

PROCEEDINGS - DAY TWENTY-EIGHT

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(10.30 a.m.) Professor Funke, recalled.
Cross-Examined by **Mr Irving**, continued.

MR JUSTICE GRAY: Yes, Mr Irving?

MR IRVING: My Lord, I have put two small bundles in front of your Lordship. One is a bundle of photographs which I do not propose to dwell very much on. I think I will spend 10 seconds looking at each one with the witness. They are photographs of German meetings. They are minor points to be made possibly on each of the photographs. Some of the meetings we are familiar with, and some not.

MR JUSTICE GRAY: Yes.

MR IRVING: The second bundle, my Lord, I have yesterday taken the Eichmann papers, which is what I am now holding in my hand. I have converted them to hard copy. I would be quite happy to make that available to the Defence. I have extracted five or six pages already, which are the only pages I have found with a word search for "Fuhrer" or "Hitler" in any substance. They may help the Defence, they may help me, I have not really looked at them, but I have put them there in case there is any need for immediate action on them.

MR JUSTICE GRAY: Well, you are not going to deal with them with this witness anyway?

MR IRVING: No, my Lord.

MR JUSTICE GRAY: So we will put that on one side.

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MR IRVING: Except that lower down on the same bundle there are one or two things that I probably will draw the witness's attention to.

MR JUSTICE GRAY: Mr Rampton, do we have a list of the alleged extremists?

MR RAMPTON: Yes, we do.

MR JUSTICE GRAY: I was thinking it might be helpful to have it at this stage.

MR RAMPTON: Yes. So, it is a list of the alleged extremists, it is a list of the important ones for this part of the case. There is an "Others" category which really does not directly concern Professor Funke.

MR JUSTICE GRAY: Right. Yes, Professor?

A: Can I add three remarks from yesterday?

MR JUSTICE GRAY: Yes, if you wish to.

A: When?

Q: Yes, now.

A: OK, good. I rethought the coverage of 9th November '91 in Halle and, to my best knowledge, the NB, the National Bloc, is not as I said from the Ruhr area, but from Bavaria under the leader of Manfred Eichmann. This is the first.

The second, I did not get the protocol of yesterday, so -- the minutes of yesterday, so I do not know if I got special question of David Irving right. So in the case I did not I want just to state that in those

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pictures we saw he did not allude to direct forms of anti-Semitism, but that does not mean that he did not do this in the German, you know, appearances, and also if you see the whole text of the speech in Munich, I would claim this has anti-Semitic sentiments in it. The second one.

MR IRVING: Which speech in Munich are you referring to?

A: Yours.

Q: Well I spoke in Munich about 30 or 40 times probably.

MR JUSTICE GRAY: The one we saw on the video, I imagine.

MR RAMPTON: Can I intervene at that stage, to point something out, and it is this. If we are talking about the first Munich meeting, the one which has "Wahrheit macht frei" and David Irving's name on the placard underneath it. Our understanding from the diary of Mr Irving, first of all, is that he spoke twice at that meeting, once before the interval and once after. The second thing, we learned from his reply, that he spoke altogether for about an hour, and that he said he was going to rely on the text of what he said at the trial of this action.

MR JUSTICE GRAY: You have not had anything?

MR RAMPTON: I have never had the tape or a transcript of it.

MR JUSTICE GRAY: Yes. Mr Irving, what about that?

MR IRVING: My Lord, obviously, at one time I had anticipated that I had a tape of it. In fact, I think there is correspondence indicating that I believed I did have a

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tape of it, but I have disclosed all my tapes and cassettes to the defence in this matter, nothing has been withheld. I had no idea what was on the video cassettes because I did not have a video player.

MR JUSTICE GRAY: In the light of that, Mr Rampton, I think it has to be left to cross-examination.

MR RAMPTON: Well, I think it will. There are some other things I want to raise in relation to discovery in cross-examination. I am a little concerned, however, about the time-scale, because the cross-examination of Mr Irving by me, which might last a day, or a day and a bit, I hope we will be finished this week.

MR JUSTICE GRAY: So do I.

MR RAMPTON: That will be the last of the evidence. I cannot say any more than that.

MR JUSTICE GRAY: No, obviously, I am not going to cut off Mr Irving. I have given an indication that I think the scope of cross-examination of this witness is relatively limited. You have, if I may say so, taken hints in the past, but you must take your own course, this is not a direction of any sort.

MR IRVING: Next week, of course, I will have some submissions to make.

MR JUSTICE GRAY: Of course. You both will. Anyway, shall we press on? Is there anything else?

MR RAMPTON: Is it appropriate to say something about, if we

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are talking about closing speeches, about timing, at this juncture?

MR JUSTICE GRAY: Shall we wait until after we have dealt with (if I may so put it that way) Professor Funke?

MR RAMPTON: It is only this, that there are a number of people here, and I do not shrink from saying, including me ----

MR JUSTICE GRAY: Oh, I see, you mean how long an interval? Is that what you are getting

at?

MR RAMPTON: Yes, because there are "social" is the wrong word, but there are what one might call arrangements which have to be made. I have been talking earnestly with Miss Rogers, as I often do, and we are very anxious because of what might happen here after in another place, as the lawyers call it, that we leave no stone unturned to make sure that your Lordship has as much material as we would like you to have. Of course, I say without any kind of sycophancy, that I am confident that the case is in place already, but I cannot actually, in my client's interests, take that risk. Therefore, we want to do a long rather than a short job. I can do a short job. I can probably do it from memory, but I do not want to do that. It did seem to us we would need at least a week to get the thing properly in place. I am strongly of the view, as an advocate, I do remember, like your Lordship, in those days being of similar view, I think that it is not desirable that the Defendant makes a speech before a

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weekend and the Claimant or Plaintiff after the weekend. Both should come in the same week. My proposal is that I should start on Monday 13th, which is a week from the coming Monday and that Mr Irving should have as much time as he likes thereafter, subject, obviously, to case control.

MR JUSTICE GRAY: Mr Irving, do you have any views about that?

MR IRVING: Whether it would be Monday 13th or not I think is in the stars, because if Mr Rampton wishes to have a clear week, presumably, that clear week starts running from the end of the time I have put in documents and so on by way of submission, which may take more than a day.

MR JUSTICE GRAY: No, well, what I would be inclined to think in terms of, and we might have to revise this, is to have the whole of next week for preparing speeches, and if we do not finish the evidence by close of play on Thursday, then I think perhaps we can nibble into the week, because it seems to me that Monday the 13th would be a good day to have as a target for the start of closing speeches.

MR RAMPTON: I would rather nibble into Friday if it came to it.

MR JUSTICE GRAY: Yes, I do not dispute that at all.

MR IRVING: I am afraid I do, because there is a German saying (German spoken) which means that a lot of dogs spell death to the hare, and there is a lot of dogs on the other side with no disrespect and there is one hare on this side.

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I am carrying the ball entirely myself.

MR JUSTICE GRAY: I follow that.

MR IRVING: I cherish every day that I have for preparation.

MR JUSTICE GRAY: I tell you what I propose to deal with that, is for you to have the opportunity to indicate during the course of that week, the week prior to 13th March, that you falling behind or whatever, if you really need more time, I do not myself think you will because you have a great capacity for getting through the material, but if you are finding it difficult then obviously I would be very sympathetic to further time.

MR IRVING: I do not necessarily see the reason why it has to be a Monday Mr Rampton has to start unless he intends to speak for three whole days.

MR RAMPTON: I doubt he will speak for three whole days but he might speak for the best part of one whole day.

MR IRVING: That will allow both speeches to come within of compass of one week.

MR RAMPTON: Yes. I do not mind, I was not (to use a bit of Latin) I was not trying to fix Monday, 13th, as a terminus post quo nome, but as a terminus quo nome, if I can put it like that, meaning to say that I do not mind when it is, but I do not want it before Monday 13th.

MR JUSTICE GRAY: I think we are thinking in broadly the same terms.

MR RAMPTON: I would only make other observation, it is not

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right for Mr Irving to talk about dogs and hares when after all it is a pack of hares that is being chased by one dog.

MR IRVING: Rabbits.

MR JUSTICE GRAY: Yes. Professor Funke, you have something else to say? You did only mention two, yes.

A: Yes. It relates to the Congress of 21st April '90 in Munich. I read the diary again and there is clearly described how and what form it was illegal, and that was the reference I had also to write it in my report. It was illegal demonstration after the Congress, and it is stated very clearly. The other thing I have to mention that to my best assessment the diary and the video converts to that, that at a given period of time he was with marching.

THE INTERPRETER: Marching along with?

A: Along with Kuhn and the others towards the Vertherren Halle. I think it is very clear if you put these things together and also the letters Mr Irving gave us yesterday in the bundle J.

MR JUSTICE GRAY: Thank you very much, Professor Funke, for those three points. Mr Irving?

MR IRVING: My Lord, I do not think your Lordship will attach much attention to whether other members of the audience went off on a demonstration which was illegal or not. I would invite straightaway, therefore, this witness to

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have a look at page 11 of the little bundle.

A: This new one or the old one.

MR IRVING: It is today's bundle.

A: Today's bundle? OK.

Q: It is the bundle beginning with some German pages. If you look at page 11, that should be the diary concerned, April 21st 1990, is that correct?

A: No, I have here ----

Q: No, not photographs. It is another bundle.

A: Excuse me. It is a new bundle of yesterday?

Q: Of today.

A: Today, OK, good.

Q: Page 11. Is this the diary entry to which you have just referred?

A: It seems to, yes, in a different written form.

Q: A different format, yes?

A: Yes, format.

Q: My Lord, I do not propose to read the whole diary entry out, of course, but I would just invite this witness ----

MR JUSTICE GRAY: If Miss Rogers can give me the reference in RWE 1 or 2, I would be grateful for this diary entry, April 21st.

MS ROGERS: If it is on 21st April, it is RWE 2, tab 11, pages 19 to 20.

MR IRVING: My Lord, what I have given your Lordship in this morning's bundle is the entire diary entry. I am not sure

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how far the entry has been redacted, if at all, in RW----

MR JUSTICE GRAY: Let us move on with it.

MR IRVING: Would you just run your eye down those two pages which I have given you?

A: Yes.

Q: Beginning with the first page, page 11, the second paragraph?

A: Yes.

Q: Beginning with the phrase: "The audience stormed out into the streets"?

A: Right.

Q: "Taking about half an hour to assemble outside, I remained inside", does it say that?

A: Yes.

Q: How could I have joined a demonstration if I remained inside?

A: Look ----

Q: Selling books, pack ----

A: --- look further down to your own diary.

Q: Then it says: "Job finished. The driver suggested he drive me to the Hotel Dreilogen?"

A: Yes.

Q: "Via the route", in other words, "driving by the route taken by this spontaneous demonstration"?

A: Yes.

Q: So I was not part of the demonstration; I was driving past

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it to see what the fuss was because there had been police flashing lights, and so on? Right?

A: I see it.

Q: "I got out of the car" -- this is four lines from the bottom "because I sighted my dinner guests. Crossed to say hello to them. There was some annoyance on the part of the demonstrators that I had not been with them". Did you see that? Why did you not quote that?

A: Right, right.

Q: I was not part of the demonstration. I do not really want, unless you wish to draw attention to any other parts of that diary entry?

MR JUSTICE GRAY: I suspect he wants to read on to the bottom of the page, is that right?

A: Shall I read it to the court?

Q: No. Read the bits of it that you rely on.

MR IRVING: Yes.

A: So, "I sighted Uschi who had invited me to dinner. Got out of car after Daniel Hecht", I think, "crossed to say hello to them. Some annoyance on the 250's part that I had not been with them. I explained I had to pack things up. Two minutes later police trucks arrived with reinforcements. Announced over loud speakers, 'Dieses ist ein angemeldete Sammlung, es ist verboten. Sie haben alle nach Hausen zugehen'". "This is an illegal demonstration". I can translate it shortly. If you want

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it precise, do it, yes.

THE INTERPRETER: "This is a translation (sic) which no notice has been given of. It is forbidden. You are all requested to go home"?

A: Right. And I refer to this being "forbidden" in my report ----

THE INTERPRETER: Ordered to go home?

A: --- or words to that effect.

Q: Can I ask?

A: He adds, so then: "Road cordons were thrown across the street ahead of us and we were told to filter through single and disperse. I found myself in an embarrassing position, unwilling to desert audience, but equally unwilling to end up being coshed by a policeman".

Q: Coshed by a policeman?

A: Yes. "I filtered forwards and after minutes hold up I was allowed through by the cordons. 30 seconds later I was arrested by a small Italian-looking moustached police officer aged perhaps 35 who declared me to be a versammlungsleiter".

Q: We do not need the rest.

A: This is the point. If you take this part and see the video, there is the moustached and so forth officer and you see before, you know, a march route of a given people. In the front Mr Irving, behind Michael Kuhnen. So, of course, it was some minutes, but you were asked by

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the crowd to enter and you did.

MR IRVING: You say some minutes. Can I ask you about the time-scale?

A: I do not know the time-scale. I just saw the video and I saw your diary and I saw another clip of Althans given to Zundel or by Zundel presenting the case further down in this document.

Q: Can I draw your attention to the second line of that second paragraph on page 11: "I remained inside selling the books, packaging them up and supervising their loading into the two cars". How long do you think that took?

A: I do not know.

Q: £2,000 worth of books had to be packaged into boxes, the boxes sealed, loaded into two cars - - three quarters of an hour, an hour?

A: I have no problem with that. I did not say you went all along, I do not know, maybe. There is, by the way, if I may add this, there is a longer version of this video, and if it is necessary, if this is a decisive point for the assessment, if I may add ----

MR JUSTICE GRAY: It does not strike me as a decisive point. I think we can move on.

A: Then I would ask to get this to the court, but it is very difficult because it is in the hands of Michael Schmidt and I have to figure out where he is.

MR JUSTICE GRAY: I know what the issue is.

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MR IRVING: One more question and this is will you accept, because I asked you this question two or three times yesterday, the video shows clearly that these rather bestraggled demonstrators are actually returning from the demonstration they had been off to at the time I joined them and they are heading north ----

A: That does not fit.

Q: Excuse me, they are heading north at the time I joined them, in other words, it is all over -- and do you remember me asking you these questions yesterday?

A: Yes.

Q: And you made out that you could not recognize the victory monument behind them and so on?

A: There is no probability for that. You know, it fits so well with what you are writing in the diary and what is shown in the video that I cannot say "yes" to this question.

Q: So you do not accept that it took me one hour to load the boxes of books into the car and to drive off to the hotel and then come back and find the demonstrators walking back from their demonstration at this time this misfortune happened?

A: I mean, you had a lot of books to sell, but you need not an hour. I do not know how long it took.

Q: Very well. Would you now just have a brief look at photographs, please? The second bundle of photographs.

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We will go through these very quickly. Photographs 1 and 2 are photographs of a meeting of the DVU. Can you see their flag around the podium?

A: No, not with this coverage, I mean.

Q: All right.

A: I cannot see.

Q: If you look at the people sitting in the audience there, can you see any skinheads or bovver boots?

A: I cannot see. It is so dark, you see, your Lordship. I cannot see it. Maybe ----

MR JUSTICE GRAY: Look at page 2. It is better.

MR IRVING: Perhaps you can borrow mine a second.

A: That is better, excuse me.

Q: Can you see any skinheads or bovver boots or musclemen?

A: I cannot say yes or no, because, you know, in the first, in the first lines they are all with ties and, you know, as DVU presents itself.

Q: And the next photograph is a bit clearer?

A: But I cannot say yes to your question because afterwards it is totally unclear and I know that DVU has this kind of skinhead appearances.

MR JUSTICE GRAY: Yes, that is that photograph.

MR IRVING: Can you see any banners around the hall with anti-Semitic slogans or Holocaust slogans or anything at all?

A: No.

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Q: No banners at all?

A: No.

Q: The next photograph, page 3, please?

A: 3?

Q: Does this appear to be police protecting a rather pleasant country building against a number of young people?

A: It seems to.

Q: Yes.

A: What is it?

Q: It is in Cologne. I will have to tell you, you will have to just take my word for where these places are. The places are not important really. The next photograph, photograph 5 -- we will just go through them very quickly -- is the Congress Centre in Hamburg?

A: Right.

Q: Do you see again a line of police protecting the building against, no doubt, unfriendly people outside?

A: I cannot say unfriendly, I just see police caps.

Q: Shoulder to shoulder, massed against -- protecting the entrance to the building?

A: I cannot say anything else because it is unclear. I do not know where and when, so...

Q: Yes.

A: You may say.

Q: Would you like to have a look at photograph No. 9, please? This is the Palace of Culture from Dresden which

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is one of the lectures you refer to, 13th February 1990, I think. There are no kinds of banners or placards or anything anywhere, are there?

A: It seems not. There is a picture, you know, I think you are speaking there, and ----

Q: And a picture of myself on the podium?

A: Yes, seems to, but I do not know what is written around, above and...

MR JUSTICE GRAY: No, we cannot read that.

MR IRVING: Photograph No. 10 is obviously some years earlier?

A: Yes.

Q: Does it look as though I am addressing members of the German Bundeswehr that this is obviously a function ----

A: Yes, seems to, at least the uniforms they are wearing.

Q: Photograph No. 11 is the Leuchter press conference to which you refer. It is a sparsely attended press conference?

A: Where is it?

Q: Have you got photograph No. 11?

A: Yes, but where?

Q: It is in my home in London.

A: OK.

Q: Photograph 12, another typical speech that I address in Germany?

A: Where is it?

Q: That is somewhere in Battenwurtenburg, Singlfingen,

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I think?

A: Is it Dria?

Q: I beg your pardon?

MR JUSTICE GRAY: Well, it does not really matter, does it? I am not sure these photographs are helping all that much, Mr Irving.

MR IRVING: There are no placards, no skinheads. No. 14, I think you probably have my labels now?

A: Yes, Hagenau you say?

Q: No. 14 is Hagenau.

A: Yes.

Q: Can you see any of your suspects in that photograph?

A: What are you saying?

Q: Any of your suspects, like Remer or Kussel or any of these names you are talking about? Are they in that photograph or the next one?

A: I have to put up this...

Q: These photographs were all available for discovery, my Lord, and not used. Photograph No. 16 ----

A: Wait, wait. I have to see the people. Excuse me. It is not so easy. You know better. It is just 10 faces to 10 faces, right, to see and whatever 80, I cannot see.

Q: Would you say it is a very extremist just by the look of it?

MR JUSTICE GRAY: Well, you cannot possibly answer from the backs of people's heads whether they are extremist.

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MR IRVING: Precisely. Your Lordship has made exactly the point I was hoping that the witness would make. Photograph 16, is that the Lowebräu Bierhall in Munich?

A: I do not know, maybe.

Q: Obviously dressed up for some kind of function, listening to me speak?

A: Where is it? When is it?

Q: In Munich.

A: When is it?

Q: Probably about 1984, thereabouts, 1989. That again is the kind of audience -- they do not look particularly extreme or violent?

A: In '94 you were in Germany?

Q: No, '84. No. 17, there is a meeting to which you refer. Is it not a demonstration, photograph No. 17?

A: Yes.

Q: German historians, liars and cowards?

A: Who is the left person?

Q: That is Mr Pedro Varela. Do you recognise him?

A: OK.

Q: Yes. Does he look like a violent person or extreme?

MR JUSTICE GRAY: Well, again....

MR IRVING: The point is it is difficult to judge by appearances. I mean, I might be violent or extreme. The point I am trying to make, witness, and would you agree with, is, it is difficult to tell when you look at an

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audience who the people are? We do not know who is in this court room, we might have John George Hague, the acid bath murderer. He might be one of these members of the public or someone like that and we do not know, do we?

MR JUSTICE GRAY: Mr Irving, the case against you is not that these people look like extremists, but that they have a track record of extremism and that you associated with them. So I do not think we want to spend terribly long on their physical appearance.

MR IRVING: Yes. But unless I am mistaken also the case against me is in part that these

extremist organisations that I have been addressing, you would have expected all the trappings, "bovva boots", skinheads and flags --

MR JUSTICE GRAY: I follow that point.

MR IRVING: And the rest of it. These, on the face of it, these meetings appear to be respectable, middle-class, rather boring lectures. (To the Witness) Now I would like to return to your report, please, page 39.

A: Just a second.

Q: You refer to the NPD, can I ask you the simple question; is the NPD illegal or banned?

A: Just a second. What page?

Q: Page 39 of your report.

A: So be it.

Q: Is the NPD -- it is a political party in Germany, is it

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not?

A: Yes.

Q: Is it illegal or banned?

A: It is not banned.

Q: So there is no reason why one should not address if one was invited to a function organized by NPD, or is there?

A: I stated yesterday it is formally not legal, but it is perceived by the social sciences, as well as by the official institutions as a hardcore, right-wing extremist.

Q: Yes, well, we know how much weight we have attach to that, I think.

A: No, we are different on that.

Q: Yes, but the left wing --

MR JUSTICE GRAY: Well, do not argue about it, we have the evidence.

MR IRVING: You mention Franz Schonhuber, I am not going to dwell upon him, but he was a popular Bavarian television host?

A: Yes.

Q: Which is how I first came to know him. I was on his show, is that correct?

A: I did not --

Q: So that is how I first came to know him. Lower down that page you refer to a man at 4.1.3, a man, Gottfried Kussel, do you have any evidence at all that I have any kind of contacts with Mr Kussel?

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A: -- you were at the same demonstration, for example.

Q: Being in the same room, that kind of thing?

A: I alluded to that, that that is different and the Halle demonstration, he was at the top of this demonstration and that shows something for this kind of demonstration. It is not like a, you know, anarchist way, they are this and they are the others, he was at the top of the demonstration.

Q: You mean at the front --

A: He represented, at the head of it, yes, and he represented the new leadership of the Kuhnen connection where you spoke to.

Q: -- yes.

A: To whom you spoke.

Q: I do not want to interrupt you, but we certainly do not want to view that video again unless his Lordship orders, but you are not suggesting in any of those shots showing Mr Kussel I was also visible?

A: The shots we did not see shows the hotel hall in the longer version and I saw it several times, and there the people went out and in, and you were asked you if you would -- so far as I recall, but we have to see it then again, if you will also meet Kussel and you said something I cannot recall. So it was -- you were aware somehow, and you drove to Halle I think three hours or more from Hamburg with Uschi or Ursula Worch, one of the leaders of

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this Kuhnen connection at that time, so you may have known, and if not it seems, for me at least, you are responsible not to whom you speak to.

Q: So to boil down what you are saying, what you are saying is I was in the same large city as Kussel and that he was at the head of the demonstration on shots of film we have seen but I am not in those shots and that you say there are other shots of film -- are you saying that I am together with him in those shots of film?

A: I do not know. But you were together at the meeting, he -- if we go very carefully through the video again I think you will see him at the spot where you spoke. So you cannot deny, you cannot deny that this is a Kussel/Kuhnen connection, demonstration to whom you spoke. This is a clear cut case. You know it.

Q: Now you are bringing in Michael Kuhnen. We have already established that I have no contact whatsoever with Michael Kuhnen --

A: It does not matter, we refer -- we agreed even to call these groups "the Kuhnen crew" or "the Kuhnen connection", we can also say "Sinnungsgemeinschaft". So I know what I am speaking about. These groups at that very meeting at 9th November '91 met. These were clear cut neo-Nazi groups organized by Christian Worch, by Uschi Worch and you were invited by Uschi Worch the other day in the evening, according to a diary, to meet this demonstration

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and to talk to them.

MR JUSTICE GRAY: Yes, this is getting a bit repetitive, if I may say so, I have the evidence about Kussel. I think he can move on now.

MR IRVING: Yes. Footnote 117 on that page, 39, we find Deckert, how many meetings do you think that the schoolteacher, Dr Deckert, organized for me as chairman?

A: -- I do not know, you know better.

Q: Two meetings; is that right?

A: Yes.

Q: One in Stuttgart and one in Weinhart?

A: Could be, yes.

Q: Both reputable bodies?

A: Excuse me?

Q: Both reputable bodies, the one in Stuttgart was to a veterans association, the one in Weinhart was to some other little splinter group?

A: I do not know, you know better. But I know what you spoke to and who Deckert is, and for the Lordship I just want to remind you that this is very famous and influential member of the NPD at that time, and got a bit later the leadership of this same NPD, and in which in that time the NPD radicalized with respect to hardcore revisionism, and with respect, and this is even for

my assessment more important, radicalized in organizing these groupings we are talking -- we talk just a minute -- we talked just a

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minute about -- no, we talked about just a minute ago, for example, in Halle.

Q: Yes.

A: These groupings came after they were banned in '92, '93, '94, '95, all the more to this NPD organized and led by this Deckert, so a you have good friend.

Q: You are talking '92, '93, '94, it is getting rather vague now, because from '93 onwards I was never in Germany?

A: Oh, no, I can be very precise. I said bans were sent to these groups from '92 onwards.

Q: Can I make it very simple for you --

A: You were there, or you could go into the country, and you did up to the end of '93.

Q: -- 9th November 1993. Let me make simple for you, Dr Funke, and ask outright, do you know of any occasion when I addressed a meeting to an organization which was at that time illegal or banned in Germany?

A: So far I know you do not address a meeting that was banned -- of a group that was banned at that time.

Q: Thank you.

A: That was not my point at all.

Q: You say you have seen the correspondence between myself and Gunther Deckert who is one of names on the list?

A: Yes.

Q: Your footnote on page 39.

A: Yes, OK.

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Q: Was there anything extremist about that correspondence?

A: We go into the correspondence.

MR JUSTICE GRAY: Well, if we must, yes, but --

MR IRVING: Can I ask you if there was any anti-Semitism expressed in that correspondence?

A: I have to go into -- you know, piece by piece and then we can decide.

MR JUSTICE GRAY: RWE 2, tab 8.

A: 2, tab 8, excuse me, I am not familiar with this (Pause).

