

PROCEEDINGS - DAY TWENTY-NINE

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(10.30 a.m.)

MR JUSTICE GRAY: Mr Rampton and Mr Irving, before we start today, I wonder if I can hand to you now a list of issues?

MR IRVING: Yes.

MR JUSTICE GRAY: I think I did mention earlier that it might be helpful -- it is up to both of you -- if we could perhaps take the issues in more or less the order in which I have set them out, if that is not inconvenient? I also want to make sure that I have got everything in that I need to cover, and that I have not included things that really are no longer live issues. Do not take time with it now.

MR RAMPTON: No, I will not. There is one item in (i) of four which is still to come today from Evans, which will need to be added.

MR JUSTICE GRAY: Yes. It is just that either at a later stage today, or perhaps tomorrow, it might be worth spending a few minutes just going through that.

MR RAMPTON: I do not think I will finish my cross-examination today.

MR IRVING: That is very useful, my Lord. There are four or five minor points that I wish to raise before Mr Rampton resumes.

MR JUSTICE GRAY: Yes.

MR IRVING: The first point is that I have repeatedly asked the

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Defence to provide me with the speeches, the transcripts on disk, most recently about 10 days ago by letter. It would obviously assist me in responding to and rebutting these juicy morsels that they are tossed out of their cage into the courtroom, like yesterday. If I had such a thing on disk, and I am entitled to it of course under the rules, once the documents have been pleaded, I am entitled to have them in digital form. There is no reason for this delay other than a deliberate and wilful attempt to impede my response.

MR JUSTICE GRAY: So that I am clear what you are asking for, is it a disk containing the speeches that you have made that the Defendants rely on?

MR IRVING: No, it is a disk containing the transcripts. They are put into court by way of their pleadings in evidence. Obviously it exists in digital form. It is no great burden on them. It is five minutes work to do, just pressing one button. They could have done this 10 days ago, if not, indeed, when I first asked for them.

MR JUSTICE GRAY: It does not sound an unreasonable request.

MR RAMPTON: I have no idea. I do not deal in disks, I am afraid. I deal in paper. I will pass on that request. I am surprised it has not been responded to. If it is anybody's fault, I apologise for it on their behalf. If these transcripts -- and I think Mr Irving means the transcripts that are in the K files ----

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MR IRVING: Yes.

MR JUSTICE GRAY: Yes, which is racism, anti-Semitism, or allegedly so.

MR RAMPTON: -- which are mostly his own words. If they are on a disk, which I imagine they must be, then by all means, if it is easier.

MR JUSTICE GRAY: I think I know they are on disk because I am not -- well, anyway, if it can be done, it should be done soon because Mr Irving needs it.

MR RAMPTON: If it is possible, it should be done before the weekend.

MR JUSTICE GRAY: Before the weekend, I agree, yes.

MR IRVING: A not unrelated matter is that the Defence solicitors are still sitting on a number of my microfilms and papers. They keep promising to return them. When they returned my previous boxes of papers, they returned them in a totally disheveled state, which has not assisted me ----

MR JUSTICE GRAY: That is something I do not really want to get into now. Raise that, but perhaps at a later stage.

MR IRVING: The third point, my Lord, is the Eichmann manuscripts. I gave the undertaking which your Lordship very properly required. The manuscript has now been placed in the public domain. It is on, for example, the website of Der Spiegel and elsewhere. I would ask that the undertaking which I gave should now be rescinded or

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annulled, if Mr Rampton has no objection, in order that I am not----

MR JUSTICE GRAY: I suspect he may not really know the score on that.

MR RAMPTON: I do not know the score. I am told that that version, which is the electronic version, that came to us from the Israeli Government cannot be used for any purpose but this trial. If it is on some website or other, then perhaps we can have our disk back so we can give it back to the Israeli Government, and people can use the public domain copy.

MR JUSTICE GRAY: Well ...

MR IRVING: Without wanting to compare the public domain version word for word with the version given to me, I see that it has been published in the Guardian yesterday, for example.

MR JUSTICE GRAY: I have seen reports which make it appear that you may be right.

MR IRVING: Having given the undertaking ----

MR JUSTICE GRAY: What I am not in a position to judge is whether the whole of it is in now in the public domain. If the whole of it is, then it seems to me that you should be released from your, undertaking, but I am not going to release you now. I do not think this is really in a way Mr Rampton's problem.

MR RAMPTON: My problem is that I am merely the conduit pipe

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for this material. I gave my own personal undertaking in order to get the material released; I do not really feel I can break it.

MR JUSTICE GRAY: To save time, what I am inclined to say is this. It does appear to me that there is good reason for supposing that it is in the public domain. If that be right, I do not see it is realistic to maintain the undertaking. I am therefore inclined to think it should be lifted, but I would like to give an opportunity to whoever it may be to make representations, whether through you or in some other way.

MR IRVING: I do not want to be held in contempt.

MR JUSTICE GRAY: Of course you do not, but the undertaking will stay until tomorrow morning. If somebody tomorrow morning wants to say that the undertaking should remain in place, I will hear argument then.

MR IRVING: My Lord, tomorrow is Friday.

MR JUSTICE GRAY: I know, but I suspect your cross-examination is going to continue until tomorrow.

MR RAMPTON: I do not know that there is going to be any difficulty at all. The only difficulty I can see, and it is mere conjecture, is that there may be parts of the electronic version which has been given to Mr Irving for the purposes of this case and no other purpose. There may be parts of that which are not in the copy which has been released.

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MR JUSTICE GRAY: That may be.

MR RAMPTON: -- in which case I would have to maintain my position so far as those other parts are concerned.

MR JUSTICE GRAY: I am bound to say I am not sure that I understand why the Eichmann diaries are relevant because, if they were not, and they by definition were not, available to Mr Irving, I am not sure how they can be used by way of criticism.

MR RAMPTON: I may say I rather agree with that. It is not my intention contention today at any rate to make any reference to them in this court. The fact is they do contain, as anybody can see if they read the public report, some statements made in 1960 something which, if reliable, demolish Holocaust denial really at one fell swoop, but so what.

MR JUSTICE GRAY: I can see that there is a way in which they could be capable of being used in this trial, but I will leave you to take whatever course you think is right.

MR RAMPTON: My present inclination, I am not saying it is the final inclination, is that this is something for the historians to argue about, rather than the lawyers in this court, but I will reserve my position for the present at least, if I may. I do not know, Mr Irving may have further things?

MR JUSTICE GRAY: I think there is one other point.

MR IRVING: There are two other points, my Lord. One is the

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video of the Halle meeting on 9th November 1991. I wish to make submissions to your Lordship next week about the admissibility of that video, because it was the subject of a bitter dispute between myself and the instructing solicitors for the Defendants. It was a matter of withheld discovery, fraudulently withheld discovery. In fact, I was reminded of this by the OSS this morning. I put a complaint into the OSS over undertakings broken by the solicitors, and so on.

MR JUSTICE GRAY: Who are the OSS?

MR IRVING: Offices for the Supervision of Solicitors in Leamington Spa; a rather toothless body which watches over malfunctions by solicitors. So I would like permission to make a submission about the admissibility of the video as such.

MR JUSTICE GRAY: Yes. Do that when you like. In some ways it ought to be perhaps done sooner rather than later.

MR IRVING: I had prepared a little bundle on this many, many weeks ago and I was just reminded of this actual matter this morning by this phone call from the OSS.

The final matter is the little bundle I put before your Lordship headed "Documents on Mr Irving's 1991 arrest".

MR JUSTICE GRAY: Yes.

MR IRVING: This is the Lowenbraukeller meeting. It is a matter of my truthfulness, whether I am right or whether

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the Defence submissions are correct, namely that I was a participant in an illegal demonstration or not. These are three or four documents on the police file which contain the statement that was made at the time of arrest and so on, which I have summarised in the two-page translation at this beginning. Either your Lordship can say now that you attach no importance to the issue of the submissions made yesterday as to whether I was telling the truth or not. It bulked quite large in the cross-examination but your Lordship may very well say you attach no importance to it. If your Lordship does attach importance to it, then I would ask permission to put these documents to Professor Funke, who is in the court this morning.

MR JUSTICE GRAY: I do not think it matters a row of beans whether it was an illegal demonstration, or whether it was not.

MR IRVING: I agree, my Lord.

MR JUSTICE GRAY: The relevance, as it appears to me ----

MR IRVING: The question is my truthfulness.

MR JUSTICE GRAY: -- is simply whether you did either participate in, or in some other way associate yourself with, the demonstration that one sees on the video.

MR IRVING: I appreciate that point, my Lord, but the other point is my truthfulness. If I state something which is then disbelieved by the Defence and they maintain their position despite my several invitations to accept that

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they are wrong, and here are the documents that clearly show from the police files that I am right, namely what time it was, the fact that it was an hour after the function in the Lowenbraukeller ended that I was apprehended, the fact that we were heading northwards, so to speak ----

MR JUSTICE GRAY: What I am going to do, subject to Mr Rampton, is -- I do not know whether he is going to cross-examine you about this?

MR RAMPTON: No.

MR JUSTICE GRAY: I do not think there is any reason -- I do not think it has anything do with Professor Funke. He was not there. I do not see any reason why you should not very shortly, as it were, put this in evidence through your own mouth, as it were, or indeed by way of submission, I do not mind.

MR IRVING: Very well.

MR JUSTICE GRAY: That can be done either straightaway or it can be done later on. Mr Rampton, I do not know whether you are going to touch on this in cross-examination?

MR RAMPTON: No. For the most part, right-wing extremism to my way of thing, has been done and dusted. I have very little cross-examination left on that, and it certainly does not concern Germany. As to these new document, I am completely neutral because I do not know what they say.

MR JUSTICE GRAY: That suggests to me that probably this ought

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to be done at a later stage.

MR IRVING: By way of submission.

MR JUSTICE GRAY: Perhaps first thing tomorrow or at the end of cross-examination tomorrow, if we go into tomorrow.

MR RAMPTON: I will need to have them looked at by German speakers in the usual way.

MR IRVING: There are two or three more letters from me to German Embassies and people like that, which show that I went about things in a perfectly proper way, asking whether the bodies that invited me to speak were legal and lawful and constitutional and so on.

MR JUSTICE GRAY: We do not want to get disproportionate about it.

MR RAMPTON: I would only say this about that kind of material, whether it advances the matter one way or another, I rather doubt, but self-serving protests by Mr Irving are not evidence that it did not happen.

MR JUSTICE GRAY: I appreciate that.

MR IRVING: I did not catch that, but it is my veracity which I am concerned about that.

MR JUSTICE GRAY: Yes. You are obviously concerned about that. I have indicated the way I think we ought to deal with it so we will leave it until tomorrow. That concludes the points you wanted to raise?

MR IRVING: Yes.

MR JUSTICE GRAY: I think the next step is for you to go into

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the witness box, please. You are obviously still under oath.

MR RAMPTON: My Lord, before I start, I announce the first thing, if I may, that I am going to do. Your Lordship will remember the short sequence we had from the negationists, or whatever you call it, meeting at Hagenau in Azas in November 1989, and the reference to the sedan chair and the telephone box. What I am now going to do, with your Lordship's leave, is show a short section from a speech that Mr Irving made at Milton, Ontario, on 5th October 1991, that is to say almost two years after the Hagenau event. Its transcript is at K3, tab 10.

MR JUSTICE GRAY: Is this what is called the Moers speech?

MR RAMPTON: No, it is not Moers. This is Milton, Ontario, which I think is in Canada. It is more of the same. Then I shall ask Mr Irving some questions about it in the light of the questions he asked Professor Funke yesterday.

Mr Irving, recalled.

Cross-Examined by **Mr Rampton QC** continued.

MR RAMPTON: My Lord, I think the relevant part of the transcript is pages 17 and 18. Have I got that right? The television seems to be defunct.

MR JUSTICE GRAY: Do we need to start with this, Mr Rampton?

MR RAMPTON: It is a question of continuity, and it is fresh in everybody's mind from yesterday. I find it difficult to cross-examine with the witness box overrun by

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technicians!

(Video played)

MR RAMPTON: Stop there, thank you. Mr Irving, that is the same story in a rather more expanded version that you told to your audience at Hagenau in November 1989, is it not?

A: Yes.

Q: Where does it come from?

A: There are -- which ones are you talking about? The conveyor belts, the swimming pool, the electric shock that comes from Pravda, February 1945?

Q: No, Mr Irving.

A: There is a whole bundle of these, there is a whole series of these eyewitness accounts which have been given in various postwar trials, 1945, 1946, 1947. These are the accounts that are not quoted by the Holocaust historians for obvious reasons.

Q: Where did the telephone box come from?

A: Which part of the story are you asking for, about the box, the one man ----

MR JUSTICE GRAY: Telephone box.

MR RAMPTON: The telephone box?

A: The telephone box?

Q: The telephone box. "Well, the answer is", says Irving, "it is disguised as a telephone box, this one man gas chamber. This is the mentality of the people who invent these eyewitness stories. It is a disguised as a

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telephone and if I am a man who has escaped from Auschwitz, a harrowing experience, and I am standing around in the Polish countryside and suddenly a telephone box" ----

A: Appears from nowhere, yes.

Q: --- "where there was not one a few minutes ago and two German soldiers standing around looking like nothing, nothing is going to get me inside that phone box. The eyewitnesses, plural, say they got you to get inside by having the phone inside ringing". Where does that little anecdote come from? How many sources?

A: The phone ringing is an embellishment. But the disguised as a telephone box is in the eyewitness account.

Q: How many eyewitness accounts and who were the people that told those stories?

A: Alleged survivors of Auschwitz.

Q: How many?

A: Certainly one account.

Q: Eyewitnesses, plural?

A: That, obviously, is a slip of the tongue.

Q: Yes, it is not. It is a deliberate exaggeration, is it? You got some good laughs with this little story?

A: I think it is such a ludicrous story and it so clearly exaggerates the problem, it so clearly illustrates the problem with the eyewitness accounts of Auschwitz ----

Q: Oh, really?

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A: --- this and the other similar accounts. There is the conveyor belt, there is the swimming pool, there is the electric shock, there is the killed in steam chambers, all these stories which come out of the earlier accounts, if you read the account published by Pravda, I think on February 2nd 1945, there is the first description of the conveyor belt. These are never quoted by the modern historians. Even the Gerstein report that you have which is an alleged eyewitness account had, of course, 130 foot high mountain of shoes. These details need to be brought to the attention of the public so they can see what the problem is and how selectively the historians use the eyewitness accounts. They take the ones that they like and they ignore the ones that are obviously baloney.

Q: Mr Irving, do you see any purpose in a serious historian, I mean a serious, reputable historian, reciting simply for the purpose of knocking it over, a story, if it indeed is a story, which is quite

obviously untrue?

A: Well, as we have heard in this court, Mr Rampton, the factory of death story, as far as crematorium (ii) in Auschwitz is concerned, relies on three legs, it is a stool with three legs, one is the eyewitnesses, one is the discrepancies between the blueprints or the architectural drawings and the other one is the German documentation.

Q: Quite a lot more than that.

A: Well, you will have time to say that when you make your

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closing speech. If the eyewitnesses turn out to be partly baloney, and they are a body of evidence that, in my opinion, should, therefore, be discounted, I am entitled to make this point as forcefully as I can by drawing attention to the ludicrous elements contained by some of the eyewitness accounts.

Q: Did you tell this audience about the evidence, the eyewitness testimony, of Henrich Tauber, for example?

A: Probably at that time it was not known to me, but I would certainly have done so and I would have drawn attention to the discrepancies in his account as well.

Q: Why do you think your audience in Milton, Ontario, find these little anecdotes, fables, if you like, so funny?

A: There are two ways of addressing an audience. One is in an academic climate where you are enveloped in professors' robes and speaking to students who have no obligation but to sit there with their notepads on their lap, and then you can dictate to them all the documents and all the material you want until the bell rings and it is time for them to go out.

The other way is to make or deliver a talk or a lecture in such a manner that you capture and hold your audience's attention, and you do that repeatedly by interlacing the serious documents that you want them to listen to with material to keep them awake, if I can put it like that.

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Q: How long, is it, Mr Irving, since any, if ever, reputable historian has paid any attention whatsoever to this kind of material?

A: I would say within living memory shall we say within four weeks in this very courtroom we have listened to account after account from Professor van Pelt who relies on Ade Bimco, who relies on Henrich Tauber, who has relied on five or six eyewitness, all of whom have elements of total distortion. Ludicrous elements. For example, the Gerstein report. Ludicrous elements contained in their -- Christopher Brown, he had to put back into the Gerstein report the stuff that he had omitted, the mountains of shoes and shirts, and these ludicrous elements which disqualify the eyewitness from any source value whatsoever, just as they disqualified finally the allegation that there were gas chambers in Dachau.

Q: Like your old chum Karl Wolff, for example?

A: I have never met Karl Wolff in my life except once when he was pushed under my nose by a Sunday Times cameraman at a function in Schattenburg.

Q: An eyewitness in some sense to the events in this part of German history, would you agree?

A: Well, I do not understand. What is the question?

Q: You rely on him to exculpate Hitler, so far as the conversation, reported conversation, between him and Himmler in August 1942 is concerned, do you not?

A: I relied on Karl Wolff who was the adjutant of Heinrich Himmler for a period of about 10 or 15 years, if my memory serves me right, who wrote in this confidential manuscript an account of his own personal impressions of the character and nature of this rather weird man, Heinrich Himmler, who came from humble origins and turned into one of history's biggest mass killers. He was an interesting, obviously a man very well placed, Karl Wolff, to describe Heinrich Himmler in his underpants, so to speak.

Q: You put that passage from Karl Wolff's interrogation in 1952 ----

A: Yes.

Q: --- by Dr von Siegler, I think his name was, before this court because you wanted to rely on a single passage where Karl Wolff, effectively, in your eyes, exculpates Adolf Hitler in relation to the Holocaust, is that not what you did?

A: No. I put it before the court because I am accused of having invented or manipulated or distorted without any fundamental or documentary basis whatsoever, and I cannot help it if your historians and experts either did not know of these sources or knew of them but decided not to use them.

Q: In your eyes, is Karl Wolff a reliable witness?

A: In some respects he is and in some respects he is not.

Q: So when he talks in unvarnished terms about the Juden

ausrottung, the extermination of the Jews -- your translation -- is he reliable or not?

A: It depends precisely what he is saying. As I said, he is in some respects reliable and in some respects he is not. If you let me see the passage you wish to ask me about, then, of course, I will comment on it.

Q: It is a very short line. You translated it yourself only a very few days ago. We are not going back to ----

A: Please, if you wish me to comment on a passage, my Lord, I think ----

MR JUSTICE GRAY: There are two points. You can have it if you like, but I think the two points are (1) is the reference to millions of Jews having been killed and the other is a reference to gassing. We can look at the document if you like?

A: I probably have it in front of me here somewhere. I promise I am not going to use the tactics that have been used by the Defence witnesses throughout this case of constantly relying, asking to see the documents.

MR JUSTICE GRAY: No, well, if you want to see it, we can see it.

A: In this particular case, I am asked for an impression and I ought to have a look at the original document.

MR RAMPTON: If you would like to look at page 5 of your own translation, it is just above and below your page reference 00032. I am quite happy with your translation,

so we need not bother with the German.

A: Page 5, right?

Q: Fifth page. I do not know where it is.

A: Yes, I have it. It is page 00031 or 32.

Q: Yes.

A: "From what we survey today", is this right?

Q: Yes, I will read it, if I may: "From what we survey today, there were perhaps 70 men, all told, from Himmler to Hoess who were involved in the extermination of the Jews", and you give the German, Juden ausrottung. "General Wolff also saw Bormann who was definitely actively involved in these things together with Hoess, the former Famer murderer. Bormann and Himmler", handwritten insert "Wolff probably", "represented the view that the Jewish problem had to be dealt with without Hitler getting his fingers dirty in the process. The gassing idea", and that means gassing of human beings, does it not?

A: Yes.

Q: "... probably emerged when a genuine epidemic broke out in the Auschwitz camp and mass dying resulted". Can we rely on General Wolff as telling the truth in that passage so far as the extermination of Jews by gassing is concerned?

A: It is the curate's egg, if you know the expression, Mr Rampton.

Q: Yes, Mr Irving, I am nearly as old as you are.

A: The figure of 70 is clearly wrong. That is clearly an

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understatement. Far more than 70 men all told were initiated in the mass killing of Jews by the Nazis. Depending on what he means by that, regardless of what he means by that, whether he is talking about just the Auschwitz and the killings of the western European Jews or if he is talking about the shootings on the East. I think here he is talking about the first. He is talking only about the killing of the European Jews.

Q: Come on. He uses the word "gassing".

A: Yes. That is precisely what I am mentioning. That is why I am saying that. The gassing idea. Now, that part I think he is clearly commenting on what he now knows, 1952, after seven years of reading newspapers.

Q: Yes. Oh really?

A: Yes. But also he is involved -- if he read the Harold Turner letter, of course, from Serbia, then he would have been aware of gassings on a small scale in Serbia.

Q: Not in relation, Mr Irving, to a reference to Auschwitz as having been the source of the gassing because, if it was Auschwitz and disease there that gave rise to the idea, as General Wolff suggests, then the substance used for the gassing in consequence of the realization of that idea would have been prussic acid, would it not?

A: Yes, Zyklon-B.

Q: Thank you. Now I want to go back to this Milton thing. I am going to make a suggestion, you will deal it with it

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and then we can pass on to something else. I suggest to you that, so far from, as it were, approaching this matter as a serious historian would be and asking your audience to be critical about eyewitness accounts, had you done that, you would have paid attention to the serious eyewitness accounts, so far from doing that, what you are doing is feeding the anti-Semitism of your audience by mocking the survivors and indeed the dead from the Holocaust?

A: I do not think that in that fragment we saw, and of course I do not know else is in the rest of the speech.

Q: Assholes?

A: I think I am right in referring -- do you wish me to deal with that matter or the matter you just asked me about?

MR JUSTICE GRAY: Finish your answer.

MR RAMPTON: You finish the answer and I will draw your attention to that. Carry on. You finish your answer, I am sorry.

A: I think that the word "Jew" or the reference to "Jews" was not made in that fragment, and of course very many other people suffered the torment of Auschwitz. I do not know why you just single out the Jews for this particular comment.

Q: I see. Here we are talking about Polish gentiles, are we? This telephone box and the sedan chair and all that kind of thing?

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A: I think the reference is to Poles, yes. Thank you for reminding me.

MR JUSTICE GRAY: Can I ask you, because I am not quite clear, Mr Irving? You say there was one eyewitness who told the story about the mobile telephone box?

A: There are sheaves of stories like this which came out in various trials, right up to the to 1960s.

Q: Focus on my question. I think you did say earlier on, in answer to Mr Rampton, that there was one eyewitness who told the story of the telephone box?

A: Yes, that is one of the stories that is told.

Q: Yes. I just want you to focus on that one eyewitness. Did you read it or hear it? How did you come to know about it?

A: This was probably ten years ago and I have to say that, having read large numbers of documents at that time and having read very large numbers of documents more recently, I cannot say whether I saw the actual eyewitness interrogation, or whether it has become part of the law through being quoted in the Frankfurt trial by the defence or prosecution. It is certainly part of the folk law, if I can put it like that in a non-derogatory way, surrounding the Auschwitz killings, rather like the conveyor belt and the rest of it, that is known to historians on both sides of the divide. Yesterday evening, when I got home, I did put out an appeal to my

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world wide circle of historian friends to say, who can provide me with the actual document.

Q: Has anything come up as a result of that?

A: By this morning, when I checked the e-mails, one person came up with a reference to a one man portable low temperature chamber that was being developed and that was being spoken.

Q: That is obviously not it, is it?

A: Not yet, no.

Q: You have not been able to pinpoint where this comes from?

A: No, but obviously I have put wheels in motion to obtain the actual document, because of the value it would have for the court.

MR JUSTICE GRAY: Yes. Sorry, Mr Rampton.

MR RAMPTON: I just put these remarks of yours in context, if I may, Mr Irving. You say you were talking only about gentile Poles that escaped from Auschwitz. Let us read on on page 18.

