

Closing statement

Closing Statement for Defendants

Electronic edition

On behalf of the Defendants

Penguin Books Ltd and Professor Deborah Lipstadt

Irving v Penguin Books & Lipstadt

Royal Courts of Justice, Queen's Bench Division, case 1996-I-1113

Filed at the close of trial, March 2000

1. The issue of meaning

Introduction

The test of what (if any) defamatory meaning words complained of in a libel action bear is: what would the ordinary, reasonable reader understand those words to mean. The court does not carry out an over-elaborate or legalistic analysis of the words and their meaning, but considers how someone reading the book in the ordinary way (at home, at college, in their study or office) would understand it. Where an innuendo meaning is in issue, then the meaning is considered by reference to a reader of the book who had knowledge of the relevant additional facts.

The words are considered in their context. In this case, the words complained of form a small part of the book *Denying the Holocaust*, published by D1 and written by D2. The passages complained of by P, if taken together, constitute less than 5 pages from a book of more than 200 pages; the passages being extracted from over the width of the book.

Meaning: the principal defamatory meaning

There is no issue that the words accuse P of being a dishonest historian, who falsifies history. The essence of the allegation against P can be put as follows (page 181 of *Denying the Holocaust*): “Familiar with historical evidence, he bends it until it conforms with his ideological leanings and political agenda.”

The charges against P, who became a Holocaust denier in 1988, include (page 161):

- “..distorting evidence and manipulating documents to serve his own purposes..”

- “.. [having seized on a] “small and dubious particle of evidence,” using it to dismiss far-more-substantial evidence that may not support his thesis...”
- “...skewing documents and misrepresenting data in order to reach historically untenable conclusions, particularly those that exonerate Hitler.”

As a spokesperson for Holocaust denial, one of the practices used by P was (page 181)

- “applying a double standard to evidence. He demands “absolute documentary proof” when it comes to proving the Germans guilty, but he relies on highly circumstantial evidence to condemn the Allies....”

This meaning is clearly the most serious defamatory meaning. It strikes at the heart of P’s reputation. As P said (in his video *Ich komme wieder* in 1993): “For me, my reputation as a truth-seeking historian is more important than anything else” (K3/15A/6)”

In his evidence, P agreed that the allegation that he distorted evidence, misstated and falsified statistics, manipulated documents and so on (meaning (iii) in his Statement of Claim: A/1/6) was the imputation that caused him the most concern: 2:140:3-18.

There is no dispute about what the essence (or “sting” or gist) of the allegation Ds make against P is. The central dispute in this trial is whether the allegation is true. From section 5 below, it is clear that it is.

Other defamatory meanings

The book alleges, and Ds seek to justify, that P holds extremist views, has allied himself with other right-wing extremists, in particular, others who deny the Holocaust and has himself become “one of the most dangerous spokespersons for Holocaust denial.” (see sections 5(v) and 5(vi) below; files RWE1 and RWE2).

The book also alleges, and Ds seek to justify, that P broke an agreement with the Moscow archive by removing glass plates on which Goebbels’ Diaries were recorded from the archive (which he then took to London,

where they were subjected to forensic test) and that by his conduct he gave rise to a significant risk of harm to the plates (see section 5(viii) below; file M).

In both instances, the dispute is not about meaning, but about truth.

The issue on meaning

There is only one substantial area of dispute on meaning and that concerns P's contention that the book alleges that he consorts with, and agrees to speak on the same platform as, *violent* extremists.

DS submit that P's complaint misses the point of the book's criticism, which is the nature and extent of his extensive associations with right-wing extremists, here and abroad. As is clear from the context, the book does not allege that P participated in acts of violence. The ordinary reader would start with the first reference to P (of which he makes no complaint) on page 8 of the book, which sets the tone: P is said to have been considered a "guru" by the far right and to be politically active not only in England, but also in Germany, where he has: "regularly participated in the annual meetings of the extremist German political party Deutsche Volks Union. In addition, he has frequently appeared at extremist-sponsored rallies, meetings, and beer-hall gatherings." The truth about the nature and extent of P's associations, including his appearances at such rallies and meetings, is in issue in this action.

The passage on which P founds this part of his claim appears on page 14 of the book, which refers to a cancelled conference, said to exemplify the: "confluence between anti-Israel, antisemitic, and Holocaust denial forces". The speakers listed to attend included the Holocaust deniers, Faurisson and Leuchter (with whom P, as part of his extensive associations with them, has appeared at the same meetings). What can be inferred from the fact that representatives of organisations such as Hamas, Hezbollah and Pamyat were said to be due to attend that meeting is that it was clearly going to be extremely anti-Semitic, anti-Israel

and so on. But it does *not* follow that P was going to take up arms or become involved with an “Islamic fundamentalist terrorist organisation” (to quote P’s words: Para 12 of the S/C).

The ordinary reader would (rightly) see the passage on page 14 as part of the case as to P’s right-wing extremism. S/he would not leap to the conclusion that it was being alleged that this “historian”, whose historiography was being questioned so forcefully, participated in violence. Such a reading would be wholly unreasonable. It would require one small passage of the book to be taken quite out of context and then subjected to an artificial construction.

P is wrong in suggesting that the book conveys any such meaning. It may be that by putting this meaning forward, he hopes to divert attention from the grave – but true – allegations in respect of his methods and practices as an “historian”, which destroy his professional reputation.

2. The writings of P and his reputation as an historian

P is a prolific writer. His claim (Reply, ‘Preamble’ page 2: A/5/2-3) that his work as an historian has been acclaimed by other historians was examined by Professor Evans (Evans Report: pages 41-65). After reviewing the available material, Professor Evans concluded (p64) that P had a “generally low reputation amongst professional historians since the end of the 1980s and at all times amongst those who have direct experience of researching in the areas with which he concerns himself”. This is, however, beside the point.

What is in issue in this action is not what P's reputation is – but what it should be. His writings, and his public statements, have been subjected to criticism. His historiography has been on trial. As is clear from the subsections 5(i), (ii), (iii), (iv) and (vii) below, whatever the position may have been in the past, it is now clear that P cannot – and should not – be regarded as a reputable historian.

3. P's claim for damages

Ds' position on this issue is simple: what they published about P was true. P is not entitled to damages.

In putting forward his claim for damages, P has made a series of allegations based on an anti-Semitic premise: that there is a Jewish conspiracy which exists to crush gentile activities considered inimical to their interests. P's proclaimed 'proof' is nothing of the sort. He has made irrelevant and unfounded allegations which, had he been represented, could not have been put forward in this public forum. He has failed to show that either D had any connection with the allegations he has made.

Finally on this aspect of the case, P has sought to depict himself as the victim of a campaign to suppress freedom of speech. This is a very odd claim for a *claimant* in a libel action to be making. It has led to some confusion in the public arena. The Ds are not pursuing P through the courts; to sue for libel was his choice. Ds included P in *Denying the Holocaust* because of what P had publicly written, said and done. Ds, exercising their right of free speech, expressed the view that P had become a Holocaust denier, who falsified historical truth in order to spread lies. The Ds stand by what they published.

4. Justification: principles

It is not anticipated that there will be any dispute about the principles of law in this action.

In justification, the burden of proof lies upon the Ds, on a balance of probabilities. D has to prove the substantial truth of what was published – the ‘sting’ of the libel – not the last detail of every single word.

In this case, the gravest defamatory allegation concerns P’s conduct as an historian: see section 2 above and, for the matters relied upon in justification, see subsections 5(i), (ii), (iii), (iv) and (vii) below. A related defamatory allegation concerns P’s own extremist views (notably, anti-Semitism and racism: section 5(v) below) and extreme-right wing associations (see section 5(vi) below). The relationship between these two allegations is dealt with briefly in section 5(x) below.

Finally, there is the defamatory allegation concerning P’s conduct in removing plates from the Moscow archives without permission (see section 5(viii) below).

Ds maintain that there is a complete defence of justification in respect of each of the defamatory allegations mentioned.

Common sting

P suggests that there is a separate, unjustified, defamatory allegation concerning violence. As set out in paras 4.1-4.5 of section 1. above, this is not the case. The ordinary reader would have found that the passage on page 14 of *Denying the Holocaust* shared a “common sting” with other parts of the book, that is, that it was directly related to the allegation concerning P’s extreme right-wing views and associations and nothing more.

Section 5 of the Defamation Act 1952

This section states: “In an action for libel..in respect of words containing two or more distinct charges against the plaintiff, a defence of justification shall not fail by reason only that the truth of every charge is not proved if the words not proved to be true do not materially injure the plaintiff’s reputation having regard to the truth of the remaining charge.” This speaks for itself.

Ds submit that, in this case, all defamatory charges made in the book have been shown to be true, so that section 5 has no application in any event.

5. Justification – facts: including in relation to each of the issues listed below, introductory or ‘topic’ section, then case for Ds followed by the response of the P.

5(i) Ds’ historiographical criticisms of P

Introduction

Of the following subsections, all except (l), (m) and (n) (as to which, see 3 below) and (p), (q), (r) and (s) (which do not directly involve Hitler), concern P’s repeated attempts to exonerate Adolf Hitler of responsibility for the persecution of the Jews by the Nazis (see, generally, Evans sections 4.2 and 4.3, pages 217-222).

Thus the principal question in each case is not what Hitler’s culpability was, but how P has dealt with that issue. This is not to say that in considering the latter question, a persuasive answer to the former may not be found (it probably will be), merely that it is not our main aim to seek it (we are not trying to write history!).

It is not proposed to deal with the topics in subsections (l), (m) and (n), first, because they all concern late 1943 or 1944, by which date P has always accepted that Hitler knew about the fate of the Jews (or, at least, had no reason not to), and, second, because (m) and (n) do not bear upon the question of P's historiography, since he has never mentioned any of the speeches there referred to.

5(i)(a) Hitler trial 1924

P deals with the Nazi putsch of 9 November 1938 in Chapter 3, pages 54-67, of *Göring* (1989). On p59 he writes: ““Meanwhile, Hitler acted to maintain order. Learning that one Nazi squad had ransacked a kosher grocery store during the night, he sent for the ex-army lieutenant who had led the raid. “We took off our Nazi insignia first!” expostulated the officer – to no avail, as Hitler dismissed him from the party on the spot. “I shall see that no other nationalist unit allows you to join either!” Göring goggled at this exchange, as did a police sergeant who testified to it at the Hitler trial a few weeks later.’ ” As the source for this episode, P gives only this (p518): “My version is knitted together from the eyewitness evidence at the trial.”

In xx (12:60:23-24), P accepted that his source was in fact the evidence of one Hofmann and said this (12:61:7-10): “I knew nothing of Hofmann’s background that was not before the court. I read the entire court transcript.’ ”

In fact, Hofmann was a long-standing Nazi, who had been appointed by Hitler as head of the political section of the Nazi Party Intelligence Unit and who had taken part in the putsch: Evans Report p229.

For this reason, he was excused from giving evidence on oath: Evans 20:200:20-24.

At the end of Hofmann's evidence, the presiding judge congratulated him for having spoken out on behalf of his Führer. As P put it in xx (12:71:14-15), "I am sure he [Hofmann] wanted, as the judge said, to get Hitler off the hook."

The information set out at 2.2–2.4 above is all contained in the record of the evidence at trial, Evans 20:200-1, the whole of which P said he had read (see 2.2 above & 12:62:15-19).

P must have known all of this: Hofmann's testimony is only 5 pages long: 20:205. Yet he suppressed it. The reason can only be that it would have revealed that Hofmann's account of the incident he described was likely to be suspect.

P also invented the assertion that Göring was present during the incident and 'goggled' at it – and that Hofmann did the same. In xx, P first said that this was based on Hofmann's testimony: 12:63:4-11; then that it was 'author's licence': 12:63:13ff

P described the robbery of half a billion Reichsmarks from a Jewish printers by Nazi thugs, on Hitler's instructions, as the "requisitioning" of funds. In xx, P accepted that it was requisitioning in the sense in which the Great Train Robbers 'requisitioned' funds: 12:71-73 (at 12:73:2-4) That would not have been apparent to the reader. P's only explanation was that he might not have written with as much dexterity as usual, but had intended to put a 'light touch' on it: 12:74:8-10.

P's reasons for these suppressions and inventions is clear: he wanted to lend spurious veracity to his assertion that 'Hitler acted to maintain order'.

5(i)(b) Reichskristallnacht 9-10 November 1938

P's account of this is given in Chapter 32 of *Goebbels* (pages 271-277).

The essential features of that account can be summarised as follows:

- The nationwide pogrom was conceived and initiated by Goebbels, without Hitler's (or Himmler's) knowledge or approval (pages 274, 275);
- When Heydrich, Himmler's deputy, found out what was happening, he immediately 'telexed instructions to all police authorities to restore law and order, protect Jews and Jewish property and halt any ongoing incidents' (page 276);
- When Hitler found out later what had happened, he was 'livid with rage' and 'made a terrible scene with Goebbels' (page 277);
- In the result, at 2.56am on 10 November 1938, 'Rudolf Hess's staff ... began cabling, telephoning, and radioing instructions to gauleiters and police authorities around the nation to halt the madness' (page 277).

Leaving aside (advisedly) the post-war testimony of former Nazis, the principal contemporary sources cited by P for this account are:

- Goebbels' diary entry for 10 November 1938 (n24 on page 612 and n42 on page 613)
- ND 3052-PS (*recte* ND 3051-PS) (n43 on page 613): the Heydrich telex of 1.20am on 10 November 1938;
- ND 3063-PS (n49 on page 613): the order from Hess's office at 2.56am on 10 November 1938.

Not only do those sources, when examined in full and in their proper context, not support P's account, they utterly destroy it.

Goebbels' diary entry of 10 November 1938: (see L2/3/2)

On pages 273-274 of *Goebbels* P writes this: "Events that evening, November 9, are crucial to the history of what followed. As Goebbels and Hitler set out to attend the Nazi reception in the old city hall, they learned that the police were intervening against anti-Jewish demonstrators in Munich. Hitler remarked that the police should not crack down too harshly under the circumstances. 'Colossal activity', the Goebbels diary entry reports, then claims: 'I brief the Führer on the af-

fair. He decides: Allow the demonstrations to continued. Hold back the police. The Jews must be given a taste of the public anger for a change.”

Thus he gives the impression:

- that ‘the affair’ on which Goebbels briefed Hitler was (merely) police intervention against anti-Jewish demonstrators in Munich and, hence,
- that Hitler’s decision ‘Allow the demonstrations to continue. Hold back the police’ was confined to what was going on in Munich.

This is a grave distortion of the truth. The relevant part of the diary entry is set out on page 240 (German) and 241 (English) of Evans. It shows that, contrary to the impression given by P (but accepted by him in xx: 12:82:6-10), ‘the affair’ on which Goebbels briefed Hitler was ‘big demonstrations against the Jews in Kassel and Dessau, synagogues set on fire and businesses demolished’; and, therefore, that Hitler’s decision to let the demonstrations go on and to withdraw the police had much wider implications than P’s account allows. It also shows that P had further sought to reduce the effect of Hitler’s decision by deliberately mistranslating ‘zurückziehen’ – ‘withdraw’ – as ‘hold back’ (which would be ‘zurückhalten’) (also accepted by P in xx: 12:80:6-9).

Therefore, the diary entry, properly read, so far from providing evidence, as P writes (p274), that Goebbels ‘issued *his own* instructions’ (emphasis added) to instigate a nationwide pogrom, without police interference, is on the contrary good evidence that this is exactly what was authorised by Hitler.

That this is so is corroborated by a message which P ignores in his text and relegates to a footnote, *without* mentioning its contents (n38, p613). At 11.55pm, on 9 November 1938, Heinrich Müller of the Security Police sent a telex to police officials from Berlin announcing that:

“Actions against Jews, in particular against their synagogues, will very shortly take place across the whole of Germany. They are not to be interrupted.” (Evans p265, para 9; L2/1/2-3)

Müller was the subordinate of Heydrich and Himmler, not Goebbels; and, as P accepted in xx (12:105:9-13), but did not mention in his book, Himmler was observed to be in close conversation with Hitler before the party dinner at the Alten Rathaus on the evening of 9 November 1938. Moreover, as P also accepted in xx (12:106:9-14), Müller had had authority to repeat Hitler’s instruction to Goebbels that the police were to be held (pulled) back.

Further corroboration is to be found in an order which the leader of SA Brigade 50 received from his superior, the SA Group Leader in the Kurpfalz, Herbert Fust, at 3am on 10 November 1938: “On the orders of the Gruppenführer all Jewish synagogues in the area of Brigade 50 are immediately to be blown up or set on fire. Neighbouring houses which are inhabited by the Aryan population must not be damaged. The action is to be carried out in civilian clothing. Mutinies and acts of looting are to be forbidden’.” (L2/1/46; translated in Evans p248 (para 4)). P refers to this order on page 275 (where he misdescribes Fust as ‘Lust’): “Every synagogue in Darmstadt was destroyed despite orders to the contrary from Mannheim’s SA Gruppenführer Herbert Lust, still in Munich’.” This version is a blatant misrepresentation of what the order actually said.

That these events, as Goebbels’ diary entry suggests, took place on Hitler’s express authority is further confirmed by a message sent on the evening of 9 November 1938 by the leader of SA Group Nordsee, Böhmcker, in which he ordered that: “All Jewish shops are immediately to be destroyed by SA-men in uniform...Jewish synagogues are immediately to be set on fire... The police are not permitted to interfere. *The Führer wants the police not to interfere.* All Jews are to be dis-

armed. In the case of resistance immediately shoot them down.’
(translation @ Evans p249 (para 6), emphasis added; see document @ L2/1/1).”

This message is nowhere mentioned by P in *Goebbels*.

ND: 3051-PS: the Heydrich telex of 1.20am on 10 November 1938
(L2/1/4-6)

On page 276 of *Goebbels*, P writes: “‘What of Himmler and Hitler? Both were totally unaware of what Goebbels had done until the synagogue next to Munich’s Four Seasons Hotel was set on fire around 1am. Heydrich, Himmler’s national chief of police, was relaxing down in the hotel bar; he hurried up to Himmler’s room, then telexed instructions to all police authorities to restore law and order, protect Jews, and Jewish property, and halt any ongoing incidents.’”

P gives (n43, p613) the reference for this as ‘ND:3052-PS’. When in xx P was shown the text of ND:3051-PS (which is wholly inconsistent with P’s account of it: see 5.3 below), P said (12:118:22-25) that what he had quoted was a different telegram. That was a silly lie: overnight, the Ds obtained ND 3052-PS, which had nothing to do with Heydrich or the events of 9-10 November 1938 (see L2/7), and P was driven to accept (momentarily) that his reference should have been 3051 (13:25:7-17).

The relevant part of the Heydrich telex is translated at the top of page 263 of Evans (and see L2/1/4-6). So far from bearing out what P wrote on p276 of *Goebbels*, it is in truth no more than a set of rules or guidelines for the pogrom, most of which are designed to protect *German* (Aryan) lives and property, and foreigners. P’s representation of it as a comprehensive measure to protect Jews and their property and to halt any ongoing incidents is a falsification of the most astonishing magnitude. And, as P accepted in xx (12:112:19-26), this telex would have been sent on the authority of Hitler, via Himmler.

ND 3063-PS: the instruction from Hess's office of 2.56am on 10 November 1938: L2/1/9

On page 277 of *Goebbels P* writes: “‘At 2.56am Rudolf Hess’s staff also began cabling, telephoning and radioing instructions to gauleiters and police authorities around the nation to halt the madness.’”

The relevant part of the instruction reads in English as follows: “‘On express orders from the very highest level [that is, Hitler] acts of arson against Jewish shops or the like are under no circumstances and under no conditions whatsoever to take place’.” (The instruction, in German, is @ L2/1/9).

The translation given at 6.2 above is in fact that of P, given in xx (12:127:15-22). And although P later tried to back away from it, preferring ‘businesses’ to ‘shops’ as a translation of ‘Geschäften’ and trying to attach the words ‘or the like’ (‘oder dergleichen’) to ‘acts of arson’ (‘Brandlegungen’) rather than to ‘shops’, it was plainly the correct translation, given, as it was, extempore by an accomplished Germanophone, and without foresight of the consequences.

P’s latter attempt – to attach ‘or the like’ to ‘acts of arson’, so as to give the prohibition the maximum possible width – is quite hopeless. This may be demonstrated in two ways: “‘If Hess’s office had meant to prohibit the destruction of Jewish property generally, then that is surely what they would have said: they would hardly have used the form of words ‘acts of arson or the like’, which besides being difficult for the recipients to interpret, would have been much too restricted to achieve the purpose which P attributes to them.’”

The reference given by P for this order (n37, p613) is ND 3063-PS, which is the report of the Nazi Party Court of 13 February 1939 (L2/2). On page 3 of that document, against the entry for ‘2 Uhr 56’ (2.56am) for 10 November 1938, the order is recited, but without any reference at all to the words ‘oder dergleichen’ (‘or the like’) (L2/2/3). Plainly, the

Nazis in 1938/9 knew that the order was intended to prevent only arson and nothing else; so too, therefore, P whose source this was for what he said on page 277 of *Goebbels*.

In the result, when the actual text of the message is looked at, it shows P's representation of it in *Goebbels* to be a complete travesty of its true meaning and effect.

The final blow to the integrity of P's attempt to absolve Hitler of responsibility for Reichskristallnacht is also to be found in this report. On its second page (L2/2/2) it recites what Goebbels had said to the assembled Party faithful at the Alten Rathaus on the evening of 9 November 1938. This included a report of the anti-Jewish demonstrations in Kurhesssen and Magdeburg-Anhalt and the statement that Hitler had decided that such demonstrations should not be stopped. Goebbels had discussed the demonstrations with Hitler before he made that speech (which Hitler did not attend) and (as P accepted in xx: 12:89: 9-13) it is inconceivable that Goebbels would have dared make such an assertion to such an audience if it were not true (see Evans p244). Yet, despite his knowledge of the document, P makes no mention of it in his book.

5(i)(c) Aftermath of Reichskristallnacht

P's account of this is to be found on pages 277-282 of *Goebbels*. He starts by stating (p277) that on the morning of 10 November 1938: "As more ugly bulletins rained down on him next morning, November 10, 1938, Goebbels went to see Hitler to discuss 'what to do next' – there is surely an involuntary hint of apprehension in the phrase.' "

P gives as his source for this Goebbels' diary entry of 10 November 1938 (n52 on page 613). There is no part of this (or any other) diary entry which gives any support to the assertion that Goebbels thought the bulletins 'ugly' or that he was 'apprehensive' when he first met Hitler on the morning of 10 November 1938. On the contrary, the full

text reads: “‘New reports rain down the whole morning. I consider with the Führer what measures should be taken now. Let the beatings continue or stop them? That is now the question.’” (Evans p281 (para 2); L2/3/2)

Moreover, the diary entry of 11 November 1938 shows that Goebbels was delighted with the success of the pogrom and that Hitler agreed with him and approved what had happened: “‘Yesterday. Berlin. There, all proceeded fantastically. One fire after another. It is good that way. I prepare an order to put an end to the actions. It is now just enough... In the whole country the synagogues have burned down. I report to the Führer at the Osteria. He agrees with everything. His views are totally radical and aggressive. The action itself has taken place without any problems. 17 dead. But no German property damaged. The Führer approves my decree concerning the ending of the actions, with small amendments. I announce it via the press and radio. The Führer wants to take very sharp measures against the Jews. They must themselves put their businesses in order again. The insurance companies will not pay them anything. Then the Führer wants a gradual expropriation of Jewish businesses.’” (see Evans p282-3, paragraphs 4-5)

P asserts (p278) that ‘as will be seen’, Goebbels’ account of Hitler’s reaction was untrue. P does not, however, provide the promised proof for this assertion. Indeed, given the evidence provided by the contemporary documentary evidence, the only conclusion which an objective, fair-minded historian could sensibly draw is that what Goebbels wrote was true in all essential respects.

Nor is there any warrant in the evidence for P’s assertion that on the morning of 10 November 1938 Goebbels ‘immediately composed an ordinance calling a halt to ‘operations’ (Aktionen) and at 10am he broadcast a live appeal for order over the Deutschland Sender’. On the contrary, the diary entries, read in full, reveal that there were almost certainly two meetings or conversations between Goebbels and Hitler

on 10 November, following the first of which, Goebbels drafted ('Ich setze') an order putting an end to the actions, which, on the second occasion at the Osteria (presumably an Italian restaurant), Hitler approved with minor amendments. Moreover, the surviving documentary evidence suggests that Goebbels' broadcast was made at about 4pm on 10 November 1938 (L2/1/10).

Thus the impression given by P that Goebbels was, on the morning of 10 November 1938, full of apprehension about Hitler's likely response to what had happened, hastened to make amends for his unauthorised conduct and lied to his diary about Hitler's reaction is wholly unsupported by the contemporary evidence. It is, in fact, pure invention, designed to lend credibility to the deliberately misleading account given by P of the events of the previous night and to his ultimate objective, the exoneration of Hitler of responsibility for the events of Reichskristallnacht.

The Party Court Proceedings

On page 281 of *Goebbels* P writes: "'Hess..ordered the Gestapo and the party courts to delve into the origins of the night of violence and turn the culprits over to the public prosecutors.' "

P gives as his source for this assertion an order of the SA leadership dated 19 December 1938. This stated that Hess had laid down that: "'The aim of the investigation by the Party Courts is to establish which cases can and must be held responsible by the action itself and which cases arose out of personal and base motives. In the latter cases a referral to the state prosecution service will be unavoidable, indeed it will be just'. " (Evans p293-4 para 1; L2/1/53). P does not, however, give the text of Hess's order in his book.

In fact, on 10 November 1938, the Ministry of Justice had already ruled that 'material damage to synagogues, cemetery halls and graveyards through fire, blowing up etc' as well as 'damage to Jewish shops'

should not be prosecuted (see Evans p294 para 2), thus leaving only the most serious offences, such as looting, rape, grievous bodily harm and the destruction of Jewish homes from selfish and base motives to be dealt with by the ordinary courts. P does not mention this in his book.

In the event, as its report of 13 February 1939 shows (L2/2), the ‘proceedings’ of the Party Court were a farce:

- Its terms of reference were as follows: “‘The Führer’s Deputy shared the view of the Supreme Party Court that the excesses which had become known should in any case first be investigated by the party jurisdiction... The view of the Supreme Party Court is that it must be fundamentally impossible for political offences which primarily touch on the party’s interest, offences which... are desired by the party as illegal measures, are [should be] confirmed and condemned by state jurisdiction, without the party previously having the possibility of creating clarity about the events and contexts through its own courts, in order if necessary to ask the Führer to quash the trial before the state courts at the right moment.’” (from Evans p295 (para 2)).
- It considered 16 cases in all, of which only 2 were referred to the ordinary courts.
- In the other 14 cases, the Party Court asked Hitler to quash proceedings, notwithstanding that 13 of them involved the murder of 21 Jews. In these cases, nothing more severe than an official warning and disqualification from the Nazi party for three years was visited on any of the offenders, most of whom went entirely or nearly scot-free: Evans p295-296 (para 3).
- The 2 cases referred both involved sexual offences against Jewish women – however, the reason for the referrals was not the gravity of the offences but the fact that Nazi party members had committed ‘racial defilement’ (Rassenschande).
- Finally, the Court’s justification for its lenient approach to most of these cases, seemingly derived from Goebbels’ reaction to the first Jewish death reported to him, was, in effect, that the culprits were in fact only carrying out the unclearly expressed but properly recognised will of the leadership: L2/2/9-10; 12:137:13–12:139:13. Indeed, P accepted in xx (13:67:24-13:68:1) that the 14 guilty men “got off just because they are jolly party members acting in accordance with the wish of the Führer and murdering Jews”.

None of the foregoing is mentioned by P in his book, despite the fact that he is well familiar with the Party Court report (see, for example, n49 on page 613 – ND3063-PS).

In the result, P's description of Hess's order and his implication that the Nazi leadership had every intention of tracking down and bringing to justice all those responsible for acts of violence during the pogrom, are as P must have known very well, a shocking perversion of the true facts.

5(i)(d) Shooting of Jews in the East

General

Before the trial of this action, P had repeatedly asserted that the shootings of Jews in the East were, in summary, merely the random, arbitrary, unauthorised, criminal acts of individual groups or commanders: see, for example:

- Evans p134 (para 1); p135 (para 3) (press conference in Australia, 1986)
- K3/2/23: Toronto, 13 August 1988
- D8(i)222: Letter to Zitelman, 21 May 1989
- K3/13/21-22 (23-24): IHR Conference, October 1992
- K3/18/15-16: IHR Conference, September 1994

P repeated that assertion at the beginning of the trial: 2:257:19-20.

However, P eventually conceded in xx that these assertions were incorrect and that the shootings of Jews in the East (the Ostland and Russia) had in fact:

- taken place on a massive scale, with a total number of deaths of between 500,000 and 1.5 million (4:62:6-14);
- been systematic, in the sense that they were co-ordinated by and carried out in accordance with orders from Berlin (4:86:25–4:87:8; 4:115:3-4:116:8; 5:10:12-17); and
- been sanctioned by Hitler (4:106:25–4:107:2; 4:108:3-12; 5:10:12-17).

Those concessions were forced upon P by the evidence, in particular:

- the Müller order to the Einsatzgruppen (EGs) of 1 August 1941, in which it was stated that Hitler would be getting continuous reports from the RSHA in Berlin about the work of the EGs in the East: N1/51;
- the large number of written reports, Ereignismeldungen (EMs), compiled by the RSHA in Berlin on the basis of information supplied by the EGs about the number of Jews they had killed in the east (passim – cited in Browning’s report);
- Report No 51 of 29 December 1942 from Himmler to Hitler, which related the execution of 363,211 Jews in South Russia, Ukraine and Bialystok up to 1 December 1942 (and which P – eventually – accepted ‘was in all probability shown to Hitler’: 2:264:25-26; N1/302-305).

Moreover, it is clear that each of those categories of evidence has been known, or at least accessible, to P for some considerable time:

- Although he denied in court that he had ever seen the Müller letter before it was shown to him in xx (14:56:8-13; 14:58:7; 14:61:3-4), his denial is unacceptable. The Müller letter is set out on page 86 of Gerald Fleming’s book *Hitler und die Endlösung*, which was published in 1982 and of which Professor Fleming had sent P both the German and English versions (14:61:15-16). P disclosed his German copy, from which it is clear from P’s markings in the margins (in particular, on page 88) that P was likely to have read the relevant passage on page 86 (file N2). Moreover, the reference given by Professor Fleming for the Müller letter is a file in the Institute for Contemporary History (IfZ) in Munich, to which P had unrestricted access for 30 years until 1993 (14:62:20-1). Finally, P, on being asked at an IHR conference in 1983 to give his reaction to Professor Fleming’s book, replied ‘His book is in fact a lie’ (14:65:11-15; 14:66:14-15 – IHR text @ K4/1/288). P sought to suggest that his knowledge of the book was derived from reviews by Tom Bower and Gordon Craig (14:64:9-17), but in the light of his markings in his German copy and his response to the question at the IHR conference in 1983, that is not credible.

It is clear from his public statements that P must have been aware of the EMs for some time: see K3/13 p21-22 (IHR conference, 11 October 1992); K3/18 p15-16 (IHR Conference, September 1994); and, in particular, K3/16, p1 (the Holmes Show, 4 June 1993): “I’ve been working in the archives for 30 years, and after looking at all the documents I’ve come to the conclusion that there is no doubt at all the Nazis commit-

ted unspeakable crimes against the Jews. There is no doubt at all that they massacred them. They machine gunned them, tens of thousands at a time into pits in Russia and that they were killed in that way.’”

(At trial, P said that he had become familiar with them ‘over the last three to five years’: 4:84:20-2. In the light of the above, this would seem to be something of an understatement.)

Report No 51 is mentioned in passing on page 436 of *Hitler’s War* (1977), with a ‘laconic’ footnote (*Hitler’s War* (1991), p492, footnote on page 817). Plainly, therefore, P has been well aware of it for many years.

P later sought to retreat from the concession he made in xx (see his ‘Position’ document of 23 February 2000: A1/4/after Reply. His attempted retreat is, however, unconvincing and his new position untenable. The reasons are those set out above: the evidence on which the concessions were based is unanswerable and has, in whole or in part, been known to P for some time, and certainly by the time he made the disingenuous and misleading statements noted at 1.1 above.

The testimony of General Walter Bruns

P made reference to the December 1941 Riga shootings in *Hitler’s War* (1991) (p427) and *Goebbels* (p379). In *Hitler’s War*, there is no reference to the ‘testimony’ of General Bruns, either in the text, or in the footnotes. In *Goebbels*, there is no reference in the text on p379, and merely a footnote (n43) on p645 referring simply to the capacity (according to P) of the shooting-pits.

These are crucial omissions, having regard to what Bruns was recorded as having said and to P’s high regard for Bruns’ veracity (Bruns’ statements are set out, both in German and in English, with P’s comments, on P’s website: D8ii/20/737-756).

In his ‘testimony’, Bruns made an important statement, which P suppressed entirely in his books and edited in his public statements in such a way as completely to reverse its true meaning.

This statement by Bruns was made on 25 April 1945, after he had been captured by the Allies. It was made in conversations with his fellow prisoners which were secretly recorded by the British. For that reason (which P proposed in his opening at trial: [1:46:5-12]), and because (as P says: D8ii/20/747) Bruns ‘testimony’ anyway has ‘verisimilitude’, it is obvious that Bruns’ statement requires serious attention and careful treatment from an objective, fair-minded historian.

The Bruns’ statement was as follows. Having related how a protest against the shooting of 5,000 Berlin Jews in Riga at the beginning of December 1941 had been conveyed to Canaris in Berlin with the intention that it should be relayed to Hitler; and how, a fortnight later, he came across the SS officer Alte(n)meyer again, he narrated the following: “‘Altenmeyer triumphantly showed me: ‘Here is an instruction which has arrived that mass shootings of this kind must no longer take place in the future. They are to be carried out more discreetly’” (Ds’ translation of the German given at D8ii/20/743: the reason is that the translation given by P on p747 is significantly inaccurate because it gives ‘on that scale’ for ‘derartige’, which in fact means, as P must know, ‘of this kind’ or ‘in this manner’)

Besides suppressing the whole of this exchange in his books, P has gone a step further in his public statements. He has (i) suppressed the second part of what Alte(n)meyer, according to Bruns, said – ‘they are to be carried out more discreetly’; and (ii) then used the ‘orphaned’ first part:

- ‘mass shootings of this kind must no longer take place in the future’

to found an assertion that Hitler had ordered that all mass shootings of Jews in the East were to stop at once. See

- D3i/27 (Introduction to the American Edition of *Hitler's War*, published in the JHR) @ page 415, note 7
- K3/13/24: IHR Conference, October 1992
- K4/7/25: Oakland, California, 10 September 1996

By this device, P totally perverts the sense of what Bruns said. Bruns' statement, read as a whole, meant that the shootings were *to continue*, but more discreetly. P's edited version of Bruns' statement means the precise opposite: the shootings were to stop completely.