MR JUSTICE GRAY: I am sorry, did I tell you the wrong one, it is my fault, maybe it is 9, RWE tab 9.

MR IRVING: I am not sure this is the right way to do this, my Lord.

MR JUSTICE GRAY: Well, this is not really your fault. I think this is not going to be a productive exercise. If you do not object, Mr Irving, do you mind me asking Mr Rampton, he may not be able to help off the top of his head, but is there anything you particularly rely on in the Deckert correspondence as being extremist? I have looked through the index and there does not appear to be anything.

MR RAMPTON: Not as being explicitly extremist, no.

MR JUSTICE GRAY: Otherwise, we will spend half an hour trawling through for no purpose.

MR RAMPTON: I quite agree. If I should find something --

MR JUSTICE GRAY: You can re-examine.

MR RAMPTON: Then I shall include it in some submissions later.

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MR JUSTICE GRAY: Or re-examination.

MR IRVING: Let me ask, Dr Funke --

A: Just a second, can I just go through 30 seconds more?

MR JUSTICE GRAY: Yes, if you find some extremist references.

MR IRVING: That will be very helpful.

MR RAMPTON: I would not expect to find it in the correspondence anyway.

MR JUSTICE GRAY: Nor would I, which is why I wonder what the purpose of this is.

A: -- oh, yes.

MR RAMPTON: I would, would I?

A: Yes, you would, I have one, but I want to use my 20 seconds.

MR JUSTICE GRAY: You might extend that briefly.

A: I am not -- I refer to the following, it is II, it is at the beginning of No. One, tape 8, and the second page, 12th May '91, right. Do you have it? II.

Q: Yes.

A: There in the middle it is stated, but I have to check what are the references, the audio cassette and what have you, "in three/four years, at the latest, these legends will no longer hold water the legend will be over and then the tables will be turned and the whole" and so forth drowned out in past. This statement, if this is included in what you referring to here, we have to go to the sentence before and after, so far I see it can be referring to the

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Holocaust thing. If so, then of course it fits in my perception of what is extremist.

MR JUSTICE GRAY: Thank you very much.

MR IRVING: He organized a meeting for me in Weinheim on September 3rd 1990, did he not, nearly ten years ago now; is that right?

A: Yes, it is the time that is of interest.

Q: Yes, he has been in prison for seven years for being chairman of that meeting, has he not?

A: I do not think so, seven years, but --

Q: He is still in prison now?

A: -- but several times, for a quite lot of time, right.

MR JUSTICE GRAY: Yes.

MR IRVING: Paragraph -- do you approve of the imprisonment of people for chairing meetings where historians speak?

MR JUSTICE GRAY: Well, I do not think that is helpful.

MR IRVING: Paragraph 4.2.6 on page 42, you mention --

A: OK, just a second I have to, it is not so wide this space. 42, you say?

Q: -- page 42, paragraph 44.2.6.

A: Yes.

Q: You mention Worch, Christian Worch and his wife Uschi?

A: Yes.

Q: You rightly say that I am close friends or was close friends with that family. Worch is a trained lawyer, is he not?

A: I do not know that he is a trained lawyer, but he was a kind of assistant to a lawyer, and in that function he acted also in his political.

Q: Had he not studied law?

A: So far I know he was in the lawyer -- as a lawyer's firm as an assistant. He did not study law so far as I know.

Q: At the time --

A: To my best knowledge.

Q: -- at all material times had he a criminal record?

A: Excuse me?

Q: At all the material times that I was dealing with him had he a criminal record, to your knowledge?

A: Yes, there was -- he was sentenced, yes.

Q: What, under German laws for suppression of free speech or under regular criminal...

A: I mean under regular German law that includes some limits to freedom of expression. You know that.

Q: Well --

MR JUSTICE GRAY: The point was, it was put in a slightly tendentious way, but were these conviction for speaking about the Nazi era?

A: -- yes, I have to look up. It was in the ----

Q: Well, did he have any convictions which were for petty theft or burglary?

A: Because of his activities, yes, definitely.

MR IRVING: He is another politically incorrect friend of mine?

A: You say so.

Q: No, that is the question, as viewed from the left, he is politically incorrect?

A: I only refer to letters, that includes the German law and you may call this "political correctness" what the German laws are doing, fine with you.

Q: I do not want to have too long answers to this, but under German --

A: Very short --

Q: -- under the German constitution freedom of speech is protected, is it not?

MR JUSTICE GRAY: I think I know what the position is.

MR IRVING: But except for one exception.

MR JUSTICE GRAY: I do not think we need any questions and answers about it.

A: -- no, there are more than one exception.

MR IRVING: Paragraph 4.2.14, page 45.

A: Yes.

Q: You mentioned here on line 5 a lunatic, in my view, called Gary Lauck?

A: What line?

Q: Line five, you mention a American gentleman of questionable mental stability, in my view, called Gary Lauck?

A: Yes.

MR JUSTICE GRAY: He is not on the list.

MR IRVING: Is he not on the list? Am I not going to be questioned about Lauck?

MR JUSTICE GRAY: Well, he is not on list and I am therefore assuming he is not one of those who is relied on by the Defendants as a right-wing extremist associate.

MR IRVING: Paragraph 4.4.1, this is not one of the people that is a reference to the Leuchter report, Anthony Zundel. It is accepted, of course, that I know Zundel and I have had contact with Zundel, right? You state in paragraph 4.4.1 in line 4 that "he was found guilty of peddling anti-Semitic propaganda"; was that the actual charge?

A: I have to look. Can you translate this sentence to be very precise.

Q: Line 4?

A: To my best knowledge, but maybe there is more to it.

Q: Yes, he was not actually convicted of peddling anti-Semitic propaganda, the charge was spreading false information?

A: Yes, but this kind of false information, I would call it, that is in the realm of anti-Semitism, so it is my judgment, or my assessment to that.

Q: But you accept that that is not actually what he was charged with or convicted --

A: No problem with it.

Q: -- you also accept the conviction was subsequently overturned by Canada's Supreme Court?

A: So far as I know.

Q: And that he has no convictions, he is free of any conviction?

A: I do not know if he is now free of any conviction.

Q: Let me put that the other way round, are you aware of any conviction against him which has been upheld?

A: I do not know, I have to say I do not know.

Q: If no conviction against Ernst Zundel has been upheld he is less of a convict than I am?

MR JUSTICE GRAY: I do not think the point is whether these people have convictions, Mr Irving, it is what they say and do, not whether they are found to be guilty of some local law.

MR IRVING: It is a question of degree, my Lord. People like Anthony Eden or Lord Halifax, as we know, made anti-Semitic remarks in private and other people go around smearing swastikas on synagogues. One end of the scale is a criminal conviction, other end of the scale is people's rather tasteless private rights to freedom of speech.

MR JUSTICE GRAY: The point I am trying to make is what they do and say, not whether they are convicted or whether they are not.

MR IRVING: The fact they are convicted or not is a useful indicator for us as to the severity of the anti-Semitism which has been a component of their actions, in my view.

MR JUSTICE GRAY: Yes.

MR IRVING: Or a possible one.

MR RAMPTON: So then are Mr Irving's convictions going to stand here in this court as evidence of his guilt of anti-Semitism?

MR JUSTICE GRAY: I understand the intervention, but the answer is "no".

MR RAMPTON: Quite.

MR IRVING: Not a very helpful interruption. 448, I am sorry still stay on paragraph 4.4.1.

A: Yes.

Q: You refer there to the Leuchter report?

A: Yes.

Q: Towards the end of it you say you the report was not accepted by the court. Are you aware that under Canadian rules of evidence engineering reports like that are accepted only if both parties agree in advance, so it had nothing to do with the quality of the report?

MR JUSTICE GRAY: I do not think this witness can possibly answer that.

MR IRVING: No, my Lord. He has stated broadly it was not accepted --

MR JUSTICE GRAY: Well, it was not ever put in evidence in the Canadian proceedings.

MR IRVING: My Lord, I will make submissions when the time comes.

MR JUSTICE GRAY: All right, but not through this witness,

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I think.

MR IRVING: 4.4.8, that was just little bit of advertising that I will be making submissions when the time comes on that, my Lord.

MR JUSTICE GRAY: Thank you very much.

MR IRVING: Paragraph 4.4.8, you are refer to a body called GdNF, not for the first time.

A: Yes.

Q: What is the GdNF? I had lost track of it by this time --

A: The Kuhn connection, we spoke at length yesterday about it.

Q: -- well, then I can ask this simple question as it has involved Mr Kuhn, is there any evidence in any of my diaries or private correspondence to which you had complete access of my knowledge of a body called GdNF?

A: Yes, you have been blank interaction with Christian Worch. He is one of main activists.

Q: That is not my question, my question was is there any reference whatsoever to GdNF, which frankly I have seen for first --

A: It is my shortening, GdNF. It is the shortening of the OPC. In Germany you may call different.

MR JUSTICE GRAY: You have not realized it is the Gesinnungsgemeinschaft.

MR IRVING: The way he put it in his acronym I assumed it was something like NATO, which is not a figment of

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imagination, this is a figment of the witness's imagination and need to be recognised as such, in the transcript in my view.

A: -- it is the Gesinnungsgemeinschaft. We talked about that and we know what the body of it --

MR JUSTICE GRAY: Yes, we know about that.

MR IRVING: Paragraph 5.1.4, back to our friend Mr Althans.

A: -- 5.1.4, yes.

Q: You rightly say that in my diary I refer to him as being a bit of a Nazi, that is at first blush, having just first met him, right?

A: Yes. So at least one of the first meetings right, a bit of Nazi but helpful.

Q: A bit of Nazi but helpful. I do not want to ride too much on that paragraph. Would you imply

that if you read that I regard being a bit of a Nazi as being a negative factor rather than a positive factor?

A: Here you write as if it is a bit of a negative factor.

Q: In my private diary?

A: But on the same token, in the same sentence you say: He is though helpful.

Q: Yes. You are weighing one then against other the other rather like Schroder, Hitler's private secretary, she was probably a bit of a Nazi , but she was very helpful, too ----

A: You say a bit later again something like that, "in

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November '89 he was still a bit of a Nazi. He is a very useful young man, 23 but looks older and tougher".

Q: Yes.

A: Or you refer to him in November driving to Strasbourg with Althans and his skinhead friend to attend Christopher's meeting in Hagenau.

Q: If I say I am driving to Strasbourg with somebody's skinhead friend does that imply that I am raising my eyebrows slightly or that I am jolly happy that this guy is a skinhead?

A: You met them. You shared their car. You went to Hagenau, to very hardcore revisionist, anti-Jewish meeting in Hagenau with this Zundel Juden pack statements. You were then -- you got a dinner. You were invited by this "bit of a Nazi but helpful Althans" to a dinner before the Wahrheit macht frei Congress with Philip Deckert --

Q: Can we take this in sequence, please.

A: -- of course, again --

Q: This was the skinhead, so he was there, he is still around?

A: Yes.

Q: Can you say from your knowledge of my private diaries that my original impression of Althans, this man who has been to Israel, my impression was very favourable --

A: You did not say that he has connections at that time in your diary. I read it yesterday night. You said it at the

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end, in '97 or so, so this is why it came to surprise to me. I never have known about that, because he was from 14 years old and on with Remer, you know, this very -- even you want -- did not want to be aligned with him, person. So it is a total surprise. I know this organization very good, and to be very personal I like this organization.

Q: -- the actual zunnerzeit?

A: Yes, right.

Q: Have you not seen the correspondence back in early 1990 or late 1989 where I received a letter from somebody who told me about Althans's visit to Israel?

A: The visit seems to my recollection, but not to zunnerseiten, because that I would have --

Q: Registered?

A: Registered, because I know this organization. It is a Berlin based organization and that is why I know it.

Q: -- just the general overview of my diaries over the three years of this unfortunate association with Mr Althans, my initial impression of him were favourable because he was young and full of initiative?

A: Right.

Q: But I rapidly became disillusioned with him; is that right?

A: Rapidly -- but you know in early 1990s, in 1991 it starts -- and even in '90 you were a bit disgusted by his hotheadedness, as you would put it.

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Q: There were various reasons, but you agree finally my impressions of him were highly unfavourable and I warned everyone against him?

MR JUSTICE GRAY: At what time are you suggesting that happened, Mr Irving?

MR IRVING: Over a period of three years, two years probably because by 1993 I was out. I had had no dealings with him for long time by then.

MR JUSTICE GRAY: So your disillusionment started when?

MR IRVING: I am just about to put to this witness a number of diary entries on Althans which may help to flesh that out, very brief entries and I have to put them to you in the form of putting them to you and I will show them to if you wish and you may well have them in front of you. On September 30th 1989, two lines, "Althans phoned the hotel" that is in Berlin "he said he would phone again" --

A: '89 you say?

Q: -- yes. I stayed in for this, but he did not call back poor manners, poor manners?

MR JUSTICE GRAY: Well, that is not your best point, Mr Irving.

MR IRVING: November 6th.

MR JUSTICE GRAY: Move on to the next one.

MR IRVING: November 6th 1989, I learn that he spent ten days in jail for a technical offence involving the president von Weisecker (?); do you have that entry?

A: Yes.

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Q: Then on November 18th 1989, I note he makes a very good impression, he is businesslike and ambitious, keen and organized --

A: Right.

Q: -- he has learned a lot already. He appears to be coming up to speed.

A: I mean he even spoke instead of you, taking your notice in a given moment. So it was quite close, although his manner, as you would put it, are lacking some of the Prussian, you know, style of organizations.

Q: February 5th 1990, I am sorry, February 3rd 1990, I express annoyance that Althans has made no attempt to contact me in two and a half months, and I add that was very unprofessional?

A: No, it went like it. You see it.

Q: Well, I think this is important, because his Lordship is interested in the closeness of the contact. If I note on February 3rd 1990, I expressed annoyance that Althans and made no attempt to contact me in two and a half months, that is very unprofessional. He is supposed to be setting up things in Dresden and so on?

A: But, again, he made this furious event in Dresden at the 13th February '90, and.

Q: --- did he --

A: You describe it. So I would just, if I may, I would just say it is a back and forth. It is in waves, right, but

very intense at that time.

Q: -- why do you say --

A: Because of the Zundel connections he had and the Philipp -- and all the bunch of people you referred at that time.

Q: -- why do you describe the event in Dresden as being curious --

A: I did not say "curious", furious. It was a furious success for you in your own perception.

Q: Furious?

A: Great, big, big success.

Q: -- on the diary of January 28th 1990 shows he organized it with the "cultur director", the cultur manager of the city of Dresden, did he not?

A: Right.

Q: Which is what I would expect a young man do for me, to act as my kind of manager and go out and organize these meetings, and he was organizing meetings with the municipal authority of Dresden. But he is not dealing with skinhead organizations, or extreme right-wing groups, he is dealing with the proper authorities?

A: He did it both.

Q: But eventually we fell out, did we not, for a whole number of reasons?

A: Yes.

Q: Reasons for honesty and so on, I do not want to go into

the details?

MR JUSTICE GRAY: No, but when?

MR IRVING: I would have to look at the diaries and see. Let me read on.

MR RAMPTON: According to the diary entries we have here, certainly not until towards the end of 1994.

MR JUSTICE GRAY: Well, that is my impression.

MR IRVING: 1991, in March 23rd 1991, do you have that entry?

A: Yes.

Q: This again shows that Althans lied to us. He dos not care if we get arrested. This was the famous Leuchter congress. He had made arrangements. He lied us to us about what we were permitted to do under the law. What arrangements he made with the police. He was negotiating the whole time with the police, was he not, in Germany? The whole time? He was doing things in a legal way?

A: But, again, see the context.

Q: I beg your pardon?

A: See the context. I mean this was quite an event of hardcore revisionists, including some of the worst we have in Europe, Peter Varela.

Q: Mr ----

A: Mr Ahmed Remer.

Q: --- Althans had rented the Deutsches Museum. Is that a very prestigious building in Munich?

A: Yes, and the problems became not because he has rented as

a person for scientific Congress, but because of the scope and of the content of this so-called

Leuchter, Fred Leuchter Congress.

Q: Yes.

A: So the authorities said this cannot be, it is not in line with the law that forbids Holocaust denier to state, to stage as was done.

Q: How did the authorities know what was going to be said?

A: Oh.

Q: Did they decide in advance to ban meetings because they are frightened that people may come out with politically incorrect views or what?

A: I think the Munich authorities at that time knew a lot because of the experience of the year before.

Q: But you agree that Althans was trying to do things in a responsible way? He had rented one of the most prestigious lecture theatres in Munich. He organised speakers to come along. The lecture theatre then violated the contract, is that correct, forcing the meeting to be held outside in the open air on the steps with the permission of the police, is that a correct summary?

A: I do not know. I do not see -- no, I would disagree with that.

Q: Which part do you disagree with? I cannot allow you to disagree without asking you why.

A: The whole perception of this scenery you described in your

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sentences, I cannot go with it. I know that, according to your diary, he, Althans, was not careful enough to circumvent this kind of interaction with the police and then this ban to speak there and the decision of the Museum to speak there because they knew what will come. So, if I may say, if I would have, if I would have done it I would have been in the same problems, technical problems, Althans went into because of the content of it. Believe me, it is not, it is a technical problem that he cannot do it. It is not, the real problem is that the whole Leuchter Congress was so disgusting and so against the law we had and we have that it could not work by any means.

Q: These are the laws for suppression of free speech in Germany, is that correct? It is not against any kind of regular laws as accepted, for example, in the United States or in England?

MR JUSTICE GRAY: Mr Irving, I think when you asked almost exactly the same question about 45 minutes ago, I said I do not think that helps, so it is not going to help now.

MR IRVING: Let me try to explain what I am trying to get at. If Mr Althans tries to do things the proper way, he rents the most prestigious lecture theatre, he organizes speakers like myself to come and speak on Churchill and Pearl Harbour, that was my topic, was it not? Was that my topic that day?

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A: So far you said it and according to the video.

Q: And does the correspondence not also show that that is my topic that day, my prearranged topic?

A: The topic of the Congress was the hardcore Holocaust denials meeting in Munich and to changing, as Althans put it, very politically in his views, in his views, "We will stop with kind of defence revisionism. Now it is time to umdenken, to think anew" ----

THE INTERPRETER: To rethink?

A: --- "to rethink for the revolution", so this is something.

MR IRVING: But now?

A: Again I have just to remind you and with, if I may, your Lordship, just two sentences about

the again and again posed question. It is not just a freedom of expression, but you have the constitution.

MR JUSTICE GRAY: Professor Funke, I totally understand what Mr Irving is suggesting and what your response is on that, so I think we must move on because this is getting ----

MR IRVING: The position I am trying to get the witness to understand, and your Lordship has not yet received this and it will now come. In view of the fact that the contract was violated, we were, therefore, the organizers were forced in conformity with the police to move the meeting to the outside which is a more extreme position, is it not? They are no longer meeting in the comfort of a lecture theatre but they are out on the street?

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A: Yes, of course.

Q: Under police protection. So sometimes the extremism is forced upon them, if I can put it like that?

A: If you go out, you are extreme?

Q: Well, standing on the back of a truck holding a microphone in your hand looks more extreme than standing in a podium in a lecture theatre, is that right?

A: Again I would refer to the content. It is not the appearance as such, the content, the content of the speeches, the content of the reasons to invite a demonstration like in Halle. The content matters.

Q: I am moving on. March 25th 1991. "Then to a new press conference by Althans (who was missing)"?

A: Wait. Where are we at?

Q: March 25th 1991, the diary?

A: Ah, OK.

Q: This is substantially before 1994, is it not?

A: Yes.

Q: "New press conference organised by Althans (who was missing). Further shambles". Then two days later, no, yes, one day later, March 26th: "Althans told the press I was at the April 21st 1990 march (untrue)". Have you noticed that and why did you not refer to that?

A: I have to go to the letter itself, right?

Q: No, it is the diary. March 26th 1991.

MR JUSTICE GRAY: Well, I do not think we need to look at the

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letter.

A: Where do I get...

MR IRVING: The diary, March 26th 1991. Do you have extracts from the diary there, my diary?

A: No.

Q: You do not?

A: But maybe you just quote it.

Q: Just the first line, that is March 26th 1991.

A: "The text from BFP, want me to speak May 10th, DVU, Althans told press I was at 21st April march (untrue)".

Q: That is this demonstration, the illegal demonstration?

A: Yes.

Q: I put in my diary that Althans is telling the press that I was on it and this is untrue.

A: You say? Yes, you say.

Q: Why would I lie to my own diary?

A: April 14th 1992, which is two years before 1994, "I am getting fed up with Althans. It is impossible to make dates". April 29th 1992, "Faxes from Althans".

MR JUSTICE GRAY: I am getting really puzzled by this, Mr Irving. You have just referred to an entry ----

MR IRVING: Yes.

MR JUSTICE GRAY: --- where you said it was untrue that you had been at a meeting on 21st April.

A: On the march after.

MR IRVING: On the march?

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A: Afterwards, you know.

MR JUSTICE GRAY: On the march, I see.

MR IRVING: On this march afterwards, yes, the famous march to the Vertherren Halle?

A: One of the things.

MR JUSTICE GRAY: Yes, I follow. I am sorry. I did not realise it was the march, not the meeting.

MR IRVING: Precisely, my Lord. In my private diary I make quite plain that this is untrue and these diaries, of course, have been available to the Defence and yet they are still persisting in their contention that I was on it.

MR JUSTICE GRAY: Yes. If I may say so, Mr Irving, I have got the diary entries. Of course, if there is some missing diary entry that you want to rely on, put it to Professor Funke, but I do not really find it very helpful just going through odd entries. Could you not put your case in relation to Althans more broadly? I mean, it may be you have put it effectively already.

MR IRVING: I did put it broadly, my Lord. Althans is one of the major figures, in my view.

MR JUSTICE GRAY: I know.

MR IRVING: And I have three more one line episodes to put to this witness which again emphasise the fact that relations had broken down very early on.

MR JUSTICE GRAY: Right. Remember it is the wood that I need to look at rather than the trees. I mean, that is the

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point really. I can see the correspondence goes on between you until 1993 into 1994. So odd entries are not necessarily going to help enormously -- '95.

MR IRVING: If your Lordship has seen the odd entries, my Lord, and one example of the entries you have noticed is the one about the demonstration.

MR RAMPTON: It is right to point out (and everybody should be aware of it) that these, I do not know quite what, the abstracts at the front of each section in the RWE files are not, I think I have said it before, exhaustive. That can cut both ways.

MR JUSTICE GRAY: I appreciate they are a selection, yes.

MR RAMPTON: They are a selection. There is a huge amount of material on the cutting room floors, as Miss Rogers puts it.

MR IRVING: And they are not agreed bundles either, my Lord, in this respect.

MR JUSTICE GRAY: I agree. I have just said, I take Mr Rampton's point, that you are perfectly at liberty to say that you have left out a particular entry is significant for one reason or another, but I have the picture from the selected extracts and all I am asking you to do is to ----

MR IRVING: Speed things up.

MR JUSTICE GRAY: --- help on the overall association rather than go through individual diary entries.

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MR IRVING: We have one more specific episode here, April 29th 1992, there is a fax from Althans, and I say ----

A: April 19th?

Q: '92?

A: No, 19th.

Q: April 29th 1992.

A: Excuse me.

Q: "Fax from Althans with an horrendously tasteless invitation to my Tuesday press conference"?

A: Yes.

Q: Then on May 4th, from the diary again, 1992 ----

A: Yes.

Q: "The Manager of the Bahlscheroff has cancelled the booking because of Althans' horrendous invitation leaflet"?

A: Yes.

Q: So to turn to my original question which his Lordship wishes me to ask you, it is clear that relations with Althans were brittle?

A: I would say yes.

Q: Yes.

A: But intense.

Q: So although you quite rightly say there were contacts between myself and Althans, and his Lordship has seen an ongoing correspondence ----

A: But very intense.

MR RAMPTON: The witness was cut off he said intense, brittle

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but intense, is that right.

MR JUSTICE GRAY: Thank you very much.

MR IRVING: Well, in the sense that our relations with Adolf Hitler during World War II were brittle but intense, is that correct?

A: This comparison does not hold.

MR JUSTICE GRAY: No, do not deal with it at length because I do not think it helps either.

MR IRVING: Paragraph ----

A: Because may I add that I not caught into a wrong perception of my answer, it was intense co-operation based on the interaction with Zundel and others, and also, as I said, the Kuhnen connection, with which Althans has also very intense relationships at that time. So they often came twice, like both of these groups or persons, to the same meetings where you attended. So I see this collection of references that show that you have problems with him more on a tactical

basis, you know. You said he is unprofessional, he did wrong invitations. So...

MR IRVING: Horrendous?

A: Or he messed the things up. So, with respect to your efficiency to put your things down to the German audience, yes, he was not efficient, but because of the contents you shared it was at the beginning and in the coming year, you know, at the beginning, a very helpful and very intense relationship and co-operation.

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Q: Until one learns more about the man and then you tend to break away from someone, would that be possible?

A: Yes, of course.

Q: Yes. In paragraph 5.1.5, you mentioned once again there incidentally, Professor Funke, the name of "Kuhnen". You do accept that I have never met Kuhnen, never had a single word exchanged with him and never written to him?

MR JUSTICE GRAY: He has already accepted that.

A: I have to even question this because I do not know, but there are hints that, for example, but, you know -- your Lordship, am I allowed just to do ----

MR JUSTICE GRAY: We dealt with this yesterday.

A: Yes.

MR JUSTICE GRAY: I have the impression that you accept you have got no evidence that Mr Irving has met Kuhnen or corresponded with Kuhnen?

A: They were at the same march. That is not getting slippery. He was on the same march, maybe only two or 20 minutes, you know, you do not know ----

MR IRVING: Which march was this?

A: --- he was in the same meeting of the march to the Vertherren Halle, the famous, the second famous, as you say, and he was, so far the records are there, he was -- Kuhnen was at the 3rd March '90. But as long as we do not -- it is, you know, these groups are conspiracy.