A: I did not say I was only talking about Poles. My actual remark was that I did not talk about Jews in that particular fragment. You then said Poles.

Q: Shall we put the fragment in context, Mr Irving? On page 16, the page before the one we were looking at, there is a lengthy reference at the bottom of the page to somebody call called Ely

Wiesel. Is he a Polish gentile or is he a Jew?

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A: I think he is a very well-known Holocaust propagandist, if I can put it like that.

MR RAMPTON: That is not an answer to my question.

MR JUSTICE GRAY: Is he a gentile or is he a Jew?

A: He is Jewish, so far as I know.

MR RAMPTON: Then let us have a look at page 18, from where the video stopped. It is the top of page 18 after the note that there was applause.

A: I do not have the transcript in front of me and perhaps I should.

MR RAMPTON: I am sorry. Then you will need it.

MR JUSTICE GRAY: Yes, you should.

MR RAMPTON: It is K3, tab 10, page 18.

A: Yes. Ely Wiesel, of course, is one of the people I call the spurious survivors of the Holocaust like Benjamin Wilkormierski and others, who have made a living out of it.

Q: Sandwiched between that Jewish gentleman whom you characterize as a spurious survivor of the Holocaust and the next passage, which is also about spurious, in your view, survivors of the Holocaust, is all this stuff about the telephone box. So let us read page 18, shall we: "Let me give you an example of why I think it" -- that is to say this imaginary experience -- "is a psychiatric problem. Let me give you a little parable here, a biblical parable almost, because in Israel, now the

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Ministry of Justice, announced three or four weeks ago the British newspaper, the Independent, reported this news communique, that every year 200 tourists go to Jerusalem, which is, of course, that magnificent city, this crossing point of three different religions and cultures. They are so overwhelmed by these cross currents, these, the vibes of the city of Jerusalem, that every year 200 tourists go there and believe that they are the messiah reborn and returning to Jerusalem. They cannot all be the messiah. At most one of them can be the messiah", and you are not talking about Jesus of Nazareth, are you?

A: It is quite clear that I am. This is a genuine statement released by the Israeli government.

Q: No.

A: Carry on.

Q: You are talking about the messiah, for whom the Jewish people are still waiting, are you not?

A: This reminds me of mathematical equations. You said the letter E in an equation can be the exponential factor but need not be. These people could be the messiah, but need not be, if I can put it like that.

MR JUSTICE GRAY: You call it a parable, do you not? Come on.

MR RAMPTON: "They cannot all be the messiah. At most, one of them can be the messiah, so 199 of them are liars".

A: Yes.

Q: "But they have had this immense religious experience, and

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it is rather the same kind of trauma as people who went to Auschwitz, or people who believed

they went to Auschwitz, or people who can kid themselves into believing they went to Auschwitz, and the only way to overcome this appalling pseudo-religious atmosphere that surrounds the whole of this immense tragedy called World War II is to treat these little legends with the ridicule and the bad taste that they deserve. Ridicule alone is not enough. You have got to be tasteless about it. You have to say things like more women died on the back seat of Senator Edward Kennedy's car at Chappaquidick than died in the gas chambers of Auschwitz (applause)".

A: The applause drowned the rest of the sentence, unfortunately, which is "in the gas chambers of Auschwitz which are shown to the tourists". I always say exactly the same thing.

Q: Oh no, you do not, Mr Irving. We went through that before.

MR JUSTICE GRAY: Is it on the video?

MR RAMPTON: This is on the video. Would your Lordship like to see it?

MR JUSTICE GRAY: Yes, unless it is going to take ages to get it going.

MR RAMPTON: No, it is not. It is only the rest of this page really. Just go from where it is. **(The video was shown).**

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MR RAMPTON: Stop there, please.

A: You are right. You are absolutely right. In that particular one I did not put in the rider that that is the one they show the tourists.

Q: You did not. Frequently you have not. Not only have you not put in the rider, you have added other gas chambers elsewhere, Treblinka, Belzec. Not here. In the documents we were looking at yesterday.

A: You are adding them now verbally into my speech.

Q: No, I am not.

A: Shall we just abide by the speech that I was speaking here?

Q: You said a moment ago that you never make any reference to any gas chamber but the one which was reconstructed by the Poles after the war. That is simply false, is it not?

A: The one that is faked by the Poles after the war.

Q: Yes, whatever you like. It is simply a false statement, is not, Mr Irving? We saw a whole lot of statements by you yesterday, did we not?

A: Will you please ask the question again because you ----

Q: Your statement that you never make reference to any but what you call the fake gas chamber at Auschwitz (i), gas chamber singular, is a false statement, is it not?

A: I frequently refer to gas chambers elsewhere, yes.

Q: Yes.

A: But in what connection?

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Q: In the context of saying that they never existed.

A: In Dachau, for example. We now know that eyewitnesses reported there were gas chambers in Dachau, and we now know the German government has confirmed there were never any gas chambers in Dachau. That is a typical example.

Q: Mr Irving, I do not believe you have that bad a memory. I really do not.

A: You just asked me a question and I have answered it.

Q: In that case I am going to have to remind you of what you were shown but yesterday.

Laborious, but necessary.

A: Dachau is typical example of survivors who were caught out lying.

Q: You will have to be patient with me, Mr Irving. I will find it. This is just an example from page 156 of yesterday's transcript, if you have yesterday's transcript. This is a speech by you at Moers that we looked at yesterday.

MR JUSTICE GRAY: Would you like a copy of it?

A: If it is not going to be too tedious.

MR RAMPTON: I will read it out. You said: "The dummies are still standing in Auschwitz, because the German government has no sway there". Page 156, line 8. "The dummies are still standing in Auschwitz because the German government has no sway there, and understandably that is problem for you" -- that is the Germans -- "that you have a government in Bonn that allows its own people to be

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defamed by all countries of the world, although in the meantime it is cried out that these things in Auschwitz, and probably in Maidonek, Treblinka and in other so-called extermination camps in the East, are all dummies". That is a direct quote from your speech in Moers.

A: Yes. Are you quoting the speech to me? Are you going to quote something from the exchange that follows? If so, I cannot quite understand why we are looking at yesterday's exchange rather than looking at the actual speech.

Q: Because it was the easiest way to what you said in Moers. I have it in the file.

A: Of course, if you do it that way, we do not know exactly what was said in the actual speech.

MR JUSTICE GRAY: We can track it down, I am sure.

MR RAMPTON: Page 3, tab 5, Mr Irving.

A: Perhaps we can just wait to see what the question is and then it may not be worth the effort.

Q: I have put the question already. You made a statement not more than a couple of minutes ago that you never make reference to the non-existence of gas chambers except in relation to what you call the fake gas chamber at Auschwitz (i). That statement was false, was it not?

A: "The dummies were still standing in Auschwitz, these things in Auschwitz and probably in Maidonek, Treblinka and in the other so-called extermination camps". I think

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the word "probably" therefore has to be looked at and emphasised.

Q: Carry on. Read on.

A: In other words ----

Q: Read on. The fact is that Auschwitz we know that what they show the tourists is fake because the Poles have now admitted it. I am sorry, "reconstructed" is what you call it.

Q: What?

A: But the other places, Maidonek, Treblinka and so on, my hands are tied in really dealing with that because, for the purposes of this court action, I am not challenging them.

MR JUSTICE GRAY: I think we are getting a bit confused here.

A: My Lord, perhaps I can help?

MR JUSTICE GRAY: Yes, because I may have misunderstood the position. I think it all arose out of your saying to Mr Rampton earlier that, whenever you refer to no Jews, or virtually no Jews, having died in concentration camps, you add the rider that you are really talking about what you call the dummy constructed after the war at Auschwitz.

A: I hesitate to allow your Lordship to put words into my mouth.

MR RAMPTON: Let us go back on the transcript for today and we will find it.

A: I am much more specific than that, and I say that, in this

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rather tasteless way, more women died on the back seat of that car than died in the gas chamber at Auschwitz, meaning the one they showed the tourists.

MR RAMPTON: It is when I was reading the transcript before we saw the video. We will get the exact words, my Lord.

A: It is part of the gramophone record, if I can put it like that.

MR RAMPTON: In the light of yesterday's evidence from Professor Funke -- I cannot read that. Now, Mr Irving, I am going to read you back your answer.

MR JUSTICE GRAY: Page 24.

MR RAMPTON: Page 24 of today. This what gave rise to all of this, you see, Mr Irving. You made yet another, shall I say courteously -- "The applause drowned the rest of the sentence, unfortunately, which is, 'in the gas chambers of Auschwitz which are shown to the tourists'. I always say exactly the same thing". It was a false statement, that, was it not?

A: It was clearly wrong.

Q: Yes.

A: But not deliberately wrong. I have this same part of my speech that I deliver again and again and it is possible that, in the heat of this particular speech which was spoken without notes, as you will see ----

Q: No, Mr Irving.

A: -- to a non-skinhead audience.

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Q: What was false is that you always say exactly the same thing. You do not. You frequently refer to the non-existence of any gas chambers in the plural.

A: I think you will have to show me the passages where I frequently say this.

MR JUSTICE GRAY: The point is you deny the existence of gas chambers and, when you do that, you do not talk only of the dummies such as the one that was constructed after the war at Auschwitz. That I think is the point.

A: If that is the point he is trying to make, then of course he is wrong because I have made it quite plain earlier in this case that I accept that in Auschwitz Birkenhau gas chamber experiments were conducted, for example, in the bunkers, the two buildings called the bunkers, and to that degree I certainly do not deny it.

MR RAMPTON: I expect you have been reading the Eichmann memoirs, have you not?

A: Not yet. If you know how little time I have.

Q: If you do a word search on them, look for the word "Vergasungslager".

A: I take your tip. Thank you very much. "Vergasungslager"?

Q: Yes, "Vergasungslager", gassing camps, Mr Irving.

A: I will tell you the result of that when I come here tomorrow.

Q: I am just going to finish. My Lord, unless your Lordship

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wants me to ----

A: Mr Rampton, if you intend to rely on that particular word, I think you should show me the passage so I can comment on it now, rather than just leave it hanging in mid air.

MR JUSTICE GRAY: At the moment we have not gone to the Eichmann diaries at all, and I do not know whether we are even going to.

MR RAMPTON: I am going to continue, my Lord, if I may, with page 18 of the transcript, unless your Lordship would like to see it on the screen.

MR JUSTICE GRAY: No, I think not.

A: That is certainly not the way to introduce the Eichmann memoirs, to do it like that, just to throw one word out.

MR JUSTICE GRAY: They have not been introduced, Mr Irving. Let us go back to page 18.

MR RAMPTON: After the statement that more women died on the back seat of Edward Kennedy's car at Chappaquidick than died in the gas chambers (plural) at Auschwitz, there is some applause which did not drown out anything else you said. You then continued: "Now" you think that is tasteless. What about this? I am forming an association especially dedicated to all these liars, the ones who try and kid people that they were in these concentration camps. It is called the Auschwitz Survivors of the Holocaust and Other Liars Assholes", and you spell it out for them so that they get the joke. "Cannot get more

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tasteless than that but you have got to be tasteless because these people deserve all our contempt and in fact they deserve the contempt of the real Jewish community and the people, whatever their class and colour, who did suffer." I do not know that I need to go on.

A: Yes. I got something wrong, of course.

Q: What was that?

A: The title of that association. It is the Association of Spurious Survivors of the Holocaust, but, once again, in the heat of the talk, I got it wrong.

Q: I am awfully sorry about that. The fact is, Mr Irving, what you are doing here, as you were at Hagenau and on other occasions that we have seen ----

A: Mocking the liars.

Q: Oh yes, Mr Irving, but why the applause?

A: Because I am a good speaker, Mr Rampton.

Q: What?

A: I am a good speaker.

Q: Mr Irving, Professor Funke had you bang to rights, did he not? What you are doing is appealing to, feeding, encouraging, the most cynical radical anti-Semitism in your audiences, are you not?

A: Do liars not deserve to be exposed as such? If you saw the audience as you saw them in that film, did you see any skinheads or extremists or people wearing arm bands? I did not. They looked like a perfectly ordinary bunch of

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middle-class Canadians.

Q: No doubt they too, Mr Irving, will spread the word, if I may use that terminology?

A: Is that evidence or are you asking me a question?

Q: I am asking you a question. That is what you are hoping, is it not?

A: Spread the word that there are elements of the Holocaust story that need to be treated with scepticism, yes.

MR JUSTICE GRAY: Mr Irving, an I ask you this? Of these eyewitnesses, are you saying that they have come to believe what they say about their experiences and that is why they need psychiatric treatment? Or are you saying that they are collectively telling lies, deliberate falsehoods?

A: Different people have different motives or different reasons. There are different reasons why they tell stories that are not true in this particular context. We saw the witness Professor van Pelt in the video and in his report talking of the almost mystical and religious awe in which he holds the site of Auschwitz. I can well understand that. It has become very central to their existence as the Jewish people. It has become an important part of their social awareness. It has become very close to religion in some aspects, in my view. It has become almost blasphemy to trample on any part of that ground. It has become holy ground, both in the physical

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concrete sense and in the metaphysical sense. As with any religion, there are hangers on, people who believe they were there, people who believe they touched the cloth, if I can put it like that. There have been an increasing number in recent years -- Benjamin Wilkormierski is one example Ely Wiesel is another -- who have capitalized on, or instrumentalized, the Holocaust. Now, I am not a psychologist, I am not a psychiatrist, but I have looked into some of the learned psychiatric texts that have been written about this phenomenon of the man who believes he is a survivor, the man who has been through a traumatic experience and either puts himself in the middle of an experience that he was on the periphery of, or who puts himself into an experience when he was not there at all. That is what the reference to the psychiatric problem is in this. It is put admittedly in the most tasteless possible way. Nobody can accuse me of not having been tasteless, and I probably deserve to be horse whipped for it, but the fact is that I am dealing here with a serious problem concerning the eyewitness accounts from Auschwitz.

MR RAMPTON: And your audience absolutely love it, do they not, Mr Irving? It is music to their ears, is it not?

A: They travel 200 miles sometimes to come and hear me speak, yes.

Q: Good. Now I want to ask you about the National Alliance, if I may. For this purpose you will need Bundle A. It is

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the request for information and the answers that the witness will need. Page 79 of the request first of all, question 23, in the middle of the page under the main heading, the National Alliance. We asked you the questions, Mr Irving. I hope you have got it: "Do you agree that the National Alliance is responsible for the material contained in the appendix to Rebecca Goodman's witness statement? Do you agree that it is the largest and one of the most influential neo-Nazi organizations in the United States of America, being extremely right-wing, racist and anti-Semitic? Do you agree that it publishes and/or advertises through national vanguard publications which are extremely right-wing, racist and anti-Semitic"? Then we asked you: "Do you agree that you spoke at various National Alliance events"?

You will find your answers to questions 23 and 25 in a document in tab 9, I think I am told, page 7. Can I ask you this? When you receive a document like this in the course of legal proceedings, and I know this is not the first time you have litigated, do you take the questions which are asked seriously? Do you take this to be a serious event in the course of the proceedings?

A: Well, in view of what happened to Mr Aitken, I take it very seriously indeed, yes.

Q: So your response to the first question about your knowledge of the National Alliance is this:

"I have no

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association of the body known to the Defendants as the National Alliance as such or whatsoever. I cannot rule out that members of that organization, which I take to be a legal organization in the United States, have attended functions at which I spoke. Accordingly I have no knowledge of, and I take no interest in, what materials it publishes or distributes. I have no knowledge whatsoever of the character of the National Alliance, other than what is now claimed by the witnesses for the Defendants, nor the publications which it is alleged to publish or advertised". In relation to the next question, in answer to the next question, you gave this answer: "I do not agree that I have spoken at any National Alliance meetings. It might be that on occasions a gentleman who was a member of the National Alliance offered to organize a lecture for me. In other words, he undertook to find a suitable room. But I then circulated 'my' entire local mailing list to provide an audience. No doubt he brought his friends as well. It will be seen that in all these photographs of these events which are produced at trial, there is no kind of National Alliance 'presence'".

Those statements were false, were they not, Mr Irving?

A: At the time I made them, they were absolutely correct, yes. They were not false. I have the photographs.

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I have not yet introduced the photographs I am referring to, but I have them ready.

Q: Mr Irving, we showed in this court, oh some time ago now, video tape of you standing on a platform with a National Alliance banner by your left shoulder, did we not? That was film taken by the Australia film crew, was it not?

A: You showed a video tape of me in a room, on one wall of which was a banner, which has been pointed out to me in this courtroom as being a National Alliance banner. I do not suppose a single person in this courtroom would be able to tell you what a National Alliance banner looks like, and that is the position of most English people.

Q: Except, may I suggest, you, Mr Irving. Could the witness be given RWE 1, and be asked to turn to tab 2?

A: Shall I get my own file?

Q: No. Somebody must do it for you. The first document in this section of the file, Mr Irving, is a letter dated 3rd February 1990. It has on its left-hand side a sort of symbol?

A: Yes.

Q: On the right-hand side it says in large, emphatic black ink: "National Alliance, PO Box something or other, Palma, Ohio", does it not?

A: Yes.

Q: "Hello David", it says, "I have arranged for you to speak on Wednesday, June 3rd, 7.30 p.m. at the Croatian Home in

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Cleveland. Enclosed is a map, Croatian Home", and then the address. "You are welcome to stay again at the residence of Mark Wavra", I think it is, in somewhere or other and then the telephone number is given?

A: Yes.

Q: "Stay in touch and call me if need be."

A: Yes.

Q: That letter, I suspect, comes from your discovery, I do not know?

A: Almost certainly, yes.

Q: Yes, so is this letter a forgery?

A: No.

Q: Well, how do you explain it?

A: Well, if you would like to ask me specific questions?

Q: How do you explain this letter in the light of the answers you gave us on paper?

A: Would you ask me a specific question?

MR JUSTICE GRAY: It looks like a letter from an official of the National Alliance because it has "National Alliance" at the top, and it looks as if you have a prior relationship with the writer, Glibber, is that the point?

A: Can I draw your attention to the second sentence of my answer No. 25? It might be that on occasions a gentleman who was a member of the National Alliance offered to organize a lecture for me, in other words, he undertook to find a suitable room. Is that the kind of letter you

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would expect in response, describing the room that he has offered, that he has provided? No reference that it is going to be a National Alliance function; he is just using his own notepaper?

MR RAMPTON: "I have no association with a body known to the Defendants as the National Alliance as such, or whatsoever. I do not agree that I have spoken at any National Alliance meetings". Those were false statements, were they not, Mr Irving?

A: Still completely true. This is not an association with a body. He is not writing in official capacity to me. He is writing to me as a personal friend. I do not know why he used that notepaper. It was not a National Alliance function, and if you asked me 10 years later, do I recognize that logo on the top left-hand corner, I do not recognize it; and if you had asked me even between the time we saw the video and now, I could not have drawn it from memory, let alone 10 years later. Can you draw from memory the logo of the Automobile Association, just to give one example? I do not know.

Q: I have not finished, Mr Irving. Do not be too hasty.

A: That is why I asked you to ask specific questions rather than...

Q: The specific question is you know perfectly well who the National Alliance are and you always have done?

A: I now know who they are, yes.

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Q: No, no. You always knew who they were.

A: That is a different question, is it not?

Q: You have cooperated with them willingly. You agreed to speak at meetings hosted or organized by them in the full knowledge of who they were, did you not?

A: The answer is, no, I did not. I am talking in the past tense. I know now who they are because I have now read a lot of literature provided by the Defendants about them. At the time that, at all material times, I was not aware who the National Alliance were, I was not aware of what their logo looked like, the fact that somebody had some kind of logo on the top left-hand corner of letters certainly is not going to embed itself in my consciousness. Why should it?

Q: I will tell you why in a moment. Turn over to page 2, please.

A: Yes. Is there any logo on this letter?

Q: No, there is no logo ----

A: Is there any "National Alliance" heading on the letter?

Q: Please be patient. You will see how the matter develops very shortly. This is dated 15th September 1995. It comes from somebody called Erich Gliber?

A: The same man.

Q: What?

A: The same man, yes.

Q: No. Is it?

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MR JUSTICE GRAY: Yes, the same man.

MR RAMPTON: Oh, yes, the same man, the same fellow. This time you are going to be speaking at Lithuanian Village in Cleveland as opposed to Croatian Home in Cleveland.

A: Do you want to make anything out of that? I mean, you appear to be emphasising those words as though you were attaching importance to.

Q: I do, perhaps, Mr Irving.

A: Do I detect any xenophobia there?

MR JUSTICE GRAY: Mr Irving, answer the questions.

MR RAMPTON: Perhaps you can help us.

A: I have nothing against Croatians or Lithuanians.

Q: No, during the war the Croatians were one of the Nazi puppet governments, were they not?

A: Is that the point you are trying to make?

Q: Answer my question, please, Mr Irving.

A: The Croatians?

Q: Yes.

A: There was a puppet Croatian government, yes. There was a puppet Belgian Government and a puppet Dutch Government, yes.

Q: But the Croatians -- I do not want to go too far down this road -- it is right were enthusiastic supporters of the Nazis, were they not?

A: All the Croatians? I do not know.

Q: No, no, the Croatian Government.

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A: Well, the puppet government was. That is what puppet governments do. There were puppet Marxist governments.

Q: And during the war in Lithuania, as we have seen, Reinhardt Heydrich saw Lithuania, amongst other places in the Baltic states, as being a fertile source of anti-Semitic problems, did he not?

A: I think most of the Eastern European countries were, yes.

Q: Do you know why these places are called "Croatian Home" and "Lithuanian Village"?

A: I think they had -- if you look in one of the photographs which I will present to the court, there is actually a Croatian banner hanging on the back wall. It is rather like the British Legion. The veterans who live in that area, in the Cleveland area, there are a lot of these ethnic minorities, and

I have got nothing against ethnic minorities.

Q: No.

A: But they have their own meeting place, their own social halls and so on.

Q: Now, the next page over, page 3 in the circle in handwriting at the bottom of the page, is from what? There will be an index somewhere.

A: I have no idea at all. Never seen it.

Q: It is from the National Alliance bulletin, yes. It is a very bad photograph and one could not tell it was a photograph of anything at all in the top right-hand

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corner, and it is captioned "David Irving lecturing at Cleveland. A fund raising activity for the Cleveland unit." Under "Cleveland activity", the cross heading in the middle column says: "On October 1st, the Cleveland unit hosted", sorry, just looking for a date, "October 1st, the Cleveland unit hosted a very successful lecture by the British historian and revisionist author, David Irving. More than 100 tickets were sold at \$10 each. After paying Mr Irving's \$500 fee and the modest rent for the hall, the unit had a profit of approximately \$400. To this was added the income from sales of Alliance books and from a bake sale". Drop down, please, to the bottom of the page.

A: From a bake sale organised by the unit's women -- a very dangerous body, obviously!

Q: Yes, of course, it is like the Women's Institute! Drop down to the bottom of the page: "Mr Irving's lecture was received enthusiastically by the audience and he was able to autograph and sell a substantial number of his own books during the meeting. The Cleveland unit's next public activity will be a white power rock concert on New Year's Eve"?

A: "White power rock concert".

Q: Yes. Now please turn over the page to page 4.

A: Are you going to ask a question about that? Have I ever seen that before? The answer is no.

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Q: No, this is just part of the narrative, Mr Irving. My question may sometimes come after several documents. You have to be patient.

A: Well, sometimes I will give an immediate response.

Q: Page 4, your diary, October 1st 1995: "Pittsburg, Pennsylvania to Cleveland, Ohio. Rose at 7.30 a.m.. Packed. Left for Cleveland around 3 p.m. Arrived at meeting place 6.00 p.m. Fine meeting, around 150 people, many ethnic Germans. Gate of \$500 was agreed plus £1700 book sales. What a relief. Sat up to 2 a.m. with my hosts after supper chatting". October 2nd: "Rose 9.50 a.m. breakfast with my hosts, plural, lawyer etc." Do you still maintain that you do not know who these people were?

A: Yes. The host was Mark Wavra who is a well-known Cleveland lawyer who had nothing to do with the Alliance. Is that the question you are asking?

