

Transcript, day 02

Wednesday, January 12, 2000, Court 73, Royal Courts of Justice

Irving is sworn and gives evidence about his working methods before Rampton begins cross-examination.

Two film excerpts shown

L0001 **Mr Justice Gray** Yes, Mr Irving

L0002 **Mr Irving** May it please your Lordship. This morning I wish to kick off by playing to the court excerpts from two, or possibly three, video tapes which are of relevance. I will explain what the video tapes are, if I may, my Lord. The first one is one minute 20 seconds long. It is a postwar German newsreel, January 1948, and the very first section on it, fortunately, is the reporting of the end of the Auschwitz trial where a number of Defendants, rather as at Nuremberg, had been prosecuted on this occasion by the Polish Government. Auschwitz is in Poland. They had been prosecuted for crimes against humanity, and sentence was passed a week or two before this trial, before this newsreel was shown.

So it is a newsreel showing the judge handing down sentence. The relevance is purely the newsreel statement from the judge's findings of how many people died in Auschwitz which is a matter of contention. We are told by the expert witnesses in this case that anybody who says the figure is less than is now commonly assumed is a "Holocaust denier". I purely wish to show that there is a broad band of opinion over the years as to what the figures were

L0003 **Mr Justice Gray** The judge is expressing whatever view he does express on the basis of, what, the evidence he had heard during the course of the trial or what?

L0004 **Mr Irving** A very lengthy trial, which ended with the execution of a number of people. We see on this short film the hearing of evidence, the hearing of witness statements, the taking of depositions, the forensic examination of the site which makes the statement that he utters all the more important. My Lord, do you have the short transcript of the passage? I have it in German

L0005 **Mr Justice Gray** If I have, I do not think I know where it is. I have not seen it

L0006 **Mr Irving** I can provide one, my Lord

L0007 **Mr Justice Gray** Or has it been handed in? Is it somewhere in the files because there are a few loose documents

L0008 **Mr Irving** There is one. If I can kick off by showing that excerpt

L0009 **Mr Irving** It is a tracking error, I think, my Lord

L0010 **Mr Justice Gray** You are having a quite a task if you are trying to cope with that as well as everything else. I do not know if there is anyone else around who is more conversant with it than you are? We are getting a sound now. Shall we come back to that one? It may be we do not get the same problem with your next one

L0011 **Mr Irving** Let me just read out what the translation is, if I may

L0012 **Mr Justice Gray** Yes, please do

L0013 **Mr Irving** This is a translation of the German text: "In Cracow the trial of the principal culprits for the Auschwitz concentration camp came to an end before a Polish court. The Defendants were German camp guards or members of the German camp administration staff. Unheard-of atrocities against the camp inmates, particularly against female prisoners, were proved against them. Altogether nearly 300,000 people" -- this is the part I am relying upon, my Lord -- "from the most different nations died in the Auschwitz concentration camp. The court sentenced 23 of the accused to death, six to life sentences and 10 to lengthy jail terms; one was acquitted".

It then continues with the same statement: "The Auschwitz concentration camp remains as it stands today, as a monument of shame to the lasting memory of its 300,000 victims". Of course, nowadays, my Lord, we are told a very different picture of Auschwitz, but that was within the immediacy of the event

L0014 **Mr Justice Gray** I appreciate that no one is being too fussed, I understand why not, about the admissibility of the evidence, but this reads to me not like the judge or the court talking but some sort of newsreel

L0015 **Mr Irving** It is a German official newsreel produced in early 1948 at the time that Germany was under allied occupation and all the media outlets in Germany were licensed by the allied authorities

L0016 **Mr Justice Gray** Yes, but, I mean, in terms of evidence, I am not sure this has terribly much weight, does it

L0017 **Mr Irving** Except, my Lord, for two arguments here: firstly, if the allegation is that anybody who states figure less than one million or 4 million, whichever figure we look at, for Auschwitz is a Holocaust denier, then, denial, apparently started very early; and, secondly, if this was one of the documents before me at the time I wrote my book, my Lord, then I could hardly be accused of manipulation or distortion if I choose to rely on this document rather than on the evidence of someone like Rudolf Hess

L0018 **Mr Justice Gray** Where am I going to put it because I think we must have a system of finding a home for every document that is handed in, if you are going to rely on it

L0019 **Mr Irving** My Lord, that should be in the bundles of transcripts, in my submission

- L0020 **Mr Justice Gray** Perhaps the Defendants can help because let us be sensible about putting them where they belong
- L0021 **Mr Rampton** Yes. I suspect what is going to happen during the course of this trial is that we are going to create new files as we go along. The resources of Her Majesty's courts probably do not run to that. So I think what we had better do is, as these documents build up, is put them in files -- this is a document I have never seen before either -- and try to provide an identical file for each person in the court who will need to look at it
- L0022 **Mr Justice Gray** Yes. I do not want to spend undue time on it, but in some ways it is better to try to find them a spot in the existing bundles where they logically belong rather than having a, sort of, rather random new file created with whatever happens to turn up
- L0023 **Mr Rampton** Yes, that is probably right. The only place I can think of to put this at the moment is with Mr Irving's statement
- L0024 **Mr Justice Gray** Yes, I think that may be right
- L0025 **Mr Irving** In my statement
- L0026 **Mr Rampton** It has no other natural home that I can think of
- L0027 **Mr Justice Gray** Yes, I think that may be right
- L0028 **Mr Irving** Now, I add to your Lordship's misery by giving you the transcript of the video which we will now show
- L0029 **Mr Justice Gray** Yes. For the time being, at any rate, we shall put this in C4, shall we? Is that what you mean, Mr Rampton
- L0030 **Mr Rampton** Yes, I think it is C4. Unfortunately, mine do not any longer correspond to the numbers -- nor does Miss Rogers'
- L0031 **Mr Justice Gray** The other thing is we need a hole puncher
- L0032 **Mr Rampton** Tab 1, C4, my Lord
- L0033 **Mr Justice Gray** Yes, that is what I thought, at the back
- L0034 **Mr Rampton** This next one, what is the number of the transcript file? The next one goes in D(ii). I do not know which of the D(ii)s it will be; I have a feeling it is already there actually
- L0035 **Mr Justice Gray** It is worth spending just a little bit of time on this sort of thing at the moment because then we can get the system right for the future
- L0036 **Mr Rampton** D(ii), tab -- my Lord, the best place for it is at the back of the second volume of D(ii) where it will have a new tab No. 23
- L0037 **Mr Irving** I believe I am right in saying that this transcript was not already provided by the Defendants; this is a new transcript
- L0038 **Mr Justice Gray** No, I think that is right. I think that is accepted. Shall we play it now
- L0039 **Mr Irving** My Lord, can I just explain what it is

L0040 **Mr Justice Gray** Yes

L0041 **Mr Irving** This is a transcript of a tape of a news programme broadcasted in Australia on July 20th 1994 on ABC Television in Australia. It is a typical kind of news commentary programme, rather like News Night, which starts off with the news bulletin and then follows with a feature. The feature on this occasion was a feature called "The Big Lie". I do not propose to run the whole tape, but to start about three minutes in where I have positioned it as at the present which is page 2 near the top, my Lord. Mr Anthony Lerman of ----

L0042 **Mr Justice Gray** Yes

L0043 **Mr Irving** --- the Institute of Jewish affairs is about to start speaking. The reason I am playing it is because your Lordship will see that this interview provides the Second Defendant, Professor Lipstadt, with a chance to express her opinions unopposed

L0044 **Mr Justice Gray** Yes

L0045 **Mr Irving** I feel it is appropriate to allow her some minutes of the court's time in this rather oblique manner to express her opinions

L0046 **Mr Justice Gray** Yes

L0047 **Mr Irving** I understand that she will not be testifying in person in this case

L0048 **Mr Justice Gray** Yes

L0049 **Mr Irving** My Lord, I pause very briefly there and invite your attention to one scene in the newsreel that is being displaced, black and white newsreel, where we are no longer outside the railroad trucks filming the people climbing into the railroad trucks, but the camera has suddenly positioned itself inside the railroad trucks.

I am not going to draw any inferences from that at this moment, my Lord, but we are suddenly inside a darkened railway truck, taking a shot from the inside to the outside as people climb in towards us

L0050 **Mr Justice Gray** Yes

L0051 **Mr Irving** That is the only point I make, my Lord. My Lord, this is Professor van Pelt who will be testifying in this case. This is the actual building which we will be talking quite a lot about over the coming weeks, crematorium No. 2

L0052 **Mr Justice Gray** At Auschwitz

L0053 **Mr Irving** At Auschwitz -- correction, at Birkenhau, my Lord, which is five miles from Auschwitz

L0054 **Mr Irving** My Lord

L0055 **Mr Justice Gray** Is that all you want from that, Mr Irving

L0056 **Mr Irving** Yes. Your Lordship will see from the transcript the rest concerns Rwanda ----

- L0057 **Mr Justice Gray** Yes, I have read on and I did not think there was anything in the rest of it
- L0058 **Mr Irving** Unless the Defendants object, I would not propose to play the rest of the tape
- L0059 **Mr Justice Gray** I am sure they will not
- L0060 **Mr Rampton** No
- L0061 **Mr Irving** My Lord, I do not know if you consider that was a useful exercise? I would welcome your Lordship's guidance on ----
- L0062 **Mr Justice Gray** Well, to be frank, I think not very. In the end we have to get down to the specific criticisms of your historical approach
- L0063 **Mr Irving** Yes
- L0064 **Mr Justice Gray** How we are quite going to deal with it, I do not know, but I think that is what has to be grappled with and, from my point of view, the sooner the better
- L0065 **Mr Irving** We are also concerned with the Second Defendant here. My Lord, I understand she will not be having a chance to speak and I will not be having a chance to cross-examine her. I think it was a useful exercise because it gave us a chance to see her in action. I think she could have handled herself under cross-examination, had she proposed to do so
- L0066 **Mr Justice Gray** You are entitled to make the point that she is, apparently, not going to give evidence. I have that point and I have now had the opportunity of seeing her on the interview
- L0067 **Mr Irving** The other point I wish to draw attention to in the video is that the other witness who will be called, Professor van Pelt, draws great attention to the building he was standing on which was crematorium No. 2 in Birkenhau. He points to the holes, he points to the room. He says, "This is where it happened". In another video which I will show on another occasion, my Lord, he goes into much greater detail more emotionally saying, "This is where it happened, this was the geographical centre of the Holocaust", and so on
- L0068 **Mr Justice Gray** You say that is a post war reconstruction
- L0069 **Mr Irving** No, my Lord. We say something different about that. This is crematorium building in Birkenhau. What we say about that is that it was not what the Defence make out that it was. With your Lordship's permission and consent, I do not want to reveal precisely the arguments we will lead on this occasion. We will give the Defence great time to prepare counter arguments and we have spent a great deal of time and money with architectural consultants and so on providing this evidence. I would prefer to leave that evidence ----

- L0070 **Mr Rampton** Can I intervene to say something about that? I do not find myself left very happy about what Mr Irving has just said. The days are long gone where a Claimant who responds to a plea of justification is entitled to keep his rabbits in his back pocket and pull them out when it suits him so as to deprive the other side of due notice so that they can deal with it. If he is sitting on expert reports, expert evidence, as indeed he flagged up yesterday in his opening that he was, then we must have them
- L0071 **Mr Justice Gray** I think that is right. Can we just take stock at the moment, Mr Irving, and see where we are going? You did, I think, say you were intending to show three videos. Are you really wanting to show a third one
- L0072 **Mr Irving** I sense a certain impatience of your Lordship
- L0073 **Mr Justice Gray** I hope I am not displaying impatience. I am just telling you how I see the priorities. I am not impatient
- L0074 **Mr Irving** Possibly when we come to the Auschwitz phase, it will be useful to show the next one which does concentrate much more closely on the fabric of the sites of Auschwitz
- L0075 **Mr Justice Gray** May I ask you, following up what you told me yesterday about the misunderstanding, whether it is or it is not agreed that Auschwitz should be taken separately and first
- L0076 **Mr Irving** We have agreed that, my Lord, and we have reached a very satisfactory arrangement on the presentation of our principal witnesses from overseas
- L0077 **Mr Justice Gray** That is very good to know. Your opening is really concluded now, as I understand it
- L0078 **Mr Irving** That is so, my Lord
- L0079 **Mr Justice Gray** So I think probably, unless you tell me that there is something else you want to deal with first, the time has come for you to start giving evidence
- L0080 **Mr Irving** What I had proposed to do this morning, my Lord, the bundle which I submitted this morning and replicates bundle D(ii), I think, which we have already had, which is a very large number of photocopies of all the books which I have ever written, apparently, which have been very ably put together by the Defendants. I had put together a selection of pages from those books on which I was going to draw your attention, passages which would refute statements that had been made by the Defendants and also by counsel yesterday
- L0081 **Mr Justice Gray** In relation to Auschwitz
- L0082 **Mr Irving** No, my Lord. Do I am apprehend that your Lordship wishes to deal immediately with Auschwitz or other different phases

L0083 **Mr Justice Gray** Well, if we are going to divide up the trial, and I can see the sense of it, into Auschwitz and the rest, it seems to me at the moment, and Mr Rampton may take a different view, I do not know, that it is sensible really to plunge into the issues that arise out of Auschwitz rather than going to anything else, because the time for doing that may be when we get to the second, as it were, half of the trial

L0084 **Mr Irving** My Lord, the Auschwitz matter is an immensely complicated matter involving the assembly of a great deal of expert material, drawings. The Defendants deluged me on Friday evening after close of business with a further 5,000 pages of documents from van Pelt's report. To start straightaway today with that would put me at a gross disadvantage. I am sorry that there may be a misunderstanding. The agreement we reached was on the dates of presentation of our witnesses from beyond the seas, van Pelt in the case of the Defence and Professor McDonald in my case, and I was still hoping and anticipating we could deal with the reputation aspect first which is well prepared, and push Auschwitz along away from us for a while

L0085 **Mr Justice Gray** Well, you say "for a while", I mean how long is the while

L0086 **Mr Irving** As long as is necessary for me to deal with the reputation aspects of the case

L0087 **Mr Justice Gray** Well, I do see the sense of your establishing, I think by evidence, your reputation. I do not myself think that will take very long because, bear in mind, I have read a lot of the material. That is not to say I do not want to hear you say it from the witness box in summary

L0088 **Mr Irving** My Lord, you have read it, but the Press have not

L0089 **Mr Justice Gray** Yes, but the exercise is not really entirely for the members of the Press. I do not think we want to take a lot of time in dealing with matters which are not uncontentious, but which, perhaps, are not at the heart of what is the true issue between the parties. I am very anxious we get on if we can as soon as possible.

Can I just see what Mr Rampton would suggest as the appropriate course? I think my own view is that Mr Irving ought to go into the witness box from now on because I think the case has really been opened. I see the sense of hearing some evidence about his reputation by way of preliminary

L0090 **Mr Rampton** I have read his witness statement. Apart from what he said in his opening yesterday, I really have no clue, no real clue, about what his case is on the detailed factual issues. I am in the same position as your Lordship found yourself yesterday or said you did

L0091 **Mr Justice Gray** Yes

L0092 **Mr Rampton** I would like to know what his case is and I do not

L0093 **Mr Justice Gray** Yes, well, I understand that

L0094 **Mr Rampton** I do not mind what order he takes to do that. If he wants to saturate with his historiographical issues, his techniques and the inaccuracies of the criticisms which we have made, that is no problem to me at all. Whether he does it from the witness box or whether he does it as part of his opening, again I really do not mind

L0095 **Mr Justice Gray** No, I do not think it is terribly important, but I think it probably is properly done by evidence rather than by further opening statements

L0096 **Mr Rampton** I agree. If he says he is not yet prepared to deal with the Auschwitz issues because they are, indeed, detailed and complicated, that is perfectly all right with us, but I do want to know what his case is and at the moment I do not

L0097 **Mr Justice Gray** Well, his case is to be found not only in his witness statement plainly but in the pleadings

L0098 **Mr Rampton** Yes, I have some of his case from the reply

L0099 **Mr Justice Gray** Yes. That is quite comprehensive, it appeared to me, on the extent to which Hitler is responsible for the Final Solution, relatively speaking

L0100 **Mr Rampton** Yes, relatively

L0101 **Mr Justice Gray** It is not, if I may say so, Mr Irving, very detailed in relation to Auschwitz. I have the broad thrust of your case, but I think there is a lack of detail

L0102 **Mr Irving** My Lord, I am ignorant of the rules of procedure in this matter. Would it be possible for me to be examined in the witness box on two occasions?