Worse still, as noted above (2.6), P uses his edited version as evidence that Hitler had ordered a complete cessation of mass shootings of Jews in the East. This is an inexcusable falsification of history, for the following reasons:

- If, as P asserts, the order did indeed come from Hitler, then, in its *full* version, it is strong evidence *against* Hitler, rather than the reverse;
- As P has asserted, and Ds agree, the mass shooting of *German* Jews on arrival at Riga was halted (for a time) by order of Himmler at the beginning of December 1941;
- However, as Ds assert, and P agrees, the mass shooting of *Baltic* (and *Russian*) Jews continued unabated.

Therefore, the order referred to by Bruns can only have applied to Baltic (and Russian) Jews, since, on Bruns' account, it cannot have arrived much before the middle of December ('a fortnight later', that is, a fortnight after the shooting of the 5,000 Berlin Jews at the beginning of December, against which Bruns and his colleagues had sent their protest to Canaris), by which time the shooting of German Jews had been (temporarily) forbidden and the only Jews still permitted to be shot – though 'more discreetly' – were 'local' Jews.

This conclusion is reinforced by the letter from Lohse (Reichskommissar of the Ostland) to Rosenberg (Reichsminister for the Occupied Eastern Territories) dated 15 November 1941, in which Lohse reported (para 1) that he had forbidden the ‘wild’ execution of Jews at Libau (Liepaja) because ‘the manner in which they were carried out could not be justified’ and asked (para 2) whether his earlier instructions really meant that all Jews were to be killed, regardless of age, sex or economic value: N1/108-9 (this document was first introduced by P, though in an incomplete form, the word ‘wild’ being missing). Since Liepaja is on the coast of Latvia, about 200km from Riga, and since Lohse explicitly recognised in his letter (para 2) that the ‘cleansing’ of the Ostland Jews was a priority task, the executions in question must almost certainly have been those of ‘local’, rather than German, Jews.

That conclusion is further confirmed by Rosenberg’s reply of 18 December 1941, consequentially introduced by Ds (N1/181-2), which, so far from endorsing or relieving Lohse’s concern about the indiscriminate killing of Jews, tells him that economic considerations have no role to play in the matter and that any questions he may have must be settled with the Higher SS and Police Leader for the area (that is, the murderous Jeckeln).

The date of Rosenberg’s reply (N1/184) is also significant: first, because it is on the very same day that Himmler’s note of his discussions with Hitler about the Jews in the East records that they are ‘als Partisanen auszurotten’; and, second, because it comes 18 days after Himmler has ordered a stop to the (immediate) killing of *German* Jews on arrival in Riga.

Therefore, since, until the trial of this action, P had never acknowledged that Hitler sanctioned the mass-shootings of the Eastern Jews, it was vital to his portrayal of Hitler as an innocent and benign protector of the Jews that the second part of Bruns’ statement be suppressed.

The Schulz Du Bois letter

Dr Schulz Du Bois, a reserve engineer captain, was one of the officers sent by General Bruns to witness the killing of (German) Jews at Riga on 30 November 1941, with the intention that an eyewitness report should then be sent to Canaris for onward transmission to Hitler (Evans p 359, paras 5-6)

In (probably) January 1942 Schulz Du Bois wrote his wife a letter recounting that, some time after 30 November 1941, he had inquired about the impact of his eyewitness report of the killings. He was told, he wrote, that his report had been forwarded to the top counter-espionage official “ ‘with the justification that these things damage the morale of the troops who see and hear such things. This man, who has constant access to the Führer, is said to have described the consequences and the terrible nature of these methods to the F.[ührer] once more compellingly, whereupon he (i.e. Hitler) is said to have said: “You want to show weakness, do you, mein Herr! I have to do that, for after me there will not be another one to do it!”’ ” (Evans p 360, para 6).

This written account by Schulz Du Bois, if true, is strongly corroborative of Bruns’ statement: it shows that the killing of Jews in the East was indeed to continue, and on Hitler’s express authority.

At the trial of this action, P first asserted that he had never had the Schulz Du Bois letter in his possession, nor had it before him, nor been aware of its contents (22:102:2-22:104:6). However, when, under later xx, he was confronted with his own German edition of Professor Fleming’s 1982 book, he was driven to admit that he had read the passage in that book (N2 pp 97-8), in which the letter is dealt with and its full text set out (22:79:22-29:80:22).

It is clear, therefore, that, as with the Bruns statement, P has deliberately suppressed what he has all along known (probably since 1982 or 1983) was a significant piece of evidence against Hitler.

5(i)(e) Hitler's views on the Jewish Question during the war

Introduction

For the reasons given in the main introduction to this section, most of the detail in this sub-section will be concerned with P's treatment of particular statements made by Hitler or derived from him. However, in order to show the wider historiographical context in which these particular instances must be set, it is necessary to consider briefly a much wider range of Hitler's acts and utterances in relation to the Jews. For the same reason, we have expanded this part to include some of Hitler's pre-war statements and actions, because they illustrate very clearly, from the beginning, Hitler's dynamic and dominant role in driving forward the persecution of the Jews.

Therefore, though it may involve a degree of repetition, it is proposed to divide this section into two parts. In the first, A, will be set out the full range of Hitler's acts and utterances on the Jewish Question, as well as those of others which are obviously derived directly from Hitler, including some instances dealt with elsewhere in this submission (which will be incorporated by reference: for example, sub-sections (e), Bruns and Schulz Du Bois, (f), (h), (j), (k) and (n) of this section and parts of section (ii).) Part B will then give Ds' detailed criticisms of P's historiography in relation to particular instances.

A: Hitler's views on the Jewish Question

See the table on the following pages.

B. The particular instances relevant to P's historiography

As proposed in the Introduction to this subsection, a balanced, objective assessment of the meaning and effect of the statements made by, or evidently derived from, Hitler which are examined below necessarily requires consideration of the place they have in the overall record of Hitler's utterances on the Jewish Question. Only by this means can the

careful historian be sure that he has as far as possible avoided the pitfalls of selectivity and of giving undue weight, or insufficient weight, to a particular statement. Thus, for example, the dispassionate and properly informed historian will immediately notice that the ‘prophecy’ referred to in the Goebbels’ diary entry of 27 March 1942 (see (h) below) is unquestionably yet another reference back to Hitler’s speech in the Reichstag on 30 January 1939 (N1/10). But he will also know, first, that by this date, the Final Solution in relation to both the eastern and the European Jews, was well under way (see (h) below); and, second, that, in Hitler’s statement to NSDAP members of 24 February 1942 (N1/201), the term used by Hitler to describe as already known was well under way and the term used by Hitler to describe the ultimate fate of the Jews in the 1939 speech – ‘Vernichtung’ – has by now become the much more explicit ‘ausgerottet’.

The following particular instances are dealt with below:

- Table talk of 25 October 1941 (B1)
- Goebbels’ diary entry of 22 November 1941 (B2)
- Goebbels’ diary entry of 13 December 1941 (B3)
- Hans Frank’s speech at Cracow on 16 December 1941 (B4)

(B1) Hitler’s table talk of 25 October 1941

In *Hitler’s War* (1991), p427, P wrote this: “No documentary evidence exists that Hitler was aware of what was in store for the Jews. His remarks, noted by Bormann’s adjutant Heinrich Heim late on October 25, 1941, indicate that he did not: “from the rostrum of the Reichstag I prophesied to Jewry that if war could not be avoided, the Jews would disappear from Europe. That race of criminals already had on its conscience the 2 million dead of the Great War, and now it has hundreds of thousands more. Let nobody tell me that despite that we cannot park them in the marshy parts of Russia! Our troops are there as well, and who worries about them! By the way – it’s not a bad thing that public rumor attributes to us a plan to exterminate Jews’. Hitler added that

however, just as he was postponing the final reckoning with the turbulent Bishop von Galen until later, “with the Jews too I have found myself remaining inactive. There’s no point adding to one’s difficulties at a time like this.””

In *Goebbels*, p377, this version appeared: “Hitler was neither consulted nor informed [about the mass deportation of Jews from Berlin]. Ten days after the forced exodus began, he referred, soliloquizing over supper to Himmler and Heydrich, to the way the Jews had started this war “Let nobody tell me”, he added; “that despite that we can’t park them in the marshier parts of Russia!” “By the way”, he added, “it’s not a bad thing that public rumor attributes to us a plan to exterminate the Jews.” He pointed out however that he had no intention of starting anything at present. “There’s no point in adding to one’s difficulties at a time like this.””

It is worth noting at once that the statement in *Goebbels* quoted in 7 above that ‘Hitler was neither consulted nor informed’ about the deportations from Berlin is pure invention (as well as being intrinsically wholly incredible). As P plainly knew (see the preceding paragraph in *Goebbels*), the deportations began on 18 [sic] October 1941. As Goebbels’ diary entry of 24 September 1941 recalls (N1/86), this was because Hitler had decided that ‘the Jews must be taken out of Germany bit by bit. The first cities that are now to be made free of Jews are Berlin, Vienna and Prague...’; which only confirmed what Himmler had already written to Greiser in the Warthegau on 18 September 1941, viz, ‘The Führer wishes the Old Reich Protectorate to be emptied and freed of Jews from west to east as quickly as possible. I am thus aiming to transport the Jews of the Old Reich and the Protectorate if possible before the end of this year into the eastern territories which newly came to the Reich two years ago, initially as first step, in order to move them further still to the east next spring.’ Evans, p 329-30; N1/84-85.

Further, in both *HW (1991)* and *Goebbels*, P has so distorted the sense of the original as to produce a meaning which is the reverse of what Hitler actually said.

P accepted in xx that he had read the original German: there is therefore no excuse for his having used a corrupt translation produced by someone else: 4:182:6-11.

The true sense of the original is given in the English translation set out on p. 324 of Evans. This shows the deliberate distortions of P's version very clearly:

"P represents Hitler's words as though they were an expression of his future intentions for the Jews. He does this:

- by obliterating the past tense of the original – 'Auch den Juden gegenüber musste ich lange tatenlos bleiben': 'for a long time I *had* to remain inactive against the Jews as well';
- by introducing the word 'plan' into his text, when it is nowhere to be found in the original; and
- by asserting that, in relation to the Jews, Hitler had said that he 'had no intention of starting anything at present', which he reinforces by attributing to Hitler the words 'There's no point in adding to one's difficulties *at a time like this*'; when in fact the words 'at a time like this' are nowhere to be found in the original and it is clear that Hitler's observation about the unwisdom of 'making unnecessary difficulties for oneself' is both a reflection on his *past* inactivity against the Jews and an expression of his opinion that the controversy about Bishop Galen was best left on one side for the present. "

P mistranslates the word 'Schrecken' as 'public rumor', when in fact it means 'terror'. Thus he deliberately and dishonestly converts the fear of what *was* happening into an apprehension – which might very likely be unfounded – of what *might* happen: in other words, a mere 'rumour'.

The reference in this statement by Hitler to his Reichstag prophecy of 30 January 1939 is significant. By 25 October 1941, on Hitler's authority, huge numbers of Jews in the East had already been killed and

would continue to be killed, and the deportation of German Jews had begun a mere ten days ago. In the light of that, this statement can only be read as a testimonial by Hitler to the fulfilment of his Reichstag prophecy of 30 January 1939, and in the most terrible way.

In fact, the true sense of what Hitler was saying was, in effect, that after a period of waiting, the time had *now* come, so far as the Jews were concerned, that the “account” had to be brought out and drastic action taken against the Jews: with the result that the justifiable terror of the Jews at what they saw happening was “good” (P’s version: “not a bad thing”).

P, who is entirely familiar not only with the original German of this table-talk, but also, as his account of the start of the deportations shows, knows only too well that this interpretation of this entry is the only one which, in historical terms, is plausible. Despite that, he has persisted (both in *Hitler’s War* (1991) and in *Goebbels*) in an account which represents, as he certainly knows, a total falsification of Hitler’s knowledge of and intentions regarding the fate of the Jews.

(B2) Goebbels’ diary entry of 22 November 1941

In *Goebbels*, 379, P writes this: “‘When the Führer came to Berlin to Luftwaffe general Udet’s funeral he again instructed Goebbels to pursue a policy against the Jews “that does not cause us endless difficulties”...’ ”

What Goebbels actually wrote in his diary was this (in the translation provided on page 338 of Evans): “‘The Führer also completely agrees with my views with reference to the Jewish Question. He wants an *energetic* policy against the Jews, which, *however*, does not cause us *unnecessary* difficulties.’ (emphasis added) ”

A cursory glance at these two versions shows at once the vice of what P has done. By removing the word 'energetic' ('energische') and the word 'however' ('allerdings') and by converting the word 'unnecessary' ('unnötige') into 'endless' ('endlose'), P has, yet again, completely reversed the sense of what Hitler said. What Hitler in fact said was that he wanted an energetic policy against the Jews, but one which did not cause unnecessary difficulties – perhaps, for example, because he was anxious about the effect of an excessively blatant anti-Jewish policy on public opinion both at home and abroad. What P has done, however, by his falsification of the original German, is to convert Hitler's desire for an energetic policy against the Jews into yet another attempt by Hitler to restrain Goebbels' enthusiasm for drastic measures against the Jews and to instruct him that the Jewish Question did not, and should not, entail measures that were likely to cause 'endless difficulties'. Thus, once more, P has falsified the historical record in order to exculpate Hitler.

(B3) The Goebbels diary entry of 13 December 1941

According to this entry in Goebbels' diary, on 12 December 1941 Hitler made a speech to the Reichs- and Gauleiters in Berlin in which he said: "With reference to the Jewish question, the Führer is determined to 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 (Vernichtung) in doing so. That was no mere talk. The world war is there, the annihilation (Vernichtung) of Jewry must be the necessary consequence. The question is to be considered without sentimentality. We aren't there to have sympathy with the Jews, only sympathy with our German people.' "

There is no question but that P has read at least some of the original Goebbels diary entry for this day. In his book *Goebbels*, p383 he makes reference, in the first and second paragraph, to this speech by Hitler (see n. 71 and 72 on page 646).

The question which arises is how much of this speech P read when he scanned the glass plates in Moscow on which the Goebbels diaries are recorded.

P's evidence at trial was that he had stopped reading and transcribing the entry of 13 December 1941 some 30 to 40 pages before the passage referred to in 1. above (3:152-3).

After that evidence had been given, Ds obtained from Moscow facsimiles of the pages reproduced on the original glass plates for 13 December 1941. Ds were told by the archive in Moscow that the entry of 13 December 1941 was spread over two plates and that the part of the entry for that date which was reproduced on the first plate ended at the end of page 17 of the copy of the facsimile sent to Ds (see file N3). P accepted this (29:149).

An examination of the material appearing on the copy of the second plate (that is from page 18 onwards) showed that *all* the extracts transcribed by P came from this plate, starting on page 26. P accepted this (29:149:5-12).

In fact, contrary to what P had said (see para 21 above), the entry referred to at para 18 above began a mere 12 pages (at the bottom of page 50) after the last passage transcribed by P. Moreover, the pages are short (an average of 14 lines per pages, with an average of only 8 words per line). It follows that it would have been the work of a few moments for P to have read on to the passage in question.

Given:

- P's long-standing interest in Hitler, and in particular in Hitler's conduct and statements during the war;

- the fact that it must have been apparent to P that he had come upon a speech by Hitler which was of outstanding historical importance, first, because it was made the day after Hitler had declared war on the United States, and second, because P's remit from the Sunday Times, he said, was to search for material on Pearl Harbour (3:150:21-25; 3:154:23-4; M/A/26); and
- that the remainder of the entry of 13 December 1941 covered only another 20 pages.

It is simply not credible that P did not read the whole of the entry (his answers in xx did nothing to improve the credibility of what he had told the court: 29:152:25-29:162:8). "If so, then P's motive for suppressing this crucial part of the entry is, once again, obvious. As with the table talk of 25 October 1941, this entry shows Hitler once more affirming the fulfilment of his prophecy in the Reichstag on 30 January 1939. By this date (12 December 1941) the euthanasia personnel had been transferred to the East, and the first gassings at Chelmno had already taken place. The shootings of the Jews in the East were continuing unabated. Hitler's knowledge of, and authority for, these atrocities cannot seriously be disputed and, to a large extent, is not disputed by P. In consequence, when P read (as it is submitted that he must have done) the relevant part of the entry of 13 December 1941, he must have realised at once that what Hitler was saying was that the wholesale extermination of the Jews of Europe was, or was about to be, an actuality. Not only does this mean that P's failure to mention this entry in any of his publications is another example of his falsification of history, it also constitutes another reason why P's repeated characterization of the 'Schlegelberger' note (which P was driven to adopt as his flagship in place of the Himmler telephone log of 30 November 1941 as 'incontrovertible evidence' of Hitler's innocence) is not susceptible of the interpretation which P seeks to give it as a once-and-for-all decree by Hitler that there should be, in effect, no liquidation of the Jews until after the end of the war (see further 5(i)(f) and (g) below)."

(B4) Hans Frank's speech at Cracow, 16 December 1941

Hans Frank, General Governor of the General Government, in his function as Reichsleiter attended Hitler's speech on 12 December 1941 in Berlin. Upon his return to the Generalgouvernement he informed his cabinet in Cracow on 16 December 1941 that when he was in Berlin he had been told: "why all this trouble; we cannot use them [the Jews] in the Ostland or the Reichskommissariat either; liquidate them yourselves!" (Browning, page 31, para 5.1.13; N1/171-180). "

In *Hitler's War* (1977), p. 332, P renders that passage in this way: "In Berlin" – and with Hitler in East Prussia this can only be taken as a reference to Heydrich's agencies – "they tell us: why the cavilling? We've got no use for them either....Liquidate them yourselves!" "

The account given by P in *Hitler's War* (1991), p. 428, is identical.

In *Goebbels*, p386, P reversed the meaning of this exchange and attributed the injunction 'liquidate them yourselves!' to Frank as a response to Berlin's insistence that the General Government should continue to accept trainloads of Jews deported from Germany and elsewhere.

It may be noted, shortly, that this last version of what Frank said is a total perversion of the text of his speech.

More important, it is clear that what Frank said to his colleagues in Cracow on 16 December 1941 was the direct consequence of what he had been told in Berlin when he attended the occasion of Hitler's speech on 12 December. Whether or not he had his instruction to liquidate the Jews himself directly from Hitler, or from Himmler, or from Heydrich, is beside the point. The fact is that what Frank brought back from Berlin and conveyed to his colleagues in Cracow was in precise conformity with the thrust of what Hitler is reported by Goebbels as having said in his speech on 12 December 1941 (see (B)(4) above).

This means that no objective historian, absent evidence to the contrary, would contemplate divorcing what Frank said in Cracow from what Hitler had said in Berlin.

However, in both editions of *Hitler's War* (pp. 332 and 428, respectively) P did precisely that. For what he wrote was, in each case, that when Frank was in Berlin, and was being told that he must liquidate the Jews of the General Government himself, Hitler was in East Prussia, with the result that Frank's instructions must have come from 'Heydrich's agencies', and cannot have come from Hitler.

Once again, P betrays himself. Page 383 of *Goebbels* relates that Hitler did not return to the Wolf's Lair from Berlin until 16 December. Therefore the attempt by P in the two editions of *Hitler's War* to distance Hitler from what Frank had been told in Berlin on 12 December 1941 was, yet again, a deliberate falsification of history designed to exonerate Hitler of responsibility for what, as P perfectly well knew, Frank took back with him to the General Government as the seed of the destruction of the Jews in that part of Europe.

That this was, indeed, the seed which Hitler had planted in Frank's mind is confirmed by the later part of Frank's remarks in Cracow (not reported anywhere by P) to the effect that he and his colleagues must recognise the need to destroy the Jews in the General Government wherever they found them and by whatever means might be available, but with a certainty that they would find the means which would somehow lead to a successful destruction (Browning, page 31-2).

B5) Goebbels diary entry of 30 May 1942

In the light of everything else that the Ds are able to advance in this section of the case in support of their assertion that P has repeatedly falsified history in order to exculpate Hitler, they do not consider that this entry, which is plainly susceptible of different interpretations, needs to be further pursued in this Submission.

(B6) To the examples given above must be added the following:

- Bruns and Schulz-Du Bois: 5(i)d (above)
- Goebbels diary entry of 27 March 1942: 5(i)h
- Himmler minute of 22 September 1942: 5(i)i
- Himmler note of 10 December 1942: 5(i)j
- Hitler's meetings with Antonescu and Horthy in April 1943: 5(i)k
- Ribbentrop's testimony at Nuremberg: 5(i)o.

5(i)(f) Expulsion of Jews from Berlin in 1941

A. The entry in Himmler's log for 30 November 1941

In *Hitler's War* (1977), p332, P writes: "Himmler's personal role is ambivalent. On November 30, 1941, he was summoned to the Wolf's Lair for a secret conference with Hitler, at which the fate of Berlin's Jews was clearly raised. At 1.30pm Himmler was obliged to telephone from Hitler's bunker to Heydrich the explicit order that Jews were *not to be liquidated*; and the next day Himmler telephoned SS General Oswald Pohl, overall chief of the concentration camp system, with the order "Jews are to stay where they are."

In *Hitler's War* (1977), Introduction, xiv, P summarises this as follows: "...but the incontrovertible evidence is that Hitler ordered on November 30, 1941, that there was to be "no liquidation" of the Jews (without much difficulty, I found in Himmler's private files his own handwritten note on this)."

The context of this passage shows that P was advancing Himmler's note as incontrovertible evidence that Hitler had ordered that there was to be no liquidation of any Jews – anywhere – at any time.

The relevant part of Himmler's "own handwritten note on this" (N1/133-5) reads as follows: " "Judentransport aus Berlin. keine Liquidierung." "

This means: "Jew-transport from Berlin. No liquidation."

The note is a record of part of a telephone conversation between Himmler and Heydrich (who was in Prague) at 1.30pm on 30 November 1941. It concerned a trainload of Jews from Berlin destined for Riga.

Its meaning, without more than the most general reference to the historical context, is unambiguous: Himmler was telling Heydrich that that particular transport of Jews from Berlin was not to be liquidated.

The original note is in Himmler's spidery "Sütterlin" script: N1/133. It is, despite that, not very difficult to read, even for the untrained eye (the word 'Judentransport' is one of the least difficult on the page, in fact). P's eye was obviously very far from untrained; and as Professor Evans said (22:70:17-19), Himmler's version of the "Sütterlin" script is not in general very difficult anyway.

When first confronted in xx with his transformation of this entry from the particular into the general, P said that it was a "silly misreading" of the word "Judentransport" and that he had made "a mistake" in transcribing it, not realising that it did not have an "e" on the end: 2:289:4–2:290:3.

This was, in fact, another of P's silly, short-term lies. It turned out the following day that on 23 January 1974–3 years before the 1977 edition of *Hitler's War* was published – P had sent a letter to Dr Kabermann [J1/3/1], giving the correct transcription: 3:29:7-26.

This prompted a rapid volte-face. *Now* P's excuse was that a legitimate translation of "Judentransport" was "transportation of Jews", that is, generally: 3:30-32. This, too, was a hopeless position for P: first, because it involves an unnatural distortion of the language used by Himmler and, second, and conclusively, because it completely ignores the second part of Himmler's phrase – "aus Berlin".

In the result – taking P’s two wholly inconsistent and unconvincing explanations for his falsification together – the conclusion must be that the falsification was deliberate; which is to say, that P deliberately, and dishonestly, inflated Himmler’s order prohibiting the liquidation of a single trainload of Jews from Berlin into a general prohibition (emanating from *Hitler*: see 13-15 below) against the killing of any Jews anywhere at any time.

The court is referred back to the passages quoted in 1 and 2 above. According to P, the order for the (non-existent) prohibition against the liquidation of the Jews generally was given by Hitler. This is another of P’s inventions. There is not, and never was, any evidence at all that Himmler’s instruction to Heydrich was the consequence of an order from Hitler (in fact, as later emerged, Himmler did not meet Hitler until an hour after his telephone conversation with Heydrich; but this, for present purposes, is beside the point). P, in xx, described this invention as a “judgment call” based on the (mere) fact that Himmler was at Hitler’s HQ in East Prussia (the Wolfsschanze) when he spoke to Heydrich on the telephone, whilst at the same time accepting that he had asserted it as a fact and that the assertion of a fact is different from the assertion of a possibility (2:286:3-20).

It is of course *possible* that Himmler had spoken to Hitler before he spoke to Heydrich. It is also *possible* that Himmler raised with Hitler, perhaps on the basis of information given to him on the train to the Wolfsschanze by the itinerant SS journalist d’Alquen (see N1/136), a concern about the fact (which it was: see, for example, the Jäger report of 1 December 1941, page 5: N1/147 @151; under ‘Monat November’) that Jews from Germany (and Austria) were being massacred on arrival in Latvia. But possibilities and conjectures such as these must, in the mind, and in the writings, of the objective, fair-minded historian, always remain no more than possibilities, unless and until evidence emerges which shows them to be probabilities, perhaps even certainties – or, on the contrary, impossibilities.

P's failure to observe that basic standard of historiographical integrity betrays him totally: his categorical interpretation of Himmler's order to Heydrich as an order from Hitler, on grounds which no reputable historian would consider remotely persuasive, is (again) powerful evidence of a preconceived determination to exculpate Hitler at any price, including most particularly, the price paid by historical truth.

In *Hitler's War* (1991) p427, P writes: "Himmler's personal role is ambivalent. On November 30, 1941, he was summoned to the Wolf's Lair for a secret conference with Hitler, at which the fate of a trainload of Berlin's Jews was clearly raised. At 1.30pm Himmler was obliged to telephone from Hitler's bunker to Heydrich the explicit order that these Jews were *not to be liquidated*; and the next day Himmler telephoned SS General Oswald Pohl, overall chief of the concentration camp system with the order: "Jews are to stay where they are."

It is apparent that P has by now abandoned his untenable assertion that the Himmler note of 30 November 1941 represented a ban on the liquidation of Jews generally.

But he still adheres to the proposition that Himmler's order concerning the fate of the single trainload of Berlin Jews emanated from Hitler.

No new evidence had emerged between 1977 and 1991 (or 2000) to validate that proposition. Therefore the criticisms made of it at 13-15 above remain undisturbed.

B. The entry in Himmler's log for 1 December 1941

The court is referred back to the passages from *Hitler's War* (1977) and (1991) which are set out at 1, 2 and 16 above.

The relevant words in the 1977 edition are: "..and the next day Himmler telephoned SS General Oswald Pohl, overall chief of the concentration camp system, with the order "Jews are to stay where they are." Those words were reprinted, unchanged, in the 1991 edition.

The relevant part of Himmler's entry in his log for 1 December 1941 (N1/137-139) reads as follows: " "Verwaltungsführer der SS haben zu bleiben." " This means: "Administrative leaders of the SS are to stay."

The entry is a note of a telephone conversation between Himmler and General Pohl (who was in Berlin) at 4.55pm on 1 December 1941. It is a routine entry with no historical significance for this case.

The original note, like that for 30 November, is in Himmler's "Sütterlin" script. As to this generally, see para 8 above.

The criticism of P in relation to this entry rests upon his rendering of the word "haben" in the original as "Juden", so as to produce the (supposed) order of Himmler to Pohl that "*Jews* are to stay where they are", thus providing further confirmation of the protective nature of Hitler's (supposed) intention in giving his (supposed) order of the previous day.

P's primary response to this criticism was that the error (there is no dispute that it *was* an error) was simply the result of an innocent (and insignificant) misreading of the word (see, for example: 4:131:2-14).

This is not credible. Even the untrained eye can, with a moment's instruction, see on the page of Himmler's note, even in the poor copy provided by P to the court as being the copy he worked from (N1/139/), the clear differences between the following pairs of letters: " "J" and "h" "u" and "a" "d" and "b". "

In order to convert “haben” into “Juden”, it is necessary to “misread” *each* of its first three letters. That P did this innocently is not credible, for the following reasons:

- the word in question is perfectly legible as “haben”, without reference to any other words on that page; However, as Professor Evans pointed out: “When you are reading handwriting, if you find something difficult to read or ambiguous, you then search for other similar letters, the same letter in other words and the same hand, to try and figure out what that particular hand’s version of a B or a D or an E or a U actually looks like”: 22:66:10-16” (Professor Evans added that he did not think that this was, in fact, such a case, because it was very clear what the manuscript said: 22:67:24–22:68:5).
- P was xx’d about this in detail: 4:125:20–4:130:25. The upshot was that even a cursory comparison of the first three letters of the word in question with other words on the same page (for example, “Schreibdamen”) shows that they must be “hab” and cannot be “Jud”.
- The entry in the log is one sentence: “Verwaltungsführer der SS haben zu bleiben.” This makes sense. “Verwaltungsführer der SS Juden zu bleiben” does not (Evans in rx: 23:234:12-19). P knows this [3:127:9-14].
- The “coincidence” that this “misreading” should tend in the same direction – the exoneration of Hitler – as the “misreading” or “mistranslation” of the entry of 30 November is the final proof (if any still be needed) that *neither* was innocent.

P’s secondary response on this entry was that he realised in due course that his original rendering of “haben” as “Juden” was wrong, and therefore re-transcribed it on his old typewriter ten or fifteen years ago (that is, in about 1990 or 1985) – but in any case before 1991 (3:68:4-16). If so, the question arises why he did not remove the words quoted at para 21 above from the 1991 edition of *Hitler’s War*. The essence of P’s answer to this was that those words were not important, a “very subordinate matter in the book” (3:73:19-3:74:4). This answer was quite obviously disingenuous, for the reasons given above.

Thus it can be concluded:

- That P’s misrepresentation of “haben” as “Juden” was deliberate;

- That his failure to alter the text of the 1991 edition of *Hitler's War* was a deliberate decision; and
- That the reason for his falsification of the entry of 1 December 1941 was the same as for the entry of 30 November: both falsifications assisted in the exculpation of Hitler, all the more so if taken together.

>5(i)g The 'Schlegelberger' note

This document will be found at J1/7/9.

It may be translated as follows (taken from Evans p364)

"Reich Minister Lammers informed me that the Führer had repeatedly explained to him that he wanted the solution of the Jewish Question put back until after the war. Accordingly the present discussions possess a merely theoretical value in the opinion of Reich Minister Lammers. But he will be in all cases concerned that fundamental decisions are not reached by a surprise intervention from another agency without his knowledge."

P has dealt with it in the following terms in his books:

- i. *Hitler's War* (1991), Introduction, p 18 "If he [Hitler] was an incorrigible anti-Semite, what are we to make of the urgent edict issued "To all Gau directorates for immediate action" by his deputy, Rudolf Hess, during the infamous Night of Broken Glass, in November 1938, ordering an immediate stop to such outrage "on orders from the very highest level"? Every other historian has shut his eyes and hoped that this horrid, inconvenient document would somehow go away. But it has been joined by others, like the extraordinary note dictated by Staatssekretär Schlegelberger in the Reich Ministry of Justice in the spring of 1942: "Reich Minister Lammers," this states, referring to Hitler's top civil servant, "informed me that the Führer has repeatedly pronounced that he wants the solution of the Jewish Question put off until after the war is over". Whatever way one looks at this document it is incompatible with the notion that Hitler had ordered an urgent liquidation program."
- ii. *Hitler's War* (1991), p 464 "A subsequent memorandum in Reich Justice Ministry files cited this highly significant statement by Hans Lammers, head of the Reich Chancellery: "the Führer has repeatedly stated that he wants the solution of the Jewish problem postponed until after the war is over.""

iii. *Goebbels* (1996) page 388: “On the following day [6 March 1942] he [Goebbels] took note of an extensive report prepared by Heydrich’s office, probably on the Wannsee conference. There were still eleven million Jews in Europe, he dictated, summarising the document. “For the time being they are to be concentrated in the east [until] later; possibly an island like Madagascar can be assigned to them after the war.” “Undoubtedly there will be a multitude of personal tragedies”, he added airily, “But this is unavoidable. The situation now is ripe for a final settlement of the Jewish question.” In a covering letter, Heydrich invited Goebbels to a second conference on March 6. Goebbels sent two of his senior staff. Eichmann talked crudely at this meeting of “forwarding” the Jews to the east, like so many head of cattle. The ministry of justice handled the report on this new discussion like a hot potato. The Reich Chancellery referred it all to Hitler. Hitler wearily told Hans Lammers that he wanted the solution of the Jewish problem postponed until after the war was over – a ruling that remarkably few historians now seem disposed to quote.”

iv. *Goebbels* (1996) note 40, page 647: “Schlegelberger’s undated (but spring 1942) minute on Lammers’ reference to Hitler’s ruling is in BA file R.22/52’.”

In his articles and speeches, P has made statements including the following about the document:

- P's speech to the IHR in 1983 (K4/1/281-2) “ ‘Finally, I think the most cardinal piece of proof in this entire story of what Hitler knew about what was going on is a document that mysteriously vanished from the Nuremberg files in 1945....That is the file that it's in: Reich Minister of Justice. The heading is: the Treatment of the Jews, and it's a document, a memo on a telephone conversation inside the Ministry of Justice. From its placing in the file, we know that this conversation is about March 1942 – two months after the notorious Wannsee Conference when all is supposed to have been put in train by Adolf Hitler. The Reich Minister, Hans Lammers, was the chief of the German Civil Service; he would be rather like the Prime Minister in a normal society. The memo says: “Reich Minister Lammers informs me that the Führer has repeatedly told him that he wants the solution of the Jewish problem postponed until after the war is over.” And it goes on about the fact that for this reason, all this talk, all this jaw that's going on at present is completely superfluous. Hitler has repeatedly said he wants the solution of the Jewish problem postponed until after the war is over. Again, this is a document which is of extreme embarrassment for the rival school of history. They can't talk their way around it, they can't talk their way out of it, they close their eyes and when they open them, it is still there. It refuses to go away. Believe me: from this moment on, right through to 1943, there are further documents showing Hitler interceding, acting, trying to stop, preventing.’ ”

- Toronto 13 August 1988: K3/2/8 “ ‘...but Hitler didn’t know about it [the extermination of the Jews]. And there is a lot of evidence in that direction. The most compelling document, which I would just like to tell you about because it is a document you can use again and again to amuse your friends at cocktail parties, in the Spring 1942, the Minister of Justice, in Germany, telephones, is telephoned by the Head of the Reich Chancery, Hans Lammers. The Head of the Reich Chancery is rather like the Prime Minister of a dictatorship. Lammers telephones the Minister of Justice and says, as we know, because the Minister of Justice immediately dictated a note for the record which is in the German Ministry of Justice files even now, and that reads as follows: Mr Reich Minister Lammers telephoned to say that the Führer, Adolf Hitler, has repeatedly ordained that he wants the solution of the Jewish problem postponed until the war is over in Spring of 1942. You can’t ignore the document, that is in the files, you don’t have to invent it, no fantasy or imagination is needed, it is in the files. You can’t pretend it doesn’t exist, which is what all the other historians do and nobody else quotes it, except me. The Führer has ordained that the final solution of the Jewish problem is to be postponed until after the war is over. So whatever is meant by that phrase “final solution”, was going to be postponed until after the war was over. So whatever then happened under the overall heading “final solution” was happening without Hitler’s consent or authority or even knowledge. There is no clearer proof than that one document. This is why I was so satisfied that I was right.”