Q: They were your hosts for this meeting, Mr Irving.

A: The hosts are the people I am actually staying with. If you saw the previous letter, the first letter, that they have arranged for me to be accommodated in this lawyer's home, I have nothing against lawyers.

Q: Is that Mark Wavra the -- I can never remember what "IHR" stands for and I do not much care. IHR is historian?

A: Sorry, it is not. It is Wavra, W-A-V-R-A.

Q: Yes, it is mishearing?

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A: I point out, of course, there is not the slightest reference either in that diary entry or in any other diary entry to the NA or the National Alliance or to any other body which confirms what I said about having had no knowledge of them.

Q: Well, I asked you to be patient. You have jumped in as you so often do ----

A: Yes.

Q: ---- and I turn now, please, to page 5?

A: Page?

Q: 5, your diary again?

A: Yes.

Q: October 6th 1995, same year?

A: Oh, yes.

Q: Five days later: "Savanna, Georgia to Tampa, Florida. 7.45 a.m. radio show from Tampa. Did a 20 minute interview and they announced the location. Not amused by that. Drove all day to Tampa, phoned Key West, etc. etc. etc. Arrived at the Hotel Best Western at 4.00 p.m. Sinister gent with pony tail was the organizer. Turned out the meeting here is also organized by the National Alliance and National Vanguard Bookshop. Well attended".

Now, Mr Irving, do you want to revise the answers you have just been giving me?

A: It just goes to show how bad my memory is, yes, but it always illustrates, does it not, the fact that I am

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learning as I go along, and that I had not the slightest notion who these people are. Would that be a proper interpretation to put on that entry?

Q: No, Mr Irving, it would not. Turn now to the meeting here, Tampa, is also organized by the ---

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A: The same entry.

Q: --- National Alliance. In other words, you knew that both the meetings were organized by the National Alliance?

A: Obviously, I had subsequently learned that the previous one was also organized by this body which I had never heard of.

Q: We have seen that speech in Tampa in full in this court some weeks ago. On this occasion the host, let me call him this, whose name I am afraid I do not know, but I suppose it might have been this chap Gliber, I do not know, although he seems to be in Cleveland and not Tampa, he opened the proceedings with you on the platform and the banner nearby: "Ladies and gentlemen, on behalf of the National Alliance and National Vanguard Books, I would like to proudly welcome Mr David Irving." Do you want to revise your evidence, Mr Irving?

A: Well, obviously he put in a plug, what on TV would be called a plug for his own particular passion.

Q: "On behalf of the National Alliance and National Vanguard Books", remember your diary entry ----

A: Yes.

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Q: --- organized by the National Alliance and National Vanguard Bookshop, "On behalf of the National Alliance and National Vanguard Books, I would like proudly", "I would like to proudly", he is an American, "I would like to proudly welcome Mr David Irving"?

A: Yes.

Q: Well, Mr Irving.

A: Well, as I say, he has taken the advantage that he is making the opening speech to put in a plug for his own friends. That is all I can say, and it does not contrast with what I said in paragraph 25, that I have been invited by an individual and that the audience is almost entirely made up from my own list and that is why he is putting in his plug and why he is welcoming the outsiders.

Q: "I have no association with a body known to the Defendants as the National Alliance as such or whatsoever. I do not agree that I have spoken at any National Alliance meetings". Two statements which are both completely false, am I right?

A: No. I stand entirely with what I said in paragraph 25, and it is quite evident from my diary entries that I am learning as I literally drive around the United States that I speak at these functions and afterwards I have found out, "Oh, that one was organized by this person too or by that body too", and I find out subsequently. Once again, I have to say that I have not the faintest notion

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who they are or who they were. I spoke in the United States sometimes 100 times in one year, always to different bodies, and I am not going to make any particular note of which these bodies or these functions or universities or groups or whatever.

Q: I take leave, if I may, Mr Irving to inform you that I reject every word of that answer. I will not take it any further in that direction, but I do ask you, have you familiarised yourself with the National Alliance literature?

A: No, I am not the least bit interested in it.

Q: I thought you said you had looked at it since this case began?

A: I fluttered through the things that were put into your bundles. That is when I have been mystified as to the relevance of them, frankly, catalogues of books and things. I thought, what on earth has that got to do with me?

Q: Because this poisonous material is on sale at the meetings which you have allowed yourself to be exploited at, if I may put it like that, held and organized with your knowledge by the National Alliance?

A: I understand that Karl Marx's "Das Kapital" and Adolf Hitler's "Mein Kampf" is on sale at Harrods, but that does not mean to say that people who go and shop in the crockery department are in some way poisoned, does it, or

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in some way associated with those poisonous gentlemen?

MR RAMPTON: My Lord, I foresee there is not going to be much point in my asking Mr Irving to look at the material at this stage. However, in the light of this passage in the evidence, I will invite your Lordship to look at it along down the line because it will form part of my closing submissions.

MR IRVING: Perhaps you should put them to me seriatim if you intend that his Lordship rely on them and I can say point by point have I seen it before, answer no.

MR JUSTICE GRAY: Not seriatim, but what I think would be helpful and I think would be right, if I may say so, would be for you to put maybe a couple of them by way of representative samples.

MR RAMPTON: I will simply put their ideology. One need not go any further than that.

MR JUSTICE GRAY: Where, as a matter of record, would I find National Alliance?

MR RAMPTON: You would find the literature behind Rebecca Gutman's statement which is in file ----

A: That is right. That is where I saw it too.

Q: --- C1, tab 2.

A: That is where I saw it for the first time and, frankly, I thought what on earth has it got to do with me, which is precisely why these witnesses should have been called so they could have been cross-examined, in my view.

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MR JUSTICE GRAY: You are now going to have the opportunity ----

A: It is not quite the same thing.

Q: --- to comment on the literature.

A: It is not quite the same thing, though, is it?

MR RAMPTON: My Lord, the document I wish to refer to is the second document of the appendix to Rebecca Gutman's statement. The front page says: "What is the National Alliance?" Ideology and programme of the National Alliance. Copyright 1993".

MR JUSTICE GRAY: Has Mr Irving got a copy of this?

MR RAMPTON: I am hoping he will be given one.

A: Can I draw your attention to page 1 which is one of the leaflets for one of the meetings that is relied on, apparently, and there is not any reference whatsoever to the National Alliance. That is the Tampa function, is it not?

MR RAMPTON: True, but that was, as you acknowledge in your diary, a National Alliance event?

A: I say it subsequently turned out that the organizer was National Alliance.

Q: No, this is 1998, Mr Irving, not 1995.

MR JUSTICE GRAY: Do I already have this file that has just been handed in?

MR RAMPTON: I am afraid mine is anonymous. You have got your own C1 bundle, my Lord, I think.

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MR JUSTICE GRAY: It seems to be differently made up.

A: Can we, first of all, ask what paragraph of Gutman's report relies on this document so we can fit it into the constellation of evidence, so to speak?

MR RAMPTON: 14, I think, I am told. This is another National Alliance meeting at which you spoke, you see, Mr Irving, in 1998. It might be worth looking at some of this. Does your Lordship have it there?

MR JUSTICE GRAY: Yes, I am just puzzled. I do not think I have ever had this file. I may be wrong about that, anyway.

MR RAMPTON: My Lord, may I first draw attention to parts of the Rebecca Gutman's statement? This is the Civil Evidence Act evidence, paragraph 10 on the fifth page, the eligibility

requirements of the National Alliance are: "Any White person (a non-Jewish person of wholly European ancestry) of good character and at least 18 years of age who accepts as his own the goals of the National Alliance and who is willing to support the programme described herein". It continues: "No homosexual or bisexual person ... no person with a non-White spouse or a non-White dependant ... may be a member". Notice, Mr Irving, the "white" wherever it appears has a capital W. Now paragraph 14 ----

A: Can I draw your attention to paragraph 3 first?

Q: By all means.

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A: The flyer made no mention of the National Alliance. She points out that the function had no National Alliance presence apart from these leaflets that were, apparently, offered on some table somewhere else in the building.

Q: But for somebody, Mr Irving, like you who already knew that it was the National Alliance who was organizing the meeting, that really does not matter, does it?

A: Are you going to lead evidence that I knew in advance it was the National Alliance organizing the meeting?

Q: I am suggesting to you it must have been perfectly obvious.

A: That is something different, is it not?

Q: This is an old friendship, Mr Irving.

A: Is this the consensus of opinion again or is it something for which you have evidence?

Q: Mr Irving, please. You have seen the evidence in your own diary. You know the National Alliance, do you not?

A: Will you take me to the evidence in the diary?

MR JUSTICE GRAY: We have just been through it, Mr Irving. I do not think we need to go through it again.

A: This is a different meeting, my Lord.

MR RAMPTON: Yes, different meetings, three years later?

A: It is conflating different meetings, if I can use that word. If he relies on this document, then, of course, we have to look at the actual meeting where the witness obtained this document which was, apparently, not a

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National Alliance meeting.

Q: We will just have a look at paragraph 14, if we may? "Inside the room there was a table set up with Mr Irving's books and copies of this latest newsletter. Across the room there was" ----

A: "Across the room".

Q: What?

A: "Across the room", in other words, nowhere near me.

Q: How big was the room, Mr Irving?

A: About twice as big as this.

Q: "Across the room there was a table set up for the National Alliance with books, fliers and cassette tapes. I picked up a selection of the material on offer. This material is at appendix pages 11 to 106", and so on and so forth, "including a flier advertising Mr Irving's books, a handwritten photocopied flier advertising Mr Irving's next lecture and a publication entitled 'David Irving's Action Report dated 20th July 1998'." Now, Mr Irving, can we have just a quick look at the

policy document?

A: Well, I will just draw your attention once more to the page before it, page 1, which makes no mention whatsoever to this being a National Alliance function. Do you accept that?

Q: I accept it does not say it. I certainly do not accept that you did not know that it was. That is quite

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different.

A: Well, if it was a National Alliance function, then why would it not have said so on the actual flier?

Q: Perhaps because the National Alliance are slightly nervous about making too much publicity for themselves outside the magic circle?

A: Your own witness said there was no evidence of it being a National Alliance meeting.

MR JUSTICE GRAY: You have made that point; I have taken it on board.

A: So what possible relevance, whatever leaflet was on the table 100 feet away from me ----

MR JUSTICE GRAY: I am bound to say I regard it as being relevant to know what sort of an organization it is that you have addressed on three occasions?

A: My Lord, I object to the suggestion that I was addressing an organization. I was addressing my people who had come from all over Northern Florida to hear me speak at a function organized by this gentleman. I am sure it was a slip of the tongue, but I would hate it to go on the record unchallenged.

MR RAMPTON: Inside the front cover, "What is the National Alliance?" we read this: "Building a new White world", do we not?

A: What are we looking at?

MR JUSTICE GRAY: Headline.

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MR RAMPTON: "Building a new White world".

A: 80?

MR JUSTICE GRAY: Oh, sorry. I think it is called C1, tab 2, page either 3 or 80, according to your preference.

MR RAMPTON: We notice, as I said a moment ago, the date of this document is 1993, so it was written before your visit to Cleveland in 1995, your visit to Tampa in 1995 and your visit to Tampa in 1998?

A: It is another lie, Mr Rampton, I am afraid. Look at page 9 -- I am sorry, page 86. Top left-hand corner of the box. Do you see some figures there?

Q: Yes, yes, Mr Irving. The copyright date is 1993. This may be a revised or updated version perhaps.

A: Well, I am telling you this document appears -- I am saying I have never seen it before -- to be dated October 1996.

Q: In which case it was in existence at the date of this speech by you at Tampa 1998, was it not?

A: Yes, but you cannot rely on it for what happened in 1993. I may be wrong but ----

MR JUSTICE GRAY: I think you are wrong, but I am not sure it tremendously much matters.

MR RAMPTON: That is one of the areas where it matters not least to me whether you are right or wrong, Mr Irving. Can you turn over the page, please? I am not going to wade through all that acres of sludge on the first page

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all about -- I will read "Summary statement of belief", if I may, bottom right-hand column: "We may summarize in the following statement the ideology outlined above. We see ourselves as a part of nature, subject to nature's laws", nothing very controversial about that, one may think?

A: I do not know where you are.

Q: "We recognize the inequalities which arise as natural consequences of the evolutionary process and which are essential to progress in every sphere of life". Again, somewhat uncontroversial. "We accept our responsibilities as Aryan men and women to serve for the advancement of our race in the service of life and to be the fittest instruments for that purpose that we can be." Then if you turn over the page we are beginning, Mr Irving, you may agree, to enter familiar territory.

A: In what respect?

Q: In the respect that this is, one might think, simply an English, a modern English American version of Nazi ideology.

A: So what? I mean, so what? What has that got to do with me.

Q: "White living space". You fuel these people with your thoughts about the Holocaust, Mr Irving, that is why it has got to do with you.

A: Well, has it occurred to you I may go there and correct their opinions? I read them the documents they do not

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want to hear. Has this possibility occurred to you?

Q: When did you last address a meeting of the South Balham Trotsky Society, Mr Irving?

A: Mr Rampton, you are perfectly familiar with my policy which says I accept invitations from whichever body invites me, left or right.

Q: Mr Irving, my question was put ----

A: If they choose not to invite me, that is their own loss.

Q: No comment, Mr Irving.

A: Well, you asked me a question and I gave you an answer.

Q: The answer to my question is never, is it not?

A: If they invite me, I will come. I cannot force myself on them.

Q: "White living space". "In spiritually healthier times, our ancestors took as theirs those parts of the world suited by climate and terrain to our race, in particular all of Europe and the temperate zones of the Americas, not to mention Australia and the southern tip of Africa", note. "This was our living area and our breeding area and it must be so again. After the sickness of multiculturalism which is destroying America, Britain and any other Aryan nation in which it is being promoted, has been swept away, we must again have a racially clean area of the earth for the further development of our people." Does that reference to the "sickness of multi-culturalism" in Britain have any resonance for you, Mr Irving?

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A: Not really, no.

Q: You do not remember the remarks you made in South Africa about God working out the Final Solution remorselessly by means of AIDS against homosexuals and blacks?

A: I think if you are going to rely on a passage like that, you should see the actual words that I

used in the context I used them.

Q: Do you remember the remarks ----

A: In particular, use the actual words and not your vulgarized recalled version.

Q: Do you remember the remarks you made about feeling queasy when you saw black people playing cricket for England?

A: Yes, because they are better than us.

Q: Do you remember ----

A: And I am sorry about it.

Q: Do you remember that you reported that it gave you a shudder when you were welcomed at Heathrow about Pakistani immigration officials?

A: And it turned out that you associated the word "Pakistani" with coloured when I would have been equally queasy if it had been a German standing there checking my passport -- probably even more queasy.

Q: Do you remember saying that you wanted Trevor McDonald, the famous black news reader, relegated to reading the news about muggings and drug busts?

A: Have you never listened to Dave Allen on television

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telling similar jokes and not being prosecuted for racial incitement? If somebody tells a joke about a black man and a Rabbi and a Irishman, is that serial racism? I mean, where does hypocrisy end and real indignation start?

Q: Shall we read on? "We must have White schools", all these "Whites" have capital Ws, I point out, "we must have White schools, White residential neighbourhoods and recreational areas, White workplaces, White farms and countryside"

A: I think you will find the Daily Telegraph also capitalizes the word "White" and "Black".

Q: All you are doing is putting a number of other rogues in your gallery, Mr Irving, by these remarks. However, let us read on.

A: You have upset at least one Correspondent, I am afraid.

Q: "We must have no non-Whites in our living space", and you know from their definition that that includes Jews as non-Whites. "We must have no non-Whites" ----

A: What an extraordinary remark.

Q: --- in our living space us and we must have open space around us for expansion", etc. etc. etc. Then read down, drop your eye, please, to "an Aryan society": "We must have new societies throughout the White world which are based on Aryan values and are compatible with the Aryan nature. We do not need to homogenize the White world. There will be room for Germanic societies, Celtic

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societies, Slavic societies" -- in that respect more generous, perhaps, than the Nazis -- "Baltic societies and so on, each with its own routes, traditions and language. What we must have, however, is a thorough rooting out", Ausrotten, Ausrotten, Mr Irving, "of Semitic and other non-Aryan values and customs everywhere".

A: All very interesting, but what has it do with me?

Q: It has everything to do with you, Mr Irving.

MR JUSTICE GRAY: Mr Irving, you say that this is, as it were, news to you.

A: I read it with the same interest that your Lordship has. These people have obviously ----

MR JUSTICE GRAY: If you just wait for the question, then you will see what I am wanting to

know. How do you react to this sort of stuff?

A: It is a most appallingly badly written piece of propaganda.

MR JUSTICE GRAY: Badly written?

A: I am reading it now for the first time and it is head-shaking stuff, is all I can say. I keep on saying what is it doing in this courtroom frankly. I am sure it interests Barbara Gutmann no end and it interests the Defence no end, but it does not interest me in the slightest this kind of stuff, because wherever it was it was not within my cognisance and I do not intend to retain it in my memory quite frankly.

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MR RAMPTON: Mr Irving, can you put aside that file; I do not think I need to come back to it, that National Alliance document, and take back the RWE 1 file, please, and turn to page 14.

A: RW1?

Q: RWE 1, yes, in tab 2 where we were and turn to page 14, please. First of all, actually I think we had better perhaps start at page 11, as this will give us the context for what you write on 25th July 1990. The entry for the 7th December 1996, again at Tampa, and again I suggest quite obviously a National Alliance meeting, leave the first line: "I shook off the Australians around 2 p.m.". They were the Australian film crew that were following you around, were they not, Mr Irving?

A: Yes.

Q: "And scooted on ahead to Tampa, arriving at 4 p.m. Set up room nicely".

A: I set up the room, in other words; it was not somebody else setting up the room for me.

Q: So you must have seen the National Alliance banners, must you not?

A: Were there any?

Q: We have seen them on film, in this courtroom.

A: On this particular occasion?

Q: Yes. This film that we have shown in court. We did not show the whole of it. We just saw you standing on a

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podium you speaking like an inverted CND sign, the National Alliance banner a few feet away from your left shoulder.

A: Yes, of course it must have been that because that was the Australian film.

Q: Exactly. "Set up room nicely. Good audience at 7 p.m. Around 90 to a 100 people. Their book sales were not commensurate. Too many young people. I gave a few books, too, to lighten a load and I had four boxes of Goering (that is your book) to each hard paperback with P and his/her name is not given to us".

A: No, Pat Ryan.

Q: "Vincent Breeding decided he had to deliver a Nazi-type introduction and preparation which I tried hard to defuse by my remarks about that and the Swastika t-shirts, Nazi tattoos, etc., will give the Australians any amount of ammunition to use against me in their feature. What short-sighted, mindless types I am surrounded with. Despair"?

A: Will you please read on.

Q: Certainly. "To my disenchantment, the Australian television team spent some time in the foyer interviewing obvious Nazi crack pots, so I shall stop co-operating with them and they can whistle for tomorrow's interview, then that is the Australians".

A: That is right.

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Q: "I had one of the crack pots informing the Australians loudly that Rupert Murdoch is obviously a secret Jew. Aargh! I shall set out early for Key West. That is the end of this mini book I am speaking to".

A: Yes.

Q: So there were a lot of Nazi-looking types?

A: Nazi crack pots, yes.

Q: Nazi-looking types.

A: "Nazi crack pots" are the words I use.

Q: Nazi-looking types, Mr Irving. You did not like that because you thought that that appearance could be exploited against you by the television crew.

A: I did not like it because that is not my chosen company. I cannot prevent -- it is a free world, particularly in the United States where they believe in the freedom of speech -- I cannot stop people wearing what they want; I cannot stop people cutting their hair the way they want to; I cannot stop people coming into a public meeting, but I express my obvious displeasure at it.

Q: A bit like those nice friendly young men we saw in the video tape of Halle in 1991. It is nothing to do with; you cannot help it if Nazi, Neo-Nazi ----

A: Is it the ones waiving the red flags or their opponent?

Q: No, the red flags were not your opponents. Professor Funke told you clearly that was one sections of the neo-Nazi movement in Germany.

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A: That is why there is a long line of police holding them apart.

Q: Mr Irving, can we now look at page 14. This is you at the what I call the National Alliance event in 1998, two years later.

A: You call it the National Alliance event?

Q: Oh, there is no question.

MR JUSTICE GRAY: The fact is that they there were National Alliance events, so you were wrong to suggest that I was guilty of a slip of the tongue. You may be whether you knew about it knew that that was the organisation.

A: This is 1998, my Lord, and I held up to your Lordship the invitation which has no reference whatsoever on it to National Alliance, no logo, no inverted CND sign, just a ----

MR JUSTICE GRAY: Wait for the question.

MR RAMPTON: Let us look at the diary entry at the bottom of the page, shall we Mr Irving: "July 25th 1998. Tampa Florida", again. Then there is a square bracket with three dots in it. I am coming back to that, Mr Irving.

A: Yes.

Q: "5 p.m. Over to Bess Western. Good function at 7 p.m. About a 100 there. Good book sales". Vincent Breeding, remember him from 1996?

A: Yes, he learned his lesson from my lecture.

Q: He is the National Alliance organiser, is he not?

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A: That I do not know. I am sorry, that I did not know, let me correct that.

Q: "Better behaved this time. His young men were dressed in suits or blazers, standing impassively at the corners. No skinheads, neo-Nazis, thugs or jack boots in evidence. No doubt, the press will tell their readers otherwise". What you worried about, Mr Irving, is not the presence of neo-Nazis. You are worried about the dent in your public image, the public knowledge of the presence of neo-Nazis will make, are you not?

A: No, I am worried about the press lying. I have seen press reports in this courtroom saying the courtroom is filled with skinheads in the audience, and I do not think any of us have ever seen that. That is what has been in the press reporting around the world on this particular trial, that my skinhead supporters are packing the benches here. I am very familiar with this kind of press reporting.

Q: Mr Irving, I said I would come back to look at that ellipsis in square brackets we find in that diary again.

A: Yes.

Q: I would like you to look at a couple of documents, please. This is also taken, partly from a discovery and partly from a document which you produced in court. Mr Irving, you said repeatedly in this court, when cross-examining my expert witnesses, that you have disclosed the whole of your diaries.

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A: On disk, yes.

Q: Yes.

A: You have received them on disk.

Q: If you look at the first of these documents ----

A: Let me just qualify that, please. I disclosed all of those that were discoverable. I may be wrong but my belief is that the diaries were discoverable up the time the writ was served. Am I right, my Lord?

Q: Oh, yes.

A: And when was the writ served, September 1996?

Q: Look at the entry for 2nd June 1998.

A: Which is after the writ was served.

Q: That depends, Mr Irving. Your analysis of law is a little short.

A: Perhaps we ought to ----

Q: Discoverability depends not on the date of the writ; it depends upon, subject to legal professional privilege, relevance.

A: Perhaps his Lordship can lecture me on this point, but you ask me whether I had disclosed everything that was -- you put to me the sentence that I had withheld nothing ----

MR JUSTICE GRAY: Well, come on, let us not waste time on this. It is quite obvious that you disclosed something in relation to June 2nd 1998 ----

A: Yes.

MR RAMPTON: Yes, and now would you look at the second sheet,

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which is what you produced in court.

MR JUSTICE GRAY: --- and that is after the writ. The point is that there is an ellipse in what

you disclosed, as I understand it.

A: Yes.

MR RAMPTON: If you look at the second two pages of that little clip -- it is two and a half pages, this is something you wanted to use in court so you produced it for our edification during the course of this trial.

A: No, I did not. Which one?

Q: The large three-page document.

A: Yes.

Q: Headed "June 2nd 1998, Chicago Illinois".

A: No, you asked me for the summary of the Himmler letters to his mistress, and I have gave that entire summary, that entire day's entry in my diary.

Q: That is an entire entry in your diary?

A: Yes.

Q: So, it is not right to say that we have had the whole of your diaries, is it? Look at the difference in length. This is four lines long and this is two and a half pages.

A: Perhaps we should have a lesson from his Lordship about what is discoverable and what is not.

MR JUSTICE GRAY: Let me take it in the sequence which I understand it to be in.

A: The writ was served in September 1996.