MR IRVING: Conspiratorial.

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A: Conspiratorial. These groups, the Kuhnen connection, one of their main points is to act conspiratorially. So they use you as a kind of the most political outsider, as Christian Worch told it in the letter in June '90, so there was a special interaction. So this conspiratorial things, you even are not in their perception allowed to talk about this event, what really happened at 3rd March '90. So you even from their perspective had to sanitize your diary. There is nothing about the whole event at 3rd March of '90, and the lie. So there is, I just have to say it, I have just to say that there are sources that said Kuhnen, Worch and Mr Irving were there, but, you know, as long as we have not the ----

Q: We are going to look at the sources later.

A: --- definitive proof, I have to be cautious at that.

MR JUSTICE GRAY: Well, he is not on the list.

MR IRVING: Kuhnen?

MR JUSTICE GRAY: No.

A: I did not know.

MR IRVING: Is Kuhnen not ----

A: He was on the list.

MR IRVING: He was on the list yesterday, I believe.

MR RAMPTON: That is a mistake. I mean, I will have in the end to be guided by the evidence of the witness. If the witness, under pressure from Mr Irving, refuses to concede that the link between Althans and Kuhnen is illusory,

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well, then he has to go on the list.

MR IRVING: It is the link between me and Kuhnen that we are interested in.

MR RAMPTON: I do not find that very difficult either, I have to say.

MR IRVING: My Lord, on a point of law, I would like to be reminded of here, if a grave allegation is made in libel, do we have to expect an enhanced degree of proof and it is not just the balance of probabilities.

MR JUSTICE GRAY: I am not quite sure why you raise that point now, but the answer is yes.

MR IRVING: I just wanted to remind myself, in other words, what I can now be confident your Lordship is paying attention to.

MR JUSTICE GRAY: At the moment it seems to me that the link with Kuhnen is extremely tenuous and if there are not better fish to fry, if I can put it that way, then I am not impressed. I really think we must move on.

MR IRVING: Paragraph 5.15, we have Remer who is one of the people on the list. Will you accept just in two lines or one line that this July 22nd meeting with General Remer on the evidence which has been before the court, do you have it, Professor Funke? It is on page 53.

A: Yes.

Q: At this meeting with Remer at Flotto was a conversation with him for the purpose of interviewing him for my

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Goebbels biography.

A: Yes, it seems so, yes, and you did attend later on as I see.

Q: Yes, and although we have seen evidence that he may have been in the audience of some meetings I addressed, there is no other evidence of contact between us?

A: So far I see, yes.

Q: Paragraph 5.1.5, when I in line 2 of that describe somebody as being a bit of a right-wing friend of someone, a rather right-wing friend, does that ----

A: Where is it?

Q: Line 2 of paragraph 5.1.5.

A: Yes.

Q: If I described somebody as being a rather right-wing friend of somebody, does that tell you something about my attitude to right-wingers?

A: No.

Q: It does not? Does it not imply that I hold right-wingers at arm's length slightly?

A: No. There are other statements that you describe yourself as a right-winger, but we come to that later.

Q: 5.1.6, this demonstration, this little demonstration, which organize rather wickedly outside the German Sender Freies Berlin ----

A: Right.

Q: --- television station, of which we have seen the

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photograph, Pedro Varela was there, was he not?

A: I do not know. This is photograph, yes, then he was there.

Q: He was next to me holding a placard calling German historians liars and cowards?

A: Yes, right, yes.

Q: How do you know that it was because of the repugnance of my views that the historians refused to debate with me, Jaeckel and the other historians who have been invited on to this panel?

A: So far I know it is because of your radicalization of your revisionist viewpoints since you endorse the so-called Fred Leuchter report.

Q: Like the Second Defendant in this case, all these historians refuse to debate with people who have different opinions?

A: No, say it again.

Q: These historians refuse to debate with people who hold different opinions to themselves?

A: No, not at all, not at all. They are very informed and debatable, debating scholars, like Jaeckel, for example. I know him very well.

Q: There is a footnote on the previous page 53, 158, you refer to a letter that I say that I am brushing up my Holocaust vocabulary?

A: It is on?

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Q: Page 53, because I am about to go to Spain, am I not, and go on a lecture tour organized by Mr Varela? This is footnote 158.

A: Excuse me.

Q: In the meantime, I will freshen up my Holocaust vocabulary?

A: Yes.

Q: If you were going to make a lecture tour in Spain, in Spanish, would you also want to know how to translate words ----

A: Yes, of course.

Q: --- and you would make sure you have the correct words?

A: Of course.

Q: That is what that refers to, in other words?

A: Yes.

Q: There was nothing sinister about it. Paragraph 5.1.7, this is still about the Berlin demonstration, and I say that some of the people who are turning up on our behalf are some quite rough in my private diary, is it not?

A: Yes.

Q: What was the political situation in Berlin at that time? Was there a violent left-wing scene? I mean, the anarchists, were they an extremely violent gang of thugs who went around brutalising people?

A: That period of time I was in Berkeley, California.

Q: Well, Berkeley was much the same, was it not?

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A: Not, at that point of history.

Q: It was when I spoke there.

A: No.

Q: But in Berlin?

A: So I do not feel, you know, endangered by this.

Q: I am sure you do not, but, well ----

A: As a normal person ----

Q: What is the word ----

A: --- and also my friend.

Q: What does the word "Chaoten" mean to you? It is C-H-A-O-T-E-N?

A: Chaoten? You want a good translation?

Q: Well, I just want to know what image does it conjure up? It is frequently used by the press, is it not, to describe people to breaking up demonstrations?

A: Yes. They bring up demonstrations and doing it too often, this is a kind of subtext of it.

Q: So if you were organizing any kind of demonstration, even on the smallest scale in Berlin, you would want to go along and make sure that you were not going to be beaten to a pulp, you would have people there who were able to protect your suit or whatever?

MR JUSTICE GRAY: Mr Irving, you have lost me completely. I just do not know what point you are seeking to make.

MR IRVING: The witness has referred to the fact that, obviously, I made a note in my diary that some of the

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people who were coming along to our demonstration that night were rough necks, some quite rough, I think are the words, and I am just pointing out there was obviously a reason why we were glad to have one or two people with shoulder muscles there.

A: Was there a kind of violent interaction?

MR JUSTICE GRAY: Well, Professor Funke ----

MR IRVING: We have moved on.

MR JUSTICE GRAY: --- don't let us spend time.

MR IRVING: Paragraph 5.1.8, please? "Irving told journalists", towards the end of that paragraph, "'The result of this report is final. There was no mass murder with poison gas'"?

A: Yes.

Q: Do you accept that this was not a verbatim transcript of that particular press conference

A: It was not a what?

Q: Verbatim transcript, it is not a worlaut protokol?

A: There was no mass murder with poison gas. "Es gab keine Massentotung durch Giftgas".

Q: Yes, but you accept that this is not necessarily a verbatim protocol of my actual words as spoken at that press conference

A: Yes, it is a summary, it seems to.

Q: A summary?

A: And it shows by the way, if I may say, how link you with

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Karl Philipp and to the radical revisionist cause.

Q: Yes. Do you agree that my position at this trial has always been that at Auschwitz there was no mass murder, and I emphasise the word "mass" with poison gas?

A: I know that you endorse the Fred Leuchter report and this is at the basic of the difficulty for the German, for the German authorities, because it hurts the people who survived the Holocaust at the very place.

Q: Yes, 5.1.10 -- I am sorry.

MR RAMPTON: I am sorry. One skips as usual, one has leapt over the difficult bit without booking beneath one's feet as one has gone. At the top of page 55 there is some dialogue between Mr Irving and a journalist which has been translated into English, fortunately. I draw attention to Mr Irving's last answer and the last sentence of that last answer and to the plural which he uses.

MR JUSTICE GRAY: Do you want to ask a question about that, Mr Irving?

MR IRVING: I have already asked the question which is does the witness accept this was not a verbatim transcript, my Lord, and that being so ----

A: This is verbatim now.

MR JUSTICE GRAY: Please, Professor Funke, that really is not an answer, is it? Either you are correctly quoted or you are incorrectly quoted. What you are quoted as having said is that "It is the defamation of the German people if

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one talks of extermination camps or death camps". Now, you either said that or you did not. If your case is that you did not say it, I think you ought to put it.

MR IRVING: I will put it another way round. Professor Funke, was this press conference held in English or in German, in your opinion?

A: Normally, these press conferences to get a better audience are held in German.

Q: So this is a translation by somebody into English, and we have no way really of knowing exactly what words I used.

A: But I can ----

MR RAMPTON: The German is quoted in footnote 175.

A: Right. It is stated there.

MR RAMPTON: It is in the plural -- even I know that -- in German.

A: I just want to quote it now.

MR JUSTICE GRAY: There is no need because I have read it out in English and Mr Irving is suggesting it is a mistranslation, he can say so. Mr Irving, are you suggesting there is a mistranslation there?

MR IRVING: There clearly is. "Todesfabriken" is not "death camps".

MR JUSTICE GRAY: Well, it is "death factories".

MR IRVING: "Factories of death" which is precisely the position I have adopted.

MR JUSTICE GRAY: What is the difference?

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MR RAMPTON: Plural or singular?

MR IRVING: My Lord, this is crematorium No. (ii) and we have gone over that in some detail already.

MR JUSTICE GRAY: Now, come on, let us get to grips with this. Are you saying that you have either been misquoted or that what you said has been mistranslated in a significant way beyond what you have just pointed out, Mr Irving? I think you must come clean and put your case on this.

MR IRVING: I think it is a misquotation. I am not prepared to accept this is a genuine quotation

of what I said. It partially represents my position. The "Todesfabriken" is correct.

"Vernichtungslagern" is not correct. If the Defence wishes to produce a verbatim transcript of that press conference, then it is up to them to do so.

MR JUSTICE GRAY: Well, that is an invitation that might be taken up because it, presumably, does exist, there must be a transcript.

MR IRVING: Yes.

MR JUSTICE GRAY: Can you help about that, Professor Funke? Do you know what you are quoting from derives?

A: Yes. Just a second. The middle of page 52, just a second it is from Code. This is a right-wing extremist magazine that quotes this interaction. It is either Franker Griesch or Karl Philipp, maybe, so one of, just to have a look at it a minute, if you allow, your Lordship? Yes, it is a publishing of the press conference content by Code,

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C-O-D-E, and this again is done by Karl Philipp. So he may be responsible for this kind of translation, what shows that he goes very -- he is a close co-operative person to Irving, knows or was also there at the press conference in London and he was there in the press conference in Berlin. So, the sense, the gist of it, I think he knows very well and, if I may say again, the translation of this German sentence is ----

MR JUSTICE GRAY: Do not worry about the translation. It was really a simple question by me where it came from.

MR RAMPTON: I have the source here. We will provide, I think it only right, if your Lordship agrees, the article from which it is taken.

MR JUSTICE GRAY: By Karl Philipp?

A: Bundle No.?

MR RAMPTON: Yes. It is bundle No. 5.1(i), H5.(i)?

A: And then (i).

MR RAMPTON: Yes, (i).

MR JUSTICE GRAY: May I suggest we leave this to re-examination when copies are available for everybody because they will not be at the moment, unless you think that is an undesirable course?

MR RAMPTON: They are.

MR JUSTICE GRAY: Well, if they are, have you got H5.(i)?

MR RAMPTON: Yes, it is page 324 stamped at the bottom. In my file it is after a blue tab.

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A: Right, I see.

MR IRVING: I will ask the witness further questions on this passage, obviously.

A: Just a second.

MR JUSTICE GRAY: All right.

MR RAMPTON: I can tell your Lordship that the words in question, well, one of the words in question, one of the groups, [German - document not provided] is in the second column at the top, at the end of the first block of Irving, and the exchange between Irving and the journalist where Irving says that there were no Vernichtungslagern or Todesfabriken is in the second column. It is the second Irving quote, the first half of that second Irving quote, the question having been, whatever it was [German - document not provided].

A: So it is clearly related to Todesfabriken, and that means death fabrics or death camps, death factories, and this is cannot be only the Auschwitz camp or the crematorium (ii) or whatever you are referring just a minute ago, it is a very general statement that you deny the essence of Holocaust.

MR IRVING: Let me ask you two or three questions about that passage at the top of page 55. As Mr Rampton is obviously ----

A: Yes.

Q: --- hanging his coat on it.

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MR RAMPTON: One of my many coats.

MR JUSTICE GRAY: Ask the question, leave aside Mr Rampton.

MR IRVING: Is the entire exchange, the five-line exchange: "Journalist Irving, journalist Irving" concerning Auschwitz, are his two questions about Auschwitz and am I replying to two questions about Auschwitz?

A: The sentences before, yes. But the last sentence is a general observation. The last sentence, I quote it again: "Es ist eine Verleumdung des deutschen Volkes, wenn man von Vernichtungslagern und Todesfabriken spricht". This is clearly a general statement on the essence of the Holocaust you are denying towards the German public.

Q: "In bezug auf Auschwitz" - with regard to Auschwitz. That is what was his question was about, is that correct?

A: The question was, so I quote it again, first in German, "(Journalist) Warum heisst Auschwitz denn Vernichtungslager? (Irving) Nicht bei mir. Nur bei Ihnen und bei den deutschen Historikern. Und dann" ---- then there is the sentence I quoted before, it is -- it is there stated so I want to take this. It is a defamation of the German people, if one talks of extermination camps or death camps. So it is clearly a general statement. You know, you began by answering a question to Auschwitz, and then you extended it to the whole Holocaust, or however you say, this bit about the murdering of nearly 6

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million people Jews.

Q: Is the sense of my final answer there that it is a defamation of the German people if one talks of extermination camps or death camps not, in fact, the following: "Is it the defamation of German people when you ask why Auschwitz is called an extermination camp, if you talk about extermination camps or death camps"? Do you understand what I am saying?

A: Say it again?

MR JUSTICE GRAY: I do not want you to, because you have interpolated some words that are not there.

MR IRVING: I am interpolating his question to which I am responding, my Lord, to make it quite plain that this is ----

MR JUSTICE GRAY: For my part, I think this debate has gone on long enough. I have the words that you have recorded as having said and I hear what you put and I hear what the witness answers.

MR IRVING: The words that I am quoted as having said rather than recorded as having said is the first point I make. The second point is I would say, what the correction translation for "Todesfabriken"?

A: I think that "death camps" is the more used translation, but the sense of it is the general observation that you denied the Holocaust, that is to say, the killing of 5 to 6 million Jewish people.

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Q: You are aware, of course, that I have always said that there is no evidence that Auschwitz was purpose designed as a Vernichtungslager or a factory of death. Are you aware of that point?

A: I think you waived on that before 1989 and since 1989, you were very firm on that line.

Q: This is since 1989; this is late 1989, is that correct?

A: Right.

Q: So, if this has always been my position, then this is clearly all that I am saying in that paragraph. Do not come to me with talk about extermination camps and death camps, Auschwitz and so on.

A: But you have criticise then Karl Philipp.

Q: I beg your pardon?

A: Then you have to criticise Karl Philipp and you did not do so.

Q: No, I am criticising the person first of all who translated "Todesfabriken" as death camps.

A: And you did not do so.

Q: I am just criticising him now. I am also criticising the person who is not capable of seeing that this a response directly to the previous question.

A: So ----

Q: I am not going to take it any further.

A: So, again I have to state ----

MR JUSTICE GRAY: No, we were passing on now, Professor Funke.

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A: OK.

MR IRVING: You refer in your footnote 172, to the point that has already been raised, but here you make it more clearly, you say here that "Wahrheit macht Frei" is a tasteless pun, a "Wortspiel", on the inscription set over the gates at Auschwitz "Arbeit macht Frei". Is it not the other way round?

A: Excuse me, where is it?

Q: Footnote 172.

A: Yes, excuse me.

Q: Is it not the other way round that the quotation from the scriptures, no doubt, comes 2,000 years before the SS so that the SS with the inscription over the gates with the tasteless pun ----?

MR JUSTICE GRAY: Mr Irving, we had this precise point yesterday, and you say that there is no connection between "Arbeit macht Frei" and what one sees at this meeting.

MR IRVING: My Lord, here he is making the point in his footnote which he did not make yesterday. Your Lordship made the connection, but he did not.

MR JUSTICE GRAY: I did not make the connection; I observed that you deny that there is one.

A: If I recall, the last speech of Raymund Bachman, in the second Leuchter Congress in 30, 23rd March 1991, before the Museum, he raised his voice and even shouted that we should not be suppressed by the police agencies and so

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forth, and that freedom of expression should not be suppressed. What he meant was the ideas of these Holocaust deniers to be spread out and to say these denial things. Then he shouted to the public, and I would invite to see this, the Bachman, the Austrian speaker: "Auschwitz, Auschwitz, Auschwitz", and the whole people reacted to that. So, the more I realise what these congresses are about, the more there is an allusion of "Arbeit macht Frei", in the sense that this was a cynical description of destruction by work and this "Wahrheit macht Frei", the more I think about it, the more it is related to each other.

MR IRVING: My Lord, I have to say that I have no recollection of having seen that man shout "Auschwitz" three times on the video and I do not know if your Lordship saw it?

MR JUSTICE GRAY: No, I think the point is whether "Arbeit macht Frei" is or is not connected with "Wahrheit macht Frei". I really do not think we can debate this any longer.

MR RAMPTON: No, we cannot, but we may as well if we throw it away with some ease because, in Mr Irving's diary for October 3rd 1989 when he was in West Berlin, he writes this: "At 11 am, a well attended press conference at the Kampinski (which I believe is some kind of hotel), around 20 writers, six or seven genuine journalists told them (I will read it but I do not know what it means): Zeit:

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11 Uhr heute Morgen wird zuruckgeschossen, and closed with my new slogan Wahrheit macht Frei. The lefty journalists got the allusions".

MR JUSTICE GRAY: Yes, thank you. Mr Irving, you are in person and I appreciate the difficulties and you, again, have been confronted with an extremely long and detailed report, but, in the end, I think it is important to remember ----

MR IRVING: It is the names.

MR JUSTICE GRAY: --- what it is that this witness is telling me that really matters. He has identified a number of individuals who he says are right-wing extremist with whom he says you have close associations or associations anyway. That is what I am going to get from this witness, if I get anything, and----

MR IRVING: We will come to them.

MR JUSTICE GRAY: --- we are darting around looking at the odd footnote here and there and, as I have said so many times before, it is really the big picture that you must tackle, not whether particular footnotes are accurate or not. So can you please bear that in mind because I just do not think that we are making progress at all.

MR IRVING: It is just that I can feel the sharks over there. They will leap on anything that I have not traversed.

MR JUSTICE GRAY: Try to ignore them and concentrate on asking the questions which I want to hear the answers to.

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MR IRVING: In late 1989, Dr Funke, I conducted a tour of Austria, did I not?

A: Yes.

Q: Did I arrange the tour or was it arranged by somebody else?

A: It was arranged by Althans and Philipp and maybe some others, but these both ----

Q: These are two of the people on the list, are they not, Althans and Philipp? Can I ask you to

look at document 14 in the little bundle that I gave you this morning?

A: It is too packed here, excuse me.

Q: There is no need to read it out, just read it to yourself quickly.

A: Yes.

Q: And then I will ask you two questions on it. (Pause for reading.) "I am writing to the head of the security police in Korinthier which is a province of Austria", is that right?

A: Yes.

Q: "In anticipation of the tour and I am asking him to effectively give me guidelines so that I can stay within the law"?

A: Yes.

Q: Is this a responsible thing to do?

A: Yes.

Q: Does it indicate any extremist intentions on my part or on

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the part of the organisers?

A: The letter alludes to your topics. I quote: [German - document not provided].

Q: Yes. Do you have any comments on that?

A: Maybe I should translate it or maybe you can translate it for me?

MR JUSTICE GRAY: I would not, Professor Funke, if I were you, spend very long on it. You have been asked whether you regard that as a responsible letter?

A: No.

MR JUSTICE GRAY: And it is ----

A: No, I do not.

Q: All right, you do not.

A: I do not because of that sentence.

MR IRVING: It is considered an irresponsible letter?

A: Yes.

Q: I do not think it is going to be productive, my Lord, to ask questions on this, unless your Lordship wishes to?

MR JUSTICE GRAY: I do not really. I did try to give you a steer a moment ago to what I think is helpful.

MR IRVING: Yes, exactly. That is precisely how I am moving on not because I do not want to ask further questions. You referred in paragraph 5.1.11, and this very briefly, to a visit which I made to a man called Walter Storff who is an old Nazi SS friend of someone, right?

A: Yes.

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Q: Do you accept that if you write books about Nazis, you have to visit them sometimes?

A: Yes.

Q: In 5.1.12, we come to Mr Christopherson who is one of the people on the list. Is there correspondence between me and Mr Christopherson that you have read?

A: To a degree.

Q: Did I ever write back to him approving of the book that he sent me?

A: So far as I recall, no.

Q: No. In 5.1.13, there is reference to a magazine that he published called Bauenschaft. Have you

seen in all the papers, or my diary, or the files of correspondences which have been made available to you any indication that I ordered it, or read it, or acknowledged it or thanked him for it?

A: I cannot recall -- I have to go through these letters to be sure that you did not.

Q: Well, let me phrase it another way. Can you recall having seen any such letters indicating that I ----

A: There were, there were a lot of quests of Christopherson to come to his meetings and you sometimes said no, and sometimes you attended like the Hagenau meeting, in so far as it is also prepared by Christopherson. So this is what I recall.

Q: To give his Lordship an indication of the intensity, to

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use that word, my relations with Mr Christopherson, how many meetings, in your opinion, did Christopherson organise that I spoke at?

A: Only a few.

Q: One?

A: Only a few.

Q: Can you think of any more apart from Hagenau?

A: I have to look at the Christopherson file for a minute.

MR RAMPTON: Tab 15, my Lord.

MR JUSTICE GRAY: Yes, I am looking at it. (Pause for reading).

MR JUSTICE GRAY: I do not think there are any other meetings that are referred to.

MR RAMPTON: There is possibly one between 12th and 17th September, actually.

A: September of what year?

MR RAMPTON: 1989, sorry. We do not have the recording in the diary of what took place.

MR JUSTICE GRAY: Yes, I see what you mean.

MR RAMPTON: Die Bauenschaft's annual meeting.

A: OK.

MR IRVING: Moving on from Mr Christopherson, in 5.3.8, is Dieter Munier one of the names on the list? I am not sure.

A: Yes.

Q: A publisher Arndt Verlag. Is he a publisher?

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A: Yes.

Q: Has he published books of mine?

A: Yes.

Q: Is one of the books a history of the Vorschungsamt, the German intelligence code-breaking organisation?

A: That may be, I am not aware, but you published it with the Arndt publisher.

Q: With Arndt Verlag, yes. Are you aware that this book was highly praised by Professor Watt in the witness box where you are now sitting?

MR JUSTICE GRAY: I do not think he is on the list.

MR IRVING: I beg your pardon?

MR JUSTICE GRAY: He is not on the list.

MR IRVING: He is not on the list. Very well, in that case, let us move on. In paragraph 5.3.9,

and to this I do attach importance, my Lord, the indented passage on page 62, now the question is, if you read the indented passage, Christian Worch is complaining about what I put into my speeches.

A: Right.

Q: Is he complaining because I have rubbed the noses of these right-wing audiences in the atrocities committed by the SS?

A: To a degree.

Q: To a degree. I have read out to you the entire Bruns Report. Is that evident from that letter?

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A: It seems to.

Q: Do you think that was only occasion that I did this, or did I make a habit of doing that to every single right-wing audience I spoke to?

A: It seems that you not only did it in Hagenau, so far as I recall.

Q: There were frequent protests from these right-wingers, these extremists, of the fact I rubbed their noses in the crimes committed by the Nazis and the SS, and that this is documented in a way that we do not have to rely on a consensus of opinion, or the opinion of the social sciences. We have documents showing that I rubbed their noses in these crimes.

A: Yes, especially from Christopherson, I may add. Christopherson said not to do this, do not refer.

Q: Yes, and did I carry on doing it?

A: This is right.

Q: In paragraph 5.3.13, this is a meeting at which I addressed in Hamburg and then, I am sorry, paragraph 5.3.12. You are referring to a meeting that I addressed in Hamburg and then, in 5.3.13, you purport to put in what I said at that meeting. Is that transcript, in fact, from Hamburg or is it from another meeting?

A: Wait a minute. I think I did a mistake but I have to look at it more precisely.

MR RAMPTON: I think, in fact, it is the Moers meeting. It has

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somehow been transposed.

A: Yes, I have to admit that ----

MR JUSTICE GRAY: It is two months later, is it not?

MR RAMPTON: Yes, it is two months later, in fact.

A: By the way, the Moers meeting was not in your diary. It was stated sometime, it was on the 5th, but so far I reconstructed it was at the 9th March.

MR RAMPTON: It was the ninth Moers of ----

A: Yes, of 9th March.

MR RAMPTON: --- 5.3.19. That is the one meeting of which we do have a full transcript.

A: I referred to that, your Lordship, at the beginning of my three remarks today in the morning.

MR JUSTICE GRAY: Yes.

MR IRVING: You made references on these pages to the NL. That is the Nationale Liste, is that right?

A: Yes.

Q: Was that banned at that time?

A: No.

Q: In 5.3.14 - I am going to come back to the Hamburg meeting in a second - you had me saying there: "We are always running the danger that we will be arrested..." This is Moers meeting from the transcript, is it not?

A: I am lost.

Q: 5.3.14?

A: 5.3.14?

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MR JUSTICE GRAY: Yes, it is.

A: Yes.

MR IRVING: It all sounds rather conspiratorial, me telling an audience there that we are running the danger, that we are going to be arrested. Was the situation, at that time in Germany, really dangerous for dissident historians, that there was danger of being arrested because of what you said?

A: It is in early 1990, right? Yes.

Q: Are people still serving prison sentences in Germany today for things they said in 1990, to your knowledge, Gunther Deckert?