L0103 **Mr Justice Gray** Yes. Let us get clear what is being proposed. It is being proposed that there should be a division of this trial really into two separate compartments, one is Auschwitz which is to an extent a free standing issue, it seems to me, a discrete issue. The other is all the other issues, such as the bombing of Dresden, Hitler's responsibility for the Final Solution, and so on. Obviously, they are not wholly separate, but I think they can be taken separately for the purposes of the trial

Irving asks to postpone the Auschwitz evidence

L0104 **Mr Irving** My Lord, I think a perfectly satisfactory solution which the court will, no doubt, find favour with is that I will go into the witness box today and submit myself to cross-examination on my pleadings, on the statements that I have made, on the correspondence that I have submitted to the other parties, on my opening statement and whatever other matters they choose to put to me. I will answer from the baggage that I carry around in my memory. No doubt, I will have the opportunity at a later date, possibly when I can go back to my diaries or other papers, to produce materials that I could not produce from memory. I am sure this would be an adequate solution to the problem

L0105 **Mr Justice Gray** May I make a suggestion and then you can both, if you would like to, comment because I am very conscious you are in person and this is, for obvious reasons, not an easy case for you to conduct in person, but what I would suggest is that you now go into the witness box, that you deal with your reputation and your published works and so on, and you can take it that I have read your witness statement, that you then state, at any rate in broad outline, what your case is on Auschwitz -- I am perfectly happy, as it were, to help you along by asking you questions and then you can elaborate in your answers -- and then for Mr Rampton to cross-examine you in relation to Auschwitz,

L0106 **Mr Irving** At a later date

L0107 **Mr Justice Gray** No, straight off, why not? We are dealing with that issue first

L0108 **Mr Irving** Very well

L0109 **Mr Justice Gray** Then we will have, I do not know whether this will work in terms of timing, the expert evidence in relation to Auschwitz, hopefully, from your expert and from Professor van Pelt. Then you will have the opportunity to make submissions about it either at the very end of the case or, perhaps, at an earlier stage. Does that sound a sensible way of proceeding to you

L0110 **Mr Irving** I am not too happy about being cross-examined on Auschwitz because our work on that is not complete. Your Lordship may consider this is irrelevant, whether our work on that is completed or not, because I am being asked about my own work and my own writings, and things that I may find out in the future are neither here nor there which is the phrase that I used yesterday, but I am sure your Lordship will have my interests at heart

L0111 **Mr Justice Gray** Yes. I am very anxious that you should say whatever it is you want to say. Your case should be fully deployed. But the case has been brewing a very long time. I am a bit alarmed to hear that you are not, as it were, fully up to speed on the Auschwitz issue

- L0112 **Mr Irving** We have been fully up to speed repeatedly, my Lord, with all the indications of that phrase. Every time we thought we were up to speed, we then received a fresh avalanche of binders with further documents
- L0113 **Mr Justice Gray** Yes, plus the 5,000 pages on Friday
- L0114 **Mr Irving** Indeed, and more during the weekend
- L0115 **Mr Justice Gray** Would you be content to proceed along the lines I have indicated and if you reach a point where, for example, Mr Rampton is putting to you a document which you have not had a chance to look at before, then you make that point and ----
- L0116 **Mr Irving** Precisely.
- L0117 **Mr Justice Gray** --- we ask him, perhaps, to go on to some other point?
- L0118 **Mr Irving** I believe that the present atmosphere and climate of opinion in court is, as Mr Rampton rather indicated, it is not fair to sand bag your opponents with surprise materials.
- L0119 **Mr Justice Gray** That is very much the way in which litigation is now conducted.
- L0120 **Mr Irving** And we certainly have not done so. I found it mildly offensive that the Defendant should imply that we had. I have subjected the Defendants to a stream of questions over the last few weeks on their reports which, clearly, indicates which way we are thinking.
- L0121 **Mr Justice Gray** Well, may I now ask Mr Rampton whether he is happy to proceed in the way I have just outlined?
- L0122 **Mr Rampton** I will proceed in any way your Lordship wants; the problem I have starting straightaway with Auschwitz is simply a practical one. I do not have my Auschwitz papers here. I have to go and get them.
- L0123 **Mr Justice Gray** Yes.
- L0124 **Mr Rampton** We will not get to Auschwitz today? In that case, there is no problem, I can start tomorrow. If I do not have to cross-examine today, then I do not have any problem at all. I will start wherever it pleases your Lordship tomorrow.
- L0125 **Mr Justice Gray** But, in principle, the idea of dealing with Auschwitz separately is one that I believe you are in favour of?
- L0126 **Mr Rampton** Yes. We were given an indication that Mr Irving's opening in evidence-in-chief would take us up to about the end of the week after next, that is to say, until Monday, 24th January, which is why Professor van Pelt is not here at the moment. So, in that sense I have a slight reluctance to start on Auschwitz until he gets here. It is not an overwhelming reluctance by any means at all. I can quite easily, on the other hand, start with something completely different. I can start with issues arising from Professor Evans' report without any problem at all.
- L0127 **Mr Justice Gray** He covers really the whole gamut.

L0128 **Mr Rampton** I know. From your Lordship's point of view, that is perhaps a little inconvenient. The alternative -- it is one I do not advance with any great warmth -- is to adjourn this case until the beginning of next week by which time Mr Irving should be up to speed on Auschwitz.

I say that for this reason. Although it is perfectly true that the source documents were served on him last week, Van Pelt's report, the fact is that a very large number of those reports, documents, plans are illustrated in van Pelt's report; that they have been available in the archives in Auschwitz and in Moscow for a very long time. The main report was served at the end of July last year. I do not have all of that much sympathy with Mr Irving -- I have some, of course, because he is in person.

L0129 **Mr Justice Gray** Yes. I think the point you make is actually a fair one, that Professor van Pelt makes his point in his report without actually exhibiting the source material, but it is pretty obvious what he is saying.

L0130 **Mr Irving** My Lord, it is not. Architectural consultants who have asked us for detailed drawings of many levels of the construction work that went on over a period. They need to know where the light switches were, that kind of thing. You cannot see that kind of information from the rather smudgy photocopies that were exhibited to the report.

L0131 **Mr Justice Gray** Yes.

L0132 **Mr Rampton** You do not do any better if you look at the nice coloured photographs which Professor van Pelt has now produced in that regard. They are just better copies of what he has already reproduced.

L0133 **Mr Justice Gray** I am very reluctant to adjourn the case. I really think we have to get on for obvious reasons.

L0134 **Mr Irving** My Lord, can we not start the cross-examination on non-Auschwitz matters which will certainly take us up to the weekend? I am sure Mr Rampton has a any number of questions he is curious about.

L0135 **Mr Justice Gray** I am perfectly easy. I think you had between you reached agreement. It appears, perhaps, that is not really right. I do not mind in which order we take things. I think there is something to be said for taking Auschwitz first, but if you prefer that it was dealt with the other way round, that is fine.

L0136 **Mr Rampton** I can deal with a whole range of different topics, not necessarily in an orderly fashion. That is the trouble. What I am anxious to avoid is when I do get to Auschwitz in cross-examination, perhaps it might be tomorrow, for example, Mr Irving says, "Well, I am sorry, I cannot answer that, I have not had time to think about it or to instruct myself". That is absolutely hopeless. He then comes back, having heard my questions, and we have to start all over again.

L0137 **Mr Justice Gray** Yes, I see that.

- L0138 **Mr Rampton** I am not really interested in attributing blame for these things. He is obviously not up to speed on Auschwitz and I do not really want to cross-examine him on it until he is because it is an unfair contest, apart from anything else.
- L0139 **Mr Justice Gray** Let us do it the other way round then. Let us take the other issues. That is really a course that you prefer, is it not?
- L0140 **Mr Irving** That was my original proposal, my Lord.
- L0141 **Mr Rampton** When Professor van Pelt gets here (which is the week after next, I think) then I will start on Auschwitz because that, I would think, would have given Mr Irving enough time
- L0142 **Mr Irving** We are looking forward to it, in fact
- L0143 **Mr Justice Gray** We will proceed on the opposite basis of taking all the other issues
- L0144 **Mr Irving** I am indebted, my Lord
- L0145 **Mr Justice Gray** It is up to you in which order you deal with them, but you will start with your reputation and history which I think you can take quite ----
- L0146 **Mr Irving** In cross-examination
- L0147 **Mr Justice Gray** No, this is in chief
- L0148 **Mr Irving** Right
- L0149 **Mr Justice Gray** Then it is really entirely up to you, I think, how much you want to say in chief, and it is not very easy for you to do because in a sense you will be making a speech from the witness box, or whether you want to simply submit yourself to cross-examination on these various other issues, Dresden, Hitler's role, and the like
- L0150 **Mr Irving** The court would simply certainly prefer for reasons of integrity that the evidence should be under oath
- L0151 **Mr Justice Gray** I would, I think that is the right way of doing it
- L0152 **Mr Irving** Then the sooner I go into the witness box, therefore, the better. That may well speed things up
- L0153 **Mr Justice Gray** Yes. So you are happy to proceed in that way
- L0154 **Mr Irving** I am happy to proceed in that way, provided the Auschwitz stage is left until later on
- L0155 **Mr Justice Gray** It is going to be. Mr Rampton, you are content with that as well
- L0156 **Mr Rampton** Yes, I agree to that. I will find something else to start with

- L0157 **Mr Justice Gray** I am sure you will. Mr Irving, the next problem, and you can really choose whichever you prefer, that is the witness box. If you find it more convenient to stay where you, I am perfectly happy if Mr Rampton is happy at this stage anyway, for the evidence to be given from there. When it comes to cross-examination, the position may be different because I do not see that you can really cross-examine along a row. But it may be easier for Mr Irving to stay where he is for the time being
- L0158 **Mr Rampton** That is what Miss Rogers suggested. It is a good idea. He has all his papers there. When he gets to be cross-examined, we may have to have a break while he gets all the stuff up there because I cannot cross-examine side by side
- L0159 **Mr Irving** I would prefer, my Lord, the first part of the cross-examination should be done from box, but when we come to the Auschwitz stage where we will have papers, I might revert to your Lordship's original proposal, that it should be continued with me standing here
- L0160 **Mr Justice Gray** We will see about that when the time comes. But would you prefer to give your evidence-in-chief ----
- L0161 **Mr Irving** I would prefer to give it from the traditional place

Irving is sworn

- L0162 **Mr Justice Gray** Unless you want to deal with anything else, I think you ought to go and be sworn
- L0163 **Mr Irving** Very well, my Lord. At some stage, of course, my Lord, your Lordship is aware wish to deal with the Hizbollah allegations and the Farrakhan allegations, but this can done at any time
- L0164 **Mr Justice Gray** I think even that is best done from the witness box because this is a libel trial, it is a rather unusual one, but you will want to give what one might call some of the standard defamation evidence
- L0165 **Mr Justice Gray** Mr Irving, I think the best thing is if I give you a little bit if a steer, if I can put it that way. Would you rather sit down
- L0166 **Mr Irving** I am not sure that I need scaring
- L0167 **Mr Justice Gray** No, the word I used was "steer" not "scare", simply so that your evidence has a shape that might make it more comprehensible. Shall we start by your full name address
- L0168 **Mr Irving** My full name is David John Cawdell -- I will spell that, C-A-W-D-E-L-L Irving, I-R-V-I-N-G
- L0169 **Mr Justice Gray** And address
- L0170 **Mr Irving** My address is No. 81 Duke Street, London W1

L0171 **Mr Justice Gray** Yes. You have made a witness statement for the purposes of this action and it is dated 22nd January last year. Would you formally confirm that that is so

L0172 **Mr Irving** That is so. I have made a witness statement and the statements in it are true

L0173 **Mr Justice Gray** Yes, thank you. Now, you can take it that I have read it, but, as you pointed out a little while ago, the Press is reporting this case and I think it would be right to give you the opportunity to restate in summary form anything that you wish to from that statement

L0174 **Mr Irving** I do not have a copy of the statement with me

L0175 **Mr Justice Gray** I think you probably should. Do you have anyone to help you fetch and carry documents

L0176 **Mr Irving** My entire staff was called to the Bar just before Christmas, unfortunately

L0177 **Mr Justice Gray** Perhaps if you can provide? Thank you

Irving gives his evidence: a defence of his historical method

L0178 **Mr Irving** The statement is 18 pages, my Lord. If I were to read the statement out, it would take us until lunch time or would that be too long

L0179 **Mr Justice Gray** I am very much against you doing that because the main object of the exercise is, perhaps, to get your evidence across to me. I have read it, but I am giving you the opportunity to be selective and make in a summary way any of the points that you want to make again in your oral evidence

L0180 **Mr Irving** I think I have made the principal statements from this. I repeated them in my opening statement yesterday. My books have received high praise from established academic, official and government historians in every country where they have been published. I just mention the names of Professor Hugh Trevor-Roper, AJP Taylor, Professor MRD Foot, Captan Stephen Roskill, Professor Norman Stone, Professor Donald Cameron Watt. The reason I have mentioned those names, as your Lordship will see in your files copies of the reviews and praise that these people have given to my works.

I have not only written about World War II, of course; I have also written about other matters like the Hungarian Uprising and the German Uranian Research Programme during World War II.

John Keegan, the Defence Correspondent for The Daily Telegraph (and your Lordship will be aware why I have stated this) has written: "Two books in English stand out from the vast literature of the Second World War: Chester Wilmott's 'The Struggle for Europe' published in 1952 and David Irving 'Hitler's War'" which appeared three years ago. That kind of quotation rather gives the lie to the statement by the Second Defendant which we saw on video that nobody takes me seriously.

It says here in about 1975 Adolf Hitler's Private Secretary, the late Christa Schroeder, gave me a small pencil sketch, a self-portrait of Adolf Hitler, which he had retrieved from his desk in the last days of the war. She gave it to me as a gift and I keep it. I do not, of course, have any kind of portrait of Adolf Hitler on my office hanging on the wall in the way that has been described.

Am I proceeding in the correct manner

L0181 **Mr Justice Gray** Yes, I think this is exactly what I think is the right way of proceeding

L0182 **Mr Irving** I consider myself to be an expert on the careers of the principal Nazi leaders, including specifically Adolf Hitler, Goring and Dr Josef Goebbels. I am an expert on the archives about these people. I am expert on the current state of research into German and other wartime persecution and liquidation of the European Jewish communities

L0183 **Mr Justice Gray** You said yesterday -- I am sorry to interrupt you-- that you did not regard yourself as being an historian of the Holocaust, can you just in your evidence ----

L0184 **Mr Irving** This is true

L0185 **Mr Justice Gray** --- explain what you mean

L0186 **Mr Irving** There is a subtle difference. I am an expert in the state of research but not on their findings, so to speak. I am an expert on the way they go about their research, but not so much on the actual details of the Holocaust, and so on

L0187 **Mr Justice Gray** When you say "they", who do you mean by "they", the Defendants

L0188 **Mr Irving** No, my Lord. I am sorry, I should have made myself clear. I mean the Holocaust historians, the historians who specialize in that topic

L0189 **Mr Justice Gray** Yes

L0190 **Mr Irving** Over the years I have collected a very large archive of original documents and copies of original documents, like private diaries and papers like that, from the top Nazi leaders using various techniques and methods, all entirely legal and, as part of my technique, I would then donate these papers immediately to the suitable archives so they are immediately available to other historians.

My views upon politics are on page 1047

L0191 **Mr Justice Gray** Yes

L0192 **Mr Irving** The Defendants have chosen to refer to my politics and they wrongly categorise them. They say that I am extreme right-wing or something like that. I have never belonged to a political party, left or right, except I think I joined the Young Conservatives at University.

My father stood as a Labour candidate in the 1945 General Election. I voted for Sir James Goldsmith, my Lord, if I can make that point in the last election, in other words, neither one nor the other. I regard myself as a laissez faire Liberal. In other words, I do not really care much about politics so long as they spend the money on hospitals rather than Millennium Domes. I have a family reason for saying that.

I do not look down on any section of humanity, either coloured immigrants, I have regularly employed them, or females. Your Lordship will appreciate the reasons why I make these points. I have five daughters, in fact -- I am sorry, I had five daughters.

I do not look down on the mentally or physically disabled. I admit to having little patience with smokers and none at all with drug abusers. This is not to say that I have applauded -- I have to state this because I will probably be asked about it -- I cannot say that I have applauded the uncontrolled tide of commonwealth immigration into this country.

Like most fellow countrymen of my background and vintage, I regret the passing of the Old England. I sometimes think, my Lord, that if the soldiers and sailors who stormed the beaches of Normandy in 1944 could see what England would be like at the end of this century, they would not have got 50 yards up the beach. I think they would have given up in disgust

L0193 **Mr Justice Gray** You said you are getting towards paragraph 23 of your witness statement, 1048

L0194 **Mr Irving** My reputation as an historian

L0195 **Mr Justice Gray** You said you wanted to develop that and I think now is probably the appropriate time to do that, if you want to

L0196 **Mr Irving** I have, of course, a very large collection of ring binders of Press clippings which have been made available to the Defendants and in which they have not shown the slightest interest. Reviews in all the leading newspapers of the world of the books that I have written. I believe I have written about 30. I could have produced all those reviews to the court, but if I just summarize and say that they are largely very favourable reviews, the kinds of reviews that made publishers line up to publish my books until the turning of tide.

Obviously, there were some reviews that you could describe as the curate's egg, but, by and large, the reviews were exceptionally favourable. It may be said that the reviewers were not as clever, perhaps, as the expert witnesses whom the Defendants have summoned for this case. That may be one argument; maybe they had not seen though me, perhaps. Arguments like that will be advanced, but I submit this is not the case. These were book reviews written by experts in their own field, like Captain Steven Roskill who was an eminent naval historian, Professor MRD Foot, who is another official historian, Professor Sir Frank Hinsley. If I just summarize it as briefly as that, my Lord

L0197 **Mr Justice Gray** Yes, I think that is sufficient

L0198 **Mr Irving** If you wish to question that, of course, I will be quite happy to put in all the evidence to support the contention, but Defendants have not shown any interest in these statements

L0199 **Mr Justice Gray** Can you help me because I have not alighted on them. Are they in one of the files

L0200 **Mr Irving** They were within my discovery. They were disclosed to the Defendants in proper form. Admittedly, I did not do an index of the entire set, but they were shown 16 ring binders full of chronologically organized, properly pasted up reviews and Press clippings in which, who knows, they might have found some goodies they could have used against me, I do not know, but they did not bother with them

L0201 **Mr Justice Gray** Take your own course, Mr Irving, but do you now want to deal with the publication of "Denying the Holocaust"

L0202 **Mr Irving** The publication of the book. I paid no attention to that book, my Lord, until 1996. It did not come into my ken until 1996. I believe it was published in 1994, but in April 1996 we published in this country my book the Goebbels' biography, "Goebbels. Mastermind of the Third Reich". Your Lordship will be aware this is the only book that I requested that your Lordship study in some detail because it is a book that I am particularly proud of.

When we began marketing that book in the United Kingdom, which meant literally that I and my publisher imprint rented a van and visited approximately 980 bookstores up and down the length and breadth of the country, which is a very enjoyable exercise. I do not do it out of tedium; it is very interesting to visit the bookstores and their managers. We marketed the book directly to them and we sold many thousands of copies in this manner, but we came across the phenomenon that in a number of bookstores, particularly in the Waterstones chain, the head of the history department took an aversion to me.

After visiting a number of the bookstores, it became quite plain that the reason for the aversion to me was the fact that they were selling the book "Denying the Holocaust", published by the first Defendant and written by the Second Defendant. This book was being believed by Waterstones or by their employees and by, no doubt, other bookstores too. It was causing me considerable concern because these bookstores were thereupon refusing to stock my books.