- P's speech at Moers, 9 March 1990: K3/5/18-19 "I am not in the least interested in why Mr Riegner set up this lie, I can only say that it is a lie, because I know from the files in the Führer's headquarters that no such decision was taken, quite the contrary, if you go to Koblenz today, to the Federal archives, and you ask to see the files of the Reich Justice Ministry, you will find a single file note, which refutes this lie. In the Spring of 1942, that is, a few weeks earlier, Reichsminister Hans Lammers telephones Secretary of State Schlegelberger. And Schlegelberger immediately makes a note of it. Typical! There's always something on paper. So you needn't come to me like the German historians did and say "Look, Wannsee declaration!", and I replied: "Wannsee declaration, there's not a word about extermination in it?". And then the historians said, "Yes, of course not, there's not a word about extermination in the whole 12 sides, but you read between the lines!". Well, clearly, I'm not as good at 'reading between the lines' as the German historians. I prefer to read what the lines say. None of this is proved in the lines. So ... [interruption]. It's quite clear. What I'm telling you tonight is fairly explosive, very dangerous, I don't want to end up in prison just because some unauthorised person comes in here and acts as if he is just an interested observer. So, there is a note in the files of the Justice Ministry, there's always something on paper. I can give you an example, because the gentlemen can also say: "Mr Irving, you must not expect to find anything written down, in black and white, because there would certainly not have been anything on paper if Mr Hitler had given an order". Then I say, "Excuse me, since I have been dealing with the German system of filing for 30 years, there is always paperwork. German civil servants are such cowards, they will always organise a letter to cover themselves, if a somehow, an apparently dangerous order is somehow given. Then some, a typical German civil servant would immediately write a note to cover himself, which would read something like: An order from the supreme power was received today, that 6 million Jews are to be eliminated in Auschwitz. So, for example, on 2nd July 1940, Hitler ordered his western unit commanders to come to him, Birkel, and Wagner, met them at his headquarters and there he, Hitler, on 2nd July 1940 with these two....Foreign Ministry immediately drove back to Berlin Wilhelmsstrasse, and wrote a file note – it's in the Berlin political archives now – "the Führer has ordered that no paperwork should be created in this matter". So there is always paperwork. And so in Spring 1942, this note, file note of the Reichs Justice Ministry, signature of Schlegelberger, Secretary of State, "Reichsminister Lammers telephoned" – Reichsminister Lammers, he was the head of the Reich chancellery, so he was Germany's top civil servant, approximately the equivalent of a Minister President of a dictatorship – "Reichsminister Lammers informs me that the Führer has repeatedly ordered that he would like to know that the matter of the final solution to

the Jewish question has been put back until after the end of the war”.

Verbatim: Hitler would like to know that the matter of the final solution to the Jewish question has been put back until after the end of the war.

Typical Hitler, typical Bavarian, a bit sloppy, first he wanted to win the war and then deal with this internal political matter. First win the war and then deal with the religious question, the Jewish question, the pensions question and all these apparently unimportant problems afterwards.

That’s in the files. Hitler ordered, that the Jewish question was not to be resolved until nineteen hundred and, until the end of the war. end of the war.”

- P's speech at Tampa, Florida, 6 October 1995: K3/20/7-8 "It's the spring of 1942 and the Minister of Justice in Hitler's Germany a few months after the Wannsee Conference took place, the Minister of Justice in Hitler's Germany has written the following note for the record. "Reich Minister Lammers... Reich Minister Lammers", he's the senior civil servant in Germany, the highest man, chief of staff like in the White House, that kind of position; "informs me, the Minister of Justice that the Führer, Adolf Hitler, has repeatedly declared to him that he wants the solution of the Jewish problem postponed until after the war is over." Put off until after the war is over. "Endlösung". You won't find this quoted, or let alone, you can actually see, I've printed the document here, so there can be no question. You won't find that document printed in any other history book of the Third Reich or of Adolf Hitler because the historians can't explain it. The accepted historians can't, the established historians can't explain it because they are all busy pontificating about the Wannsee Conference and about the Nazis' determination to liquidate all the Jews and all the rest of it. They can't explain that Adolf Hitler himself said, "I want this business postponed until after the war is over". How do you fit that in? It doesn't fit, must acquit. Again and again you come across documents that you've got no explanation for, except in general terms of the kind of chaos and confusion that exists in his dictatorship. It fits in with very much with what we know about Adolf Hitler. He was busy fighting a war against the most ruthless enemy that Europe had ever known, namely, the Jewish Bolshevik government, in the Soviet Union. Busy fighting that war, his army was almost wiped out the previous winter. He knew that he was going to have to cut everything to the bone in order to carry that fight through to a successful conclusion and here was some of his members of his party, Martin Bormann and the others saying "Why don't we tackle the Jews? Why don't we tackle the church? Let's tackle this problem, let's tackle that" and Hitler said concentrate on the main thing, fighting the war. Everything else put it off until the war is over. Particularly anything that is divisive. And when you think about it the Holocaust doesn't make sense does it. Taking allegedly 6 million able bodied people and liquidating them at a time when Germany was crying out for labour. Taking any number of people and liquidating them doesn't make sense when Germany is crying out of labour. It is illogical."
- P's repeated characterisation of this document, as, in effect, the ultimate proof, that, in March 1942, Hitler had ordered, once and for all, that the Final Solution of the Jewish Question should be postponed until after the war is, as he must know, wholly untenable. The reasons why this is so are set out in the paragraphs which follow.

- If any document is an 'orphan', it is this one. It has no date, no department heading, no subject heading, no reference and no signature. It bears only the manuscript side-note 'St.S. [or] 17.7. Freisler', with two department numbers beneath it.
- The document does not read like an official memorandum or directive meant for circulation within a government department or departments. If it were such a document, it would surely be explicit: 'Reich Minister Lammers has spoken to the Führer about the matter referred to above and the Führer has ordered, once more, that the Final Solution of the Jewish Question shall be postponed until after the war.'
- In fact, the document gives no indication at all that Lammers had actually spoken to Hitler about the matter in question (whatever that may have been). It merely reports that Lammers had told the (anonymous) writer of the document what Hitler had repeatedly said in the past. Indeed, the opinion that 'the current discussions are of purely theoretical value' is attributed to Lammers, not Hitler, which may suggest the possibility that Lammers had simply taken it on himself to resolve the matter by making reference to what he knew Hitler had said in the past – a perfectly natural civil service procedure.
- The document was found in a file of five miscellaneous documents concerning various aspects of the treatment of the Jews which was put together by the Allies after the war [refs J1/7]. Three of these documents date from March 1942, one from November 1941 (the second in the file) and one (the fourth: the document in question) is undated. Thus nothing certain, let alone conclusive, the date of the document from the file in which it was found
- If, as P asserts, the document dates from March 1942, then, as appears from the following paragraphs, there are unanswerable objections to P's interpretation of it.
- By March 1942, the Final Solution was already well under way:
- *The Jews in the East*
- From July 1941 until late in the year, the EGs and their local accomplices were shooting Jews in vast numbers (see for example the Jäger report of 1 December 1941: N1/147-155). This stopped for a time in the winter because the frozen ground prevented burial, but started again in March 1942 (Browning p 16, paras 4.2.8-4.2.9).
- In August 1941, the euthanasia programme was closed and its personnel subsequently transferred to the East (see, for example, Wetzel to Lohse, 25 October 1941: N1/101-3).

- The gassing of the Warthegau Jews at Chelmno began on 8 December 1941 (Longerich 2 p 50), and continued on a massive scale throughout the first half of 1942 (Greiser to Himmler, 1 May 1942: N1/229-30; RSHA motor pool report, 5 June 1942: N1/237-42).
- By February 1942, Heydrich was able to report that the Jewish Problem in the Ostland (Baltic) had been virtually solved, and that progress in its solution in the other occupied territories in the East continued to be made (EM 10, February 1942: N1/203-5).
- The construction of Belzec, the first of the Reinhard camps, commenced in November 1941 (Longerich 2 p 56, para 2.6-7) and the killings started in March 1942, while Sobibor's construction began in February 1942 and it became operational in May 1942 (Longerich 26:118:26-26:119:7).
- P has conceded that the killings referred to in i) and iv) above, at least, were sanctioned by Hitler.
- It follows from the above that the 'Schlegelberger' note, if it dates from March 1942, can have no reference to the implementation of the Final Solution so far as the Jews in the East were concerned.
- It therefore further follows that P's characterisation of the note as a blanket prohibition by Hitler in March 1942 against any implementation of the Final Solution must, even at this point, be discarded.
- *The Jews in Germany (and elsewhere in Central and Western Europe)*
- On or before 18 September 1941, Hitler gave the command for the deportation of all the Jews in the Altreich and the Protektorat (Bohemia and Moravia) into the Eastern territories with a view (it was said) to their deportation further East in the spring of 1942. As a first step, 60,000 Jews from the Altreich and the Protektorat were to be placed in the Lodz ghetto for the winter (Himmler to Greiser 18 September 1941: N1/84-5).
- On 23 October 1941, on the orders of Himmler, the RSHA imposed a ban on Jewish emigration from German dominated territories (Longerich 2 p 47, para 20).
- In consequence of these decisions, beginning in mid-October 1941 and continuing (with some interruptions) into the spring of 1942, vast numbers of Jews from the Altreich, the Protektorat, Austria, France, Slovakia, Croatia and Romania were deported to the East (see Longerich 2 pp 43-8 for a summary of this process).

- It follows that if the 'Schlegelberger' note is to be placed in March 1942, and if, as P asserts, Hitler's intentions for the Final Solution in relation to these 'European' Jews did not involve (at this date) any plan for systematic mass-murder but merely for deportation to the East, then to read the reference in that document to postponement of the 'Solution' until after the war as a general prohibition against the implementation of what, on Hitler's orders, had been proceeding on a massive scale for nearly 6 months, makes absolutely no sense at all.
- Put shortly, the unanswerable question in relation to both the Eastern and the European Jews is: *why should Hitler suddenly have decided in March 1942 to put a stop to a process that had been going on, on his authority and on a huge scale, for the last 6-8 months?*

- Since, if the document is to be placed in March 1942, it is impossible for the reasons given above to read it as a general prohibition against the implementation of the Final Solution during the war, it follows that it must have a narrower application. A persuasive candidate for this is easily found, because the surviving documents show that, following the Wannsee Conference on 20 January 1942, there was a consequential conference on 6 March 1942, at which one of the issues arising at the Wannsee conference was further discussed [J1/7 document produced by Ds]. This was the question how Jews in mixed marriages (Mischehen) and their children (Mischlinge) should be treated. The SS and the Ministry of Justice could not agree about this and the matter needed to be resolved (this is common ground). It is therefore entirely plausible to suggest that, if the 'Schlegelberger' note dates from March 1942, it represents no more than Lammers' (perhaps Hitler's) decision that the squabbling between the SS and the Ministry was to stop, and the question put to one side – as support for which he (they) had recourse to Hitler's earlier (1941, and before) well-known indications that the Endlösung was to take place after the war. P is well aware of all of this, because he gives the protocol of the 6 March 1942 meeting as one of the sources for what he writes in Goebbels: see note 36 on p647, second sentence (it may also be worth recalling that P did not include the protocol in the clip of documents he produced to the court on Day 7 of the trial: the court only has it because it was produced by the Ds).
- It is, however, entirely possible that the document dates not from March 1942, but from 1941 (it will be remembered that the file contained a document dated November 1941). If the manuscript side-note reads "17.7", rather than "St.S" (the lettering of "Freisler" is *not* Gothic), then that would indicate a probable date of 17 July 1941 (or even 1940, but obviously not 1942). At that date it is common ground that Hitler's vision for the Final Solution was, first, the immediate removal of the Jews from 'German' Europe and then, after the war, their further removal eastwards into conquered Russian territory (or to Madagascar or wherever). (See generally on this: Longerich 1, section 14, pages 49-54).
- If that is right, then the note is wholly consistent with Hitler's thinking at that time (whereas, if it is placed in March 1942, quite the reverse is true). It is also wholly unremarkable and quite unimportant historically.

- A final determination of the date and meaning of the document is of course unnecessary for the purposes of this case. The conclusion that matters is that the date, authorship and meaning of the document are so uncertain, and so susceptible of a variety of plausible theses (though *not* including P's) that P's exaggerated claims about its significance, born of his unquenchable desire to exonerate Hitler, must be seen as further proof of his lack of integrity as a chronicler of history. For the true weight to be attached to the document: see PL xx: 24:23:16–24:24:12.
- For these reasons, this example may also be seen as another striking instance of P's double standards in his approach to and treatment of documents.

⁵ (i)(h) Goebbels' diary entries for 27 March and 27 April 1942

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- In *Hitler's War* (1991), p464-5, P writes:
- “Dr Goebbels, agitating from Berlin, clearly hoped for a more speedy and ruthless solution, although he held his tongue when meeting his Führer. On March 19 he quoted in his diary only this remark by Hitler: “The Jews must get out of Europe. If need be, we must resort to the most brutal methods.” That Goebbels privately knew more is plain from his diary entry on the twenty-seventh: “Beginning with Lublin,” he recorded, “the Jews are being pushed out eastward from the Generalgouvernement. A barbaric and indescribable method is being employed here and there’s not much left of the Jews themselves. By and large you can probably conclude that sixty percent of them have to be liquidated, while only forty percent can be put to work.” Dr Goebbels recorded further that the Trieste-born SS Brigadier Odilo Globocnik, the former Gauleiter of Vienna, was performing this task carefully and unobtrusively. As fast as the ghettos of the Generalgouvernement were being emptied, they were being refilled with the Jews, deported from the Reich, and the cycle started over again. “The Jews have nothing to laugh about now,” commented Goebbels. But he evidently never discussed these realities with Hitler. Thus this two-faced minister dictated, after a further visit to Hitler on April 26, “I have once again talked over the Jewish question with the Führer. His position on this problem is merciless. He wants to force the Jews right out of Europe... At this moment Himmler is handling the major transfer of Jews from the German cities into the eastern ghettos.”

- The effect of this passage is clear: Goebbels knew that 60% of the Jews in the General Government were being or would be liquidated by Globocnik, but he did not tell Hitler, either on 26 March or on 26 April 1942. By this means, of course, P succeeds in confirming his pet thesis in the reader's mind: Hitler did not know what was happening to the Jews in the General Government (although in doing so, he completely undermines his other pet thesis: there was no systematic 'liquidation' of the Jews!)
- As appears from the paragraphs which follow, P's account is a mixture of invention and suppression:
- There is absolutely no evidence to support P's assertion that Goebbels 'held his tongue', and kept 'these realities' from Hitler on 18 March and 26 April. This is pure invention.
- In fact, the remainder of the diary entry for 27 March 1942 (set out in full on page 400 of Evans), starting with the words "The Jews are being punished barbarically..." strongly suggests that Goebbels and Hitler had indeed discussed the "indescribable" procedure being applied to the Jews in the General Government, rejoicing in the fact that the war gave them "a whole series of possibilities" for "a radical solution" of the problem posed by "the Jewish bacillus" which could not be exploited in peacetime. Indeed, it would be astonishing if Goebbels, as rabid an anti-Semite as Hitler, had not taken the opportunity of sharing his joy at the exciting news from the East with "the persistent pioneer (protagonist) and spokesman (champion) of a radical solution".
- Since P is only able to sustain his invented version by suppressing these later parts of the diary entry, he duly does so.
- P is also careful not to address this obvious question (of which he must certainly be aware): if *Goebbels* knows what is happening in the General Government, why should *Hitler* not know? Goebbels had no responsibility for what was happening in the General Government and appears to have learned of it directly or indirectly from Himmler, who *did* have that responsibility (P in xx: 5:86:4-11). And if Goebbels got his information, directly or indirectly, from Himmler (and even if he did not), it "defies reason" (Sir John Keegan: 16:9.16) to suppose that Himmler would not have told Hitler (see PL: 24:183:20-24:185:22; 26:71:1-25; 26:94:17-26:95:12).

- Finally, it is to be noted that in his diary entry for 27 April 1942, Goebbels wrote: “I speak with the Führer once again *in great detail* (ausführlich) about the Jewish Question” (emphasis added: Longerich 1, p66 para 18.5; N1/221-8). P’s corrupt version of this (see 1 above) is: “I have once again talked over the Jewish question with the Führer.” His omission of the important words “in great detail (extensively/exhaustively)”, can only have been deliberate, the reason being, of course, that those words, like the passage omitted by P from the diary entry of 27 March, lend obvious weight to the probability that Hitler knew exactly what was happening, and would continue to happen, to the Jews in the General Government and that he and Goebbels had discussed it in detail.

⁵ (i)(i) Himmler minute of 22 September 1942

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- In *Hitler’s War* (1991), p467, P writes this:
- “Himmler meanwhile continued to pull the wool over Hitler’s eyes. On September 17 he calmly jotted in his notes for that day’s Führer conference: “1. Jewish emigration – how is to be handled in the future? 2. Settlement of Lublin,” and noted next to these points: “Conditions in Generalgouvernement,” and “Globus” (Globocnik’s nickname)”
- The vice of this account is the assertion that Himmler’s note for his meeting with Hitler on 22 September 1942 (N1/271-5) is evidence that ‘Himmler..continued to pull the wool over Hitler’s eyes’ (concerning the mass exterminations in the General Government).
- The note itself provides no evidence for this whatsoever. On its face, it seems to suggest merely:
- that Himmler wanted to discuss with Hitler how the emigration (Auswanderung) of the Jews should proceed;
- That Himmler wanted to settle ethnic Germans from Lorraine, Bosnia and Bessarabia (now Moldavia) in the General Government; and
- That Globocnik therefore needed to be consulted about the current circumstances in the General Government.

(see, for example: RE xx: 23:110:10–23:111:13; PL xx: 22:194-199).

- In no sense, therefore, is the document inconsistent with Hitler's knowing fully what had happened and was still happening to the Jews in the General Government. On the contrary:
- If ethnic Germans from different parts of Europe were to be settled in the General Government, there would need to be room for them.
- The best way of achieving this was by the extermination – and thus dispossession – of Jews in the General Government (of whom, in September 1942, there were still about 300,000 remaining of the original 2.3 million: PL: 22:197:18-20); which, of course, was a process already well under way in consequence of Himmler's order of 19 July 1942 (N1/253-4)
- As P accepts, items 1 and 2 of the note are plainly 'interdependent' (P xx: 5:78:7-12).
- A crucial factor in the implementation of item 2 would therefore be the 'Auswanderung' of Jews from the ghettos of the General Government to the Reinhard extermination camps.
- This would necessarily require the input of Globocnik, who was in charge of Operation Reinhard. (As to all of this, see the transcript references given under 3 above).
- P does not dispute that Himmler knew what was happening to the Jews in the General Government, or indeed the nature of what was happening to them (19:193:14-23).
- It is therefore inconceivable that Himmler could have prepared an agenda for a discussion with Hitler about these matters in the knowledge that Hitler knew nothing about them and with the intention of concealing them from him. Such a discussion would have been so elliptical as to have been, from Himmler's point of view, entirely pointless; which begs the obvious question, why ever then did Himmler write this agenda in the first place?

⁵ (i)j Himmler's note for his meeting with Hitler on 10 December 1942

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- In *Hitler's War* (1977), p 462, P writes this:

- “When Heinrich Himmler came to headquarters on December 10, Hitler authorised him to remove the six or seven hundred thousand Jews from France as well; at Himmler’s suggestion those with influential relatives in America were to be held in a special camp “under conditions that will keep them alive and well”. (Himmler’s notes do not indicate that he mentioned to Hitler the alternative fate of the others.)”
- The note in question shows that one of the points Himmler intended to raise with Hitler was the fate of 600-700,000 (as he apparently thought the number to be) Jews in France. At or after the meeting, Himmler wrote beside the entry the word “abschaffen”, showing that Hitler had authorised these French Jews to be “removed”, “abolished”, “disposed of” or “got rid of” (the precise translation of the word “abschaffen” is unimportant here): see Longerich 1 p70-71; N1/285-6.
- After the meeting, Himmler sent a note to Müller, head of the Gestapo, saying that Hitler had given the order that the French Jews should be arrested and deported: Longerich 1, p71; N1/289-290.
- At the same time, however, Himmler secured Hitler’s approval for the establishment of a work-camp for 10,000 well-to-do Jewish hostages from France, Hungary and Romania, in conditions “whereby they remain healthy and alive”: Longerich 1, p71; N1/290-1.
- The contrast between the proposed fate of these few (a mere proportion of 10,000) French Jews and the likely fate of the vast majority to be deported is therefore obvious. This is clearly recognised by P, in parenthesis, on p462 of *Hitler’s War* (1977) (see paragraph 1 above); and equally clearly, derives from explicit decisions made by Hitler.
- The version of this episode which P gives in *Hitler’s War* (1991), p511, is, however, significantly different: the word “abschaffen” is now translated as “extract” – which is both strained and tendentious – and, more important, the parenthetical but highly significant contrast between the intended fates of the few lucky hostages and the remaining hundreds of thousands of deportees has gone altogether.
- This is therefore another example of P’s manipulation of the facts in order to exculpate Hitler.

⁵ (i)k Hitler’s meetings with Antonescu and with Horthy in April 1943

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A Antonescu

- Ion Antonescu was the fascist dictator of Romania. Antonescu and Hitler met at the Berghof, one of Hitler's retreats in Obersalzberg on 12 and 13 April 1943.
- P gives an account of the first day's meeting in *Hitler's War* (1977), p508:-
- "Romania's Marshal Antonescu, invited to the Berghof on April 12, accepted Hitler's reproaches with fatalistic air; for him as for Hitler himself there could now be no compromise between a clear victory or complete annihilation. When Hitler read him the Forschungsamt records of incriminating telephone conversations and other documents proving the disloyalty of Romanian Ministers – and their clandestine negotiations with the enemy in Ankara, Bucharest, Budapest, Berne, and above all Madrid – the Marshal made a convincing display of indignation (though he himself had authorised the feelers)." See also *Hitler's War* (1991) p.541.
- The second day of the meeting, 13 April, is, however entirely omitted by P in both editions. When the notes of that day's meeting, probably taken by Paul Schmidt or else secretly recorded (see notes to *Hitler's War*: (1977) p509, (1991) p542), are read, the reason for this omission becomes obvious. The notes read:
- "The Führer then described the measures which had been taken in Germany in this area. The moment the Jews had been removed, the economy, cultural life, and other areas had blossomed. In other countries, where the Jew-question had not been so energetically cleaned up, as eg in Hungary, these circumstances were very difficult. The Jews were the natural allies of Bolshevism and the candidates for positions occupied by the present intelligentsia who were to be murdered during Bolshevization. Therefore, in contrast to Marshal Antonescu, the Führer took the view that one must proceed against the Jews, the more radically the better. He (the Führer) would rather burn all his bridges behind him, because the Jewish hatred is so enormously great anyway. In Germany, as a consequence of the clearing up of the Jewish question, one had a united people, without opposition at one's disposal. ... However, once the way had been embarked upon, there was no going back." (Evans p453).
- Here, then, was Hitler putting fierce pressure on a recalcitrant ally to effect a radical "removal" of Romania's Jews, just as had been achieved in Germany. Yet P decided it was not worth mentioning.

B Horthy

- Horthy met Hitler, and his Foreign Minister, Ribbentrop, at Klessheim, near Salzburg, on 16 and 17 April 1943.

- P gave an account of this two-day meeting on pages 509-510 of *Hitler's War* (1977):

- “Nor was the language Hitler and Ribbentrop used to prod the Hungarian regent into taking a sterner line over his Jewish citizens very delicate. The Nazis found it intolerable that eight hundred thousand Jews should still be moving freely around a country in the heart of Europe – particularly just north of the sensitive Balkans. For many months Germany had applied pressure for the Hungarian Jews to be turned over to the appropriate German agencies for deportation to “reservations in the east”. It was argued that so long as they remained, they were potential rumourmongers, purveyors of defeatism, saboteurs, agents of the enemy secret service, and contact men for an “international Jewry” now embattled against Germany. Events in Poland were pointed out as providing an ugly precedent. There were reports of Jews roaming the country, committing acts of murder and sabotage. The eviction of the Jews ordered by Hitler had recently been intensified by Himmler’s order that even those Jews left working for armament concerns in the Generalgouvernement were to be housed collectively in camps and eventually to be got rid of as well. In Warsaw, the fifty thousand Jews surviving in the ghetto were on the point of staging an armed uprising – with weapons and ammunition evidently sold to them by Hitler’s fleeing allies as they passed westward through the city. Himmler ordered the ghetto destroyed and its ruins combed out for Jews. “This is just the kind of incident that shows how dangerous these Jews are.” Poland should have been an objective lesson to Horthy, Hitler argued. He related how Jews who refused to work there were shot; those who could not work just wasted away. Jews must be treated like tuberculosis bacilli, he said, using his favourite analogy. Was that so cruel when one considered how even innocent creatures like hares and deer had to be put down to prevent their doing damage? Why preserve a bestial species whose ambition was to inflict bolshevism on us all? Horthy apologetically noted that he had done all he decently could against the Jews: “But they can hardly be murdered or otherwise eliminated,” he protested. Hitler reassured him: “There is no need for that”. But just as in Slovakia, they ought to be isolated in remote camps where they could not longer affect the healthy body of the public; or they could be put to work in the mines, for example. He himself did not mind being temporarily excoriated for his Jewish policies, if they brought him tranquillity. Horthy left unconvinced” (page 509) “But the most poisonous and persuasive argument used to reconcile Hitler to a harsher treatment of the Jews was the bombing war. From documents and target maps recently found in crash bombers he knew that the British air crews were instructed only to aim at the residential areas now and to disregard the industrial targets proper. Only one race murdered, he told the quailing Horthy, and that was the Jews, who had provoked this war and given it its present character against civilians, women and children” (page 510).

- This account was a shocking manipulation of Schmidt's notes (which P, in xx, accepted as a "very reliable source": 12:38:1), for the following reasons:
- The notes (N1/307-309) make no mention whatsoever of the Warsaw ghetto uprising (which is unsurprising, since it did not commence until 19 April 1943): Evans p447. Thus the "pretext" attributed to P for Hitler's pressure on Horthy was non-existent – that is, an invention by P.
- P omits entirely from his text the murderous remarks of Ribbentrop, which, in Schmidt's text, preface Hitler's equally murderous response to Horthy's protest by a mere 11 lines.
- Ribbentrop's remarks are relegated to a footnote (notes to page 509, at page 839), where P immediately seeks to cast doubt on Schmidt's report of them by a specious reference to a letter by Horthy which, in its original version, referred to the extermination (Ausrottung) of Jewry: Evans p444.
- On p510, P argues that "the most poisonous and persuasive argument" Hitler used to persuade "the quailing Horthy" to adopt a harsher policy towards the Jews was the civilian devastation wreaked by Allied bombing. Yet, on 17 April 1943, Hitler had described the bombings as "irritating but wholly trivial": Evans p451 (para 14). This is suppressed by P.
- Worst of all, the exchange reported by P between Horthy and Hitler which, upon Horthy's protest that the Jews could "hardly be murdered or otherwise eliminated", resulted in Hitler saying "there is no need for that [etc]" took place on 16 April: Evans p447-448; N1/307. P, however, has transferred this response of Hitler's to 17 April and used it to palliate Hitler's (and Ribbentrop's) brutally blunt exhortation to Horthy to kill all Hungary's Jews.
- P's version of these meetings in *Hitler's War* (1991), p541-2, is significantly revised. The spurious reference to the Warsaw ghetto uprising has been removed. So, too, however, has Hitler's analogy on 17 April 1943 between the need to kill animals which may cause damage and the need to kill the Jewish "beasts". And the atrocious manipulation noted at (v) above remains in place.

- In xx, P sought to defend his transfer of Hitler's palliative remarks of 16 April to 17 April as a "mix-up of dates" (see, eg, 12:38:5-7; 12:43:18-21); his failure to correct the "mix-up" in the 1991 edition (he was made aware of it in 1977) on the grounds that he regarded it as "of little importance" (see 12:54:13); and his excision of Hitler's "animal" analogy by saying, in effect, "It did not really add very much" and was therefore left out because the 1991 edition was an "abridged" version of the 1977 edition which had to be "shortened....by one third" (12:53:13-16). These excuses have no credibility whatsoever. For quite apart from their intrinsic lack of plausibility, they are betrayed by the fact that every single one of P's inventions, falsifications and manipulations in relation to this topic converge to the same end: the exculpation of Hitler.

⁵ (i)(o) Ribbentrop's testimony and evidence from his cell at Nuremberg
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- In a footnote to *Hitler's War* (1977) P wrote:
- 'Writing a confidential study on Hitler in his Nuremberg prison cell, Ribbentrop also exonerated him wholly. "How things came to the destruction of the Jews, I just don't know. As to whether Himmler began it, or Hitler put up with it, I don't know. But that he *ordered* it I refuse to believe, because such an act would be wholly incompatible with the picture I always had of him.'" (Evans, page 478)
- In fact, the full text of Ribbentrop's manuscript:
 - does not have the word 'ordered' in italics; and
 - contains the words, omitted by P from his account:

'On the other hand, judging from his [Hitler's] testament, one must suppose that he at least knew about it, if not even ordered it in his fanaticism against the Jews'.

- Despite the publication of an article by Gitta Sereny in the Sunday Times on 10 July 1977 pointing out P's suppression of this important sentence in Ribbentrop's testimony, P repeated what he had written in the 1977 edition on page 809 of the 1991 edition without including this important sentence and preserving his own earlier unjustified rendition of the word 'ordered' in italics.
- This is an example, not only of P's habitual distortion of the record to produce an exoneration of Hitler, but also of his willingness to persist in a falsification even after attention has been publicly drawn to it.

⁵ (i)(p) Marie-Claude Vaillant Couturier

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- P said that Judge Biddle, having heard Marie Vaillant Couturier's evidence at Nuremberg, wrote in his private diary *'I don't believe a word of what she's saying. I think she's a bloody liar'*: P's press conference for the publication of the Leuchter Report 23 June 1989: K2/7/3 (full transcript @ K3/4)
- P said that Judge Biddle had written *'all this I doubt'* about the evidence given by Marie Vaillant Couturier in his speech at Toronto on 13 August 1988: K2/7/2 (full transcript in K3/2).
- In his book 'Nuremberg', P included a photograph of Marie Vaillant Couturier giving evidence, with a caption beginning 'CREDIBILITY PROBLEMS', which stated that Judge Biddle noted as she testified *'that he did not believe her'* (picture caption after page 182 of the book: K2/7/4); in the text of the book, P suggested that when Biddle wrote *'this I doubt'*, he was *'finally articulating his feelings about this woman's testimony'* and was noting his *'scepticism'*; P also suggested that *'quite a lot'* of what the witness had said was hearsay: K2/7/6-7 (pages 239-240 from Nuremberg).
- In xx at trial, P claimed that Judge Biddle became 'so fed up with this woman's testimony that he can finally stand it no longer and he dictates in parenthesis into his report... he says *'this I doubt'*': 8: 17:19-26
- P had read the judge's notes on this witness in Syracuse University: see Biddle's notes @ K2/7/9-13. P had read them on 11 August 1988, according to his diary:
- *'Worked at Syracuse University all day. Very hot. Private papers yielded little, but the Nuremberg Trials collection of Judge Francis Biddle had some gems, including his diary (with comments of 'I don't believe it') on one Auschwitz survivor....'*: diary entry @ D6i/19/190; read in court 8:26:23-8:27:4. P said (in Toronto) that he had copied whole pages out of the judge's diary: K2/7/1 – line 11.
- P transferred his notes of what Biddle had written onto index cards: copy cards @ K2/7/17-18.
- From Biddle's notes, it is clear that he wrote *'this I doubt'* – in parenthesis – in respect of one particular statement made by the witness; that statement – suggesting that all camps used the same system (SS selection of women as prostitutes) – was outside her own knowledge: K2/7/11 (7th line). There is nothing in the notes to suggest that Biddle doubted or disbelieved her generally or in respect of any other part of her testimony. Biddle recorded that most of her statement was based on personal experience: K2/7/13.

- P's index cards record '*This I doubt*' in parenthesis, apparently relating to the same single statement by the witness: at top right of page.

3.1 When speaking in Toronto on 13 August 1988, P had his notes, made in Syracuse two days earlier, in front of him as he spoke (as is apparent from the transcript K2/7/1-2; see also Day 8:24:5-7). P quoted Biddle as saying '*all* this I doubt':

i) This was deliberate distortion by P. He knew what Judge Biddle had said – he had it in front of him. He misrepresented Biddle's doubting of one sentence of what the witness said (not based on her own experience) into his supposed dismissal of *all* of her evidence.

ii) In evidence, P agreed that Judge Biddle did not say the words P had attributed to him: 8:24:10–8:25:22. P explained what he said as follows:

- that P '*added the word 'all' to make it more literate for an audience*': 8:25:21-22
- that, from his reading of the diary, P had concluded that Judge Biddle had in fact doubted all the witness had said: see 8:24:22-24; 8:25:7-11; 8:26:2-10. This conclusion is not and cannot be justified on the basis of the material P had.

3.2 Similarly, in relation to what he had said at the Leuchter press conference on 23 June 1989 – in evidence, P agreed that the judge had not used the words P had presented as a quotation; P accepted that they were his own '*gloss*' on what the judge had said: 8:14:14-17

- Initially, in his evidence, P tried to excuse what he had said at the press conference on the basis that he had read the judge's notes 4 or 5 years – or even 10 years – before he spoke: 8:21:23–8:22:1. This was not true: he had read them a mere 10 months previously (see 2.1 above).
- Moreover, P had considered the question of the Biddle notes shortly before trial: he had replied to the Defendants' statement of case on this issue; and on 21 December 1999 (about a month before giving this evidence), he had told the Defendants (as was the fact) that he had read the notes in 1988: 8:23:5-11.

- 3.3 So far as *Nuremberg* is concerned, P referred to the judge's notes as the source for what he wrote in that book (footnotes 14-15: K2/7/8). P defended what he had written in the book about the witness and claimed that the picture caption was '*absolutely justified*': 8:22:2-7. Plainly, on the evidence, it was not.
- 3.4 P's attempt at trial to pervert the meaning of the judge's notes (see 1.4 above) was bizarre. The single parenthetical 'This I doubt' cannot stand as any evidence at all of Judge Biddle's overall view of Vaillant-Couturier's credibility.
- 4.1 In conclusion, P, in his public utterances, oral and written, has again wilfully falsified the historical record in order to achieve an ulterior goal: the discrediting of powerful evidence of Nazi atrocities at Auschwitz/Birkenau.
- 4.2 This is also a further example of P's habitual attempts to discredit eyewitness testimony he does not like (whilst habitually embracing, quite uncritically, eyewitness testimony he does like). In this instance, he seeks to achieve his aim by attributing to a "very, very level-headed" judge (8:17:20) an adverse view of the witness's credibility which he did not hold and never expressed.

⁵ (i)(q) Kurt Aumeier

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- Kurt Aumeier, Höss's deputy at Auschwitz from 1942 until early 1943, was interrogated first in Norway and later in Britain. In a handwritten account (Norway – July 1945) Aumeier described gassing procedures at Auschwitz: in K1 in the Stammlager; at bunkers 1 and 2; and at K2 and K4. Aumeier also referred to the construction of K3: RVPp261-5 (REp161-2).
- On 3 June 1992, according to his diary, P spent all day at the Public Record Office ('PRO'), where he
- '*finished reading file of interrogations and MS by one SS officer, Hans Aumeier, a high Auschwitz official. Once again, like Gerstein, his reports grow more lurid as the months progress. I wonder why? Beaten like Höss, or was he finally telling the truth? A disturbing two hours anyway*'. Diary @ L1/5/1.