A: Not for dissenting historians, but for hardcore denialists sometimes.

Q: Yes, the really wicked ones? Are you aware that the German government applied for my extradition last year because of something I said in September 1990?

MR JUSTICE GRAY: Well, Mr Irving, I think we did at an earlier stage agree that what governments do or do not do is really not going to be helpful.

MR IRVING: I am proud to live in England and not in Germany, my Lord. 5.3.15.

A: I would like to comment on this.

MR JUSTICE GRAY: No.

MR IRVING: This is an important one. 5.3.15, when you state that I arrived with Kuhnen, which is obviously an

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important point, the journalist Michael Schmidt, who is one of your favourite sources, says that Irving arrived with Michael Kuhnen at this meeting in Hamburg.

A: Yes.

Q: You had before you my diary?

A: Yes.

Q: Did you check with the diary to see if there is any indication that I arrived with Michael Kuhnen?

A: No. No, of course not. That is why I am raising this point.

Q: Well, either it is worth checking if something is likely or not. Can I take you to pages 13 and 14 of the bundle, please, I am sorry page 13.

A: Of the bundle?

Q: Yes.

A: Yes.

Q: It is complicated and I am not going to read it all out. I want you to run your eye down it and I will ask you in advance the questions I am going to ask. Is it evident from at that my daughter Paloma was with me on this tour of Hamburg, tour of Germany, and that she was with me in the car and that she came with me to the function?

A: Yes.

Q: And that I spoke later that evening at another function to university students?

MR JUSTICE GRAY: And that you knew that Michael Kuhnen was

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going to be present.

MR IRVING: I beg your pardon?

MR JUSTICE GRAY: And that you knew that Michael Kuhnen was going to be present.

MR IRVING: Did I say that I would not come if he was going to be present, that this has caused problems? This evoked consternation and I said I was not going to come. The question I am going to ask you is, is there any evidence from the diary entry that I had Michael Kuhnen in the car with me and would I not have mentioned it?

A: In the car?

Q: In my car, yes.

A: I did not know.

Q: So you will accept, will you, that he was not with me and I did not arrive with him?

A: No, it is just the diary.

Q: Will you accept once more that I have never met Michael Kuhnen knowingly in my life?

A: As a responsible scientist I have to at least notify that there are other hints and eyewitnesses, so to speak, who say differently.

Q: You have one, Michael Schmidt, you are familiar source, Michael Schmidt?

A: Yes, it is a very important source, because he is one of the few who is not in the right-wing camp, and could manage it for a time of some years to interact with them

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and even film it, and all the video material is from him. So of course it is an important source. It is a worldwide important source for this kind of camp.

Q: But contrasting, shall we say, the postwar memoirs of Michael Schmidt, this left-wing journalist on the one hand, and his recollection that he seemed to think that I arrive with Michael Kuhnen with my diary which shows clearly that I am with my daughter and there is no reference to Michael Kuhnen arriving with me at all, or even being with me, in fact there is no reason why he would have been because I came from a totally different part of Germany, you have to admit that, on balance of probabilities, it is unlikely?

A: I cannot say yes or no to that. I read your diary. I was very cautious, but I have to mention that there are other, you know, eyewitnesses of that meeting.

Q: One?

A: Yes.

Q: Yes. Can I take you now to 5.3.16? We have moved on from Michael Kuhnen. One of your other sources, a Miss Benedict, is it, or Mrs Benedict?

A: Yes.

Q: Says that I received applause from the older members of the audiences, especially SS veterans. How on earth does she know they were SS veterans?

A: She stated so.

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Q: Is this not indicative of the kind of things your sources are writing? Were they in uniform? Did they hold up party cards?

A: I quote this person and I do not know more.

Q: Are you not critical about the sources you use when you write these reports?

A: Oh, yes I am very, and Benedict is one of the sources I met often, and she is one of those who knew the scene as intense and differentiated as, for example, Wagner. The problem is with these sources of course ----

Q: Is she one of your social scientists that you refer to?

A: Excuse me?

Q: Is she one of your social scientists you refer to as being a reliable source?

A: Yes.

Q: I thought so.

A: It is more out of an observational perspective, and she is one of the persons out of East Germany who knew the scene from before '89. So she knew the persons they interacted in the definitive phase between '85 and '90. So she is a very reasonable source.

Q: Paragraph 5.2 ----

MR JUSTICE GRAY: I thought we had got beyond that.

MR IRVING: We had got beyond that and I was just going to reassure myself once again, my Lord, this is headed "OPC Observations", that paragraph, it is on page 58, your

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Lordship is paying little heed to OPC observations I trust.

MR JUSTICE GRAY: Well ----

MR IRVING: That is the German Office of the Protection of the Constitution.

MR JUSTICE GRAY: Yes, I follow that. We went through this yesterday and it seems to me I make up my mind about these organizations on the basis of what Professor Funke tells me.

MR IRVING: Yes.

MR JUSTICE GRAY: And not what the OPC says.

MR IRVING: We did have a discussion about it yesterday, and the impression I got was that your Lordship would attach little weight to what these ----

MR JUSTICE GRAY: What I said yesterday was exactly what I said just now.

MR IRVING: I will have to read transcript. 5.3.2, Mr Zundel, footnote 198, there is a reference to Zundel's Maulkorb which is a ----

A: 598?

Q: I am sorry, footnote 198. There is a reference to a Maulkorb having been put on Zundel, a dog, what is the word for it ----

A: I did not see it.

Q: It is probably not important then.

MR JUSTICE GRAY: It is a classic example of what I did invite

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you not to do, which is to go to some rather obscure footnote and completely fail to put your case in relation to your association or otherwise with Mr Zundel. I thought you accepted that Zundel was somebody with whom you had a close association?

MR IRVING: Yes, indeed, but it is just a trivial point I was just going to ask him if he knew why this Maulkorb, this gag, had been applied on Zundel, was it just a legal gag.

MR JUSTICE GRAY: If it is a trivial point let us, please, not bother with it.

MR IRVING: Yes. 5.3.26, please, this is Mr Althans who is organizing my tour for me in Dresden and elsewhere. It states that the turnover did not apply, the Umsatz entfällt. Do you know why that was? Are you familiar from the correspondence that I had agreed to donate the entire proceedings for the rebuilding of the Church of our Lady in Dresden?

A: So far as I recall, yes.

Q: Yes. So there is nothing sinister about that particular arrangement?

A: No, it seems not.

Q: Paragraph 5.3.7, I am sorry my numbering has gone slightly astray, 5.3.7, you have: "In his report on Irving's court appearance", and you give as a footnote there 218. Is the source you give for that ----

A: Where is 218?

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Q: Footnote 218, would I be right in describing that book that you are using there as being an anti-fascist kind of source?

A: Say it again? Where you are, please?

MR JUSTICE GRAY: We have now gone back to paragraph 5.3.7.

MR IRVING: Footnote 218 about Karl Philipp?

A: 5.3.7.

Q: I am just commenting on your evidently using what I would call anti-fascist sources. It is footnote 218. The question is purely, is that book you quote there what you would call an anti-fascist source?

A: Exactly.

Q: Yes. You accept such sources quite uncritically, do you?

A: I stated yesterday that I do it for a special purpose in a special situation where these sources seem to be very valid. Of course I have to do it in the case of the Michael Schmidt video, and this is a kind of rewriting of the whole video material Michael Schmidt put to these people. That is why, otherwise I would not, because I have to check again and again, but I could check, especially these sources, by seeing the videos and seeing what it means and what not.

Q: Would it not have been preferable to have used the original sources rather than other people's ----

MR JUSTICE GRAY: Mr Irving, are you challenging the correctness of what Mr Philipp wrote, because if you are

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not, why are we spending a long time discussing whether the source for it is reliable?

MR IRVING: We will spend no further time. Paragraph 5.3.19, Professor Funke. We are now on page 66. We are back at the Moers meeting?

A: Yes.

Q: At 5.3.17 before that, you describe the speech I made at Moers as being demagogic or I describe it as being demagogic?

A: Yes.

Q: Do you object, demagogic, if you remember the little speech I made at the Leuchter Congress, was that demagogic, although all I was saying was that I am not allowed to speak?

A: It refers to your diary.

Q: Yes, but, I mean, there is nothing reprehensible about making a demagogic speech inherently

or is there?

A: Oh, yes.

Q: All right.

A: My perception of demagogic is not so good as yours.

Q: 5.3.19, we are now actually going on to the content of the Moers speech?

A: Yes.

Q: The Moers speech was organized by Mr Althans, was it?

A: Yes.

Q: And here I am quoted as saying by the transcript: "Then

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I believed these gentlemen [German historians] who said that something happened at Auschwitz. Now I no longer believe this story at all. Today I say the following: there were no gassings in Auschwitz". Stop there, do you know the difference between Auschwitz and Birkenhau?

A: Yes, of course.

Q: Have you read either in these court documents or before or since an article published in L'Expresse, a French news magazine of repute, in January 1995 which established that the gas chamber at Auschwitz which is shown to the tourists is fake and that they admit it?

A: Give me the evidence, but it was debated very much in this court.

MR JUSTICE GRAY: Mr Irving, we have been through that several times. It has nothing to do with this witness's evidence.

MR IRVING: It is my way just of reminding the court.

MR JUSTICE GRAY: Well, please accept that I remember what you say about the dummies at Dachau and Auschwitz.

MR IRVING: The court did interrupt me when I was trying to cross-examine van Pelt about this matter.

MR JUSTICE GRAY: Only because you had previously cross-examined him about it. So don't let us spend time with Professor Funke on it.

MR IRVING: The topics mentioned in paragraph 5.3.23?

A: Yes.

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Q: It is over the page actually, at the top of page 68, there are several topics mentioned there, are any of those topics Holocaust denial or anti-Semitism or are they just plain revisionism?

A: I just have to read the sentence. No, it seems not.

Q: This is Mr Althans who was organizing this particular tour with these topics?

A: Yes.

Q: Page 69, half way down the page, the letter was headed with a quote from Irving, the question is what evidence do you have that there was ever such a quote from me?

A: To what line are you referring to, please?

Q: Effectively, the second half of that page beginning with "The letter was headed"?

A: 69? Yes, I have it.

Q: This is a letter issued by some organization with an invitation to a speech by me and then it is headed with what is said to be a quotation from me?

MR JUSTICE GRAY: You are saying that is something you never said?

MR IRVING: That is what I am putting to this witness, my Lord, yes. Have you seen any

evidence that that quotation actually comes from anything I wrote or said?

A: I know that to a degree you referred to that kind of ideas, that is quoted there, that I know by the bundle of excerpts on anti-Semitism that Mr Rampton brought to the

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court. Yes. But I do not know now, I have to look at the bundles to see.

Q: Yes. I do not want to dwell too long on organizations, but there are two or three bodies that you mentioned in that paragraph, 5.3.27, are any of them banned or right-wing extremists to your knowledge?

A: 5.3.27?

Q: Yes. The Arbeitskreis Deutsche Wahrheit or the Forderverein Junges Deutschland?

A: I have to look up, I do not know.

Q: Have you heard of them before?

A: Not at that point, not at that point, it seems to, not at that point in time.

Q: But have you ever heard of them?

A: Yes, but I do not know if they are banned. I have to look up later on.

Q: Yes.

A: But it is not of interest ...

Q: But you just say that they are right wing extremists, although you obviously do not know very much about them?

A: This is the point you want to make?

Q: Yes.

A: Then I have to look up more precise than...

Q: Well, unless his Lordship attaches importance here, I think we will move on.

A: OK, good.

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Q: The impression I had was that you are relatively unfamiliar with these bodies and that you were willing to express an opinion on them, nonetheless?

A: So what did I say? So now come to the point, please.

Q: When I asked you were you familiar with them you said, well ----

A: No, no.

Q: --- yes and no.

A: What did I say on these groups, little groups? What did I say? What did I say to present them? What did I say?

MR JUSTICE GRAY: What Mr Irving said you said was that you had said that they were right-wing extremist organizations, but I am not quite sure where you are supposed to have said that.

MR IRVING: I asked if they were, my Lord, and he said, yes, he thought they were, but this was after he had said he did not know very much about them.

A: Yes, this is right. They are listed in this hundreds of groups of right-wing extremist tiny groups, and it is of interest that you spoke there and that they are perceived as right-wing extremists. I can look it up, I mean, of course if you want, so I looked it up but I have to refresh my memory. I think this is valid to do.

Q: You are going back to the consensus, are you? Are you going to have another look at the consensus of all the social sciences?

MR JUSTICE GRAY: It was you who asked the question, Mr Irving?

A: Whatever you call it, I do not care.

MR IRVING: I am quite happy to abandon this question because ----

A: No, no, I want to know it.

Q: Do you not say on 5.3.32 that they were fictitious organizations, 5.3.32?

MR JUSTICE GRAY: They will not be in your book if they were fictitious, I suspect.

MR IRVING: I am trying to speed things up.

A: Just a second.

Q: I will be quite happy to move on.

MR JUSTICE GRAY: Mr Irving, whilst the witness, he is obviously very keen to look up and I understand why. I think you have been ----

A: Yes, this is one of this little group without ----

MR JUSTICE GRAY: Professor Funke, can you just pause a moment because I just want to say something to Mr Irving. Mr Irving, I think you have been cross-examining for nearly a day now. I have to tell you that I am not much the wiser as to what your case is in regard to what this witness has said, namely that there are these individuals with whom you have a close association and they are all on the extreme right-wing fringe. I cannot let the cross-examination go on. I keep asking you to focus on what matters.

MR IRVING: On individuals.

MR JUSTICE GRAY: And you are continuing to go through footnotes and trivial points. I think the point has come where, unless Mr Rampton discourages me, I must say to you you must at 2 o'clock put your case in relation to these individuals and the organizations so that I understand what it is, because I do not think it is right for me to let the court's time be taken up with cross-examination which seems to me to be achieving virtually nothing.

MR RAMPTON: Can I add to that?

MR JUSTICE GRAY: I would like to hear Mr Rampton on this because I do not want to be over strict.

MR RAMPTON: No, I embrace that because I have no idea what Mr Irving says about these people's political attitudes, (a) what their political attitudes are, and (b) whether he knows what they are. That is essential. What is also essential is that he should say yeah or nay, does he propose that these meetings which he attended were in their content entirely innocent?

MR JUSTICE GRAY: I think it has to be done.

MR IRVING: That is for cross-examination.

MR IRVING: No, it is not; I do not know what Mr Irving's case is.

MR JUSTICE GRAY: I want to make every allowance for the fact that you are in person and you have had an appalling task cross-examining witness after witness, expert witness

after expert witness, and there is an enormous volume of material you are having to deal with. But, in the end what matters is these individuals and the associations that they had or did not have with you. You must do it.

MR IRVING: Well, I believed I was working through this report name by name and, effectively, devaluing the quality of the evidence that had been given to suggest, except for a number of key names which we are all familiar with.

MR JUSTICE GRAY: Well, what you are not doing, it is perfectly true that you pick up the odd name like Karl Philipp, or whatever it may be, and you make one or two ----

MR IRVING: That is the way the report has been written.

MR JUSTICE GRAY: You ask one or two questions by reference to individual diary entries, but you are missing the wood for the trees again. What I need to have you put to this witness is, "I did not ever meet with Karl Philipp or I may have spoken at meetings at which he was present, but I did not know it" or "Yes, we used to associate quite regularly together, but there is nothing particularly right-wing about him". Put your case.

MR IRVING: I can do that in 15 minutes, my Lord.

MR JUSTICE GRAY: Yes, I do not want you to telescope it too much, but what has taken place this morning has really not, I think, advanced your case on this aspect of this trial at all.

MR IRVING: Well, I hoped that I was shaking your Lordship's

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confidence in page after page after page of this report, which is initially impressive, but then once we take out the OPC reports, it becomes very much thinner. Once we take out the names of people I have never even met or heard of it becomes frequently sparse and fragmentary. Now we can deal with the people whose names I have heard of and deal with them in short order. For that reason I will go to the appendix and look at the names that we have highlighted, the people on the list, and put the propositions directly to the witness ----

MR JUSTICE GRAY: Yes.

MR IRVING: --- that your Lordship is suggesting.

MR JUSTICE GRAY: Yes. I think that is the right way to do it, but do not feel confined -- when you are on a relevant topic, I do not want you to cut your cross-examination short.

MR IRVING: There are matters like the Adolf Hitler toast that was organized by Ewald Althans and things like that, and I would hate to let that go by the board.

MR RAMPTON: No, that should not be let go because that is a point I seek to be of some importance.

MR JUSTICE GRAY: I mean, I cannot dictate the way you cross-examined, but if I had been doing this instead of you, I would have taken the individuals, I think I would have taken them one by one, and I would have gone through the alleged association to see how much of it there really

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was.

MR IRVING: My Lord, you have considerable more experience than I do in cross-examination and some of your clients have ended up in prison and some of them, no doubt, have been acquitted and have been awarded large sums in damages.

MR JUSTICE GRAY: That is kind of you to put it like that. Now let us get on with the cross-examination.

MR IRVING: I am totally ignorant in the manner of how to deal with these things. I will certainly take the 5.3.35, we will deal with 5.3.35. My Lord, I do feel we have achieved things this morning, for example, establishing agreement that at most of these meetings I have rubbed their noses in the Bruns Report, things like that, which I hope your Lordship will not overlook when the time comes.

MR JUSTICE GRAY: I have that answer, yes, certainly.

THE WITNESS: Can I just answer the question?

MR IRVING: Yes.

MR JUSTICE GRAY: What about those three organizations?

MR IRVING: Very briefly.

A: The [German] quotation in the bundle No. 2, bundle H5.(i), No. (ii) or 2, I do not know, (ii) I think -- no, it is 2, right. Page on the bottom, 562, this is the leaflet and this leaflet is very sharp in criticising in the same line of Holocaust denial calling one of the most hideous sentences of Mr Irving. So the document itself shows me

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this, that this is a very Holocaust denialist group that invites Mr Irving to state things. The signatures are of Steffan Rahber Forderverein Junges Deutschland and of Manfred Angeford, [German]. They met together to invite him in early '90, in March '90, it is in the Ruhe area in the munster, in the north rural area, and then there is -- the next does not deal with this group. It is an invitation by Valendi in 56, on the bottom of the line 564. I can go on and describe the content of the leaflet, it is very clear, but if you want I can allude to this at length, your Lordship.

MR JUSTICE GRAY: No I think that probably will be sufficient.

MR IRVING: Will you go to please to paragraph 5.3.35 of your report at page 72?

A: 5.3?

Q: 35.

A: Yes.

Q: Now on reading my diary of April 20th -- what day is April 20th in the German calendar, political calendar?

A: Excuse me?

MR JUSTICE GRAY: It was a Friday.

A: No, no, he is referring to the birthday of Adolf Hitler.

MR IRVING: It was Friday and Hitler's birthday in that order.

MR JUSTICE GRAY: I think you would do well to have with you, Professor Funke, RWE 2, tab 9, page 44.

MR IRVING: My Lord, what page?

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MR JUSTICE GRAY: RWE 2, tab 9, page 44.

A: On the right side, the page number. Yes, OK, I have it.

MR IRVING: This is a dinner organized, firstly, this is a page from my private diary dated April 20th 1990?

A: Yes.

Q: And there is a reference in the paragraph beginning with the word "Dosed" to a dinner organized by Mr Althans in the hotel?

A: Yes.

Q: Driegen Hotel was a reputable Hotel in Munich, is it not?

A: Excuse me?

Q: It is a very reputable hotel in the city centre of Munich, is it not?

A: It seems to, yes.

Q: And the people who were present, they are listed at the bottom?

A: Right.

Q: I found a list from which I have written down the names?

A: Right.

Q: The list says that those present are Staglich, Althans and a number of others. Do you recognize any English people there?

A: Yes.

Q: Mr Hancock?

A: Right.

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Q: And at this dinner party Althans offered a toast to Adolf Hitler, is that right?

A: Yes.

Q: "All rose and toasted", right?

A: Yes.

Q: From the diary entry, is it evident that I joined in or I did not join in this very tasteless toast?

A: I quote, "It ended with a drinkspruch spoken by him to a certain statesman whose 101st birthday" ----

Q: Can you answer the question?

A: --- "falls today. All rose, toasted. I had no glass as I do not drink".

MR IRVING: Yes. So is it evident from that that I did not join in the toast?

MR RAMPTON: Yes, but there is nothing in the diary about ----

MR IRVING: Mr Rampton, will you allow the witness to answer, please.

MR RAMPTON: No, no, no. The witness ----

MR IRVING: I would grateful if you did not interrupt until he has finished his reply.

MR JUSTICE GRAY: If it is an objection which is not a valid one, then I will obviously reject it.

MR RAMPTON: Of course, as has not happened yet in this case, but has happened to me often enough in the past, Mr Irving should not lard his questions with interpretations like "this very tasteless event". There is nothing in the

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diary about that.

MR IRVING: Let me start off, before answering this question, would you consider it to be very tasteless for a German to offer a toast to Adolf Hitler in the presence of two English people? Yes or no? Would you offer a toast to Adolf Hitler in the presence of two English people?

A: I would not do it anyway.

Q: Would you consider it to be a matter of dubious taste?

A: You know I would say ----

Q: Can you answer?

A: I answer, just now I am answering.

MR JUSTICE GRAY: He did answer. He said he would not think it was very -- he thought it would be rather tasteless in any event, whether there were English people present or not.

MR IRVING: In other words, the word "tasteless" was appropriate. Thank you, my Lord.

A: And if ----

MR JUSTICE GRAY: No, no, let us move on.

A: If I regard these two, no, excuse me, my Lord. If I regard the two persons who were there, and

I would have been Althans if I can, then I would not have the problem to do this toast.

MR IRVING: Right, now will you answer?

A: This tasteless toast.

Q: Will you now answer my previous question? Is it evident from the diary that I did not join in the toast?

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A: It is not evident. "All rose, toasted. I had no glass as I do not drink". I do not know.

Q: If one has no glass and one does not drink, how can one toast someone? Will you now answer my question? Is it evident from the diary that I did not join in the toast?

A: I really cannot say.

Q: OK. You cannot say or you will not say?

MR JUSTICE GRAY: Mr Irving, that is unnecessary.

MR IRVING: Will you accept that it is likely that by virtue of the fact that I recorded this incident in my diary I found it distasteful?

A: You did not say, you did not write it, and you are an admirer, to a degree, of Adolf Hitler and Tony Hancock, the same. We saw the video where he had this accruals(?) of Adolf Hitler, so why not for you?

Q: The video of the accruals of Adolf Hitler, what is this?

A: In the video we saw Tony Hancock distributing or showing accruals of Adolf Hitler, and we know of his record that he is somehow dealing with National Socialism. He was there, you both English persons were there, and I can allude to the others there, Ingrid Weckert, a very anti-Semitic, you know, person. By the way, Ingrid Weckert should have been on this list because she was very active in the Gesinnungsgemeinschaft, just to mention that.

Q: Is it evident from this list that I have written down that

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most of the name are unknown to me and that I wrote it down as a curiosity to know who was present at this dinner?

A: You know Ingrid Weckert, it was shown by the ----

Q: Was that the question that I asked?

A: --- cross-examinations -- yes. It is part of the answer that you know a lot of these people.

Q: Do I know all of the people?

A: That I do not know.

MR JUSTICE GRAY: Let us go through them.

MR IRVING: Yes.

A: Through them.

MR JUSTICE GRAY: Staglich.

MR IRVING: Are you suggesting that the fact that I wrote down this name on the list is evidence that I knew Mr Staglich?

A: I think you may have known Staglich at that period. You know Althans. You know Philipp. You know Huffgoes very much. This we viewed of your cassette. You know Ingrid Weckert. You alluded to this during the cross-examination of Professor Evans. You know Professor Schracker. Schracker, I have to say did ----

Q: On what basis do you think I know Professor Schracker? Have you seen any ----

A: Because he did a brilliant book on him, on David Irving, the later days, and he was there in the

audience where you were there the next day.

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Q: When did Professor Schracker write this book on me?

A: Oh, you do not know?

Q: No, when was this?

A: A praising book to you -- in the last years. Oh, wonderful! I give it to you.

Q: I am flattered to know this, but are you suggesting that at this time or at any time I have had any correspondence or dealings with Professor Schracker at all?

A: You met in the same Congress. He did a piece, he did a statement so far all the sources shows me at this very meeting the other day and Franco Griesch is the ----

Q: Let us stay with Schracker for a moment. Have you seen any correspondence between me and Schracker?

A: No, no, not correspondence.

Q: Is he mentioned in my diary apart from this list?

A: No.

Q: Arnold Freulich, have you seen any correspondence between me and him?

A: I do not know.

Q: Daniel Konekt, have you seen any correspondence between me and him?

A: Yes, he is the buddy of, if I may say so, of Althans.

Q: Yes, but have you seen any correspondence between me and him?

A: No.

Q: The fact ----

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A: You mentioned Daniel Konekt a lot of times in your diary.

Q: Loeta Fontiss -- in what connection have I mentioned him, having contact with him or ----

A: Yes, with Daniel, you did the same tour to Strasbourg. That was before.

Q: What is Daniel Konekt? Is he a chauffeur or what? I do not know.

A: Look at your diaries.

Q: You are the expert. You are telling us these people are ----

A: Yes, I say look at your diaries, you know.

Q: Do you remember at the beginning of this cross-examination I showed you a list of 6,500 names?

A: Yes, I figured out three of them as noted in this, with respect to these whole endeavour. We can go to this list.

Q: Loeta Fontiss, do you ----

A: I do not know.

Q: H Forster?

A: I do not know.

Q: In other words, most of the people on this list I have no idea who they are, do you agree?

A: No.

Q: You do agree?

A: I cannot, so how many are on this list, it is 18 and half of them you know, Staglich, Althans, Philipp, Huffgoes ----

MR JUSTICE GRAY: Don't let us go through them all over again.