So I thereupon during that tour began to purchase copies of "Denying the Holocaust" as evidence that the book was on sale within the jurisdiction. I put the publishers on notice. I put the author on notice. I put certain of the book sellers themselves on notice because under the Defamation Act anybody in the distribution chain can be held liable for the peddling of libels. I subsequently, of course, separated those -- I discontinued the action against the book sellers for reasons that need not occupy the court.

At the beginning of September 1996, which is that same year, which had been a very harrowing year for me, as I had seen my American publishers, St Martin's Press, in conjunction with my big American publisher, Doubledays, simultaneously deciding, we now learn, upon representations made by the Second Defendant not to go ahead with publication of my Goebbels' biography, I decided that I had no recourse but to take libel action against this book which was, obviously, part of the cause of my problem.

So I issued the writ, after taking usual procedural steps, the letter before action and so on, I think it was dated September 6th 1996

L0203 **Mr Justice Gray** Yes. Now, you have selected for complaint a number of particular passages from the book and I think it would be appropriate if you were to deal with them, and where you best find them, I do not know, but certainly they are to be found in your Statement of Claim, but it may be you would rather deal with it in some other way

L0204 **Mr Irving** May I return my papers and collect the Statement of Claim

L0205 **Mr Justice Gray** Yes, of if you point out where they are, perhaps somebody can do it for you rather than having you go backwards and forwards

L0206 **Mr Irving** They are in the ring binder

L0207 **Mr Justice Gray** Thank you very much

L0208 **Mr Irving** My Lord, I was defamed and libelled on a number of pages in the book. I do not propose to read out, unless your Lordship wishes otherwise, the specific passages

L0209 **Mr Justice Gray** No. You are entitled to take your own course about that but I think what you ought to do is just give an indication of ----

L0210 **Mr Irving** I will read out ----

L0211 **Mr Justice Gray** --- why you object to the passages that you have selected for complaint

L0212 **Mr Irving** If I go to paragraph 9 of the Statement of Claim which is "The natural or ordinary meaning of the words complained of"

L0213 **Mr Justice Gray** Yes

L0214 **Mr Irving** I contend that the passages meant, and were intended to mean and understood to mean, firstly, "that the Plaintiff", meaning myself, "is a dangerous spokesperson for Holocaust denial ... for denial forces who deliberately and knowingly consorts and consorted with anti-Israel, anti-Semitic and Holocaust denial forces and who contracted to attend a world anti-Zionist conference in Sweden in November 1992, thereby agreeing to appear in public in support of and alongside violent and extremist speakers, including representatives of the violent and extremist anti-Semitic Russian group, Pamyat, and of the Iranian-backed Hezbollah and of the fundamentalist Islamic organization Hamas and including the black Muslim leader Louis Farrakhan, born Louis Eugene Walcott, who is known as a Jew-baiting black agitator, as a leader of the US Nation of Islam, as an admirer of Hitler and who is in the pay of Colonel Gaddafi".

My Lord, the wording that I use in this is, of course, very closely related to the wording used in the work complained of. I have not chosen those words myself. I have merely distilled them out of the Defendant's text and adhered as closely as possible to the original wording

L0215 **Mr Justice Gray** Yes. You are just paraphrasing really

L0216 **Mr Irving** I am not even paraphrasing, my Lord. I am gluing the words together into a complaint form using the words actually used by the Defendants in the work complained of

L0217 **Mr Justice Gray** That is what I meant by "paraphrase"

L0218 **Mr Irving** So I have added no colour, I have turned up no volume. These are the extraordinary words used to describe me by the Defendants. They say, "that the Plaintiff", myself, "is an historian who has inexplicably misled", in other words, the word "inexplicably" is in the original book, "misled academic historians like Ernst Nolte into quoting historically invalid points contained in his writings", my writings, "and who applauds the internment of Jews in Nazi concentration camps". I am accused of having applauded the internment of Jews in Nazi concentration camps which is a particularly perverse allegation in my view.

No. (iii) "that the Plaintiff", David Irving, "routinely perversely and by way of his profession, but essentially in order to serve his own reprehensible purposes ideological leanings and/or political agenda", and here are the allegations, "distort accurate historical evidence and information; misstate; misconstrue; misquote; falsify statistics; falsely attribute conclusions to reliable sources; manipulate documents; wrongfully quote from books that directly contradict my arguments in such a manner as completely to distort their author's objectives and while counting on the ignorance or indolence of the majority of readers not to realize this"

L0219 **Mr Justice Gray** May I interrupt and ask you this? Am I right in thinking (and I may be quite wrong) that really that is the imputation against you which causes you the most concern

L0220 **Mr Irving** Professionally, clearly so, my Lord

L0221 **Mr Justice Gray** Yes

L0222 **Mr Irving** I mean, the name calling is neither here nor there and your Lordship may make of it what your Lordship wants, I submit. Clearly, some of the name calling will stick, but it would be a real waste of this court's time if I take each of the names I have been called in turn and try to prove that is not so. This is what has cost me my career; unless the court disposes otherwise at the end of this trial, my Lord.

I complained that the work complained of describes me as an Adolf Hitler partisan who wears blinkers and skews documents and misrepresents data in order to reach historically untenable conclusions specifically those that exonerate Hitler.

I am accused of being an ardent admirer of the Nazi leader, Adolf Hitler, an ardent admirer of the Nazi leader, Adolf Hitler; that I conceive myself as carrying on Hitler's criminal legacy and that I placed a self-portrait of Hitler over my desk; that I have described a visit to Hitler's mountain top retreat as a spirit experience; that I have described myself as a moderate fascist. These are the allegations contained in the book.

Further, that before the Zundel trial began in 1988 in Toronto, I, the Plaintiff, compromising my integrity as an historian, and in an attempt to pervert the course of justice and one Faurisson, Robert Faurisson whom we saw in the video, that I wrongfully and/or fraudulently conspired together to invite an American prison warden and thereafter one Fred Leuchter, an engineer who is depicted by the Defendants as a charlatan, to testify as a tactic for proving that the gas chambers were a myth".

The loaded words in that sentence, my Lord, are words that are actually contained in the book.

"That the Plaintiff after attending Mr Zundel's trial in 1988 in Toronto, having previously hovered on the brink now denies the murder by the Nazis of the Jews". So I deny the murder by the Nazis of the Jews, this is one of the allegations. That I described the memorial to the dead at Auschwitz as a tourist attraction; that I was branded by the British House of Commons as "Hitler's Heir", and that I was denounced by the same British House of Commons as a Nazi propagandist and long-time Hitler apologist and accused by them of publishing a fascist publication, and that this marked the end of my reputation in England.

My Lord, it may possibly not be familiar to the Defendants that there is a distinction between an early day motion being put in the House of Commons by a group of disgruntled members of Parliament and the House of Commons actually voting and reaching a decision. It is nothing more than a propaganda move by people who wish to draw attention to something within the privileged atmosphere. It is rather like the privileged atmosphere that exists in this court, my Lord; people can say what they want about me and the newspapers are free to print it

L0223 **Mr Justice Gray** Yes, well, I certainly do know about early day motions, so...

L0224 **Mr Irving** That some other person had discovered in a Russian archive -- this is the allegation in the book -- that some other person had discovered in the Russian archive in 1992 the Goebbels' diaries, that it was assumed that these would shed light on the conduct of the Final Solution, but that I was hired and paid a significant sum by the London Sunday Times to transcribe and translate, although I was a discredited and ignominious figure and, although by hiring the Plaintiff, the newspaper threw its task as a gatekeeper of the truth and of journalistic ethics to the winds and, although there was thereby increased the danger that the Plaintiff would in order to serve his own reprehensible purposes misstate, misconstrue, misquote, falsify, distort and/or manipulate these sets of documents which others had not seen, namely, the Goebbels' diaries; I would do all that in order to propagate my reprehensible views and that I, the Plaintiff, was unfit to perform such a function for this newspaper.

Finally, the book contained the allegation that I violated an agreement with the Russian archives, and that I took and copied many plates without permission causing significant damage to them and rendering them of limited use to subsequent researchers

L0225 **Mr Justice Gray** Mr Irving, the first of those imputations that you say that Professor Lipstadt makes against you in her book is one that links you with Hamas and Hezbollah, and again I think you indicated earlier on that you wanted to say something about those organizations

L0226 **Mr Irving** My Lord, I put to your Lordship a small bundle of documents ----

L0227 **Mr Justice Gray** Yes

L0228 **Mr Irving** --- on those organisations

L0229 **Mr Justice Gray** I have read it.

L0230 **Mr Irving** It is probably not necessary for me to go in detail through them. I will indicate to your Lordship that reliable sources, like the BBC or other news media organizations, have consistently described the Hezbollah and Hamas, which are two Muslim fundamentalist terrorist organizations, as being criminal organizations whose members are not allowed into other countries and are actively pursued by the forces of law and order and, indeed, actively pursued with less law and order by the forces of the Mossad, who sometimes dispose of them by jabbing the aforementioned hypodermic needle laden with nerve gas into their neck which is one of the documents which I put before your Lordship

L0231 **Mr Justice Gray** Yes, I have read them

L0232 **Mr Irving** So anybody who is described in this reckless way as being a member of the Hamas or the Hezbollah or some other similar terrorist organization is at risk of being declared fair game with the forces of law and order or, at the very least, for the immigration authorities and countries who already look askance upon people for various reasons and, at worst, they are having their life put at risk or they are going to be ruffed up in the street by people who disagree with the Hezbollah or the Hamas.

I do not share your Lordship's earlier opinion at the pretrial review that is a matter which falls under section 5 of the Act, my Lord

L0233 **Mr Justice Gray** I did not express any concluded view, obviously

L0234 **Mr Irving** I am sorry, my Lord. This was totally misquoted

L0235 **Mr Justice Gray** Can you help me on something else? You will have the opportunity to make submissions about that later on. You supplied documents relating to the bombing in Oklahoma City. Does that feature in Professor Lipstadt's book

L0236 **Mr Irving** It does not feature in the book, my Lord, but I thought this was the appropriate bundle to put them, in February 1996 the media in the United States, where such allegations can be made with impunity, raised the allegation that I had supplied the trigger mechanism for the Oklahoma City bomb.

Now, the Oklahoma City bombing features in some of the documents quoted, I believe, by Professor Evans or by Professor Brian Levin, because they quote from my diary on that particular day; and to be accused of having anything to do with that crime was something I found particularly repugnant and I regard it as being part of the general campaign to vilify me and blacken my name which originated from the same sources which have funded the Defendants with the material they have used to smear me. It is no more directly associated with them than that

L0237 **Mr Justice Gray** Thank you very much

L0238 **Mr Irving** But it is like trying to put a hook into a custard pie. You cannot really pin anything down until you stand back and you see the whole continuum of the onslaught to which I have been subjected

L0239 **Mr Justice Gray** The next thing you might want to deal with, Mr Irving, is the effect that that the publication of the book of which you complain has had on you. I have seen what you say in your witness statement about that, but if you want to expatiate on that, then please do

L0240 **Mr Irving** My Lord, people have said to me, "Why have you picked on that book and those particular Defendants?" and the simple answer is because it is an open and shut case. I have been accused of doing things which they cannot justify. If we admittedly find it more difficult to disprove the subjective claims, ad hominem statements that are made, there are certain specific claims that are made, like the Adolf Hitler portrait or like the misquoting of documents or deliberate and reprehensible mistranslation or distortion, which are easy to disprove and they are the ones which reflect on my professional integrity and on my career and on my livelihood, which is precisely what the Defamation act, as I understand it, is about

This is one reason why I decided that the time had come after 30 years to take some kind of action which I did with the utmost reluctance because Penguin Books, the First Defendants, have published books of my own in the past and you are not eager to go and sue people who have published your own books.

The book, undoubtedly, had caused me serious damage. When I consider, admittedly, this was not damage within the jurisdiction, and it is possible the Defence counsel objected and it is, therefore, relevant, but in view of the fact that the publication of this book and the author of the book were widely quoted in justification by the American publishers for cancelling my Dr Goebbels' biography, which was for me a particularly wounding and injurious event, when I wrote the biography of Dr Goebbels, it was a task of nine years, my Lord.

We have just spent three years preparing this case, writing that one book which your Lordship has seen took me nine years. It went through, I think, six different drafts; the first draft entirely in handwriting, the drafts of the manuscript which the Defendants have seen fills some ten cubic feet of boxes, as it was refined and refined and then finally totally rewritten when I came into possession of the diaries. The book was set to restore my reputation completely until the United States, because your Lordship may well agree that the book cannot be described as "anti-Semitic", the book, in my submission, cannot be described as justifying the Holocaust or admiring Hitler or exonerating Hitler in any kind of way, the book was, I consider, one of the most well-founded and well-researched and watertight accounts of the higher leadership of the Third Reich that I have ever written. It was the crowning point of my career. We waited with the utmost eagerness for publication day in the United States, shortly before which the publishers contacted me and said, Mr Irving, we are beginning to come under attack from all quarters. One of the quarters was from the second Defendant

L0241 **Mr Justice Gray** Your evidence is, is it, that the -- I think you said "the author" did you mean..

L0242 **Mr Irving** The Second Defendant

L0243 **Mr Justice Gray** The American publishers of the Goebbels book told you that Professor Lipstadt and --

L0244 **Mr Irving** No, my Lord, media accounts have linked Professor Lipstadt with this particular event

L0245 **Mr Justice Gray** -- media accounts, rather than the American publishers

L0246 **Mr Irving** This is true, my Lord, and it is very unsatisfactory that we are not going to be able, as I understand it, to question Professor Lipstadt about what contact she may have had

If I may state at this point also, one would have liked to have seen in her discovery, had her discovery been complete, and I am going to submit her discovery was incomplete, any correspondence that she might have had or any communications she might or might not have had with the publishers' concerns, St Martins Press, or with the people who were putting pressure on the publishers, because the Second Defendant was certainly instantly quoted as an authority on the reasons why the book should be suppressed

L0247 **Mr Justice Gray** Yes, but you are entitled to make applications for discovery, but let us focus on your evidence. If you want to make that application we can deal with that at the beginning or the end of the day

L0248 **Mr Irving** It is not an application, my Lord, it is an allegation. I was informed by the second Defendants' lawyers when your Lordship will have seen that I succeeded in obtaining an order that the Second Defendant should be required to swear a list on affidavit. When that occurs, as your Lordship is aware, I am not allowed to go behind the affidavit until the trial of the action. I was repeatedly reminded of this by the defendants' solicitors, who said you will be able to cross-examine Professor Lipstadt when the time comes, on her affidavit, and, of course, now we will not

L0249 **Mr Justice Gray** Yes

L0250 **Mr Irving** That is not the last time I shall refer to that, my Lord. I find it an unfortunate state of affairs

So the book anyway in the United States did not appear. The just proceeds of that book not appearing were denied to me. But not only the just proceeds of that book but as it seems now all future books, because all the publishers with whom I previously dealt in the United States have pointed to that episode in grief and terror and said we cannot afford that to happen to us. The chairman of the St Martin's Press was obliged to resign six weeks later over the scandal and nobody wanted to go through that again

L0251 **Mr Justice Gray** Yes. So that is your evidence about the effect of what has been published by these Defendants. Now --

L0252 **Mr Irving** Specific details, yes, my Lord, of course, there is a long-term effect in this country as well

L0253 **Mr Justice Gray** -- describe that

L0254 **Mr Irving** The book, which has been published by the First and Second Defendants has been not just sold through the normal outlets, it has been placed on the Internet on two different website locations. I have no way of knowing whether they are active participants in that or not because we cannot cross-examine them on that. I, the Defendant, but the book has been made available in other words to 200 million Internet users. They can download it free, the entire book, and review probably regardless of whatever injunction your Lordship sees fit to make at the end of this trial that book will continue in perpetuity in cyber space. The book has been donated to very large numbers of university libraries around the world. One of my correspondents at the University of Durham has found no fewer than three copies in Durham University library with library plate gummed into the front saying "donated by Friends of Durham University History Society". There is no such Society. So it has been actively propagated by who knows whom. The book is relied on as a source. It is an authoritative source by people who wish to attack me further. So it has an ongoing rolling effect far beyond the effect it has just on the one customer who picks it up at his local Barns & Noble or Waterstones bookshop, my Lord.

Of course, the book is a very much more serious libel -- vehicle for a libel than a newspaper. When newspapers have libeled me or defamed me in the past and people have come to me wringing their hands in grief as you will see from one of the speeches I made. I said, fear not because today is already Monday and what appeared yesterday is already wrapping fish and chips or being flushed down the drains in some paper processing plant. Whereas books go into libraries.

But simultaneously, as your Lordship will have seen from the witness statement of Professor Evans, when he went to the British Library and asked to obtain a copy of my book he was told that it had mysteriously been put in the pornographic book section and was not freely available. The book which I have on the desk in front, my book "Hitler's War".

It is quite ingenious campaign, my Lord, I would aver that on the one side my book is being suppressed and squirreled away, hidden out of sight so people cannot see what I actually wrote. Pressure is put on publishers so they do not publish my books and simultaneously a campaign is launched by very well qualified writers and very gifted writers, armed with ammunition from all around the world in an attempt to defame me which I then cannot answer.

Has your Lordship further questions on ----

L0255 **Mr Justice Gray** Not on that aspect, and I do not want to impose any kind of rigid pattern to your evidence if you do not want it to emerge in that way

L0256 **Mr Irving** My Lord, I find it is very useful that you ask me these questions because it is like an examination in chief

L0257 **Mr Justice Gray** I hoped you might. Yes, that is what it is really intended to be. What I was going to suggest you deal with now, is the plea of justification because that is obviously the main issue. If it is not inconvenient to you it would be most helpful to me if you were to deal perhaps quite briefly with the various allegations that are put against you in the Defendant's summary of case, because I think everybody agrees that superseded the original defence, we discussed that at pretrial review

L0258 **Mr Irving** Yes

L0259 **Mr Justice Gray** I think it is a convenient summary of the allegations that are made against you and can you deal with it briefly or at greater length. It is a matter for you. I have no doubt you will be cross-examined about it anyway, but would it be appropriate to go through --

L0260 **Mr Irving** If I can find it in this bundle

L0261 **Mr Justice Gray** -- the topics. I have it in a separate file. I do not know whether if you have it in the same form I have, the Defendant's summary of case

L0262 **Mr Rampton** We have it. Does your Lordship have it in a separate file

L0263 **Mr Justice Gray** Yes. That may be something I did and have forgotten about.