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Q: Do not worry about whether the writ was served; that has nothing to do with it. You, is it right, originally disclosed an extract from your diary of June 2nd 1998 which consisted about four and a half lines?

A: Yes.

Q: There was then, as I understand it, a request from the Defendants that you disclose more of that entry whereupon one gets ----

MR RAMPTON: No. It was something that Mr Irving himself produced voluntarily to answer some question about the Himmler diaries.

A: Yes.

MR JUSTICE GRAY: Right. So then you voluntarily disclosed additional from that day's diary entry?

A: About 10 days ago, yes.

MR RAMPTON: So we must not be misled, must we Mr Irving, to thinking that the diary entries that we have in this court are anything like the complete diary entries?

A: His Lordship is aware of the fact that a lot of private material that has been taken out, a lot of personal material to which you are not entitled.

Q: Of course. I, being the lawyer here, Mr Irving, or one of the lawyers, have no problem with the obliteration (that calls a Court of Appeal authority for it), from disclosed documents of material that is irrelevant, or that is legally professionally privileged, no problem at all. My

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question here is, in relation to 25th July 1998, there is an ellipse, does that ellipse disguise a reference to the National Alliance or not?

A: That is a very proper question and I will certainly have it answered. I can send you the entire diary entry. I will even ask you for undertakings, but I think that I can say with honesty that, to

my knowledge, I have redacted nothing out of the diaries which is properly discoverable.

Q: What do you know about the British National Party, Mr Irving?

A: I know more about them than I know about the National Alliance.

Q: Tell me what you know about the British National Party, please?

A: What the Germans call a "verlorenes Haufen" - a lost heap, a band of hopeless right-wingers going nowhere.

Q: But you speak to them, do you not?

A: No.

Q: Or you have done?

A: No.

Q: Tab 5, please, in the right-wing extremist file, page 2A for example, diary entry for some date in June 1983, second paragraph: "4.30 p.m. Train to Leicester. Spoke there to 27 people at a British National Movement meeting organised by Ray Hill".

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A: You are asking me about the British National Party, right?

Q: Yes. What is different between the British National Movement and the British National Party?

A: I am not totally ignorant. I assume there is a difference, otherwise I would have not written that.

Q: Turn over the page, please. This is 17th July 1990, a letter from ----

A: Seven years later.

Q: --- Geoffrey D Brown. "British National Party, Yorkshire region. Dear Mr Irving, further to our telephone conversation today, I am writing to confirm that we would be very happy for to you come up to Leeds on Friday 14th September to address a special northern regional meeting -- --".

A: Yes.

Q: " --- whilst the bulk of the audience will no doubt be from the BNP. It is expected that there will also be people attending from other groups such as the Monday Club Yorkshire Area and something called English Solidarity".

A: Yes.

Q: Last line: "Again, many thanks for accepting our invitation".

A: Yes. It is very similar to the functions in America where somebody who is a local functionary of some political group is inviting me to come and address an umbrella body

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which all sorts of functions will come. If you look at the diary entry which covers ----

MR JUSTICE GRAY: Mr Irving, come on, that is letter on the stationery of the British National Party.

A: --- all these jumped up people, you notice he then gives me his private address to reply to. He is inviting me as a person, my Lord.

MR JUSTICE GRAY: Are you inviting me to accept that this is not an invitation to speak, and an invitation by the British National Party to speak at a British National Party meeting.

A: He says that the bulk of the audience will, no doubt, be from the BNP, and that I accept. It is also going to be totally hybrid. There are going to be people from the Monday Club which is another disreputable group, and English Solidarity. If you look at my diary entry which is on page 5, my Lord, you will see that there is not the slightest reference to me being at the BNP

function.

MR RAMPTON: Mr Irving, you do give the most appalling hostages it fortune, if I may say so. Please turn to page 7.

A: Perhaps I can say that this is mark of an honest witness, that I am speaking from memory, I have not prepared for this, I have not rehearsed. We are all hostages, not so much to fortune as to bad memory, looking at events in 1983, which is 17 years ago and 1990 which is 10 years ago ---

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Q: Now we are coming to 1993.

A: --- and I speak at, as I have said many times, 190 or sometimes 200 functions a year.

Q: Page 7, please.

A: Yes.

Q: "British National Party, in Kent. Dear Mr Irving, the British National Party is organising a rally in central London on the afternoon of Saturday 6th November. It is expected that several hundred people will attend. You are hereby invited to attend as a guest speaker".

A: And I refused.

Q: You refused?

A: End of story.

Q: You refused?

A: Yes. Sorry. So your BNP file is rather thin, I am afraid.

Q: Well, turn to page 8, will you. You are in key West.

A: I am sorry, which tab was it again?

Q: The same tab, page 8, bottom of the page: "12 midday, Kirk Lyons phoned".

A: Tab 8 you say?

MR JUSTICE GRAY: No. Page 8, tab 5.

MR RAMPTON: "12 midday. Kirk Lyons phoned. Going to London November 2nd to November 9th for BNP meeting". Is that you or Kirk Lyons?

A: Mr Lyons, he is a lawyer.

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Q: What is his connection with the BNP then?

A: I have no idea; he is an American lawyer.

Q: No idea?

A: No.

Q: How do you know he is an American lawyer?

A: Is it relevant?

Q: Yes.

A: You asked me what his connection with the BNP is and the answer is I do not know.

Q: I am mildly interested in your associates. Mr Irving. I am much more interested in you personally, of course?

A: Speaking of my first lawyer, who was Michael Rubenstein who was my lawyer for 25 years or 20 years and may be familiar to this court. I am quite happy to go through all the lawyers I have employed in my life.

Q: Many of my best friends are Jews too, Mr Irving. I want to go back now, if I may, some 50

years or so.

A: So the BNP file was rather slim. Can we agree on that?

Q: That is your comment, Mr Irving. You have given one dishonest answer already in relation even to so slim a file as the BNP, which is that you it did not go to the BNP me in Leeds, and you told us in answer to our question, answer 45, "I have no connection with the British National Party nor have I been following its progress, nor do I have any knowledge of its official aims or policies".

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A: I think that is a very reasonable and fair answer. It turns out that I attended one semi-BNP function 23 years ago or 17 years ago or something like.

Q: 1990, Mr Irving.

A: Ten years ago.

Q: Then you said: "From memory I have never spoken at a BNP meeting".

A: If you want to hang your hat on that then you are at liberty.

Q: No, I have a whole row of pegs for my hat, thank you, Mr Irving.

MR JUSTICE GRAY: Mr Irving, what is puzzling me a little bit is why you troubled on the 26th October refer to the fact that Mr Lyons was going to London for the BNP meeting?

A: Mr Lyons is an acquaintance of mine and he told me he was going to go London, that is all. He probably wanted to know if I was going to be in London at that time and he could come and drop in on me, but that is all. I mean, my Lord, I can be quite plain and say had I attended the BNP meeting your Lordship will be familiar with the fact that they have had my entire diaries and they would have dredged that little morsel out of the diaries and dangled it before this court. It is dishonest of them to have suggested any different. In view of the fact they have had 20 million words of diaries and these are the only references to the BNP, that is a minuscule, almost

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frantic, attempt to associate me with them.

MR RAMPTON: Describe the BNP? You seem to have some knowledge of them which I am afraid I do not have, but you tell me who they are, the BNP, while I search for a document? Hopeless right-wing, is that right, going nowhere? What did you mean by that, hopeless right-wing going nowhere?

A: Their attempt to establish a right-wing alternative party in this country which is, as I understand from newspaper accounts, riven by internal dissension, by poor quality, officers. I do not know. I do not follow them develop.

Q: Who is Mr Anthony Hancock who in Munich describes himself as Mr Michael Carter?

A: Are you asking if he has any association with the BNP? I do not know.

Q: No. I am asking you who he is, what his political stance is?

A: I think he is a right-winger.

Q: What do you mean by a right-winger, free market?

A: Somebody who is to the right-wing of me, shall I say. If I describe him as being right-wing, then he is right-wing.

Q: So he would like black people to be sent back to wherever their ancestors came from, that kind of thing, is it?

A: I imagine so, yes, but I have not had learned political discussions with him, so perhaps I should not give that answer.

Q: I am sorry, my Lord, there has been a hitch in the

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administration, I am afraid. Mr Irving, do you remember the question arose, first of all, in Professor Evans' report of a letter written to his wife probably sometime in 1942 of a German officer called Schultz du Bois?

A: Yes.

Q: Do you remember telling this court some days or weeks ago that you were not aware of the contents of that letter?

A: I cannot remember what I told the court, but I can tell you now what my position is.

Q: Please do.

A: At the time I was researching the background of the Bruns Report, checking on the names in the report, finding out who was who, I read the book by Professor Gerald Fleming, the relevant parts of that book, and Professor Gerald Fleming had done research into the same shootings at Riga, and he had managed to obtain a copy of the letter which Schultz de Bois had written in 1942, and I read the lines in the Fleming book relating to that letter. In other words, I have not read the actual letter but I know the letter exists.

Q: Yes, indeed you do. You were I think asked by his Lordship, this is day 22, which is 17th February 2000, page 103, his Lordship asked you this at line 23:

"Is it your case, Mr Irving, because you must put it", because you were cross-examining Professor Evans, Mr Irving, "because you must put it clearly and

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straightforwardly, that you were unaware of what Mr Schultz de Bois said in this letter?" Mr Irving: "Yes, and your Lordship will have heard from the cross-examination over the previous ten minutes that I do not attach very great importance to the remarks by Canaris." We can ignore most of that sentence, except the "yes", Mr Irving. It was not a straightforward answer, was it?

A: Ah!

Q: You know very well what was in the Schultz de Bois letter, did you not?

A: I am sure his Lordship is familiar with the problem with transcripts in court, that when a witness is having something read it him and there is a pause and the witness says "yes" as though to say, "Yes, I hear what you are saying", right? This should not be taken as being, yes, I agree with what you are saying, but, yes, I hear what you are saying.

MR JUSTICE GRAY: I hope we are not going to treat all your answers in that light.

A: I think your Lordship is capable of seeing the difference.

MR JUSTICE GRAY: I certainly see the difference.

A: What I would call a substantive yes rather than a nod. This is mine. Can I have it back now, please?

MR RAMPTON: Yes, exactly. Indeed so.

A: This is the Gerald Fleming book in my hand.

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Q: It is indeed. The reason why that letter comes into the case, Mr Irving, as I expect you will remember, is that it contains an account of what happened when the message got back to Hitler -- you will find it on page 98, will you not, it is in German, but you will recognize the passage. It is

just above a red marking by you, is it not?

A: Yes.

Q: Read out what it was reported to Schultz de Bois that Hitler had said after he learned of the Riga shootings. It is just before your red marking.

A: I have to find it first.

MR JUSTICE GRAY: Schultz de Bois went to Canaris to get him to intercede with Hitler?

MR RAMPTON: That is right. He wrote a letter to his wife apparently reporting what Hitler's reaction had been.

A: I am not deliberately delaying anything. I am just trying to find the actual passage.

Q: I think it is on page 98.

A: OK I am sorry. Yes, here we have it. This man, who went in and out, he is talking about Canaris obviously.

Q: Yes, obviously.

A: This man, who went in and out at the Fuhrer's, was to tell the Fuhrer the consequences and the atrocities of these methods once more in a most penetrating manner. No, he is said to have done this whereupon the latter, Hitler, is said to have said, and then comes the quotation: "Mein

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Herr, you want to go soft, do you? I have to do that because after me there will not be anybody else to do it".

Q: Right. Now, that is some evidence, is it not -- I am not saying it is the strongest evidence in the world, of course not, Mr Irving -- that Hitler thought it his job -- Hitler, his job -- to abolish the Jews and kill them?

A: It is some evidence, yes.

Q: Yes. Why have you never brought that to the attention of your readers? You have known about it since 1982.

A: I have known about it since roughly the same time as I found the Bruns book, yes.

Q: Professor Fleming sent you a copy of his book, the German copy, which I think came out in 1982, did it not?

A: Yes.

Q: If you look carefully at that copy, just flick through the pages, you may agree with me that you have in fact read the whole of it up to page 104.

A: No. I think I set this out at the time I gave the book to you. I obviously dipped into the first 17 or 18 pages. Let us see where the markings end. I think 27 was where I stopped reading.

Q: See if you can find the next marking after 27.

A: Then I put it away. Then, when I needed a source to look up details on the Bruns Report, I picked it up and looked specifically at the Bruns passages. You will see the ink

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is a different colour.

Q: Sorry, I did not mean to interrupt. Would you look at page 88?

A: Yes.

Q: There is one of your markings there, is there not?

A: Yes, and I write "oy" in the margin.

Q: There is something said that you do not like, I suppose?

A: Yes. It is what I would say to him. If he had read this out to me, I would have said "oy".

Q: There is a slight diversion. What is it about that passage you did not like?

A: I do not know. Let us have a look.

Q: We have a photographic copy of the relevant part of this.

MR JUSTICE GRAY: I am following.

A: Oh yes. On the basis of the liquidation order issued on November 10th and 11th to the newly appointed senior police chief and SS chief in the Baltic, who was Jeckeln, the order issued by Himmler and Hitler, I have underlined the words "Himmler and Hitler" and that is where I have written "oy" in the margin as though to say, "OK, Himmler, I agree but how are you just sliding in the words 'and Hitler' as well"?

Q: He no doubt has reached the position in 1982, which you have now reached in this court for the first time, that Hitler authorized the shootings in the East.

A: Are you asking me a question?

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Q: Yes, I am. That is right, is it not?

A: Let me just explain why I have written "oy" then next to it because that may be part of the answer. This is a book which has been written for the purpose of disproving me, as he admits himself, and this is admitted in the reviews, and this is the evidence on which he relies in disproving me, to prove that it is the Fuhrer's wish. In fact the subtitle of this book is, "It is the Fuhrer's Wish", and it is that actual quotation, the so-called liquidation order, "tell Lohse it is my order and it is also the Fuhrer's wish". I have written in the margin, saying "oy, is that as good as it gets?", the same as I have sometimes said to you, Mr Rampton.

Q: Yes, Mr Irving.

A: One had expected better, same as his Lordship has sometimes said to me, in fact.

Q: Turn back two pages, will you, from that marking to page 86?

A: I did notice on the opposite page they are relying on the Wetzel letter, which of course the Eichmann manuscript now challenges as being a forgery.

Q: That matters not to me in the least, Mr Irving.

A: Yes.

Q: As we discussed earlier today in this court, recent discoveries have very little bearing on your competence or honesty as an historian. Page 86 Mr Irving. What is it

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that Professor Fleming is reciting on the top of that page?

A: He is referring to the Muller document, about which of course I have made representations to this court, dated August 1st 1941.

Q: Yes. The Muller document saying the Fuhrer is to have running or continuous information, or reports, about the work of the Einsatzgruppen in the East.

A: Got to be kept au courant.

Q: Laufend is the German.

A: I was using a French phrase on the work of the Einsatzgruppen in the East, yes.

Q: Do you remember that I put it to you in cross-examination that, contrary to what you said in court, you were indeed familiar with the Muller order of 1st August?

A: You put to me, yes.

Q: Are you saying you did not read this passage in Fleming's book?

A: I have to say that you are asking me about something 18 years later but I can say with great confidence that, as there are no kind of markings on those pages, then, with the high degree of

probability, I did not read them.

Q: Then I asked you by reference to this very passage, "Have you read Gerald Fleming's book?" And your answer is, "I have not read that book".

A: I have not read the book as such, no. But may I also say

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that had I seen that passage about the Muller document, which is very interesting, obviously, I would have written to my friends at the Institute of History or the very next time I went there, because that is the source he gives there, footnote 172, and on my next visit to Munich after 1982 I would have said, "Can I, by the way, have a look at that file, please?" and, obviously, that is one indication that I did not see that document. But I have to say that I will have submissions to make about that document when the time comes unless the Defence can produce the exact file of where it is stated to be.

Q: Do not worry; we are working on it, Mr Irving. Don't you worry about that.

A: Well, I am just reminding...

Q: We have plenty of time and lots of contacts. Many rabbits ----

A: Well, I need time after I have been told the file number, of course, to make use of it.

Q: There are many rabbits in this burrow. Do you remember, Mr Irving, that in your account of the conference on 16th and 17th April 1943 you transposed a remark made by Hitler on 16th as though it had been made on the 17th?

A: Yes, that is one of the two errors I have corrected in the new edition of my Hitler book.

Q: I am pleased to hear it. My reason for asking you that is this. You have been aware of what the true chronology was

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at least since 1977, have you not?

A: Yes -- wait a minute, wait -- yes, since 197.

Q: Martin Broszat pointed it out to you?

A: Yes.

Q: Do you remember writing to a Mr Ashton on 31st December 1978?

A: Oh, yes, clearly. What did I say? Can we see the letter, please?

Q: I will but I will just read it out.

A: I am being sarcastic.

Q: We may not need to get it out. "As for your views on the 1943 Horthy document, I believe I have replied to you quite fully about this, drawing your attention to Hitler's explicit remark to the Reichs vorweise" one day previously?

A: Yes.

Q: --- "to the effect that nobody was asking him to kill the Jews"?

A: Yes.

Q: So in 1978 you were fully conscious that Hitler's remark, "There is no need for that" ----

A: Was one day earlier.

Q: --- was made on a previous day?

A: Yes.

Q: And you never corrected it, did you?

A: No. But you know my views on that, Mr Rampton, that

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whether the remark is dated in my book on April 6th or April 17th, I think that is a very flimsy peg and the hat falls on the floor ----

Q: I hear what you say, Mr Irving.

A: I beg your pardon?

Q: I said I hear what you say.

A: Well, you interrupted me before I had finished.

Q: That was the excuse, if I can put it like that, that you gave us last time.

A: In fact, it is one of the errors I corrected in the latest edition because it is a minor error, but it is worth picking up.

Q: Yes. I want to ask you about another document from 1942. My Lord, this is the Kinner Report from Zamosk in Poland on 16th December 1942. I believe your Lordship will find that in file K2, tab 4, page 19A (vi). For once, my Lord, we have the English as well as the German. This is an English translation, Mr Irving, but you would probably prefer to use the German, I do not know.

A: I have them both here.

Q: It concerns, does it not, a transport of 644 Poles to the work camp at Auschwitz on 10th December 1942, am I right?

A: Yes.

Q: If you turn to look at the second page under the subheading or by the underlined subheading "arbeit Einsatzfahigkeit".

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A: In German, yes, I have that.

Q: Yes, or the English. "Capacity for employment as labour". We find this: "SS Hauptsturmfuhrer Halmeier", in fact, that is a mistake for Almeier, "explained that only Poles capable of work should be delivered so as to avoid as far as possible any useless burdening of the camp and also of the delivery traffic. In order to relieve the camp, limited people, idiots, cripples and sick people must be removed", the word is "entfernt", "from the same", that is the camp, "by liquidation". The word there is "liquidation", is it not?

A: Yes -- very explicit.

Q: It is very explicit. There again we see another example, as in Himmler's closing speech of 4th October 1943, of removal and liquidation, evacuation and extermination being used synonymously, do we not?

A: Yes.

Q: "This measure", that is to say liquidation, "however becomes more difficult to implement because, according to an order from the RSHA", the English is translated as "in opposition to"?

A: "In contrast to", I think.

Q: Yes, "in contrast to", I was going to suggest that, "in contrast to the measures applied to the Jews, the Poles must die a natural death." Does that not mean, Mr Irving, in fairly unvarnished terms, that whereas Poles must be

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kept alive until they die, the Jews can be killed?

A: I think that is the interpretation on those words, yes.

Q: And this is in relation to procedures at Auschwitz, is it not?

A: It is in relation to Auschwitz, yes.

Q: Yes, because Aumeier was at Auschwitz, was he not?

A: Yes.

Q: Is that not some sort of rather powerful evidence that Auschwitz, so far as Jews were concerned, was so far from being a work camp a place where they were being exterminated, liquidated?

A: Well, I am not saying they were being exterminated; it is a place where they are not being protected and ----

Q: They can be killed at will, can they not?

A: That is right, yes, according to this document.

Q: Are you mistrustful of this document?

A: No. I am not challenging the authenticity of the document at all, but it is ----

MR JUSTICE GRAY: But are you challenging what is said here, that the policy appears to have been, in relation at least to this transportation, that any Jews who were not fit for labour would be liquidated?

A: The comment I would I make on this document, and obviously it is an important document, I am not challenging that respect, but is written by an SS, what, Untersturmfuhrer which is, what -- I have to look at my military dictionary

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and see the rank, but it is an SS corporal, I think.

Q: Well, he is quoting an SS Hauptsturmfuhrer which is going slightly higher up the hierarchy.

A: He is what?

Q: He is quoting Aumeier.

A: But the actual document has written or drafted by an SS corporal and we have had this kind of problem with documents before, that you have to be very careful if you are going to look at actual words used or actual senses conveyed, and I do not want to put it more strongly than that, just to say that -- I do not want to put it more strongly than that. I just want to say that it is -- the corporal's language, he is not a lawyer drafting a document.

MR RAMPTON: No, if he had been, Mr Irving, he might have used rather more guarded language?

A: No, I do not ----

Q: That is the advantage of these janitorial documents, is it not, that one sees the truth?

A: I agree it is an important document. It says the Jews are being killed at Auschwitz and this has not been denied.

Q: The word is actually "liquidate"?

A: Yes.

Q: "Liquidation".

A: Yes. Well, that is why I say that this is the kind of language the corporals would probably have used to each

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other.

Q: Yes. Now we are going to go even further back in time, Mr Irving. We are going to go back via your book Goebbels 1935, 33, 34, and 32, but we are going to do it in one sentence, as it were. Have you got your Goebbels book, Mr Irving?

A: Yes. My Lord page.

Q: My Lord, page 46 of Goebbels.

A: Yes.

Q: My Lord, this relates to pages 692 to 698 of Professor Evans' report. It has to do with criminal statistics in Berlin and to some extent Germany but Berlin in 1932 to '35, and the way in which Mr Irving has represented the Jewish share of those criminal statistics, if I may put it like that. Generally speaking, in this part of the book you are discussing, in general terms, how it was that Goebbels came to be so radical and anti-Semite?

A: No.

Q: This is general context, is it not?

A: I do not think so. I am explaining how Goebbels came to be so successful in Berlin with his anti-Semitism, if I can put it like that?

Q: OK. It does not matter. It is all about Berlin, is it not?

A: Yes, and why his anti-Semitism found a fertile audience.

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Q: Yes, in the first, second and third paragraphs on page 46 there are some references to the Jewish deputy police chief, Dr Wernhart Weiss, and then at the bottom of the page, it starts: "Dr Goebbels would shun no libel to blacken his", that is Dr Weiss's, "name. Instinctively carrying on an ancient tradition of name calling he seized on Dr Weiss' nickname of 'Isidor' and commissioned the scurrilous Nazi marching song about him. He would highlight", that is Goebbels, "every malfeasance of the criminal demimondes and identify it as Jewish. In these closing years of the Weimar Republic he was unfortunately not always wrong."

So now, Mr Irving, we are getting a recitation of the true facts as opposed to Goebbels' propaganda.

"In 1930 Jews would be convicted in 42 of 210 known narcotics smuggling cases; in 1932 69 of the 272 known international narcotics dealers were Jewish. Jews were arrested in over 60 per cent of the cases concerning the running of illegal gambling dens; 193 of the 411 pickpockets arrested in 1932 were Jews. In 1932 no fewer than 31,000 cases of fraud, mainly insurance swindles, would be committed by Jews". Then we are referred to footnote 29 which we will find on pages 547 to 548.

The footnote for that last statement "In 1932 no fewer than 31,000 cases of fraud, mainly insurance swindles, would be committed by Jews", footnote 29 on page

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547 says: "Interpol figures" ----

A: Excuse me. The footnote refers to everything ----

Q: OK.

A: --- prior to that.

Q: That fine.

A: Everything after footnote 28, if you see what I mean? Not just the last statement.

Q: I follow that, but it includes the figures given in the last sentence, does it not?

A: Yes.