MR IRVING: No, no.

A: --- Weckert, Schracker, Franco Grietsch, Hancock, that is eight, nine, and Daniel Konekt, so --
--

Q: Will you turn to page 46 and you see the diary entry for April 22: "Headache all day, aspirin at breakfast. I had fixed at his request an interview over breakfast with Judge Staglich". Does this imply to you that I do not know who Judge Staglich is, and this is probably my first ever meeting with him, my only ever meeting with him? And I say, "I can fit you in at breakfast"?

MR RAMPTON: I do not understand that because if they had dinner on the 20th, it was not the first time they had met two days later at breakfast. I do not follow it.

MR IRVING: Professor Funke, do you appreciate (which Mr Rampton apparently does not) the difference between meeting somebody at a dinner when somebody is 24 seats away down the table and shaking hands with them and having an earnest discussion with them? Is there a difference, in your opinion?

MR JUSTICE GRAY: Mr Irving -----

MR IRVING: I am trying to get answers from this witness but with ----

MR JUSTICE GRAY: --- the picture of 24 people at dinner sitting in a line seems to me to be rather illustrative of the way in which you are approaching this.

MR RAMPTON: Particularly since it is only 19 and not 24.

MR JUSTICE GRAY: I think it says 24 actually.

MR RAMPTON: Does it? Oh.

MR IRVING: Professor Funke, have you attended large dinner parties where you have not the faintest notion who the rest of the guests are, yes or no?

A: Yes, of course.

Q: This breakfast invitation with Staglich, who is one of the people on the list, on April 22, is that an indication that I have fitted him in at breakfast and said, "Well, come and see me at breakfast" and that I never saw him again?

A: I did not get your point.

Q: Judge or not. I mean, we are trying to establish how intense, to use the word, my connections with this judge or ex judge were.

MR JUSTICE GRAY: Well, again this is a good example. Put your case. Are you really saying that you only encountered Staglich ----

MR IRVING: On this one occasion.

MR JUSTICE GRAY: --- once at a dinner party when you did not know he was there and on a second occasion when you fitted him in for an interview over breakfast?

MR IRVING: Let me put it like this to the witness.

MR JUSTICE GRAY: Is that your case? If it is your case, fine.

MR IRVING: Professor Funke, will you agree that the evidence

is that I had only one meaningful encounter with Dr Staglich or Judge Staglich when I fitted him

in for a breakfast appointment on this day, on April 22nd, and that you have not seen any evidence to the contrary?

MR JUSTICE GRAY: No. It is not a question of whether he has seen any evidence; it is a question of what you say the position is, Mr Irving. There is a difference. Are you saying that there were just those two occasions when you even spoke to the man?

MR IRVING: Yes, of course. That is precisely what I am putting to the witness. I appreciate the witness is very tired, but I would like answers.

MR JUSTICE GRAY: What is the answer Professor Funke? Only saw him twice?

A: I see what I see, and these are the references.

MR IRVING: A meaningful encounter?

A: And I saw the videos and there was Staglich in Hagenau and this was way before and, of course, there were 80 people in Hagenau or 100, and the literature shows that all the late 80s, Staglich was one of the prominent along with Uda Valendi, so there is a high probability that you know him.

Q: From this same consensus of opinion of the social scientists, is that where this probability comes from or is it from any documents that you have seen?

A: I do not answer this question.

Q: I am sorry?

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MR JUSTICE GRAY: He is not answering the question and I am not going to say he must.

MR IRVING: In other words, there is no evidence.

MR JUSTICE GRAY: Mr Irving ----

MR RAMPTON: No, I am sorry.

MR JUSTICE GRAY: Yes, Mr Rampton?

MR RAMPTON: I am sorry, it just will not do. There is a long entry, for example, for December '89 -- this is not from the red RWE files but from the diary files -- of a letter from Mr Irving to Staglich dated, the diary entry, I am sorry, I do not know the date, it must be the last day of November, in fact, or something like that.

MR JUSTICE GRAY: It had better wait re-examination so that we know what the date is.

MR RAMPTON: It is villainous, in my submission -- I use that word deliberately -- for Mr Irving to propose that he has had no meaningful contact with Staglich in order to mislead the witness and, perhaps, indirectly the court when I see from his diary a long German letter to Dr Staglich a whole year earlier.

MR IRVING: Saying precisely what?

MR JUSTICE GRAY: It may be, Mr Rampton, if I may suggest it, that Staglich might be an example of somebody who it would be, in the light of the way Mr Irving puts his case, who might be added as another of the sections in one of these RWE files.

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MR RAMPTON: He might be, it might be that it is difficult. To trawl a haystack like that is quite hard.

MR JUSTICE GRAY: Mr Irving, you must be appreciating that I must have you put your case in relation to these witnesses ----

MR IRVING: I thought I had put it more clearly than I did, that I had had no meaningful

contacts with Mr Staglich.

MR JUSTICE GRAY: You did eventually, yes, and I would like you to do that with the others and not take time, I think, on individual paragraphs of the report, although there may be some important ones.

MR IRVING: I guarantee we will finish within 30 minutes from 2 o'clock, I will have finished with all the other numbers, all the other names, and this is the way to do it.

MR JUSTICE GRAY: Very well. 2 o'clock.

(Luncheon adjournment)
(2.00 p.m.)

MR JUSTICE GRAY: Yes, Mr Irving.

MR IRVING: Thank you, my Lord. I asked the defence to show me the Staglich letter on which they are going to rely and they refused. They said they would have it translated.

MR RAMPTON: No, I have not had it translated. It is in the original German in Mr Irving's diary. We had but the one copy in court. We have more now if Mr Irving would like to have one.

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MR IRVING: I will show it to the witness. (Same handed).

A: Thank you.

Q: It begins three lines on the bottom of the page. Have you read it?

A: Yes.

Q: So I just ask you two or three questions based on that letter, is there any indication from this letter that there had been any meetings between myself and Staglich prior to that letter?

A: No.

Q: Is there any indication that I had written to him? Is he responding to a letter of mine, or is he in fact just writing out of the blue to me?

A: I do not know if he is writing out of the blue, but he did write to you.

Q: Does he reference a letter from me there, does he say in reply to your letter of?

A: Yes, from the 28th of supposedly November.

MR RAMPTON: We do not have the rest of the correspondence because it has not been disclosed.

A: I just referred to the letter and stated here 28th November.

MR RAMPTON: Yes, I know, we do not have the earlier correspondence.

MR JUSTICE GRAY: Professor Funke, can you translate the first sentence of the second paragraph of the letter?

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A: The second paragraph?

Q: Yes.

A: I was surprised that the facsimile publisher, for you it is not a concept still. It is a very small, very aggressive, yes, publication.

THE INTERPRETER: Publishing house.

THE WITNESS: That absolutely is in our sense according to our lines.

MR IRVING: Are you familiar with the facsimile, they publish historical facsimiles?

A: No, I do not.

Q: In other words, we are all interested in facsimiles, we are all interested in accurate representations of documents?

A: Can you say the name of this facsimile firm?

Q: I am sorry?

A: Can you say the name of this facsimile?

Q: It is called facsimile for law?

A: OK, good.

Q: Will you accept that the reference to being "in our sense" is that they are interested in accurate reproductions of documents as facsimiles?

A: I think it meant -- the "our" means -- the our it is an our sense means more than just being interested in documentation, then, for example, I would be included in that, and why.

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Q: Yes, in other words, from this correspondence or on this letter from me to Dr Staglich, I am replying to him and he is asking me for advice on publishing something?

A: Yes, and you are replying and saying, OK, it is absolutely in the like minded, you know, direction of publishing things.

Q: Yes?

MR JUSTICE GRAY: "Sinne" means thought or mind, does it?

A: Excuse me?

Q: "Sinne" means thought or mind?

A: Yes.

THE INTERPRETER: Is a whole figure of speech?

A: It is in our, you know, joint effort.

THE INTERPRETER: "Along our lines" is a better translation.

MR IRVING: I will leave that, the Staglich letter, unless your Lordship wishes to ask me any further questions.

MR JUSTICE GRAY: No.

MR IRVING: Go briefly to page 74, which is one more item referring to Wahrheit macht frei meeting in Munich?

A: Yes.

Q: Paragraph 5.3.40.

A: Yes.

Q: I have a little chicken to break with you, I think we say in German, do we not (German spoken)?

A: Go ahead.

Q: You say some members of the audience wore donkey masks and

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hung notices around their neck? My Lord, you remember the --

MR JUSTICE GRAY: Yes, I do.

MR IRVING: The text which you put here is "I still believe in Holocaust, the ass that I am"; is that the text that was actually on the photograph we saw on the video?

A: No, it was a reference to it, and I have to admit this, if there is not no other showing of 21st August '90, then it was a mistake. But, you know, the sense of it again was, as you know, the 78

presentation of this ugly reference to the Holocaust denying.

Q: But there is a major difference?

A: By Boris and Kuhnen.

Q: But there is a major difference between the text that you have said in your expert report was on that notice and what we actually saw with our own eyes?

A: Yes, this is a mistake.

Q: The source of your mistake is that book in source 285, which is one your anti-fascist sources.

MR JUSTICE GRAY: Are you any doubt, Professor Funke, that the caption which I think was along the lines of, "some people believe everything they are told".

MR IRVING: That is right.

MR JUSTICE GRAY: Are you in any doubt about what that is really referring to?

A: I am without any doubt that this is referring to this very

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quotation of 1978.

MR IRVING: Well, I do not think that is the question his Lordship was actually asking.

A: Excuse me --

MR RAMPTON: Yes, it was.

MR JUSTICE GRAY: It was.

MR IRVING: I think what his Lordship really wished to ask you if I may be so bold and impertinent is.

MR JUSTICE GRAY: Well, you ask what you think I wish to ask.

MR IRVING: This is what David Irving would wish to ask, you would associate that only with the Holocaust lie, would you?

A: -- yes.

Q: That particular, yes?

A: And you?

Q: I was going to thank his Lordship for having opened this avenue of question. Over all the talks that I delivered in Germany, speaking to these groups that you consider to be right-wing extremists, was the Holocaust ever or the only topic that I talked about?

A: It was the topic, it was not the only one.

Q: Is it fair to say that there was a whole quiverful? A whole package?

A: Package, yes.

Q: Of topics on which I talked, about 20 different topics?

A: Yes.

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Q: There was the Nuremberg trials --

A: Yes, of course.

Q: -- Churchill, there was Pearl Harbour, there was a whole --

A: Dresden.

Q: -- Dresden. The expulsion of the Germans from the Eastern territories, there was the Eastern frontiers --

A: Hungary thing --

Q: -- the Hungary uprising. Rommel, you remember --

A: -- Rommel.

Q: -- so, what I am going to put to you is the fact that that these revisionists lectures, which were held around Germany, to which, in fact, that placard refers, refers not just to Holocaust revisionism, but to the whole revisionism scene, which includes everything about history that needing revising?

A: Oh no, there is a difference between the revisionist -- to revise history and this package of persons, or package of literature, that is referring to this revisionism we are talking yesterday and today about, that came to the fore in the German public, especially since '89 and with you.

Q: But you agree that I spoke to these bands of incorrigible young Germans, constantly improving their mind on history from my viewpoint as a revisionist historian giving them an alternative viewpoint on history, not just about the Holocaust, but about many other topics?

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A: It depends on the subject. You know the debate on Dresden, for example, has its own tone and has an own message, we can go into that, compared to that of course it goes to the peak of this, in this sense, revisionists who really dispute the amount, and even the content of the Holocaust. So of course there are different levels, but, yes.

Q: The answer is, yes, I did speak on different topics to different groups?

A: No question.

Q: I did not change the cut of my jib. I did not change -- I am not trying to be deliberately obtuse. I did not change the content of my talk depending on whom I was talking to?

A: Oh, I heard the translation, that you are leaning to the public, right.

Q: I did not change the content. It was always the same, the same record that every audience got, whether it was generals or right-wing extremists?

A: No, you changed, of course. That is your reversal, your conversion, if I may say so, you had during the court procedures in Toronto and since then --

Q: I do not think you quite understood the question.

A: -- I did not get --

Q: I did not adapt the meeting, I did not adapt the content of my talk to the audience that was in front of me?

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A: -- I do not know. You said in -- I read a lot of your letters, you see. In one of your letters you said you know what a populist is, you have to give to the people and I am good populist.

Q: This is a familiar saying, is it not, the good politician --

A: I mean you said it.

Q: -- the good politician says what the public want to hear.

A: Yes, you said you will do it there, you are good.

Q: That is not a very extreme viewpoint, it is, it is more centrist. I am making much quicker progress forwards now, if I may, 1979, paragraph 5.3.3, the son of Rudolf Hess, is what you hold against the son of Rudolf Hess the fact that he is the son of Rudolf Hess, is there not a German word for that called "zibenhuft" (?)

A: No, come on, I do not --

Q: You mention --

A: -- I do not rely on "zibenhuft". I see the son and the son of the son each different, of course.

Q: -- you mention the fact that he is in your little list, you mention the fact he is the son of the

famous Rudolf Hess, the martyr?

MR JUSTICE GRAY: I do not think he is in the little list, if you referring to the list of associates.

MR IRVING: Page 143, my Lord, he is on the little list.

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MR JUSTICE GRAY: But if you remember we went through that list, and we have selected, or rather the Defendants have selected?

A: Yes, but ----

MR JUSTICE GRAY: Those whom they rely on.

MR IRVING: They are not going to rely on Rudolf Hess.

MR JUSTICE GRAY: He is not in the list.

MR RAMPTON: I do not rely on Rudolf Hess. He has been long dead, I think.

MR JUSTICE GRAY: This is Rudiger.

MR RAMPTON: I have a theory which I am going to ask about in a re-examination in the light of recent questions that --

MR IRVING: Down goes another one then.

MR RAMPTON: There is a tendency to glorify what might one call "Nazi war heroes", but I will come back to that point.

MR JUSTICE GRAY: That is a different point.

MR RAMPTON: That is a different point.

MR IRVING: I am quite happy to be accused of glorifying Rudolf Hess. Very happy and not at all ashamed.

MR JUSTICE GRAY: I do not think we need to spend very long on Rudiger Hess.

MR IRVING: No. Turn to page 81, you mention on paragraph 5.5.10, I think completely gratuitously, Michael Kuhnen died of a certain illness?

A: Yes.

Q: Is there any reason why you mention that in this report?

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A: It was said in the whole publication of these groups that it was because of AIDS and he was reduced in his capacities and believe me I do not rely on this specifics.

MR JUSTICE GRAY: I am going to ignore that paragraph completely.

MR IRVING: Very good. Page 85, the final footnote on the page, please, there is a letter to Ernst Zundel that you may find significant about Althans. Always interesting to read what one --

A: What note?

Q: -- the final footnote on the page. Interesting to read what one extremist writes to another about a third one, is it not, here I am saying that Althans is damaging the "Bewegung"?

A: Yes.

Q: Would you accept that the "Bewegung" I am referring to is the revisionist movement?

A: I have to read it, otherwise -- here at the top, at the bottom, yes, decide what to do with who is damaging the Bewegung by his antics in his close contacts to the media.

Q: And my question is, the word "bewegung" is a reference purely to the revisionist movement?

A: Maybe this is true, and by this you are saying what you alluded to a minute ago, that there is a difference between revised history, and in that sense revisionism, and the revisionist movement.

Q: And the reason I am writing a German word is because Mr Zundel is German, is he not, sometimes you get a better nuance using a German word?

A: To be honest, I am not sure what is all is included if you say "bewegung".

Q: If it is the revisionist movement then, of course, it is not just Holocaustism, it is about Dresden, about Nuremberg, about Rommel. It is the whole of all the talks I delivered to any of these organizations with the revisionist theme?

A: The revisionist theme, revisionist movement means so far I got it especially to revise German history.

Q: Yes.

A: In a special direction.

Q: Yes. Over the page, if you look at the sentence beginning with the words "needless to say" --

A: Where is it, excuse me?

Q: -- on page 86.

A: 86?

Q: A letter I am writing to Ernst Zundel at the beginning of the fourth sentence down "is needless to say"; does that paragraph imply to you that I am determined to keep within the law of whatever country I am in?

A: I just have read it, excuse me.

Q: Even in private I am warning these people I will not do anything that infringes the law of my host country.

A: According to the -- where is it stated?

Q: Yes.

A: Where is it stated, in the middle?

Q: The third paragraph on page 86: "Needless to say I have the utmost faith in you. You are a professional. You know the law in both Canada and Germany and keep within it so far as I can judge"?

A: Yes.

Q: I have respect for the law.

A: This is true. You, in this letter you try to, you present, observe the law, right, and you did it often in these kind of letters, yes.

Q: And this is not a letter that has been written for window dressing, is it? It is not a self-serving letter in your opinion?

A: What is self-serving?

Q: Just for the purpose?

A: That is difficult to assess, because it is of course for the windows, that is to say for the lawyers and that makes sense.

Q: That is your opinion.

A: And you ask about my opinion, and on the other hand it make sure of your own purpose.

Q: Yes, that I am determined that nobody should even think of doing something that would infringe the law; is that fair?

A: The letter shows that.

Q: Page 90, moving on rapidly, there are references there to a meeting organized for me by a Dr Drayher (?) who was a very prominent member, as you say, of the Christian Democratic Party; is that one of the ruling parties in Germany?

A: It was.

Q: It was. So he is not an extremist, is he?

A: No, as a member of the party, but with respect to his own convictions and visions we have to look, we have to have a closer look on his wording. I did.

Q: In other words, he may have had political incorrect thoughts in the privacy of his own home in Germany, which is a problem, is it?

A: That is your language.

Q: Germany, you agree is a much more sensitive area than the free world like England and the United States?

A: Yes, by reason, because of we --

MR JUSTICE GRAY: We have been into this. I have stopped that question twice today.

MR IRVING: Well, very well. Page 93, please, paragraph 5.72, here you begin paragraph, quite rightly, by saying: "In an unusual move Irving took the initiative in his own hands in attempting to organise the years' tours"; does that not tell you that as of 1st January 1992 Althans was finished as far as I was concerned? I no longer built on him?

A: To put it differently you very angry very often about the behaviour of Althans, yes.

Q: Yes, page 98, the first paragraph, you quote a newspaper there, The Independent, which says that I spoke in Poland?

A: Yes.

Q: And you are aware, of course, that I have never been to Poland in my life. So this is the problem we have with sources that we use, is it not? Sources sometimes can be very wrong?

A: No, no, I was very cautious, I just said the journalist for The Independent suggested that Irving spoke in Poland instead.

Q: Yes.

A: That is it. We have to at least put it to the court that there are other, you know, sayings, and I so far I see I have to check it again, that I did not take side with, I did not take side to this.

Q: Page 01, please, the first paragraph, several names here, Althans, I am speaking at various meetings; can you see from that paragraph what the topic is? Is it anti-Semitism? Is it the Holocaust, or is it a scientific lecture on the Goebbels diaries which I just retrieved from Moscow, and is it also a talk on the Nuremberg trials? Organized by these extremists, according to the Defence?

A: There is a reference to Nuremberg.

Q: Yes.

A: There is a Goebbels reference here, but if you say I believe. The other thing is what you are saying when you were referring to Goebbels, and there we come to another point.

Q: Yes, but that is one of the other experts.

A: Yes.

Q: Page 127, please.

A: Yes.

Q: The last paragraph beginning "although".

A: Would you be so kind just to show it to me, because I put it out, I do not know why.

Q: 127.

A: No, I have not it here.

Q: You are quoting from the Munich City authorities decision to ban me from the German Reich.

A: From the what?

Q: From the German Reich, this is the ban imposed on me by the Munich City authorities, was it not?

A: Yes.

Q: The last paragraph beginning with the word "although", I draw your attention to the second and their lines in square brackets. I am going to ask you, you are not implying that I am in any way connected with the terrorists attacks or attacks on foreigners' hostels or anything contained in those square brackets?

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MR JUSTICE GRAY: I do not see how anyone can possibly think that he was.

MR IRVING: If he just says "no" that will resolve the matter. He puts it in his report that "his extremism in its most extreme form"?

A: I did not by any means, in any sense of this whole report rely you personally directly to this kind of atrocities. But what has to be --

Q: Relate.

A: -- relate, excuse me. But I just quote the decision of the authority and the authorities said, OK, this kind of talking, this kind of -- and I can put it wordly (sic), this kind of rhetoric is in the special moment of our history, in the early 1990s, very dangerous, because of the widespread of this violence, of these thugs in Rostock and where else. They did not use the word "thugs", but you know activists of right-wing extremists and skinheads and others who did this violent attacks against foreigners.

Q: Can I put it to you that the fact that a visiting British lecturer is talking to groups about Goebbels diaries or Nuremberg or Dresden is not in the least bit connected with what happened in Rostock and it is very, very far-fetched for anybody to suggest the opposite?

A: Yes, of course, but I want to remind you to the Halle, speaking in the surrounding things of Halle.

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Q: Yes. Can I take you now to page 130, paragraph 7.3, the second indented paragraph, beginning: "In the coming weeks", this is the letter that I have written to Mr Wiesal?

A: Yes.

Q: "Film will be supplied from England to avoid problems with our traditional enemies", namely in Germany. Right?

A: Yes.

Q: Now to whom do you take the phrase "our traditional enemies" to be referring there? The

enemies of free speech? The international Jewish conspiracy or whom, if I can put it like that? My Lord, this has nothing to do with the extremist topic, but it is to do with the meaning of the words "traditional enemies"?

A: I mean --

Q: Can it possibly be taken as meaning Jews?

A: -- it can be, yes.

Q: In what way?

A: You did it in the speeches and I --

Q: In this letter?

A: -- I do not know. I have to read it carefully. Just a second.

Q: The position of the Defence is that I used the phrase "our traditional enemies" as being coterminous with the Jews.

A: Again, we should go to this video. This is of special importance, but of course it is not a direct -- what is

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it? Reference.

Q: Quite clearly --

A: To a special group, but often it is the case and I cannot say it is the case here, that you are referring to --

Q: -- the reference here is --

A: -- to the international Jewry.

Q: -- international authorities or the German postal authorities or somebody like that, is it not? Which is why it has been distributed from England and not from Germany?

A: I do not know. I cannot say.

Q: But to repeat my question, in this particular case it cannot be a reference to the Jews, can it, the answer is "no"?

A: Yes, I think you are right.

Q: Yes, thank you. My Lord, we are now coming very briefly to the list at the end, the appendix -

MR JUSTICE GRAY: Mr Irving I am sorry.

MR IRVING: I have done it wrong again, have I?

MR JUSTICE GRAY: Yes. You asked several questions about the way in which this film was going to be supplied to Germany. I understand why you did, but you have wholly omitted to ask anything about what Professor Funke says were the contents of this video, which I notice has you saying, and I think you ought to challenge this if you

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disagree with it, that the death factories did not exist. And whoever claims to the contrary puts up a blood lie against the German people. Surely that is the nub of the case that is being made against you in relation to the video; not how you manage to convey it to Germany.

MR IRVING: Well, it is two part piece of proof here, my Lord. The reason I asked the questions I just have is to establish in your Lordship's mind firmly the fact that the phrase traditional enemies of the truth, or the traditional enemies did not refer, as Mr Rampton quite properly suggests to your Lordship, that it refers only to the Jewish community.

MR JUSTICE GRAY: I think he was talking about the use of that phrase in a different context.

MR RAMPTON: I do not say it is coterminous, all I say is that it is very often used by Mr Irving

to indicate something that is apparently called the "international Jewish conspiracy".

MR JUSTICE GRAY: Yes, but leave that on one side. If you want my view you are plainly not referring to the Jews when you talk of traditional enemies, in that context, but the reason I have intervened is that I am puzzled by your not having tackled Professor Funke --

MR IRVING: The particular sentence --

MR JUSTICE GRAY: -- About what you are said to have said in the video. I do not know whether you did or you did not

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because I have not seen the video but that he is what he is claiming in paragraph 7.7.

MR IRVING: The sting of that particular sentence but the death factories did not exist.

MR JUSTICE GRAY: Yes, well, I mean if you not challenging it, fine.

MR IRVING: If the reference is to Auschwitz, which it probably is probably is although we cannot tell from this excerpt, then that has been my position all long. The second sentence merely puts icing on the cake, if I can put it like that, does not add or subtract anything to it, to the sting. The sting is the death factories did not exist. This is a reference to Auschwitz. We are talking about Auschwitz, that is crematorium No. (ii), and I have not the slightest doubt that in my summing up, my closing speech, I shall establish that case beyond peradventure.

MR JUSTICE GRAY: Well, I do not know whether we have the transcript of the video?

A: Yes, we have parts of the video transcribed.

MR IRVING: Let me put this question to the witness; have you seen the video, or have you read the transcript?

A: I saw parts of the video also, but I am not sure if I saw all, and I do not know if I got the whole text.

MR IRVING: Am I right in saying that video called "I Shall Return", is an overview of the historical revisionist challenges? For example, we have film footage of Dresden

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in it, do you remember that? And film footage of Dr Goebbels speaking, so it covers more than just the Holocaust, does it not?

A: Also the coverage of Dresden, I do not know if this is in this case, often as Mr Evans puts it, as references to the whole procedure of the Second World War and in the top, at the top of it to the Holocaust.

Q: Let me move to the question from his Lordship when we are dealing with Holocaust-related matters, am I only referring to Auschwitz or am I referring to other camps, like Treblinka, Sobibor, Belzec?

A: Of course you are referring to others also, of course.

Q: This is your opinion or can you remember clearly or is that just ----

A: No, no, you referred to others also, of course.

Q: I think we will have to ask to see the transcript or have the transcript put to me when the time comes.

MR JUSTICE GRAY: We have got it. It is in the German.

MR RAMPTON: It is a full transcript.

MR JUSTICE GRAY: It is a free-standing sentence referring to death camps and death factories generally. I simply do not at the moment understand why you are suggesting it is limited to Auschwitz.