L0264 **Mr Rampton** It is in the pale green thing

L0265 **Mr Justice Gray** Have you got it

L0266 **Mr Irving** I have the summary of the Defendants case, yes

L0267 **Mr Justice Gray** Well, as you recall it is divided into sections, and the first section, which is quite a short one, is the allegation that is made against you by the Defendants that you are what is called a "Holocaust denier"

L0268 **Mr Irving** My Lord, I think I led, or at any rate I gave my reply to that allegation in my opening statement yesterday at some length, and I am not sure there is very much more I can add to that in chief, so to speak. Perhaps the ----

L0269 **Mr Justice Gray** Can I just put a little bit of flesh on the bones of that

L0270 **Mr Irving** Yes

L0271 **Mr Justice Gray** The way the Defendants put their case is to quote quite a large number of, mostly speeches, that you have made

L0272 **Mr Irving** Yes

L0273 **Mr Justice Gray** Usually in North America, and to say that you have denied that there were any Jews killed in gas chambers at Auschwitz and so on, and refer to Auschwitz in dismissive terms. The first question, I suppose, is to what extent you accept that you are accurately quoted. I am not asking you to go into the detail of it, but do you accept that you have said that sort of thing, in general, whether the quotation is accurate

L0274 **Mr Irving** In general, those quotations are accurate, my Lord. Of course, I am quite unhappy about the use of word "holocaust" without having had it very closely defined. It is a very elastic expression

L0275 **Mr Justice Gray** You state what you understand it to mean

L0276 **Mr Irving** The Holocaust was the tragedy that befell the Jewish people during World War II. I would set it as broadly as that. One could even set it more broadly and say the Holocaust was whole of World War II and that the people who died and suffered in that Holocaust were not necessarily confined to the Jewish religion, but any number of innocents, whether gypsies, homosexuals, the people in Coventry, the people in Hiroshima. I think it is otiose to try and define the Holocaust just the way you wish to define it in order to snare somebody, which appears to be what happens in a case like this. They set it as wide as they want when it is a concern, for example, of taking money from the Swiss banks. I will justify that statement in a moment, and they set it very narrowly when they then try to snare a writer who is dangerous to them, as they put it.

The reference to the Swiss Bank is justified as follows. I have in my files and I can produce it to your Lordship if you wish probably five or ten whole page advertisements inserted in the newspapers around the world, and your Lordship may well have seen them, inviting people in entitled to compensation for their suffering in the Holocaust to come forward, and for the purposes of that advertisement those people are defined as any person who was persecuted in Germany during the periods of the Third Reich, or in Nazi occupied territories, by virtue of his religion or by virtue of being a minority. He did not have to be in a concentration camp. He did not have to work in a slave labour factory. The mere fact of being within the frontiers of those countries justified that man to Holocaust compensation. That, of course, is, in my submission, an offensively wide description of the word and I think that the two line description I gave, the Holocaust is -- I would prefer to see it defined for the purposes of this court, this trial, the Holocaust is the tragedy that befell -- that undoubtedly befell the Jewish people during the Third Reich, not even just during World War II

L0277 **Mr Justice Gray** Well, do not let us be too bothered about labels, but can I just ask you this; I understand what are you saying about the Holocaust being a term you could apply to the World War II generally, but if you take it as meaning, for the purposes of this question anyway, a systematic programme of exterminating Jews, conducted by the Nazi regime --

L0278 **Mr Irving** My Lord, I think the difference --

L0279 **Mr Justice Gray** -- can I just ask you this, do you accept that there was any such programme first; leave aside the issue of gas chambers

- L0280 **Mr Irving** -- no, I do not. I think this is the defect, with respect, in your Lordship's definition. The systematic programme to exterminate the Jews is the cause, whereas the Holocaust, the word "Holocaust" as I would see it is the effect, the result, the tragedy that results. When we are looking at the Holocaust we are looking at the victims. We are looking at the mass graves. We are looking at the people being machine gunned into pits. The Holocaust in my submission is not the machinery which produced the result, it is the suffering and not the murderer, shall we say
- L0281 **Mr Justice Gray** So I want to be clear on this, because it is obviously important
- L0282 **Mr Irving** It is very important indeed, my Lord
- L0283 **Mr Justice Gray** You are saying that, yes, there were multiple shootings by Einsatzgruppen and so on during the invasion of Soviet Russia --
- L0284 **Mr Irving** There was mass murders of Jews committed by Nazis in their satraps --
- L0285 **Mr Justice Gray** -- but it was not pursuant to any systematic programme, is that your case
- L0286 **Mr Irving** -- again, I would have to -- I am not caviling, but these are important definitions, my Lord. If the definition -- if by using the word "systematic" you are implying that the system, the Third Reich as such originated these massacres, then I would have to quibble with that. I would say that certainly at a lower level a system emerged and that it was systemized somewhere in the hierarchy; does your Lordship appreciate --
- L0287 **Mr Justice Gray** Yes, I follow what you are saying
- L0288 **Mr Irving** -- yes. I submit that the Defendants will find it very difficult to suggest that it was a Third Reich decision. In other words an Adolf Hitler decision, which is of course the open water between us at present.
- L0289 **Mr Justice Gray** Can I ask a similar question; do you accept or deny totally that there was any systematic gassing of Jews in gas chambers, whether at Auschwitz or at elsewhere? I know we are not dealing with Auschwitz but I think that that ought to be part of --
- L0290 **Mr Irving** Yes, I think if we can leave out the word "systematic" which is contentious, I do not deny that there was some kind of gassing at gas chambers in Birkenhau, it is highly likely that there was
- L0291 **Mr Justice Gray** -- on a solely experimental basis or --

L0292 **Mr Irving** That is the word I have used to give an indication of scale and to give an indication of the authority on which it was conducted, and, well, I leave it at that. But now you appreciate the reason why I am reluctant to insert the word systematized into that, because that implies that it was conducted on authority from above and that there were guidelines, and in some of the killings they were very definitely guidelines, my Lord, and I will lead some evidence on that later. Because Heinrich Himmler in fact refers to guidelines in a message he send to one of the commanders which has not been revealed previously

L0293 **Mr Justice Gray** -- do you want to add anything more in advance of cross-examination about the allegation that you are a Holocaust denier using the term "Holocaust" in the narrow definition

L0294 **Mr Irving** I do, my Lord, I wish to say that if you are not allowed to examine components of the Holocaust as I described it, the tragedy that was inflicted on the Jewish people in the Third Reich, if you are not allowed to examine individual components of that and say, yes, this definitely happened. This is slightly exaggerated, that bit I find little evidence for. In other words not to carry out normal kind of analysis that you would do as a writer or as an historian without being accused and defamed as being a Holocaust denier instantly by the assembled mass media, then I would think would be a very sorry state of affairs. To that extent I find it offensive to be called a Holocaust denier because there are aspects of the Holocaust as currently portrayed that I find questionable, debateable and they need to be debated. But that is not Holocaust denial in my view, my Lord.

The defence contention that somebody who challenges the figure is a Holocaust denier ipso facto, I have read Professor Evans' report in great deal here where I think he gives four criteria of what a Holocaust denier is. Somebody who says that Adolf Hitler did not give the order, somebody who challenges a figure. Somebody who says there were no gas chambers. I forget the fourth one. It is almost as though those four criteria have been tailor made in the way that you would have a suit tailor made for this very action, my Lord. I do not think that your Lordship will set much store by those four criteria. I hope you will not. Because if it is not possible to question the 6 million figure, for example, that I have been I accused of being a Holocaust denier, you run into immediate difficulties, because the Auschwitz authorities themselves removed the memorial stone for 4 million dead and replaced it with a memorial stone for one million dead; are they Holocaust deniers under Professor Evans' definition? It is an absurdity

L0295 **Mr Justice Gray** Again, take your own course, but I was being to move on and I was going to skip for the purposes of my so-called examination-in-chief of you, skip altogether the section dealing with Auschwitz and indeed the one..

L0296 **Mr Irving** If you had not, my Lord, I would have reminded you of what we agreed this morning

L0297 **Mr Justice Gray** Yes, quite. I am also going to skip Treblinka, Sobibor and Belsic, because it seems to me they really belong in the same compartment of the case as Auschwitz.

There is a section though in a subsection in section 2, you may be able to find the page 28, which is headed: "Mass Murder of Jews by Shootings", I am not sure that really belongs in that particular section, but I can see why it has landed up there; do you want to say anything at this stage about that in fairly general terms? I think the criticism is made of you that whilst you recognize that many, to use a neutral word, many Jews were shot and killed in horrific circumstances, you have downplayed it, you have underestimated the number of deaths which occurred in this fashion

L0298 **Mr Irving** I do not like playing numbers games, my Lord, and a lot of these numbers are very suspect. Your Lordship may not be familiar with this, but there was the case against Field Marshall Manstein, conducted by British War Crimes Court in Germany, where Manstein was represented by very eminent and able QC, I think it was Paget, who subsequently wrote a book called "Manstein and His Trials" and he led very good evidence indeed on these figures, proving how totally impossible many of the figures were relating to the Einsatzgruppen, but I say this with the utmost diffidence as I am not a expert and I have no intention of becoming a expert on that. What I am an expert on is the role played by Adolf Hitler in these killings and if I can just spend two minutes of the court's time describing the sequel to what happened yesterday, the November 30th 1941 episode, documents we have here in the British archives. They are of the utmost importance because they go a long way to refuting what Mr Rampton said yesterday about my interpretation of that Himmler document.

If you remember, my Lord, on November 30th 1941, an event to which both the defence and I in our opening statements have referred occurred. A train load of 1,035 Jews from Berlin arrived after a two or three day journey at Riga. They were unloaded from the train that morning in ice cold conditions and had the misfortune to arrive in the middle of a mass extermination, a mass shooting of Jews being conducted by the local SS commander. They were shot immediately in the pits, and, my Lord, I am sure you will vividly remember the description of that very shooting that was given to us by General Brunns in the Brunns Report, to which I have repeatedly referred

L0299 **Mr Justice Gray** Yes

L0300 **Mr Irving** So that one episode, when great good fortune, having a lot of documentation, the defence as I understand it are going to seize on the fact that in the Bruns Report the local SS junior says it is the Fuhrer's orders. I think there are very grave reasons for doubting that because Heinrich Himmler, as we heard yesterday, at 1.30 p.m. on that same Sunday, November 30th 1941, was called into Hitler's bunker and at or about that time, and I am going to be quite careful how I say this, he had reason to make a telephone call to SS Obergruppen Fuhrer Reinhardt Heinrich, who was his henchman, his closest lieutenant. He was the head of the killers, shall we say, he was above the Gestapo, Reinhardt Heinrich, and in that telephone conversation he said certain things as a result of which he jotted down two lines in his note pad. I have the actual handwritten notes on the table next to my stand there. The first line says: (German spoken) Jew transport from Berlin. I appreciate quite readily that in the first chapter of my "Hitler's War" book I wrongly put that in the plural. The second line continued with the words (German spoken) "no liquidation".

Now, many things can be said about that document, my Lord, the first is, how is it that it was not until 1974 when David Irving took the trouble to transcribe Heinrich Himmler's note, 30 years after the war was over that this extraordinary note came to the attention of the historical community. Well, I do not know why they do not want to read Heinrich Himmler's handwriting. It is a very difficult handwriting and I have to plead that as being my partial excuse for having misread (German spoken) and also on the following day for having misread word "juden" as "haben" (?) or vice versa

L0301 **Mr Justice Gray** I think the point they make is not so much about legibility, but that this on its face looks as if it is talking about a single train transportation to --

L0302 **Mr Irving** Yes, this true, my Lord

L0303 **Mr Justice Gray** -- to Riga from Berlin

L0304 **Mr Irving** I should have put in the word "the". I left out the word "the" in my text based on it. I should not have said "transportation of Jews" I should have said "the transport of Jews". But I corrected this as soon as this was pointed out to me, my Lord.

But I can continue because the inference that I drew from this, if this telephone call is made (German spoken), from the bunker, from Hitler's bunker at the Wolf's lair in Rustenberg, East Prussia, Himmler has been required to telephone Reinhardt Heydrich and tell somebody these Jews from Berlin were not to be liquidated, you have to very interesting conclusion, namely the liquidation was in the air and people have pointed this out to me and I do not dispute that for one moment. But what interested me is Adolf Hitler's biographer is that here is a case of Hitler intervening in a negative way. But it gets more interesting, my Lord, because we now have 20 years further down the road at the end of the 1990s in the Public Record Office the intercepts of the radio messages sent by Himmler the very next day to the man who had carried out the killings, SS Obergruppenfuhrer Joachim. Now this may be new to your Lordship. It is certainly new to everybody in this court; December 1st 1941, the day after the killings, Joachim gets a message from Heinrich Himmler in top secret SS code which we broke reading, and I have this there memory, I have the actual document on my desk over there but the sense is, the words are: These shootings that have been carried out in Riga, concerning the shootings in Riga, any excess, any further excesses, arbitrary excesses and actions against instructions given to you -- no. You have been given clear guidelines

L0305 **Mr Justice Gray** I think we ought to look at this document I am not familiar with it

L0306 **Mr Rampton** Nor are we

L0307 **Mr Justice Gray** Then I think we should look at it

L0308 **Mr Irving** My Lord, it has been supplied to the Defence several weeks ago

L0309 **Mr Justice Gray** I am not doubting that for a moment. Can you indicate where it is so we can get it for you

L0310 **Mr Irving** It is large yellow sheets headed "Most Secret" in my case, at the bottom of the inside of my case. Then I do not have them with me, because I was intending to lead this material tomorrow

L0311 **Mr Justice Gray** So I understand what you are saying, you are saying there is a message from Himmler to Joachim

L0312 **Mr Irving** From Himmler to the Chief of the SS saying: There were very clear guidelines for the outsettlement, the outplacing of the Jews from Berlin

L0313 **Mr Justice Gray** So it is about the Jews from Berlin

- L0314 **Mr Irving** It is talking about Jews from Berlin, clearly referring to this train load. He then continues: Any further arbitrary actions and actions against instructions will be severely punished, and he ordered Joachim to report immediately to Hitler's headquarters. On December 4th, my Lord, and this I do have there in the big blue volume -- can you give it to me, the Himmler Diary, have had that volume now for 20 years -- on December 4th 1941 Joachim then turns up at Hitler's headquarters and he is raked over the coals, there is no question, because the killings of German Jews stopped for the next few months. On December 1st I would say ----
- L0315 **Mr Justice Gray** Is there a copy of this document? If there is not there should be one
- L0316 **Mr Irving** My Lord, there are copies made. I had all this bundle ready to be produced tomorrow
- L0317 **Mr Rampton** Can I help
- L0318 **Mr Irving** Because of the importance ----
- L0319 **Mr Justice Gray** I think Mr Rampton knows where it is
- L0320 **Mr Rampton** I do not know if it is the same document. From its wording I very much suspect it is, but on page 353 of Professor Evans' report at paragraph 6 ----
- L0321 **Mr Justice Gray** Professor who
- L0322 **Mr Rampton** Professor Evans page 353, paragraph 6, he has a quotation from a document: "The Jews have been resettled out of the territory of the "Ouslander" (?) only to be dealt with in accordance with guidelines issued by me or the Reich Security Head Office on my authority. I will punish individual initiatives and contraventions. Signed H. Himmler", and it is annotated as being Himmler to Joachim, 1st December 1941 at 7.30 p.m. in the Public Record Office HW16/32
- L0323 **Mr Irving** That is correct
- L0324 **Mr Rampton** It is the same document
- L0325 **Mr Irving** Does he also have the following message, let me ask Mr Rampton, where he instructs Joachim to report to headquarters immediately
- L0326 **Mr Rampton** I do not have that document

L0327 **Mr Irving** Clearly the significance of that is even more important than this rap on the knuckles about the arbitrary reactions and acting against authority and disobeying the guidelines. On December 1st, the day after the killings, the same day as these telegrams, here is in Himmler's own handwriting a telephone call at 1315 to SS General Heinrich about the executions in Riga which everybody agrees is referring to this appalling atrocity where the Jews had been shot into the pits. The significant feature is, as all the historians on both sides now agree, that from that time on the killing of German Jews stopped for many months. The fact that this instruction had come in the first instance from Hitler's bunker and on the following day from Heinrich Himmler who had been to see to Hitler who sends him a message that I would describe as "panic stricken" to General Joachim saying "any further actions of this nature, any arbitrary actions against the guidelines, will be severely punished and you are ordered to report to Hitler's headquarters", is a matter which I think is so serious that this is the reason why I was preparing a very detailed bundle on it, my Lord, with complete facsimiles and translations for your Lordship's attention, because it goes very closely to the central issues in this case: How far was Hitler personally involved and what were his intentions

L0328 **Mr Justice Gray** In relation to the shooting

L0329 **Mr Irving** Of European Jews as opposed to Russian Jews

L0330 **Mr Justice Gray** Yes, but in relation to death by shooting

L0331 **Mr Irving** And also in relation to my contention, as your Lordship will be aware, that there is a chain of documents of varying magnitudes of integrity and weight which indicate that Hitler was a negative force in this matter, whereas there are no comparable documents indicating the opposite. I know it is barely credible, but if one comes to this with an open mind and then 20 years later one comes across yet another document like this extraordinary British intercept, this decode of the SS message from Himmler to the man on the spot who had done the killings, saying any further such actions will be subject to punishment and ordering him to report to Hitler's headquarters. It is an extraordinary episode and I find it also highly significant that the German historians have so far not been prepared to refer to this episode with a single line as far as its significance is concerned, because they are mortally terrified under the consequence of the new laws passed in Germany. It has been the foreign historians, like myself, who have drawn attention to this exchange of documents

L0332 **Mr Justice Gray** Your case really, as I understand it, that that particular example of the transport from Berlin demonstrates what you say was Hitler's role in relation to it

L0333 **Mr Irving** My Lord, it is one indication. It is not the only evidence that I rely upon, my Lord