- The next day, 4 June 1992, P wrote to Tom Marcellus of the IHR about the Aumeier memoirs: L1/5/2:
- ‘He was held in a most brutal British prison camp, the London Cage (the notorious Lt Col A Scotland). These MSS are going to be a problem for revisionists, and need analysing now, in advance of our enemies, and answering. I attach my transcript of a few pp, and you’ll see why. He becomes more lurid with each subsequent version: first no gassings, then 50, then 15,000 (total). Brute force by interrogators, perhaps.’ P wrote in similar terms to revisionist/right-wing extremist Karl Philipp: L1/ 5/3.
- In October 1992, P gave a speech at the 11th IHR conference in which he referred to the ‘*well-known*’ fact that he did not accept that the gas chambers existed and claimed K3/13/22 (half way down left-hand column):
- ‘*I’ve seen no evidence at all that gas chambers existed*’. P made no reference to the Aumeier papers. In that speech, P referred to the Höss memoirs as the ‘*keystone of the Holocaust legend*’, stating that they had ‘*always been a problem for revisionists*’; but claimed that Eichmann material was ‘*yet one more piece of proof that the Höss memoirs are untrustworthy as a source*’: K3/13 pages 22-23.
- P claimed in later speeches that there were no gas chambers at Auschwitz; he did not refer to the evidence from Aumeier. For example:
- In his 1993 videotape, ‘*The Search for Truth in History – Banned*’ P claimed that there was no eyewitness evidence of any weight to show that there had been homicidal gas chambers at Auschwitz: K3/15 (pages 22-25; see also pages 13-15, where P claims that the gas chambers were a figment of allied propaganda and a lie);
- In his speech at Tampa, Florida on 6 October 1995: K3/20.
- On 17 December 1995, P wrote to Mark Weber at the IHR and stated:
- ‘The weightiest contemporary report I have ever seen of Auschwitz, other than by Höss, is by Aumeier...interrogated by the British, Aumeier wrote handwritten (pencil) memoirs like Höss which are in the PRO. I think IHR should publish this with commentary. Otherwise, one day the other side will find the Aumeier Aufzeichnungen and...’ RWE1/1/139 (dots after the final ‘and’ appear in the original letter; ‘Aufzeichnungen’ means notes or memoirs).
- In writing Nuremberg (published 1996), P referred to Aumeier in a footnote: L1/5/4-6. P referred to the Aumeier memoirs and manuscripts as ‘compelling evidence’ about Auschwitz. P did not set out what Aumeier had said about Auschwitz or explain why it was “compelling”.

- On 29 May 1997, P wrote an eleven-page letter to Professor Van Pelt: file J1/11. The letter was never received by the Professor, but was later published by P on his website: 10:194:12-15. In that letter (its 8th page), P referred to Aumeier's confessions '..(written under similar conditions of duress; he too was, no doubt, deservedly, hanged by the Poles). These pencilled papers are held at the Public Record Office': see letter @ file J1/tab 11; also 10:199-200. P did not refer to the content of what Aumeier had said, nor did he give the full file reference.
- At trial, P accepted that Aumeier's evidence was 'compelling', 'important' and 'ought to be examined': 14:49:11; 14:50:17; he also accepted that Aumeier was 'a man who was in a position to know' and 'an important character': 14:50:11-12. However, P implied that Aumeier's evidence was worthless, because he had said what had been dictated to him by the British, under threat/force: 14:37:10-18; 14:38:16-26; 14:44:8-11.
- Aumeier's evidence – which P privately recognised as a weighty, contemporary report – is compelling evidence of the construction, existence and use of homicidal gas chambers at Auschwitz. It cannot be reconciled with P's publicly stated claims that there were no gas chambers at Auschwitz and that there was no credible evidence of gas chambers there.
- P privately recognised the weight of that evidence at once and the fact that it was a problem for revisionists. His response was:
 - To write to revisionist friends, to try to find a way to explain away what Aumeier said.
 - To suggest – without any evidence – that Aumeier might have been beaten. (In his diary for 3 June 1992, P recognised that the fact that Aumeier gave added detail in subsequent statements might have been the result of Aumeier finally telling the truth; in his letters of 4 June 1992 and 17 December 1995 P referred only to his speculation that Aumeier might have been beaten).
 - To suppress what Aumeier had said – by making no reference to it publicly:
 - P made no reference to it in his speeches. Even when dealing with Auschwitz and the gas chambers, P made no mention of what Aumeier had said.

- P did not write a learned article about the Aumeier confessions (as Evans would have done: 18:39:23–18:40:1); nor did he otherwise publish his ‘scoop’.
- Even when P finally referred publicly to Aumeier – four years after he had found him – he did so only in a footnote to his book *Nuremberg*, without referring to the fact that Aumeier had described the existence, use and construction of gas chambers at Auschwitz.
- P claimed at trial that he drew the attention of historians and scholars to the Aumeier memoirs and referred to letters he had written: for example 14:51:6-19; 14:55:24-26 (see also P’s Response to the New Statement of Case A1/8/p2). P has not produced any such letters, despite a reminder from the Defendants’ solicitors. And in cross-examining Professor Evans (six days after he had been asked to produce the letters), P referred only to the letter to Professor van Pelt (29 May 1997) and a letter to the IHR (which he did not produce at the time, but which appears to be the letter to Mark Weber, see paragraph 1.6 above): 18:38:16-21; 18:40:3-20

⁵ (i)r Criminal statistics for 1932 (Daluge, etc)

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- In *Goebbels*, p46-7, P wrote that Goebbels:
- “would highlight every malfeasance of the criminal *demimond* and identify it as Jewish. In these closing years of the Weimar Republic he was unfortunately not always wrong. In 1930 Jews would be convicted of 42 of 210 known narcotics smuggling cases; in 1932 29 of the 272 known international narcotics dealers were Jewish. Jews were arrested in over 60 percent of the cases concerning the running of illegal gambling dens; 193 of the 411 pickpockets arrested in 1932 were Jews. In 1932, in no fewer than 31,000 cases of fraud, mainly insurance swindles, would be committed by Jews.’ The source given by P (note 29, pages 547-8) is: “Interpol figures, in Deutsche Nachrichten-Büro (hereafter DNB), Jul 20 1935; and see Kurt Daluge ‘Judenfrage als Grundsatz’, in *Angriff*, Aug 1935 (Hauptamt Ordnungspolizei files, BA file R.19/406); on the criminal demimonde of 1920s Berlin, see Paul Weiglin, *Unverwüstliches Berlin. Bilderbuch der Reichshauptstadt seit 1919* (Zürich 1955) and Walther Kiaulehn, *Berlin: Schicksal einer Weltstadt* (Munich 1958).” P’s claim that the Jewish community dominated the crime scene in Berlin, as Interpol figures showed, was repeated in his speech at the 1994 IHR Conference: K3/18/8.

- According to the Official German criminal statistics for the year 1932, a total of 74 people were convicted of insurance fraud in the whole of Germany (N1/tab 2) – a far cry from the figure given by P.
- P’s source for all of the figures in the paragraph quoted above was Kurt Daluege, who, as P knew, was an enthusiastic member of the Nazi party, a former head of the Ordnungspolizei, and a mass murderer, in charge of killing on the Eastern Front: 29:94:15-25. P accepted that it was necessary to be “properly cautious” about figures from that source (29:94:26-29:95:2). P tried to suggest that it was necessary in this particular matter to rely on a “dodgy source”: 29:100:5-7. This was simply untrue: the official statistics were readily available. P’s explanation for his failure to reveal the unreliable nature of his source (and his denial that Daluege was a Nazi propagandist) was wholly unconvincing: 29:99:1-17.
- To make matters worse, P effectively *doubled* Daluege’s already suspect figures. Daluege’s allegation was that “a considerable part, if not the largest” of a *total* of 31,000 insurance frauds had been committed by Jews: see 29:96:5-29:97:16. P converted that into what appeared to be an authoritative statement, derived from interpol (which did not exist until after the war). This was a shocking, and quite deliberate, misrepresentation of the facts.
- P unconvincingly tried to justify his false statements in *Goebbels* by suggesting that one of the other sources in the footnote might have supported what he said: see 29:101:19–29:102:10. He did not say which. Nor could he have done so. The DNB report cited was a report of Daluege’s press conference (not of Interpol figures); and there was nothing in what either Kiaulehn or Wieglin to give any support for what P had written: see Evans p694-695.

⁵ (i)(s) PWE ‘invention’

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- P’s claims about the origin of the ‘gas chamber’ story include the following (emphasis added):
- *13 August 1988 – Toronto: K3/2 (pages 15-16)*

- P advances the hypothesis that the British concocted the Vrba/Wetzlar report (also, as a first hypothesis, that it was Nazi propaganda). “And this is, again, not just a wild hypothesis that I toss at you after just doing one month’s work in the archives, this is in fact the result of work done by Paul Norris one of Zündel’s men. ... In the British archives Paul Norris found documents which he showed me in photostat, showing quite clearly that British intelligence deliberately masterminded the gas chamber lie. I am not saying it was the same gas chamber lie that they masterminded, but it was a gas chamber lie. 1942, 1943, 1944 the Joint Intelligence Committee deliberated with the Psychological Warfare Executive which they ran in London, the propaganda agency in London,... on ways of blackening the German name, on ways of enraging allied soldiers so that they would fight even harder. And one of the methods that they hit on in the Psychological Warfare Executive, it’s there in the documents, to say let us say that the Germans are using gas chambers to get rid of hundreds of thousands of Jews and other minority groups in Germany. And the minutes go to and fro.... In one memorandum, Victor Cavendish-Bentinck, the Chairman of the Joint Intelligence Committee, writes a handwritten minute to this effect: ‘we have had a good run for our money with this gas chamber story we have been putting about, but don’t we run the risk that eventually we are going to be found out and when we are found out the collapse of that lie is going to bring down the whole of our psychological warfare effort with it. So isn’t it rather time now to let it drift off by itself and concentrate on other lines that we’re running’. ‘We had a good run for our money’ he writes in 1944 and here we are 44 years later and that hare is still running, bigger and stronger than ever because nobody now dares to stand up and kill it. has got out of control. The Auschwitz propaganda lie that was starting to run in 1944 is now out of control and it is going of the kind of stature of Ernst Zündel to kill that particular hare. [Applause].” (p15-16)
- *P’s foreword to the FPP publication of the Leuchter Report: May 1989: K3/3*
- “...Too many hundreds of millions of honest, intelligent people have been duped by the well-financed and brilliantly successful postwar publicity campaign which followed on from the original ingenious plan of the British Psychological Warfare Executive (PWE) in 1942 to spread to the world the propaganda story that the Germans were using ‘gas chambers’ to kill millions of Jews and other ‘undesirables’.”
- *23 June 1989: P’s press conference for the FPP publication of the Leuchter Report (London): K3/4 (pages 3, 16-17)*

“....In my press pack, .you will find I have included one page from a typical document in the British archives showing how we invented the lie about gas chambers in 1942 and 1943 as a perfectly justified means of psychological warfare against the Germans.” (page 3)

(In Q&A) *“...I don’t think there’s any specific reason why a lie has been adopted, I think as I’ve said often before, wartime governments produce propaganda. The propaganda fly-wheel starts to spin and nobody at the end of the war has a motive to stop the propaganda fly-wheel spinning. It should be the job of the historians but the historians have become themselves part of the propaganda process. Now we find in the British archives a lot of evidence that we willingly propagated the gas chamber stories because it was a useful propaganda line for us to take. However, it was based on such tenuous evidence and you’ll see from the documents in your press packs that the people who themselves spread the lie then urged that Her Majesty’s Government should not attach their name to it, for the end for fear of eventually being shown up.”* (page 16)

P goes on to refer to the *‘prolongation of the propaganda myth’* by TV series such as ‘War and Remembrance’ – page 17

iv) 9 March 1990: P in Moers: K3/5 (pages 17-21)

- “...where did this myth come from? And for me as an Englishman, that is the most interesting question: who invented the myth of the gas chambers? Representatives of the victorious powers. We did it. The English. We invented the lie about the gas chambers, just as we invented the lie about the Belgian children with their hands hacked off in the first World War. The department the committee of the British PWE cabinet, Political Warfare Executive, psychological warfare...” (page 17)

- P refers to the Riegner memo (which he dates to 9.42): “...that was an evil lie. I am not in the least interested in why Mr Riegner set up this lie, I can only say that it is a lie, because I know from the files in the Führer’s headquarters that no such decision was taken, quite the contrary,...” (page 18) [P then refers to ‘Schlegelberger’ – which, P says, proves that it was a lie – before returning to Riegner] “...We didn’t believe it [what Riegner said]. We didn’t believe it and it was in the files in England, for the following reasons: This was a matter involving Jews, and the source was Jews, too. The highest authority at the Foreign Office..immediately made a note, handwritten: ‘we do not need to give this information any credence, because the Jews always tend to exaggerate, they are always trying to stir us up against the Germans, and we keep rising to the bait. We don’t need to let it happen a second time. However, I think it would be appropriate to forward this information to the PWE’. PWE – psychological warfare. After that, we put out a great deal of propaganda against Germany in the English newspapers, in foreign newspapers, with leaflet propaganda, verbal propaganda, underground rumours, BBC broadcasting propaganda, about the alleged extermination of millions of people using hydrocyanic acid in gas chambers in Germany and in Poland. We made propaganda. One year later, in August ‘43, we received a strong echo of our own propaganda, that the Polish Prime Minister..and the Czech Minister..had gone to Roosevelt and Churchill – August ‘43 – and asked for a public declaration from both leaders condemning the Germans for committing mass crime against the Jews by exterminating millions of Jews in gas chambers in Poland. Churchill and Roosevelt happened to be meeting at that time a summit in Quebec. A draft of this declaration was sent to Quebec. However, on the following day the head of the PWE, this cabinet sub-committee for psychological warfare, sent an express communiqué to Quebec, stating that he would not recommend signing the declaration. He hastened to point out that there was absolutely no basis for the statement about the German extermination measures, and that it was actually nothing but a lie which we ourselves have spread against the Germans. And he says that we are running the risk that our entire propaganda offensive will be discovered, exposed. And then in this way we dealt a blow to our whole propaganda. A few months later, he writes that, it would be better if we let this whole gas chamber lie go to sleep, because we run the risk, we risk dealing ourselves and our entire propaganda offensive against Germany a blow, just as in the first World War we dealt ourselves a blow with our propaganda about the Belgian children with their children’s hands hacked off. That, too, was a monstrous lie. That too was a monstrous lie, writes Lord Portland... the leader of this investigation of this PWE committee of the British war cabinet. That, too, was a monstrous lie. Although we did spread the information about the alleged gas chambers in Poland without

believing for a single moment that these statements were in any way true – that is what it says in the British archives today. So that is possibly the explanation of how this myth came about.” (pages 19-20)

- “.....German historians have singularly failed, they have not even established what happened, they have not even established whether anyone at all was killed in Auschwitz. They just believed everything they were fed about, during and after the war. And if you ask me why a propaganda myth, why a propaganda lie can be so long-lived, that is a question of principle. Propaganda is a machine which, unfortunately, can only be operated in times of war. And the machine works faster and faster and faster and of course it is driven much more strongly by the victors than the, than the States and peoples which are the losers in a war. Our propaganda machine is still running, and has conquered your propaganda machine, and no-one has any interest at the end of a war or at the end of a conflict, to place a hand on the propaganda wheel, in order to stop the propaganda machine with all the hate and the poison which it spits out every day. The Generals, the generals, the officers, the cabinet ministers, their task is to spread this lie during the course of the war, because you have to encourage your own soldiers always to train their guns on the enemy....’ (page 20)

“ So the propaganda machine runs on. But we, clear-thinking and decent people, we recognise that. We have recognised it as propaganda for years. ... this lie, this myth, must be cleared out of the world....” (page 21)

v) 8 November 1990: Latvian Hall, Toronto: K3/8 (pages 12-13)

“How has this legend been propagated until now? Well, the legend was originally propagated, I think, by us British back in 1942. And I set out the reasons for believing this in my previous talk, 18 months ago. But since 1945, the legend has marched. And this is a great sad facet of war. In wartime, quite justifiably, the warring factions and powers decide to use propaganda, they lie about each other. They lie, massively.... When the Victory Day comes, these Ministries of Lies are not replaced by Ministries of Truth. So the old propaganda continues to march on and nobody really has the job of stopping these lies from flooding out. Particularly when some people find they have a vested interest in keeping the lies spewing forth.” (pages 12-13)

vi) 15 November 1991: Chelsea Town Hall: K3/11 (page 3)

“And if you ask where these legends come from, the trouble is that it comes in fact from us, the British, and we’re very good liars. World War II showed this and the Falklands showed it, the Gulf War showed it, we’re very good liars and in wartime we have ministers of propaganda whose job it is to lie and in fact we can show quite clearly how this particular lie started in our own Ministry of Propaganda, the Political Warfare Executive and you can go and get the records from the Public Records Office and you can see how we in September, October and November 1942 created the gas chamber lie as a weapon of war, perfectly justified. But the problem with all this is that after the war is over, the Government doesn’t set up a Ministry of Truth whose job it is to go around with a bucket and mop cleaning-up all the lies that the Ministry of Information has been spreading and so the lies continue to soldier on. And if they’re lies that are very profitable lies, as this particular lie is of course, and I’m not going to go into detail on that there, because then were treading on very thin ice, but it has become a very profitable lie, a lie in fact on which the financial existence of the State of Israel depends, then the lie is not only soldiering on it becomes reinforced and bolstered in a quite extraordinary way.” (page 3)

vii) 8 November 1991 ‘This Week’ (the interview was on 9.11.91, in Germany): K3/12 (page 5)

Q But you told your audience tonight that the gas chambers were a fiction.

P Oh yes, the gas chambers are a very clever piece of propaganda that we British very cunningly, cunningly connived at and contrived during World War II and that is my considered opinion as a British historian and I think in two, two or three years people will accept I am right again. (page 5)

(on page 6, P is asked whether it is important to him to get across to a German audience like this that people are told lies about the gas chambers – he replies that he prefers “the word legends. It is, in fact, a lie. Propaganda is basically lying but what is, is now going around isn’t a lie, it’s a legend.”)

viii *‘Search for Truth in History – Banned’*(1993): K3/15 (pages 13, 25)

“Now if I was an average German citizen and I felt that two or three generations down the road I was being blamed for something which probably didn’t happen. The massacre of millions of people in gas chambers, in factories of death and we now begin to suspect that the factories of death were just brutal slave labour camps. That gas chambers are a figment of enemy, in other words allied propaganda.” (page 13)

“Now the second question is: if the gas chambers didn’t exist, where did they come from? Well, had I come to Australia, I would have produced and shown to you in the manner as they say in the law courts, the documents from the British archives showing how we, in Britain, having first heard rumours that the Nazis were killing Jews in gas chambers, rumours that the Jews themselves have told us, Gerhard Riegner, a man who is still alive, in the Autumn of 1942, we decided to use that fact which we knew was totally untrue in our war-time propaganda. We turned the facts over [to] the British political warfare executive, the PWE, and from that moment on as I can prove producing the radio monitoring reports, the BBC and our psychological warfare organisations, the aerial leaflet organisations made increasing use of this particular legend about the gas chambers, killing millions of Jews in Nazi concentration camps.

That, I think, is a plausible explanation as to where first came from and after a year of course we are hearing the echo of our own propaganda. There is hardly a German who hasn’t been listening clandestinely to

the BBC who hasn't heard talk about the gas chambers. They begin mentioning the rumours to each other, from one washerwoman to the next, the rumour goes around Germany until finally they've actually seen about it and their son is working in a unit and he has heard about it too and that's how the legend gained credibility from the German side too.

So this explains, in my view, where the story came from.'

(page 25)

- In his xx (29:108-136), P sought to defend his public statements by persistently conflating two entirely distinct, and inconsistent, propositions:
- that the gas chambers were *invented* by the British as a propaganda tool (lie);
- that the British put out propaganda about the gas chambers on the basis of reports *they had in fact received*, but whose reliability they doubted (or said they did).
- A half-respectable historical – though somewhat narrow – argument might perhaps be had about proposition (ii). But proposition (i) admits of no argument at all: the contemporaneous documents (L1/6) show unequivocally that the British had received reports, both in 1942 (from Riegner in Geneva) and in 1943 (direct from Poland), that the Nazis were in 1942 contemplating using gas chambers (and prussic acid: HCN), and in 1943 were using them, to exterminate large numbers of Jews.
- Moreover, despite the doubts expressed by the Foreign Office officials about the wisdom of using the reports, there is no evidence at all that they believed the reports to be outright lies (still less that such a belief would have been justified); the decision of the British and Americans was not to use the reports in case they should prove unreliable. Nor has P adduced any credible evidence that any 'gas chamber' propaganda was ever put out by the British (or the Americans) which was *not* based on received information.

- The vice of P's public statements thus becomes obvious: proposition (i) at paragraph 2 above always holds the stage. In the majority of cases (examples i, ii, v, vi, vii, and viii from para 1 above), P achieves this simply by ignoring proposition (ii) altogether. In the remainder of the cases (examples iii, iv, v and ix), P achieves it by suggesting that the reports on which the propaganda was based were themselves lies. The result is in each case the same: P conveys to his audience the unambiguous message that:

- The gas chambers were a lie invented by British propaganda;
- Therefore the gas chambers did not exist.

⁶ For the reasons given at 3 & 4 above, P's message is itself a lie.

⁵ (ii) P as a 'Hitler partisan' and the extent of Hitler's knowledge of the solution of the Jewish Question

- Hitler's anti-semitism generally
 - Execution of Jews by shooting (including the scale of killings, whether systematic policy and Hitler's knowledge)
 - Period when deportation was the policy
 - Genesis of gassing programme (including Hitler's knowledge)
 - Extermination (inc Operation Reinhard; camps at Chelmno, Semlin, Belzec, Sobibor, and Treblinka; scale of extermination and Hitler's knowledge)
- a) Hitler's anti-semitism generally 1. In court, P conceded that Hitler was 'deeply anti-Semitic from, at any rate, the end of the First World War' 'until he came to power' (12:60:2-6).
2. Despite his qualification 'until he came to power', it has become clear from 5(i)(b-o) above, that Hitler was indeed deeply anti-Semitic throughout his reign. In fact, as is evident from 5(i) – especially 5(i)(e)(A) above – Hitler not only oversaw and controlled the whole of Nazi anti-Jewish policy, but in effect initiated many of its radicalizations directed against the life and well-being of the Jews, wherever they were in Europe (see again 5(i)(k).)
- b) Execution of Jews by shooting (including the scale of killings, whether systematic policy and Hitler's knowledge) 3. This is dealt with in paragraph 5(i)(d) above.
- c) Period when deportation was the policy 4. See subsection 5(i)(g), paragraphs 11-13.
- d) Genesis of the gassing programme (including Hitler's knowledge) and e) Extermination (including Operation Reinhard; camps at Chelmno, Semlin, Belzec, Sobibor, and Treblinka; scale of extermination and Hitler's knowledge) 5. See the tabular chronology set out on the following pages.

(iii) Auschwitz

- Introduction
- As with sections (i) and (ii), the purpose of this section (which, in the context of this case is inseparable from the next, (iv)), is not to demonstrate that the Holocaust, including the mass-murders at Auschwitz/Birkenau, actually took place, but rather what the available evidence was and is that it did. This is in some senses a fine distinction, but it is an important one, because in the end what matters is whether P's denials of the Holocaust are the genuine product of bona fide historical research and thought or, on the contrary, just cynical opportunism (and, if the latter, what P's motives for this might be).
- In the light of what is contained in section 5(i) above, consideration of this topic must begin with a presumption against P. For it is difficult to believe that a person who repeatedly falsifies history in order to exculpate Hitler, as P has done, is likely to have approached the historiography of the Holocaust in a scholarly, open-minded way. As will be shown below, that presumption is well-founded: P's treatment of the Holocaust has been, in its own way, every bit as shocking as his treatment of the evidence relating to Hitler.
- The Holocaust generally
- Ignoring P's attempted retreat in his 'position' document of 23 February 2000, P has now made the following concessions:
 - that the shooting of Jews in the East (Ostland and Russia) had taken place on a massive scale (between 500,000 and 1.5 million deaths); had been systematic, in that they were co-ordinated from, and were in accordance with orders from, Berlin; and had been sanctioned by Hitler (see para 1.2 of 5(i)e above);
 - that there were systematic, large-scale gassings (in vans) at Chelmno: (6:50:24–6:51:6)
 - that there was extermination by gassing, on a huge scale, at the Reinhard camps, Belzec, Sobibor and Treblinka (5:126:24–5:127:4; 8:170:9–8:171:11; 19:193:14-17); and

- that there were gassings “on some scale” at Auschwitz (17:180:3).
- In the light of the historical evidence, most of which has been available for many years, those concessions were inevitable. What is remarkable is that, with the limited exception of (a)(i), P had since 1988 at least, not only not been willing to make them, but had, on the contrary, repeatedly and vociferously denied that these things ever happened (see (iv) below). Not only that, but he had gone to the trouble of removing the Holocaust in its entirety from the 1991 edition of *Hitler’s War*. This extraordinary volte-face seems to have had but a single cause: the Leuchter Report. Even if this document had had any scientific or historical validity (which it self-evidently did not: see further below), it only ever concerned Auschwitz/Birkenau and the use of Zyklon B. Thus P’s sudden conversion to denial of mass-murder by gassing not only at Auschwitz/Birkenau but at all the other extermination camps as well was wholly unsupported by any evidence. That being so, some other reason must be sought for P’s bizarre conduct. As to this, see further below.
- C Auschwitz/Birkenau (‘Auschwitz’, except when the context requires a distinction).
- The evidence for the generally accepted proposition that the Nazis systematically murdered hundreds of thousands of Jews and others at Auschwitz, mainly by the use of hydrogen cyanide pellets (Zyklon B), is, to the ordinary, dispassionate mind, overwhelming. It is set out in great detail in the Report of Professor van Pelt (see also section 2.1 of the Ds’ Statement of Case), his supplementary Reports and his evidence at trial.

- One reason why the evidence is as convincing as it is is that all the different categories or strands of evidence “converge” (to use van Pelt’s word) to the same conclusion. Thus, for example, the eyewitness accounts of the gassing procedure given on different occasions and in different ways by different people holding different positions at different times in the camp (Höss, Broad, Aumeier, Kremer, Olere, Jankowski, Dragon, Tauber, Kula, for example) are, in their essential features, all corroborative of each other (though, as is to be expected, they do not coincide in every detail, and some certainly contain some demonstrable errors). Moreover, when the ‘non-intentional’ evidence, such as contemporary plans, drawings and photographs, is examined, it is found to corroborate the eyewitness evidence. This is a particularly striking feature of the ‘convergence’, because the corroboration of the eyewitnesses is often provided by ‘non-intentional’ evidence which the eyewitnesses are unlikely ever to have seen. Thus, for example, it is difficult to see how Tauber’s account of the multiple-corpse incineration procedure at KII (van Pelt, pages 186-187; 192-193) could possibly have been based on the Topf patent application of 4 November 1942 (van Pelt pages 538-539; K2/4/6-8); or Olere’s 1945 drawing of the ground-plan of LKI at KIII (van Pelt, plate 3, following 160; K2/3/1) on the Allied aerial photographs taken in 1944 (van Pelt, plates 49-52, following page 369; K2/2, in particular, p5), which did not become available until 1979 (11:183:20-22) and which Professor van Pelt had had authenticated by Dr Nevin Bryant of NASA (van Pelt page 370; 10:31:1-26). Finally, there is the independent corroboration provided by scientific examinations and analyses: the Cracow Forensic Laboratory Report of 15 December 1945 (van Pelt, p198-9; K1/6), which found traces of HCN on zinc ventilation grilles taken from LKI at KII, thus providing not only general corroboration of the use of that cellar as a gaschamber, but also specific corroboration of the eyewitness testimony of Michael Kula (van Pelt, p197-8); the Markiewicz Report of 1994 (van Pelt p548-556; K1/7); and the Leuchter Report (indeed see further below).
- It was no doubt the recognition of the compelling nature of this evidence that persuaded P to ignore most of it in his xx of van Pelt and attention on LKI. Equally, he was driven under xx himself to accept that that cellar was indeed “used as a gassing cellar” – but only for “fumigating objects or cadavers” (8:86:18-22).
- This position is, of course, quite inconsistent with three other positions P has taken:
- His concession that there were gassings “on some scale” at Auschwitz (see B3(iv) above);
- His continued adherence to Leuchter’s chemical analysis;

- His proposition that LKI at KII could *not* have been a gas chamber because the remains of the roof do not show the holes through which the gas pellets were (according to eyewitnesses) thrown.
- The only other aspect of this topic which P still seems to dispute is the number of people murdered at Auschwitz; and he still maintains that LKI at KII (and, presumably, KIII) had a subsidiary purpose as an air-raid shelter.
- In these circumstances, the remainder of this part of this submission will deal only with the five outstanding areas of dispute noted at 7, 8(ii) and 8(iii) and 9 above.
- Leuchter Report (K1/1: references to pages herein, unless otherwise stated).

- P in effect accepted in xx that, apart from the results of the chemical analysis, Leuchter was in every important respect simply wrong (8:109:15–8:117:21; note in particular the answer at lines 20-21). Despite the fact that Leuchter’s sampling technique seems to have left something to be desired, the analysis of the samples he took from the remains of the (alleged) gaschambers in fact showed small traces of cyanide (see p15, para 6 and the table at p21). The sample taken from the delousing facility at Birkenau (no 32) showed a relatively high amount of CN. Upon the (wholly erroneous) assumption that a higher concentration of HCN was needed to kill humans than lice, Leuchter concluded that the remains from which the gaschamber samples had been taken could not in fact have been gaschambers (p15, para 7). This was utterly crass. In fact, as can be seen from the Leuchter Report itself, the position is precisely the opposite. Whereas the concentration of HCN needed to kill lice is about 6,666ppm, that required to kill humans is only about 300ppm, that is, about 22 times less (the former figure is calculated from the figures given at IX on p24 and the last line of the left-hand column on p5; the latter taken directly from Leuchter himself, in the first para under “TOXIC EFFECTS OF HCN” on p12 – where the concentration of 3,200 ppm “for execution purposes” is, of course, that used for the legal execution of single individuals in the USA). Thus, so far from showing that the alleged gaschambers were never in fact gaschambers at all, the Leuchter Report succeeded in providing persuasive evidence that they were. This must have been, and certainly must be now, quite apparent to P, who emphasises in his Introduction to the Leuchter Report (p6) that “chemistry is an exact science”. At an early stage, P received three critiques of the Leuchter Report, including a devastating critique from engineer Colin Beer, who demonstrated that Leuchter’s report was fundamentally flawed, not least because its hypothesised toxicity of 3,200 ppm was at least ten times too high (K1/5: the other two critiques are at K1/3&4). recognise the force of the criticisms (letter to Beer 12.1.90 K1/6; Van Pelt p612-616). Yet, publicly, P showed no hesitation in relying on Leuchter as exact scientific proof. As to why, in the light of these simple, but conclusive, demonstrations that the Leuchter Report was worthless, P embraced it so warmly and still clings to it so tenaciously, see further below. (P claimed to find support for Leuchter – who does not, as shown, support him anyway – in work by someone called Germar Rudolf; in the event, however, P never produced that work in court).
- The roof of LKI and KII

- P's adherence to his "no-holes-in-the-roof" rebuttal is, of course, relatively new. As far as Ds are aware, this argument was first put forward by P in his interview with Errol Morris on 8 November 1998 (K4/9/12, lines 22-24). Its relevance to the issues in this case, that is, the bona fides of P's Holocaust denials from 1988 onwards and his motives for making them, is therefore doubtful. But it is in any case a hopeless point, for the following reasons:
- Professor van Pelt, who had inspected them (which P had not), said that the fragmentary remains of the roof do not allow any firm conclusions to be drawn (see, for example: 9:190:10-18), and the photographs produced by P do not cast doubt on this;
- If, as P accepts, LKI *was* a gaschamber (but for gassing "objects and cadavers") it would always have needed apertures for inserting the Zyklon B since it never had any windows and only one gas-tight door;
- Moreover, if P were right that it was used for gassing objects and cadavers, concentration of HCN required for this would have been comparatively high, with the consequence that the need for tight-fitting apertures which could be opened and closed rapidly would, for the protection of the camp personnel, have been all the greater; finally, and conclusively,
- Quite apart from the eyewitness testimony, the alignment of the gassing columns in Olere's drawing of the ground-plan of LKI of *KIII* (K2/3/1) matches that of the aerial photograph of 1944 which is at K2/2/5 (LKI of *KIII*, with its zig-zag alignment of black dots, is at the extreme right of the right-hand photograph – and can even be seen, faintly, in the aerial photographs produced by P); while the "train" photograph, taken by the SS in late 1942/early 1943 during the construction of *KII* (K2/1/10-10A), shows rectangular protuberances which are very likely the (as yet uncovered) structures which are to accommodate the gassing columns.
- The use of LKI at *KII* and *KIII* for gassing objects and corpses.