MR IRVING: Because this video is 90 minutes long, my Lord, and not just five lines long. The

part from which this is taken (and I know it very clearly) is an exposition of all

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the arguments on Auschwitz, the decodes, the crematoria, coke combustion logistics and all the other matters like that. We are only dealing with that camp, and that is quite plain from the context. That is probably why only this part has been quoted.

A: So if I have to answer very seriously, then I have to have this video or the text.

MR IRVING: I think it will be properly put to me in cross-examination by Mr Rampton if he is confident in the other direction.

MR RAMPTON: I am perfectly confident. It is not the only such statement either by any manner of means, but may I tell your Lordship that the whole of that video tape, whose authorship Mr Irving is in no position to dispute, is being translated this afternoon, and that will be ready by tomorrow.

MR JUSTICE GRAY: Thank you. Yes, Mr Irving?

MR IRVING: So on that video tape, just to ask the question again, you cannot be certain one way or the other whether I was talking only about Auschwitz or any other camps, you cannot remember?

A: Again I have to go at least to some ----

MR JUSTICE GRAY: Well...

A: It does not work. I mean, I have to see the video in such or the text and I will not answer that.

MR RAMPTON: My Lord, there is no need for this. I am going to

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show some examples in re-examination, so the witness need not worry about it at the moment.

MR IRVING: That is far more satisfactory. Page 141, we are looking now at Thies Christopherson, just drawing a line under him. You have agreed, have you not, that my relationship with Thies Christopherson has been tenuous. There have been, I think you said, one or two meetings that he organized at which I spoke, Professor Funke?

A: Excuse me, I have to... I reorganized the things, so just a second. Yes?

Q: Yes, you agree that Professor Christopherson organized one or perhaps two meetings at which I spoke, and that there is no other real meaningful contact between us?

A: I would not say so with respect to these meetings, it is the case, but, you know, Christopherson was one of this little group of people who are actively enacting this kind of, as you call it, revisionist movement. So he was at a given moment of time very important together with Philipp and some others.

Q: But my specific question was his actual meaningful contacts with me have been limited purely to the two meetings that he organized at long range, and I turned up and spoke and left, is that right?

A: There are a lot of references in your diaries and interactions that is shown in the bundle.

Q: The references are him inviting me to address meetings

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which I then did not accept?

A: Right, this is included, of course.

Q: Is there anything else you wish to say about Mr Christopherson?

A: I have to look at the bundle that was given, just a second. Christopherson, yes, as I said

before, more Christopherson letters to the Plaintiff than the other way.

Q: Yes. Can I without interrupting you now take you to 143, please, Dietler Felderer? We have not dealt with him. He was the one who Mr Rampton rightly said you could not tell whether he was a man or woman. Am I right in saying there has been no contact between Mr Felderer and myself whatsoever?

A: You were both on this Leuchter Congress and, aside of that, I do not know.

Q: I shall rephrase it. Has there been any meaningful contact between myself and Mr Felderer whatsoever?

A: So far I think not, so far I know, I know the sources.

Q: When I asked you yesterday about Mr Gottfried Kussel who is on page 144 and next on our list, I asked if you knew of any contacts between Mr Gottfried Kussel and your reply was, "I do not know"?

A: No.

Q: There is no mention in the diaries, right?

A: Then I have to be more precise.

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Q: That is what you said yesterday.

A: Say it again?

Q: That is what you said yesterday. Your answer was, "I do not know".

A: To what question?

Q: Had you any information or any evidence that there had been any contacts between me whatsoever between myself and Mr Gottfried Kussel?

A: Then I have to, then I was a bit tired. To be more precise, the kind of context that you have in meetings, and I again stated it, I think, today in the morning or yesterday that it is of importance that you joined the demonstration in Halle, for example, where he was leading the demonstration.

Q: What you are saying is that because he was in Halle on the same day that I was and that he was within one geographical mile of where I was, this is a meaningful contact between me and this rather unpleasant person?

A: No, I have to restate it.

Q: You have no evidence for any other kind of contact?

A: I have to restate that this whole organization done and prepared by Christian Worch was part of the activities of the so-called Gesinnungsgemeinschaft that includes at the top of this Gesinnungsgemeinschaft of this organization of neo-Nazis, Kussel, Worch and one and two or two others.

Q: So this is rather like saying that because somebody else

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is member of the AA and you are a member of the AA, therefore, you are connected to that man?

A: What is AA?

Q: Is that what you are saying?

A: If you describe your revisionist movement as an automobile club, I would say yes.

Q: Well, it is the same kind of argument, is it not?

A: No, it is not. You are invited ----

Q: Is that good as it gets?

A: No, this is not. It is a total distortion of what all the people in the court, of the court, could

have seen yesterday, and what we described at length.

Q: But ----

A: That you were invited by one of the leading members of the Kuhn connection, that is by Uschi Worch, to make a rabble rousing, as you quote yourself, rabble rousing speech to them, in a special moment of reshuffling and widening the influence of this very group.

Q: That does not answer the question, does it, as to whether you have any evidence of contact meaningfully between myself and Mr Kussel himself in person which is what this is about?

A: Again, I cannot say, I cannot answer this in the way you question because you cannot separate -- maybe others can, I cannot -- you cannot separate a person from a special movement and you are referring to another movement with

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that is very similar. So a movement is a movement in which given persons has a special importance and especially in the parallel organization leading persons have special importance, and within this parallel organization it was Worch and Kussel and one or two others, and Worch, both Worchs, organized the meeting together with the DNP or NPD leader of this region, Diemel, and they asked you to talk at the first, as the first and most important of this whole rally. This is something different as compared to whatever, AA.

Q: This is getting very tedious. You say they asked me. What evidence do you have for that statement, they asked me to speak at this meeting in Halle?

A: Again one of the central persons asked you.

Q: One of the people?

A: Of course, yes.

Q: Can I now take you to page 146, please? This is Mr Jurigen Riga -- this is going to be very brief, I hope -- you answer in one line, is there any evidence whatsoever of the slightest contact between myself and Mr Jurigen Riga, meaningful contact?

A: I do not know.

MR JUSTICE GRAY: It is not on the list actually, so you need not really trouble.

MR IRVING: I beg your pardon?

MR JUSTICE GRAY: He is not on the list, I do not think.

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MR IRVING: Is he not on our list?

MR JUSTICE GRAY: No.

MR RAMPTON: No. Do ask about him, I do not mind.

MR IRVING: Mr Rampton did ask about him yesterday.

MR RAMPTON: No. As a matter of fact, I do not think I did. I think I was told, without having asked a question, that he was the lawyer, he was the wicked neo-Nazi lawyer or something, but I am not sure my memory is right.

A: He is one of the right-wing extremist lawyers, yes, you are right.

MR JUSTICE GRAY: Anyway he is not on the list.

MR IRVING: Not on the list. Very well. Page 147, Wilhelm Staglich, but the question I am going to ask is going to be for a totally different reason that his Lordship will now appreciate. Your first line says: "Previous to 1945, the end of World War II, Staglich was part of a flak battery stationed for several months in Auschwitz". Will you explain what a flak battery is? Is it an anti-aircraft gun battery? Is it as part of the air defence system of a site?

A: Yes.

Q: Was Auschwitz exposed to air raids?

A: Yes.

Q: Does this mean to say that at some time previous to 1945 air defence precautions had been taken at Auschwitz?

A: Yes.

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Q: Are the building of air raid shelters part of air raid precautions?

A: I do not know but, yes, yes.

Q: Thank you very much. Michael Schwierzak, that is the next name on the list on the same page, how would you describe my contacts so far as they are known to you apart from anti-fascist literature with Mr Michael Schwierzak?

A: He, I think, by the intermediation of Mr Worch invited you to speak before his little tiny group, National Offensive, down in the southern Germany. This group is part of the Kuhnen connection.

Q: In other words, the invitation came from Althans and not from Schwierzak? Is that what you are saying by this complicated phrase, by the intervention of Mr Althans? What did you mean by that?

A: I thought it was Worch, but correct me.

MR JUSTICE GRAY: Well ----

MR IRVING: Well, I do not think it is very important.

MR JUSTICE GRAY: --- Mr Irving, I think it would be much more helpful if you put what you say were your contacts, if any, with Mr Schwierzak.

MR IRVING: Well, I thought it would just be helpful if I got a straight no from him that this is no evidence of any contact between me and Mr Schwierzak.

MR JUSTICE GRAY: Well, there is. There is plenty. That is why I am suggesting that you put your case as to whether

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you did or did not have an association with him, and if you did what it consisted of.

MR IRVING: Thank you, my Lord. My Lord, it is helpful to know what questions we need answers for, I think, in this case. Will you, please, therefore, answer the question suggested by his Lordship, what meaningful contacts did I have with Mr Schwierzak, to your knowledge? I insert the word "meaningful" as a means of slimming the answer down.

MR JUSTICE GRAY: Mr Irving, I do not think I have got my message across at all. The burden of Professor Funke's evidence -- I have said this many times -- is that you had associations with a number of individuals, including Schwierzak, and that those individuals are --

MR IRVING: Extremists.

MR JUSTICE GRAY: --- in one way or another extremists.

MR IRVING: Yes.

MR JUSTICE GRAY: That is his case. Mr Schwierzak is on this famous list. He is said to be connected with the National Offensive. I do think that it is for you to put to this witness what your case is. You know what contacts you had or whether you had any contacts with Schwierzak and I, therefore, think it is not exactly candid of you to ask him what evidence he has got.

MR IRVING: Well ----

MR JUSTICE GRAY: The evidence is set out in tab 13. I know

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what the evidence is, you know what the evidence is, but what is your case? That is what the object of cross-examination is.

MR IRVING: My Lord, we are looking at events that happened 11 or 12 years ago. These names mean nothing whatsoever to me for the most part.

MR JUSTICE GRAY: So you are not conscious of having had any communication with Schwierzak at all?

MR IRVING: And I am perfectly prepared to be educated to the contrary if this expert witness knows quite simply off the top of his head, "Mr Schwierzak organized 20 meetings for you in Munich, do you not remember?"

A: It is stated here, I mean.

Q: But he just given an answer which I would have found quite acceptable that, apparently, Mr Schwierzak was involved in organizing one meeting for a very tiny group called the NO which was not an illegal body, had not been banned, am I right?

MR JUSTICE GRAY: But what is your case, Mr Irving?

MR IRVING: That is the case.

MR JUSTICE GRAY: Is it you cannot remember the man and do not know him from Adam or not?

MR IRVING: That is quite clearly the case.

MR JUSTICE GRAY: It is? Well, I am afraid I am probably the only one in court who did not realize, but I did not realise that you were saying that you had no idea who this

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man is.

MR IRVING: My Lord, at the beginning of yesterday's evidence, your Lordship will remember that I showed the witness a list of 6,500 names of people with whom I have had meaningful contacts over the last, well, since 1993, if I can put it like that, and to remember one single name out of that is a fluke, particularly if I have only had one meeting organized by him and I was speaking at this time at 160 meetings per year. I will just ask this question. You say that the NO was a relatively small organization or diminutively small organization?

A: Yes.

Q: Was it illegal at that time?

A: No.

Q: Had I any way of knowing that it might sometime be banned?

A: Yes, you could have.

Q: My Lord, I really do not see the point of wasting time on Mr Schwierzak.

MR JUSTICE GRAY: Well, you corresponded with Mr Schwierzak. That is what puzzles me.

MR IRVING: Maybe I should look at bundle E sometime and refresh my memory.

A: I mean we can do it now. It is stated here.

MR IRVING: But, I mean, when these bundles are dropped on me from a great height as they were on a weekend ----

MR JUSTICE GRAY: With that, of course, I am sympathetic.

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MR IRVING: I am preparing my cross-examination simultaneously and running a family and a business.

A: It is stated in the report, it is in your diary, and here just you can, it is one page, it is a shortening, a letter to Althans stating something about Schwarzik, so you did not know the right name at that moment. But then a circular by Plaintiff addressed, amongst others, to Michael Schwierzak, again in January '92. Then the letter Worch to Plaintiff suggesting to Plaintiff that Schwierzak might be able to provide two dates in South Germany on Plaintiff's tour. Letter, Worch to Plaintiff, assuring Plaintiff that Schwierzak can provide two dates outside Frauberg. Letter Schwierzak to Plaintiff. Plaintiff records speaking at NO meeting outside Stuttgart in Singlfingen. Then letter, Plaintiff to Ernst Zundel, complaining about NO with good reasons I have to say. Then Schwierzak to Plaintiff. That Schwierzak to Plaintiff. So it is all out of your disclosure, letters Schwierzak to Plaintiff enclosing an article that will surely interest you in '95. So it is between '91 and '95 and it will refresh your memory if you read it.

Q: Professor Funke, if somebody is receiving sometimes 100 letters a day, right, and if somebody is writing 50 letters a day, is he likely to remember 10 years later the names if the people with whom he has corresponded?

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A: That is why we refresh your memory.

Q: All right. Can I suggest that if I asked that question, Mr Schwierzak is a man who played no part whatsoever in my political horizon, is that likely, and then I will ask you a bit about his alleged extremism which is also going to be useful. In other words, let me phrase the question differently. If cannot remember the man's name 10 years after the event, is it likely he was very important to me or to anybody else?

A: It depends on the structure of your memory, I have to say.

Q: All right.

A: I do not know. Of course, it can be that you lost the memory about this person because ----

Q: Will you tell us what you know about this man's extremism? On what do you base the suggestion that he is an extremist in the sense as used in this trial?

A: The National Offensive is quite of the same political structure and to have the same ideas like the NL, the Nationalist in Hamburg. It is a southern part of this neoNational Socialist cadre organizational stuff in the early '90ss. You have NO there, you have the NB nearby in Bavaria, you have the National Bloc, you have the Nationalist, you have the GA, the German Alternative, the Deutsche Alternative. These are the various, you know, in their language gau.

Q: Gau?

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A: Yes, gau. Yes, it is really the National Socialist, what we are talking about.

Q: What is the evidence that himself had extreme opinions, apart from the opinion of your consensus and the social sciences, is there any evidence? Did he engage in any extremist acts? Did he publish any extreme literature?

A: Oh, yes, he did so. Yes, he did so.

Q: Did he write any extremist books? Did he throw pigs into other people's gardens or do any of those other extreme things?

A: He did something together with his whole bunch of people, and I have to go to the details in looking up what he else did aside of this group. But then it cost some time.

Q: Can you not remember what he did? Was he not very important in your memory either?

A: He is as important as -- you know, Schwierzak was ----

Q: Totally unimportant, in other words?

A: As important as Worch, aside of the leading position he got after the death of Kuhnen, as important as Thomas Dienel. So they were not important for me because before '89 whatsoever were not important, but since they got this influence in East Germany to lead violent skinheads and took part in the revisionist movement, they got important and influenced the people to a high degree. So that in the course of these years the death rate of foreign peoples rose, the destroying of Jewish cemeteries

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rose, the criminal acts against of right-wing extremists rose to a height of 88,000.

Q: Was he prosecuted for any of these actions?

A: Oh, they organized that in this cadre, in this way of right-wing extremist cadres are doing it ---

-

Q: But you do not mention this in your report?

A: Propagating ideas of extreme nationalist sort and the like.

Q: You do not mention any of these prosecutions of Mr Schwierzak in your report, do you? You say that he was given a suspended sentence for trying to revive an organization he had previously set up and which had been banned, which appears to be a pretty mild kind of offence to me.

A: I referred, I know, I do not know what I am referring, what is in the report, I referred, I know that the NO because of this National Socialist ideas was banned in the same year, in '92, right, so there is a record on that.

Q: Yes, but you tried to give the impression in response to my question as to what extremist acts he had committed or thoughts he had expressed, you start talking about violent acts and murders and so on, and yet when I ask you in detail was he prosecuted, then the answer is no?

A: It is, no, I did not say this. It is the very organizational capacity of this NO, tiny as it is, it instigated hatred against foreigners, it instigated

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anti-Semitism and fuelled these kinds of activities of skinheads in that area where he was active.

Q: What evidence do you have for these statements or are you just saying it for the court at present? Do you have any evidence to back up these allegations?

A: Yes, it is the reasoning of the Minister of Interior to ban this group, it is the reasoning ----

Q: Is that the Federal Ministry for the Interior or the Bavarian Ministry of the Interior?

A: It is the Federal Minister of Interiors, so far I recall.

Q: Is that a Socialist Minister?

A: No, I think it was at that time Manfred Kanter who was a more right-winger within the central political scenery.

Q: So in response to my question as to whether you know anything in detail that Mr Schwierzak has done, you come up with just vague stories about what the NO or the right-wing groups to which the NO was associated has done?

A: No, it is very decisive.

MR JUSTICE GRAY: He founded the NO, so it is not unreasonable to suppose that there was a link between what the NO did and Mr Dienel -- and Mr ----

MR IRVING: Was the NO to which I spoke at any time an illegal or banned organization? We have had that.

A: The NO, yes, it was, it get banned end of '92, as I said.

Q: When did I speak to it, Professor Funke?

A: Before.

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Q: The year before that, right?

A: I know that and I said it. I did not say anything different.

Q: Am I right in saying that you find difficulty in remembering any details at all about Mr Schwierzak, any concrete, meaningful details apart from vague associations?

A: It is not a vague association to know that he is the leading person of this association, NO.

Q: But never prosecuted for any illegal acts?

A: Not personally so far.

Q: Yes, thank you. My Lord, he is the last person on the list with whom I have not dealt. We have knocked out all the names, effectively, except for some of the bigger names. Karl Philipp who is very little on ----

MR JUSTICE GRAY: Well, do not make a speech now. I mean, if that concludes your cross-examination?

MR IRVING: I only want to say one more thing in winding up. Am I right in saying the situation in Germany is far more sensitive than it is in other countries as a result of the Second World War and the Holocaust, the political situation is more sensitive, is it not?

A: Because of several reasons, if I may answer that in that way? The main reason for the given period that is of interest with respect to the libel act is that at that period some groupings converted, and in the same period we

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had converted, came nearer to each other, converged -- excuse me, I got it wrong yesterday, converged -- and this is especially the case for parts of the revisionist movement and parts of the neoNational Socialist movement and parts of the old traditional right-wing extremist movement, and this took place in a sensitive moment of history of postwar Germany in which the East German part has to be included, integrated, what-have-you, and in that period of time there was a lot of rage, a lot of vacuum of political order, so they could spread their influence, and because of that it was very sensitive, especially also to the authorities that were led at that time by the central, by the CDU FDP led government, and ----

Q: Now let me ask you this question ----

A: --- this is one dimension of the sensitivity. The other is, of course, you refer to the renewal, the necessity of the renewal, of the liberal democracy and the constitutional law system, after the total distortion of all the laws we had during the Nazi period.

Q: Now, we did not have these problems in the non-Germany countries, did we?

A: In the?

Q: Outside Germany, we did not have these sensitive problems, did we?

A: In different ways, of course, but not in that way.

Q: Let me explain what I am getting at.

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A: There is always a specific to it and this is the specificity with respect to Germany.

Q: Would I be right, therefore, in saying that something described or defined as right-wing extremism in a sensitive country like Germany would merely be shrugged off in England and the United States where we are much more robust?

A: I did not, I would not say this, because if you would have a situation, let us say, in a given country where within three years 70 people were murdered by right-wing extremists at their activities, then there would be a sensitive situation for any liberal democracy in the world, I think.

Q: But we do not have that situation outside Germany, do we? We do not have that situation?

A: We have that situation, yes, of course, in the course of this century, of course.

Q: But not in England? In England we do not have -- if somebody is described as a right-wing extremist in Germany, it has a definite kind of echo or resonance. People are more likely to be described as right-wing extremists in Germany where the situation is so sensitive than in England or America where we do not have this sensitivity?

A: I am not so, I have not the same expertise on the English situation, but what I know is that there were not 70

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people in the early '90s murdered, and the Libel Act is referring to the dangerousness of Holocaust deniers in a given moment of time in a given country. So in that sense it is specific, but it would have been also specific for a country that had this same amount of violence.

Q: Thank you. No further questions.

MR JUSTICE GRAY: Can I ask you one question before, if I may, Mr Rampton? It is about Thomas Dienel, because I do not remember any evidence about why you say there was an association between him and Mr Irving. Can you remember off the top of your head?

A: Yes, just, please, I may remind you to the Halle event, where Thomas Dienel was one of the main organizer, aside from Christian Worch, this blond haired --

Q: Young --

A: -- middle aged, 40, let us say, young, person, who was on the podium and shouted after the -- so far as I recall, yes, after the end of the speech of David Irving, against, you know, criminal foreigners.

Q: -- I know. Yes, thank you, I am afraid I had --

MR RAMPTON: I think he was there at least once.

MR JUSTICE GRAY: Beginning and the end, I think.

MR RAMPTON: Yes.

A: He was before, also, if you look closely in end.

Q: He spoke?

A: He spoke before and after.

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MR IRVING: Can I just ask two questions?

MR JUSTICE GRAY: Of course, you can.

MR IRVING: That is your only evidence for Mr Dienel being involved in organizing the Halle function, is it not, that he was there and that he spoke; do you have any documentary evidence? Did he sign any posters or anything?

A: How was it to be signed? It was said in the letters that went around to prepare this and to

organize this meeting that Dienel was the core organizer, yes.

Q: Which letters are these?

A: We have to look in my report, it is stated there.

Q: Were any of these letters sent to me before the meeting?

A: No, I said it yesterday already that you got the invitation by Uschi Worch.

Q: On the evening before?

A: Yes. This is clear because you had, according to your diary, the idea to go to a different place.

Q: And you accept that none of the video footage we saw, none of the visual material that we saw shows me at any time together with Mr Dienel?

A: I mean --

Q: Yes or no?

A: -- the video did not show you. It did not show that, because Dienel went downstage just so far as the video is concerned, when you went up, but you have heard him, I am

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sure, because you could not leave the scene without air flight as quick as he started his speech.

MR JUSTICE GRAY: Mr Irving, so I am clear what your case is, you are putting to this witness that the only connection with Dienel is that one meeting at Halle and you have no idea he was going to be there, and otherwise you have never had any dealings with him face to face, or in writing or anything of that kind?

MR IRVING: Very definitely, my Lord, and in this case your Lordship will see my reaction yesterday, I was totally astonished at any suggestion to the opposite.

THE WITNESS: Yes, I believe that.

MR IRVING: I think it is similar to the Thistle case (?) because I am in the same city, on the same day therefore I must have known them, shaken hands and given them a bear hug.

MR JUSTICE GRAY: That is very clear, thank you.

MR RAMPTON: Yes, in fact the correct running order was, my Lord, Worch introduces Irving, Irving mounts the podium and join Dienel and Worch, speaks for a page. Worch then speaks for quarter a page and introduces Dienel, who then does his bit.

MR IRVING: We might have to see that video again.

MR RAMPTON: I am sure we shall have to see to again, no question. I shall show it again in closing this case.

Re-examined by **MR RAMPTON Q.C.**

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Can I ask you to expand on some of the last evidence you gave, Professor Funke, can I put my question in this way. You have spoken of the danger of right-wing, extreme, or neo-fascist, neo-Nazi rabble rousers going and speaking in some areas of Germany, particularly those that have a sensitive economic and social context, like former East Germany. If I am a rabble rouser, and I go to a poor district of a place like Halle, and I address an audience of skinheads, let us say, or partly of skinheads, on, for example, I am not saying this happened on this occasion, Holocaust denial, anti-Semitism; does that have any impact, in your judgment, from your knowledge of this area of life in Germany? Does that have any forward impact on attitudes generally towards, for example, auslander?

A: There are insider reports from people who were in this scene and then left the scene that showed very decisively exactly that, that they need a kind of encouragement, if I may say so, to

this direction, and that they have to encourage each other, to do the deeds they are doing there.

Q: We can be fairly banal, trite about this, can we not, would you describe Hitler or Goebbels as rabble rousers when they spoke?

A: Yes.

Q: So far as you know, did they ever wield a club or a gun themselves?

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A: No, they wore nice clothes, for example. Sometimes they also appeared in various kinds of Nazi, like Nazis uniforms, so it depends on the occasion.

Q: But they did not stand on the edge of pits in the East and machine gun Jews, did they, Hitler and Goebbels themselves?

A: Can you translate that.

MR JUSTICE GRAY: I think there was a misunderstanding. You asked about clubs or guns and you got an answer about clothing.

MR RAMPTON: I think it was an answer, yes, they had nice uniforms, but, no, they did not shoot people.

MR JUSTICE GRAY: It could have been an answer.

MR RAMPTON: Is that right?

A: Say it again.

MR RAMPTON: Yes, they had nice uniforms, but, no, they did not shoot people?

A: No, not in this period, in this stagings, of course, not.

Q: I mean themselves personally? They shot themselves at the end, I know that?

A: So far we know not.

Q: So far as we know.

A: Right.

Q: Can we go back a bit, please, and do you have your report there? I want to deal, if I may, with Mr Irving's repeated suggestion that he has never spoken of the

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non-existence of gas chambers except in terms of Auschwitz, and Auschwitz alone. So I would like you to look at some material. At the top of page 55 you quote in English from an interview with Mr Irving reported in a magazine called Code for December 1989, yes?

A: Yes.

Q: I think we find that article in H5.1(i) if you like at page 324?

MR JUSTICE GRAY: This is the one we looked at before.

MR RAMPTON: Yes, but I want to ask about a different part.

A: H5 and then?

Q: H5(i).

A: OK.

Q: I would like you to look at the bottom of the first column, page 324, sorry, you are quite right.

A: Yes.

Q: 54 of the actual magazine.

A: Yes.

Q: You have got it. Under the heading (German spoken) yes?

A: Yes.

Q: Excuse my German. Now, could you just read to yourself, not out loud, from "journalist"

down to the end of first quote for Mr Irving?

A: OK.

Q: Again, with the word (German spoken) and tell us what it means.