- L0334 **Mr Justice Gray** No, that is what I meant by "demonstrate", "illustrates" is a better word
- L0335 **Mr Irving** I am careful there, because when I introduced in my previous book, the November 30 handwritten annotation by Himmler, my opponent said, "this is his only evidence, this is what he relies on", and it was not, I had more. My Lord, we shall be hearing at a later stage in these proceedings Dr John Fox, who is an expert, among other things, on these police decodes, and I shall be asking him, with your Lordship's permission, the condition of these decodes and are they wall to wall? Is everything there, or are there gaps? If one finds an item like this, of course, it is a nugget, one is not entitled to expect to find it, but one find it and here it is, suddenly in our faces, you cannot ignore it. There are several documents like that, my Lord
- L0336 **Mr Justice Gray** Well, I was going to invite you to perhaps pass on now from the shootings of the Jews and to skip section 3, which is the Leuchter Report
- L0337 **Mr Irving** While I am in full flood can I move on to another Hitler document just three months later
- L0338 **Mr Justice Gray** Yes, of course
- L0339 **Mr Irving** After the Danzig Conference, which was an interministerial conflict on the executive measures for the Final Solution, whatever it was, there was a lot of paperwork in 199 --
- L0340 **Mr Justice Gray** In 1942

L0341 **Mr Irving** In 1942, the Danzig Conference was held on January 20th 1942, my Lord. After the Danzig Conference the ministries engaged in a lot of paperwork, and at one stage the necessity was ventilated of bringing up this matter with Adolf Hitler, whatever the Final Solution was, the Ministry of Justice began to get uneasy about it, because they could see it had ugly connotations; there were illegalities being adumbrated, and the head of the German Civil Service, Dr Hans Lammers, who was a minister, a Reich minister, telephoned the head of the German Ministry of Justice, whose name was Schlegelberger, we shall be hearing quite a bit about the Schlegelberger document and in this telephone conversation which Schlegelberger wrote a minute on, or what a lawyer would probably call an "attendance note", Lammers said "the Fuhrer", Adolf Hitler, "the Fuhrer", Adolf Hitler, "has repeatedly said he wants the solution of the Jewish problem postponed after until the war is over". This is a document that is caused my opponents immense difficulties. The difficulties they solved initially by pretending it did not exist, by which I mean they did not quote it. They did not adduce it in their history books, and when that thorn in the flesh, David Irving, kept on reminding them of existence of this document, which tripped them up whatever their hypotheses were, that is when the real battle began, the skirmishing began. But I think your Lordship will appreciate that I am entitled to point to that document as being another document in that chain of evidence, unless of course I have deliberately mistranslated it, or misconstrued it

L0342 **Mr Justice Gray** No, I do not think that is suggested

L0343 **Mr Irving** Yes, but it is clearly a very important document. A wartime document written by a lawyer on a phone call from the head of the German Civil Service, who is the next one up to Adolf Hitler, saying the Fuhrer has repeatedly said he wants the solution of the Jewish problem postponed until after the war was over, which was typical Adolf Hitler, anything like that he wanted put on the back burner he had fought this ghastly war through. There were several problems like that, the church problem was another one

L0344 **Mr Justice Gray** What was Schlegelberger's position

L0345 **Mr Irving** He was at that time, as I understand it, Secretary of State, which is the equivalent of a permanent Under Secretary in a British ministry. In the Ministry of Justice, his Minister was Dr Franz Goertner, who I believe had died recently at that time, so he was effectively in charge of the Ministry, Schlegelberger, and the minute he wrote was directed to a few notorious names including Rowland Friessler. It is quite an interesting document and interesting about the document, my Lord, is at the time of the Nuremberg trials it vanished. It remained in original in the Ministry files, but the photocopies provided to the lawyers at Nuremberg, this extraordinary document, vanished. It was not there, and it gave me a lot of trouble locating the original eventually

- L0346 **Mr Justice Gray** Yes. Would you like to pass on now, do you accept that the Leuchter report is plainly part and parcel of the Auschwitz issue
- L0347 **Mr Irving** Yes
- L0348 **Mr Justice Gray** I think that must be right. Then the next section in the Defendant's summary of case, which is -
- L0349 **Mr Irving** The Leuchter Report, of course, exists in two incarnations, my Lord. The original Leuchter Report was an affidavit drawn up as an expert report for the Canadian courts and what we published was a glossy version truncated and streamlined
- L0350 **Mr Justice Gray** -- but it was basically the same
- L0351 **Mr Irving** Made the same allegations and on the same contentions
- L0352 **Mr Justice Gray** We will leave that on one side, shall we
- L0353 **Mr Irving** Yes
- L0354 **Mr Justice Gray** I can see it comes in in some other context. Then there is a heading called "Historiography", this is really the section where there are a whole series of detailed criticisms made of you, it being alleged that you have skewed documents and generally behaved in a -
- L0355 **Mr Irving** Reprehensible -
- L0356 **Mr Justice Gray** -- disreputable way as a historian in your treatment of the evidence. Now it is up to you how you deal with it, you can either deal with it generally, or you can make some specific points on the instances that are cited against you
- L0357 **Mr Irving** -- well, the general statement I would say is Mandy Rice-Davies, they have to say this, my Lord, they would say, would they not? My opponents, who I could also categorise as my rivals, dislike the fact that I get to the documents before them. For 30 years I have been the one to dig out the diaries.
- By way of a general remark I would say I that I would visit the widows and obtain the papers, not because I was more industrious than them, but purely because I took the trouble. I visited the widow of State Secretary Anstrom Wiedsecher, who had been Ribbentrop's State Secretary. She was Baroness Marianne von Wiedsecher, who was subsequently the mother of the State President of Germany, President von Wiedsecher and it turned out that she had all her husband's diaries and letters, which she made available to me, and was rather puzzled that she had not made them available to the German historians and her reply was, "Mr Irving, they never asked". It was the same with very many other historians -- many other historical sources. Purely by virtue of visiting the widows or next of kin or digging around I have obtained these diaries and private papers
- L0358 **Mr Justice Gray** But leaving aside digging out the evidence

- L0359 **Mr Irving** Well, this generated the envy and jealousy which is unfortunately what has fuelled lot of the criticism
- L0360 **Mr Justice Gray** I hear you say that, but what about the criticism of the use that you make the evidence once you have got it because what is said against you is that you pick and choose
- L0361 **Mr Irving** My Lord, this is almost certainly something which can only be dealt with on piecemeal basis, they will put individual documents to me in cross-examination and to their delight I may occasionally concede that, yes, I got something wrong. I will concede that I misread the word "harbun" in Himmler's appalling handwriting, and if you were to have a look at his handwriting you will see how very similar it is. I will provide the documents to your Lordship tomorrow to the alternative word. This kind of thing happens
- L0362 **Mr Justice Gray** Well, if I may say so, I think you are right that this particular topic has to be dealt with on a ..
- L0363 **Mr Irving** Piecemeal basis
- L0364 **Mr Justice Gray** Well, case by case basis, I think that is it probably right, but if you want to say anything more generally at the moment about your --
- L0365 **Mr Irving** I will say generally, of course, and it is important for the case to know, and I am saying this on oath, I have never knowingly or wilfully misrepresented a document or misquoted it, or suppressed parts of the document which would run counter to my case, I think it is important to state that. Any of the other allegations in that line, misquoting, misconstruing, mistranslating, distorting or manipulating a document I have not done. I shall be very surprised indeed if the defence manage to make out a watertight case on even one document in that line. I think I would hang up my hat if that could be established against me. It would be a despicable thing for a historian to do, but it would be also very difficult, because in my case I have always instantaneously made my documents available to my opponents. Sometimes in advance of publication of my own book I would turn over documents like the Bruns Report to Professor Fleming. When I found the article Aumeier Report in the British archives I actually contacted Professor Richard van Pelt, whose book on Auschwitz I greatly admired and I said you will certainly find this document of great interest and I told him exactly where the file was to be found. I have always been like that. It would be very difficult simultaneously do that, my Lord, and at the same time distort the document because you are going to get found out and shot. So I did not do it. But that is the only general remark I would make and possibly of importance because it is a statement on oath
- L0366 **Mr Justice Gray** I think that is right. The next topic that is addressed by the Defendants is the bombing of Dresden in 1945

L0367 **Mr Irving** Again, I will make a general statement on it, my Lord. This was the -- it was not actually the first book I wrote. The first book I wrote was a history of the bombing war, but it was only published in German -- in Switzerland. It was written at the same time as I wrote the book "The Destruction of Dresden", which was a three year task, between 1961 and 1963.

I emphasise the years, because in 1961 and 1963, of course, we were not in the happy position that we are in now where we can go to the public archives and see the documents. I understand that I can go down the road to the public archives and actually see correspondence that I had with Harold Wilson, this kind of thing. I personally frown on it. I liked the old 50 year rule because there were ways round it. But in those years there was a 50 year rule in operation. In you wanted to write a history of something that happened in World War II you could not get the original documents if you were not an official historian

L0368 **Mr Justice Gray** That is from the British -

L0369 **Mr Irving** From the British point of view

L0370 **Mr Justice Gray** -- what about the German records, were they available

L0371 **Mr Irving** The German records were in a more difficult position because Dresden lay in the Soviet zone of Germany, the German Democratic Republic as it had by that time become and although I had established cordial relations with City Archives Director in Dresden, Dr Walter Lange, they were under no kind of obligation or compulsion to make their records available to me and they did so on a very piecemeal basis, what the Germans would call in salami slices, piece by piece they would give me a document, according to how they thought they could fit it into the Cold War propaganda. I had to weigh it from that point of view.

I emphasise this because three years later after the book was published those same officials in East Germany decided they had now just found a report on the statistics on the air raid on Dresden which produced figures which were different from mine

L0372 **Mr Justice Gray** You are making this point really to explain why your estimate of the number of deaths, which is really what the Dresden issue is about

L0373 **Mr Irving** Yes.

L0374 **Mr Justice Gray** Has fallen fairly dramatically from a quarter of a million -

L0375 **Mr Irving** I would not say "fallen", that implies only way, I would say "fluctuate"

L0376 **Mr Justice Gray** -- in a downwards direction, would you accept that

L0377 **Mr Irving** If you were a scientist you would not say "the figure is this", you would say it is probably that, with a upper margin of this and a lower margin of that. You would give a range of probabilities, and the range of probabilities I have given has remained roughly the same, but I have brought down the target figure. The original figure I gave, I hasten to add, was not my figure, it was the figure given to me by a man who met the Trevor Roper criteria. If you remember, my Lord, somebody who is in a position to know.

This was a man who was school teacher in Hanover who had nothing to gain from it, who had asked no money for it, but after the air raid on Dresden, which took place on February 13th 1945, this school teacher had the unfortunate task of running the missing persons bureau in Dresden, the Dead Person Section, he had been given the job of setting a card index in this appalling task of trying to identify the dead. They did it, for example, they collected buckets of wedding rings from the corpses. I am sure the defence will appreciate when I talk about buckets of wedding rings, gold wedding rings, were collected from the corpses of the air raid victims because inside a German wedding ring there is the initials and the date of the wedding, so they could identify the corpse from that. Or they could have an index card just saying "KD" and a date on the inside of wedding ring. They built up this card index.

Of course, this was incomplete because they had not got all the corpses and not all the corpses were adults, not all the adults were married. But he was able to extrapolate and he kept a diary, which he also made available to me. When I asked him the 60,000 dollar question, I said, Dr Voigt or Mr Voigt, how many people in your estimate died in that air raid on Dresden? He gave me an upper estimate and a lower estimate, and he then said that in his own belief the figure was probably 135,000. Which was the figure I then used, and I quoted the source as being this man. In other words it was not a figure on my authority, it was a figure on the authority of the source. I see no reason really to depart from that figure because, it may sound self-defeating, I say that there is not much difference between 135,000 dead and 35,000 dead. Both of them are a monstrous tragedy or crime, depending on which end of scale you are viewing it from. If you are one of those dead it hurts just as much if you are one of the 35,000 or one of 135,000. So I confess that I did not dedicate as much work to try to pin down the actual death roll as no doubt the defence would have liked me to have done, the Defendants in this case, my Lord.

But I would also submit this cannot be categorized as being wilful misrepresentation, or distortion. My Lord, you will remember that I said that the German police chief's document giving a different death figure had been found three years after I wrote the book. It was supplied to me by the East German authorities, very kindly, voluntarily, and by an extraordinary coincidence in exactly the same post I received from the West German Government a summary of the German Finance Ministry files for that week which contained precisely the same figures that that East German document

contained, because otherwise one which might have suspected this was an East German cold war propaganda trick. So it was a very authentic kind of document. But even then you had to say the document was dated, I believe, March 10th 1945, less than four weeks after the air raid on Dresden.

My Lord, I do not know if you have seen the photographs of Dresden after the air raid. There was not very much left standing. The building -- the city was pancaked. Nobody had excavated the city centre. The people who were living in the old town were still buried in the basements where they had been suffocated or crushed alive. So the figure that the Police Chief gave in his report of March 4th 1945 could still only be regarded as provisional

L0378 **Mr Justice Gray** What is the figure in the current edition of "Destruction of Dresden"

L0379 **Mr Irving** Can I just complete what I was about to say, I was just pausing for dramatic effect. The step which I then took, having received this document, was as follows: I discussed it with my publisher, and I said that it was an important enough document that I had to draw it to the attention of the reading public immediately, and he -- Mr Kimber -- and Mr Kimber, God rest his soul, he said: David do not do that. If you do, it will come down on your head. It will reflect on you in a bad way, and I said this is an important document, and I have a duty to bring it to the attention of reading public, and I sent it as a letter to The Times, which is in the discovery, and The Times newspaper published it, I believe, on July 6th 1966, within a very true days of my actually receiving the document from the East Germans, the new figures, the fact that there was a considerably lower death roll estimated by the local Police Chief. I added my reservations, the fact that the city was still largely unexcavated, even then, in 1966 and the fact that local Police Chief was in charge of air raid civil defence measures. So he had no reason to give a bigger figure. He would prefer to give a lower figure

L0380 **Mr Justice Gray** This is Mr Grosse

L0381 **Mr Irving** I cannot remember exactly which name it was, the man who wrote the final report. Grosse wrote the incorrect report, the propaganda report, my Lord. I emphasise the fact that I made this immediately known to the reading public and not only that but at my own expense I had a reprint made of that letter by The Times newspaper. I had 500 copies printed and for the next few years I enclosed that letter with all my correspondence to other historians.

Now I do not know any other historian who would have taken action like that, my Lord. He would hoped nobody found out, possibly. He certainly would not have gone out of the way to draw the attention of other people to an error or possible error that he had made in one of his own books. To find myself now, 30 years later, defending myself against the allegation of manipulation and distortion beggers description, it is repugnant, my Lord

L0382 **Mr Justice Gray** What is the figure in the current edition of "Destruction of Dresden" for the number of deaths

L0383 **Mr Irving** I have reduced my best estimate to the region of 60,000. This is the edition which is called "Apocalypse 1945" the destruction of Dresden because it was not until three years ago that I sat down and analysed that Police Chief's report and compared it with the Grosse Report and saw the obvious similarities and the obvious discrepancies and decided that the Grosse Report had been deliberately issued by the Propaganda Ministry for propaganda purposes. But 60,000, my Lord, 35,000, 135,000, you may disagree with me, but I see no difference between these figures, any more than somebody whose says it was not 6 million who died in the Holocaust, it was only one million which is the kind of sentence I would never utter because each one of those people being killed is a crime and I consider people being killed in saturation bombing air raids, although I am British, I think it is wrong

L0384 **Mr Justice Gray** Do you sometimes in your books make comparisons between the number of deaths caused by Allied bombing raids with the number of deaths caused by Nazi bombing raids

L0385 **Mr Irving** I think the word "comparison" would be wrong, my Lord, but I have done it in a way that possibly a journalist would, I have mentioned the facts in successive sentences.

In my very first book "The Destruction of Dresden", if your Lordship were to turn to the very last page of that book, which I have with me, and it is in the bundles I distributed this morning, of "The Destruction of Dresden", the very last page says: "That this was undoubtedly a terrible crime. It was a crime committed against a city in Germany, a country which had carried out the most appalling massacres against helpless citizens." I forget the actual wording I used, but it is in that book. There was that kind of comparison. I do not consider it to be offensive to say too colloquially "you did it too" and when airmen say, as I asked them at the time, I would ask the Bomber Command airmen who pressed the button and dropped the bombs, I would say to them what were your feelings? They said they had no feeling because they could not see their victims. I consider this is not an adequate justification but I do not think this goes to the issues in this case

L0386 **Mr Justice Gray** Yes. The next section is the allegation that is made by the Defendants that you consort and associate with some pretty unsavoury characters in North America and elsewhere; that is to say very right-wing extremists

L0387 **Mr Irving** My Lord, can I deal with this in summary in general terms

L0388 **Mr Justice Gray** Yes

L0389 **Mr Irving** At this stage, undoubtedly if they want to go through it piece by piece and name by name and phrase by phrase

L0390 **Mr Rampton** My Lord, I am sorry to intervene, particularly to correct a judge, but your Lordship might have missed a couple of sections, I think

- L0391 **Mr Justice Gray** Have I
- L0392 **Mr Rampton** After Dresden comes -- it may be because the way the file is arranged
- L0393 **Mr Justice Gray** There is Hitler's Adjutants
- L0394 **Mr Rampton** Yes, Hitler's Adjutants
- L0395 **Mr Justice Gray** That does not belong in Dresden
- L0396 **Mr Rampton** No
- L0397 **Mr Justice Gray** That is rather why I skipped it
- L0398 **Mr Rampton** Another route to the exoneration. But your Lordship went straight from Dresden to right wing extremism
- L0399 **Mr Justice Gray** Yes
- L0400 **Mr Rampton** Along the way jumping over Hitler's Adjutants
- L0401 **Mr Justice Gray** And Nazi anti-Semitism
- L0402 **Mr Rampton** Yes
- L0403 **Mr Justice Gray** You are quite right
- L0404 **Mr Rampton** Hitler Adjutants is quite an important section, certainly
- L0405 **Mr Justice Gray** Thank you for that, Mr Rampton. Can I therefore invite you to comment on the -- you will find this as page 7
- L0406 **Mr Irving** Page 7
- L0407 **Mr Justice Gray** The allegation that you really ignored the evidence when you claim -
- L0408 **Mr Irving** Shall we go through 1 to 6 in detail, my Lord, now
- L0409 **Mr Justice Gray** -- yes, if you would like to because Mr Rampton is quite right -

L0410 **Mr Irving** The allegation is that I ignored the most basic cautions in interviewing members of Hitler's staff. Well, jealousy place a part in this. Adolf Hitler's personal staff at the end of World War II, so far as they survived, were very bruised people. He had four female secretaries, they were all locked up for periods of several years by the Allies. I remember my friend, Ralph Hoffmann, who I invited to lunch just to see what it would be like to having a liberal playwright lunching with Hitler's secretary. When he heard that the Americans had locked her up for two years he said but why did they put you in prison? She said I typed for the Fuhrer. I typed for the Fuhrer. He said, but millions carried guns for the Fuhrer. They were very bruised people. They did not want to speak to their own historians and they certainly did not want to speak to the former enemy. It took me many years to win their confidence by methods that might be found odious. I would become very friendly. In the case Christa Schroeder particularly, I would just invite her out to lunch and say Frau Schroeder we will not talk about the War, knowing very well that she would want eventually to mention something that happened. But at the moment I took out a pen she would clam up. She would not say anything, so I had to write a note afterwards. It was this kind of situation. Very delicate, drawing them out and then eventually after five or ten years Christa Schroeder revealed that she had written private letters to a woman friend throughout her time with Hitler and she got all those letters back. She produced the letters and gave them to me.