Q: "Interpole figures, in Deutsche Nachrichten-Buro (hereafter DNB) July 20th 1935; and see Kurt Daluege, 'Judenfrage als Grundsatz' in Angriff, August 3rd 1935", and then there are some general references about the general demimonde. Tell me first, Mr Irving, who is, who was, I should say, Kurt Daluege?

A: He was the head of the Ordnungspolizei which is the order police in Germany.

Q: Yes, Mr Irving. Tell us a wee bit more about him, would you?

A: Oh, he was a mass murderer later on. He was in charge of all the killing on the Eastern Front.

Q: He was, what shall I say, an enthusiastic member of the Nazi Party?

A: Yes. And he met his just desserts on the Czech gallows.

Q: So one should be rather cautious, perhaps, about what one

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is told by Mr Daluege, do you not think?

A: Yes, properly cautious.

Q: Properly cautious. You will see that I have used his files which are in the German Federal archives. That is what the reference is that you left out.

Q: I am going to show you what are the references on which you have relied.

A: No? Yes, this one.

Q: Yes. Now, the first of these documents, Mr Irving, is a written version, probably a draft, in the sense that he is going to speak as they say nowadays to it, I rather say from it, he is going to speak from, this is Daluege, on 20th July 1935 at a press conference, is it not?

A: Yes. I have not seen this typed document. I relied on the Gothic typed face one.

Q: Look at the Gothic one if you prefer because it is identical. The sixth paragraph of the Gothic is identical to the sixth paragraph ----

A: Yes.

Q: --- on our pages 16 to 17 of the typescript. Since the typescript is easier to read, can we look at the bottom of page 16 of this little clip? You will have to forgive me if my translation is a wee bit rocky. We will get it proper translated, my Lord, in due course. Does it say this, roughly speaking: "Even though we have succeeded in decreasing the number of cases of fraud in the Reichs

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capital to 18,000 in 1934 compared with 31,000 in 1933, the damage caused still amounts to over 112.5 million Reichsmarks", am I doing all right so far?

A: Yes.

Q: And here we come to the conclusion after further investigation that "a considerable or significant part, if not the largest, of these fraudulent manipulations are still committed by Jews."

A: Yes.

Q: Right, where did you get your figure of no fewer than 31,000 cases of fraud committed by Jews?

A: I am just now looking for the original quotation. What page was the original quotation? 43?

Q: It is 47. You have the year wrong, but I am not going to criticise you for that. You put 1932 instead of 1933, but leave that on one side.

A: Have you checked the two books that I give as sources there?

Q: No. I have not checked the two books, Mr Irving. This is your primary source. The books have been checked, yes, and so I am not on false ground.

A: Yes -- well, I will give you a conditional response which probably will not satisfy you, and say that if the books which are also given in the footnote, there are four sources given in the footnote, do not support the year which is different from the year contained in the document

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you gave me, or do not support the figure of 31,000, then, clearly, the same kind of error has

occurred here as happened with the 1.20 a.m. telegram that in the course of writing six separate drafts one after the other this kind of error goes ----

Q: You have ----

A: --- but it is a conditional response.

Q: You have effectively doubled, or more than doubled, the number of fraud cases attributed by this rabid Nazi Daluege to the Jews in Berlin in that year, have you not? At the very most, even if the Jews are 50 per cent, it is only 15,500 cases attributable, according to Daluege, to Jewish perpetrators?

A: Yes. If you are right, then that is correct, but, I mean, I have to say that is a conditional answer not seeing all the sources.

Q: Right.

A: And I would not be able to reconstruct that now because I no longer have access to the sources that I had at the time for the reasons you know.

Q: Why do you say that these are Interpol statistics in your footnote?

A: Presumably from one of the sources.

Q: No. Interpol was not actually established as Interpol until after the war.

A: I am very sorry, but, of course, the Haus an Wannsee, the

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famous Wannsee House, where the Wannsee conference took place, was the headquarters of Interpol. Interpol was actually founded by Reinhardt Heydrich.

Q: Yes, but, no, it was not called Interpol, was it?

A: It was presumably written out in full.

Q: Even assuming (which I do not) that this was an innocent mistake on your part to double the number of offences attributable to Jews, do you think it right when your source is this man Daluege uncritically simply to take his figure as being right? You state it as a fact, you see. In probability, he had already doubled the figures at least, do you not think?

A: You are faced with a problem, of course, when you are writing a history of the 1930s, you look at as many sources as you can of what sources are available. These are the sources from the German Federal archives which contain all Daluege's papers. It is very easy to say, "Well, why do you take those figures because I do not like those figures, why do you not take these figures?" You have to take some kind of figures from somewhere, and if you are writing the Battle of Britain and you are going for a long time to believe Winston Churchill's figures of how many Nazi bombers were shot down, and we no know that those are wrong. But there we have the benefit of complete access to records and you can correct the statistics.

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Q: May I suggest, Mr Irving, that if a reputable historian were writing about this, he would say, "According to the Nazi propagandist, Kurt Daluege, whose figures are very probably not reliable"

A: Yes.

Q: --- perhaps as many as 15,500 frauds were attributable to Jews", but to assert that that is what Goebbels would find in 1932 is just the most appalling distortion of the truth, is it not?

A: I do not agree. I have made it quite plain what the source of this evidence is. You found it, your researchers found it. Everybody knows who Kurt Daluege was. He was not a Nazi propagandist. He was the head of the German police system. He was in a position to know. He is

giving facts to a learned audience. They would be, no doubt, in a position to check and expose these facts if they were wrong. I certainly would not have said it was an Interpol function if I did not have the evidence for it, and I am not going to waste the court's time looking in these pages of Gothic script for the actual evidence for it, why would I have invented that? And, of course, if you look at the rest of the page ----

Q: I can think of a simple answer, Mr Irving ----

A: If you had looked at the rest of the page that you did not read out, I have relied on the figures from the German Federal Statistical Office on the percentages and so on.

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I built up a very careful picture from all the regular sources and, admittedly, we are -- I beg your pardon.

Q: We are going to look at some of those in a moment, Mr Irving?

A: And, admittedly, in this particular matter we have to rely on a dodgy source which is what you are trying to suggest.

Q: We do not have to, Mr Irving.

A: But then, of course, the Goebbels diaries are dodgy sources too. They are diaries written about the arch Nazi liar, and you have to pick and choose and that is the problem you have when you are writing history about the Nazis and it is a problem when you write about history about anything.

Q: Oh, Mr Irving. Where in that Daluge, which is your primary source, that Daluge document, do you have find any reference to insurance swindles?

A: What basis do you have for saying it is the primary source when it is a source of four.

Q: It is the first source you cite?

A: The reason for lumping several sources under one number is because otherwise the book is going to look like a rash of measles, every single word is going to have a note number attached to it. So it is the standard practice that you will lump three or four sources relating to the previous two or three statements, even if they are gathered up in one sentence, into one note number. This does not mean to

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say that is the primary source for that statement.

Q: Can we agree this far ----

A: Have you ever written book? Oh, we had this out before, did we not?

Q: Yes, we have had this before and, yes, I have. It is not a very good book, but I have written a book, yes.

A: It is quite a difficult task to satisfy all the parties, the publishers, the readers and everybody else.

Q: I do not agree with you, Mr Irving. I do not accept that for one moment. This is a case of deliberate distortion by you so as to inflate the number of wicked, dishonest Jews in Berlin in 1932. That is my case and you may as well know it, because what we have got is you double Daluge's numbers, at least, you have relied on an unreliable source, you have attributed his figures to Interpol and you have spoken about insurance swindles which are not mentioned in Daluge's document.

A: But I am sorry to sound incorrigible. There are four sources listed under that footnote, and you have waved one source at the court and said, "It is not in this source of the four". If you were to do your job properly, you would produce the other three sources and say, "It is not in these three

either".

Q: All the figures, I am told, come from Daluege. How about that?

A: Who is that or what is that?

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Q: That is a note passed to me by people who know better than I and , apparently, better than you, Mr Irving?

A: I mean, with the utmost respect for your researchers, if they had done their job properly, they would have had those books that I cited in court as well, and they would possibly even have given me fair warning and said, "Mr Irving, we are going to challenge you on these figures; do you want to spend the lunch hour or this evening just providing the evidence for them?"

MR JUSTICE GRAY: Well, it was in Professor Evans' report.

MR RAMPTON: It is all in Professor Evans' report, Mr Irving. This document which you now have at the back of that little clip is one of Professor Evans' documents.

A: I have only got the Daluege report here.

Q: What?

A: I have only got the Daluege report.

Q: No, it is folded at the back, I hope. It is an A3 size page.

A: Oh, this one?

Q: Yes.

A: Right.

Q: Now look at the front of it, will you, please, Mr Irving? This is what you might call a slightly more reliable source, you may think, because it is the official Berlin, it is the official German statistics?

A: Is this from my discovery or from elsewhere?

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Q: What?

A: Is this from my discovery or from ----

Q: No, this is Professor Evans'.

A: I mean, it is important to know whether this is from my discovery or from your own research.

Q: Why? It is a public document, Mr Irving.

A: All right, yes.

Q: You are the great archive fiend.

A: There is no need for that tone of indignation. I am just asking a simple question.

Q: Well, Mr Irving, really. Is this a forgery then by Professor Irving (sic) and his cronies?

A: No, I am sure you are familiar with the point I am trying to establish.

Q: I am not at all, Mr Irving.

MR JUSTICE GRAY: Well, I think I understand the point that is being made. But let us look at it anyway.

MR RAMPTON: If you look, you see this is for the whole of Germany?

A: Yes.

Q: Is it not? "Statistik des deutschen Reichs", that is the whole of the Reich for the year 1932. If you look down the left-hand side of this big sheet, we find Nos. 80, 80B, 80C and 81. Now, in 1932 -- I am going to work upwards -- in the whole of Germany, No. 81, there were but 74 cases

of insurance fraud, do you agree?

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A: You say in the whole of Germany, but although I agree you have given us the title page of this, this is page 112, we do not know if it was the whole of Germany or just a province of Prussia or what.

Q: I am told it is the whole of Germany.

A: Well ----

Q: Mr Irving ----

A: Because I am quite familiar with these statistical reports and they are broken down into provinces, and I would like the assurance we are not just looking at Berlin or just at Prussia.

Q: So far as it is within my power to do so, I give you that assurance because that is what I am told and I regard my source as reliable. Now, even if it were just Berlin, Mr Irving, just 74 cases of insurance fraud were committed by persons of all ethnic backgrounds in Berlin, if you like, but in fact for the whole of Germany during 1932. Where are these over 50 per cent of 31,000 insurance swindles committed by Jews?

A: We are looking at 80B and 80C, is that right?

Q: 81 is ver sicherungsbetreff which I think means insurance fraud?

A: Yes. I was looking at the betreff, the ones above, which total something like 70,000, 60,000.

Q: Betreff, 80A, that is plain fraud is 50,000 plus?

A: Yes.

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Q: Repeat frauds, that is 80B [German] 7,000 and a bit?

A: Yes.

Q: And then something about minor fraud offences, 80C, 312. 81, insurance fraud -- insurance swindle, to use your word -- 74 cases, yes?

A: The overall total of frauds ----

Q: Is 57,888 for the whole of Germany?

A: And Daluege says that in Berlin it was 32,000 -- of course, we are looking at different years, are we not? One is 1932 and here it is 1934 or thereabouts.

Q: No, Mr Irving, I am sorry. Leave Daluege out of this, if you will? You made an assertion of fact in your book about the number of frauds committed by Jews, mainly insurance swindles, in 1932. I am suggesting that any reputable historian would have gone to this document, as opposed to some rabid Nazi's utterance to a press conference, to find out what the truth was.

A: Are you saying that Paul Veiglin is a rabid Nazi and that Walter Keolein, who is a very well-known German historian of the police, is a rabid Nazi?

Q: Those are your other references, are they?

A: These are my other sources -- two of the other, two of the four sources used, yes.

Q: Well, then if we find that your figures and statements are not supported by either of those sources, will you accept without equivocation that you have here committed a

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deliberate distortion, inflation of the figures against the interests of the ----

A: Obviously, if you find that those books do not support the statements I made, then I would accept that I have made an error. But, of course, I am not going to accept that such an error is deliberate because I have got no reason to make a deliberate error. You do not establish a reputation by making deliberate errors and I am baffled that anyone could suggest that you do.

Q: Well, I think I have about 25 in my pocket by now, Mr Irving, and that is the 26th. Thank you. Now I want to deal with the Goebbels diaries. My Lord, may I stop now because it is quite intricate and it is 1 o'clock?

MR JUSTICE GRAY: Yes, but before you depart, can we work out where we are going to put these?

MR RAMPTON: It is in a sense a new section because it is a new period.

MR JUSTICE GRAY: Shall we put it at the back of what I am calling J3?

MR RAMPTON: Yes. Could your Lordship put it at in the separate tab at the back of N1?

MR JUSTICE GRAY: Back of N1.

MR RAMPTON: Because it is an historical document.

MR JUSTICE GRAY: Right, 2 o'clock.

(Luncheon adjournment)

MR RAMPTON: Mr Irving, before I pass from the criminal

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statistics for 1932 to a question or two about the Goebbels diaries, can I pass you up a piece of paper? It is a sheet from the same German government document that we were looking at this morning, and there is one for the judge, please. (Same handed). I would like you to look at the section headed "Summer A bis D" for the year 1932. Tell us, please, to what area or areas of Germany these statistics relate?

A: Which? I am sorry, the bottom one, right.

Q: What does the heading say?

A: It says the crimes and misdemeanours against Reich laws that have been tried by German courts.

Q: Yes. That disposes of that question. This relates to the whole of Germany, does it not?

A: Yes, apparently.

Q: Thank you very much.

A: This particular page.

MR JUSTICE GRAY: It is the page before the following page, is it?

A: It is not, my Lord, no.

MR RAMPTON: No, there are some pages missing, but you can see, if you look at the top of page 112, which we already have, that the numbers run serially. At the beginning we start with 1 and by 112 we are at 63B.

A: That may or may not be the case, I cannot comment on that, but there are pages missing. I am sure your researchers

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would not mislead us deliberately.

Q: I hardly think that. The missing pages are here, if you would like to see them. (Same handed). I feel quite confident in saying that these run serially from 1 through (as the Americans say) 115. Anyhow, have a look and see if you agree with me that these are the statistics for the whole of

Germany for 1932.

A: Yes, they do.

Q: Do you agree?

A: Yes, they do.

Q: They do? Good. Excellent. Perhaps we could have that back because it is not mine. I said Goebbels diary, but I have been interrupted because we do not have sufficient copies of the documents I want, so that will take about a quarter of an hour to do. I want to pass to something else instead, if I may, which is your assertion that the gas chambers were an invention of British propaganda during the war. Do you agree that you have, on a number of occasions, made that assertion?

A: Yes. This is the Foreign Office clip of documents you gave me recently? Is that right?

Q: Yes. Has the judge got a copy of the clip of documents on this topic?

MR JUSTICE GRAY: No?

A: I do not know if I still have it.

MR JUSTICE GRAY: I thought you meant a new clip. The old

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ones?

MR RAMPTON: I feel cautious about that, but yes. File L1, tab 6.

A: Yes. I still have it here.

Q: My Lord, this relates to two different years, 1942 and 1943.

MR JUSTICE GRAY: Yes.

MR RAMPTON: 1943 starts at page 11, and I will deal with 1942 first, if I may. Through no fault of ours, the passage of time, inefficiency of typewriters in those days, some of this is a bit difficult to read, but never mind. The first page -- does your Lordship have it now?

MR JUSTICE GRAY: Yes, I have.

MR RAMPTON: The first page contains some typescript in the top, and some manuscript in the bottom.

A: Yes.

Q: Mr Irving, doing the best I can, the date of this, I think, is 8th August 1942.

A: Yes.

Q: It says "Reported German plan for extermination of all Jews". Do you see that?

A: Yes.

Q: This is a Foreign Office document, is it not?

A: Yes.

Q: Then it says, I think, "Geneva telegram No. 174, Message for Mr Sidney Silverman, Chairman of World Jewish

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Congress, London, from Mr Gerhard Riegner, Secretary of World Jewish Congress, Geneva. Mr Riegner has received a report stating that in the Fuhrer's headquarters a plan has been discussed and is under consideration for the extermination after deportation to East of all Jews in" -- can you read the next bit -- "in the areas occupied or controlled by Germany. Action is planned for the autumn. Ways and means are still (something or other) and include the use of prussic acid". Hydrogen cyanide, that is, is it not?

A: Yes. The full text is on the next page actually in typescript. You could have read it.

Q: I know that, but I just wanted to see the first date at which this information was relayed to the

Foreign Office in London via Mr Sidney Silverman via Mr Gerhard Riegner in Geneva.

A: It was received 11th August 1942.

Q: Exactly. 17th August 1942, which is the next page, that information is laid out. Says the Foreign Office, "Have received by telegraph through His Majesty's Consul General at Geneva the following message", and then in a legible form we see it on the next page, page 3.

A: Yes.

Q: I will read this: "Following for Mr Sidney Silverman, SS Silverman MP, chairman of British section, World Jewish Congress London, from Mr Gerhard Riegner, Secretary of

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World Jewish Congress, Geneva. Received alarming report stating that in the Fuhrer's headquarters a plan has been discussed and is under consideration, according to which all Jews in countries occupied or controlled by Germany numbering three and a half to four millions should after deportation and concentration in the East, be at one blow exterminated in order to resolve once and for all the Jewish question in Europe. Action is reported to be planned for the autumn. Ways of execution are still being discussed, including the use of prussic acid. We transmit this information with all the necessary reservation as exactitude cannot be confirmed by us", that is Geneva. "Our informant is reported to have close connections with the highest German authorities, and his reports are generally reliable. Please inform and consult New York". That message from Geneva is an authentic message, or was an authentic message, was it not, Mr Irving?

A: Yes. I am very familiar with these documents.

Q: It was not an invention of the British propaganda machine, was it?

A: No.

Q: So why do you maintain that the use of homicidal gas chambers employing prussic acid, hydrogen cyanide, Zyklon-B, was an invention of British propaganda?

A: Because the following pages make plain the skepticism of

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the Foreign Office about this particular report.

Q: Well, unless you want to go ----

A: Page 5, at the foot of it, says, "I do not think we should be wise to make use of this story in propaganda to Germany without further confirmation".

Q: And the decision is made not to do so. Do you agree?

MR JUSTICE GRAY: Can we take it in stages? The first thing is, are you accepting you said that this was all an invention of British propaganda?

A: My Lord, you will be familiar with the document on which I rely, which is a year later than this, signed by Cavendish-Bentinck, saying, "we have no evidence whatsoever that these things" -

Q: That is why I asked you. I am asking you about whether you agree that you have claimed that the lie about the gas chambers was an invention, underline "invention"?

A: Yes. A propaganda story put out by the British in early 1942.

Q: Invented by the British? That is the point.

A: And invented by the British propaganda agencies.

Q: What Mr Rampton is putting to you is that this is a message from Geneva that they have had a report.

A: Yes. They are two separate ----

Q: I am not following at the moment why you say it is an invention of British propaganda.

A: If we abandon gas chambers for a moment, and say, suppose

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a message came from Geneva, saying children were having their hands hacked off, on the face of it an implausible story, which the Foreign Office said, "We find this difficult to believe", as it says later in this document, "We find no confirmatory evidence" and so on, and then later on the propaganda agencies send out reports by the propaganda channels, the BBC, Voice America and the rest of it, saying, "We have reliable stories that the Germans are cutting off children's hands", that would be an invention, would it not?

MR RAMPTON: Mr Irving, may we stick with history, rather than fantasy? Here we have a report from Geneva, from Mr Riegner, who is not an agent of the British propaganda machine, he is an element in the World Jewish Congress, that, as, indeed you might say, prophetically turned out to be the case, there was a plan reported to him from the Fuhrer's headquarters to exterminate the whole of the Jews in Europe, or most of them, at one blow by the use, amongst others perhaps, of hydrogen cyanide. Now, how can it be that that story is, to use your words, an invention of British propaganda?

A: Which story?

Q: This story that you see reported on the page in front of you.

A: That is two separate things. Riegner is sending a message to England to be passed on to Sidney Silverman, reporting

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a story which the Foreign Office clearly, from the handwritten minutes, do not consider to be part of what is actually happening. They say there is no doubt that large numbers of Jews are dying. They even used the word I think ----

MR JUSTICE GRAY: They may not believe it, but they did not invent it. That is the point that I was asking about and I think Mr Rampton is asking about.

A: I hesitate to use the words "hair splitting", my Lord, but I think it is quite plain that if in August 1943 Cavendish-Bentinck, the head of the British Intelligence Service, says, "We have no evidence that these gas chambers exist", and yet by that time for 12 months already the British propaganda agencies have been pumping out the message, then that is an invention, and there is no other way of interpreting that.

MR RAMPTON: Mr Irving, the story originated not with British propaganda. It originated with a personal organization in Geneva, a remarkably accurate story, as it happens. If you turn over to page 4, you see the comment at the time in August 1942: "Mr Silverman having asked if he could see somebody about the cable, Sir Beaugrave Beecham had a talk with him this morning, first, Mr Silverman said he would let us have some particulars about Mr Riegner -- I think it is misspelt -- "whom he regards as entirely trustworthy. Secondly, Mr Silverman stated that he had

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received reports of transportation of Jews from occupied territories in Germany towards the East, which might be a confirmation of the alleged plan".

Then we see in the following pages -- turn to page 5, for example. I do not know whose notes these are, probably one of the Allens, but I am not sure about that. Yes, it is David Allen. In the middle of the next page 5 he is talking about atrocious conditions in the East, and he says: "Such

stories do provide a basis for Mr Riegner's report, but they do not of course amount to extermination at one blow. The German policy seems to be rather to eliminate useless mouths, but to use able-bodied Jews as slave labour."

In the light of all of that, the Brits, bless their little cotton socks, I might say if I were Jewish, decide not to make use of this information. Is that not right? They put the kaibosh on it, do they not?

A: No. You are overlooking one important detail, the chronology. Do you remember that I put to one of the witnesses, I forget which one it was, the diary evidence and other evidence of the propaganda broadcasts, some of which were in June 1942, about the use of poison gas, and some of which were earlier that year, about the deportation of the Dutch Jews to Mauthausen, using poison gas? So what is then reported back to us in August 1942 is interesting, but no more.

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MR JUSTICE GRAY: I have forgotten where the evidence is for use of this by the British in their intelligence propaganda.

A: Your Lordship will remember there is a bundle of about ten pages of documents, including pages from Thomas Mann's diary, and the diary of a man called Ringelbulm, and the diary of a man called Viktor Klemporer, recording the actual dates that they received these broadcasts. I am afraid I do not know which bundles they are in.

MR RAMPTON: 1943, Mr Irving. Page 12 I cannot read. I hope it is legible in your copy.

MR JUSTICE GRAY: I am so sorry, Mr Rampton. I appreciate you want to get on, but does anybody have any idea where the documents -- I suspect they are somewhere in J -- that have just been referred to are to be found?

MR RAMPTON: No.

A: My Lord, I can certainly very easily bring in the copies again next time I come.

MR JUSTICE GRAY: I am sure I have them somewhere. I would like to know where they are.

A: I am not as well organized as I should be, I am afraid.

MR JUSTICE GRAY: I do not blame you for that. Could I ask Miss Rogers or somebody to try to track them down?

MR RAMPTON: Do you still feel confident, before we come to 1943, Mr Irving, in saying that the gas chambers were an invention of British propaganda?

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A: Yes. Based on the evidence that I have seen so far, yes.

Q: You do? Can we turn to page 13, because I am afraid I cannot read page 12.

A: Page 12 is the draft declaration of the British and American governments.

Q: Yes. Page 13 refers to a telegram to Moscow, and it is said to be based in the main, or taken in the main from the aide memoir by the Polish government in another file. "This aide memoir", reads this minute from Roger Allen to Cavendish-Bentinck, "is in line with a good deal of other information which we have received from time to time. There can, I think, be little doubt that the general picture painted is pretty true to life. On the other hand, it is of course extremely difficult, if not impossible, for us to check up on specific instances of matters of detail."

MR JUSTICE GRAY: I have lost you.