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A: The journalist refers to eyewitnesses, that especially in the last days of war there should have been the gassing very intense before the liberation of the camp. Irving answers according to the official version of history, in October 1944, the gassing ended and then he adds: But why scientific researches are not taken into account of "laborisgeschäft" (?).

MR IRVING: Forensic?

A: Forensic, right, and then the next sentence is: The result of this forensic research is clear. There were no mass --

MR RAMPTON: Killings?

A: -- killings by poison gas.

Q: Thank you. You take that to be a general statement or specific to Auschwitz?

A: This is related, so far I gather it, to the forensic researches, but the sentence itself says as (German spoken), there were no mass killings by poison gas.

Q: So it might be related to the forensic, so-called forensic examinations, done by Professor Leuchter at Auschwitz might it, do you think?

A: Yes.

Q: Yes, thank you. Now I want you to look at another one. Pages 63 to 64.

A: Of my report?

Q: Yes, please. This recites as we realized as we were going through it, paragraph 5.3.13.

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A: Yes.

Q: Recites something that Mr Irving said at a place called Moers; where is Moers?

A: It is in the western part of Germany.

Q: On 9th March 1990, could the witness see, well, let me please just first read how you translate it at the bottom of page 63 and the top of page 64. There is a reference to Auschwitz, Mr Irving says: But the dummies are still standing in Auschwitz because the German government has no sway there and understandably that is a problem for you, that you have a government in Bonn that allows its own people to be defamed by all countries of the world, although in the meantime it has cried out that these things in Auschwitz and probably in Mydanik, Treblinka and in other so-called extermination camps in the East are all dummies"; who made that translation? Who made that translation? The German is at the bottom of the page, footnote 229, do you know who made that translation?

A: No.

Q: Well, can you look at the German at the bottom of the page in footnote 229. It is a video cassette.

A: Yes, video cassette, 187, David Irving in Moers.

Q: There cannot be any dispute about the German unless it has been mistranscribed. The sentence begins (German spoken) have you got that in a footnote?

A: Yes.

Q: Can you read the German, please, to yourself?

A: Yes.

Q: To the end of sentence.

A: Yes.

Q: And tell me whether you think, or perhaps with the help of the interpreter, tell me whether you think that that is a fair -- what the English says is a fair version of what the German says.

THE INTERPRETER: We are just comparing the two.

MR RAMPTON: Yes, please.

THE INTERPRETER: I would say it should be added "they are all nothing but dummies".

Q: Nothing but?

A: Yes, it is not translated literally.

MR IRVING: All just dummies.

MR RAMPTON: Just dummies?

A: And the things --

Q: All just dummies?

A: -- yes, the things in Auschwitz and probably you also in Mydanik Treblinka and in the other death camps.

Q: Yes, extermination camps?

A: So-called.

Q: So-called?

A: In the East, all just dummies.

Q: Mock ups, fakes, dummies. Thank you very much. Then we go back to page 61, if we may, paragraph

5.3.7, in his report on Irving's court appearance Philip wrote: In his statement the researcher of contemporary history, Irving, when into the Leuchter report and reaffirmed his view according to which it was not possible to there to have been gas chambers for killing people in Auschwitz, Birkenhau or Mydarnik". Mr Irving was invited by the judge to challenge that statement, the question he did not. The question I have of you, have you any reason to doubt that that is an accurate report of what Mr Irving said?

A: I have no question about that.

MR IRVING: My Lord, your Lordship's invitation did not refer to that statement, it was to another one.

MR RAMPTON: Could the witness please be given file K3.

MR IRVING: My Lord, is it accepted that was not a statement that was challenged?

MR RAMPTON: I do not know.

MR JUSTICE GRAY: Well, we certainly looked at that, and to be honest I actually cannot remember.

MR RAMPTON: No, I cannot either, but that was my note.

MR IRVING: I do not want it to go in the transcript that I allowed that -- specifically allowed --

MR RAMPTON: Well, we can see from the transcript whether it was or it was not.

MR JUSTICE GRAY: The transcript will tell us what has happened anyway.

MR IRVING: There is a difference between my, for various reasons not having wanted to slow up the cross-examination, picking on paragraph after paragraph, and specifically to declining an invitation to comment on a paragraph.

MR RAMPTON: Does your Lordship have K3 in court?

MR JUSTICE GRAY: Yes, I do.

MR RAMPTON: Tab 12, please.

A: Thank you. Yes.

Q: If you look at the beginning of tab 12, this is an interview in English between somebody called Roley Levin.

A: Right.

Q: And Mr Irving, unedited this interview, so we need not worry about that, dated 28th November '91, and Mr Levin starts off by saying: You made a very powerful speech tonight, what is the message you are trying to get across? I am sorry, what is the message you are trying to get across to an audience of Germans like this". So it looks as though, does it not, it is a reference to some speech that has been made in Germany. Do you happen to know which speech it was that it is referring to at this date? I could not trace it in the --

A: No.

Q: -- in the material I have got.

MR IRVING: Could I have a copy of this while we are doing this?

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MR JUSTICE GRAY: Have you not got K3? You have not brought it with you.

MR RAMPTON: Certainly, you should have that.

MR IRVING: What is the reference again?

MR JUSTICE GRAY: K3, tab 12. It is a television programme, is it, that is the date of the television programme?

MR RAMPTON: That is the date of the interview perhaps or television programme, but what Miss Rogers is suggesting, I bet she is right, the film crew apparently followed Mr Irving round during the Halle period, which was on the 9th, and probably did an interview with him that same day.

MR JUSTICE GRAY: The problem with that is the speech was not --

MR RAMPTON: (Pause while counsel confer) She knows far more than I do.

MR JUSTICE GRAY: Halle was in the middle of the day, was it not.

MR RAMPTON: Yes, that is right, and apparently his speech was on 6th and 7th November as well.

MR JUSTICE GRAY: Right, well, it may not matter anyway.

MR RAMPTON: It may not matter very much, but what I am anxious to ----

THE WITNESS: The NPD meeting in Hamburg of the 7th November?

Q: Yes, that is right, that is it?

A: Maybe that is it.

Q: All I am anxious to establish is that this is a reference

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to what Mr Irving said in Germany, which apparently it is, now can you turn to page 5, you will find that in small print at the top right hand corner of the page.

A: Yes.

Q: I will start, if I may, with the second quote from Mr Levin it is: One of your themes when you talk to an audience like this is that the Holocaust never happened, that the gas chambers were a fiction. Can we pause there. Assuming that records the theme, or one of the themes that Mr Irving dealt with on this occasion in Hamburg, do you have any knowledge of the content of that speech beyond what we find in this interview?

A: No.

Q: Right. Irving: Well, those are two separate things. I mean by the Holocaust, do you mean the gas chambers? If by the Holocaust, which is this rather unpleasant kind of Madison Avenue image that the Jewish community have developed, the Holocaust with a capital H, you imagine that you are going to see the letter R after it as kind registered trademark. I am not allowed to use the word Holocaust in my books to describe any other tragedy. Now my editors say, no, that is reserved for what happened to the Jews. Levin: But you told your audience tonight that the gas chambers [plural], were a fiction: Irving: Oh, yes, the gas chambers are a very

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clear piece of propaganda, that we British very cunningly, cunningly cannived at and contrived during World War II and that is my considered opinion as a British historian and I think in two, two or three years people will accept you I am right again. Levin: The idea of the gas chambers was invented by the British during the war, and then the so-called gas chambers at -- again he uses the plural that perhaps not his fault at Auschwitz were built by the Poles after the war in order to deceive people.

MR IRVING: Can you read the next paragraph, please.

MR RAMPTON: I am going to read the next three paragraphs, actually: "Certainly the gas chamber [single] that is shown to tourists in Poland now in Auschwitz is built by the Polish government after the war and the director of the Auschwitz museum and director of Auschwitz museum archives, Dr Piegel (?), has admitted this in private talks with other historians that it is in fact a fake." I am not sure that quite fair on Dr Piegel.

MR IRVING: Just leave it as it is without any interspersed remarks.

MR JUSTICE GRAY: Quite right.

MR RAMPTON: "Levin: It is important to you to get across to a German audience like this that people are told lies about the gas chambers [plural] or they never really happened. I prefer, says David Irving, I prefer the word legends.

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In fact, it is in fact a lie. Propaganda is basically lying. What is now going around is not a lie, it is a legend. There is a difference. A legend is something that people, innocent and ordinary people believe and in turn retell to other innocent and ordinary people." Professor Funke, are you aware of any evidence that the whole gas chamber story, the gas chambers, plural, were nothing more than a clever piece of propaganda that the British invented?

A: There is no evidence for that.

MR IRVING: Can he be asked if he is aware of any evidence that what is shown to the tourists is a fake or reconstruction?

MR RAMPTON: That is common ground, Mr Irving, we all know that it is a reconstruction, the Stammlager gas chamber at Auschwitz, that never been in contention.

MR IRVING: Never been in contention?

MR JUSTICE GRAY: Never been in contention, the only only question is whether --

MR RAMPTON: If Mr Irving had read Professor van Pelt's report properly he would have understood that it was never in contention --

MR IRVING: My Lord, I was fined \$20,000 for saying that, that is the contention in my book.

MR JUSTICE GRAY: Honestly, I attach no importance, I am afraid, it must be painful for you, but it is not relevant

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to my task that you were fined, and I know perfectly well what was constructed at Auschwitz, and, personally, as I have told you before, and I will say it again, I see nothing remotely objectionable. But to say that they are all dummies seems to me to be different matter altogether.

MR RAMPTON: Yes and all invention of British propaganda, that is what Mr Rampton --

MR IRVING: I am answering in terms here, one gas chamber --

MR JUSTICE GRAY: You can make that comment later on, this is re-examination, so do not --

MR IRVING: If I can comment later on.

MR JUSTICE GRAY: Yes, please.

MR RAMPTON: Now one of the things that you were cross-examined about, Professor Funke, is to be found at page 69 of your report. Again, I do not remember offhand whether or not this was challenged, in paragraph 5.3.27.

A: Just a second.

Q: So sorry, you will need to keep that file K3 for just a moment. We need page 69 of your report.

A: Yes I have both. Yes.

Q: Before you go to the indented quotation there is some German in square brackets (German spoken); yes?

A: Yes.

Q: Above that you it is translated at: "The letter was headed with a quote from Irving, hundreds of millions of honest, intelligent people are being duped by extremely

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financially strong and brilliantly made postwar propaganda". Can you turn, please, back to tab 5 of K3 and to page 20, I think it is.

A: K3?

Q: Yes.

MR JUSTICE GRAY: Same blue file.

MR RAMPTON: K3 tab 5, it is the speech in Moers and this time it is in English?

A: Yes, just a second.

Q: Tab 5, page 20, the bottom of the page. Bearing in mind as you look at this what we just read in your report on page 69, which you attributed Mr Irving, we see this, and this is Mr Irving speaking, this is his speech at Moers on 9th March 1990.

A: Yes.

Q: In the middle of the page there is a line which begins "and this Holocaust religion"; do you see that?

A: Yes.

Q: He says this: "In this Holocaust religion is gaining credence in the meantime, has hundreds of millions of credible and decent people, millions of Jews amongst them, firmly believing that 6 million of their co-religionists were murdered and no one is asking them the important question: How come there are so many millions of Jews again if so many millions of them are

exterminated? No

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one asks themselves that question because you simply do not question a religion, it is a sort of blasphemy." Do you see any resonance or similarity between what Mr Irving there said and what he said in the middle of page 69 of your report?

A: Oh, yes. It is a kind of attacking what he calls a legend, or what he may call also a lie, that became a religion, so-called religion, of millions of honest people. So it is a kind of way of thinking that because he says the essence of the Holocaust is a lie, and the people do not believe that it is a lie, but it is the truth, this truth is a religion.

Q: The whole story?

A: The whole story.

Q: The whole story --

A: The whole history of the Holocaust is a religion. They believe in, although it is not true in the essence, and this goes with a lot of -- and to say this is a kind of blasphemy is, of course, a very cynical reference, cynical sentence to those who really survived, and still are living, and, of course, to those who died by this mass killings.

Q: -- it is that, that sort of sentiment, is it, which German law does not permit, the expression of that kind of sentiment in public which German law forbids?

A: Yes, this is right. It was done again, and again it was a

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bit sharpened in the 1980s. It was a bit changed in the middle of 1990s because of the experience of late 1990s and the early 1990s, and the people in Germany, the authorities in Germany, are very aware of what these kinds of sayings meant to people who still or have lived at that periods of time as survivors. One of them is the famous Heinz Kaminsky of the Jewish community in Berlin, who asked, because of this kind of sorrow, because of this kind of cynicism that they, the Jews in Germany after 1945 experienced, to sharpen a bit these laws, as a kind of acknowledgment that it happened.

Q: Sorry, carry on.

A: As a kind of acknowledgment, recognition.

Q: Yes.

A: To these people that had happened, that the German people, the German public, is aware that this is done by German authorities between 1933 and 1945, and what you can call is a kind of second anti-Semitism is exactly to attack this experience of those who survived. This is again a very aggressive behaviour to those.

Q: Is that one that I think you told us when you first started giving evidence, that one is one of the strands or elements in right-wing neo-Nazi policy, ideology, statement in Germany?

A: This is at the core. For example, at even DVU presentation of Otto Butz, Hoax of the Century, that with

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this presentation it goes very aggressive behaviour in this newspapers against all representatives, all sorts, all kinds of representatives of the Jewish community in these days. So we have a combination of this kind of denial of the memory, not only the denial of the Holocaust itself, but the memory of those survived, with the alleged financial and political mysterious strategies of the

Jewish community after 1945. So you have a combination of the old racist anti-Semitism of the years before 1945, used now as a kind of second anti-Semitism, to attack the people who survived in Germany and who are, as Jewish community or Jewish individuals still, you know, nowadays in the public.

Q: Yes, well, now Mr Irving in this connection, and what I have to ask next flows directly from your last answer, Mr Irving put it to you that he did not break the law when he was in Germany. He went out of his way to keep on the right side of the law, I am paraphrasing; do you remember that?

A: Yes.

Q: Would you look at at page 106 of your report, please?

A: Yes.

Q: You write in the third line: "In Canada in October 1991 Irving told his audience that the Bavarian Ministry of Justice whom Irving described in the same speech as the 'extended arm' of 'you know who'", and then Funke puts

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in brackets, "i.e. the Jewish people". Do you have any reason to revise that parenthesis Professor Funke, the Jewish people?

A: No, I have not.

Q: No. Then comes: "Wanted to talk to me about certain things I have done and said in Germany. Well, what I do and say in Germany unfortunately does violate the law in Germany. I am well aware of that, and I go round from meeting place to meeting place in Germany now quite voluntarily sticking my neck out, because Germany is one of the most difficult places in the world to speak now". Professor Funke, speak about what, is my question? About what is it difficult to speak in Germany now?

A: Yes, especially about his revised version of the Holocaust Nazi period.

Q: One small point in passing. Mr Irving was putting it to you that the Munich city authorities had done something or other, and he used the form of words: "The Munich city authorities of the German Reich"?

A: Yes, I heard that.

Q: I know you did and you showed some surprise. You said "of what?", and he said, "of the German Reich". Now why did you show surprise?

A: Because the German Reich is a clear defined term in post-Nazi Germany, to the Nazi Reich, not to any sort

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of ----

MR JUSTICE GRAY: There has never been a fourth Reich?

A: Up to now not.

MR IRVING: The actual quotation was that the Munich city authorities have succeeded in getting my banned from the entire German Reich.

MR JUSTICE GRAY: Yes. I think you are slightly missing -- well, I doubt whether they put it that way -- I think you are missing the point. I did notice that Professor Funke was surprised.

MR IRVING: It was meant to be sarcastic of course.

MR JUSTICE GRAY: Was it right?

MR RAMPTON: Oh was it? Very well. I will leave it in that condition, if I may.

MR IRVING: I thought an expert in sarcasm would recognise that.

MR JUSTICE GRAY: We will move on.

MR RAMPTON: I have to say I thought it a slip of the tongue. It leads to my next question, which is this. It is a series of questions, Professor Funke. You have told us that these neo-Nazi groups, right-wing extremists, there was a convergence in the late 80s, early 90s?

A: Yes.

Q: Of which the Wahrheit macht Frei event at Munich in 1990 was a notable sort of a marker. Have I got that right?

A: Right.

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Q: You told us that anti-Semitism is one of the notable features of this convergence?

A: Right.

Q: Of which obviously a feature is Holocaust denial. You have explained that too. Mr Irving said, and you agreed with him, that when he goes to Germany he does not talk only about Holocaust denial, yes?

A: Right.

Q: Can I ask you whether any of the following things form any, from your knowledge of this topic, this field, any of the following things form any part of right-wing extreme or neo-Nazi policy or ideology. First, to try to absolve -- do you know that word, excuse -- excuse the Nazis of blame for the outbreak of the Second World War, is that part of it or not?

A: Yes, of course.

Q: It is?

A: That is the question of so-called allein Schuld.

Q: Which is?

THE INTERPRETER: Exclusive guilt.

A: Yes.

MR RAMPTON: Do they have a tendency at all to try to blame Winston Churchill for the outbreak of war?

MR JUSTICE GRAY: Mr Rampton, can I interrupt because I am not quite sure what you are asking. You are asking about topics which do not come within the umbrella of Holocaust

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denial.

MR RAMPTON: It has an end result.

A: Yes. Yes, of course they questioned the role of Churchill to degree that they attack the role of, you know, reacting to the aggression that was done by the Hitler regime in 39.

Q: Do they tend in any way to focus rather on so-called allied atrocities or war crimes such as the bombing of Dresden?

A: There is often the case that there is a kind of counterbalance.

Q: Yes, they try to make a balance?

A: To minimise the own atrocities.

THE INTERPRETER: They are setting one off against the other.

A: Yes.

MR RAMPTON: What I in this court have called a false equivalence?

A: Yes, it is criticised, this kind of revisionists historians are criticised exactly with this kind of assessment.

Q: Do they have any tendency to glorify what they see as Nazi war heroes?

A: This is very much the case, if I go through the 70s already and the 80s you have always this kind of appraisal of war heroes, of Judet, of Ruddell, of Dall, of Rommel, those who are identified with the Nazi cause and those who

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are not identified but.

THE INTERPRETER: "Praise" rather than "appraisal".

MR RAMPTON: Do they include General Remer in this galaxy of stars?

A: He is one of the most accepted heroes in that camp, because, as you may recall, of his courage to crush down the coup, the attempt of the resistance fighters within the Army of 20th July, 44, around Stufenberg, Gurdella and others.

Q: Do they ever speak of the prospects of establishing a greater Germany?

A: Of course we did not tackle that too much. This is of course the centre of their belief system, that they have to renew a greater Germany. We more addressed the attention to the so-called second revolution of the Kuhn connection, but the broader perspective is of course to build a new or greater Germany that extends the borders of Germany now that are internationally accepted.

Q: Do they propose what the ethnic or racial composition of this greater Germany will be?

A: They include normally so-called ethnic Germans, Germans by ethnic dissent, or they even say by Aryan race dissent, if it is possible to say by Aryan race dissent.

Q: In which geographical direction do they tend to see this expansion, Westwards, Eastwards, South, North?

A: Especially to the East, to the Northeast, to the East and

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to a degree to the Southeast.

Q: To include what, for example, the parts of the Reich that were formed after the invasion of Poland?

A: Yes, this is the main cause. This has always have been the cause in the right-wing circles and beyond in the right-wing extremist circles to attack the borderline in the ----

Q: The Odanisa(?) Line we call it.

A: How do you call it?

Q: The Odanisa line.

A: Yes.

Q: Finally this. Do they ever make a claim or a proposal that the Germans should be compensated, for example, by the Poles, for the land which the Poles have occupied since the end of the war?

MR IRVING: I cannot really see the point of all this.

MR RAMPTON: You will in a moment.

MR JUSTICE GRAY: I think it is fair.

MR RAMPTON: You will in a moment.

A: Yes, they say this is almost not so densely populated areas, so they can move or they try to rebuild German ethnic circles, and one of these people we are talking about were very active to do so in the Kaliningrad area, for example, but also in the Baltic states, and especially in Silesia and in West Prussia, in former Silesia I have to say, in the West part of Poland.

MR RAMPTON: Thank you very much. Now I think I would like you to look at a document, will you please. My Lord, this is in RWE at tab 7, page 81. It is part of the Frey section. What I am going to do, if I may, is hand up a clip containing the German and an English translation of the relevant part, the first part of the German.

MR IRVING: My Lord, I am not sure this is proper material for re-examination.

MR JUSTICE GRAY: I do not know what it is yet.

MR RAMPTON: This is an Irving document.

MR IRVING: That does not make it necessarily proper material for re-examination.

MR JUSTICE GRAY: That is true. Let us hear what it is and then we can make up ----

MR RAMPTON: It arises directly out of Mr Irving's suggestion that he does not talk only about Holocaust denial when he is Germany.

MR JUSTICE GRAY: If it does that seems to me to be legitimate.

MR IRVING: I have no objection.

MR RAMPTON: Of course your Lordship will remember that our case is not simply that Mr Irving is a racist and an anti-Semite, but that he is a right-wing extremist with sympathies, deep sympathies for the Nazi regime. This is directly relevant to that. Have you seen this before, Professor Funke? Look at the German document.

A: Oh, yes I saw.

MR JUSTICE GRAY: Is it the top page a translation of what comes later?

MR RAMPTON: Yes, the top page takes us down to -- I must use my own copy otherwise I get lost.

A: There is a red line somewhere.

Q: The red line is mine. Can I have mine back. Does the English, Dr Funke, take us down to the words on the first page of the German: (German spoken - document not provided)?

A: Yes.

Q: Right. I will read the entire ----

A: Your red line.

Q: My read line, yes. That is right. First of all, please, it is sent by in Irving from Keywest in Florida to Dr Frey and to his lawyer, Dr Von Spranger, yes?

A: Yes.

Q: One sees that it is dated 30th January 1991.

MR JUSTICE GRAY: Frey is the publisher, is that right?

MR RAMPTON: It is what?

MR JUSTICE GRAY: Is Frey publisher?

MR RAMPTON: No, Frey is the head of the DVU.

MR IRVING: He is also a publisher.

MR RAMPTON: He may also be a publisher but that is by the way for present purposes. Dr Spranger I think is lawyer both for Mr Irving and for Christian Worch.

MR IRVING: My Lord, will you let me re-cross on this?

MR JUSTICE GRAY: It is a new document and I will, yes.

MR RAMPTON: Yes. Is there any significance in the date, do you think, Professor Funke, of 30th January?

A: In the circumstances of the court issue, of course, it is a day when Adolf Hitler got into power in 1933.

MR IRVING: I do not see the date. Where is the date?

MR RAMPTON: The 30th January 1991.

MR IRVING: The letter is dated?

MR RAMPTON: Yes, 30th January 1991. The temperature, in which we may be interested, was 28 degrees centigrade or Celsius, perhaps that does not matter. We have left that off the translation.

MR JUSTICE GRAY: No, you have not, you have just put it on the next line.

MR RAMPTON: Sorry. I do not know what the message was to which this was a reply, but plainly, you may think, Dr Funke, it is what one might call a scenario draft, whatever you call it, for a speech, because what the third line says in English is, or an article it might be, I do not know: "The topic will be Germany's new role as great power", is that right?

A: Right.

Q: If you want to follow in German, please do, beginning: "I come late but honestly. Furthermore, I intend" -- this is not supposed to be literary, so Mr Irving may not like it -- "Furthermore, I intend initially to point to my

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prophecy of 3.10.89!" Why, in your view, Dr Funke, the exclamation mark behind the date?

A: Because a year later there was a formal unification act at 3rd October '90. Maybe this is the reason.

Q: Am I right that Adolf Hitler made a speech in the Reichstag, a rather famous speech, on 30th January 1939?

A: Oh, yes.

Q: And did he in that speech repeat what he had said on the 3rd October 1989 -- I mean ----

A: Oh, yes.

Q: No, let us start again. In 1938?

MR IRVING: I hope it gets better than this.

MR JUSTICE GRAY: No, Mr Irving.

MR RAMPTON: Well, I think it does, if I may say so.

MR JUSTICE GRAY: Well, I hope so.

MR RAMPTON: Start again. There was a famous speech by Adolf Hitler on 30th January 1939 in the Reichstag?

A: Yes.

Q: Did he in that speech repeat something he had said on 3rd October 1938?

A: He referred to if there is a war then this will cause much damage to the Jews.

Q: Is it unfair in the light of these dates to see Mr Irving standing in one of those smart Nazi uniforms while he makes this prophecy?

MR JUSTICE GRAY: I think we will move on.

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MR RAMPTON: I will go on. I want to be serious now.

MR IRVING: In view of the fact that I have hurried through my own cross-examination in order to make space for re-examination, I am beginning to regret it.

MR JUSTICE GRAY: Let us move on anyway.

MR RAMPTON: "Made at a press conference in Berlin, namely that Germany would be reunited within 12 months", and that is a prophecy which came true. "My reputation as prophet being confirmed, I will allow myself some prognoses for the coming five, ten, fifteen years. Within these I see the possibility of a conversion of the Austrian economy to German marks, a political drawing together of the German speaking peoples of Europa" or Europe?

A: Europe.

Q: "The emergence of a German economic community with an incredible potential for the German mark within the next ten years, with the possibility of gradually outplaying the EEC. Germany would use this economic power in order to help the backward countries in the East of Europe, therefore expand a kind of German empire", "imperium" I think is the word?

A: Yes.

Q: "In the East. The German economic hegemony would then, in the course of ten to twenty years, extend to Poland, the Ukraine, White Russia and the original German sphere of interest the Baltic States. Within the framework of a

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just settlement with Warsaw, in which the partial repayment of the Polish debts should play a not insignificant role, it would result in a return of the German Eastern territories, only sparsely settled by Poles anyway. In the framework of a partnership with the Russia people, but mind you not the criminal Soviet government" -- January 1991? Well, never mind. "It would also result in a blossoming of the Russian economy and a return of Kalingrad and Northeast Prussia to Germany. In this context the events in Latvia play a role that can barely be overestimated". Assume, if you will, Dr Funke for the moment that that was going to form the topic of an article or a speech amongst one of these right-wing groups in Germany, how do you calculate its likely popularity?