The allegation is -- I think allegation No. 2 that I would use documents like that in injudiciously.

L0411 **Mr Justice Gray** -- just one more question on the first criticism; you say that you accept that you did not approach the matter in what you regard as the ideal way, but you say there was no all alternative because that was the only way of getting these people to talk

L0412 **Mr Irving** A historian is accustomed to going to archives or my reproof to the historians, particularly of the Defendants' historians, is that they sit in their book lined caves taking books out of shelves, taking a sentence and working it into their own fabric and at the end of the day not cricking anything to the sum total of human knowledge. I did the exact opposite. I ignored the book lined caves. I did not read their books, which they regarded as a personal slight. I went to the very fountainhead of the information, the people who had worked at Hitler's side for twelve years. By then I aver and I submit and I strongly resent in this court on oath at no time was I not aware of the fact that I had to treat what they said to me with the utmost caution, and it was only when I was satisfied they were being completely frank with me, that I added weight to the evidence they gave me and I will give two examples of that, my Lord. One of them was Walter Frentz. He was the personal film camera man attached to Hitler's staff and he took the colour photographs of Hitler's staff which figure in a lot of my books. One day Heinrich Himmler said to Walter Frentz in August 1941, which he told me and this is the reason I am saying this, because I persuaded him to tell me something against himself. He said that Heinrich Himmler had said to him in August 1941, Herr Frentz it gets very boring here at the wolf's lair, doesn't it? We are going out to the Eastern Front for a few days, do you want to come with us? Two or three days later Himmler said to Walter Frentz and Frentz related to me this one evening over a bottle of wine (he is still alive) at Lake Constance. Himmler said to Frentz, tomorrow we are going to be doing a mass shooting, do you want to come along and have a look? The next morning in the misty hours of dawn Frentz and Himmler and Carl Wolf, and a number of other SS gentlemen, Frentz himself is in the airforce, found themselves standing at one end of a field outside Minsk, at the other end of which, as Frentz described it to me, large pits had been dug out by "backhose" or bulldozers and truck loads of civilians who were being driven up and stood at the edge of this pit and being machine gunned in the pit. He described this to me in great detail. I do not have to go into all the detail he gave here, my Lord. His wife was very astonished to hear this. Halfway through this description his wife, Mrs Frentz, said, Walter, I have never heard this before. And Walter went slightly pink because I suppose he was in his cups and he had not realized he had told me so much. Mrs Frentz giggled slightly in the way that wives do and said, Walter, you say these were civilians being shot, were there women and children being shot too? Walter Frentz said, "I cannot remember", but you could tell from the way he said "I cannot remember" that he could.

My Lord, I aver that if I get that kind of information out for the first time from a man who has not even told it to his own wife, then I have succeeded in extracting information, even from Hitler's Adjutants.

There is another episode of exactly the same character. I persuaded a man to talk to me who had been the Adjutant, not of Hitler, but the Adjutant of Hitler's Adjutant, his SS Adjutant. Hitler's SS Adjutant was an SS general named Hermann Fegolein. He subsequently married the sister of Eva Braun. Hermann Fegolein's Adjutant was Johannes Gohler, who lived in Stuttgart

L0413 **Mr Justice Gray** May I interrupt you, it is going to be helpful to the transcriber, who is having a fairly massive task with all these names if you when you mention a fresh name just spell it out

L0414 **Mr Irving** I have given her a list of 5,000 names. His Adjutant was a man I am going to speak of SS Colonel Gohler. I will not bother with the accents. Johannes Gohler told me that in the last days of the War, in April 1945, he was present when Heinrich Himmler, the chief of the SS came to see Hitler and reported that there was a concentration camp in Turinier (?), probably the Buchenwald Concentration Camp, about to be captured by the American forces, and what they should they do with the inmates, because they could not evacuate them all in time, Gohler said to me, Mr Irving, Hitler said, Herr Heiss Fuhrer, stay over until the end of the conference. After the conference Gohler said, after the conference Hitler sat on the edge of the conference table with his legs dangling and said, "Herr Himmler, those convicts are to be liquidated if they cannot be evacuated in time". I asked Mr Gohler about that episode on three separate occasions, spread over several years just to see if there were discrepancies in the different versions, rather like a stereoscopic picture of the episode. The narrative remained the same. You will find that particular episode in my books on Adolf Hitler. That is an episode recounted to me by an SS officer against the reputation and honour of the SS and against the honour and reputation of Adolf Hitler, yet I extracted it from Hitler's Adjutants, or the person who I would certainly put in this category. This is what entitles me to aver once again that I have not failed in my duty as an historian in so far as the Adjutants are concerned

L0415 **Mr Justice Gray** That conversation, which I am bound to say I do not remember, is in "Hitler's War"

L0416 **Mr Irving** Certainly in "Hitler's War"

L0417 **Mr Justice Gray** Cited in a way that accepts it did happen

L0418 **Mr Irving** Unquestionably, my Lord, yes

L0419 **Mr Justice Gray** I am afraid I have not got that in my mind. Yes. I think you were on the..

L0420 **Mr Irving** That was number 2

L0421 **Mr Justice Gray** Yes. That is illustrative, is it really, about what you are saying about that criticism

L0422 **Mr Irving** Well, the plaintiff, that is myself, is tendentious in his choice and interpretation of documents, rejecting out of hand the greater wealth of statements. My Lord, you will have noticed the subtle difference between statements and documents, I am sure. Directly implicating Hitler in the Final Solution and adopting as persuasive the few statements exculpating Hitler without any proper explanation for so doing.

My Lord, in your former incarnation as a barrister I am sure you have also had to weigh statements and documents and decide which you attach more importance to. Documents in this connection are anything from a wartime document, a microfilm, a tape recording, an aerial photograph, a deciphered intercept, or even a building as document in this connection; where a statement made by somebody for whatever purpose, usually to exculpate himself and pass the blame on to somebody else, as frequently happened in the war crimes trials, is to be viewed with the utmost suspicion.

Statements in my submission are usually relied upon by people who have not got enough documents, they have not got enough documents because they have not gone out and done the fieldwork. They like using the statements because they fit in with their preconceived notions, whereas the documents like the ones I have I mentioned, the Schlegelberger document and the Himmler telephone notes are inconvenient. They find no explanation for them. So they prefer their statements to my documents, my Lord. This may seem a trite answer, but it is the answer which I shall give until they come at me with chapter and verse in cross-examination

L0423 **Mr Justice Gray** Yes, I think this is another example of an allegation that is really only capable of being dealt with by looking at the individual cases relied on

L0424 **Mr Irving** I think the choice of words between their statements and my documents is not by happen chance, I think they have chosen the word "statement" deliberately because they intended to put to me self-serving statements made by people in various war crimes trials under whatever conditions against the documents which I have obtained

L0425 **Mr Justice Gray** Yes. Now the next criticism really relates, I think, to mainly to the way in which you dismiss some sources which do not say what you want them to say

L0426 **Mr Irving** I am sure your Lordship is also a bit baffled as to what they are getting at here, I am sure Mr Rampton will assist us when he comes to the cross-examination. If they are saying I do not put in adequate apparatuses in my book saying what sources and archives I have used there are several reasons for that

L0427 **Mr Justice Gray** I think the key phrase in that criticism is "double standards"; I think what is said against you is that you are inclined to adopt uncritically some source material because it suits your agenda, as they put it, whereas you dismiss -

L0428 **Mr Irving** I accept -

L0429 **Mr Justice Gray** -- more reliable evidence because it does not fit in with your agenda

L0430 **Mr Irving** -- I accept that that is a valid criticism, my Lord. AGP Taylor said the same to me once. He said, when you are looking at the Final Solution you are asking for a document, when you looking at what happened to General Sikorski you are quite happy to make allegations without a document. There are answers you can give. It is a valid criticism, but I am not going to say it is a "correct criticism"

L0431 **Mr Justice Gray** Can you explain what you mean by that

L0432 **Mr Irving** They are entitled to make that criticism on their perception of the way history is written. If I take that specific example, that there is no document -- I point out there is no document showing that Hitler even knew about Auschwitz, whereas when I wrote about the death of General Sikorski in a book published in 1967 I am accused of having said it was probably sabotage even though there is no documentary evidence to suggest it was. This is I think an acceptable distinction because we are after all the victor nation; all our records are intact. We lost none of our records through World War II. We were not invaded by the Red Army; our archives were not bombed and blasted and burnt to pieces. Our archives are intact. We now no longer have a 50 year rule, and so we would be entitled to expect to find as a result of our having had unconditional surrender from the Germans and total insight into their archives we would expect to find the record relating to Hitler, then we would not expect to find in the British Secret Service archives, which, of course, are only the archives which are still closed in this country. That became a bit convoluted, if I had a second chance I would say it again slightly differently

L0433 **Mr Justice Gray** I think I understand what you are saying. You are really saying that because the German archive is incomplete -

L0434 **Mr Irving** Yes, we have total insight into the German archives such as they have survived by virtue of unconditional surrender which we did not have at the end of World War I, but we certainly had at the end of World War II. There are no German archives that were withheld from the invading forces.

So after over 50 years we would be entitled by now to have found the document that proves me wrong, whereas we are not entitled to expect to find records about General Sikorski, even now, because it would have been a Secret Service matter and Secret Service files are closed for at least the next 100 years.

So it looks like a double standard to start with until you realise you are looking at two different theatres of operation. But, again, if they want to put specific examples to me, some I will concede, and most I will not, probably

L0435 **Mr Justice Gray** -- well, I think before we move on to the next point we will adjourn and resume, if you will, please, at 2 o'clock

After lunch: finishing Irving's own evidence

L0436 **Mr Justice Gray** Mr Irving, can I before we resume with your evidence just ask Mr Rampton something, if you will forgive me? It is a logistical question, Mr Rampton. Assuming you are going to be starting to cross-examine this afternoon ---

L0437 **Mr Rampton** Yes

L0438 **Mr Justice Gray** --- I am wondering whether I have all the files that I ought to have here because what I do not want to find happening is that you ask a question in relation to a document that I do not have a copy of. Are you able to help

L0439 **Mr Rampton** Can I just say, I do not know how long I will get, but assuming it were an hour or so, your Lordship would need the copy of Mr Irving's opening which you should have already

L0440 **Mr Justice Gray** I have

L0441 **Mr Rampton** And files D2(i), (ii) and (iii)

L0442 **Mr Justice Gray** I have all of those too

L0443 **Mr Rampton** The only other thing that your Lordship would need would be Professor Evans' report if we got as far as that.

L0444 **Mr Justice Gray** I have that. Thank you very much. I thought I had better check

L0445 **Mr Irving** My Lord, before you resume your examination or your questioning, can I raise just two points

L0446 **Mr Justice Gray** Of course, yes

L0447 **Mr Irving** I drew your Lordship's attention to a newspaper, a leading article which appeared in The Independent this morning

L0448 **Mr Justice Gray** Which I have read. I cannot lay my hands on it at the moment

L0449 **Mr Irving** I have it here, my Lord. I personally found it pushing the envelope of what is permissible, but maybe, in view of the fact that either I am a litigant in person or we are sitting without a jury, this kind of comment is permitted

L0450 **Mr Justice Gray** I think the position really is this, Mr Irving. I understand what you say, but I can really only intervene if I were to take the view that in some shape or form it amounts to a contempt. I do not. I am fairly clearly of that view. But if it helps at all, I totally disregard it

L0451 **Mr Irving** Thank you very much, my Lord

L0452 **Mr Justice Gray** I think I will not say any more about it

L0453 **Mr Irving** My Lord, you asked in one of your questions whether I had compared or weighed casualties against casualties, atrocity against atrocity. I have referred to the final paragraph of my "Destruction of Dresden" book, and, my Lord, the bundle which I handed you this morning which I believe is on the desk in front of you at this end, the thin bundle, is that it, bundle B on page 5

L0454 **Mr Justice Gray** Yes, this is the new bundle

L0455 **Mr Irving** That is the new one I gave you this morning. It is selections from the books. You already have the entire books

L0456 **Mr Justice Gray** Yes, you mentioned that

L0457 **Mr Irving** If you look at page 5, my Lord, big figure 5, at the foot of the page, there is this paragraph: "On 13th February 1946, the former Commander in Chief of RAF Bomber Command sailed from Southampton on the first stage of his journey. That night throughout eastern and central Europe at 10.10 p.m. the church bells began to peal. For 20 minutes the bells ran out across the territories now occupied by a force as ruthless as any that the bomber offensive had been launched to destroy. It was the first anniversary of the biggest single massacre in European history, a massacre carried out in the cause of bringing to their knees a people who corrupted by Naziism had committed the greatest crimes against humanity in recorded time".

That is about as close as I have ever got to weighing atrocity against atrocity, my Lord, and that was in my first book

L0458 **Mr Justice Gray** I am just puzzled by the date

L0459 **Mr Irving** Well, it is the first anniversary of the Dresden raid, my Lord

L0460 **Mr Justice Gray** I see

L0461 **Mr Irving** This is why the bells are ringing

L0462 **Mr Justice Gray** I see. It was the Commander in Chief of Bomber Command setting out that misled me

L0463 **Mr Irving** The second page I would draw your Lordship's attention to concerns the adjutants. You asked whether I had made use of that information I obtained from the adjutants about Buchenwald inmates to be liquidated. Page 99, my Lord, by chance, is one of the pages that I included in the selection

L0464 **Mr Justice Gray** Tab 4, the last page

L0465 **Mr Irving** It is big figures 99 at the bottom of the page. The third paragraph, my Lord, is: "As American troops advanced across ... Hitler was confronted with the problem of the concentration camps. Goring advised him to turn them over intact and under guard to the Western allies who would sort out the criminals from the foreign labourers and Russian prisoners thus preventing hoards of embittered ex-convicts from roaming the countryside and inflicting additional horrors on the law-abiding. Hitler did not share Goring's trust in the enemy. Sitting casually on the edge of the map table after one conference, he instructed Himmler's representative to ensure that all inmates were liquidated or evacuated before the camps were overrun."

The footnote at the back of the book which I could show you if my Lordship is interested, because I have the book here, says the source of that information is the SS Major, who was Himmler's Adjutant's Adjutant, who has, however, requested that his identity be withheld. Some of these people at the time I wrote that book were still nervous about being identified, but he was the source

L0466 **Mr Justice Gray** But he is no longer nervous

L0467 **Mr Irving** I am sure he has no nervousness now, my Lord, because the years has passed, but he was the source and that was the episode which I recounted to you. You asked if I used it. In my submission, I have used it exactly as it should have been used and at the proper length

L0468 **Mr Justice Gray** Is this the 1991 edition or the 1977

L0469 **Mr Irving** That is the very first edition, my Lord, 1997. If your Lordship is interested, I can certainly produce almost identical pages from the subsequent editions

L0470 **Mr Justice Gray** No, do not bother. Thank you very much. Yes, now anything else or shall we resume? We are still on the topic of Hitler's Adjutants. I think you have dealt with criticisms (i), (ii) and (iii)

L0471 **Mr Irving** Double standards

L0472 **Mr Justice Gray** And the next one is, at any rate, self-explanatory

L0473 **Mr Irving** I distort, suppress, manipulate evidence, but until they give chapter and verse, I cannot say.