- Quite apart from the weight of the evidence overall, there are three specific considerations which make a nonsense of this idea:
- In a letter dated 22 January 1943 (K2/4/20), when KII was in the course of being re-designed, an Auschwitz SS doctor wrote to the Kommandantur setting out his requirements for the dissection room and at the same time asking (last para) “for the provision of an *undressing* room in the basement rooms” (emphasis added). This begs the obvious question: why should there be a need for an *undressing* room as well as a dissection room in a facility that was intended only for the gassing of dead people and objects? This question was asked of P in xx, but he was unable to give a sensible answer (8:108:12–8:109:2). The SS doctor’s request of 22 January 1943 is then followed by worksheet references to the fitting of the ventilation in the undressing cellar (“*Auskleidekeller*”) in KII on 8 March 1943, and in KIII on 19 April 1943 (van Pelt pages 344-5; K2/4/42 and 48).
- By reference to slides of the original plans, and some axonometric reconstructions of his own, Professor van Pelt demonstrated, graphically, that P’s speculative idea was absurd; the plans were altered so as to remove the previously-planned corpse-slide, thus requiring the corpses to be “walked” through a series of small rooms, stairways and passages from the other side, and so as to change the way the doors opened from inwards to outwards, thus further impeding the carriage of corpses (11:40:23–11:52:5).
- P’s bizarre idea is finally destroyed by the fact that LKI in both KII and KIII had a gas-tight door “with a *spy-hole of double 8mm glass with a rubber seal and metal fitting*” (emphasis added: van Pelt, p345-6). This evidence is found in a letter from Bischoff, 31 March 1943, to the in-house workshop at Auschwitz (para 2; reproduced at K2/4/44-45). The last sentence of the paragraph states, “This order [for the gas-door for KIII; KII’s was already in place] must be considered very urgent.” The obvious questions which arise are:
 - why should a cellar intended for gassing *corpses and objects* need a metal-protected, reinforced spy-hole in its gas door?
 - Why should there be any urgency about the matter?
- It was obviously the recognition that the first of those questions, at least, was wholly unanswerable that led P, necessarily, to propose that LKI at KII (and KIII) must have had a secondary purpose: air-raid shelters.
- Use of LKI at KII (and KIII) as an air-raid shelter

- This ‘escape route’ for P is equally impassable for the following reasons
- the capacity of KI was sufficient to accommodate a maximum of 2,000 people, provided they were squashed together like sardines;
- Plainly, therefore, if they were intended to serve as air-raid shelters, they could not have accommodated the inmates (upwards of 100,000 people);
- Therefore, and in any event, they must have been intended for the SS;
- KII and KIII are, in terms of moving SS personnel to safety as quickly as possible in case of air attack, an impossibly long way – about 1½ miles – from the nearest SS accommodation at Birkenau, given that there was no direct route from one to the other (11:189:7-22).
- There was one “stray” air attack near Auschwitz at the beginning of May 1943 (report recently discovered by van Pelt and disclosed to P). But, by that date, the transformation of the plans had already long been completed and could not have been prompted by an air-raid that happened 4 or 5 months later. Moreover, the isolated air-raid in May 1943 prompted a request only for anti-aircraft weapons, not for air-raid shelter materials.
- The only air-raid shelter at Auschwitz was at Auschwitz I, close to the SS hospital. This was designed in the autumn of 1944 (11:190:12-21)
- While it is obvious that an air-raid shelter might well have a gas-tight door, and a spy-hole with a metal grille to protect it, the metal grille, if it was to serve any useful purpose, would have to be on the outside. The metal grille on the gas-doors of LKI, however, were on the *inside* (11:194:18-11:195:17; K2/6/8 (Pressac), documents 11, 12, & 13)
- If it is right that P’s two “escape-routes” are closed (see 13 and 14 above), then his (inevitable) concession that LKI was indeed a gaschamber leads to this stark conclusion: *it must have been used for gassing people*.
- It is therefore tempting to suggest that consideration of this last remaining element in P’s denial – numbers – is really otiose. Nevertheless, since it can be dealt with quite shortly, and since it involves another example of P’s double-standards in his approach to evidence, it is treated below.
- The numbers killed at Auschwitz

- It is obvious that, within a certain range of enormity, the actual numbers may be thought irrelevant (except by the people concerned). But P has repeatedly proposed (see (iv)(c) below) numbers which are so far below the bottom end of the range which is generally accepted by reputable historians, that if his “estimates” can be shown, like the other aspects of Holocaust denial dealt with above, to be the product of wishful thinking and cynical opportunism rather than well-based, properly conducted historical research, then that may shed further light on his underlying motives, as well as on his integrity as an historian. P has three main grounds for alleging that the numbers have been greatly exaggerated:

- the “death books”;
- the decrypts
- incineration capacity, including coke consumption.

- The “death books”:

- These emerged some time ago from Moscow. They are incomplete. They show a total of some 74,000 *recorded* deaths from various causes.
- They relate, however, and could only ever relate, to the deaths of prisoners *registered* upon arrival at Auschwitz, that is, those destined to be accommodated in the camps at Auschwitz and, more particularly, Birkenau as workers (for a time at least).
- There was, however, a preliminary process, which involved separating those deemed to be fit for work from the rest. This was called “selection”. The vast majority, including the old, young children, and mothers with small children, were “the rest”. They were gassed immediately without ever being registered; their deaths never recorded.
- There is a great deal of evidence about this, from both sides (perpetrators and surviving victims), much of which is recited by Professor van Pelt in his report (see, for example page 110-11 (Pohl); 262, 265-6 (Aumeier); 273, 275 (Kramer), 276-7 (Klein), 278-9 (Hössler), 291-2 (Wisliceny), 293-4 (Vaillant Couturier), 296-7 (Schmaglevskaya), 299-301 (Höss; and elsewhere)).
- Pictorial confirmation of this process is found in the photographs taken by the SS during the “Hungarian action” in the summer of 1944 (H2vi/4). The significance of these photographs, and the way in which they corroborate the eyewitness accounts, was explained by Professor van Pelt in re-x: 11:172:23–11:179:22

- In the result, the fact that the “death books” fail to record the deaths of perhaps 1 million people killed on arrival is unsurprising and inconsequential.
- The decrypts.
- The British succeeded in decoding a large number of German police radio messages during the war. Some of them came from Auschwitz. None mentioned gassings.
- It is not to be expected that they would, for exactly the same reasons that the “death books” did not (as Professor Hinsley told P in his letter of 17 June 1991: J1/3/3A).
- There was also a strict obligation of secrecy on the camp personnel, which forbade them from keeping any written records of the gassings (van Pelt, p265-6 (Aumeier); K2/4/48A).
- Incineration capacity.
- By letter dated 28 June 1943, Höss informed Berlin that the incineration capacity of Auschwitz/Birkenau was 4,756 corpses a day (K2/4/49).
- P is unhappy about this document (as he usually is about documents he does not like). The only “oddity” about the document (which is an original copy of an original document) is that it does not have a date in its reference in the top left-hand corner. As Professor van Pelt explained (9:148:14–9:149:8; 13:3:30–13:6:12), there are two different original copies made from the same original document, one in the Moscow archive which the Soviets took from Auschwitz when they overran it, which has been there ever since, another from the archive at Domburg in the former DDR. It had been used at the trial of Höss in 1948, and again at the trial of Dejaco and Ertl in 1971. Professor van Pelt saw no reason at all to doubt its integrity and thought that if it was a forgery it was a very bad one.
- Apart from the provenance and the internal evidence of the document, there was another good reason not to suspect it of being a forgery made by the Communists: its stated capacity of 4,756 corpses/day was very significantly *lower* than the figures which the Soviets and the Poles had published at the end of the war (see van Pelt p207), which suggests that the document is hardly likely to be a piece of Communist propaganda.
- If, therefore, the document is genuine (as it plainly is), the capacity it reveals far exceeds the mortality rate that could be expected from “natural” causes during 1943 (this was fully explained by Professor van Pelt in evidence: 9:131:8–9:137:6).

- Professor van Pelt also explained why the consumption of coke at Auschwitz was as low as it was 3.5kg per corpse (9:145:26–9:152: 26; also on pp34-35 of part 2 of his First Supplementary Report). In essence, it was for two reasons (both of which are corroborated by eyewitnesses such as Höss and Tauber): first, because the incinerators were run continuously; and second, because multiple-corpse incineration used the corpses themselves as fuel.
- For these reasons, P's reservations about incineration capacity are groundless.

- P's statements as to existence of gas chambers at Auschwitz and elsewhere (including statements about Leuchter report)
- P's statements as to existence of systematic policy of extermination
- P's statements as to numbers of Jews killed
- P's statements that gas chambers are a propaganda lie invented by British intelligence
- Whether P's statements are consistent with the evidence

This section identifies a number of statements made by P which demonstrate beyond any doubt that he is, and can rightly (indeed should) be described as, a Holocaust denier. It includes only statements made by P *before* the trial of this action. As identified in the list of issues, it covers P's statements on the following topics:

- as to the existence of gas chambers (paragraphs 1–42);
- as to the existence of a systematic policy of extermination (paragraphs 43–44);
- as to numbers of Jews killed (paragraphs 45–48)
- as to the assertion that the gas chambers were a propaganda lie, invented by the British (paragraph 49).

In section (e), the question whether P's statements are consistent with the evidence is addressed briefly (paragraph 50).

- *statements made by P as to the existence of gas chambers at Auschwitz and elsewhere.*

This section gives examples of P's statements about the existence (or, as he would have it, the non-existence) of gas chambers. It comprises four sections:

I: General statements: no gas chambers (paras 1-7)

II: Auschwitz: no gas chambers (paras 8-33)

III: Other camps: no gas chambers (paras 34-36)

IV: Gas vans (paras 37-39)

The first section contains examples of statements by P in what appear to be entirely general terms that there were 'no gas chambers'/'no factories of death'. There are more numerous examples of P denying that there were gas chambers at Auschwitz (see next section) – but even when speaking about Auschwitz, P often suggests that because there were no gas chambers *at Auschwitz*, there were no gas chambers anywhere else (P states, for example, that he regards Auschwitz as the 'tent-pole' of the Holocaust, calls for the sinking of 'Battleship Auschwitz' and so on). In some cases, P refers specifically to other camps (see third section); and to gas vans (fourth section).

I No gas chambers (generally)

- Calgary, Alberta – 29 September 1991 – K3/9

- *‘..until 1988, I believed that there had been something like a Holocaust. I believed that millions of people had been killed in factories of death. I believed in the gas chamber. I believed in all the paraphernalia of the modern Holocaust. But 1988, when I came to Canada and gave evidence in the trial of Ernst Zündel, as an historian, I met people who knew differently and could prove to me that that story was just a legend. I changed my mind and I’ve now revised the Hitler book so that all reference to Auschwitz and the gas chamber and the factories of death have now been totally removed and eradicated.’* (p4). In this talk (as in many others), P refers to his request that journalists who interview him should sign a declaration that they believe in the ‘existence of gas chambers’ during WW2 and ‘factories of death’ in which the Nazis killed their opponents; when asked why they should sign, he tells them: *Because two years from now you’re going to be saying ‘we knew all along there were never any gas chambers’* (p10) At p22 of this talk, P says that it is true that he “no longer accepts that there was a systematic slaughter of Jews in the Nazi concentration camps” and continues that audiences who hear him speak “*go away worried whether the gas chambers and the death camps and the factories of death really did exist or is this really the biggest lie of the 20th Century.*”)”
- Clarendon Club, London – 15 November 1991 – K3/11
- *‘The biggest lie of the lot, the ‘blood libel on the German people’ as I call it, is the lie that the Germans had factories of death with gas chambers in which they liquidated millions of their opponents.’* (p2) (see also: pages 2-3: where P again refers to the declaration he asks journalists to sign (for the reasons given above); page 6: where P states that Leuchter’s *‘truly epoch-making investigation of the gas chambers at Auschwitz..converted me, made me into a hard core disbeliever...’*)
- CBC Newsworld – 10 July 1992 – D2ii/13
- *‘I don’t see any reason even now to believe in gas chambers’* (p3) [The preceding question included a statement that P had *‘denied the existence of the Holocaust’* in his work – P showed no dissent about that proposition (he answered that nothing in the Goebbels Diaries had made him change his view about it).]
- 11th IHR Conference – 11 October 1992 – K3/13
- *‘But I don’t accept that the gas chambers existed, and this is well-known. I’ve seen no evidence at all that gas chambers existed.’* (p22) [This was in the context of the Eichmann memoirs – and P accepting limited/experimental use of gas vans (see below). See also p21, where P suggests that the absence of documentation in the archives confirms there were no gas chambers: *“If there’s no wartime document that says there was a Führer order, if not wartime document talks of gas chambers, then there has to be some explanation of that.”* P had, of course, read in the PRO in June 1992 what Aumeier had to say about gas chambers at Auschwitz: see section 5(i)q above)]

- The Search for Truth in History – Banned – 1993 – K3/15 (P's video for Australia)
- *'...when I attended a court case in Toronto..., when I saw those forensic reports, that's what tilted me into becoming a 'hardcore disbeliever' in the Holocaust. I don't believe in gas chambers now because having at university studied analytical chemistry, quantitative and qualitative analysis, I know that unlike writing history, chemistry is an exact science.'* (p19)
- *Ich Komme Wieder* – 1993 (video for German): K3/15A
- *"...there were no factories of death. And whoever says that pronounces a blood-lie against the German people"* (page 28-29) P again refers to his declaration for journalists, which he asks them to sign: *"Because it's quite clear that in one or two years there won't be a single journalist in the world who is prepared to claim, not even orally, that he believes in the gas chambers. And I want to collect those signatures now. Do you know, in two years, you'll probably be amongst the first journalists who claim, yes, we always knew there were no gas chambers."* (page 21-22)
- The Holmes Show (P filmed in London) – 4 June 1993 – K3/16
- *'...I don't buy the factories of death story; I don't buy the gas chambers.'* (p1)
- 12th IHR Conference (Revelations from Goebbels' Diaries) – September 1994 – K3/18
- *'Although we revisionists say that gas chambers didn't exist and that the 'factories of death' didn't exist...'* (p15)
- P made similar claims in letters, for example:
 - Letter from P to Zitelmann 21 May 1989: *"It is clear to me that no serious historian can now believe that Auschwitz, Treblinka, Majdanek were Todesfabriken. All the expert and scientific (forensic) evidence is to the contrary"*
 - Letter from P to Hugh Dykes MP 30 June 1989: *"...if you persist in believing in gas chambers, you are on a loser."*
 - Letter from P to MPs (November 1989): *"...even the notorious "gas chambers" are now turning out to have been a fiction, a "grotesque lie"..."*
 - Letter from P to Marcellus (IHR) 16 January 1992: *"my position remains unchanged...the gas chambers and factories of death are Hollywood legends."*

(for the first of these, see D8i/i/222; for the other three, see pages 52-53 of the Ds document "examples of statements by P: Auschwitz/denial", inserted @ the front of K3, and the attached letters).

II No gas chambers (Auschwitz)

P has repeatedly claimed that there were no gas chambers at Auschwitz. In making that claim, he relies on the same or similar themes repeatedly. These themes include the following:

- the Leuchter report (*Leuchter*). He first relied on Leuchter in his evidence at the 2nd Zündel trial in 4.88 – P then claimed that it was forensic proof that there were no gas chambers ('exact science').
- the Auschwitz 'death books', released by the Soviets on 21.9.89 (showing a total of 76,000 deaths and their causes) (*death books*)
- the decrypts obtained by the British of communications from Auschwitz. P relies on a single sentence from Hinsley's 3 volume 'British Intelligence in the Second World War: Its Influence on Strategy Strategy and Operations' (P gives publication date of 1984) (*decrypts*)
- the amount of coke used by Auschwitz and/or the capacity of the crematoria at Auschwitz (*coke*)
- the unreliability of eyewitness evidence (*eyewitness*). P's claims include that people imagine that they have seen things; that if someone has been on the periphery of a great historical event, they work themselves into the centre of it; that it is a psychological phenomenon; that it calls for psychiatric (or psychological) examination. Or that they are liars. P also claims that the fact there are survivors show there was no extermination programme.
- the evidence from the British archives that it was all invented by the PWE. The propaganda flywheel starts to spin – and no-one stops it afterwards and the lie is spread (*PWE invention*). This is dealt with in section (d) below.
- the absence, so P says, of any authentic wartime documents referring to gas chambers (*no documents*). He uses his apparent authority as someone who has worked in the archives for 30 years to emphasise this statement. In some speeches, he refers to Pressac and/or to individual documents.
- That the gas chamber as shown to tourists is a fake/dummy (*fake*). Again, this is often used to suggest that, therefore, there were no real gas chambers.

P's claims that there were no gas chambers at Auschwitz are clear proof that he is, and can be described as, a Holocaust denier.

His claim that more people died in Senator Edward Kennedy's car at Chappaquiddick (that is, one person) than died in a gas chamber in Auschwitz is enough – without more – to establish him as a Holocaust

denier. This was not a one-off remark by him. He used the same scripted ‘line’ – together with most offensive remarks about eyewitnesses – in at least three different speeches (see Latvian Hall, Toronto 8.11.90; Calgary 29.9.91 and Milton 5.10.91, below). He sought laughs from his audience. He invited them to treat survivors with contempt.

When the court was shown the transcript of the relevant part of the Milton video, referring to P’s ‘Chappaquiddick’ theme, P tried to lie about what he had said, in an attempt to escape the obvious conclusion. *“The applause drowned the rest of the sentence, unfortunately, which is ‘in the gas chambers of Auschwitz which are shown to the tourists’: 29:27:8–29:29:1.* The video was played. The underlined words were, clearly, not spoken by P on that occasion. Nor by him in Calgary. P’s denial that anyone was killed in a gas chamber in Auschwitz was in absolute and categorical terms.

- Christchurch, New Zealand – 26 March 1986 – K4/3
- *This extract is included to show P’s stated position as at 1986, before his appearance at the Zündel trial; before he read the Leuchter report. “Q: What is the proof about the gas chamber and how many Jews had been killed? P: I don’t want to get into that argument..it’s really an unnecessary question. [P refers to Dachau and the dismantled gas chamber..] ..which were just an invention of the American army. That is the only gas chamber that was ever upon German soil. The gas chambers which we all know about supposed to have existed on Polish soil, I haven’t investigated them, I don’t intend to investigate them, I am too valuable for that.’ (p40)*
- P in evidence at the Zündel trial Toronto, 25 April 1988 – K3/1
- (P on the subject of extermination camps) *“P: I have carried out no investigation in-depth in equivalent depth of the Holocaust. Q: But your mind changed? P: My mind has now changed. Q: You no longer believe it? P: I have now begun to challenge that. I understand it is now a subject open to debate. Q: But your belief changed even though you didn’t do any research, is that what you are saying? P: My belief has now changed because I understand that the whole of the Holocaust mythology is, after all, open to doubt and certainly in the course of what I have read in the last few days, in fact, in this trial, I am now becoming more and more hardened in this view. Q: As a result of what you’ve read in the last few days? [That is, Leuchter] P: Indeed.”*
- Toronto – August 1988 – K3/2

- *No gas chambers*: p6, 11 *Leuchter*: p11, 21 No trace of cyanide in buildings identified as gas chambers; 1,000 times the normal level in disinfecting chambers for clothing (p11); praises the magnificent work (of Zündel) on the capacity of the crematoria (21) *Eyewitness* p13-14 P claims the War Refugee Board report (Vrba) was fictitious and the concoction of a propaganda agency (and that Vrba was not called at Nuremberg because of this – 17). P refers to Marie Vaillant Couturier (see section 5(i)p above) *PWE invention* p15-16 (see section (d) below) *No documents* p6 P found no documents in any of the archives of the 'entire world' when writing 'Hitler's War' to show that Hitler knew about Auschwitz. '*..whatever it was that was happening [in Auschwitz], Adolf Hitler did not know about it. This was the kind of half-way house in my conversion.*' P refers to 'one, or two, or three documents' that you come up with if you try to find the evidence that Auschwitz was an extermination camp (together with eyewitness evidence).
- Foreword to the Leuchter Report – June 1989 – K3/3
- *Leuchter*: no trace of cyanide; design/construction meant use as mass gas chambers was not '*feasible under any circumstances*'; lab conclusions were '*shattering*'.
- Leuchter Press Conference – 23 June 1989 – K3/4
- *No gas chambers*: eg p2, 8, 15, 34, 44 p2: '*...the buildings which we now identify as gas chambers in Auschwitz were not*'. p8 '*I cannot accept that they had gas chambers there*' [Auschwitz] p15 '*There was no equipment there for killing people en masse*' (and hydrogen cyanide is wonderful for killing lice, but not so good for killing people, unless in colossal concentrations; the 'gas chambers' were '*routine designed crematoria*'.) p34 '*I'm quite happy to nail my colours to the mast .. and say that to the best of my knowledge, there is not one shower block in any of the concentration or slave labour camps that turns out to have been some kind of gas chamber ... My testimony is that the forensic evidence suggests that they [Jews] can't have been killed in gas chambers at Auschwitz...*' (although he accepts at Auschwitz there were executions, shootings/ starvation/epidemics) *Leuchter*: p2, 4, 40 (Leuchter and aerial photographs cancel out the Wannsee Conference and all the rest), 43-44, 46 (and see the questioning, pressing P on why he accepts this one report – p27-29) '*You cannot challenge the validity of these laboratory reports.*' (p4) *Eyewitness*: p8, 10, 24, 35 '*The eye witness testimonies of the survivors of Auschwitz first of all have been dismissed by eminent Jewish historians now as being largely worthless.*' (8) '*I cannot believe eyewitness testimony because it is all mutually contradictory*' (p10) '*Anyone who's described gas chambers in slave labour camps at Auschwitz or elsewhere is to my mind making it up.*' (p35) P refers to Marie Vaillant Couturier (see section 5(i)p above) *PWE invention*: 3, 16-18 (see section (d) below)

- Dresden – 13 February 1990 (no tape or transcript, but see K3/6, page 493)
- *'..the holocaust of Germans in Dresden really happened. That of the Jews in the gas chambers of Auschwitz is an invention. I am ashamed to be an Englishman.'*
- Moers – 9 March 1990 – K3/5
- *No gas chambers: p8-9 '..there were no gas chambers in Auschwitz, there were only mock-ups built by the Poles in the post-war years.'* Leuchter: p9 (which 'convinced' P), p13 *'the laboratory tests are absolutely reliable and entirely accurate'* (p13) *Death books: p12 Eyewitness: p13-16: includes that no Auschwitz survivor wants to admit they were on potato peeling duty – p14; that Hoss is a false confession (see the Russian show trials) – p14-15; and refers to false claims by eye witnesses. P tells the 'one-man gas chamber' story: "Well, it was disguised as a telephone box.. How are you going to get me to climb into it? There is probably a telephone which rings, and the man .. waves and says "It's for you". It's laughable, isn't it?... We can all laugh about it, in this little intimate circle, but the other witness statements are equally ridiculous. So the eyewitness statements are a case for the psychiatrists.'* (p16) *PWE invention: p17-19, 21 (see section (d) below) No documents: p18 (there is always paperwork in Nazi Germany – even when there is an order that no paperwork be created) Fake: p8-10 (includes Poles drilled holes in the roof of KI in the Auschwitz Stammlager camp after the war)*
- Munich – *Wahrheit Macht Frei* – 21 April 1990
- No full tape or transcript. In P's reply @paragraph 3(a) (page 7) he accepts that he said that there were no gas chambers at Auschwitz and contends that that statement is true.
- 10th IHR Conference – 14 October 1990 – K3/6
- *No gas chambers: p499, 501, 503 '..the biggest weapon..in this propaganda campaign against the truth since 1945 has been the great Battleship Auschwitz . ..the major task: Sink the Auschwitz!'* (p499) Although the published version of the speech does not include P's supposedly humorous reference to the Association for the Survivors, Survivors of the Holocaust and Other Liars (ASSHOLs), that comment was made by P (see Milton below; and the correspondence @ RWE1/1 /61-62). *Leuchter: p501 Death books: p500 Decrypts: p501-503 Eyewitnesses: p503 No documents: p498-9, 501-2 Fake: p505-6*
- Victoria, British Columbia – 27 October 1990 – K3/7

- *No gas chambers*: p3, 4, 5-6 (Sink the Auschwitz), 13, 14, 17, 20, 24 *'Why do they have to fake and forge and counterfeit and lie and cheat' (17) Leuchter*: p5-6 *'.. this is what converted me' death books*: p7-8 (and the 'card index') *decrypts*: p10-11, 13 P suggests it is *'interesting'* that Hinsley thought it *'necessary'* to put his *'sensational finding in one sentence in an Appendix to his multi-volume official history and not to draw any attention to it at all'(p13) Eyewitness*: p14-15 (includes that they could not have seen what *'never existed'*, case for the psychiatrists) *No documents*: p12-13 Although he does refer to Pressac and '3 or 4' documents (p21-22), including the document referring to *vergassung* (meaning to gasify, as part of the cremation process) (p21) and the letter referring to *vergassungsoperationen* (no security stamp) (p23) *Fake*: p16-17
- Latvian Hall, Toronto – 8 November 1990 – K3/8
- *No gas chambers*: p11, 14-15 (Battleship Auschwitz), 15-16, 25-26 *'..I'm going to be very tasteless this evening... Why should we be considerate about people who have hundreds of millions of people for 45 years?' ..more people died on the back seat of Senator Edward Kennedy's motor car at Chappaquiddick than died in the gas chamber at Auschwitz [applause]' (16) Leuchter*: p23-24 (includes claim that there is no connection between the chimney/furnace at KI) *PWE invention*: p12-13 (see section (d) below) *Death books*: p16-18, 20-21, 25-26 (claims that there are 'trainspotter' guides to Auschwitz numbers [18]) *Decrypts*: p21-22, 24-26 *Eyewitnesses*: p26, 33 *No documents*: p26-28 (Again, refers to the *'one document'* containing the word *'vergassungskeller'* – to gasify, as in a car [26], to Pressac; and to the *'vergasungsoperationen'* letter – delousing buildings/no security stamp ('janitorial level') [27])
- Calgary, Alberta – 29 September 1991 – K3/9
- *No gas chambers*: p4, 9-10, 14, 16-17, 31 (again, P says @p31-32: *'I say quite tastelessly, in fact, that more women died on the back seat of Edward Kennedy's car at Chappaquiddick than ever died in a gas chamber at Auschwitz [laughter]. You think that's tasteless, how about this? There are so many Auschwitz survivors going around, in fact the number increases as the years go past, which is biologically very odd to say the least. Because I'm going to form an Association of Auschwitz Survivors, Survivors of the Holocaust and Other Liars, or the 'ASSHOLS' [laughter]'* Leuchter: p4, 11-12, 14 *'..it was the forensic tests on the gas chambers in Auschwitz which has totally exploded the legend' (p11) 'The Leuchter Report is the biggest calibre shell that has yet hit the Battleship Auschwitz.' (p12) '..there were no gas chambers in Auschwitz, as the forensic tests show' (14) Death books*: p24, 31 (*'sent a shudder through every Jewish so-called refugee around the world'*) *Decrypts*: p24 *Eyewitness*: p14, 31-32 *'They are liars' (p14) and see the ASSHOLs remark above.*
- Bayerische Hof, Milton, Ontario – 5 October 1991 – K3/10

- *No gas chambers*: p4, 6 (two years from now, everyone will say they never believed in gas chambers and always knew it was a legend), 11-12, 13
Leuchter: p15, 24, 25 (claims Cracow tests showed same result) *'..those historic forensic tests..'* (p15) *'..first forensic tests on Auschwitz, which convinced me and converted me, and which in the meantime have converted thousands of other people'* (p24) *Eyewitness*: p16-17 (includes Dachau; the 'one-man gas chamber' story; the suggestion that eyewitnesses were a case for psychiatry) P again suggests that more people died in Chappaquiddick in Senator Kennedy's car than in gas chambers at Auschwitz; and makes the reference to the ASSHOLs society for survivors of Auschwitz, saying:
"...you've got to be tasteless because these people deserve all our contempt" *Death books*: p16 *Fake*: p13
- Chelsea Town Hall – 15 November 1991 – K3/11
- (meeting addressed by P, Faurisson and Leuchter) *No gas chambers*: p2 (see quotations in para 2 above) p2-3 (refers to the declaration he asks journalists to sign) *'Two years from now, nobody in the world will believe in these absurd legends any longer'* (p2) *Leuchter*: p3-4, 6, 10 (P referred to Leuchter, who had begun a speech but been arrested, as *'this rather unprepossessing character'*) *'...Leuchter Report...shows quite clearly that according to chemical analysis, which is an exact science.. And if these samples yielded no significant trace of cyanide whatsoever, then there has to be a scientific reason for it. ... So Fred Leuchter is poison for the whole of the Holocaust legend.'* (p4) *'...after Fred Leuchter did his truly epoch-making investigation of the gas chambers at Auschwitz, the forensic laboratory tests which yielded the extraordinary result which converted me, made me into a hard-core disbeliever, the forensic laboratory tests which showed no significant trace whatsoever of cyanide in rooms where apparently millions of people had been gassed with cyanide....'* (p6) *PWE invention*: p3 (see section (d) below)
- Interview with This Week – 9 November 1991 (broadcast on 28 November 1991) – K3/12
- *No gas chambers/PWE invention* When P is asked about a speech he had given in Germany that evening in which he told his audience that *'the gas chambers were a fiction'*. P said: *'Oh yes, the gas chambers are a very clever piece of propaganda that we British very cunningly connived at and contrived during WWII and that is my considered opinion as a British historian and I think in two, two or three years people will accept I am right'* (p5). P is asked whether it was important for him to get over to a German audience that people were told lies about the gas chambers/that they never happened. P: *'I prefer the word legends. It is, in fact, a lie. Propaganda is basically lying, but what is now going around isn't a lie, it's a legend....'* (p6) *Fake*: p5
- CBC Newsworld Interview (P at home) – 7 July 1992 – D2ii/13

- (interview at time of Sunday Times/Goebbels Diaries serialisation) See quotation in paragraph 3 above.
- 11th IHR Conference – 11 October 1992 – K3/13
- ‘The Suppressed Eichmann and Goebbels Papers’ *No gas chambers*: p18 P notes Eichmann admits mass shootings in Russia, but in his papers *‘there’s no mention at all of gas chambers’*. P says that he was *‘able to get the message across’* in press interviews in January 1992 [after it was suggested he had recanted]) p20 Eichmann describes grisly sights, but not gas chambers: *‘I find that a very significant omission’* (contrast p21: P suggests that Eichmann’s reference to a Hitler order for *‘physische Vernichtung’* of the Jews was an attempt to find extenuating circumstances). *Eyewitness*: P refers to the Höss memoirs *‘They’ve always been a problem - let’s be frank about this – they’ve been a problem to revisionists’*, but suggests that Eichmann’s memoirs are *‘annihilating’* – Höss figures are *‘totally fantastic’*, because so many Jews could not have transported, there was not enough rolling stock – see p20; – also refers to Höss memoirs as the *‘keystone of the Holocaust legend’* at p22; *No documents*: p21 *‘.. any historian can now confirm that nowhere in all the archives of the world has yet been found one wartime document referring to a Führer’s order to destroy the Jews, or for that matter, one wartime document referring to gas chambers or gassings... If there’s no wartime document that says there was a Führer order, if no wartime document talks of gas chambers, then there has to be some explanation for that’* (p21)
- The Search for Truth in History – Banned – 1993 – K3/15

- (Made after P was banned from entering Australia – see p1-4) *No gas chambers*: p4 (legend/blood lie on the German people) (see para 5 above) p18 *'Where did the Holocaust legend come from? You note I don't say Holocaust lie because to say that it's a lie implies first of all you don't believe any of it, and parts of it have to be believed. To say it's a lie also implies that it's a malicious lie, that people know it's a lie and they've been spreading it knowingly as a lie for the last 50 years. I call it a Holocaust legend because then it has something like the quality of a religion almost. You believe things because you've been told it by people who seem reliable....It's a long chain of gullible people who over the last 50 years have been told it and have believed it because they had no reason not to believe it, and this is why the Holocaust legend has survived until now because nobody has come forward really with any kind of credibility and has rattled at the foundations of that legend and said OK, prove it.'* p22 *'...it is only fair that I should mention the evidence against .. the likelihood that these gas chambers didn't exist. The evidence is pretty weak, but it needs to be mentioned. First of all how do you explain the eye witnesses, hundreds of eye witnesses, thousands of eye witnesses. Now in every newspaper you see them parading their tattoo marks. Secondly, what happened to the Jews then. They can all say I had a friend whose entire family vanished in World War II. And thirdly, if the gas chambers didn't exist, then where did the legend come from. How do you explain where they come from. These are three important questions that we have to face now.'* [over the next pages, he dismisses all three questions: p22-26] p27 *'...The Holocaust legend is fizzling out. I said two years ago, it probably only had two years left to survive. Probably I was wrong, it probably has about another six months even now, but then it is finally dead. World wide it is played out....'* Leuchter: p18-20 – *'Explain to me for example how it's possible to gas millions of people in gas chambers and yet leave no significant residue of the poison gas used, hydrogen cyanide, in the fabric of that gas chamber. And our opponents say "hey, hey hey, 50 years later you don't expect to find residues of a gas in a gas chamber". The answer is you do, and any chemist worth his salt, excuse the pun, any chemist worth his salt will confirm it'* (p18-19) – [P refers to the 'little gas chamber' – with gas-tight doors and a peephole and rails, used for fumigating prisoners' clothing (where there are Prussian blue stains on the outside) – a few hundred yards away from the [alleged homicidal] gas chambers (where there was no trace)] - *'...when I saw those forensic reports, that's what tilted me into becoming a "hardcore disbeliever" in the Holocaust. I don't believe in the gas chambers now because, having at university studied analytical chemistry, quantitative and qualitative analysis I know that unlike writing history, chemical analysis is an exact science..'* (p19) – Refers to his own publication of the Leuchter Report in the UK: *'I wrote the introduction to it, in which I said that it was flawed, there were loopholes of course. I would have liked personally to have seen those 40 samples that Leuchter took, notarised, each one notarised by a lawyer. You want to be sure beyond any peradventure that the samples did come from the gas chambers and not from a BP*

petrol station on the road on the way to Auschwitz for example, just for example And at the press conference that I held in England, not without difficulty to launch the Leuchter Report, I mention the difficulties there because already our traditional enemies were panicking.' (p20) [P refers to the Cracow tests:] 'He took 20 samples from the fumigation chamber and the alleged lethal gas chambers in Auschwitz and to his great embarrassment when the results came back from the state forensic laboratory in Krakow it was exactly the same as Leuchter and his laboratory had found out two years before..... Another crucial piece of evidence that we're right and that they are lying. But that's not the only evidence that the gas chambers didn't exist.' (p21) Capacity of crematoria: p25 (from the number/handling capacity of the Auschwitz crematoria – you would expect about 100,000 deaths) PWE invention: p12-13, p25 (see section (d) below) Death books: p24-25 Decrypts: p21, 25 'I think probably the most significant piece of evidence is what we British ourselves did in the war, we actually broke the code of the SS and we began reading in 1942 the coded top secret messages of the Commandant of Auschwitz reporting back to Berlin.... Nearly all the deaths in Auschwitz said Hinsley were from epidemics and disease and I quote Hinsley verbatim he said "there is no reference in the intercepts to any gassing". Remember these are the top secret signals written in the top secret code of the SS, so there can be no question of Höss writing something for the benefit of historians after the war.' (p21) Eyewitness: p10-11, 22-24 '...they can no longer believe the eye witnesses, because the more eye witnesses who come forward..., somehow the less credible it seems. (p10) ...all the time the story is becoming less credible not more' (p11) [refers to Wiesel] p22 Of these three questions, the question about the eye witnesses is the most sensitive because it's difficult to answer it without offending, but I think that it's important, you have to answer it, because it's the one that first springs to mind. Everyone has seen an eye witness. They are there in newspapers, they are there on television, they're usually very voluble, their stories are streamlined. Any Judge will say given a choice between forensic evidence and an eye witness he will prefer the forensic evidence every time.... And it shouldn't be any different just because we are dealing with Holocaust survivors in the Jewish community. They have no special right to be believed...' p22-23 'Now, I said that the eye witnesses are in fact a matter for psychological examination I think. Psychiatric examination even. ...but I don't mean that in an offensive way. I wouldn't mind it if somebody said about me that some of my statements need to be psychiatrically analysed because the human being, the psyche, is a very complex instrument.' p23 '[an Auschwitz survivor] has probably been questioned by her friends and neighbours and relatives for the last 50 years about Auschwitz and she can't very well describe her everyday life as centring around the peeling of potatoes or some other menial task. She knows that the people who are questioning her about Auschwitz want to hear about the crematoria and the gas chambers and after a time she describes the crematoria and the gas chambers, because human pride demands that she not have been in one of the other barracks, perhaps five

miles away from the crematorium but right next door to it. It's a matter of human pride and we can't really begrudge these people for placing themselves and their recollections so close to the event, so close to the heart of the particular trauma. They're not dissimulating, they're not being consciously mendacious.' [memory affected by tv/books/films etc – all know what a 'gas chamber' looks like] p23-24 *'..at the beginning of the episode, at the beginning of history of this particular tragedy, back in 1945 with the eye witnesses so called in question, they were at that time very few in number, their eye witness descriptions of the gas chambers and the gassing procedure, all wildly contradicting each other in a manner which would be totally impossible if they were actually describing something they had seen only a few weeks earlier. By now in the 1990s the images are streamlined.'* p24 *'The eye witness survivor testimony is very shaky. It's far too shaky on which to base the condemnation of an entire nation, namely the German nation, in my view, and I think probably any sober and independent Judge would probably back me up on that.'* p24 The number of survivors begs the existence of an extermination programme; is 'paradoxical'; were the Nazis 'sloppy in some way? Sloppy Nazis, that just doesn't go, does it?' No documents: p10-11 *'They can't find the evidence in the archives, they can't find the evidence in the museums....(p10)... surely the archives should by now produce one single sheet of paper bearing that word gas chamber in German. But they don't. Nowhere in any of the archives of the world and I have worked in them for 30 years now, nowhere is there one single sheet of German wartime documentary evidence referring to gas chambers, or factories of death or any of these propaganda words that we British invented so cleverly in 1942. And so they have to protect the legend now with laws.'* Fake: p9-10, 12

- Holmes Show – 4 June 1993 – K3/16
- No gas chambers: p1 (see para 6 above) No documents: p1 *'I've been working in the archives for about 30 years, and ..after looking at all the documents [P refers to shootings]... But I don't buy the factories of death story, I don't buy the gas chambers, I'm afraid. I've not seen in all the German archives one single one single authentic war-time German document referring to gas chambers and there should be one surely, we've been at it now for 50 years'*
- P's videotape "Ich komme wieder" ('I'll be back') – 1993 – K3/15A

Video in German; intended for distribution in Germany after P is banned (P's diary 18.11.93 – suggested by P as a project to Philipp: RWE2/10/45)

lie/legend

page 1

"In Germany, in contrast, the lie is an intrinsic part of legislation. The lie is protected by law. And whoever would oppose it, will be punished".

page 5

"..All German historians are liars and cowards. There is no question of contempt for humanity. An international campaign for real history. An international campaign for realistic historiography. I am gradually beginning to gain acceptance – and here now I am able to make the prediction that within two years nobody will believe in the great lies any more which have been burdening the conscience of the entire German people for 45 years..."