A: So have I.

MR RAMPTON: I am on page 13, my Lord.

A: Which paragraph are we looking at?

MR RAMPTON: I read from the top of the page.

MR JUSTICE GRAY: Something has gone wrong in that case.

MR RAMPTON: In that case something has gone wrong.

A: I thought I was going mad.

MR RAMPTON: It is a minute by Roger Allen dated 27th August 1943. If we had another year, we might get these file

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sorted out.

MR JUSTICE GRAY: I think the problem may be we have not got the first page. I think we are missing that document altogether.

MR RAMPTON: It is a minute, Mr Irving, do you see, dated 27th August 1943 from Mr Roger Allen?

A: Yes.

MR JUSTICE GRAY: We will call that 12A, because there is a 13 already.

MR RAMPTON: Yes 12A, to Mr Cavendish-Bentinck. I will start again. I understand that the information on which telegram number 1190 to Moscow is based is taken in the main from the aide memoir by the Polish government in C, whatever it is. This aide memoir is in line with a good deal of other information which we have received from time to time. There can, I think, be little doubt that the general picture painted is pretty true to life. On the other hand, it is of course extremely difficult, if not impossible, for us to check up on specific instances or matters of detail. For this reason, I feel a little unhappy about the statement to be issued on the authority of His Majesty's government that Poles "are now being systematically put to death in gas chambers." I expect you are familiar with the rest of this document.

MR JUSTICE GRAY: Where is the aide memoire, Mr Rampton?

A: That is the previous illegible page, my Lord.

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MR RAMPTON: That is the one I cannot read.

A: To be a draft declaration to be signed by Roosevelt and Churchill and they were meeting in Quebec to discuss it.

MR RAMPTON: Which I think must be the document. Maybe this is better.

MR JUSTICE GRAY: You can actually read it fairly well.

MR RAMPTON: Let me try it: Reliable information has reached HM Government regarding the crimes committed by the German invaders against the population of Poland. Since the autumn of 1942 a belt of territory extending from the province of Bialistok southwards along the line of the river Bund has been systematically emptied of its inhabitants", crossed out "hundreds of thousands of whom have been deported from their homes", continuing uncrossed out, "in July 1943 these measures were extended to practically the whole of the province of Lublin, where hundreds of thousands of persons have been deported from their homes or exterminated". That is the handwriting. "These measures are being carried out with the utmost brutality. Many victims are killed on the spot. The rest are segregated. Men from 14 to 50 are taken away to work for Germany. Some children are killed on the spot. Others are separated from their parents, and either sent to Germany to be brought up as Germans or sold to German settlers, despatched with the women and old men to concentration camps, where they are now being

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systematically put to death in gas chambers. HM government" -- something?

MR JUSTICE GRAY: Reaffirm.

MR RAMPTON: "Reaffirmed their resolve to punish the instigators and actual perpetrators of these crimes. They further declare that, so long as such atrocities continue to be committed by the representatives and in the name of Germany, they must be taken into account against the time of the final settlement with Germany. Meanwhile, of the war against Germany" -- then I run out, I am afraid, of legible words, but that may not matter.

MR JUSTICE GRAY: Has been finally overthrown.

MR RAMPTON: Yes.

MR JUSTICE GRAY: It is not really an aide memoire, is it? It is a proposed communication or release.

MR RAMPTON: It is a communique, is it not?

A: Yes.

Q: It is a proposed communique, making reference to, in particular, systematic extermination in gas chambers. Correct?

A: Yes.

Q: Then, says Allen R to Cavendish-Bentinck on page 12A apropos that proposed communique, "On the other hand, it is of course extremely difficult, if not impossible, for us to check up on specific instances or matters of detail. For this reason I feel a little unhappy about the

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statement to be issued on the authority of HMG that Poles 'are now being systematically put to death in gas chambers'". Does that look to you, Mr. Irving, like an intention to exploit this story for its propaganda value?

A: There are two different levels of authentication here. What has been put to the Foreign Office is a draft telegram to be signed by the two heads of State and approved by Marshal Stalin, declaration on the war crimes committed by the Nazis and the punishment of the perpetrators. At the other level you have black propaganda where any kind of lie counts, the kind of stuff that was put about by Richard Crossman and Sefton Delmer. There are two totally different levels of truthfulness involved. The Foreign Office obviously balked at the idea of persuading the British and American heads of State to sign a document containing a detail of which, as they later stated in this same bundle of documents, there was no proof, of which they had no evidence.

Q: Quite. "The only two references", goes on Mr Allen, "which I have been able to find in the appendix to this Polish aide memoire which deal with this form of execution are as follows: (1) Telegram of 17th July 1943 from Poland, Commander in Chief, Armed Forces, Lublin District, informed me that he had evidence that some of these people are being murdered in gas cells there, Maidonek camp. (2) Telegram of 17th July 1943 from Poland: 'It has been

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ascertained that on July 2nd and 5th two transports", probably about 10,000 people, do you agree?

A: Yes.

Q: "Made of women children and old men" ----

A: No. 2,000 people, it would have been.

Q: What?

A: It would have been 2,000 people.

Q: "Women, children and old men, consisting of 30 wagons each, have been liquidated in gas cells". Did the British invent the idea of gas chambers and the Nazis' use of them?

A: No, but, if you are familiar with the British Foreign Office files, then you will be aware that little credence was attached to reports from Polish sources.

Q: Mr Irving, I ask my question again, which you resolutely refuse to answer. Did the British invent the story of the gas chambers?

A: You will not get a direct answer. I am going to draw your attention ----

MR JUSTICE GRAY: I am going to direct that you do give a direct answer. What is the answer?

A: The answer is yes, still, if the word "invent" means anything at all.

Q: That is fine. That is your position. So these stories which are coming back from Poland in 42 via Riegner in Geneva, and directly from the Polish people in 1943, they

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are simply recycled British propaganda? It has to be so if you are right does it not Mr Irving?

A: If you are putting something out on the air waves through the BBC and black propaganda channels, for which you know you have no evidence, and you state in writing in terms that you have no evidence, then that is an invention, and that is stated quite clearly on page 14 by Victor Cavendish-Bentinck himself, the head of the British Intelligence Service.

Q: The Foreign Office, Mr Irving, took the view, as it had in 1942, that the material that they had received, either via Geneva or direct from Poland, was not sufficiently convincing to allow of propaganda about this matter. That is right, is it not?

A: They put it much more strongly in August 1943.

Q: But you are not following me, Mr Irving.

A: Victor Cavendish-Bentinck wrote: "As regards putting Poles to death in gas chambers, I do not believe that there is any evidence that this has been done". He is head of the British Intelligence Service, the chairman of the Joint Intelligence Committee and you cannot climb over the document, Mr Rampton.

Q: I am not trying to climb over it, Mr Irving. I am trying to make you face up to its significance. The decision is, despite this information received in 42 and 43, that the evidence does not stand the case up, so they do not use

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it.

A: They do not have sufficient evidence to persuade the Prime Minister and the President to put their names on a document, but they have enough evidence to put the story out on the air waves. They are quite happy to put it out, although they are quite satisfied that they have no evidence that it will stand up. It is good enough for the liars, but it is not good enough for the presidents, the heads of state.

MR RAMPTON: When did they put it out, Mr Irving, on the air waves?

A: They started putting the story out in late 1941, certainly in January 1942, they repeat it in June 1942, in November and December 1942, there was quite a blitz on the air waves with stories about the liquidation of the Jews in gas chambers in Poland. It is referred to in a lot of the private diaries, and also in the files of the German Propaganda Ministry who monitored the British Broadcasting Agency.

Q: By whom were these broadcasts made?

A: They were put about by the BBC. Broadcasts were carried by the BBC, which has a monopoly in broadcasting at that time, and by the American corresponding channels.

Q: Do the documents that you have provided to us contain transcripts of these broadcasts?

A: No. They contain entries either, as I was saying earlier,

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in private diaries of the people who listen to broadcasts, either in occupied countries or in Germany or they contain the monitoring reports that were maintained by the propaganda agencies in Germany, who monitored foreign broadcasts.

MR JUSTICE GRAY: I would like to see, please, what this material is, which I think has probably been produced.

MR RAMPTON: So would I. No, I do not think so. I would know it if I had seen it.

A: I think this is one of the cases where your Lordship intervened and said, we are not making enough progress.

Q: Never mind.

MS ROGERS: The position seems to be this. We have checked through the documents which have produced by Mr Irving which have been filed gradually in the J files. We cannot find any trace of it. In transcript day 20, starting at page 40, going over 41 and 42, Mr Irving, I think, in cross-examination of Professor Evans raised Thomas Mann's diary.

MR JUSTICE GRAY: Page?

MS ROGERS: It starts at 40, going over to 41.

A: If you look for Mauthausen, you will probably find it or Dutch Jews, 400 young Dutch Jews deported.

MS ROGERS: That reference appears on page 42, my Lord, the 400 young Dutch Jews.

A: And that was in January 1942. And then there is another

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reference in June 1942 in the ----

MR JUSTICE GRAY: Can we just take this in stages? Thank you very much, Miss Rogers. Thomas Mann, he is the novelist?

A: He was working for the American propaganda agencies.

Q: How is that evidence that the British Intelligence Service were making use of this information about what was going on? He does not have a connection with the British Intelligence Service, does he?

A: Only in as far as the Allied Intelligence Operations of the Office of War Information in Britain and the British Ministry of Information were co-ordinated, but it is as tenuous as that. In other words, I cannot produce the actual missing links there.

Q: In relation to him or generally?

A: In relation to linking Thomas Mann's broadcast with what happened in No. 10 Downing Street.

Q: What do we next have?

A: June 1942, would that be the Ringelbulm diary? I am saying all this from memory, of course.

Q: I appreciate that.

A: I do not have the documents in front of me.

Q: Yes, you do mention that. Ringelbulm, I have no recollection of him at all.

MR RAMPTON: Who is Ringelbulm?

A: I think he is living in one of the ghettos, either in Warsaw or somewhere listening, obviously

very hopefully,

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to BBC broadcasts.

Q: No, it does not say "BBC". It says "broadcasts" about the extermination of Jews with poison gas.

A: I do not know who else would be broadcasting about the extermination of Jews, apart from the Allies.

Q: You see, Mr Irving, I am puzzled by this. What evidence do you have that these stories, I would say factual accounts, of what was happening, maybe not in '41, but certainly in '42 to '43, emanated from the propaganda arm of the British Government? How do you know that these people did not pick it up from the Poles or from Mr Riegner?

MR JUSTICE GRAY: Or from the Americans.

MR RAMPTON: Or from the Americans?

A: Well, the sources that I quoted refer specifically to broadcasts.

Q: To what?

A: They refer specifically to broadcasts and listening in to enemy broadcasts.

Q: Sure, of course, but a journalist, even in those days, a self-respecting journalist, would use material supplied to him if it seemed to him to be reliable, would he not? What on earth connection do you see in all of this with the PWE?

A: Because the PWE was controlling the black propaganda from Britain at this time. This was Robert Bruce Lockhart and

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Richard Crossman.

Q: Well, Mr Irving ----

A: But I mean ----

Q: --- what you are telling us is not ----

A: --- I am at a disadvantage here because I do not have the diaries in front me and I am not able to look for the collateral material which I would clearly do if I knew I was going to be cross-examined on this.

MR JUSTICE GRAY: I would like to see it.

MR RAMPTON: So would I.

A: I have made a note of it and I am going to produce another clip.

MR RAMPTON: We do not need it now. This can lie in wait for next week or the week after. But would you agree with me on the basis of the original documentation which we have seen, there is (a) evidence that the story was a real story, whether a true story or not, but a real story and that it did not originate with the British?

A: Yes, but it is of a low grade evidence.

Q: That is as may be.

A: Yes.

Q: Is there also evidence before us that on account of what the British then saw as its low grade quality, they decided not to use it?

A: Yes.

Q: Thank you.

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A: But they did not find it, of course, in the high grade sources where they would have expected to find it like the intercepts.

MR JUSTICE GRAY: Mr Rampton, before you leave this, in view of what Mr Irving said about broadcasts, could you invite Mr Irving to look at page 15 in this same tab, tab 6?

A: Is this the actual declaration as released, my Lord?

MR JUSTICE GRAY: Well, it is not for me to say.

A: Am I looking at the right document?

MR JUSTICE GRAY: It is not for me to say.

A: Yes, is it the declaration headed "Confidential Future Release" or?

MR JUSTICE GRAY: Yes.

A: Yes.

MR JUSTICE GRAY: I do not know what it is, but it seemed to me it might be relevant.

MR RAMPTON: I do not have the same pagination as your Lordship.

MR JUSTICE GRAY: In my version of this it is the last page.

MR RAMPTON: Yes, is this, Mr Irving, 19 it is in my version, 15 in yours. Is this a United States document?

A: Yes, Department of State.

Q: It is dated August 28th 1943?

A: Yes.

Q: It says, well, I will read it: "Confidential release for publication in the morning newspapers of Monday, August

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30th 1943, which do not appear on the streets before 9.30 p.m. Eastern [something]", no, it is not Standard Time, I thought it would be, but it is not, BMT. "Sunday, August 29th 1943, not to be previously published, quoted from or used in any way not to be sent abroad before 7.30 p.m. Sunday, August 29th 1943". So it is an embargo?

A: Yes.

Q: What it says is "Declaration on German crimes in Poland. Trustworthy information has reached the United States Government regarding the crimes committed by the German invaders against the population of Poland. Since the autumn of 1942 a belt of territory extending from the province of Bialystok southwards along the ... (reading to the words) ... has been systematically emptied of its inhabitants. In June 1943 these measures were extended to practically the whole of the province of Lublin where hundreds of thousands of persons have been deported from their homes or exterminated. These measures are being carried out with the utmost brutality. Many of the victims are killed on the spot. The rest are segregated. Men from 14 to 50 are taken away to work for Germany. Some children are killed on the spot. Others are separated from their parents and either sent to Germany to be brought up as Germans or sold to German settlers or dispatched to the women and old folk concentration camps. The United States Government reaffirms its resolve to

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punish the instigators and actual perpetrators of these crimes. It further declares that so long as such atrocities continue to be committed by the representatives and in the name of Germany, they must be taken into account against the time of the final settlement with Germany. Meanwhile, the war against Germany will be prosecuted with the utmost vigour until the barbarous Hitler

itinerary has been finally overthrown". That is an official United States press release, is it not?

A: Yes.

Q: Do you notice something about that press release, Mr Irving?

A: That is a strange question.

Q: There is no reference to gassing or gas chambers.

A: Yes.

Q: So, on the advice, no doubt of the Department of State in the United States and of the Foreign Office in Great Britain, the reference to gas chambers in the draft has been removed?

A: Yes, because it was -- there was no adequate evidence.

Q: Yes, the Allies and, in particular, the British PWE decided against using, unhappily perhaps, but they decided against using the gas chamber story as propaganda, correct, am I not?

A: This is not a propaganda declaration; this is a warning to the German leaders, to the Italian leaders, that

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retribution is on its way to them. It is nothing to do with propaganda. Propaganda was what we broadcast of which there is any amount of evidence.

MR JUSTICE GRAY: Well, I would like to see it because at the moment I do not have any no evidence at all.

A: I have great confidence on this score.

MR RAMPTON: I have been given Claimant file F, my Lord, on page 61 your Lordship will find it, I hope.

MR JUSTICE GRAY: I think we have had this before. F became something else.

MR RAMPTON: You should have a separate file F, my Lord, a small file F. It had originally, I think, a two-page index and the document in question is page 62. I think Mr Irving should have it too, please.

MR JUSTICE GRAY: I think this what I had in mind.

MR RAMPTON: Yes. This is the so-called Ringelbulm diary. It has, I am afraid, no year date on it. But I will read it just the same because it is rather interesting. But I do think Mr Irving should have it. Could somebody please find Mr Irving a file F? I hope, Mr Irving, that your index page, your contents page, 62, there are two pages from this book?

A: Yes.

Q: 294, 295, is that right?

A: Yes.

Q: Can we look at 295 which is on the right-hand side in my

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copy?

A: Yes.

Q: "Friday, June 26th has been a great day for OS", what is "OS", see introduction", well, that is hopeless. I have not got the introduction. What is "OS", Mr Irving?

A: No idea.

Q: OK. "This morning the English radio broadcast about the fate of Polish Jewry. They told about everything we know so well, about ... (reading to the words)... Lemburg and Chelmno, and so forth. For long months we had been suffering because the world was deaf and dumb to our unparalleled tragedy. We complained about Polish public opinion, about the liaison men in contact with the Polish government in exile. Why were they not reporting to the world the story

of the slaughter of Polish Jewry? We accused the Polish liaison men of deliberately keeping our tragedy quiet so that their tragedy might not be thrown into the shade. But now it seems that all our interventions have finally achieved their purpose. There have been regular broadcasts over the English radio the last few weeks treating of the cruelties perpetrated on the Polish Jews, Belzec and the like. Today there was a broadcast summarizing the situation. 700,000, the number of Jews killed in Poland was mentioned. At the same time the broadcast avowed revenge, a final accounting, for all these deeds of violence".

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Which year, Friday June 26th, Mr Irving?

A: 1942.

Q: 1942. Do you see anything in there about gas chambers?

A: No.

Q: Am I right that the Polish Government in exile at the instance, no doubt, of people in Poland had been, as it were, hacking at the Allies to pay attention to these stories for some considerable time?

A: Yes.

Q: These stories were not invented by the British Government, were they?

A: Inasmuch as when the British Government put them out, they had no firm evidence that they were true and they later summarized that they had no such evidence, they were.

Q: Now I think we know where we are.

A: My Lord, on the broadcasts in their clip there is a number of documents which I did not actually rely on when I cross-examined Mr Klemperer. When we next come together, I will produce a schedule of broadcasts and what they contained in this respect, I think, as far as I can.

MR JUSTICE GRAY: Is there anything else in this clip at the moment that ----

A: Well, I think it would take up too much of the court's time to read the 10 or 15 pages.

Q: I am not too bothered about that. I do not think it would take very long. Do you rely on the ---

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A: But what I am really saying is ----

Q: Do you rely on the diaries of Klemperer? I am sorry, Mr Rampton, it is just that once one is on this topic, one really needs to ----

A: Well, I do not really want to do it in a hurried manner and if I do it in a slow manner, then your Lordship will get impatient. What I am really saying is that we do not want to go back and have a look at the files to see what else I can dredge up.

MR JUSTICE GRAY: We have got 64. I am just looking for references to a broadcast. Page 64 is Klemperer.

Q: Page 67, I think. Could you just read the top of page 67, Mr Irving?

A: I do not have those numbers on this.

Q: Sorry, page 442 of whatever it is.

A: "Millions of German people did, in fact, listen attentively and regularly to German language BBC broadcasts, even though it was illegal for them to do so. Moreover, the BBC German service took considerable pains to convey accurate and believable information about the annihilation of the Jews. These efforts were particularly noteworthy considering that they were

frowned on by the British Foreign Office which did not regard Jewish persecution as an efficacious theme for propagandists to take advantage".

MR RAMPTON: So Mr Irving, your story is now this, is it not,

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if this story was an invention, it was the BBC, the wicked journalists and their informants who invented it, it was not the British Government? Is that right?

A: I think at all material times the BBC was in arm with the British Government and the Ministry of Information. It certainly did not operate in a kind of independent way. I think it would be useful if I do draw up a schedule of references, including whether it specifically referred to gassing or not and the dates. This will...

Q: I am moving to another topic now, my penultimate topic, Mr Irving, you will be pleased to hear. The first page in this clip should be a page from the transcript in this trial on day 23, Monday, 21st February 2000, is it?

A: Yes.

Q: Do you see what his Lordship was asking you on page 140? You were cross-examining.

A: Gita Sereny, yes.

Q: You were cross-examining Professor Evans about a passage in his report which asserted that you had falsely accused Gita Sereny, or having ignored Gita Sereny's assertion that Christa Schroeder had said that Hitler knew about the Holocaust. I am paraphrasing.

A: Yes.

Q: Mr Justice Gray at line 18 on page 140 asks you this: "Is it your case that there is not any record, whether tapes, notes or anything, of Gita Sereny's interview with Christa

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Schroder and she is, in fact, making the whole thing up?" Mr Irving, "Yes". Is that still your position?

A: I beg your pardon?

Q: Is that still your position that Gita Sereny made the whole thing up?

A: On the basis of what I have seen in her discovery in the other action, yes.

Q: Now we are going ----

A: You are familiar with the fact that I requested to see all her-- I had discovery from her.

Q: The date of this exchange between his Lordship and you is Monday, 21st February 2000.

A: Yes.

Q: I am now going to show you some papers from your case against Gita Sereny and whichever newspaper it is, I forget, the Observer, I think. The second page in this little clip is a letter from you to the solicitors for those Defendants ----

A: Yes.

Q: --- Lovell White Durrant, dated 4th January 2000. You say this: "I note from my discovery item No. 545 that your client, Sereny, took notes of her conversations with Gunsche, von Welloff and Schultzer and that Frau Schroeder also wrote to her" -- notice those words, please. "These items appear to be missing from your client's discovery and I would request that" ----

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A: "She".

Q: --- "you give disclosure" or "she" it might be "give disclosure of these within a reasonable amount of time". I do not know what the second document is.

A: To which I received no reply.

Q: I see. 545 is what you enclose with your letter.

A: Yes.

Q: It is a letter from the Associate Managing Editor of the Sunday Times dated 13th October 1997 to you: "Dear Mr Irving, thank you for your letter. With regard to the first point, you will be interested to see the enclosed letter which appeared in the Sunday Times two weeks after publication of the original article. It indicates that a misunderstanding on this point has already been publicly acknowledged and corrected. With regard to the second point, there is no such necessity. We have records of Gita Sereny's conversations with Walter Günsche, Colonel von Welfoff and Richard Shultz supporting what was said in our article. Christa Schroeder's comments on the subject of Hitler and the extermination of the Jews were conveyed to Miss Sereny in a letter. Under the circumstances, therefore, I think you will agree that there is no basis for the complaints made in your letter".

In response to your letter to them, Lovells replied on 27th January: "Thank you for your letter dated 4th January 2000. We have raised your request with

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Miss Sereny and will revert to you again in this connection once we have received her response. We take the opportunity to note that we have not", and so on and so forth. That is something else. Then they write again on 10th February, this is but 11 days before you gave your evidence in this court.

A: Yes.

Q: "We write further to our letter dated 27th January 2000, having now discussed your request with Miss Sereny. The documents which you seek have already been disclosed. There were no notes in Miss Sereny's conversations with Günsche, von Welfoff and Schultz, only tape recordings. These have been disclosed to you. The letter to Miss Sereny from Frau Schroeder was disclosed as item 2.57 in schedule 1 part 1 of the same list". The rest is irrelevant.

The last page, please, here is the letter, please tell me what the penultimate paragraph says. The first of the two letters printed on this page is from Frau Schroeder herself, is it not?

A: Yes. "Dear Miss Sereny, I regret that for health reasons I have not been able to receive you", for an interview, in other words. So there was no interview.

Q: Carry on.

A: "As far as the telephone conversation that you sketched of 1976 is concerned, what you write about, what you mention

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about Himmler in connection with me appears, you appear to have fallen victim of having heard, misheard something. Himmler has not", underlined "not", "spoken with me", underlined "with me", "in this manner. I have tried to arrange an interview between you and his, Himmler's, daughter, but I have unfortunately failed for which I request that you leave out this passage. As far as the Judenfrager is concerned: I consider it improbable or unlikely that Hitler did not know - - that Hitler knew nothing. He had frequent conversations with Himmler which took place as tete a tete. More than that, I unfortunately cannot tell you as I am ignorant of the things".

Q: Now 10 days after being reminded of that letter because it had been in the discovery originally according to Lovells ----

A: Yes.

Q: --- his Lordship asked you and I repeat: "Is it your case that there is not any record, whether tapes, notes or anything, of Gita Sereny's interview with Christa Schroeder and she is, in fact, making the whole thing up?" Answer by Mr Irving: "Yes". A false and a knowingly false answer, is it not, Mr Irving?