"The Plaintiff claims falsely that all of Hitler's surviving adjutants, secretaries and staff had uniformly testified that the extermination of the Russian or European Jews was never mentioned at Hitler's headquarters. That claim is contradicted by the evidence, my Lord. I shall be interested to see what the evidence is to which they are referring

L0474 **Mr Justice Gray** Just pause a moment. Do you accept that you have made the claim that all the Hitler surviving adjutants and so on have uniformly testified that the extermination of the Russian or European Jews was never mentioned at Hitler's ---

L0475 **Mr Irving** I think the full extent of the statement was that they have been frequently questioned ever since the war both by American and British interrogators and by others in between and certainly by myself on each occasion, and each of them has said that this systematic extermination of the Jews, or whatever -- what is it -- the extermination of the Russian or European Jews was never mentioned at Hitler's headquarters, that it was never mentioned in their presence. Obviously, they can only testify to what they personally witnessed and that was all I was interested in

L0476 **Mr Justice Gray** Yes, but the point I was on really was this, you have made that claim

L0477 **Mr Irving** I have made that claim

L0478 **Mr Justice Gray** You say it is a true claim

L0479 **Mr Irving** I have maintained that it is true claim. If, however, the Defendants produce new evidence that it is false, I will accept that evidence, but that does not amount to my having distorted and manipulated. They would have to show that evidence was on my desk within my four walls, so to speak

L0480 **Mr Justice Gray** Yes. The last one

L0481 **Mr Irving** "In full knowledge of the historical detail, the Plaintiff subjectively filtered, bent and manipulated his sources to his own political and ideological desire to exculpate Mr Hitler." Well, that is a bit of a polemical question, I suppose, in which the sting is in the question rather than in the answer

L0482 **Mr Justice Gray** Not really. Anyway, answer it

L0483 **Mr Irving** Well, the answer is under oath, no. My Lord, I have never consciously done any of those things in order to exculpate Hitler. In fact, I have bent over backwards to include what I knew from reliable sources which met my criteria, and in the very introduction to my book "Hitler's War" which is included in the bundle which I provided this morning, my Lord, I gave a short list, a check list, of the crimes he did commit: "He issued the commissart order for the liquidation of the Soviet commissarts and signed it. He issued the euthanasia order for the killing of the mentally disabled and signed it, back-dated it to September 1st 1939. He ordered the killing of British commandos who fell into German captivity. He ordered the liquidation of the male population of Stalingrad and Leningrad..." and so on. There is a long list of these crimes which I gave as a kind of check list form in the introduction of the book specifically to avoid the kind of accusation that I apprehended would one day be made

L0484 **Mr Justice Gray** I suppose, to be balanced, you would accept that you would not only need that short list, but also a list of what one might call the opposite points where you say ---

L0485 **Mr Irving** Said nice things about him

L0486 **Mr Justice Gray** --- said commendatory things about him which, I think it is right to say, you do from time to time in "Hitler's War"

L0487 **Mr Irving** I have obviously said commendatory things about him. There was a time when he was on the right course and then he went off the rails. That is roughly what I have said. But, of course, he was not on the right rails in every respect. You cannot praise his racial programmes. You cannot praise his penal methods. But, on the other hand, he did pick his nation up from out of the mire after World War II and reunify it and gave it a sense of direction and a sense of pride again which, from the German point of view, though not from the English point of view, was something commendable. I say those things which need to be said and it would be wrong to suppress them

L0488 **Mr Justice Gray** May I just ask you one thing that struck me when I was reading "Hitler's War" which is that I think you say in the Forward that you are writing it, as it were, from his perspective

L0489 **Mr Irving** Well, my Lord ---

L0490 **Mr Justice Gray** Is that a usual way to approach an historical biography

L0491 **Mr Irving** No. It is my trademark way of writing, the books which I have written. If you collect enough original primary sources, first of all, you are confronted with many problems. First of all, a super abundance of material and you have to decide which way you slice that particular cake. The easy way that I decided to slice the cake was to say let us imagine we are sitting in his swivel chair and that confronting us, as writer, are only the documents that passed across his desk. It is, in theory, a nice idea; in practice, it is more difficult to put into effect. But this is the first criterion you apply, and you then tell the story as seen from his viewpoint and in the sequence in which it came to him.

I give one example: The July 20th 1944 bomb blot. Every other writer would describe the planning of the bomb plot and the conspiratorial meetings and the arrangement and the provision of the explosives and the comings together and the various failed attempts. In my book, your Lordship will have noticed the first we know about the bomb plot is when the bomb goes off under your table. Then, retrospectively, you see the Gestapo reports and the enquiries and the investigations, and you find out this was not the first time they tried do it and so on. You may say it is a literary trick as a literary advice, which is why my books are probably more readable than their books, but I do not think it is something necessarily derogatory

L0492 **Mr Justice Gray** Now, I think, unless you want to add anything on the topic of Hitler's adjutants, the next section or the next part of this section is the question of Nazi anti-Semitism. What is said against you is that you tried to blame what was done during the Third Reich against Jews upon the Jews themselves

L0493 **Mr Irving** That is a gross oversimplification. I do not level that accusation at your Lordship, of course, but I think it would be a gross oversimplification to put my conclusions in that way. I have said on a number of occasions, for example, most recently to Daniel Goldhagen who wrote a book on Hitler and his executioners. If I was a Jew, I would be far more concerned, not by the question of who pulled the trigger, but why; and I do not think that has ever been properly investigated. Anti-Semitism is a recurring malaise in society. It recurs not just in Germany, not just in Europe, but it keeps on coming back. If I had enough spare time, one day I would like to sit down and investigate just that, the root causes of it, but I do not have the qualifications and the training for it, my Lord, and I suppose nobody in this room probably does. One would have it have a great degree of independence, independence of mind and independence of means, but there must be some reason why anti-Semitism keeps on breaking out like some kind of epidemic.

That is at the root of several of the books that I have recently written, probably most recently in Dr Goebbels' biography where we had the phenomenon of Dr Goebbels who, on the evidence of his own private letters in his earliest youth was the opposite of anti-Semitic. He actually ticked off his girlfriend for writing an anti-Semitic letter to him, saying that this kind of sentiment is very cheap and needless, and yet he later on becomes the worst and most criminal anti-Semite of all times. One can say facetiously, is it something in the water? But something must have caused him to change. I do not think it is irresponsible to ask that question, even if one cannot provide a full answer

L0494 **Mr Justice Gray** Can I just be clear what you are meaning when you say "something must have caused that change" -- something done by the Jews themselves

L0495 **Mr Irving** Something which I have not been able to establish and something which I am frightened of even investigating, and I do not really have to investigate because it would not come within the purview of a biographer to start getting involved in sociological problems, I do not think

L0496 **Mr Justice Gray** Is it not an historical problem as well

L0497 **Mr Irving** It is an historical problem but for somebody else to investigate because I am in trouble as it is, my Lord, and I do not think that one would earn any great kudos for investigating that because, frankly, I do not have the qualifications to investigate it. I am not a sociologist. My findings would not be heeded anyway. So I would prefer to spend the time somewhere else that was put to better use. But I did what I could in the case of Dr Goebbels, as you will see, trying to develop why he became an anti-Semite.

I think what is most offensive in my works is the apportionment of blame between Hitler and Goebbels which a lot of people find offensive. They find it incredible, but I think that it is well-founded in my works

L0498 **Mr Justice Gray** Yes, well, I think perhaps we can move on, if you are ready to, to the ---

L0499 **Mr Irving** Extremism

L0500 **Mr Justice Gray** --- penultimate topic, I think, which is your alleged association with Neo Nazis and other right-wing extremists

L0501 **Mr Irving** My Lord, I would make a general comment here, and I think it was in this very building only a few weeks ago that Moreland J said that there is no such crime in Britain as guilt by association and there never has been, and it would be very difficult to define and very difficult to pursue in any way.

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.

Sometimes when the allegation is made, as it is made, I am rather shocked to say, in some of the expert statement, the expert reports, that it is not Smith that I am being accused of being associated with, but somebody who is associated with Smith, then it is beginning to become rather like that musical song about "I danced with a man who danced with a girl who danced with the Prince of Wales". How far down the line does this buck stop? Does it mean that everybody who is in this room is in some way polluted by being in the same room as I am? It is ridiculous. Which way does this particular flow of odium run?

I think it is a very loose kind of argument when people say, "Look who he is in the same room with" or "Look who comes to hear him speak" which is what a lot of the allegations appear to be. It is name calling. It is a waste of the court's time, and I shall answer the questions, my Lord, but it is very difficult to come to grips with it.

These people are extremists by definition of these expert witnesses. I do not think there is any satisfactory definition of "extremist". In my book, an extremist is somebody who plants bombs under motor cars, somebody who plots the overthrow of governments, somebody who goes around with a gun in his pocket, somebody who holds views which are extreme, this is a very subjective concept. It depends on which viewpoint you view those views from.

Am I making sense, my Lord

L0502 **Mr Justice Gray** Yes, I understand what you are saying and, indeed, it may well be that this does not turn out to be one of the most important issues in the case

L0503 **Mr Irving** My Lord, I have not chosen this. This is ---

L0504 **Mr Justice Gray** No, I appreciate that. No, that is not said in a way critical of you at all. But, having said that, one needs to break it down a little bit. I mean, do you accept that you have found yourself on the same platform or at the same meeting as a number of people who could be legitimately categorized as extreme right-wing fanatics

L0505 **Mr Irving** It is the subsidiary clause there who could be legitimate categorized, and you have even put it into the passive voice which puts one further removed -- we do not know who is doing the categorising

L0506 **Mr Justice Gray** So you are saying that the people who you found yourself alongside are not, in truth, right-wing extremists or fanatics

L0507 **Mr Irving** I do not regard them as extremists, by my definition of the word "extremist". I am prepared to believe there are people at the other extreme who would regard them as extreme from their viewpoint because they hold views that are extremely or diametrically opposed to their own. But this is a free society. They are not extremist in the degree that they do not go around espousing violence or practising violence or advocating overthrow of governments. They are people who just hold views with which I am not necessarily associated. As your Lordship will have seen from the correspondence, I frequently had very marked altercations with these people, saying, in effect, "You may be a frightfully nice person privately and you have got a good tennis serve but, on the other hand, your views on the Holocaust are wrong"

L0508 **Mr Justice Gray** So would you say that there is not anyone who you feel, in hindsight, you should not have associated with

L0509 **Mr Irving** Oh, in retrospect, good Lord, yes! In retrospect, you could look out of the back of the truck as it goes trundling down the highway of history and you say, "I wish I never get to know him", but we have all met people like that, my Lord. This should not be held against me. People change.

There is one particular gentleman called Mr Althans, Ewald Althans, who figures in this correspondence. He was a German character who I got to know when he was a student. I first met him, I think, in 1989 and my first impressions of him which I have recorded in my diary was that he was a very forceful, energetic, forthright and fearless young man.

It subsequently turned out he held opinions that could be really categorised as extreme, that he was, in fact, an agent of the German government and an agent provocateur because he testified to that effect when he finally got his comeuppance. I bitterly regret ever having made his acquaintance, and certainly if he came anywhere near me I would say, "Go away". If he came to my front door, I would pretend I was not in. Well, if that can be held against me, my Lord, then I think this is an unjust society. These things happen. People change as you get to know them. They become different from the way they were when you first knew them

L0510 **Mr Justice Gray** So you are saying really, are you, that you want to be judged by what you said rather than by what people you may have been at the same meeting with

L0511 **Mr Irving** My Lord, I am very satisfied to be judged on what I have said verbally which is recorded in great abundance in the transcripts. I am very satisfied to be judged on the basis of what I have written to any of these gentlemen, but I do not think I should be judged on the basis of what they may have said either to me or to others. That is their own affair. Frequently, I have had cause to reprimand them privately and say, "Do not do it".

For example, I remember one trip I made to South Africa. The South Africans are a different people from us. They have different attitudes to us. I visited South Africa on a speaking tour and I went to Johannesburg Airport to pick up my assistant who was to accompany me and I warned her; I said, "You will find the people here in Johannesburg treat coloured people in a manner which is totally repugnant to us, but I must request you not to say anything about it because we are their guests", but that is as far as you can go

L0512 **Mr Justice Gray** The last topic, is there anything you want to add

L0513 **Mr Irving** No, my Lord -- unless you wanted to ask me about any specific names that they have mentioned? You do not

L0514 **Mr Justice Gray** Well, I was not proposing to, but if you want to say anything about, for example, Mr Zundel who is, perhaps, more important than most of the others

L0515 **Mr Irving** Mr Zundel, I can speak about very briefly. I first met Mr Zundel, Z-U-N-D-E-L, who is a German of Canadian extraction who has been in constant hot water for the last 10 or 15 years, but is still in the eyes of the law blameless, in other words, he has not been convicted on anything he has been accused of which is a matter not to be taken lightly, of course. A lot of accusations have been made against him, but he has so far not been found guilty of anything.

I first heard about him before 1986 in the most disparaging terms. In 1986, I conducted around the world lecture tour, and coming up from Australia and Fiji to Vancouver, I was met at Vancouver Airport in Colombia, in Canada, by a man who introduced himself in the car to me as Mr Douglas Christie. I said, "But you are the barrister for Mr Zundel, are you not, in the hearings in Toronto?" He said, "Yes, I am. I am chairing the meeting tonight". I was so shocked by this that I telephoned my tour organizer in Australia immediately and said, "I am afraid I cannot allow Mr Christie to act as chairman of tonight's meeting". My hostility to Mr Zundel at that time was so pronounced I would not even allow his barrister to come near me, in other words.

I then flew across to Toronto where I was to speak and I was picked up at Toronto Airport by two gentlemen who drove me down town, and half way down the Queen Elizabeth Highway into Toronto, one of the gentlemen turned to the other and said, "Ernst, I think we will put Mr Irving off at his hotel first". I said, "Do you mind if I ask who you are?" and he said, "Yes, I am Ernst Zundel". I am afraid I was terribly shocked to be found sitting in the same car with him because the blackening of his name at that time had gone to such an extent that not only did I not want to be associated with his barrister, but not with him either.

Now I say that, having got to know him over the next two or three years, you realize that the reputation he had and the man he was were two different things. He was an embattled person, coming under, I will not even say the same kind of attack as I have, he came under the most vicious kind of attack which included the burning down of his house and a constant onslaught and violent and physical assault, and he was bearing himself up with more fortitude than taste; and you had to realize that he was a man with a certain intellect, a certain sense of humour and execrable private opinions. That is the only way that I can characterize him

L0516 **Mr Justice Gray** Yes

L0517 **Mr Irving** I repeatedly said this, my Lord. I have sent him messages and letters and I have said that, frankly, your opinions are off the wall -- in fact, they are off the map. The correspondence has been in the discovery for the Defendants and they could have seen it and, no doubt, it has alarmed them because it does not confirm the picture that they would have wished to portray

L0518 **Mr Justice Gray** But you agreed to give evidence at his trial

L0519 **Mr Irving** I thought it was my duty as an historian, as a public citizen, to give evidence. I did not realize at the time the odium that would accrue. In fact, the element of odium, I think, would have been impossible in this country. I think it would have been almost a contempt for witnesses to be subjected to the kind of onslaught that I was after I gave evidence in that trial, but it happened. I wrote letters to the newspapers about it. I said, "This will be completely impossible in England". The letters were published, but there it is. If people ask me now, as they have, "Would you do it again?" I say, "No, I would not", not because I did not consider my duty to give the evidence I gave as an historian, and I understand the Judge afterwards said that he had never had such a convincing witness, but it was a mistake, because of the fact that that has been used as a reason to destroy me subsequently. Frankly, I do not seek personal destruction. If I was given the chance to do it again, if the people who have destroyed me since came to me now and said, "Mr Irving, we are prepared to put you back where you were", I would say, "Show me what I have to sign and I will do it". It is as simple as that

L0520 **Mr Justice Gray** Then, finally, I think this is the last topic that you need to deal with, the allegation that you broke an agreement in relation to the microfiche containing the Goebbels' diaries by removing them from Moscow, or from the archive in Moscow, and risking damage to them

L0521 **Mr Irving** Yes. Well ---

L0522 **Mr Justice Gray** You dealt with this quite thoroughly in your opening

L0523 **Mr Irving** Yes, I have to be a bit careful because you have actually compounded two elements in that statement. You said by removing the glass plates and by something else. I do not know what the agreement was supposed to have been. I have dealt with this quite thoroughly in my opening statement, and I am happy to aver here on oath that what I said in my opening statement in this respect, as in other respect, is true to the best of my knowledge and belief.

Ten years nearly, or eight years, have passed since that time when I was in Moscow and I obtained the diaries. You will be hearing the evidence of Mr Peter Miller who was with me at the time; and there is no written agreement either in my discovery or in the discovery produced by the Defendants who have had close collaboration with the Russian archival officials, will be able to cross-examine the Russian witnesses, and on this occasion they will be giving evidence, I understand, and I think, perhaps, we had better reserve judgment until after we have had the opportunity of hearing all that.

But, to the best of my knowledge and belief, there was no agreement, and I have made the admission (which I had to) which was quite proper about having illicitly or illegally or even improperly removed the glass plates on the archives and returned them the next day and whatever which, to my mind, not such a big deal because they allowed me to two days later anyway

L0524 **Mr Justice Gray** Well, so far as I am concerned, that is all I was going to invite you to give evidence about, leaving aside Auschwitz, but do feel free to add anything that you think has not been sufficiently covered before you are cross-examined

L0525 **Mr Irving** I only wanted to say that you asked me earlier about the consequences of the book. I mentioned the pecuniary consequences and I mentioned the consequences for my career, but there has also been a more intangible consequence, that I have found myself subjected to a burden of hatred which you cannot quantify, but which is quite definitely there, the blank telephone calls, the obscene messages and so on. I would give only one example, my Lord, of the kind hatred -- well, two examples: one when I was assaulted in the Book Exhibition in Chicago -- in Los Angeles which I attended with my publishing imprint a few weeks ago when a member of the Jewish community -- a very notorious member of the Jewish community; one of the most extreme members in the United States with a long criminal record -- came up to the stand and screamed that he was going to come back and kill me, "You're a Holocaust denier" he screamed as he was led away by the police, using the phrase coined by the Second Defendant.

The second one would make more sense to your Lordship if you are aware of who Philip Bullard is. Philip Bullard was the head of the Nazi Extermination Programme for the mentally and physically disabled, the Euthanasia Programme

L0526 **Mr Justice Gray** Yes, I know

L0527 **Mr Irving** My Lord, I had the great misfortune in September to lose my eldest daughter. After we buried her, I received a phone call from the undertakers that another wreath had come. When the wreath was delivered late that afternoon, it was a very expensive and elaborate wreath of white roses and lilies -- far more expensive than we could have afforded -- with a card attached to it saying, "Truly a merciful death", "It was truly a merciful death", signed "Philip Bullard and friends". I should mention that my daughter was disabled in all those respects. She was legless and she had been brain damaged for 18 years.

