole issue.

MR RAMPTON: No, but it is only fair that I should say that. I would use as corroboration for reliance on that what Professor Evans has said about it.

MR JUSTICE GRAY: Professor Evans?

MR RAMPTON: Yes.

MR IRVING: If Professor Evans wishes to have a chance to amplify the reason why he considers it to be insignificant

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or less significant than do I, then this would be the opportunity.

MR JUSTICE GRAY: I think the answer to that is that he will not want to.

MR RAMPTON: He is in Cambridge.

MR JUSTICE GRAY: I think you meant Dr Longerich, did you not?

MR IRVING: That was the correct inference, yes.

MR JUSTICE GRAY: I am sure he will not want to, but Mr Rampton is entitled to rely on his commentary about it. Since I know so clearly what the issues are each way on it, I really see very little benefit to be derived from going through all the points all over again.

MR IRVING: I have no desire to.

MR JUSTICE GRAY: If you want to I am not stopping you.

MR IRVING: But I thought it would only be fair in view of the fact that he did express that negative opinion on it, if he wished to have the opportunity to amplify on that that he should, but if he does not so ----

MR JUSTICE GRAY: Just so it is clear, I am not for a moment stopping you from cross-examining fully on your reasons for saying why the Schlegelberger memorandum is a very important document, but I will not hold it against you that you did not cross-examine if you do not. I want to be absolutely clear what my position on that is.

MR IRVING: If your Lordship will not then I shall not.

MR JUSTICE GRAY: Good. I think that is a sensible outcome,

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because otherwise it is just a waste of time.

MR RAMPTON: Can I give your Lordship two more references to close the day.

MR JUSTICE GRAY: Yes.

MR RAMPTON: Day 2, page 262, lines 11 to 17, I will read it out for Mr Irving's benefit so he knows exactly.

MR JUSTICE GRAY: Of what?

MR RAMPTON: Of my cross-examination in the transcript.

MR JUSTICE GRAY: Day 2?

MR RAMPTON: Yes, page 262. Again I am afraid for some reason best known, perhaps it is that I merely lay the ground and all the bright questions seem to be asked by your Lordship.

Maybe your Lordship has a better facility for getting straight answers, I do not know. Anyway, page 262, line 11, Mr Justice Gray asks Mr Irving:

"Do you accept that means," this is about report No. 51, "since it is addressed to the Fuhrer that it was shown to him?"

Answer: "On a high probability, yes, my Lord. I would have accepted that as being evidence that it had probably been shown to Hitler, but I would also draw attention to one, two or three details, if I may, since we are looking at the document."

Then bottom of page 264, which is on the same physical sheet of paper, line 23, again your Lordship is asking the question:

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"To be asked what you think this would have conveyed to Hitler, which is I think what Mr Rampton was asking?"

Answer: "Firstly, I accept the document was in all probability shown to Hitler. Secondly, I think in all probability he paid no attention to it, the reason being the date, the height of the Stalingrad crisis".

If there is going to be a retreat from that position, it is going to have to have, in submission, quite a good reason.

MR IRVING: Well, my response is that I think documents are often shown to learned counsel which learned counsel sometimes pay no attention to. I think Mr Carmen is an example of that.

MR RAMPTON: I am not Mr Carmen for one thing, and I shall not say what I feel about that.

MR IRVING: Also your Lordship will remember ----

MR JUSTICE GRAY: Let Mr Rampton tell us more about it.

MR RAMPTON: For another thing, that is only to say that it seems that that concession, and I advisedly use that word, seems to remain in place.

MR JUSTICE GRAY: Indeed it is fortified, because Mr Irving is there saying that, all right, it may have been shown to Hitler, but he paid no attention to it, well, that is almost the same as saying it was not shown to him. But he goes done in day 4 and 5 in the passages that you have

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referred to I think to accept that Hitler knew and approved.

MR RAMPTON: Yes, knew about the systematic mass shootings in the East.

MR IRVING: Your Lordship remember that I produced evidence to you a day or two later showing that on precisely that day or the day before one document of exactly the same nature was shown to Hitler on two successive days, submitted to him and obviously not read by him.

MR JUSTICE GRAY: Yes. I suspect the position will emerge that you have slightly shifted your ground backwards and forwards in the course of your answers to Mr Rampton.

MR IRVING: It is highly possible that one learns as one goes along, and one would be incorrigible if one did not.

MR JUSTICE GRAY: I will not comment about that, but you have now put your case actually in considerable detail to Dr Longrich and we have now had his answers.

MR IRVING: Yes.

MR JUSTICE GRAY: So tell me what your final stance is, because I would like to know, but the evidence is all in now.

MR RAMPTON: I would like to know too.

MR JUSTICE GRAY: So 10.30 tomorrow morning.

**(The witness withdrew)
(The court adjourned until the following day)**

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