A: To this I have to say two things. The first thing, not in any order of priority, is that, as is evident from the correspondence which I just read out, there was no

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interview. She did not get to see Mrs Schroeder.

Q: What, you mean you cannot interview somebody by telephone?

A: Not in my book. Secondly, I have to confess that even after receiving that letter from the opposing solicitors in the other action, I did not look into the correspondence and discovery files for reasons which are probably evident for you. To do so would have taken me probably 20 or 30 minutes to find the file and look up the letter, and at present I am under very great time pressure.

MR JUSTICE GRAY: I am sorry, I am not following that at all. On 10th February 2000, you were sent a letter which specifically directed you to the document. It would not have taken you a second to find it.

A: My Lord, my files are not in any very great shape at present. They are in great shape for this action, but they are not in great shape for an action which has not yet been set down even. And to have looked and found the Sereny discovery and to have found this particular document -- all I can say is that I am stating here, I am asserting here, that I did not look up this document and, even having looked it up, it has not altered my position because I knew perfectly well ----

Q: But I am sorry, Mr Irving, on 4th January 2000 you specifically requested documents relating to what Frau Schroeder had said.

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A: Very well. In preparation of this case, I have gone through our entire discovery for the action against Penguin Books which is the current case, which is what this number is on the top right-hand corner of the Sunday Times letter, 545. When I took this letter out, my eye lit on the fact on paragraph 2 that there were quite clearly interesting items that Sereny had not disclosed to me, as she should have. I wrote a routine letter to the solicitors for the opponents in that action, saying, "Oh, by the way, I note you have not given discovery of those documents, please now do so", which is a perfectly reasonable act. They then wrote back that letter. But I already knew from Christa Schroeder that she never interviewed Miss Sereny for personal reasons.

MR RAMPTON: But she did not make it up, did she, Mr Irving?

A: She did not make what up? The statement?

Q: The assertion that Hitler probably knew what was going on because he had these four hours, frequently had these four hours conversations closeted with his friend, Heinrich Himmler?

A: Now, that is not the question you asked me, is it, or the question which his Lordship asked me?

Q: Yes.

MR JUSTICE GRAY: Have a look at it again if you want to.

MR RAMPTON: "Did she make it up?" Answer; "Yes".

A: "Is it your case that there is not any record of Gita

Sereny's interview with Christa Schroder?" That was the first question to which the answer was quite correctly, "Yes", "And that she is, in fact, making the whole thing up?" in other words, the interview, answer: "Yes". And I take issue with the way you put her response. She did not say she considered it probable that Hitler knew. She said she considered it improbable that Hitler did not know or that he knew nothing, rather, was the exact language. That is not quite the same as you have said. I do not want to split hairs, but let us stick to the actual language.

Q: Would you like to withdraw the allegation of little invention you made against Miss Sereny in this court not very long ago?

A: No, I would not. Miss Sereny has stated that she conducted interviews with a number of Hitler's staff, who disavowed what I had reported of my very lengthy interviews with the same people. It is a matter of professional pride that I establish that what I wrote was true on the basis of proper interviews, not conducted over a snatched telephone conversation. Proper interviews. You have of course seen the very complete and proper records I took of those interviews, and I was perfectly satisfied from my knowledge of these people and what they told me that they had not granted her interview. Certainly Krista Schroeder had not and, when it was

suggested in this court that she had, I knew perfectly well that she had not, and it now turns out I was right.

Q: The last item on my agenda for today, Mr Irving, is the Goebbels diaries, the entry for 13th December 1941, what Adolf Hitler said to the Gauleiters and others on 12th December 1941.

A: And my knowledge of what was in them, presumably.

Q: Absolutely. Precisely that. My Lord, this is on page 337 and 338 of Professor Evans' report. I invite reference to that because the English is there.

MR JUSTICE GRAY: I am sorry to be tedious about this but where should I put the little clip that has just been handed in?

MS ROGERS: J2, which is now in an overspill marked J2 to 3.

MR JUSTICE GRAY: Rather than being an overspill marked J2 to 3, it is actually going to be J3.

MS ROGERS: I am very happy with that, and I think we are up to 17 or 18.

MR JUSTICE GRAY: I have run out of tabs.

MR RAMPTON: May Mr Irving and his Lordship have the Goebbels clip and Mr Irving should also have a copy of Professor Evans' report.

A: In that case I had better clear a large space on my desk.

MR RAMPTON: Please turn to page 337. On page 337 in paragraph 8 Professor Evans writes this: "On 12th December 1941, less than one month after the publication of the article in Das Reich, Hitler spoke about the Jews in front of the

Gauleiters (noted down by Goebbels): 'With reference to the Jewish question', Bezuglich der Judenfrage, "the Fuhrer is determined to clear the decks". The actual German is reinen Tisch zu machen, which might be better translated as make a clean sweep. "He prophesied to the Jews that if they should once more bring about a world war, they would experience their own annihilation in doing so. That was no mere talk. The world war is there, the annihilation of Jewry must be the necessary consequence. The question is to be considered without any sentimentality. We are not

there to have sympathy with the Jews, only sympathy with our German people".

In paragraph 9 on page 338, writes Professor Evans: "Here Hitler mirrored directly Goebbels's statements from the article in Das Reich", which I think was published in November of that year, 16th I think?

A: November 16, yes.

Q: "While Irving does cite this speech of 12th December 1941 by Hitler in Goebbels, he is careful to omit any mention at all of this key passage because it shows that Hitler was as determined to act brutally against the Jews as Goebbels was".

Your account of the omission of that may be thought crucially important passage from the Goebbels diaries from your book on Goebbels, or indeed from anything else that you have written so far as I know, is

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I think, if I may summarize this and you will correct me if am wrong, that you went to Moscow to look at the Goebbels diaries with a specific commission from the Sunday Times.

A: A shopping list, yes.

Q: Which consisted of, or which included, the instruction, direction or request to look for material on Pearl Harbour? Is that right?

A: Yes.

Q: Have I got it right so far?

A: Yes.

Q: When you got there, you found the glass plates on which the diaries were recorded so voluminous or so crowded that you stopped four lines into the second of the glass plates for this date. Do you remember that? Would you like to turn to tab 2, which I think are some Irving documents, are they not?

A: I am sorry?

Q: The little clip, the file you have been given.

A: Yes, tab 2. The notes taken by my assistant on our progress as we waded through the glass plates.

Q: Yes. The first page in that is headed "box 1", is it not?

A: Yes.

Q: Whether that means the big filing box or the little box of glass plates, I cannot say.

Q: I have absolutely no idea. I am afraid I was not there.

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A: It is a big filing box. I can see that because on box two she puts in the Russian designation.

Q: Could you turn to page 9 please? It is the original 09 at the bottom.

A: Yes.

Q: Under No. 38 at the top of the page we see the list of plates that you read, or part read, for December 1941, do we not?

A: The plates that we found, yes.

Q: Whatever. Lesen is German for read, is it not?

A: Read or read, oddly enough.

Q: Read. It must be read. 10th December, read, 11th to 12th December, read, Pearl Harbour.

A: Read with gelesen.

Q: All right. 13th December, lesen, whatever it means.

A: Yes.

Q: 13/14 December, 41, bis vier zeile gelesen?

A: Read to the fourth line yes.

Q: Yes, to the fourth line. Now please turn over some pages. There is a lot in here that I do not need.

A: I am astonished that she was so meticulous in what she wrote down.

Q: I am about to suggest to you that she actually might have made a significant mistake.

A: Ah.

Q: At tab 5 of this little file you will see a document in

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Russian dated 23rd February of this year. If you want to turn over, we have attempted the translation.

A: I was just about to get my O-level Russian to work.

Q: Forget your O-level Russian unless you are going to grumble about the translation. It comes from the Federal Archives Services of Russia and Moscow and it is written to my solicitors Mishcon de Reya in London. It says, "Dear Sirs, further to your letter we are sending to you photocopies Goebbels diary pages for 13th December 1941. The photocopies are taken from two separate glass plates". So far you are not falling out with the Russians, I think, are you, Mr Irving?

A: I am happy to accept this, yes.

Q: The second plate starts from page 18.

A: I see what they mean.

Q: We turn over the page to tab 6 of this little file and we find what it is that the Russians have sent us.

A: Yes.

Q: If you turn through the pages, the numbers are at the top. You find that the first plate ends. Well, let us look at the first page. The first page has on it 13th December 1941.

A: Yes.

Q: That does not mean that that plate starts on the 13th December 1941, does it?

A: No, it does not.

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Q: Right. So, when the Russians say that plate 1 ends at page 17 of this 13th December entry, which you can see, they are probably right, are they not?

A: Yes.

Q: Now I will direct you to where on plate 2, rather far past line 4 I fear, your clip that you gave us as representing what you transcribed begins. Page 26, please. If you want to compare it with what you gave us as being your -- we had better do it in an orderly way. Your transcription is at tab 4, and it begins "Mittags habe ich eine Unterredung mit dem Fuhrer".

A: Yes.

Q: So we can see that that passage starts -- it is the first part of your transcription for the 13th and it starts on page 26, I think, of plate 2, I ask you to note, of the series for this date. I can tell you, because I have marked it all the way through, you run out in the sections you say you transcribed on page 38. Is that right? Yes, it is, I think. You end with the passage "Das wir im Osten nicht weitergekommen sind, als wir jetzt stehen", and we find that on page 38 of plate 2, do we not?

A: That is when I run out.

Q: You end "nach Schutzproblem aber".

A: Yes.

MR JUSTICE GRAY: Tab 4 is what? Transcribed microfiche material done by Mr Irving in Moscow?

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MR RAMPTON: Yes. So point 1, Mr Irving, the story that all but four lines of your transcription came from plate 1 is just rubbish, is it not?

A: I have just done a little bit of a calculation.

Q: It all comes from plate 2, does it not?

A: Mr Rampton, if you are saying that plate 2 starts on page 18 ----

Q: I am.

A: Do you know how many images there were per plate?

Q: I have no idea.

A: Ah.

Q: I can count the pages, Mr Irving. I do not need images.

A: It was either 25 ----

Q: 35. It does not matter.

A: It does, because I think that you will find that the remaining images you got here probably come from yet a third plate.

Q: No.

A: Because you could not have had more than a certain number of images. Unfortunately, unless your Lordship has in front of you the actual colour photograph I gave you what the plates look like, I think those were the handwritten pages. I am sorry, that would not apply. That is handwritten pages and not the typed pages. The typed pages have more to a page than the handwritten images.

Q: They seem to have got on to this plate, plate 2, and I do

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not know whether plate 2 ends on 13th December. I think not, because the Russians tell us that the second plate is partly the 13th and partly the 14th, but we see, of the 13th, they got a total of 59 minus 18, which is 41 pages, and the whole of what you transcribed came from plate 2, not from plate 1, as you would have us believe.

A: I am anxious not to put my foot in it by saying something ill considered. The final page in the clip appears to be the end of the day's entry, does it not?

Q: It might be that it is, and it may be that there are some more pages in the plate relating to 14th December. It might be, it might not be, it might be the end of the plate, I have no idea. I suspect it is not the end of the plate because of what the Russians have just told us. However, the fact is that, starting on page 26, that is say, roughly speaking, eight pages into plate 2, you then succeed in transcribing your way all the way through in bits and pieces with some left out, to page 38. Yes?

A: Right. I am sorry. I am getting the picture now. Obviously, you have thrown this at me just now as I am trying to get the overall picture. You know this better than I do. Which pages of the large type face have I actually transcribed?

Q: No. They are not continuous.

A: Yes, I know that.

Q: You start on page 26, you continue on page 27. There is

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then a gap starting at the bottom two lines of 27, and going through to the end of the first three lines on page 30. You then start again at "Ich habe noch gelegenheit".

A: And there is nothing on those pages that I have taken out that you are worried about?

Q: No, nothing at all. This is not what I am driving at.

A: All right. I think this is the way to do it.

Q: You then transcribe the whole of page 31.

A: Yes.

Q: The whole of page 32, the whole of page 33 and the first three lines of page 34.

A: Yes.

Q: You then jump to page 38, where you transcribe all but the last two lines of the large paragraph on that page.

A: In the part that has been jumped there is there anything significant?

Q: No, nothing significant.

A: All right, so that is unimportant.

Q: I do not know whether there is or there is not. I am not interested in that.

A: That is the way to do it, so I know what you are getting at.

Q: Exactly.

A: Yes.

Q: The fact is you managed to get to page 38 of a diary entry which, considering its date, is recording the speech to

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the Gauleiters and I think the Reichskommissars and, considering its date, is a very important entry.

A: Yes, if one had known that was there. But you have to remember, I am looking at these glass plates through something the size of my little finger nail like this all day long, dictating on to a tape.

Q: Are you seriously telling me that you resisted the temptation to read this important speech of the Fuhrer from end to end, start to finish?

A: There was a temptation to read the entire 50,000 pages, this is true.

Q: Never mind the 50,000 glass pages.

A: There is a limitation. I knew I was only going to be in Moscow for a few days before I flew back to England.

Q: You are, or purport to be, an historian with a particular interest in Adolf Hitler. Adolf Hitler makes a important speech on 12th December 1941, which is recorded by his chum Joseph Goebbels.

A: Yes.

Q: You are in the middle of this important speech. Are you telling me that your ordinary curiosity would not have compelled you to read on to the end of this speech?

A: I have to say that, even had I seen it, and this is an entirely different question, I would not have attached any importance to it, because it is the old Adolf Hitler gramophone record again. But the question you are asking

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is why I did not read ahead and see that kind of thing was there, and the answer is quite simply I did not, so I did not.

Q: I am suggesting that you did. It is to be found at the bottom of page 50, the relevant passage.

MR RAMPTON: Bezuglich der Judenfrage ist der Fuhrer entschlossen, reinen tisch zu machen.

A: Yes. Can you me where I stopped reading?

Q: You stopped reading eleven pages earlier, bottom of page 38. Actually, to be fair, in lines it is probably 12 pages.

A: So it was not a question of kind of my eye not running over on to the next page. I would have had to read on twelve pages on the glass plate, and then said to myself, hey, this is important, but I am afraid to say I would not have, for the simple reason that none of the other people present at that Gauleiter meeting, none of the other Gauleiters, and there were 48 of them, bothered to write anything about this particular speech being any different from the others.

Q: Were you aware at this date when you were examining these plates, Mr Irving, what to you at one time at least was passionately important, that is to say, what you believed to be the signal ending the Final Solution, Himmler's telephone call to Heydrich on 30th November of this year, that is to say 12 years before the event which this diary

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entry records?

A: 12 days?

Q: 12 days. What did I say? 12 years?

A: Yes.

Q: It is obviously not 12 years, is it? 12 days. That is elephantine, Mr Irving, but we will not worry about that. You knew well about that diary entry, did you not?

A: Yes. I knew about a lot of documents, yes.

Q: No, no. This is one of your cherished icons, or it was until it was shattered.

A: Said to have been, yes, but I do not agree that it was. It was one of a long series of documents.

Q: This was Hitler ordering a final end to any shooting of Jews for ever, or killing of Jews for ever. If you look at the introduction to the 1977 edition of Hitler's War, we can all see that.

A: Yes.

Q: Are you really telling me that a speech made 12 days after that crucially important event in your mind, you come upon a Hitler speech at the meeting with the Gauleiters and the Reichskommissars, and you do not read the whole of the speech?

A: Quite simply did not, because of the very scarce resource, namely time. The archive opened and closed at set hours. I was only going to be in Moscow for two more days. I think this is already probably the last page of notes

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that Miss Teplar made of our actual discoveries. We were running out of time. I could not afford just to indulge my curiosity. I had a shopping list to fill for the Sunday Times. There were certain items we were trying to obtain. I was reading these glass plates under extreme conditions of awkwardness, namely using a 16 times little thumbnail magnifier. I did not do badly under the circumstances, and I agree I should be horse whipped for having not seen that there but, even had I seen it, I would not have used it, I do not think.

Q: You would have suppressed it anyway, would you? It does not seem to you significant?

A: I do not think so. I think the Schlegelberger document is of far greater significance than this. This is just the old Adolf Hitler gramophone record. I made that prophecy then and they do it ----

Q: Sure. This is the prophecy coming to actuality, if I may borrow from the French for a moment. It is being realized. He prophesied to the Jews that, if they should once more bring about a world war, they would experience their own annihilation in doing so. This was no mere talk. This is on 12th December. The world war is there. The annihilation of Jewry must be the necessary consequence. Then why was the world war there, Mr Irving? Why was Hitler speaking to the Gauleiters on 12th December? The reason is that he declared war on

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United States the day before.

A: That is right. He had picked up the gauntlet.

Q: Yes. Do you tell me honestly that you did not think that that speech by Adolf Hitler the day after the declaration of war by Germany on the United States, making this into a world war, was something you were not interested in reading from beginning to end?

A: This is the difficulty. If you are sitting in a library, in your book lined cave, just picking volumes off a shelf with an index and a contents list, with the content of every entry in the diary, then this is made so easy for you. But, if you sitting in a Russian archive without even a microfilm reading machine, and you are looking at glass plates, and you are the first person to open those boxes in 55 years, you have not the faintest idea what lies ahead of you.

Q: This is the date, is it not, Mr Irving, on which in effect Hitler, having declared war on the United States and thus having brought about a world war, declares war on the Jews?

A: No.

Q: He says to them, does he not: "Right, mates, you brought about the first war, I told you that you would be for it if there was a second war. Now this is it. Face the music".

A: Actually, the declaration of war was the next day.

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Q: What, the 13th?

A: That is right. Hitler declared war on the United States on 13th December, and the speech is on the 12th. The diary entry is the 13th, but Goebbels also wrote it up one day later. It is not any significance, that point, just ----

Q: I rather think it may be. I had always thought that it was 11th December. I do not know why I thought that.

MR JUSTICE GRAY: Just pause a moment.

MR RAMPTON: They think it is the 11th, too. They know a lot of history, far more than I do.

A: I would not bet on it, but I think I am right.

MR JUSTICE GRAY: I think there is a reference, which caught my eye as I was looking through, in Goebbels diary to the United States. I cannot now find it.

MR RAMPTON: Dr Longerich thinks it is the 11th, my Lord.

MR JUSTICE GRAY: What would be conclusive, with all respect to him, is if Goebbels mentioned it as having happened before he wrote his diary entry.

MR RAMPTON: Or if Mr Irving did, but I cannot find it in the index.

A: It would be in my book Hitler's War, but of course that is just a pack of lies, is it not?

MR RAMPTON: No. There are some things that are right. For example, the name on the cover, Hitler, and war.

A: I think a sudden silence is going to fall among the----

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Q: It is quite an important point so, if your Lordship does not mind, we will find out, on the best authority, when it was declared.

A: I think it is a "Who wants to be a millionaire" question, is it not?

Q: Not really, I think.

MR JUSTICE GRAY: Page 15 of Goebbels diary entry?

MR RAMPTON: Page 15 in this Russian version, my Lord?

MR JUSTICE GRAY: Yes. I am not sure if it actually does answer the question, but it is coming close.

MR RAMPTON: Perhaps we can bypass the good Dr Goebbels, my Lord, because this is Professor Irving writing his Goring book in 1989ish, I think, page 337. "It is probably only now that he", that is probably Hitler, might be Goring, "learned that the Japanese had attacked Pearl Harbour. At the Reichstag session on December 11th Hitler declared war on the United States".

A: I found it at the same time, yes.

Q: Well, who is right? You or you?

A: This time you are right.

Q: OK, the 11th.

A: Luckily I am not a betting man.

Q: Lucky you have not lost a million quid, yet.

A: I would have phoned a friend if I had one.

Q: Mr Irving, this was a very important speech, was it not?

A: No.

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Q: The day after the declaration of war on the United States?

A: It was the usual Adolf Hitler pep talk. He did not often see the Gauleiters. He did not like the Gauleiters. He said to Martin Bormann after Rudolf Hess went, "Keep the Gauleiters off my back".

Q: What he said was: "You Jews, I threatened you, I promised you, you have got it coming to you, and now it is here because the world war has begun".

A: Do you want to see his actual speech?

Q: No. I would like you to look at what Goebbels reports that he said.

A: That is what I am asking.

Q: That is at the bottom of page 50 of the Moscow microfiche.

A: That is 22 pages beyond how far I got.

Q: It is not. It is 12 pages. I must say -- I have to say, Mr Irving -- pretty weedy little pages too, narrow and short. Bezuglich der Judenfrager ist der Fuhrer. It is the last line on page 50. It goes through, probably the bit about the Jews, only as far as page 51, because he starts something new on the bottom of page 51. Yes, here we are. This is going to be the German India in the future in the East. So the little bit about the Jews is really mostly on page 51. If you read it to yourself ----

A: I have read it.

Q: I repeat my question. This is a statement that the threat will now be fulfilled, is it not.

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A: Yes. He had said it endless times before. It is exactly the same thing. Mr Rampton, I had the advantage of having read these Hitler speeches through and through for 35 years.

Q: I am sure you have.

A: After a time, you know what he is going to say next. He is that kind of person.

Q: I am surprised you remain sane, Mr Irving.

A: Thank you for the compliment.

Q: However, the fact is that the world war, which was what Hitler was ranting about in the Reichstag on 30th January 1939, for example, is now here. The day before.

A: He had had the entire British Empire around his neck already, so it was not exactly a localised conflict, and the Soviet Union.

Q: It is highly significant to anybody, is it not, Mr Irving, who is in the least bit interested in an objective account of Hitler's responsibility for what happened to the Jews?

A: Well, I can only repeat what I said earlier. There are two separate issues here: Whether I saw it and suppressed it and whether, if I saw it, I attached any importance to it, or would have attached any importance to it, and the answer to the second question is decisively no. I would not have attached any undue importance to that passage beyond what Hitler had said on countless occasions before. The answer to the first question I can say with

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the utmost emphasis is that I never saw this passage, I did not read the passage, I did not get that far in the glass plate, I had other things on the shopping list.

Q: I make it clear, Mr Irving -- I am going to sit down now -- that I do not accept either of those answers so that you shall not be surprised when I say it when I close this case. May I just take a moment to read my briefing, my Lord?

MR JUSTICE GRAY: Yes, of course.

MR RAMPTON: (After a pause). Thank you, Mr Irving.

A: Thank you.

MR JUSTICE GRAY: Yes Mr Irving.

A: Unless your Lordship has any questions on that?

MR JUSTICE GRAY: You have somewhat theoretical possibility of re-examining yourself if you want to add anything by way of evidence to what you have told Mr Rampton.

A: I re-examine myself every night in the small hours to see what I have done wrong, and that is as far as I can get, unfortunately. By way of submission, I will certainly make certain propositions which, whether permitted or not, is the only way that I can effectively do it on the basis of documents.

MR JUSTICE GRAY: Yes. I think I would find it quite helpful if you were able to perhaps fax the little clip of documents that I think you are probably going to produce in relation to the invention by the British, the PWE.

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A: The broadcasting. I have made a note of that. The immediate question is when do we next come together?

MR JUSTICE GRAY: Do you want to return to your usual place?

A: Yes.

(The witness withdrew).

MR JUSTICE GRAY: Mr Rampton, there are a number of loose ends, I think.

MR RAMPTON: Yes, I agree.

MR IRVING: Can I ask a technical question? Is Mr Rampton continuing to rely on any other names in the bundle?

MR RAMPTON: What names?

MR JUSTICE GRAY: I am sorry, what names?

MR IRVING: Hancock and names like that.

MR JUSTICE GRAY: Who?

MR IRVING: Mr Hancock.

MR RAMPTON: No, I have the answer I need about Mr Hancock. He is some kind of unattached roving rightist who thinks that all immigrants should be sent home. He is in the diary entry for what he is worth.

MR JUSTICE GRAY: I am taking it that the Defendants are relying on ----

MR RAMPTON: The list.

MR JUSTICE GRAY: --- all the names on the list.

MR RAMPTON: Yes.

MR JUSTICE GRAY: Although they may abandon some of those names in the light of your answer. I do not know whether they

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will or they will not, but they are entitled to rely on them.

MR IRVING: The question I am really asking, my Lord, is do I need to make submissions about any of the other names than those that I have been cross-examined on?

MR JUSTICE GRAY: The ones that are not on the list you mean?