- pages 21-22: P again refers to the declaration (the full text of which appears on screen) he asks journalists to sign:

no gas chambers at Auschwitz

page 16

"...We are not fools, we know where the truth lies. But it is very clear that in Germany one is not willing to say certain things. It reminds me of a case in Remscheid two or three years ago where I was allowed to appear as an expert witness for the defence, and at the end of this case the judge said to me, it was about a teacher in Remscheid who had coined the fatal expression "there were no gas chambers in Auschwitz." This teacher was stripped of his job, his pension, his future, everything because he had told the truth,....."

page 24

"But there is further proof that right is on our side on the point of Auschwitz. And isn't it strange, my ladies and gentlemen, that when we claim, when I say there were no gas chambers in Auschwitz in front of a German public, it is a crime because, according to a judgement by the constitutional court of the Federal German Republic, an insult to the reputation of the dead. I didn't know that. Who could have thought as a right-thinking, sensible person, that when I say that there were no gas chambers in Auschwitz that I could insult the reputation of dead people. But that is German justice. German justice has always

been a parade, ever since the beginning of the century. And has really not changed. In the Weimar republic, in the Third Reich, also in the Federal Republic, the jurists click their heels together and say "yes, sir". Nothing has changed, but that they no longer have to wear any armbands."

Leuchter

Although P refers to Leuchter and claims that chemistry/physics (unlike history) are 'exact sciences' (page 22), the Leuchter results are not the main plank of P's case in this video (P suggests it is up to others to reproduce the tests (page 26)

Coke consumption

P says, it takes 35-40kg of coke to cremate a corpse; Höss said on one day he cremated 60,000 corpses "you can work out for yourselves, ladies and gentlemen, how many thousand tons of coke one needs for that. But we have the aerial photographs, where one can't see a single mound of coke. And not only that, but no railway, no railway siding leads to the crematorium, these masses of coke, these huge masses of coke, thousands of tons per day. No lorry convoys are to be seen, where the coke, under circumstances, might have been delivered by lorry." (page 22)

P says that Pressac (an 'intimate enemy') found a document which showed the consumption of 2,188 tonnes of coke at Auschwitz; but claims Pressac *'didn't find a single piece of paper for the construction of a position of a gas chamber, not a single gas chamber, and there were allegedly six gas chambers in Auschwitz alone.'*

Death books

P relies on the death books (page 23)

Decrypts

P relies on the decrypts (page 23-24).

“Seven concentration camps, including Bergen-Belsen, Buchenwald, Auschwitz, etcetera, sent activity reports daily to the head of the WVHA Oswald Pohl in Berlin..... Deaths from epidemics, deaths by hanging, and death by shooting. As ascertained by the British official historian, Sir Frank Hinsley, the British official historian, the history writer of the British secret service, in volume two of his British official work. Hinsley established, and I quote, “there is no mention of gassings.” In these secret radio messages, in the most secret SS key, figure, code, to Berlin, there is no mention of gassings, in the radio messages from Auschwitz to Berlin. Naturally if Hinsley were to claim this in Germany, he would have to be arrested, led off in handcuffs, be fined a DM 30,000 fine, insulted, and his reputation ruined. Yes, that is Germany. That is what you yourselves must take care of, my ladies and gentlemen, the German voters.”

Aerial photographs

P says that they do not show coke quantities or mass graves: *“The pictures have been analysed by independent aerial picture analysts. They found nothing. These are the scientific methods. We have truth on our side.”* (page 27)

P also claims that photographs have been faked by the enemy: “The aerial photographs don’t only show how we have right, truth on our side, but how the enemies have faked the pictures. Because you know the American or Canadian or South African plane which took these pictures [in] 1944 or 1945. [They] took not only the one picture, but a whole set of pictures, every five seconds a picture. One sees how the buildings, the people, the lorries etcetera, have moved in the five seconds. But one also sees how the one picture published fifteen years ago by the CIA at the behest of world Jewry, with the supposed holes in the roof of the gas chamber where the cyanide was poured in, with the supposed lines of people who queue to be gassed. If one looks at the surrounding pictures then one suddenly notices that on these sur-

rounding pictures the holes are not present. And that the lines of people are not present. One sees conclusively that the CIA has faked these photos, retouched them to the benefit of world Jewry, who somehow wanted prove that the gas chambers had existed.” (page 28)

- Action Report for September 1994 (reported in JHR) – K3/17
- *‘Two years ago we said that the Germans’ “Holocaust” nightmare was almost over, and predicted it had another two years to run. If that milestone has so far proved illusory it is because our worldwide Traditional Enemy has pulled every dirty trick he can .. to breathe a few more years of life into the rotting corpse of his profitable legend..... Yet there is a lesson for us all: the dying throes of the “Holocaust” legend prove once again how mighty is the traditional enemy of the truth, how his tentacles extend into every crevice of government and the law, and how he will stop at nothing to get his way’.*
- 12th IHR Conference – September 1994 – K3/18
- *‘Revelations from Goebbels’ Diaries’ No gas chambers: 5, 15, 17 p15 ‘....we revisionists say that gas chambers didn’t exist, and that the ‘factories of death’ didn’t exist...’ (admits shootings in East) No documents: p17 P refers to the Auschwitz documents Pressac found in the Moscow archives which (unlike a ‘top secret’ Goebbels’ document) have no ‘secret classification whatsoever’. ‘This is something you have to look for, this “top secret” endorsement’.*
- P’s Action Report – May 1995 – K3/19
- Report of the *L’Express* article under the headline ‘French make a clean breast: admit forty-seven year Auschwitz ‘gas-chamber’ fraud’ (p1). The French journalist, Eric Conan, had reported *‘many blatant falsifications’* in the Auschwitz gas chamber. *‘Now the Auschwitz gas chamber legend is finally crumbling too, just as the leading revisionist promised it would’* (p2). Refers to the original plans, which revealed that the ‘gas chamber’ was *‘nothing more than an almost totally enclosed room for storing cadavers awaiting incineration’* until the Poles converted it in 1948 for tourists.
- Tampa, Florida – 6 October 1995 – K3/20

- *No gas chambers*: p1-2 P on addressing 'small influential gatherings' of people – like dropping pebbles into water – which is why 'they', 'the traditional enemy of truth' try to stop him speaking. It's a 'legend' believed by millions (p2) p5-6 P believes he is on the right track: 'I know that we are gradually winning and this is a glorious thing' p7 Legend not a lie p12 Auschwitz is the capital ship of the Holocaust; but so many 'lies' have been spouted about it, that it is being allowed to flounder and are trying to build their case elsewhere. p13-14 Natural causes, not murder at Auschwitz (apart from 25,000 executions) p15 Claims he does not deny the Holocaust, but is a sceptic (objection to the hijacking of the word by Jews to 'market the notion that they suffered a particular wrong for which they were entitled to compensation': p14) p18 P suggests antisemitism comes from the behaviour of the survivors; he does not promote antisemitism; 'I find the whole Holocaust story utterly boring. It goes on and on and on and they keep going on about the Holocaust because it's the only interesting thing that's happened to them in the last 3,000 years [laughter]'. p19 Jews disliked as a people; P suggests the Jews are responsible for Auschwitz themselves (repeating his answers to a Jewish heckler on a different occasion: 'if you had behaved differently over the intervening 3,000 years the Germans would have gone about their business and not have found it necessary to go around doing whatever they did to you.' p20 P claims he has no axe to grind; if he was proved wrong (by a document) 'I would immediately as a gentleman have said "well, I gave you a run for your money" and accept that I'm in the wrong' Leuchter: p19-20. Leuchter proved 'there had never been any cyanide gas or compounds in those buildings.' [Referred to trace of cyanide in the building where clothing was fumigated, where the blue stain can be seen 50 years later.] The report 'produced a howl of rage from the traditional enemy of the truth...' Death books: p9 Moscow archives (see below) have produced 'the key evidence which proves the Holocaust legend is just that' p13 Death books show 66,000 death certificates. (P rounds up to 100,000) Decrypts: p10 No documents: p3 (the lack of film is an embarrassing gap – Shindler's List filmed in black and white, so that it will look like a documentary in future) p11 The Bauleitung records: 'The entire records and blueprints are, indeed, housed in that building. No records of gas chambers. ...[refers to his offer of a \$1,000 reward for any document].. Not one single line of a wartime document or photograph or blueprint showing a gas chamber.' Coke: p11-12. Wiesel and others exposed as liars by their 'greed': Would need 2,000 tonnes of coke per day 'according to the Holocaust liars' to cremate the bodies, which would be visible on aerial photographs (and he has photos: you cannot see trainloads of coke or mass graves) p12-13 There is a document showing total coke consumption of 2,188 tonnes for Auschwitz for the entire war period 'which is enough to cremate about 70,000 bodies' p13 capacity of crematoria support 70,000 figure (if they 'worked flat out', uninterrupted). Eyewitness: p11 'liars' (see

coke above) P16-17 the number of survivors grows as the years pass; the existence of so many survivors indicates no extermination policy (Nazis are not '*sloppy*'); they make lots of money out of being a survivor. *Fake*: p4-5: what you see at Auschwitz now is a fake, as Conan of *L'Express* pointed out (no connection between chimney and furnaces in the fake gas chamber shown to tourists).

- Oakland, California – 10 September 1996 – K4/7

- *P does not assert directly that there were 'no gas chambers' (but there is still an implication – "they" do not want an inquiry/deliberate blind eye, because there were no gas chambers). p4. '...there are broad areas of recent history where we are not really sure what really did happen and we certainly aren't allowed to ask why.' p12-13 'Then when we come to the Holocaust, which is a matter which has caused me great grief over the last few years, because I'm still not really satisfied as an historian what the answers to those two great questions are: what happened and why. Nobody has really answered the questions to my mind – what happened in the Holocaust and why. There are still vast areas of uncertainty. We're not certain about the figures; we're not certain about the methods; and we are certainly not certain about the whys and wherefores of what is now called the Holocaust. p20 P suggests it is a mistake to 'extrapolate directly' from Hitler's writings/speeches (aiming at a 'Jew-free' Germany) 'to slit trenches and machine guns or even gas chambers, or the rest of the paraphernalia of the Holocaust..' p23 P's view is that 'whatever the Holocaust was, it didn't need an order. .. I think it just developed its own momentum..' (p24). (P asks the question why Hitler/the Germans murdered 6m Jews, if they did – his answer to a Jewish heckler: is because Jews are 'disliked on a global scale, on a Millennium scale...You're disliked in the way that people put you into concentration camps and line you up at the edge of tank pits and machine gun you into them.')* p35. P says that the Holocaust should be examined just like 'every other aspect of World War II history....You've got to be meticulous right the way across the board.' p36 [Q suggests that there's no evidence Hitler would not have approved of what was going on.] P:...the trouble is that we haven't really established what happened. For example, what actually happened at Auschwitz, we're not really certain about. [..No reference in the decrypts/epidemics etc..] So, we're very uncertain about what even happened in Auschwitz which is the capital, capital ship of the whole Holocaust story. It just hasn't been properly researched. There's been appalling sloppiness, a blind eye, possibly a deliberate blind eye has been turned because people don't want it researched in detail. Why hasn't, not a single spade has been turned in the grounds of Auschwitz to dig up one single victim to establish by autopsy precisely what happened. Nothing..of that nature's been done. [..unlike in Bosnia..] In Auschwitz, nothing. What are they trying to conceal? Decrypts: p36 No documents: p35 (P points to the 'gap' in the archives – 'you would expect to see any amount of evidence that Hitler knew...[about Auschwitz]... P says he wants a 'discussion' (p5) to consider 'alternative answers to some of the great questions of recent history' (p1).

- 'Cover Story' (Australian TV) – 4 March 1997 – K4/8

- [extracts only – edited by/for television] P makes the points that if you go to Auschwitz now, you would see like a *'grisly, gruesome, prurient version of Disneyland..largely erected by the Polish Government after the war for tourist purposes'* and there are many survivors of an extermination camp (p1); that crematoria do not smoke (in face of a survivor saying she saw smoke) (p2); that the capacity of the Auschwitz crematoria showed it could have handled about 100,000 bodies in the entire operating period through the entire war years (p5); that he did not deny mass exterminations (p6) Q: *So you don't deny there were mass exterminations.. P: No. Q: ..of the Jews? P: No. And anybody who calls me a Holocaust denier is doing me a great disservice..'*
- Errol Morris film rushes – 8 November 1998 – K4/9
- Leuchter *'..that's what converted me, when I read that in the report, in the court room in Toronto, I became a hard core disbeliever. I thought, well, whatever the Nazis are doing to the Jews, they were not killing them on a conveyor belt system in gas chambers in Auschwitz, against which has to be said that I've read the manuscript memoirs of two commandants of Auschwitz.. [Höss...and Almeyer (sic)]...and they both refer to people being gassed in Auschwitz, and this is a methodological problem for a historian then. You have to look at that and say: well, there's no trace of cyanide in the building, but you've got these confessions by these Germans. How do you explain that? That is where you enter a grey area; you don't know what the explanation is..... I don't know what the answer is...'* (p9/51–10/19). *'I would say they died in epidemics, they died in air raids, they died in gas chambers to a certain degree, experiment – I am quite happy to accept that there were experimental gas chambers operated in some of these camps. But it is the most uneconomical way of killing people. It is the most messy manner of killing people. There are much better ways of killing people than gas chambers....'* (p15/38-44) III *No gas chambers (other camps referred to by name)*
- Christchurch, New Zealand – 26 March 1986 – K4/3
- As noted above, this interview was before P's appearance @ the Zündel trial/Leuchter report. P refers to *'Auschwitz, Treblinka or the other extermination camps'* (p10) and *'Auschwitz, Treblinka and the extermination camps'* (p12). See para 8 above.
- Leuchter Press Conference – 23 June 89 – K3/4 p12-13, 35-37, 41

- In Q&A, P was asked whether he accepted that there were death camps at Treblinka, Belzec, Sobibor and Chelmno. He ducked the question at p13 (*'sadly, we're not in a position to carry out forensic tests on those sites'*.) The topic surfaced again (p35), where P alleged that anyone describing gas chambers in the 'slave labour camp' of Auschwitz was making it up; he was asked if he alleged that the tiny handful who escaped from Sobibor and Treblinka made up their evidence. P: *I think prima facie if they turned out to have been faked at Auschwitz then it's equally likely that they'd turn out to be fake at the other places behind the Iron Curtain too.* Q: *Why would they as there are no factories at Sobibor and Treblinka?* P: [Refers to gas chamber claims at Dachau/Belsen/Buchenwald/ Mauthausen – all of which were 'discounted and disowned' by the German government.] *And it's only behind the Iron Curtain we're invited to believe the Germans had gas chambers.* Q: *What do you think happened at Treblinka and Sobibor?* P: *I don't know. Let's concentrate on Auschwitz. ...* [Questioner points out there were no factories round Sobibor and Treblinka, they were entirely death camps.] P: *No, have you never heard of internment camps?* Q: *Yes, but 300,000 people don't get interned and die of natural causes in Treblinka as happened in summer 1943, I mean, it's not really plausible.* P: *Well, I'd like to see your evidence for it....* And again at 41, where he is asked about Treblinka/Sobibor/Belzec and the 'other nine camps'. Q: *You don't accept that there were gas chambers in these other places?* P: *Not on the existing evidence...*
- Moers – 9 March 1990 – K3/5 – p9
- After stating that there were no gas chambers in Auschwitz (only post-war mock-ups – see above) – *'it is being shouted to the heavens that these things in Auschwitz and probably in Majdanek, Treblinka too, and the other extermination camps, so-called, in the East, are all only mock-ups.'* (p9)
- See also P's letter to Zitelmann (paragraph 9i above).
- IV: Gas vans
- Leuchter Press Conference – 23 June 1989 – K3/4- p30, 32-33
- P is asked whether he denies that the Nazis killed large numbers of Jews, by 'unnatural methods', including gassing. *'That's a very good question because obviously we have at the back of our minds certainly episodes involving gas trucks in Chelmno and things like that – I haven't investigated them.'* (p30). And later: *'I'm prepared to accept that local Nazis tried bizarre methods of liquidating Jews, I'm quite prepared to accept that, and that they may have experimented using gas trucks because I've seen one or two documents in the archives implying that there was a rollover from the use of those methods of killing...the same people who created the euthanasia programme, and they may have tried to [unin] of killing Jews, but it's a very inefficient way of killing people. The Germans themselves had discovered this and there are much easier ways of killing people.'* Q: *So you don't deny such killing took place?* P: *I think it's quite possible.*

‘The Suppressed Eichmann and Goebbels Papers

P referred to Eichmann’s ‘memoirs’ and, after Eichmann’s description of a shooting at Minsk, said: ‘He also describes, and I have to say this being an honest historian, going to another location a few weeks later and being driven around in a bus and then being told by the bus driver to look through a peep hole in the back of a bus, where he saw a number of prisoners being gassed by the exhaust fumes. So I accept that this kind of experiment was made on a very limited scale, but that it was rapidly abandoned as a totally inefficient way of killing people. What I don’t accept is that the gas chambers existed and this is well-known.’ (p22)

- P’s statements as to the existence of a systematic policy of extermination
- P’s denial that there were gas chambers at Auschwitz or elsewhere forms part of his denial that there was a systematic policy of extermination. After all, it would follow from the fact that homicidal gas chambers were designed, constructed and put into use, that this was part of a system. The Ds rely on the statements in (a) above.
- So far as the shootings on the eastern front are concerned, P has, while admitting that there were mass shootings, sought to suggest that there were not part of a systematic policy of extermination, but locally inspired acts, of criminals, or unauthorised (‘My Lai’ style) atrocities. This has been referred to in paragraphs 5(i)(d) and 5(ii)b above. Examples of P’s statements to this effect include the following:
 - 5th IHR Conference – September 1983 – K4/1

P accepts that there were killings in the east – but refers to major crimes at the initiative of local criminals on the spot (p279)

ii) *ABC Radio 3LO – March 1986 – D2i/1*

P refers to ‘millions or hundreds of thousands liquidated in WW2 by Germans (or Latvians or Ukrainians) were victims of large number of nameless criminals into whose hands they fell on the Eastern front..acted on their own impulse, their own initiative within the general atmosphere of brutality’ (p10-11)

- Toronto 13 August 1988: K3/2

- page 23: P suggests that the killings were nothing to do with the German state, people or Führer – but the ‘individual excesses and atrocities and pogroms in places like Minsk and Kiev and Riga’ were ‘crimes conducted for the most ordinary and repugnant motives of greed and thievery. Whatever happened, were the crimes of individual gangsters and criminals who deserved to be individually and separately punished.
- *11th IHR Conference – 11 October 1992 – K3/13*
- ‘The Suppressed Eichmann and Goebbels Papers’ ‘Now you probably know that I’m a Revisionist to a degree, but I’m not a Revisionist to the extent that I say that there were no murders of Jews. I think we have to accept that there were My Lai-type massacres where SS officers – the Einsatzkommandos – did machine-gun hundreds if not thousands of Jews into pits. On the Eastern Front, at Riga, at Minsk, and at other locations, this kind of thing *did* happen.’ (p21-22) *In Q&A, P is asked what is known about the people who were responsible for the massacres of Jews by firing squad in Minsk and other areas. See p23-24. P’s answer includes:* ‘Most of these SS officers – the gangsters that carried out the mass shootings – were, I think, acting from the meanest of motives. ...[refers to Bruns..] And two days later the order comes back from Hitler, “These mass shootings have got to stop at once.” So Hitler intervened to stop it. Which again fits in which my theory that Hitler was in the dark that this kind of mass crime was going on. I suspect that the SS officer concerned [Altemeyer] was only 23 or 24. That was the age of the gangs that were carrying out these kinds of crimes. Rather like [US Army] Lt. Calley in My Lai. I don’t know why people do that kind of thing.’ (p24)
- *Holmes Show – 4 June 1993 – K4/16*
- ‘I’ve working in the archives for about 30 years, and ..after looking at all the documents I’ve come to the conclusion that there is no doubt at all the Nazis committed unspeakable crimes against the Jews. There is no doubt at all that they massacred them. They machine gunned them, tens of thousands at a time into pits in Russia and that they were killed in that way...’ [but does not buy gas chambers/factories of death]
- *12th IHR Conference – September 1994 – K3/13*

- ‘Revelations from Goebbels’ Diaries’. ‘Here I want to mention something that I’m always very adamant about. Although we revisionists say that gas chambers didn’t exist, and that the ‘factories of death’ didn’t exist, there is no doubt in my mind that on the Eastern front large numbers of Jews were massacred by criminals with guns – SS men, Ukrainians, Lithuanians, whatever – to get rid of them. They were made to line up next to pits or ditches, and then shot. The eyewitness accounts I’ve seen of this are genuine and reliable’ (p15-16) *P says there was no reference to killing Jews in the record of the Wannsee Conference and that Goebbels referred to Madagascar (p16); but P refuses to accept that Goebbels’ diary entry of 27.3.42 refers to gassings. There was a Goebbels/Speer ‘ruthless campaign’ in 1941 to deport the Jews from Berlin; ‘They didn’t really care what happened to the Jews. Even so, we must put all this in the context of a brutal war being fought on the Eastern front at the time, in which neither side was giving the other any quarter. By this time (March 1942) we British had just begun bombing German towns on a ruthless scale. ..[For example, Lübeck].. It’s not difficult to imagine Dr Goebbels’ attitude: ‘So what if Jews are being machine-gunned into pits? They had it coming to them. They declared war on us, and this is not time for sympathy and sentiment. That’s the way he may well have looked at it.’*
- *Oakland, California – 10 September 1996 – K4/7*
- P gives an account of the ‘super-dependable, give and take a little bit of hyperbole’ *Bruns version of the Riga shooting (p24-25). Again he suggests that Hitler ordered this not to happen (p25); and in the context of the ‘climate’ of the Holocaust having its own momentum, where ‘decisions were taken way down the hierarchy, I think, by local people on the spot’ (p24). P reinforces this point at p26: ‘The people who were pulling the triggers were on one level and the people who were taking the top level decisions were on the highest level and there wasn’t necessarily perfect communication between them and anyway who cares because it’s only the Jews and nobody liked them. This is the kind of atmosphere in which the decisions would have been taken.’ P concedes that Hitler ordered the SS to sweep the Jews out of Germany ‘and it may well be that when he said ‘to the East’ he said ‘hey, fellas, you know what I mean, but just don’t get me involved in it’ (p28 – see also p15: what Goebbels might have meant by ‘to the East’)*
- *Item posted on website – 31 August 1998 – D8ii/20/737-8 (see also 740-756)*

In a comment (file p738) headed ‘Our opinion’, *P writes: ‘Revisionists must not make the mistake of claiming, crudely speaking, that no bodily harm whatever came to the Jews during the Third Reich. But nor should their opponents allege that the Germans alone were the perpet-*

rators or (as the Israelis claimed in June 1987) that the Bruns document ‘proves’ Hitler’s direct involvement. ... What seems important is an assessment of the scale of the atrocities, and the degree to which they were *ad hoc* (like My Lai) or institutionalised massacres (like Hiroshima, Dresden, Lidice).

- *P’s statements as to numbers of Jews killed*
- P has repeatedly sought to minimise the numbers of Jews killed by the Nazis, particularly with reference to Auschwitz. First of all, by his denials that there were any mass killings in gas chambers (see (a) above); secondly, by suggesting that the maximum number of deaths in Auschwitz was 100,000, mainly from ‘natural causes’ (in this context, P takes this to include disease, starvation, and overwork). P’s concession is that a fraction of this 100,000 (sometimes stated to be a maximum of 25,000) were killed in Auschwitz, by being hanged or shot (not gassed). For his calculation, P relies upon the death books released by the Soviets (which record 74,000 deaths), the decrypts, and the crematorium capacity/coke consumption at Auschwitz.
- Having reduced the numbers killed in Auschwitz by one sleight of hand or another, P can then compare the figure for those innocent people he says were murdered by the Nazis over three years, with the numbers killed by the Allies in bombing raids in a single night. Sometimes his comparison is with Hamburg; sometimes Pforzheim; sometimes Dresden. As P said in his This Week interview on 9 November 1991 (K3/12/13)
- “25,000 innocent people executed by one means or another [in Auschwitz] but we killed that many people burning them alive in one night, not in three years, in a city like Pforzheim. We killed five times that number in Dresden in one night.”
- Examples of P’s claims on the numbers killed in Auschwitz include the following (all to the effect summarised in para 45 above):
- Moers: K3/5 (page 12)
- 10th IHR Conference: K3/6 (page 500, where he compares the figure to the fatalities in Hamburg, as a result of Allied bombing)
- Victoria, British Columbia: K3/7 (page 8, 13)
- Latvian Hall, Toronto November 1990: K3/8 (page 21, again, compares the death roll to Hamburg)
- Latvian Hall, Toronto, November 1992: K3/14 (page 11 of 13)
- Search for Truth in History (1993): K3/15 (page 25)
- Tampa, Florida: October 1995: K3/20 (pages 12-14)

- ‘Cover Story’ 4 March 1997: K4/8 (page 6)
- P’s minimising approach to the numbers murdered in Auschwitz can be contrasted with his wild overestimates of the numbers killed in the Allied bombing raids on Dresden (section (vii) below). As pointed out by Professor Evans, this practice by P is an aspect of Holocaust denial.
- *P’s statements that gas chambers are a propaganda lie, invented by British intelligence*
- Examples of P’s statements that the gas chambers were a lie, invented by the British PWE are set out in paragraph 1 of section 5(i)s above.
- *Whether P’s statements are consistent with the evidence.*
- P’s statements are not consistent with the evidence. P disregards a mass of available evidence, particularly on the question of the nature and scale of the killings by homicidal gas chambers at Auschwitz. See sections 5.1–5.3 above.
- P clearly saw his role as the leader in a revisionist campaign, with a mission to spread the lies (which he called the truth) about the Holocaust. In this mode, for example, he claimed in Toronto in November 1992 that he was “*probably the most credible voice in the entire revisionist campaign, or what I call the International Campaign for Real History.*” (K3/14/11). The revisionists were to march shoulder to shoulder, to destroy the Holocaust ‘myth’. In Tampa, Florida, P explained that to address “small, influential gatherings” was like dropping pebbles into water, the ripples would spread (K3/20/1-2; see also 29:35:19-29:36:8).

v) Whether P is anti-Semitic/racist/right-wing

P is an anti-Semite and a racist. The material relied upon for his anti-Semitism/racism is set out in a document entitled David Irving: A Political Self Portrait (‘PSP’) [front of K4]. This comprises extracts from a selection of P’s speeches, interviews, publications and diaries. The whole of PSP and the documents from which the extracts are taken are relied on by the Ds.

In relation to each statement put to him in cross-examination, P had an ‘excuse’ or ‘explanation’. The overriding excuse used for the document and extracts as whole was that the quote was taken out of context or manipulated [14:79-onwards].

Additionally, throughout the evidence, there were other examples of P's anti-Semitism: his references to "traditional enemies of the truth"; his insistence that the Ds' experts were in the pay of Yad Vashem or on a Holocaust junket; and his reliance on Professor MacDonald's anti-Semitic report.

- Anti-Semitism

1.1 D's position: P asserts that the Jews are responsible for anti-Semitism. P's explanation: Anti-Semitism is explicable. P is not justifying anti-Semitism, he is explaining it. *'This is putting myself in the skin of an anti-semite'* [14:91:6]; or *'If I were a Jew, the question that would interest me, is not who pulled the trigger but why'* [14: 92:6]; or [anti-Semitism] *may be built into our microchip'* [14:96:3]. 1.2 Ds' position: P believes that the Jews brought the Holocaust upon themselves. P's explanation: 'The short answer would be yes, but there is a long answer' [14:129:18] 1.3 Ds' position: P believes that the Holocaust is the most interesting thing to have happened to the Jews for 3,000 years. P's explanation: *'95% of the thinking public find the Holocaust endlessly boring by now, but they dare not say it because they know it is politically incorrect.'* [14:133:2]. *'What other explanation is there for the fact that that is all they [the Jews] ever go on about now'* [14:133:8] 1.4 Ds' position: P mocks Holocaust survivors and accuses them of making money from tattoos on their arms. P's explanation: He is criticising individual Jews, which is not anti-Semitism. [14:137:21] 1.5 Ds' position: P consistently and repeatedly characterises Jews (and other minorities) in an adverse and insulting manner. He uses the language of a plain, unvarnished racist. He does this generically and with individuals. P's explanation: The comment was justified because people had been demonstrating outside his house, and he was angry [14:143:14]. This was *'a literal description of who was visible on the other side of the barricades'*. [14:145:15] The adverse characterisation of Simon Wiesenthal is not because he is Jewish, but because he is *'ugly'* [14:163:18]. It is legitimate to criticise Mr Wiesenthal as one of *'this community's self-appointed leaders around the world [who] have set about trying to suppress freedom of speech'* [14:166:2], 1.6 Ds' position: P portrays Jews and the Jewish community as greedy, conspiratorial, and 'Shylocks'. P says that the Jews want their *'pound of Swiss flesh'*. P's explanation: He is merely setting out the Jewish stereotype, and warning the Jews against actions that may reinforce it [14:153:7]. The Israeli lawyers in the Demjanuk case *'wanted their final pound of flesh'* [14:155:25] and therefore warranted the description. They are *'beneath contempt'* [14:156:5] 1.7 Ds' position: P believes in a worldwide Jewish conspiracy. A manifestation of this belief is his view that each of Ds' experts were in the pay of Yad Vashem, or on a Holocaust *'junket'* and that there is a Holocaust industry. P's explanation: the Holocaust has become *'quite an industry, a very well funded industry, has it not, this Holocaust education business?'* [10:190:1] Ds' witnesses have a financial interest in the Holocaust and are therefore not partial. 1.8 Ds' position: P characterises Jews and the Jewish community as *'traditional enemies of the truth'* P's explanation: The term includes other "enemies" of the truth, not just the Jewish community; *"the traditional enemies of free speech", as I formulated them both in public and on my website, include the people who are trying to censor the Internet.'* [19:6:7]

² Racism

- ^{2.1} D's position: P is so racist, he is prepared to teach his daughter racist ditties.

P's explanation: The poem is a response to a magazine article [14:99:1]; P is not a racist, while there has not been a single coloured member on the Ds' team *'I have employed coloured people of ethnic minorities on my staff'* [14:99:26]

- ^{2.2} D's position: P believes that God is inflicting, through AIDS, a Final Solution on the black population.

P's explanation: He is a religious man [14:102:24] musing about the strange way in which God works [14:103:10]; and there is not the slightest trace of approval in that sentence [14:103:18]

- ^{2.3} Ds' position: P regrets black immigration and is happy to see black people leave England. He believes that black people should be limited to reading the news relating to muggings and drug busts.

P's explanation: the comment about blacks leaving the country was a cynical joke [14:107:5]; this is a standard speech P gives for debating purposes [14:111:3]; it is the speech of a stand up comedian (14:113:19).

- ^{2.4} Ds' position: P feels '*queasy*' about black people playing sports for England. His view is that black people are better at sports than whites, a situation he regrets.

P's explanation: *'What a pity it is that we have to have blacks on the team and that they are better than our whites.'* [15:11:5] *'... privately you are allowed to have your own private thoughts about the way things go, what you would call a state of mind, and my state of mind is that I regret what has happened to the England I grew up in.'* [15:13:1] The comment is '*patriotic*', not racist. [15:13:19]. *'90% of Englishmen born at the same time as me think the same.'* [15:15:21].

- 2.5 Ds' position: P believes that black immigration in the 50s was a *'tragedy'*; Lord Hailsham was a traitor to allow it and that the killing of Stephen Lawrence was a result of it.

P's explanation: His regret is a form of patriotism. *'Patriotism is pride in the country that has been handed down to you by your parents and by their parents before them.'* [15:21:13] The government *'inflicted on this country a body wound which has led to 100,000 cases of the Stephen Lawrence tragedy occurring on one level, and it could have been avoided'* [15:23:12].

- 2.6 Ds' position: P regards having his passport checked by a Pakistani immigration officer as an *'humiliation'*.

P's explanation: *'I would expect an Englishman to be better in control of immigration into England than someone who was born outside the country.'* [15:27:20] His view is not racist because *'Pakistanis, of course, are not necessarily brown'* [15:30:8]

vi) Whether P Associates with Right-Wing Extremists

On the second day of trial, when asked about his "alleged association with Neo-Nazis and other right-wing extremists," P replied, in part, *'I suppose it can easily be said (and I am making no great concession here) if I say that probably everybody in this courtroom has acquaintances who they shudder when they ring the door bell. When you hold a cocktail party, you say you hope that Smith does not come or whoever it is but, on the other hand, he is an agreeable person to have around. This does not mean to say that you share all of Smith's opinions.'* [2:207:6]

The evidence in this case shows that P has regular, extensive, and deep relationships with right-wing extremists in various parts of the world. And as his own correspondence and diary entries prove, frequently it is P who is figuratively – and sometime literally – ringing the door bell of these associates, rather than the other way around.

P conceded *"If I were to associate with somebody who held extremist views, this would not be in the least bit reprehensible."* [26:132:4] He instead strives to redefine this problem away, saying that only allegations of association with "violent" extremists would be defamatory. But the evidence shows that many of the groups with which Irving associates not only promote Holocaust denial, anti-Semitism and racism as cornerstones of their extremist political programmes, but also advocate and/or engage in violence to further those political aims. P's comments, as seen in the documents and videos, were clearly hateful, inflammatory and inciteful; frequently making rabble rousing speeches to audiences with violent tendencies. Especially in Germany, P uses the entire range of right-wing neo-Nazi themes to excite his audiences (for example the glorification of Nazi war heroes, the establishment of a greater Germany comprised of ethnic Germans, and absolution of Nazis for blame for the Second world War).