A: I mean because of the subtle strategical tone in this piece, it may be perceived as a kind of authoritative speech to this audience, because what is done in this piece is to take the economic strategies, the economic widening of the influence of the German mark area, to get to a political resettling of borders and this is the point that people of that kind of camp are interested in, you know, to re-arrange the borders in Eastern and near Eastern, central East Europe, and using conflicts between the ethnics, different ethnics with respect to the German ethnic interests or resettling aspects. So this is to the

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core of those activism of right-wingers in the early 90s.

Q: Then I will in the light of that answer show you, if I may, the Halle transcript. I am afraid here we have not had time to transcribe the German, but we have translated it directly off the tape on to the page, which clever people can do.

MR IRVING: Is this my transcript or your transcript?

MR RAMPTON: No, this is one we did last night directly from the tape. I have already said.

MR JUSTICE GRAY: Where are we going to put this, Mr Rampton?

MR RAMPTON: It maybe could go no the Worch section of RWE 2 which is section 11 I think.

MR JUSTICE GRAY: If somebody can provide the page?

MR RAMPTON: 26A and B.

MR JUSTICE GRAY: 26A, yes.

MR RAMPTON: I would like you, Dr Funke, it is was done very quickly, I know, we have not got the German, but I would like you to look at the bottom of the page seven lines up, at the end of line he says: "I as an Englishman", have you got that?

A: Yes.

Q: "I as an Englishman must say I am really jealous of what will happen to Germany in the next five or ten or fifteen years", remember those figures?

A: Yes.

Q: Then in brackets applause?

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A: Yes.

Q: Does the applause in this context for these sorts of words, does the applause surprise you or not?

A: Does it?

Q: Does the applause surprise you or not?

A: No.

Q: "In the next ten years you will get back the (unintelligible word) Eastern areas which today (unintelligible phrase). You will probably gain the financial, the economic hegemony over all the previously lost countries of the former Soviet empire. The Germans ... apparent cut, there you have to be careful because then the foreign countries, then the western powers, will do everything to prevent this happening, even when today the Federal Chancellor Kohl speaks about apparent cut, the future of England can only be secured in common friendship with the new Germany. In this sense I stand by the parole, we might say the phrase, Germany first, cheers and shouts of sieg heil".

MR IRVING: "First" is wrong. It is "forward".

MR RAMPTON: "Germany forwards". Are you reading on? Then Worch makes an appreciative speech. How do you characterize, Professor Funke, those kinds of sentiments to an audience of this nature?

A: It plays with this greater Germany feelings of that kind of people. Clearly it refers before to the matter of the

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Third Reich, the so-called matter of the Third Reich, to Rudolf Hess, a man of peace, who did the peace, according to Irving, with England, so then there is a reference to the joint, you know, venture he is up to between the white England and the white dominated or what have you Germany to have a hegemony over the always criticised East, the Bolshevik and post-Bolshevik East. It is alluding to the former critics to the Soviet empire. There you have again these kind of ideas how to manage it to have this greater Germany. It includes a kind of implication that this cannot be without very intense conflicts with the western Allies or Western nations in the whole. So this is a phrase that also you have again and again, that there will be some kind of conflict, even war, be it internally or be it internationally, and here you have a kind of subtle hint that they will do it, the bigger Germany, the greater German activists will do it, and it will cause conflicts with the Western nations. I have to say as a political scientist that of course the border thing in Europe of 89 follows, is one of the most debated and dangerous things we have, and this is true, as you know, also for the last century. Gottfried Kussel, for example, said in this very Halle, you

know, meeting just before this event happened that, if it is necessary, I do not want it, but if it is necessary, we will have an internal war; we will have a civil war in these countries, and as an Austrian he refers

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to Germany and Austria. So you have this kind of war-mongering or at least implication of wars in this whole right-wing extremist utterances.

Q: Thank you. There is only one other thing about this script or transcript, translation. On the second page it says: "The future of England can only be secured in common friendship with the new Germany." You talked about the white England. Am I right, correct me if my history is wrong, did Hitler have an idea that England was the repository of some kind of pure Aryan race with whom he would like to be friends?

A: Yes, it was always his wavering not to be faced with a war with Great Britain, and in that sense these kind of white Aryan feelings are widespread also during the Nazi period and especially Hitler himself.

Q: Just before we leave this document which representing Mr Irving's words we think in Halle in 1991, just look at the top of the page. In the light of the answers you gave earlier, well, we start at the top of Mr Irving's speech: "My dear Germans, I have known you for 30 years since I worked here for a year as steelworker in West Germany, and I as the first historian in the world wrote a book about the destruction of the German city, the middle German city Dresden, therefore, I have no fear to write the truth about what we, the English, committed against

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the German people in terms of war crimes during the Second World War. I welcome it." Then there is applause and cheers. Does that surprise you, Professor Funke?

A: No, not at all. It shows, especially for these people, a clear identification with this kind of greater Germany thing, this kind of Nazi past, the past of heroic things, whereas, so to speak, those who realize the reasons of the more political and military defeat of national socialism, they in a way say in different forms, that of course this Second World War by Churchill and the Americans, and even the Soviets, had to be done to crush Adolf Hitler down. This is, so to speak, the alternative level consensus of postwar Germany.

Q: Thank you.

A: Only because of that, just to put another sentence to it, only because of this defeat there was a chance to rebuild democracy, and that means especially the recognition of human dignity of the basic human rights.

Q: Thank you. There is one other document and it is my last topic in re-examination, Professor Funke, that I want you to look at. You remember that there was quite a lot of cross-examination about the meeting in what I call Hagenau because it is a French town but what Mr Irving calls Hagenau, I would like to show you, if I may, a part transcript and part translation, I say "part transcript and part translation" because that is all there is we can

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intelligently transcribe. The date of this I think is sometime in November 1989 or something like that, 12th November 1989, that is right.

MR JUSTICE GRAY: Where is it going to go?

MR RAMPTON: It had better go in tab 15 of the second volume, my Lord, 18A.

MR IRVING: My Lord, these heavily redacted excerpts of dubious provenance.

MR RAMPTON: They not dubious. They were done by the lady who is the interpreter over there. There is nothing the least bit dubious about it.

MR IRVING: It is the redaction that I am worried about and the editing of the cuts.

MR RAMPTON: We can take that up later.

MR IRVING: I think this is the time it should be taken up.

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

MR IRVING: We do not know what use Mr Rampton is going to make of them.

MR RAMPTON: If I may ask the Interpreter, this will clear this up. Is there anything on the tape which is not in this paper?

THE INTERPRETER: This is a full transcript and translation of anything that was on the tape and that was audible and identifiable.

MR JUSTICE GRAY: I see. At the end we have the whole of the tape in German, is that right?

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THE INTERPRETER: The parts in italics are transcription and the non-italic text is the translation of those passages.

MR IRVING: My Lord, this is the transcript of the thrice redacted tape about which your Lordship was already raised eyebrows.

MR JUSTICE GRAY: I think what I am going to do is let Mr Rampton carry on, because I suspect it would be desirable that Professor Funke's evidence is concluded this evening.

MR RAMPTON: Exactly.

MR JUSTICE GRAY: If you think you have been taken out of context, you can revert to this without the need for a witness. All right.

MR IRVING: With your Lordship's leave I shall remain standing in case I wish to object.

MR JUSTICE GRAY: I do not think you need to take that course.

MR RAMPTON: I will carry on.

MR JUSTICE GRAY: Carry on, on that footing that Mr Irving can come back.

MR RAMPTON: If there is anything he thinks is fishy about this or there is more he wants by all means.

MR JUSTICE GRAY: It is not fish. It is just we have not got the whole of it.

MR RAMPTON: I know.

MR IRVING: My Lord, because you rightly objected to the introduction of this heavily edited tape yesterday in that

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form, and we agreed to use it on the basis of a rogues gallery, and now through the back door they are trying to slide this transcript under the door to us ----

MR JUSTICE GRAY: I am actually giving you give a bit of an indulgence, because I am saying you can come back to this if you need to, not this evening, I mean whenever it is convenient to you, with the rest that is missing that has been redacted.

MR RAMPTON: Anything he likes. If I had the whole recording of that meeting, nobody would be more delighted than I, but I have not. There is no doubt that these people are who they are, and there is no doubt that this, amongst other things, is what they say either, so far as I know.

MR IRVING: The implication is given of course that I am present while all these things are being said and putting up with it.

MR RAMPTON: Most of what is said here is said by Mr Irving and it is upon what Mr Irving says ----

MR JUSTICE GRAY: Lets press on. Mr Irving ----

MR RAMPTON: --- that I chiefly rely.

MR JUSTICE GRAY: --- if you would just bear with Mr Rampton. He is going to go through it. You can come back to this later if you think it is appropriate. Yes, Mr Rampton.

MR RAMPTON: Then there is something about Zundel on the top part of the page: "Surprised to encounter my very special friend Ernest Zundel", I do know who that was, something

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in French. Translator: "If I had known I was going to find Zundel here I would have brought him a present". Cut. Then we get speaker and I can tell your Lordship this is Zundel. Then the German is transcribed and it is then translated as follows. Please, Professor, follow the translation by looking at the German, if you will. "We decent Germans, wallowing in this dirt", yes?

A: Yes.

Q: "Pigsty"?

A: Yes, right.

Q: Sow stall. "Und fullen" is wallowing, is it?

A: Right.

Q: "This base lie against our people", yes?

A: Folk, people, yes.

Q: "Which this Jewish rabble", Judenpack "has been spreading, I have had it up to here"?

A: Right.

Q: Is that a good translation, in your view?

A: Yes, definitely.

Q: Thank you. Then we get Mr Irving speaking in German, and translated on the next page.

MR IRVING: We have had all this put to us in the video yesterday, my Lord. Why is he having a second bite of the cherry?

MR RAMPTON: Because I am going to ask ----

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MR JUSTICE GRAY: We have not got the question yet.

MR RAMPTON: We had not had the transcript yesterday. We had the tape and now I want to look at the words. Then I will ask a question. "And it was once again a one-man gas chamber, a one-man gas chamber carried around through the Polish countryside by two soldiers looking for the odd Jew, literally for individual Jews. This one-man gas chamber looked somewhat like sadan chair, I believe, but it was camouflaged as a telephone box, and one asks oneself: How did they get the poor soul of a victim to enter this one-man gas chamber voluntarily? Answer: There was probably a telephone bell inside it and it rang and the soldiers told him: "I think that's for you". Cut to laughing audience.

MR IRVING: My Lord, cut to laughing audience implies that the audience was laughing at that, and it was just a piece of laughing audience sliced in there. So I object to the phrase "cut to".

MR RAMPTON: Professor Funke, we know that at this meeting, because we saw them on the screen were Mr Faurisson, nice Mr Zundel, Christian Worch, Judge Staglich, Mr Irving of course, and we were not sure but we thought maybe Arthur Butz and Karl Philipp, do you remember?

A: Yes.

Q: If remarks of that kind, one might call it a joke in the very worst possible taste, I do not know, if a joke of

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that kind were made in that company and others of like mind, would you expect laughter from people like that or not?

A: Yes, a special laughter, identifying ----

MR IRVING: Why did Mr Rampton describe this as a joke?

MR JUSTICE GRAY: Mr Irving, it is not helpful really for you to keep interrupting. You might even give me the wrong impression by your continued interruptions. Those words were spoken by you.

MR IRVING: As a quotation from a document, yes, and for Mr Rampton to describe it as being a joke by me is offensive.

MR JUSTICE GRAY: When you say there was probably a telephone bell inside and it rang and the soldiers told him, "I think that's for you", what was ----

MR RAMPTON: What is the document? May we have it, my Lord?

MR JUSTICE GRAY: I am sorry?

MR RAMPTON: I was wondering whether this document should be disclosed. I have never seen it, a quotation from a document. It may be the draft of Mr Irving's speech. I do not know.

MR JUSTICE GRAY: We have this now. Do not let us chase that. I am conscious of slight constraints of time.

MR IRVING: I will not interrupt again but I find it repugnant that he should have two bites of the cherry like this.

MR RAMPTON: It may be, my Lord, that others in this room,

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including your Lordship, most particularly your Lordship, find it repugnant that Mr Irving should have said anything of this kind at all ever in his whole life.

MR JUSTICE GRAY: That as maybe. I am not, Mr Irving, giving Mr Rampton two bites of the cherry. If you remember what happened yesterday, I decided that it was wrong to have the German translated by Professor Funke as we went along, and I therefore said that the video should be relied only for who they showed you in company with. I invited, this is my recollection, Mr Rampton if he wanted to rely on what you had said to prepare a translation and then we could do it properly. I think that is exactly what Mr Rampton is doing.

MR IRVING: These are heavily edited excerpts which are produced for a rogues' gallery purpose which are now being used for their excerpt value which is unfair to me.

MR JUSTICE GRAY: I have given you permission, Mr Irving, later on to tell me in what way the context can affect what you said about one man gas chambers being taken around the Polish countryside by two soldiers.

MR IRVING: Your Lordship is familiar with the ----

MR JUSTICE GRAY: If you are able to produce anything that affects the meaning, then please do so, but not now.

MR IRVING: Your Lordship is familiar with the context, I think.

MR JUSTICE GRAY: Yes, Mr Rampton, would you like to ----

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MR RAMPTON: Mr Irving has the advantage of me, I have to say.

MR JUSTICE GRAY: --- press on?

MR RAMPTON: I will. Then we cut to Irving again and then we have some more German. Lots of question marks because the poor old translator, I dare say, could not pick up what the Hitler pick up what the words were. Anyhow, let us read the fragment that we have got, may we? "Now, to solve the enigma of the Auschwitz gas chambers, last October the Vatican established that, according to carbon dating, the something or other probably without doubt", literally in German without objection, "dates from the years between 12.60 and 13.90, but some scientists argue that the wholly energy [blank] a body [blank] during resurrection the [blank] would have lifted up [blank]". Do you follow that? If you would like to look at the German, do you follow the drift of that thought, Professor Funke?

A: It seems, but help me, that it is referring to.

MR JUSTICE GRAY: The Turin Shroud I should think, is it, or not?

A: To the shrine, right.

MR RAMPTON: That is right, but transferring if I could ----

MR JUSTICE GRAY: I am not sure that it is really a matter of evidence, this, I think it is a matter of ----

MR RAMPTON: No, it is a matter of what it says, I agree. It is matter of comment and it is a matter in the end for

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your Lordship what its drift is. My final question is this, having regard Professor Funke, to the content of those little extracts that we have from the meeting at Hagenau, yes? According to your knowledge of right-wing extremism and neo-Naziism in Germany, are these sorts of things which are said here, whether by Mr Irving or by Mr Zundel, are they in any way characteristic of the views and attitudes of neofascists in Germany?

A: I have to give a differentiated answer. It is in that intensity of radical racist anti-Semitism, not a common language of all right-wingers. Parts of the right-wing extremists are more soft alluding to some aspects of what I said is a second anti-Semitism. So they criticise Galinski and nowadays Jewish leaders. So this kind of openly rage-based anti-Semitism, this full scale of contempt like in the word Juden Pack, this absolutely cynicism with which Irving is referring to the most deep causing sorrows of the people of the Jewish descent, this kind of extreme radical racist, post Holocaust anti-Semitism is more at the core of these groups that I call neo-National Socialists and those who are influenced as skinheads, as youngsters by these groupings, and what I have to say, according to social sciences surveys that are done in the Institute of anti-, to analyse anti-Semitism in Berlin is that this kind of

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radical anti-Semitism, let us say where it is researched in the Branbuch area around Berlin is widespread within these circles. So you have on different levels, especially among male youngsters of middle education, you have this kind of anti-Semitism widespread. This is the very reason that the amount of destroying Jewish cemeteries, for example, the very well-known Wiesensee Cemetery or the grave, is it right, the grave of Heinz Galinski by a bomb attack, that this is caused by this kind of widespreading new kind of aggressive anti-Semitism within these circles.

MR RAMPTON: Thank you very much indeed, Professor.

MR JUSTICE GRAY: I think that should go, just so that we know where it is, in tab 15 of RWE 2, page?

MR RAMPTON: Yes, page 18A and B but only the Hagenau bit because attached to it is some Munich, I think. The Leuchter conference -- well, that is Munich. Oh, a different Leuchter. It is not the Leuchter Congress. It is the Leuchter Conference.

MR JUSTICE GRAY: Yes.

MR IRVING: My Lord, may I question for five minutes, please?

MR JUSTICE GRAY: Of course. One of the documents was the letter to Dr Frey?

MR IRVING: Yes, on each of those documents, but in reverse order. I think that is the most helpful.

Further Cross-Examined by **Mr Irving.**

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MR IRVING: Professor Funke, you said that these kinds of remarks addressed to skinheads and youngsters are liable to lead to attacks on synagogues and so on, is that the ----

A: Say it again. Excuse me.

Q: Referring to my remarks at Hagenau (which I will discuss with you in a moment) "addressed to skinheads and youngsters", that was your phrase, would be liable to cause the kind of circumstances you referred to there, like tombstones being overthrown, synagogues attacked, and so on?

A: This kind of rhetoric, yes.

Q: Can I ask you just to have a look at the photograph, please, on page 15 of the bundle of photographs which is the audience at Hagenau and tell me how many skinheads and youngsters you can see in it?

MR JUSTICE GRAY: Well...

MR IRVING: My Lord, he said, it is a hypothetical thing, "If these remarks had been addressed to skinheads and youngsters, that would have been the outcome".

A: No, it is researched. It is researched. It is the [German] research -- you may know it -- about the widespreading of anti-Semites within male youngsters who are often the same token very violent.

Q: Answering Mr Rampton's question, you said that these remarks addressed to skinheads and youngsters would have

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these undesirable effects and you are probably right. But if you look at the audience who were listening ----

A: Yes, of course, the audience is different.

Q: Middle aged?

A: Yes, with the exception of Christian Worch and his gang.

Q: Right. I am only going to refer briefly to the one man gas chamber. If I am lecturing an audience on the improbabilities of aspects of the Holocaust legend and, as this court well knows, I criticise the quality of a lot of the eyewitness evidence, and if one of the eyewitnesses, and we know there is a lot of lurid eyewitness evidence that we can discard, has described this rather improbable contraption, would that fit the description of what I have described in that speech?

A: What you are doing here is that you pretend that the eyewitnesses are excessing ----

Q: Exaggerating?

A: --- exaggerating and producing legends, but I have to be now very personal. I did a book of those, it is called "Other Memory" of those who left Germany because of the pressure and later on the torture by the Nazi authorities. Social scientists, like Eric Ericson, Zaufriedlende, and what I learned as the essence of this encounter in the late '80s and at the time we are talking about, is, and I quote Zaufriedlende of the historian, the famous, that all those, excuse me ----

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Q: Can you just answer the question about this being a piece of lurid eyewitness evidence?

A: That all those -- I do -- that all those who went through this horror ----

Q: The trauma?

A: --- the trauma -- right, thank you -- cannot do this kind of research just as an objective historian. They have to do the objectivity and, on the other hand, they have to always rely to the experiences they themselves or their families went through. So, in other words, I would say no to all those who discard eyewitnesses. That does not say that the reconstruction of the Auschwitz horror, the cosmos of death -- if you go there you would see, you would sense it even today -- that the essence of this trauma and terror done by these Jews there, the mass gassing included, that this has been reconstructed by various means, and I think Peter Longerich did an awful good witness statement and paper to that, together with Mr Van Pelt. And so it is very clear that you cannot only count on the description of the eyewitnesses, although it is especially for the subjectivity what they went through very decisive. So to quote your reference to Dresden, the Dresden thing are horror for a lot of people and you refer to the ashes of Dresden, but you cannot do it only -- you can do it only if you refer in the same token to the ashes

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of Auschwitz.

Q: Right, but now let me put it like this. If in a speech I make a number of references to the appalling horrors undoubtedly suffered by the victims of Auschwitz, and I have never made any attempt to minimize them and I have referred to the shootings in Russia, I have quoted the Bruns report, and, on the other hand, I then mock the eyewitnesses who have obviously lied for whatever reason and dreamed up these totally ludicrous stories about the one man portable gas chamber, is it not dishonest, in your view, for somebody to take just that passage out and put that as a representation of my entire speech?

A: It is, what you are doing is again and again. Look at the 40 pages that was with the help of our assistant, Thomas Robins and Dunn, on the anti-Semitic or the rhetoric you did on this issue. So I recall just another quotation of you. So if it would be one time, we can cross over, but you did it again and again, and you just minutes ago referred that mass gassings did not happen. So if this, as long as this is the case, I cannot say yes to any of this kind of cynicism that you put to the public. Let me just recall this other quotation.

Q: If it is relevant, please?

MR JUSTICE GRAY: It is relevant to the question ----

A: It is.

MR JUSTICE GRAY: --- but we do not want a lot of speeches?

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A: It is very short. It is like that you say, OK, this kind of survivors of the Holocaust, and you put it up in the way that you can quote it as "assholes". This cannot be. If you honestly, if you seriously, are saying that you realize the trauma of those who went through, if they survived.

MR IRVING: Can I now take you to the letter dated 30th January 1991 which has been introduced by Mr Rampton?

A: Yes.

Q: Firstly, the question of the date. I do not know whether Mr Rampton meant it seriously or not, but as he said it I have to comment on it, if the letter is dated 30th January 1991, and if you look at the very top line, it is ----

A: Excuse me, I missed it. 9th November or?

Q: 30th January?

MR JUSTICE GRAY: 30th January 1991, Dr Frey?

A: Yes.

MR IRVING: Yes. If you look at the very top line, the fax line, it was faxed at 1.13 p.m. on the following day. Then the letter was probably written on January 30th, right?

A: Right.

Q: OK. If you turn the page, please, do you see I describe there that a number of great Germans I intend to talk about, the Nobel Prize winner, Otto Hahn and

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Wernerheisenbger?

A: Yes.

Q: They are not leading Nazis, are they?

A: No, no.

Q: And the great ----

A: Although some of them I partially ----

MR JUSTICE GRAY: Not leading Nazis, the answer is no?

A: Not leading Nazis, right. Excuse me.

MR IRVING: The final sentence of the letter above the signature, I say: "Of course, as always at DVU functions, I am not going to mention the Jews or the concentration or extermination camps with one word"?

A: Yes.

Q: Then the final sentence of the PS is: "I will most painfully keep within the laws of Germany, the Federal Republic"?

A: Yes.

Q: Yes?

A: Yes.

Q: On the general matter, the proposition raised by Mr Rampton, that it is right-wingest to look to reunify Germany and all the rest of the things that he said, can I remind you of what the German constitution says every German citizen is beholden to do? Do you know the passage I am referring to?

A: Tell me. I have the constitution here. What do you

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mean?

MR JUSTICE GRAY: No, I do not think we need to...

MR IRVING: Is not every German citizen held to strive for the reunification of the German territories?

MR JUSTICE GRAY: I think you are not doing justice to Mr Rampton's point. He was not just talking about the reunification of Germany.

MR IRVING: I was once again dealing with it piecemeal.

MR JUSTICE GRAY: I know it is difficult.

MR IRVING: And I am sorry that that was not appreciated.

THE WITNESS: It never meant unification includes parts of Poland, it never meant.

MR IRVING: Thank you very much, Professor.

MR JUSTICE GRAY: Thank you. Professor Funke, that completes your evidence. Thank you very much.

(The witness withdrew)

MR JUSTICE GRAY: Mr Rampton and Mr Irving, can I just mention that, in addition to the remaining cross-examination, there are several other outstanding things. I am sure you have them in mind. There is an argument about whether the expert reports of Eatwell and Levin can go in.

MR RAMPTON: No, I do not want them.

MR IRVING: My Lord, I was about to make the opposite concession.

MR RAMPTON: I do not mind. I do not want them.

MR IRVING: My friend said that if Mr Rampton had argued on the

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basis of those authorities that he was entitled to, then who were we to argue against him?

MR JUSTICE GRAY: That is kind, but if he does not want to, then the question ends. I have feeling there are some loose ends on Civil Evidence Act Notices in relation to Moscow?

MR RAMPTON: No, I do not think so. I think all the Moscow evidence I need has come from Mr Irving actually probably.

MR JUSTICE GRAY: Good.

MR RAMPTON: It is only the American factual witnesses and they are in proper condition because they have had Civil Evidence Act Notices.

MR JUSTICE GRAY: We need to at any rate identify those and ----

MR RAMPTON: I need them for the underlying material in due course, but whether I do any cross-examination is a different matter.

MR IRVING: At what stage can I make submissions on the American factual witnesses, my Lord?

MR JUSTICE GRAY: You do not, I think, have much of a legal submission you could make. They are overseas. You have had a notice, but I am not saying do not, but at the moment I do not quite see how you can keep those statements out.

MR RAMPTON: What Mr Irving is entitled to ----

MR IRVING: I do not want to keep the statements out, but I

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want to make certain representations about the quality of their evidence, their criminal records and the rest of it.

MR JUSTICE GRAY: That, I think, is a matter for you to deal with in your evidence. It is not a

ground for objecting to the statements going in under the Act.

MR IRVING: I mean I wanted to put it in by way of submission. That is what I suppose I was trying to say.

MR JUSTICE GRAY: I will not prevent you doing that, whatever the form is.

MR RAMPTON: That is what I was going to say. There is a provision that allows where a witness is not being called under the Civil Evidence Act for what one might call rebuttal material to be put in and, of course, and comment that can be made about the internal condition ----

MR JUSTICE GRAY: The reliability of the evidence.

MR RAMPTON: Exactly.

MR JUSTICE GRAY: Quite. Good. So 10.30 tomorrow morning.

(The court adjourned until the following day)