MR IRVING: The ones that I have not been cross-examined on.

MR JUSTICE GRAY: I am not sure that there really in the end there were any. There may have been one.

MR IRVING: There were several. I am not going to mention names.

MR RAMPTON: I have no intention of cross-examining Mr Irving on any of the names on the list in so far as the cross-examination was done for me by Professor Funke over the last two proceeding days. There is no point in my cross-examining and repeating just on Professor Funke has said. I rely on the evidence of Professor Funke, so far as those names are concerned. But, as I have said before, principally do I rely on Mr Irving's own words and appearances.

MR JUSTICE GRAY: I am taking it that if the names on the list have not featured in the oral evidence at all, then they drop from the picture.

MR RAMPTON: I would accept that.

MR IRVING: Easily.

MR JUSTICE GRAY: I think you will find that only is one or

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two.

MR IRVING: I think there are rather more than that.

MR JUSTICE GRAY: I am open to correction on that. The first thing is, any evidence that you

have not, as it were, formally tendered, Mr Rampton, now I think probably is the time it should be done. You have some more evidence?

MR RAMPTON: I?

MR JUSTICE GRAY: Not oral.

MR RAMPTON: I see, the Civil Evidence Act witnesses, yes I think we probably have.

MR JUSTICE GRAY: It is customary to inform the court what the evidence you rely on is. It is just that I do not actually really ----

MR RAMPTON: I really do not want to ask Miss Rogers to stand here and read them out.

MR JUSTICE GRAY: No. I want to know what there is, because I was slightly alarmed to get a bundle that I am not sure I previously had which I have kept.

MR RAMPTON: Can we not make a snap statement about that now. To say I have not read it would be false, but to say I have not read it recently would be true. I cannot even remember what is in it. I do not have it. Lipstadt your Lordship can forget, not as a person but as a witness. As to the rest, frankly your Lordship can forget the Russians, I have got what I need from Mr Irving. As to the rest, they are all Americans I think.

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MR JUSTICE GRAY: I do not even have an index in this bundle.

MR RAMPTON: Can we come back on that?

MR JUSTICE GRAY: Are we meeting tomorrow?

MR RAMPTON: I would rather not meet tomorrow if it is possible.

MR JUSTICE GRAY: Then I need to know now, do I not?

MR RAMPTON: Unless we are meeting on Monday or unless we send a written note to your Lordship's Clerk just saying which names we rely on. I certainly do not feel competent to make a decision about that now. I know I rely on Miss Gutmann, but beyond that I really cannot say. For example, it may be possible that some of these people make reference to people that I do not rely on as primary actors, in which case this Civil Evidence Act Notice can be ignored.

MR JUSTICE GRAY: I am not entirely happy, if I may say so, with it being left in quite that way, because I do not think it is reasonable to expect me to plough through whatever it may be you are relying on. I am just wondering whether we are not going to have to have a further session in court before everybody goes away to write final speeches to deal with, at any rate, that.

MR RAMPTON: I do not mind coming back tomorrow morning, if that would help.

MR JUSTICE GRAY: I think it really is not, if I may say so, satisfactory just to be told, well, we rely on some of

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them, but we cannot really say which or which parts. I think it has to be a bit more crystallised than that.

MR RAMPTON: I was suggesting might be able to do it on paper, that is all.

MR JUSTICE GRAY: Mr Irving, do you have any submissions to make about this.

MR IRVING: I would be perfectly happy to receive a faxed list of the names on which they intend to rely, if it would prevent your Lordship from reading untoward material on which they are not intending to rely.

MR JUSTICE GRAY: Yes, quite. It is not just which witnesses but also I think some guidance as to which parts of the witness statements. I do not know how long they are.

MR RAMPTON: Would your Lordship like us to take your C1 back and send you an edited

version?

MR JUSTICE GRAY: Yes.

MR RAMPTON: Would that help?

MR JUSTICE GRAY: Yes, it would.

MR RAMPTON: We will send it to you tomorrow.

MR JUSTICE GRAY: Absolutely.

MR RAMPTON: That was not my idea, needless to say.

MR IRVING: The next question is when can we appoint the time for me to make the submissions I have to make on various other documents and bundles?

MR JUSTICE GRAY: Yes. Mr Rampton, Mr Irving is asking when he can make the submissions he has, which are basically, as I

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understand it, really objections to certain parts of the evidence.

MR IRVING: Objections, but also I wish to put in bundle E if I possibly can.

MR JUSTICE GRAY: Put in what?

MR IRVING: Put in bundle E by way of submission.

MR RAMPTON: Bundle E is in, without objection from me. The question of what anybody makes of bundle E is a matter for submission at the end of the case, final speeches.

MR JUSTICE GRAY: I think that is right, Mr Irving.

MR IRVING: Yes.

MR JUSTICE GRAY: We are really dispensing with the rules of evidence pretty much entirely in this case, which I think is actually right and inevitable, but that means that you have got into bundle E a whole lot of documents that in an ordinary case would not be evidence or admissible or even relevant some of them. So do not worry about that, but if you are objecting to any of the evidence that the Defendants have put in, then my own feeling is that that ought to be dealt with sooner rather than later, because if there are documents that are going to disappear from the case, well, then it is better we know they are going to disappear sooner rather later.

MR IRVING: There are two documents I am objecting to, one is the Muller document of which I still have not been given adequate information on its surroundings, its family and

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where it comes from, and even if I am given the information I am not sure how I can put that before your Lordship, except by way of including my representations in my closing speeches which is clearly unsatisfactory because they will then have to answer to that.

MR JUSTICE GRAY: That is the first document.

MR IRVING: The second document which I object to in the manner in which it was presented was the video tape of the Halle speech over which we had serious altercations with the solicitors for the Defence, because it was withheld from me, most improperly and fraudulently withheld, which resulted in a hearing at a lower level, as a result of which the Second Defendant was ordered to provide an affidavit on her list, behind which I was not able to go. I was informed that she would be presented for cross-examination in the appropriate manner, which of course has now not happened. The object of that particular altercation was Halle video, and has now been presented to the court. I think that as they have misbehaved over that video, withholding it from me, it was then accidentally provided to me, it was returned with all my videos to me, that was the only way I became aware of the fact that this video consisted containing the real raw material

MR JUSTICE GRAY: You are giving me a bit of the history and I do not think now is the time to go into it, because you

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need to get your thoughts together, but that is something I think ought to be dealt with sooner rather than later, because the way of the Defendants have put their case is quite a significant aspect of ----

MR IRVING: It is significant when it goes to costs, my Lord.

MR JUSTICE GRAY: --- that compartment in the case.

MR IRVING: It is significant when it goes to costs.

MR JUSTICE GRAY: I do not know about costs, but I do think you ought to have the opportunity to make objections. I do not think that is a frivolous objection. I think the Muller document is in an altogether different category, if I may say so.

MR RAMPTON: Can I take this these stages? The Muller document is in hand. Dr Longerich is in touch with the IFZ. As I have told your Lordship and Mr Irving at least once before, the reason we believe why Mr Irving could not get hold of it was that the file reference he gave, not through his fault, was wrong. We think that the document is both in Munich and in the criminal prosecution archive in the Ludwigsburg, and we will produce what we can find when we can find it.

As to the Halle tape, can I say two things? That is the best version we have. If Mr Irving, by way of argument or submission, is able to point to features of the video, or indeed to extraneous evidence which demonstrates that that tape is in some sense, some

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important sense, unreliable, why then, your Lordship can take that into account; not by way of whether or not it is admissible, but whether or not it should be given weight.

MR JUSTICE GRAY: I am not even sure about that. As I understand the objection, it is that it has been so heavily edited at various stages by various people that it gives a wholly false impression of what actually happened.

MR RAMPTON: No. It has not been edited.

MR JUSTICE GRAY: I am not saying I agree with that. I am saying that that I understand to be the objection, and if that be right then it might be that it will be knocked out altogether.

MR RAMPTON: It might be.

MR JUSTICE GRAY: I am not deciding it now obviously, but I think that that objection, if it is taken, ought to be disposed of one way or the other sooner rather than later.

MR RAMPTON: If it is authentic and not a forgery and not, as it were, apt to mislead because of the way in which it has been edited, I mean mislead significantly, why then, it is admissible. It matters not what its provenance is. It matters not in the least what fraud Mr Irving may assert on the part of my solicitors -- I have to say I have absolutely no idea what he is talking about.

MR JUSTICE GRAY: I am not going to deal with it now, but if I am told by a party that there is a video which has been put in about which he wants to make, in effect, a

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submission that it has become a bogus item of evidence ----

MR RAMPTON: It is not bogus.

MR JUSTICE GRAY: That is effectively what I understand Mr Irving to be saying.

MR RAMPTON: Then I will deal with it when I am fully instructed.

MR JUSTICE GRAY: Quite. All I am saying at the moment is that I think this ought to be dealt with before final speeches, because one normally deals with these sort of evidential questions at an earlier stage, which unfortunately means that we will have to have another session sometime. I do not really mind myself whether it is tomorrow or Monday.

MR IRVING: Next week sometime would be preferable.

MR RAMPTON: I would rather not tomorrow because I need time. I do not want to relay half understood messages.

MR JUSTICE GRAY: Then I think Monday morning is the right time to do it.

MR RAMPTON: Monday morning might be all right, but first I need to know chapter and verse as to what Mr Irving's objections actually are, with supporting documentation.

MR IRVING: I have put a clip together, but can I say that I expect it will be a conduct of the case matter, rather than a withdrawal of the video tape matter finally, if I can summarise it like that.

MR RAMPTON: In that case, I really do not see the point of

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wasting his Lordship's time, and I have to say mine, at this stage in the case. If it is a conduct of the case question it can only every reflect on costs or damages.

MR JUSTICE GRAY: I do not know. I am not sure what the objections are.

MR RAMPTON: Can I wait to see what Mr Irving actually says because I have no idea what he is talking about at the moment?

MR JUSTICE GRAY: Yes. I hope we can avoid having a further session in court ----

MR RAMPTON: So do I.

MR JUSTICE GRAY: --- but one thing I do want to deal with, and if it can be dealt with now well and good, is the list of issues, because I think it is going to make a huge amount of difference to my task for a start, and I think it is possible going to simplify Mr Irving's task if we can agree or possibly improve on the list and the order in which the issues are taken. If you have not had a chance to look at it ----

MR RAMPTON: I have not, I am afraid.

MR JUSTICE GRAY: I wonder whether we can deal with that ----

MR RAMPTON: I do not want to deal with it on the hoof, if your Lordship will permit me not to. This is a list very similar to that which I myself have composed. I really do want to be sure before I agree to anything that it is either not got something in that I do not read or has some

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things missing.

MR JUSTICE GRAY: Mr Irving, you obviously have not had a chance to consider it?

MR IRVING: I have glanced at it and it seemed to be very useful indeed, but I hope not it is not an obligatory list, that I do not have to address all the matters that are contained in it.

MR JUSTICE GRAY: You do not have to address any of them, but they are, it seems to me, all questions that I have to consider and, to an extent anyway, make a finding about.

MR IRVING: Yes.

MR JUSTICE GRAY: So if you do not deal with them ----

MR IRVING: I hear those words and I understand the meaning of them.

MR JUSTICE GRAY: Mr Rampton, do you want to say anything about them?

MR RAMPTON: I would rather not say anything about them at the moment.

MR JUSTICE GRAY: When are you going to?

MR RAMPTON: What I will do, if I gain permission, is to write any additions or subtractions that I having thought about it tomorrow probably, that I feel in my client's interests ought to be made any amendments and then I will simply send it to your Lordship and to Mr Irving.

MR JUSTICE GRAY: Yes. I am again perfectly happy with that. Can you at the same time consider, and this obviously

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applies to Mr Irving as well, what I think is very difficult in this case, which is the sequence in which it is sensible to take the issues, because they all mesh into one another and overlap and so on, and it is quite important that the judgment ----

MR IRVING: As drafted by your Lordship?

MR JUSTICE GRAY: What I am trying to do is to make the judgment flow, if that is the right word, or be comprehensible.

MR IRVING: I am sure that your Lordship being an outsider will have synthesized the matters adequately and absolutely probably.

MR JUSTICE GRAY: If you have any suggestions for improving it in that respect, then I would be grateful.

MR RAMPTON: My Lord, I have some housekeeping that I am supposed to do. First, they are on the list, little sections for RWE 1 Staglich and Varela 8A and 8B. They are very small.

MR JUSTICE GRAY: Yes. That is that. What else?

MR RAMPTON: I promised a response if I could get one from Professor van Pelt about those three labour camps that Mr Irving produced. I have the response and I would like to add it, if I may, as a supplement to Professor van Pelt's report. It contains some typographical errors but no matter.

MR JUSTICE GRAY: It is all very well just throwing documents

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at me, but this is another 20 pages. What is this?

MR RAMPTON: The broad conclusion is very simple. They have got nothing whatever to do with extermination. Those are documents which deal with keeping up the levels of workers, because they date from a period which arrived I think in 1942, they deal with a period when the SS, unlike the preceding period, had started hiring out its workers to commercial companies like I.G. Faben and so on, and therefore there came a concern because these workers were no condition to do the jobs they were being paid for, and they were paid, there came a concern that the SS camps were letting their slave workers die like flies instead of keeping them fit and healthy to work in the factories. This is connected, according to Professor van Pelt, obviously and naturally with the fact that the Germans needing to recruit soldiers were having to take them from factories in the greater Reich, and so needed the slave labour to keep the war economy going. He then explains why this has absolutely no connection with the extermination, first, because the extermines, if I can call them that, were not registered as worker prisoners, and second because of course they do not concern any of the extermination camps.

MR JUSTICE GRAY: So it is exactly what Professor Funke says?

MR RAMPTON: Yes, that is what Professor Longerich says.

MR JUSTICE GRAY: I am sorry, Longerich.

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MR RAMPTON: It was observed by your Lordship in the course of the cross-examination that Mr Irving's questions were directed to the wrong witness.

MR JUSTICE GRAY: Actually it was Professor Funke, was it not?

MR RAMPTON: No, it was Professor Longerich.

MR JUSTICE GRAY: Anyway, whoever.

MR RAMPTON: So that is what that deals with.

MR JUSTICE GRAY: Thank you very much.

MR RAMPTON: I am not suggesting your Lordship read it now or anything like that, but I may make reference to it in closing. Then the next thing, my Lord ----

MR IRVING: Before we move on from that, my Lord, what kind of document is this?

MR JUSTICE GRAY: It is further evidence which actually to be fair to the Defendants ----

MR RAMPTON: Mr Irving laughs ----

MR JUSTICE GRAY: --- resulted from your putting documents which I think had not really been seen before, I do not think they were disclosed documents ----

MR RAMPTON: Absolutely not.

MR JUSTICE GRAY: --- in the course of your cross-examination, I thought it was of Professor Funke but I am sure Mr Rampton is right, it was Dr Longerich. Do you remember that?

MR IRVING: Yes, but the difference is of course I have had the chance to cross-examine and Mr Rampton has had the chance

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to re-examine on those documents. On this of course I have no possibility of making any comment at all.

MR JUSTICE GRAY: No, you have every opportunity to make comments about it. What you cannot do is cross-examine Professor van Pelt because he is in Canada presumably.

MR IRVING: It is neither fish nor foul really.

MR JUSTICE GRAY: No, on the contrary, it is further evidence. You are perfectly right, you have not had the opportunity to cross-examine him. I am not quite sure what you could really have put to him in cross-examination that you did not already put to Dr Longerich.

MR IRVING: Your Lordship says further evidence; it is a further statement, it is a further opinion.

MR JUSTICE GRAY: In the way we use the term evidence experts' reports are evidence.

MR IRVING: I am sure your Lordship will attach the proper weight to it.

MR RAMPTON: I protest at that. Mr Irving pulled out of his back pocket far too late for us to get Professor van Pelt to deal with it in the witness boxes, long after he had gone back to Canada, expecting poor Dr Longerich, who is not a Holocaust expert, to deal with it, and then complains because I get the proper witness to deal with it on paper.

MR JUSTICE GRAY: I am afraid that is why it seems to me to be fair to let it in, which I have done. I have already said

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it could go in. You must deal with it, Mr Irving, by making any submissions you want in relation to it. It seemed to me actually when Dr Longerich was in the box, it was fairly obviously right that it was dealing only with what one might call camp inmates in the proper sense rather than people who never got as far as the camp itself.

MR IRVING: It is difficult to fit in with the accepted picture of the extermination programme

which is the reason why ----

MR JUSTICE GRAY: That is the sort of point you can develop in your final speech.

MR IRVING: It goes to the scale operation again, which is one of the main planks of my case.

MR RAMPTON: So Mr Irving says. Let us deal with all that in a week or so hence, if we may. Then, my Lord, I have the little clip of documents relating to Mr Irving's, in our book, misrepresentation of what Judge Biddle wrote in his notes at Nuremberg about the evidence of Mme Valliant-Couturier.

MR JUSTICE GRAY: What extra do I need on that?

MR RAMPTON: You do not. You just need the papers in one convenient lump.

MR JUSTICE GRAY: I have them already.

MR RAMPTON: I see, well, that is fine. We were told by somebody that your Lordship had not got them. It is K2,

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it is Auschwitz, tab 7.

MR JUSTICE GRAY: Did I tell that you or not?

MR RAMPTON: Not your Lordship. Maybe it has been Chinese whispers that we got from somewhere. It is tab 7 of K2.

MS ROGERS: Mr Rampton hates filing more than me, my Lord.

MR JUSTICE GRAY: The answer is I have some of the file but not all of it.

MS ROGERS: I think it is sensible for your Lordship to have the lot in one place.

MR JUSTICE GRAY: I agree, yes.

MS ROGERS: I am taking over on the housekeeping.

MR JUSTICE GRAY: I think that is a good idea.

MS ROGERS: It is too boring for Mr Rampton. Your Lordship has been asking for the denial statements put together in one lump.

MR JUSTICE GRAY: Yes.

MS ROGERS: In a sense the hard copy form is going to be less useful than the disk copy which will follow, but for now could this go into the front of K3?

MR JUSTICE GRAY: Yes. That effectively means I can discard K3.

MS ROGERS: I think not. Mr Irving relies on context so much that I think ----

MR JUSTICE GRAY: For that purpose, yes.

MS ROGERS: --- it is better to keep them there, and the passages on that document are the passages which have been

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highlighted in the K3 files.

MR JUSTICE GRAY: Yes. Mr Irving will get the ----

MS ROGERS: Mr Irving will have exactly what your Lordship has.

MR JUSTICE GRAY: Good.

MS ROGERS: Then going into an N file, this is a document which Mr Irving had but I do not think your Lordship does have. It is the Moscow chronology derived from the diaries and letters. All of the documents -- there are extracts from the documents -- all of the documents extracted are contained in the file, but for convenience it is a sort of chronology of the relevant events in Moscow. If that clipped at the front of N. Then hot of the press there is a transcript of part of the tape your Lordship saw, the Leuchter Congress. This is an extract of the speech by Ahmed Rami.

MR JUSTICE GRAY: In French.

MS ROGERS: In French and translated into German and what the translator has done, which has just been produced in the course of the afternoon, is to translate both the French and the German for reasons which will become apparent on reading it. Can I suggest that goes into the Rami section which is RWE 2 tab 18? I hope that that completes the filing part of the exercise. Mr Berry has been most helpful in liaising on indexes. I would invite your Lordship, through Mr Berry, if there are any loose papers that do not have a home, to let us know and then we will

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produce indexes which are final versions of the files so your Lordship will know what is in them.

MR JUSTICE GRAY: I think everything that matters has got a home now.

MS ROGERS: I hope so, but if something turns up, then we will file it.

MR JUSTICE GRAY: Yes. Right.

MR RAMPTON: I wonder if your Lordship would want to take away any of the tapes we have been showing in court? I am going to comment on them in closing the case, but whether your Lordship wants to have them in the meantime or simply we hand them over when we finish speaking because I obviously now (and I do not know that your Lordship has either) do not have any idea how long it will be before your Lordship is able to give judgment.

MR JUSTICE GRAY: I am hoping not tremendously long. It depends a little bit. The only one that perhaps one might need to look at it is the Halle video, but we will probably be doing that anyway in the context of any argument that may be going to take place on its admissibility.

MR RAMPTON: We do not want to burden your Lordship with them, so we will hang on to it in the meantime.

MR JUSTICE GRAY: Yes. I am not terribly keen on looking through them.

MR RAMPTON: No. There will be coming a transcript of

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Mr Irving's home made tape [German] which places him, I think, in Germany after he has been banned. I think it means "I am coming back" -- "I will be back".

MR IRVING: "I shall return".

MR JUSTICE GRAY: "Come again". I do not know what you are proposing to do about reducing any part of the final speech into writing.

MR RAMPTON: My Lord, I am going to write the whole thing, at least Miss Rogers and I are together, and I am going when the time comes obviously to give a copy to your Lordship and to Mr Irving. However, what I will not do, unless otherwise ordered to do, is give Mr Irving a copy in advance of his giving me a copy of what he is going to say. I am not saying he should write it for exchange. If there is not going to be an exchange, because he does not want an exchange because he is not going to write it out, then I will hang on to mine and I will give your Lordship a copy after I have read it.

MR JUSTICE GRAY: I certainly would not ----

MR RAMPTON: As I read it.

MR JUSTICE GRAY: -- order that there should anything other than exchange.

MR IRVING: An exchange on the day perhaps?

MR JUSTICE GRAY: What I am really driving at is this, that if it were to prove to be possible to exchange, even if it is only one day in advance of actually having the argument,

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I suspect we would save a lot of time because I could, you know, spend a bit of the previous day having a look and perhaps going to the bits that I would like more help on as opposed to the other bits.

MR IRVING: In theory, yes, my Lord, but, of course, I would then forfeit the advantage which comes to the person who makes the closing speech which is answering specific points that have been made.

MR JUSTICE GRAY: Yes, that is true. That is a perfectly fair point. Well, I will leave it this way, that if you could on Friday, first thing on Friday, agree to exchange, that would help me but if ----

MR RAMPTON: I think that will be too soon.

MR JUSTICE GRAY: I do not mean tomorrow, obviously, I mean Friday week.

MR RAMPTON: No, no, I doubt it will be ready before the Monday morning anyway.

MR JUSTICE GRAY: So be it.

MR RAMPTON: If it is, so be it, but I doubt it will be. What I would like to do, since your Lordship said I think yesterday that Monday 13th was not a fixed day for delivery of the speeches, as it were, in court, what I would possibly like to do is to let your Lordship have it as soon as I can, and I hope it might be before the Monday morning but it might not be, and then come to court (which is what I did in another long case I finished

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recently) and answer questions, as it were, when your Lordship has had a chance to read it. But in the particular and peculiar circumstances of this case, there will be quite a lot that I will want court time to read out.

MR JUSTICE GRAY: Yes, I think we want to regard Monday 13th as being pretty much a fixed date when we are going to have speeches.

MR IRVING: I may have over misheard something there. Is the intention that the speeches should be read out and not just taken as read?

MR JUSTICE GRAY: Oh, no, no, not read out at all, no. I think one has to play it by ear. I do not know what you are proposing to do. You do not have to write a word down.

MR IRVING: No, I propose to write mine, yes.

MR JUSTICE GRAY: Well, I suspect then there may be odd points I want to pick up with you. I mean, do not feel the need to just read out your prepared final speech. That would, I think, be a complete waste of time.

MR IRVING: Right, so it is a written submission rather than -- that point I had not appreciated.

MR JUSTICE GRAY: But I do not know what you are going to say so I cannot really ----

MR IRVING: That I am right and that they are wrong, basically.

MR JUSTICE GRAY: --- predict how I would want to deal with it.

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Good. Anything else, Mr Irving?

MR IRVING: No, my Lord.

MR JUSTICE GRAY: So I am assuming next Monday for any argument that is going to take place on the Halle speech.

MR IRVING: This coming Monday?

MR JUSTICE GRAY: This coming Monday, which will be the 6th.

MR IRVING: It will be a short session.

MR JUSTICE GRAY: Yes.

(The court adjourned until Monday, 6th March 2000)

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