¹ Gerhard Frey / DVU

^{1.1} Identity of Individual/Organisation: The DVU, and its leader Dr. Gerhard Frey, is one of the most prominent representatives of right-wing extremism in Germany. Irving was a leading speaker in what is described as the tradition of 'old' RWE represented by the DVU. This old RWE line of thought included playing down the crimes of the NS period, questioning the extent of the extermination of the Jews, questioning German war guilt, denouncing the Nuremberg Trial as a sham, praising military and political personnel who actively identified with the Nazi system (like Dahl, Rudel, or Hess), and an aggressive rhetoric against the Allies. [See B5, tab 1, pp 19-38]

^{1.2} Nature of P's association: P speaks regularly at the invitation of the DVU, as evidenced in correspondence between Frey and P. P greatly admires Frey, referring to him as *'one of the few people on the Right putting his money where his mouth is in the fight against the Far Left'* [RWE 2/7/43].

Frey advises P as to the contents of his speeches, repeatedly requesting that P refrain from mentioning Hitler and the Jews, and stresses that P must '*follow the political line*'[RWE 2/7/43]. RWE 1, tab 7.

- 1.2 P's excuse for the association: P disputes the DVU's extremism, and consistently argues that it is a legitimate, democratically elected party. P states that the agreement not to mention Hitler and the Jews was a form of insurance against prosecution. Furthermore, he asserts that he never spoke of Holocaust denial nor anti-Semitism at the DVU meetings, implying that he is therefore exonerated for associating with the right-wing organisation, and that the DVU has never been prosecuted for these political beliefs, thus confirming its legitimacy.

2 Gunter Deckert / NPD

- 2.1 Identity of Individual/Organisation: NPD is one of the few legalised right-wing parties in Germany, and has become increasingly more radical since the recruitment of Deckert in 1989. Deckert is one of the most influential figures in the history of the NPD – in the 1980s for his concentration on racial incitement against asylum-seekers and migrants, in the 1990s for his propagation of revisionism. Under his leadership the NPD became a collecting point for the members of banned organisations and groups. [See B5, tab 1, pp 46-48 & 142]
- 2.2 Nature of P's association: NPD organise many of P's speeches in Germany. P toys with the idea of becoming an NPD candidate for a German seat in the European Parliament. Upon Deckert's arrest and jail sentence for Holocaust denial in Germany, P regularly reports the events in his *Action Report*. RWE 1, tab 8.
- 2.3 P's excuse for the association: P concedes that he was in regular contact with Deckert and regards him as a friend. He defends his friend by stating that there was no anti-Semitic content in his letters to Deckert, and implying that Deckert has suffered injustice by his imprisonment.

3 Ewald Althans

- 3.1 Identity of Individual: A protégé of Otto Ernst Remer, Althans was a leader of the DJBW and organiser of the AVÖ, an organisational body for the prominent international revisionists surrounding Ernst Zündel, from 1986 until its closure in 1992. The AVÖ's agenda was largely determined by Zündel's anti-Semitism, Holocaust denial, and belief in a world conspiracy. In 1994 Althans was an NPD candidate in the Munich city elections. In 1994 and 1995 Althans was found guilty in Munich and Berlin of defaming the memory of the dead and incitement to hatred, mainly because of opinions expressed in a 1993 documentary "Job neo-Nazi" ["Beruf Neonazi"]. [See B5, tab 1, pp 140-141]
- 3.2 Nature of P's association: Althans is a key figure in organising P's speaking engagements in Germany. Upon meeting Althans for the second time in September 1989, P comments '*Seems a bit of a Nazi, but helpful*'. During that same year P is full of praise for Althans' dynamism and efficiency in organising his speaking tours, and selling P's "merchandise". In 1990, Althans organises a dinner to commemorate Hitler's 101st birthday, attended by, amongst others, P, Wilhelm Stäglich, Karl Philipp, Ingrid Weckert and Anthony Hancock. The relationship sours, however, in 1991, as P questions Althans' commitment to the Right after receiving disparaging information from, amongst others, Frey, Philipp and Swierczek. RWE 2, tab 9
- 3.3 P's excuse for the association: P concedes that Althans is an extremist, and regrets ever having been involved with him; not so much due to his political views, but because he was an agent of the German government. P says that the reason he was warned against Althans by Frey was not, as stated by Professor Funke, that Frey was fearful that Althans' extreme views might jeopardise the illusion of respectability of the DVU, but that Althans may have been given the task of framing P by the German government.
- 4 Karl Philipp

- 4.1 Identity of individual/organisation: An NPD functionary in the 1970s and 1980s, Philipp is an author in numerous neo-Nazi newspapers, such as *Die Bauernschaft*, and is the editor of his own press service that informs about denialist activities and trials. In 1990 he received a fine of DM 3,600 for incitement of the people and defamation. [See B5, tab 1, pp 53-55, & 145]
- 4.2 Nature of P's association: P meets Philipp in July 1989, describing him as '*a rather rightwing friend of Tony Hancock*'. At that meeting, Philipp expresses willingness to arrange an Austrian speaking tour for P, which he does for November of that year. Philipp organises a tour of East and West Germany for P, including his attendance at the speech in Weinheim on 2 September 1989, which was organised by Gunter Deckert. Philipp is involved in the production and distribution of P's *Ich Komme Wieder* in 1995, but Philipp returns the master-tape unused '*out of fear*' of indictment. RWE 2, tab 10
- 4.3 P's excuse for the association: P admits that Philipp is a friend of his, and that Philipp is a 'revisionist'.
- 5 Christian and Ursula Worch
- 5.1 Identity of individual/organisation: Worch began his neo-Nazi activities in 1974 when he founded the ANS/NA in Hamburg together with Kühnen. After the ban on the ANS/NA, Worch became a leading member of the GdNF, founded by Kühnen, which was an overtly neo-Nazi organisation. From 1989 to 1995 he was one of the key organisers of the annual Rudolf-Hess Memorial March. Worch is amongst the most experienced and prominent functionaries of the neo-Nazi scene in Germany, and since Kühnen's death took on a role as a national co-ordinator for GdNF marches and meetings. He has been imprisoned on two occasions for various political crimes. [See B5, tab 1, pp 41-46, & 149]

- 5.2 Nature of P's association: Christian Worch organises a number of speaking engagements for P on behalf of himself and the Nationale Liste ('NL'). Worch organises security for P's *Wahrheit macht Frei* conference in Munich, 1990, and has breakfast with the Worchs the morning after, along with Hancock and Stäglich. In November 1991, P agrees to speak at an open-air rally in Halle on the invitation of the Worchs, appearing alongside Christian Worch and Thomas Dienel, where he delivers a '*rabble rousing*' speech. Ursula, or "Uschi" Worch, as P affectionately calls her, drives with P to the Halle meeting. P and the Worch's correspond regularly during the 1990s. RWE 2, tab 11
- 5.3 P's excuse for the association: P does not deny his association with the Worchs, but argues that there was not a '*close degree of intimacy*' because he did not receive Christmas cards from them. He admits that he spoke at Halle on the invitation of Ursula Worch, but alleges that he did not share the right-wing enthusiasm of the crowd, and that despite that fact, the speech, or any of the exchanges between P and the Worchs, do not contain any elements of Holocaust denial or anti-Semitism.
- 6 Thies Christophersen
- 6.1 Identity of individual/organisation: Christophersen was an SS-Sonderführer near Auschwitz, and continued to propagate the Nazi ideologies of that period after the collapse of the Reich. Christophersen was the editor of a number of right-wing publications, for example *Die Bauernschaft* and *Kritik --Die Stimme des Volkes*. In 1973 he published the deeply anti-Semitic pamphlet *Die Auschwitz-Lüge*. Christophersen sought the re-legalisation of the NSDAP, and in 1971 he founded his own right-wing faction, the BBI. Christophersen has been involved in several court actions for incitement of racial hatred, denigration of the state, and the circulation of unconstitutional symbols. [See B5, tab 1, pp 53-58, & 141]

- 6.2 Nature of P's association: Christophersen organises a conference in Hagenau in 1989, bowing to P's request for a separate speaking slot. Other attendees of the conference were Faurisson, Stäglich, Zundel and Walendy. Christophersen did not attend out of fear of arrest. Christophersen invites P to meeting in Antwerp on 12 September, other guests included Althans, Zundel and Christian Worch. RWE 2, tab 15
- 6.3 P's excuse for the association: P admits to his association with Christophersen, but disputes the '*intensity*', arguing that he spoke at only one of the speeches organised by Christophersen., and that the relationship was '*tenuous*'.

7 Michael Swierczek / National Offensive

- 7.1 Identity of individual/organisation: A one-time member of Kühnen's ANS/NA, Swierczek went on to create the south-German chapter of the KAH and the NO, which was subsequently banned in 1992. Swierczek is considered as one of the most important functionaries in the militant neo-Nazi scene, and received a suspended sentence in 1995 for his attempts to rebuild the ANS. [See B5, tab 1, pp 93-96 & 148]
- 7.2 Nature of P's association: P speaks at an NO meeting, organised by Swierczek, near Stuttgart in May 1992, after having been introduced by Worch. RWE 2, tab 13
- 7.3 P's excuse for the association: P claims that he cannot remember Swierczek, and that this illustrates that he did not have any important associations with him. P questions the extent of Swierczek's extremism, saying that he has never been prosecuted for any offence, and that the suspended sentence Swierczek received for his attempts to rebuild the neo-Nazi ANS was for a '*pretty mild kind of offence*'.

8 Wilhelm Stäglich

- 8.1 Identity of individual/organisation: Prior to 1945 Stäglich was a member of the anti aircraft division stationed at Auschwitz. He was a member of the NPD during the 70s, and in 1974 was subject to disciplinary

proceedings as a result of an article in a right-wing newspaper. In 1975 he was retired from his position as a judge, and in 1987 was stripped of his doctorate. His book *The Auschwitz Myth. Legend or Reality* was seized by the German authorities in 1980 due to its provocative content. Stäglich has been a member of the Editorial Advisory Committee of the JHR. [See B5, tab 1 p 148]

8.2 Nature of P's association: P appears alongside Stäglich at 5th IHR conference in September 1983. Stäglich is also present at the Hagenau meeting in November 1989, the *Wahrheit Macht Frei* conference in Munich in April 1990, the dinner to commemorate Hitler's birthday on 20 April 1990 (breakfasting with P the morning after), and he shared a platform with P at the *Leuchter Congress* in Munich in March 1991. [RWE 1, tab 8a]

8.3 P's excuse for the association: P minimises his association with Stäglich, alleging that he met him for the first time for breakfast in 1990, despite having dined with him the previous evening. He says that there is no evidence from the video of the Hagenau meeting (as shown in court) that he was in the room when Stäglich was there.

9 Ahmed Rami

9.1 Identity of individual/organisation: A Swedish Holocaust Denier of Arab descent, Rami is a close political ally of Faurisson, a vicious anti-Semite and a proponent of Holocaust denial.

9.2 Nature of P's association: P shares platform with Rami at the *Leuchter Congress* in Munich in March 1991 and at the 11th IHR conference in 1992. [RWE 2, tab 18]

9.3 P's excuse for the association: P denies having associated with Rami, and disputes the Ds' allegation that having appeared on the same platform as Rami is tantamount to associating with him.

10 Pedro Varela

- 10.1 Identity of individual/organisation: Varela is a prominent right-wing figure in Spain, and his name frequently crops up in denialist circles.
- 10.2 Nature of P's association: P conducts speaking tour of Spain in November 1989, organised by Pedro Varela, having been in regular contact in the months leading up to the tour. RWE 2, tab 8b
- 10.3 P's excuse for the association: P does not dispute his association with Varela. On day 28, P shows Dr Funke a photograph of a meeting he addressed at which Varela was holding up a placard calling German historians liars and cowards. P's excuse is that Varela does not look like a violent or extreme person.
- 11 Ernst Zundel
- 11.1 Identity of individual/organisation: German expatriate Ernst Zundel is Canada's most prominent neo-Nazi extremist and Holocaust denier. His company, Samisdat Publishers Ltd., is one of the world's primary producers and distributors of neo-Nazi and racist material. Zundel has written a number of racist and anti-Semitic works, the most prominent being *'The Hitler We Loved and Why'*. Zundel has associated with the world's leading extremists, and has been prosecuted on several occasions for his violation of Canadian law. [See B5, tab 3, pp 46-53]
- 11.2 Nature of P's contact: P appears at Zundel's first trial in 1986 as an expert witness. Zundel tempts P with an audience and publicity in Toronto, in exchange for his championing of the "revisionist" cause. After the trial, Zundel takes P under his wing, offering P advice on the expansion of his marketing possibilities, and offering his services in the promotion of P's books and organisation of a lecture tour. P and Zundel correspond regularly during the 80s, discussing projects, exchanging documents, and offering each other advice. In April 1988, P appears at Zundel's second trial as an expert witness, after Zundel's repeated promises of publicity and book sales should he accept. RWE 2, tab 17

- 11.3 P's excuse for the association: P is protective of Zundel's reputation, implying that he had suffered injustice at the hands of the Canadian authorities, and that he is a respectable individual, '*free of any conviction*', although simultaneously accepting that Zundel holds right-wing political views. P denies having heard Zundel speak at the meeting in Munich, despite having been in the same room at the time.
- 12 Otto Ernst Remer
- 12.1 Identity of individual/organisation: Remer was Commander of the Berlin Watch Regiment 'Groß Deutschland' that was critical in crushing the attempted revolt against Hitler on 20 July 1944. Remer remained loyal to the NS philosophy, and founded several parties in Germany in the same vein. In the 1980s and 1990s Remer cultivated contacts in German and international revisionist and denial circles. From 1991 to 1994 he was editor of his own *Remer-Depesche*, a virulent anti-Semitic magazine. Following a series of judgements and appeals for incitement to racial hatred and spreading the Auschwitz lie from 1991–1993, resulting ultimately in a 22-month prison sentence, Remer fled to Spain in 1994. Remer's role as a Third-Reich war hero, his RWE activities after the war, and his propagation of Holocaust denial since the 1980s make him one of the most widely admired figures in the right-wing spectrum.[See B5, tab 1, pp 29, 53, 72, 77, 80, 85, 87, 136 & 145]
- 12.2 Nature of P's contact: In July 1989, P interviews Remer for his book *Goebbels*. In April 1990, P is scheduled to speak alongside Remer in Munich. In 1994 P regularly reports about Remers imprisonment for incitement in his *Action Reports*, and in the February issue of that year offers '*a magnificent souvenir colour photo of Remer in full uniform, taken at the height of his career*'. In the September issue of P's *Action Report*, P reports on Remer's ongoing legal battles and promises to supply his readers with an address through which Remer can be contacted and donations can be made. On Remers death in December 1997, P describes him as having remained '*loyal to the old cause*'. RWE 2, tab 10

- 12.3 P's excuse for the association: P concedes that Remer is a '*reprobate and an unreconstructed Nazi*'. P denies that he has associated Remer aside from interviewing him for the purposes of his book.
- 13 Ingrid Weckert
- 13.1 Identity of individual/organisation: Weckert was the leader of a GdNF group 'Action Protection of Life' ['Aktion Lebensschutz']. The group used ecological and biological ideas to propagate a form of racial purity or racial protection for white Aryans. [See B5, tab 1, pp 72 & 149]
- 13.2 Nature of P's association: P has been in periodic contact with Weckert since 1979, and in April 1990, P records having dined with her, amongst others, in Munich to commemorate the 101st anniversary of Hitler's birth. In early 2000, P calls for readers of his website to contribute to Dr Weckert's survival after her conviction in Germany for inciting racial hatred. RWE 2, tab 12
- 13.3 P's excuse for the association: P concedes that he has associated with Weckert; in providing her as a source for one of the footnotes in *Goebbels* he asserts that the fact that she is an anti-Semite has no reflection on the reliability of the source.
- 14 Thomas Dienel
- 14.1 Identity of individual/association: Former state chairman of the NPD in Thüringen, in which function he helped organise the rally in Halle on 9 November 1991. Later leader of the neo-Nazi DNP. In 1992 Dienel was filmed saying 'Unfortunately the younger generation has not yet killed any Jews...'. In December 1992 Dienel was sentenced to 2 years 8 months imprisonment for incitement of the people and defamation of the memory of the dead. [See B5, tab 1, pp 45-46, 48, 91-92 & 142]
- 14.2 Nature of P's association: Dienel was one of the organisers of the open-air rally in Halle, and spoke on the same platform as P and Christian Worch.

- 14.3 P's excuse for the association: P categorically denies any association with Dienel.
- 15 Gottfried Küssel
- 15.1 Identity of individual/association: Member of the NSDAP/AO since 1977. Founder of the Austrian VAPO in 1986 and named 'Bereichsleiter Ostmark' [the NS title for Austria] by Kühnen in 1987. A leading activist in both the German and Austrian neo-Nazi scenes, Küssel was arrested in Vienna in 1993 and sentenced in the first instance to ten year's imprisonment for NS re-activity. [See B5, tab 1, p 144]
- 15.2 Nature of P's association: Küssel was one of the organisers and main speakers at the Halle rally in Munich, 1991.
- 15.3 P's excuse for the association: P denies any involvement with Küssel, and disputes the D's position that having appeared on the same platform with Küssel is evidence of P's having associated with him.
- 16 IHR (including Mark Weber, Tom Marcellus, Greg Raven)
- 16.1 Identity of individual/organisation: Founded in 1979, the IHR is a pseudo-academic entity and the most renowned Holocaust denial organisation in the US. The IHR is dedicated to putting the case for Nazi Germany and against what it regards as the 'myth' of the Nazis' extermination of millions of Jews during the Second World War. It organises annual 'Revisionist' conferences that are attended by the world's most prominent extremists. The IHR promotes the works of the world's leading extremists, who are also regular contributors to the JHR. [See B5, tab 3, pp 25-33]
- 16.2 Nature of P's association: P's contact with the IHR begins in 1980, when he is invited to appear at the IHR's annual 'Revisionist Conference'. He makes his debut in 1983, and goes on to appear at IHR conferences a further five times, in 1989, 1990, 1992, 1994, and 1995, and appears at numerous event organised by the IHR. P quickly becomes an important asset to the IHR, and is introduced by Weber at the 10th

IHR conference (1990) as '*a kind of one man IHR*'. In 1991, P arranges a meeting between Weber, of the IHR, and Wetzel, of the DVU, in Germany. P becomes a principal character at the IHR, and in 1994 he mediates the split between factions within the IHR, endorsing the IHR after its separation from Willis Carto. Later that year, P expresses interest in becoming a paid member of the IHR as an editor of their journal. His books and videos are regularly advertised in the IHR newsletter and the JHR. The IHR is involved in the promotion of P's speaking tours in the US. RWE 1, tab 1

- 16.3 P's excuse for the association: P concedes that the IHR consists of '*some elements which are cracked anti-Semites*'. P claims that his association with the IHR is minimal, and that he is no more than an occasional speaker at their conferences. P had earlier conceded that he perceives himself as being an ally of the IHR.

17 National Alliance

- 17.1 Identity of individual/organisation: The National alliance is the largest and one of the most influential neo-Nazi organizations in the United States of America. Lead by William Pierce, a former member of the American Nazi Party, it is extremely right-wing, racist and anti-Semitic. Mirroring Nazi ideology, it sees its mission as "Building a new White World" and aspires to "a racially clean area of the earth for the further development of our [Aryan] people." It calls for "a thorough rooting out of Semitic and other non-Aryan values and customs everywhere," and posits building "the world that we want to forge from the ruins of the present world . . . " through " the strife of revolution." [See B5, tab 3, pp 103-109, and witness statement of Rebecca Guttman, C1, tab 2]
- 17.2 Nature of P's association: P has corresponded with representatives of the NA. P has appeared at, at least, 7 events organised by the NA, twice in 1995, three times in 1996, and twice again in 1997. RWE 1, tab 2

- 17.3 P's excuse for the association: In P's reply to the Requests for Information, P denies having corresponded with, nor spoken at an event organised by, the NA. He does not waver from this standpoint during the course of trial, stating that Gliebe, a prominent member of the NA who uses the NA postal box as his home address, is '*a personal friend*'. P claims that at the time he was at the functions, he was not aware that they were organised by the NA.
- 18 Robert Faurisson
- 18.1 Identity of individual/organisation: Robert Faurisson is a former teacher of French literature who has argued over many years that Anne Frank's diary is a forgery, and that 'the alleged massacres in the "gas chambers" and the alleged "genocide" are part of the same lie' which 'is essentially Zionist in origin' and 'has allowed a huge political and financial swindle of which the state of Israel is the principal beneficiary'. Faurisson testified to this effect as an expert witness in the first Canadian trial of Ernst Zündel. By this time, however, Faurisson himself had been found guilty in his native France for slander, violation of Article 382 of the Civil Code by wilfully distorting history, and incitement to racial hatred. He has since been one of the most vocal and extreme of Holocaust deniers at the conferences of the IHR, and member of the editorial board, and frequent contributor, to its journal. [See B1, pp 176-177; B5, tab 3, pp 19-20]
- 18.2 Nature of P's association: P meets Faurisson at the 5th IHR conference in 1983. P shares a platform with Faurisson in Hagenau in 1989, and at the 1991 revisionist congress in Munich. Faurisson and Leuchter speak at the November 1991 Clarendon Club meeting organised by P. P corresponds regularly with Faurisson over the years, exchanging information, compliments, and criticism on their respective endeavours.

- 18.3 P's excuse for the association: P is evasive about his connections with Faurisson, however it is evident that P sees Faurisson as a martyr to the cause, and P alludes to the dangers facing Holocaust deniers by showing a photo of Faurisson after he was assaulted to the court.
- 16 British National Party
- 19.1 Identity of individual/organisation: The BNP's main overt policy plank was the need to end all non-northern European immigration, and to repatriate all racial aliens. [See B5, tab 2, pp 28-29]
- 19.2 Nature of P's association: P appears at 2 BNP meetings, one in 1983 and another in 1990, as evidenced in his diaries and the correspondence between himself and the BNP. P begins arrangements to speak at a BNP rally in November 1993, however he cancels as he had overlooked prior arrangements to meet Kirk Lyons in the US.
- 19.3 P's excuse for the association: P calls the BNP '*a bunch of hope-less right-wingers*' and denies any association with the organisation.

Dresden

The following issues will be dealt with in turn (taken from list of issues)

- claims made by P as to number killed (paragraphs 1.1 to 1.3)
- whether P relied on forged evidence (paragraphs 2.1 to 2.12)
- whether P attached credence to unreliable evidence (paragraphs 3.1 to 3.4)
- whether P bent reliable evidence/falsified statistics (paragraphs 4.1 to 4.4)
- whether P suppressed/failed to take account of reliable material (paragraphs 5.1 to 5.9)
- whether P misrepresented evidence (paragraphs 6.1 to 6.4)
- claims made by P as to the number killed
- In his books, P has given a number of different estimates of the numbers killed in the air raids on Dresden:

- i) In the 1966 Corgi edition of *The Destruction of Dresden*: ‘...estimated authoritatively to have killed more than 135,000 of the population of a city swollen to twice its peace-time size...’ (pvii); and documentation suggests ‘very strongly that the figure was certainly between a minimum of 100,000 and a maximum of 250,000’ (p225): L1/3/p3 & p9 ii) In the 1971 Corgi edition of *Dresden*. At page 7: ‘...estimated authoritatively to have killed more than 100,000 of the population of a city swollen to twice its peace-time size ...’: L1/tab 3/p13 iii) *Hitler’s War* (1977): ‘...estimated at a quarter-million’ (page 771): L1/tab 3/16
- iv) In *Göring* (1989) ‘...would rise to over 100,000’ (p454): L1/3/18 (see evidence @13:165:10-13:167:5)
- v) *Hitler’s War 1991*: ‘...estimated at a quarter million’ (p739): L1/3/20 (evidence @13:167:9-13:168:2)
- vi) July 1995: Focal Point edition of *Dresden*
- ‘...between fifty and one hundred thousand inhabitants of Dresden, a city swollen to twice its peace-time population’ (page ix); also ‘..up to a hundred thousand people’ (p167): L1/3/24&28; and ‘*Sixty thousand or more, perhaps a hundred thousand...*’ (page 245: see D1(vi) p245) vii) 1996: *Goebbels* ‘...Between sixty and one hundred thousand men, women and children were choked to death or burned alive...’ L1/3/36 (evidence @13:174:26-13:175:4)

P has also given different estimates in his speeches:

- 23 June 1989: P’s Leuchter Press Conference:
- ‘*There were 1 million refugees in the streets of Dresden at the time we burned Dresden to the ground, killing anything between 100,000 and 250,000 of them.*’: L1/3/18A (full transcript @K3/4; evidence @13:172:5-13:174:20)
- 5 October 1991: P’s speech at Milton Ontario:
- ‘*...Dresden, where we killed over 100,000 people, burned them alive in three hours in one night in February 1945....*’: L1/3/21A (full transcript @K3/10)
- 9 November 1991: in his interview with *This Week* (broadcast 28 November 1991)
- P referred to 25,000 killed at Auschwitz, and said ‘*we killed five times that number in Dresden in one night*’: L1/3/21B-21C (full transcript @K3/12; evidence @13:168:13-13:171:20 – P queried whether he said ‘four’ or ‘five’ times – the tape records ‘*five times*’)
- 10 October 1992: P’s speech to the 11th IHR Conference:
- ‘*...a hundred thousand people were killed in a period of twelve hours by the British and Americans*’ (p10): L1/3/23 (full transcript @K3/13)
- In 1993, the ‘*Search for Truth in History – Banned*’:

- ‘...over 130,000 died in that particular air raid’: L1/3/23A (full transcript K3/15)
- In 1993, in ‘Ich Komme Wieder’:

“...In total we dropped more than half a million incendiary devices on this city, the worst so-called apartment-block crushers. In the ensuing fires, we must have killed up to a quarter of a million people. We killed at least 135,000 people.”

- And in this action:
- In his Reply, paragraph 48(v), P referred to the publication of the Papermac edition of *Dresden* (published in 1985, reissued in 1989 and reprinted in 1990), and stated that ‘*at that time, the Plaintiff accepted a death roll of 135,000 as the most probable figure.*’: File A1/tab 4
- In evidence, @13:154:15-26, P gave as the ‘*best margins for figures which I would accept would be between 60,000 and 100,000*’; he had earlier asserted that ‘*we killed 100,000 people in one night*’ @ 13:81:9.
- whether P relied on forged evidence: the fake TB-47

P’s first knowledge of the fake TB 47

- An order of the day dated 22 March 1945 – referred to as the forged or fake Tagesbefehl-47 (“TB 47”) – recorded that 202,040 bodies had been recovered up to 20.3.45; and assumed that the death roll would climb to 250,000 (a copy of that document, as printed in *Dresden* is @ L1/2/14A-B).
- When he wrote *Dresden* (1963), P accepted that TB 47 was fake. In that book, P referred to the fact that Goebbels had deliberately started a rumour about the death toll in Dresden ‘*wildly exceeding any figure within the realms of possibility*’ - that is, the same figures as appeared in the fake TB 47 (p207) – and referred to the ‘*spurious*’ TB 47 (page 208). ‘*All responsible authorities place the Dresden death-roll considerably below this figure*’ (page 208): see L1/3/1-2
- P had not seen the fake document at that stage; he relied upon an extract quoted by Professor Seydewitz in his book. Seydewitz had concluded that even if the document itself were genuine, the figures given in it were ‘*false and fraudulently invented and publicised*’: see L1/2/30 (paragraph 5); evidence @ 13:104:9-17. P adopted Seydewitz’s conclusions – at trial, he described Seydewitz’s book on the air raids as ‘*a very good book*’: 13:82:22-23.
- *P obtains a copy document*

- In November 1964, P obtained a copy of a document which was said to be a copy of TB 47. As P admitted in his evidence, he knew from the very beginning that there were grave doubts about the figures given in the document: 13:82:24–13:83:8.
- P wrote a memorandum describing the circumstances in which he obtained it: L1/2/26-35. As P recognised: “*Obviously it is of some importance to determine (1) whether the document is genuine... and (2) if the document is genuine, whether the 202,040-figure is itself an accurate and true detail, or whether it was deliberately falsified at the time*”: L1/2/27.
- The circumstances in which P obtained the document were (shortly) as follows:
 - According to P, he had learned from Walter Hahn that Dr Max Funfack had shown Hahn a ‘*typed and crumpled scrap of paper*’, which Hahn had secretly copied, from which Hahn later made a typed copy: L1/2/32 (paragraph 2)
 - P had seen the typed copy at Hahn’s home on 18 November 1964. Hahn’s wife typed a copy of the document and made four carbon copies; P obtained one of the carbon copies from her: L1/2/32-33 (paragraphs 3-4)
 - Walter Lange, the Dresden City archivist who was also at the Hahns that day, told P at the time that the document was a ‘*patent forgery*’; Hahn, who had been reluctant to show P the document, asked for it back. P said to them that he ‘*too thought it highly unlikely that the figure mentioned was genuine*’: L1/2/33 (paragraph 4)
 - P agreed to write to Funfack after he returned to London and to say (without revealing that he had the document) that he knew that Funfack had been Chief Medical Officer in Dresden and asking him to give any information he could on the Dresden death-roll: L1/2/33 (paragraph 5)

P had no reason to think the document was any more authentic than when it had been cited by Seydewitz: 13:106:2–13: 107:17. (Indeed less, because the Dresden archivist Lange had dismissed it as a ‘*patent forgery*’).

- In those circumstances, as P well knew, P should not have used the figures given in the document at all; at the very least, he should not have done so without authenticating or verifying them (directly with Funfack and otherwise).
- P wrote to the German Federal archives about it on 1 December 1964, stating that it was obviously important to establish how genuine the document was: see 13:88:22–13:89:5 (letter in German@ L1/2/39)

- As P wrote to the Editor of the Sunday Telegraph on 26 November 1964, it *“it remains to be established whether the 200,000 number it contains is equally genuine and if not why not”*: L1/2/36.
- But P used the document without any qualification:
- P wrote on 28 November 1964 to his German publisher (L1/2/37-38) that the information in the fake TB 47 was *‘sensational’* and that there was *‘no doubt about the authenticity of the document’* because it came from the then deputy Chief Medical Officer, Max Funack;
- P wrote on 6 December 1964 to the Provost of Coventry Cathedral (L1/2/40), referring to the *‘shattering impact’* of the figures and stating that he had *‘no doubt’* as to the authenticity of the document – in view of having obtained it *‘indirectly’* from Funack. As P admitted in evidence, he urged the Provost of Coventry Cathedral to put the document into a public exhibition, to show that there had been 202,040 casualties in Dresden: 13:93:14-18 (and see generally 13:93-99).
- P did not write to Funack to verify the document or to the figures it contained before publicising the figures (P sent Funack a copy of his book, but did not ask Funack any questions): 23:207:18–23:209:3; also 23:210:23–23:211:15.

Funack wrote to P in January 1965, stating that he could not understand why he was being cited as a witness for the deathroll; that he had never been Chief Medical Officer (or Deputy) in Dresden (he was a specialist urologist) and that he had no firm evidence as to the figure for the dead, but could only quote what had been reported to him: L1/2/41-42 (Evans translation read into transcript @ 13:110:18-13:111:24; see also 13:115:2-7).

There was nothing in that letter or in subsequent correspondence to suggest that the copy of TB 47 P had obtained was genuine: L1/2/46-52. Yet:

- P persisted in asserting that Funack had been Deputy Medical Officer of Dresden, despite Funack’s denial: 13:116:8 -13:117:14

- P admitted in evidence that he had never told his readers that Funfack had denied having any knowledge of the deathroll figures: 13:117:15-25
- P further published the fake TB 47, although he had no verification of the figures it contained and although he had known those figures to be false, Nazi propaganda (see 2.1-2.3 above) and despite what Funfack told him. For example:
- P put the fake TB 47 into the Italian edition of *Dresden*. In a letter of 19 March 1965 to his Italian publishers, P relied upon the figures of 202,0404 and 250,000 in the fake TB 47 and asked that the publishers insert '*this new fact and document*': L1/2/53, 53A.
- This is particularly extraordinary, given that at about the same time, on 28 March 1965, P wrote to the RAF historian Dr Frankland that "*until I have fully established its authenticity it would probably be wiser not to make public use of it...*": L1/2/54
- P used the document in the 1966 Corgi edition of *Dresden*, in which it appeared as an Appendix (pages 259-260: L1/3/10-11). P asserted at trial that TB 47 was included as an appendix because that is '*what one would do with a document that one wants to present to readers without necessarily forming a judgment on it*': 13:86:14-18. (However, the text of the book refers to the fake TB 47 as a '*further piece of evidence*' which was '*published in full for the first time as an Appendix*': see page 225: L1/3/9; on page 280, P stated that when he was able to use only the few sentences quoted by Seydewitz, he had concluded that it was probably a forgery, but that the "*whole report*" made such a conclusion harder to draw).

P's use of the fake TB 47 after authentic documents had come to his attention

- In May 1966, P became aware of two authentic wartime documents – the 'Final Report' of the Dresden police dated 15 March 1945 and Report 1404 of the Berlin chief of police dated 22 March 1945. Both stated that the current death roll was 18, 375; the second predicted a final deathroll of 25,000: see L1/2/1-14; quoted @ REp546-7; and see below. P wrote a letter to The Times, published on 7 July 1966, in which he stated: '*it is now obvious that the death roll statistic [of 250,000] was falsified, probably in 1945*'. Surprisingly, P did not discard completely the fake TB 47:
- On 7 July 1966, P told other journalists that he remained a '*little suspicious*' of the new figures: L1/2/57-61 (and see P's letter to Haydon @L1/2/62)

- When P's Italian publishers asked if he wanted to have his letter to The Times published in a reprint edition, P replied that he did not. P had made some changes to the edition, but: *'They are not too sweeping, because despite what I wrote in The Times I do not think too much importance can be attached to the figures given in the new German document. On the other hand, they cannot be ignored.... I do not think it is necessary to print my letter to The Times as an appendix, as this would call unnecessary attention to the new documents'*: letters 15 July 1966 and 28 August 1966: L1/2/63 & 65.
- P initially suggested changes to the Corgi edition, which he described as 'few and minor', but which included deleting the fake TB 47 from the Appendix: L1/2/65A-C. However, the fake TB 47 remained in the German edition of the book: REp551(para 12) *and* was printed in the Appendix to the 1971 Corgi edition: L1/3/13
- In 1977, Götz Bergander discovered and published details of the 'real' TB 47, which set out the true figures. The number of dead was put at 20,204; the expected dead at 25,000 and the figure for cremations at 6,865: REp552-3. The figures in the fake TB 47 had been multiplied by 10. Although P claimed to know Bergander very well and although P had described his book as 'well-researched', P claimed not to have read it: 14:73:25–14:76:19.
- whether P attached credence to unreliable evidence
- As was clear from P's evidence, he had no reliable sources upon which to base estimates of the Dresden death roll at 250,000: 23:196:2–23:200:9.
- The fake TB 47 is dealt with above.
- P claimed to rely on unspecified letters he had received, from unidentified individuals who gave an upper limit of 250,000: 13:174:2–13:174:14 (contrast P's willingness to give credence to such letters, without giving any explanation of the sources or reliability of the information upon which they were based, with P's dismissal of the authoritative figures given by Miller: see 5.1–5.5 below).
- P speculated on the numbers of people who were in the city, taking into account that *'no one knew how many people were in the city that night'*, seeking to justify higher estimates for the number of dead: 13:162:21-24.
- P relied on his conversations with the widow of Colonel Grosse, who (he said) remembered that her husband had talked about figures of the order of 202,000: 13:131:17-23 (and see Evans @p531-532, which P did not challenge).

(In his evidence, P attempted to distance himself from the estimate of 250,000, claiming that the quarter of a million figure estimate cited in *Hitler's War* was not his estimate, but merely an estimate given to Hitler: 13:167:18–13:168:2.)

- P relies on estimates of the numbers killed of 140,000 from General Mehnert and 180,000 from Professor Fetscher. P's reliance continued in his evidence at trial, for example: 13:153:12-14; 23:202:23–23:205:8.
- P's only source for those figures was Dr Max Funck: see letters of 19 January 1965 and 16 March 1965: L1/2/41-42 & 51-52 (and see P's translations of those letters).
- It is clear from the letters that Funck was repeating only what he was told; in Mehnert's case, what he had said on 22 February 1945. There was no indication of the source(s) of information of Mehnert or Fetscher; there was no documentary evidence to support those figures.
- The evidence is unreliable, being unsupported third- or fourth- hand estimates (see evidence @Day 23 referred to above and @23:211:16–23:212:16).
- P relied and relies on what Hans Voigt had told him in support of his estimate of 135,000 dead. As Professor Evans explained, Voigt was not reliable: 23:205:8-23; 23:206:4-22 (and see REp512-515, which P did not challenge).
- P persists in relying upon this unreliable 'evidence', which carries no or no real weight, in order to persist in estimates of the numbers of dead at 60,000, 100,000 or 135,000. This reliance is perverse, in the face of the reliable evidence showing the maximum number of dead at 25-35,000, for example:
 - the authentic wartime documents (known to him since 1966, see 2.11 above);
 - the Miller evidence (known to him since 1965, see 5.1-5.5 below);
 - the Reichert book (published in 1994 and known to P since at least 1997, see 5.9 below).
- whether P bent reliable evidence/falsified statistics

Hans Sperling

- On 25 April 1962, Hans Sperling of the Federal Ministry of Statistics wrote to P. On the second page of his letter, Sperling said: *'After weighing up all demographic factors and technical numeral influences most probability is attached to a figure of 60,000 losses.'* L1/2/15-18 (@ page 18, English version).
- P misrepresented Sperling's evidence. In the 1966 Corgi edition of *Dresden* (page 225), P referred to estimates submitted to the Federal Ministry of Statistics of 180,000 to 200,000. Those estimates were taken from Sperling's letter: L1/2/17 (barely legible; barely legible and in German: L1/2/16). P did not mention that Sperling's best estimate was 60,000.
- P cited Sperling's letter in the 1995 edition of *Dresden*, without stating that Sperling's estimate was 60,000: pages 243 and 299 (both @ note 35): D1(vi)
- In evidence, P attempted to explain his treatment of Sperling's letter on the basis that Sperling had been playing down the figures. P had no basis for that suggestion: 23:216:5–23:217:15

e) whether P suppressed/failed to take account of reliable material

Theo Miller

- In February 1965, Theo Miller, a member of the Dresden clearing staff, wrote to P, describing the clearance work after the attack. By mid March 1945, when their task was almost complete, they had uncovered 30,000 corpses. Miller gave good reasons why the death roll could not be higher than 50,000: REp538-540, 564(n22).
- As P accepted in his evidence at trial, Miller was on the spot and could be expected to know the true figures; if correct, Miller totally exploded the 250,000 figures: 13:133:11-16. As P accepted at trial, he made no reference in his published works to what Miller said: 13:133:17-23
- P was unable to give any proper answer to the question why he had disregarded the evidence of Miller, who appeared to be a specially valuable witness, because part of his job was to try and record the number of deaths at the time: 13:136:1-13:137:1 (see also 13:140:15-26).
- P's claim that the evidence from Mehnert (at least second-hand hearsay, unsupported by documents and without proper sources) was better than Miller's is unwarranted and perverse: 13:134:12–13:134:18.

- In an attempt to explain his suppression of/failure to use Miller's evidence, P in his evidence accused Miller of fantasising. P had no basis for that allegation. As P knew, Miller's evidence is consistent with, and its accuracy supported by, the authentic wartime documents and by Reichert's research: 13:142:16–13:145:3
- *The authentic wartime documents*
- As noted above (2.11), in May 1966 P became aware of two authentic wartime documents – the Final Report of 15 March 1945 and the Report 1404 of 22 March 1945, both of which supported final death roll figures of no more than 25,000.
- None of the reasons given by P at trial for regarding the figures in those documents suspiciously held water: 13:153:12–13:154:14 (also 13:156:6–24).
- For how P dealt with the figures at the time, see paragraph 2.11 above. Further, in his suggested amendments to *Dresden*, P stated that the figures in the documents should be regarded '*with extreme caution*'; and emphasised that for '*many it was hard to believe that the casualties could be so low*': L1/2/65B. P had no good reason for treating the figures in these authentic documents in that way.
- *The Reichert research*
- Reichert's research was published in 1994; P says that he saw it in 1997. Reichert fixes the figure at 25,000 dead. Professor Evans regards Reichert as close to definitive (P suggested in evidence that this was because Evans was being paid); P in his evidence accepted Reichert as a good, solid piece of research. However, P stuck to estimates of 60,000 to 100,000 dead: 13:175:13–13:177:15

f) whether P misrepresented evidence

Red Cross

- As P admitted in evidence, the Red Cross provided no confirmation one way or the other of the figures being asserted at the material time: 13:120:26–13:121:4 (letters cited in Evans @p534; L1/2/42A, 43).
- However, in the 1966 Corgi edition of *Dresden* @ page 225 (L1/3/9), P suggested that the figures of 140,000 and 180,000 had been supplied to the Red Cross. This was not so (they were based on the Funfack letter – see above): and see transcript @13:123:17–13:130:13.
- *Sperling*
- See 4.1–4.4 above.
- *Generally*

- The estimates for the numbers of dead given by P, set out in paragraphs 1.1–1.3 above, have no basis in the evidence. P has had good evidence showing that the best upper estimate for the numbers of dead is between 25,000 and 35,000, in particular:
- Since 1965, from Miller (5.1–5.5 above)
- Since 1966, from authentic wartime documents, the Final Report of 15 March 1945 and Report 1404 of 22 March 1945 (see 2.11 above)
- Now, including Bergander’s book (2.12 above) and Reichert’s research (5.9 above).

P’s estimates are – and always were – a gross misrepresentation of the evidence he had. The reason for this is clear: P has striven to achieve a false equivalence between the numbers killed by the Allies at Dresden, which he has deliberately exaggerated, and the numbers killed by the Nazis at Auschwitz, which he has deliberately sought to minimise (see further at section (iv) below).

- Moscow: Goebbels’ Diary

a) Did P break an agreement with the Moscow archive?

- P admitted that his conduct in connection with the removal of plates of the Goebbels’ diary from the Moscow archive was illicit and rather shabby: 15:74:22–15:75:1; and that he was ‘deeply ashamed’ of what he had done: 15:69:18–20.
- *What P wanted from Moscow*
- P wanted the complete Goebbels’ Diaries, recorded on glass plates, which, as he had learned from Elke Fröhlich, were in the Moscow archive. P’s motives included kudos, money (a deal with the Sunday Times) and the wish to have material for his Goebbels’ biography (15:66:25–15:67:11). But P was not the only interested party: the Institute for Contemporary History (IfZ) in Munich was also trying to obtain the same material: see P’s diary and notes from May–early June 1992, summarised @ pages 1–3 of Ds’ Moscow outline/chronology, indicating the position before his trip to Moscow on 6 June 1992 (all documents referred to are in file M).

- P's diary records how, after efforts over two days in Moscow, P and Peter Millar (of the Sunday Times) managed to obtain access to the material: M/B/5-7 (summarised @ page 4 of Ds' outline/ chronology). It is clear from P's diary that Tarassov (on behalf of the archive) agreed to give P access to the material to read it and *perhaps* copy some pages. This – and no more – was permitted under the agreement, according to contemporaneous documents: M/B/6.
- *Breach of the agreement*
- On 10 June 1992, P '*illicitly borrowed*' a glass plate, taking it out of the archive: P's diary M/B/7-8.
- That plate was taken out of the archive at lunchtime, concealed in a hiding place (see para 9 below), collected by P at the end of the afternoon, passed to a photographer (Sasha) who photographed it and printed copies, shown to Andrew Neil (editor of the Sunday Times), and returned by P to the archive the next day (11 June): M/B/7-9; M/C/4-5; summarised in D's Moscow outline/chronology pp 4-5. *This was in breach of the agreement.*
- The next day, 11 June 1992, P '*by the same means*' (according to his diary: M/B/8-9), that is, illicitly, removed a further two plates from the archive. Those plates were left outside in P's hiding place and later collected by him. But these plates were not returned to the archive next day. Those plates:
 - were taken by P from Moscow to Munich by aeroplane on 12 June (15:77:7-8);
 - were left in a hotel safe in Munich, while P travelled to Rome (13 June: 15:77:17-26);
 - were taken by P back to London;
 - as part of P's agreement with the Sunday Times (M/A/22-25), were subjected to forensic tests, including tests on the emulsion and forensic testing by Pilkington, to whose laboratories they were taken by a representative of The Sunday Times after P had returned to Moscow;
 - were flown back to Moscow by Bastable (of the Sunday Times) on 2 July 1992 (M/B/18-19);
 - were returned to the archive by P on 3 July 1992, some three weeks after he had removed them (M/B/19-20).

All of this was in breach of P's agreement with the archive.

- There is no doubt that P broke his agreement with the archive.

- P emphasised that there was no written agreement between him/Millar and the archive: that is true, but it does not help P. Normally (as P said in xx), a historian would not go into an archive and remove materials: see, for example, 15:71:24–15:72:1; 15:74:9-10. To do so, s/he would need express agreement. P did not have such agreement here. It is clear from the contemporary documents and from the evidence (from both P and Millar) that what was *agreed* with Moscow was limited to P seeing the plates and working with them: for example Millar x: 15:45:16-18; M/B/6-7.
- As is clear from P's own documents, the position was different during P's *second* trip to Moscow, which began on 28 June 1992. Then, P had a limited permission to take two plates out of the archive overnight, in order to copy them (the archive did not have the appropriate equipment). His diary for 2 July 1992 refers to "the two slides *we legally borrowed*": M/B/18 (contrast "illicitly" in the diary of for 10 June 1992: M/B/7; and P's reference to "borrowing" (in quotation marks) in his note of M/A/14 relating to the earlier removal of plates *without* permission).
- In his evidence, Millar agreed that it was quite clear to him that P knew that that he should not be taking the plates out of the archive: 15:51:18-20; Millar expressed his disapproval of what P had done to P at the time '*because it jeopardised the chances of our continuing access*': Millar 15:46:1-5; 15:46:22-24. So far as taking the plates back to England for testing was concerned, P admitted that he did not have permission: 15:86:7-9 (and see Millar's contemporaneous note at M/A/28, his xx @ 15:55:17-15:56:2).
- Further proof (if needed) comes from the fact that P concealed what he had done from the Russians. If he had acted only within the terms of his agreement, why did he not tell them what he had done? (See, for example: Pxx 15:86:10-13; M/A/43; M/B/19-20).
- P's denial that he broke an agreement with the archive cannot be taken seriously (15:75:8-16).
- Did P's conduct give rise to a significant risk of damage to the plates?
- The answer to this question is 'yes'. The risk caused by P's conduct arose in three ways: leaving the plate in a hiding place; travelling with and handling the plates; and subjecting them to forensic tests.
- *The hiding place*
- The first three plates removed from the archive (on two separate occasions) were taken out by P when he went for lunch, hidden by him behind a wall, on a piece of waste ground, about 100 yards from the archive, where they were left all afternoon, until he retrieved them after the archive closed: see Millar xx 15:50:12-22; 15:51:9-17; Pxx 15:70:12-16.

- This is astonishing conduct by P. Even if the glass plate *was* packaged, to leave it unattended on waste ground exposed it to a significant risk of harm. What if someone else had come along and taken it? What if it rained? (P's diary recorded that it had been drizzling). Even Millar appeared to accept that the plates had been endangered by being left unattended in this way: 15:58:17-20
- *The travelling/handling*
- The plates were taken from Moscow, to Munich, to London and back. P claims that he treated the plates with the utmost care when they travelled with him. Even if this were so, there were others, including Millar, 'Sasha' and Bastable, who all had custody of the plates, out of P's control or supervision. Bastable, for example, brought the plates from London to Moscow. The plates were at risk of harm.
- P denied taking the plate with him to the meeting at the Zunftfhaus, Munich on 13 June 1992. His diary records that he 'showed one 'plate'' at that meeting (M/B/11), and P's denial is particularly questionable in view of what P said about that meeting (P suggested that he had not heard Zündel speak, when it was clear from his diary that he had: M/B/11; 15:79:26-15:81:23). To show a plate at a crowded meeting plainly puts it at significant risk of harm.
- *The tests for authenticity*
- It was a term of P's contract with the Sunday Times that he establish the authenticity of the diaries: 15:68:4-8. Forensic tests which carried a significant risk of harm to the plates were carried out. The tests, listed @ M/A/37-38, included tests by Kodak and Pilkington. Pilkington cut a small triangular piece off one of the plates in order to test the glass: M/A/33-34; M/A/49-50. They cut about the smallest fragment they could, without *serious* risk of breaking the plate or damaging the information on it. However, breaking off a piece from the plate constitutes actual damage.
- P left the plates in the custody of the Sunday Times, to carry out such tests as it wanted. P returned to Moscow, while the newspaper carried out tests (for example, Bastable arranged for the Pilkington tests: M/A/33-35). P clearly contemplated having the emulsion of the plates tested (M/A/27), although such testing would have damaged the plates beyond repair (fortunately for P, the newspaper decided not to carry out such tests: M/A/38). But P's conduct left the plates at serious risk.

⁵ (ix) Assessing P as an historian

(i) , (ii), (iii) and (vii) above;

- concessions made by P at trial and later retracted or qualified

This section concerns concessions made by P during the course of the trial. It overlaps significantly with 5 (i), (ii), (iii), (iv) and (vii) above. In summary, P made a number of concessions during the course of the trial. Taken together they represent a significant departure from what may be characterised as his pre-trial stance. He gave various reasons for making these concessions (for example: to shorten the trial, or for the purposes of the trial). Furthermore P was not consistent in adhering to these concessions once made.

Ds' case in relation to the concessions, the manner in which they were made, and P's wavering adherence to them, is that:

- The extent of the concessions and the readiness with which they were made is evidence of P's glib disregard of the historical record when writing his books or otherwise advancing his "pre-trial stance" positions.
- P's inability to adhere to his concessions is in part due to his own understanding that the extent of the concessions makes it impossible to continue to maintain that his books were themselves works of honest historical scholarship, and is in any event evidence of the opportunistic and essentially dishonest manner in which he handles historical evidence.

The principal concessions made by P relate to: the Einsatzgruppen shootings of Jews in the East and deportations; the use of gas vans at Chelmno and in Yugoslavia; the "Action Reinhard" Camps; Auschwitz and Auschwitz-Birkenau; the Leuchter Report.

Set out below is an analysis of these concessions:

Concessions about the *Einsatzgruppen* shootings of Jews in the East and deportations

Pre-trial stance

In his writings and speeches, P described the murder of Jews in Eastern Europe and Russia by shooting, as: Those Jews murdered numbered 'hundreds' or 'thousands' at a time *ad hoc* and committed by

small bands of criminals acting on base motives of revenge and greed, without orders. committed with Hitler's partial knowledge, but not on his orders (express or otherwise) | K3/7/11 K3/8/15-16 K3/5/16

Concessions at trial

P accepts the shooting of perhaps 1.5 million Jews took place in the East by the SS and that it took place on the authority of Heydrich in Berlin. | 4:86-87

P accepts that his claim that these killings were committed by unauthorised gangsters without an order, the consent, or knowledge of the central Nazi authorities ('My Lai' – type atrocities), was wrong. | 4:115-116.

P admits that shootings in Soviet Russia were systematic | 5:10:12

P concedes that Hitler did know about the murder of the Jews on the Eastern front, but did not care. | 2:275-276.

P concedes that he should have brought Altemeyer's reference to an order from Hitler in the Bruns report to his readers' attention. | 3:90

Confronted with the Himmler log of 18 December 1941, P concedes that Hitler ordered the Jews in the East to be liquidated 'as partisans'. | 4: 91-94

P concedes again that Hitler not only knew, but also sanctioned the murder of the Jews on the Eastern front '*and that has never been a matter of contention for me*'. | 4:107:1-2

P concedes that Hitler knew of the shootings in the East, but that he drew a distinction in his own mind between the Jews of Eastern and Western Europe. | 4:195

P concedes that Hitler had ‘taken the initiative’ in demanding that the ‘Altreich’ and the protectorates of Bohemia and Moravia be free of Jews ‘as soon as possible’. | 5:104:20-21 / H4 (v)

P’s adherence to concessions

Judges summary of concessions is again accepted by P. | 5:10

P retracts his concessions about Hitler’s knowledge and responsibility for the shootings. | 24:152-154

P tries to relativise the import of his earlier statements about Hitler’s role and knowledge of the shootings. | 24:161-166

In a two-page summary, P retreats to a position similar to that adopted pre-trial: i) The *Einsatzgruppen* were primarily anti-partisan units, operating on military rationale ii) Hitler was ‘probably’ (irregularly) informed of anti-partisan operations in the East, including the murder of Jews iii) Although Hitler ordered the deportation of Reich Jews eastwards, their treatment upon arrival ‘suggests a lack of system and co-ordination’. There is no ‘clear or unambiguous’ evidence that Hitler was aware of the mass murder of Reich Jews in the East. | 25:1-2 J2, tab 12.

Concessions about the use of gas vans at Chelmno and in Yugoslavia

Pre-trial stance

P is aware only of documentation that encompasses the ‘alleged liquidation’ of 152,000 Jews at Chelmno That documents ‘imply’ that the Nazis ‘experimented’ using gas vans, but that it took place on a ‘very limited scale’. | A/4/5-6 K3/4/32 / D3(i)/30/173

Concessions at trial

P accepts that a killing centre was established at Chelmno, but denies that there were any killings by gas. | 2:242:19ff

P concedes that is correct in stating that 97,000 people had been murdered in gas vans at Chelmno. | 6:50

P admits that the use of gas vans at Chelmno was 'systematic'. | 6:50-51

P concedes that his Statement of Case position that gassings in vans was on an 'experimental scale' was wrong and that the Nazis later 'abandoned and replaced [the gas vans] by other means of killing people'. | 6:57 & 6:66-67

P concedes that gas vans replaced shooting as a means of killing the Jews in Yugoslavia. | 6:50

Concessions about the 'Action Reinhard' Camps

Pre-trial stance

That there were no gas chambers at Treblinka, Sobibor, or Belzec or any of the 'factories of death'. | K3/4/35&41/ K3/16/1

Concessions at trial

P concedes that Action Reinhard's purpose was the wholesale murder of Jews. | 5:125-126

P concedes that hundreds of thousands were murdered in the Action Reinhard camps, but shies from the description 'factory of death'. | 5:133-134 / D8(i)/222

P concedes that he is 'not in a position to challenge' the accepted historical figures for the numbers murdered in the Action Reinhard camps 'on a numerical basis' (i.e. Treblinka, 700-950,000; Belzec, 550,000; Sobibor, 200,000). These figures included a minimum of 150,000 for Chelmno. | 17:17-19

P concedes that gassings took place at Sobibor. | 8:170-171

P concedes that gassings took place at Sobibor, Treblinka, and Belzec, but in so doing claims that this fact stood in his printed works. | 19:192-193

Extrapolating from his theory that Hitler did not know of the 'Final Solution' until 1943, P concedes that if he had known, he would not have objected. | 5:179-182

P's adherence to concessions

P says that it is not the nature of the Action Reinhard Camps he is challenging, rather the scale of the murders committed in them. | 17:152-153

P states that none of his concessions concerning the nature of the Action Reinhard camps and the numbers killed in them, are formal concessions but were made to speed the trial along | 19:201:25

P states that he is accepting that gassings occurred in the Action Reinhard camps 'for the purposes of this trial'. | 23:17:1

Concessions about Auschwitz and Auschwitz-Birkenau

Pre-trial stance

i) Auschwitz was not a death camp or an instrument of mass extermination using Zyklon-B, but rather a 'brutal slave labour camp'. ii) There were no homicidal gas chambers at Auschwitz. iii) The gas chambers at Auschwitz were 'deliberately masterminded' as propaganda by the British PWE. iv) That the gas chambers at Auschwitz are fakes built by the Poles after the war. iv) That some 25,000 (a 'grossly inflated figure [taken] to be on the safe side') – 50,000 were murdered in Auschwitz. | K3/2/11 / K3/4/8 See 5(iv)(a) K3/2/14 K3/5/8 K3/14/11 / K3/8/20-21

Concessions at trial

Shown the Kinna Report of 16 December 1942, P concedes that Jews were liquidated in Auschwitz 'at will'. | 29:88-92

P concedes that gassings did take place at Auschwitz-Birkenau, but refuses to label them 'systematic'. | 2:157-158

P concedes that the crematoria II-V at Auschwitz were but only to fumigate objects or cadavers. | 8:118

P retreats to the position that he only meant crematoria II was designed as a gas chamber. | 8:119-120

P concedes that gassings took place at Auschwitz 'on some scale'. | 17:180

P concedes the existence of all the gas chambers at Auschwitz bar crematorium II: 'the only point I am holding out on is Crematorium no 2, that particular building' | 19:192-3

Adherence to concessions

P retreats to position that he conceded that 'gas chamber experiments' were conducted in Birkenau, 'for example' in bunkers I and II. | 29:33

P contends that when talking about the 'legend' of Auschwitz, he is merely referring to crematorium I (Stammlager). | 7:176:15

Concessions about the *Leuchter Report*

Pre-trial stance In his introduction to the *Leuchter Report* P stated that:
i) 'chemistry is an exact science' ii) the report was 'a professional and dispassionate chemical examination' iii) the results were 'astounding' iv) that Leuchter had shown that, 'Nor ...could the design and construction of those buildings have made their use as mass gas chambers feasible under any circumstances.' that 'there was no doubt as to their [the laboratory reports] integrity' vi) that his only reservation was that he 'would, admittedly, preferred to see more rigorous methods used in

identifying and certifying the samples', but that the video footage of the Leuchter team 'provide compelling visual evidence of the scrupulous methods that they used' In his public speaking from 1989 to 1997 P habitually uses the *Leuchter Report* as an irrefutable piece of evidence that gassings did not take place at Auschwitz. In his Reply, P described the *Leuchter Report* as 'an important historical document', subject only to P's 'own measured concerns' about its methodological flaws. | K3/3 A/4/11

Concessions at trial

P concedes that he himself carried out no research into Auschwitz before changing his mind about the 'Final Solution'. | 6:123:25

P concedes that Leuchter's premise of how many people could be gassed in a given space, was wrong. | 8:44

Shown Beer's criticisms of the *Leuchter Report* (K1/5), P concedes that Leuchter's hypothesised toxicity of 3,200 parts per million was at least 10 times too high, and made the report 'fundamentally flawed'. P concedes three corollaries to this flawed hypothesis: i) That a lower toxic concentration would reduce the need for ventilation ii) That a lower toxic concentration would reduce or even negate a hypothetical danger of contamination of the wider camp through a sewer system. iii) That a lower toxic concentration would mean that less or no risk was posed to SS personnel inserting the crystals into the gas chambers and to *Sonderkommando* members clearing the chambers. But P refuses to concede that need of a far lower toxic concentration would explain the smallness of the traces found by Leuchter. | 8:47-51.

P concedes that Leuchter's supposition on the porousness of brick and the danger posed by hydrogen cyanide residue was wrong. | 8:112-113

P concedes that Leuchter's statements on sewers under crematorium as posing a deadly threat to the rest of the camp are wrong. | 8:113-114

P concedes that Leuchter was wrong to state that there was no provision to ventilate the gas chambers. | 8:114-115

P concedes that Leuchter was wrong to state that the doors to the crematoria opened inwards, when they in fact opened outwards. | 8:115-116

P concedes that hydrogen cyanide is heavier than air and poses no risk to those inserting Zyklon-B into the gas chambers. | 8:116-117

P concedes that it would not surprise him if Leuchter had miscalculated the incineration capacities. | 8:120

Adherence to concessions

P claims that the only part of the Leuchter report that can be relied upon is the chemical figures | 8:118:3

P claims that: i) he did not give the *Leuchter Report* a disproportionately high profile ii) that he was justified as it gave a stimulus to further research iii) that he acted merely as a publisher, without lending the report historical weight. | 8:184-186

- P's explanations for his historical 'errors'

d) Whether P's "errors" have a convergence or tendency

There is no consistency in P's approach to the assessing of evidence (P's methodology). He can be over-rigorous in some cases, while being super-lax in others. Conversely, however, his errors do not have the *inconsistency* that one would expect of honest mistakes ("P's errors"). Both P's methodology and his errors cohere only at the substantive level of his ideological programme. This programme, in the context of his historical writing and speech making, has inter alia as its objectives:

- denying Hitler's involvement in the Holocaust

- denying the existence of genocidal gas chambers in Auschwitz (and related aspects of the Holocaust)
- inflating the casualties at Dresden

What relates i) ii) and iii) above is P's right wing and anti-Semitic agenda. P has too high a regard for Hitler, and too low a regard for the truth.

Set out below is a list of the types of excuses that P offered at trial for errors that could not (or not any longer) be denied by him. The D's case is that these excuses:

- are not (or are only rarely) credible as true explanations for the misstatements or other errors made.
- are opportunistic and in any event are inconsistent with other positions held by P.
- would not have been committed (or not in that number) by any honest historian.

Set out below are examples of these excuses.

P is allowed as a historian to represent two opinions at once. | 3:44-48

P is 'not a Holocaust expert':

- In response to questions about cremations at Auschwitz.
- In response to why he had never tried to visit Auschwitz himself.
- In response to why he is unsure about whether gas was used at Chelmno.

8:162 8:184 2:242-243

P saw the source a long time ago, and can not reasonably be expected to recall it:

- Shown a clip from his speech in which he repeats his one-man gas-chamber anecdote, P is unable to locate the source for this alleged eye-witness exaggeration, P argues it was 'ten years ago' that he had read or seen it.

29:23

P's mistakes and omissions are due to the vagaries of editing, recording, or transcription:

- In response to why he had not included Altemeyer's reference to a Hitler order when using the Bruns document, P claims that the book is too long as it is.
- In explaining the continued use of the quote 'Jews are to stay' in the 1991 edition of *Hitler's War* when he knew it to be a mistranscription, P claims he is not the editor of his own books
- Confronted by the quote 'If something didn't happen then you don't even dignify it with a footnote', P claims it was said in an unprepared speech, and that the tape jumped, destroying the context.
- Confronted by his statement that more people died 'on the back of Senator Kennedy's car at Chappaquiddick than died in the gas chambers of Auschwitz [Applause]...', P claims that 'applause drowned the rest of the sentence...', which P claims obscured an important qualification by himself. This was not so
- In explaining why the words 'alternative fate' of 600,000 Jews in France were removed from the 1991 edition of *Hitler's War*.
- On a report by Franz Rademacher of 25 October 1941, P cannot be expected to put either the English or German text of a document in 'a thousand page book'.

3:91 3:70-71 2:245-246 29:27-29 7:71-80 B3, pp. 27-28/ 6:4-5

P is obliged to keep the wishes and interest of his readers in mind:

- Mentioning the part of the Bruns document that bore witness a Hitler order would 'bore the pants off an audience'.
- P did not include the point that the conference on which the 'Schlegelberger' note was based may have been a discussion of the 'Mischling' question because of the confines of space.
- Shown a clip from one of his speeches in which he repeats his one-man gas-chamber anecdote, P is unable to locate the source for this alleged eye-witness exaggeration, P argues it was 'material to keep them [the audience] awake'.

3:92 7:19-20 29:16

Innocent Mistranslation: the 'Table Talk of 25 October 1941' | 5 (i) e)
above

Innocent Mistranscription: The Himmler note of 1 December 1941, 'Juden zu bleiben' | 5 (i) f) above

Length of book / the sin of omission: the Goebbels diary entry of 27 March 1942, '40% – 60%' | 5 (i) h above

P can not be expected to have been aware of document: Müller telex of 1 August 1941 | 5 (I) d above

Length of source: Hoffmann's testimony at Hitler's 1923 trial | 5 (i) a above

- Whether P uses double standards in relation to documents
- Whether P uses double standards in relation to eye-witness testimony

P will hype or dismiss a witness, and hype or dismiss a document, depending on whether its use conforms to his ideological agenda.

If P dislikes a document he may call into question its genuineness: it is a forgery; it emanates from an Iron Curtain country and therefore may be a forgery; it has the wrong classification, which is evidence of forgery (although it might alternatively be evidence of the innocence of the document's meaning). P will often suggest that a document is a forgery without committing himself to the definite proposition that it is ("I just want to plant the seed of suspicion...." [17:72]).

Or he may call into question its reliability: the author is lying; the documents relate to an earlier period; the documents are "thin"; the documents are "janitorial level"; the document is an "orphan."

If a document does not say that a particular order is from Hitler, then it isn't. If the document *does* say that the order is from Hitler, then it's wrong. The overt meaning of a document will be accepted if the effect of that meaning is to exculpate Hitler and/or the Nazis; a hidden meaning will be taken if the overt meaning is incriminatory.

In the context of inculcating Hitler, only an express written and signed order is acceptable; in the context of exculpating him “hypothesising” is acceptable: “I have not invented a Hitler order... I have hypothesised the Hitler order in the way that a scientist should and I then supported the hypothesis with evidence”; “into account I take when writing that sentence my entire expertise based on all the other documents that we have by that time already collected”.

If the witnesses are Jewish, they are unreliable because they are victims. If the witnesses are Nazis (and P does not like what they say) they are unreliable because they are mass murderers and their statements are self-serving. In general, witness evidence that P dislikes is rejected by him on one or more of the following grounds:

memory has faded; the statement was coerced from the witness; the witness is a communist; there are some errors in his (or her) evidence and therefore all the evidence has to be rejected; eye witness evidence is inherently unreliable; it is the “old gramophone” playing; the witness was on trial for his life; the witness had already been condemned to death; the witness is lying to protect himself; the witness is lying in order to promote a certain view of the matter in issue.

If P likes the witness’s evidence, it is accepted without demur.

Of the many examples given of illegitimately hyped and dismissed documents, and hyped and dismissed witnesses, the Ds contend that the following 16 are illustrative of P’s historiographical practice:

Hyped documents

The Schlegelberger note [5 (i) g above]; the telex from Hess’s staff, 2.56am 10.11.38 [5 (i) b above]; the Himmler log entry of 30.11.41 [5 (i) f above]; the Victor Cavendish-Bentinck/PWE memorandum [5 (i) s above].

Dismissed documents

Crematorium capacity at Auschwitz, 28 June 1943 [5 (iii) b above]; Himmler note on meeting with Hitler 10.12.42 [5 (i) j above]; Report 51, 29.12.42 [5 (i) d above]; Hitler/Horthy meetings of 16/17.4.43 [5 (i) k above].

Hyped eye-witnesses

Hans Ficker [22: 140]; Karl Wolff [26: 13-26 / 29:17-21]; Christa Schroeder [23:138-142 / 28:136-144]; Hans Voigt [5(vii) c above].

Dismissed eye-witnesses

Rudolf Hoss [5 (iii)]; Dieter Wisliceny [5 (iii) 17.3 (iv) above]; Marie-Claude Vaillant-Couturier [5 (i) p]; Theo Miller [5 (vii) e].

⁵ (x) Relationship of (ix) above to (iv), (v) and (vi) above

- P is a right-wing extremist, a racist and, in particular, a rabid anti-semite.
- This is conclusively demonstrated by the evidence reviewed or referred to in (v) and (vi) above, which shows not only that P holds radically anti-semitic views himself, but that he has for many years travelled about the world giving vent to his views at gatherings composed of, and organised by, others of similar opinion.
- This activity of P has been (until he was banned in 1993) particularly intense, and particularly significant, in Germany, where pro-Nazi sentiment has not only persisted, but, since reunification, undergone a significant revival, particularly in the East (see, for example, the chilling demonstration addressed by P at Halle in November 1991).
- As section (iv) above shows, a constant theme of P's utterances has been categorical Holocaust denial, in terms which variously attribute the blame for the Holocaust on the Jews themselves, accuse Holocaust survivors of lying in order to extort money from the German Government and pour scorn on the suffering of Holocaust victims, both alive and dead. These utterances are often greeted with warm applause and loud laughter by his audiences.
- As is demonstrated in (iii) above (and in (p), (q) and (s) of (i) above), the historical basis for P's Holocaust denial is non-existent. His sudden decision to embrace Holocaust denial so enthusiastically at the Zündel trial in 1988 without any better foundation than a cursory reading of the worthless Leuchter Report is very striking and can only be regarded as an example of the most cynical opportunism.

- A feature of P's utterances, and an aspect of his Holocaust denial, has been the repeated assertion of an equivalence between the numbers killed at Auschwitz by the Nazis and the numbers killed by Allied bombing raids on Germany, in particular at Dresden. As is shown in (vii) above (as well as in (iii)), P knows that that equivalence is, as a matter of history, false.
- As is shown in (i) and (ii) above, P has repeatedly falsified history in order to exonerate Hitler of responsibility for the Nazi persecution of the Jews, and in particular of responsibility for the Holocaust (there will be found in (a) to (o) of (i) as many as 30 major falsifications, and a very large number of subsidiary ones, all designed to exculpate Hitler).
- The question therefore is *why* P has engaged so actively in the promotion of these historical falsehoods. The answers suggested by the evidence are:
 - P is an anti-semite.
 - Holocaust denial, in the form in which it is purveyed by P, is an obvious expression of anti-semitism, and is music to the ears of the neo-Nazis and other right-wing extremists to whom he purveys it.
 - P is a Hitler partisan, who has falsified history on a staggering scale in order to 'prove' Hitler's innocence; which, like Holocaust denial, is obviously very appealing to his fellow-travellers.
 - If the Holocaust were a 'myth' then, obviously, Hitler could have had no responsibility for it.
 - How far, if at all, P's anti-semitism is a cause of his Hitler apology, or vice-versa, is unimportant. Whether they are taken together, or individually, it is clear that they have led him to prostitute his reputation as a serious historian (spurious though it can now be seen to have been) for the sake of a bogus rehabilitation of Hitler and the dissemination of virulent anti-semitic propaganda.

(xi) The facts above (5i-5x) by reference to the principles in 4 above

Having regard to sections 5(i) to 5(x) above, the truth of the defamatory allegations made about P in *Denying the Holocaust* is clearly demonstrated. Therefore P's claim fails.

Back to Closing