I submit that this is the kind of hatred that this book has subjected me to -- something intolerable, something unspeakable, and which I would wish no other person to be subjected to

L0528 **Mr Justice Gray** Yes

L0529 **Mr Irving** Thank you

L0530 **Mr Justice Gray** Is there anything you wish to add

L0531 **Mr Irving** Not to that, my Lord, no, and in any other respect I think that you have drawn the essentials out of my admirably, as was only to be expected

- L0532 **Mr Justice Gray** Well, you will have the opportunity, obviously, to amplify your case after cross-examination, if you wish to. Now, I do not know whether we need to clear the decks before you cross-examine so that Mr Irving has the documents that you mentioned earlier on, Mr Rampton
- L0533 **Mr Rampton** I do not know how best to do it. I have to say (and I will say it again; I sort of hinted at it yesterday) this is the most ghastly inconvenient and uncomfortable court I have ever been in. That is nobody's fault. I can hardly stand up. I cannot get at my documents
- L0534 **Mr Justice Gray** I wish I thought I could do something about it
- L0535 **Mr Rampton** I say that as a preliminary. The witness is miles away from the files that he needs. I can hardly see him because of this pillar and my learned junior cannot see him
- L0536 **Mr Justice Gray** Otherwise you are pretty happy!
- L0537 **Mr Rampton** Except for the feeling that I am being boiled alive
- L0538 **Mr Justice Gray** That I have tried to do something about. The air conditioning was supposed to be on. I do not know whether it actually was over the midday adjournment -- it was. I just do not see that we can solve any of these problems

Cross-examination begins

- L0539 **Mr Rampton** Perhaps the authorities at least might pretend that it was mid summer instead of Siberia, we might be a little bit more comfortable
- Cross-examined by MR RAMPTON, QC
- L0540 **Mr Rampton** Mr Irving, to be serious (and I am sorry to be a little bit facetious) Mr Irving will need some files
- L0541 **Mr Justice Gray** Yes, I think it is best to do that first before you start
- L0542 **Mr Rampton** Yes, I agree. D2(i) and (ii), a copy of his opening ---
- L0543 **Mr Justice Gray** Would you prefer to have your own copies
- L0544 **Mr Irving** No, my Lord, they are not marked up
- L0545 **Mr Rampton** Those are the first two transcript files. Eventually, but perhaps not now, and Mr Irving's own writing, his books. Those are the two, just (i) and (ii) are the only ones that are needed and a copy of the opening to start with.
- (To the witness): Mr Irving, there is an elegiac story that you told us just now -- I do not mean that sarcastically at all; it is perfectly true it is -- you blame that appalling note on the wreath on Deborah Lipstadt's book, is that right
- L0546 **Mr Irving** I think I was quite careful to say that it is difficult to quantify and difficult to be precise, but one thing leads to another which thereupon leads to another and in that respect the book has created and generated a climate of hatred

- L0547 **Mr Rampton** If what the book said about you is true, then it would not, perhaps you would agree, be the book's fault but yours, would it not
- L0548 **Mr Irving** I do not think any man can ever be expected to receive a wreath from hateful people like that and have it said it is his own fault
- L0549 **Mr Rampton** Let us take a step back in time (and I promise you, as I have before, both publicly and privately, that I am going on to Auschwitz this week, to give you time to get your head round it). In 1977, when the first edition of Hitler's War was published, you accepted the Holocaust in all its essential details in its ordinary sense, did you not, its generally understood sense
- L0550 **Mr Irving** Would you tell the court what you mean by the ---
- L0551 **Mr Rampton** Yes, I will. The systematic mass murder of millions of Jews by the Nazi regime during the Second World War
- L0552 **Mr Irving** I do not accept the word "systematic", but for the rest of it, then that is an accurate precis
- L0553 **Mr Rampton** Including the continuous, if not systematic, though it is difficult to distinguish the two, perhaps, use of homicidal gas chambers in institutions like Auschwitz
- L0554 **Mr Irving** Continuous
- L0555 **Mr Rampton** Yes, over a period of time
- L0556 **Mr Irving** It is not a word that I used
- L0557 **Mr Rampton** No, not daily on a continuous basis, but for a long period of time, something like, I think, 22 months you accepted that Auschwitz used homicidal gas chambers to kill very large numbers of Jews, did you not
- L0558 **Mr Rampton** I certainly did not say 22 months
- L0559 **Mr Rampton** No, let us try to get to the point. In your 1977 edition, Auschwitz was characterized, I am not quoting, I am paraphrasing, as one of the extermination camps, was it not
- L0560 **Mr Irving** That is correct
- L0561 **Mr Rampton** In the 1991 edition, it had become, am I not right, merely a slave labour camp?
- L0562 **Mr Irving** That is correct -- well, I did not say "merely". I said a slave labour camp
- L0563 **Mr Rampton** "Merely" is my word
- L0564 **Mr Irving** You appreciate one has to be precise what I agree to
- L0565 **Mr Rampton** Yes
- L0566 **Mr Irving** Otherwise it will be used against me later on. You said, "It was merely a slave labour camp"

- L0567 **Mr Rampton** You can be certain that I do not conduct litigation in that way and that if I did his Lordship would sit on me quite hard. So have no fear of silly little Perry Mason traps like that
- L0568 **Mr Irving** I am very glad to hear it
- L0569 **Mr Rampton** Until 1988 you accepted the Holocaust, however it be precisely defined (and I am not quibbling about minutia) in its generally understood sense, that is to say, a mass killing of Jews by the Nazis during World War II, did you not
- L0570 **Mr Irving** I did not use the word "Holocaust" but I did quite definitely accept that the Nazis engaged in mass killing of Jews during World War II
- L0571 **Mr Rampton** Do you accept that most people in the western world now and perhaps all over the world, I know not, when the word "Holocaust" is used mean the systematic mass murder of millions of Jews by the Nazi regime
- L0572 **Mr Irving** I do not think that they ponder one moment to define what they are thinking about. They associate pictures with words. When the word "Holocaust" is used, they are thinking of people behind barbed ward, they are thinking of pits will bulldozers pushing bodies into them. It is visual images that are conjured up. They are not using legal definitions which can later on be bandied in a libel action. I think it is pictures that are conjured up by the word
- L0573 **Mr Rampton** No, we are not looking for legal definitions, Mr Irving. We are looking for -- I give you the card straightaway so that you can think about it while I ask you more questions -- what people would have understood you to mean when later you denied the Holocaust, do you understand? Do you remember my original question was it might be thought eventually that the catastrophe or the misfortune you described at the end of your evidence-in-chief had been brought on you by what you have said yourself. Do you understand that? Do you understand, perhaps put it this way, that if you use a word ---
- L0574 **Mr Irving** This is very similar to saying that the catastrophe that befell the Jewish people was brought on them by themselves, and you can say to each of those sentences, each of those points, the answer is yes
- L0575 **Mr Rampton** I do not think ---
- L0576 **Mr Irving** But between each of those alphas and omegas there are very many intervening stages which you are leaving out
- L0577 **Mr Rampton** That may be so. I do not think you are perhaps quite answering my question
- L0578 **Mr Irving** I thought that was a very comprehensive one, sir
- L0579 **Mr Rampton** Let us go back to your opening yesterday. You made noisy complaint, if I may call it that, about being branded a "Holocaust denier", did you not

- L0580 **Mr Irving** Oh, yes, yes
- L0581 **Mr Rampton** You finished up by calling it a verbal Yellow Star
- L0582 **Mr Irving** Among my remarks I called it a verbal Yellow Star. I did not finish up by calling it that
- L0583 **Mr Rampton** No. "A poison to which there is virtually no antedote, less lethal than a hypodermic with nerve gas jabbed in the neck but deadly all the same. For the chosen victim, it is like being called a wife beater or a paedophile. It is enough for the label to be attached for the attachee to find himself designated as a pariah, an outcast from normal society. It is a verbal Yellow Star". What did you mean by "it"
- L0584 **Mr Irving** The phrase "Holocaust denier"
- L0585 **Mr Rampton** Exactly. Now, then I would like you to look at some of the things that you have said publicly or, at any rate, semi-publicly. You have those two files there, the ones with the pink spines on them. Can we start, please, with the one which is, if I can find it, it is D2(i). Can you please turn to tab 9 which is the transcript of a speech you made at the Travelodge at the Airport Inn in Calgary, Alberta, on 29th September 1991. I myself quoted some part of this, I think, yesterday in opening for the Defendants. Can you please turn to page 4? If you think I am reading anything out of context, you must say so because then I will go back and start again
- L0586 **Mr Justice Gray** So take your time if you need it, Mr Irving
- L0587 **Mr Irving** My Lord, I read the whole of this speech in the small hours of this morning in view of the fact that ---
- L0588 **Mr Rampton** Then can I start, please, halfway down the page, five lines above the paragraph break
- L0589 **Mr Justice Gray** Sorry, I missed the page
- L0590 **Mr Rampton** Page 4, my Lord. There is a sentence which begins with the last word on the line "For", after the words "in one or two dramatic points". Do you have it
- L0591 **Mr Irving** I have that
- L0592 **Mr Rampton** "For example, until 1988, I believed that there had been, 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". Now, what was "all the paraphernalia of the modern Holocaust" that you believed in up to 1988
- L0593 **Mr Irving** The words that I had set out in the previous four lines, the factories of death
- L0594 **Mr Rampton** Yes
- L0595 **Mr Irving** The gas chambers

- L0596 **Mr Rampton** Yes
- L0597 **Mr Irving** Like everybody else in this room, I believed in them up to that point
- L0598 **Mr Rampton** Then comes this: "But 1988, when I came to Canada and gave evidence in the trial of Ernst Zundel as an historian, I met there people who knew differently and could prove to me that the story was just a legend"
- L0599 **Mr Irving** "That that story was just a legend"
- L0600 **Mr Rampton** Quite right, thank you, "that that story", that is to say the Holocaust story in which you previously believed, "was just a legend. I changed my mind I've now revised the Hitler book so that all references to Auschwitz and the gas chamber and all the factories of death", so that would include Sobibor, Treblinka ---
- L0601 **Mr Irving** Mr Rampton, you have inserted some words there. After, where you read out "to prove that that story was just a legend", you then verbally inserted the words "in other words, the story of the Holocaust"
- L0602 **Mr Rampton** Yes
- L0603 **Mr Irving** Or something like that, and that is not in there
- L0604 **Mr Rampton** Fair enough
- L0605 **Mr Irving** That story was referring to the paraphernalia
- L0606 **Mr Rampton** You corrected my reading quite rightly, I said "the story", you said "that story". What does that mean in that context
- L0607 **Mr Irving** The paraphernalia, the equipment, the factories of death and the gas chambers
- L0608 **Mr Rampton** Yes, and the killing of millions of people
- L0609 **Mr Irving** No
- L0610 **Mr Rampton** Really
- L0611 **Mr Irving** We have repeatedly made quite plain that the Nazis killed large numbers of people
- L0612 **Mr Rampton** "I believed millions of people had been killed in factories of death"
- L0613 **Mr Irving** You see, this is why you said "the story" instead of "that story". You were trying to sweep up the whole of that sentence, including the millions of people, when it is quite plain that I am talking about the latter part of the sentence which is the paraphernalia
- L0614 **Mr Rampton** Mr Irving, we will get nowhere if we argue about trivia of that kind. What you had believed in ---
- L0615 **Mr Irving** It is not trivia, Mr Rampton, with respect, because a few days down the line you will read back to me the transcript and say, "But you agreed on January 12th that this was what you were referring to", and that is why I am going to be sticking on each one of these points, Mr Rampton

- L0616 **Mr Rampton** Let us get it straight. The story that you had believed in until 1988 was, amongst other things, that millions of people had been killed in factories of death by the use of gas chambers. I am paraphrasing the penultimate and the propenultimate lines of the previous ---
- L0617 **Mr Irving** I am sorry, but that is not an accurate paraphrase. You just said, "I believed that millions of people had been killed in the gas chambers" and that is exactly what that sentence does not say. It says: "I believed that millions of people had been killed in factories of death. I believed in the gas chamber". Can you not see the difference between those two sentences
- L0618 **Mr Rampton** No, I am afraid I cannot. You tell me the difference
- L0619 **Mr Irving** I believed that millions of people have been killed
- L0620 **Mr Rampton** In factories of death
- L0621 **Mr Irving** In factories of death. I believed in the gas chambers
- L0622 **Mr Rampton** Yes. Right, now, will you please, just so that we can clear up this, I will not use the word, just this little dispute, please keep your finger where you are and turn to tab 11 which is something you said apparently on the unedited transcripts of an interview on 15th and 28th November for the "This Week" programme and I think Irving and Leuchter at the Chelsea Town Hall was a press conference you gave announcing your publication of the Leuchter Report, am I right
- L0623 **Mr Irving** It was a lecture that we organized at the Chelsea Town Hall, yes
- L0624 **Mr Rampton** Can you turn to page 2, please, of this transcript
- L0625 **Mr Justice Gray** I am sorry, Mr Rampton. This contains two separate things, this tab, does it? One, the press conference and the other a television interview
- L0626 **Mr Rampton** It does
- L0627 **Mr Irving** What I am I supposed to be looking at
- L0628 **Mr Rampton** Page 2 of the transcript which is at tab 11, please
- L0629 **Mr Justice Gray** This is the press conference
- L0630 **Mr Rampton** This is the press conference and there is a passage time at 0014.25
- L0631 **Mr Irving** I only have tape 191 in this book
- L0632 **Mr Justice Gray** That is what you are meant to be looking at
- L0633 **Mr Rampton** Page 191
- L0634 **Mr Irving** Tape 191
- L0635 **Mr Rampton** Tape 191. Please turn to the second page of the transcript and look at the last paragraph on the second page
- L0636 **Mr Irving** 1425 right? The time

- L0637 **Mr Rampton** Yes, 1425. You told his Lordship this morning that, so far as you could tell, these were accurate transcripts of what you had said. I will read the sentence and you tell me whether you want to ---
- L0638 **Mr Irving** Excuse me, you just said that I told his Lordship that these were accurate transcripts of what I have said
- L0639 **Mr Rampton** So far as you could tell, I think, yes. He asked you that question
- L0640 **Mr Irving** I said with reservation, with the reservation that some of them have been subjected to editing
- L0641 **Mr Rampton** Well, just let us have a look at this one sentence and then you can tell his Lordship whether you think it has been edited and in some way crafted to misrepresent what you said
- L0642 **Mr Irving** The one sentence, yes
- L0643 **Mr Rampton** The one sentence: "The biggest lie of the lot, the blood libel on the German people, as I call it", that is you, "is the lie that the Germans had factories of death with gas chambers in which they liquidated millions of their opponents"
- L0644 **Mr Irving** That is an accurate transcription of what I said
- L0645 **Mr Rampton** You did say that
- L0646 **Mr Irving** Yes
- L0647 **Mr Rampton** And did you regard that proposition, that the Germans had factories of death with gas chambers, plural, in which they liquidated millions, plural, of their opponents, at this date in November 1991 as a lie
- L0648 **Mr Irving** A big lie, yes
- L0649 **Mr Rampton** A big lie
- L0650 **Mr Irving** Yes
- L0651 **Mr Rampton** It is that proposition, is it not, Mr Irving, which most people regard as representing not in any accurate or meticulous, historical sense, but generally understood as the Holocaust
- L0652 **Mr Irving** I disagree with that. I have made quite plain that in my mind most people when they think of the Holocaust think of everything they are shown on television. Mostly nowadays it is people being made to walk to the edge of a pit and being bumped off by soldiers holding rifles. That is the visual image that people now have
- L0653 **Mr Rampton** Right. So that does not represent the Holocaust, millions of people being killed in gas chambers in factories of death
- L0654 **Mr Irving** It represents a part of the Holocaust story

- L0655 **Mr Rampton** So will you please go up the page two paragraphs to the words "timed at 1213", and explain what you meant by what you here said? "If you look at my great Adolf Hitler biography here, this bumper Adolf Hitler biography that we have only just published, in fact, it literally arrived off the printing process today, you will not find the Holocaust mentioned in one line, not even a footnote. Why should we? If something didn't happen, then you don't even dignify it with a footnote"
- L0656 **Mr Irving** That is correct. The word "The Holocaust" you will not find in that book
- L0657 **Mr Rampton** What was the Holocaust that did not happen that you meant to signify by those words
- L0658 **Mr Irving** The way I then I specify it two paragraphs later which is the millions being killed in the gas chambers. This makes it quite plain it is all part of the same story
- L0659 **Mr Rampton** So what it comes to is that the Holocaust, your own words ---
- L0660 **Mr Irving** Yes
- L0661 **Mr Rampton** --- has been denied by you, does it not
- L0662 **Mr Irving** No. The Holocaust as defined here by me later on, the description of people being killed in factories of death. This is the description here which I say you will not find in the book and you will not find the word "Holocaust" in the book which you will not, because I think it is very confusing to use words like that. I mean, this is where the confusion has come from, that instead of you asking me a question about the shootings and a question about the gassings, you are asking a question about a vague concept called "the Holocaust" knowing that you will get me one way or you will get the other, rather like Mortimer's Fork. I think it would be more forensic if you were to ask specifically about what you mean rather than ask about vague concepts
- L0663 **Mr Rampton** Thank you for your advice about how to conduct my case in court, Mr Irving. I am grateful for that. What do you think was the Holocaust about which Professor Lipstadt wrote in her book
- L0664 **Mr Irving** Which Holocaust are we talking about
- L0665 **Mr Rampton** I am ---
- L0666 **Mr Irving** The broad definition
- L0667 **Mr Rampton** --- asking you to answer my question, what is it in her book that you object to in the words "Holocaust denier"
- L0668 **Mr Irving** The word "denier" that is attached to it. That is what I object to it
- L0669 **Mr Rampton** You did not deny the Holocaust in that passage ---
- L0670 **Mr Irving** I denied the gas chambers. I denied that the Germans killed millions in gas chambers and we are going to have a great deal of interest when we get to that phase of this trial

- L0671 **Mr Rampton** How many people do you think -- I mean innocent people, I am not talking about bombing raids, Mr Irving, I mean innocent Jewish people do you think the Germans killed deliberately
- L0672 **Mr Irving** You mean like Anne Frank
- L0673 **Mr Rampton** I do not mind whether they are like Anne Frank or not. How many innocent Jewish people ---
- L0674 **Mr Irving** Well, I mean, she is a typical example and a very useful example to take because everybody has heard of Anne Frank. She was innocent. I have daughters of my own and if what happened to her happened to one of my daughters, I would be extremely angry
- L0675 **Mr Rampton** Oh, I see, so Mr or Mrs Frank might not have been innocent, is that what you are trying to say
- L0676 **Mr Irving** But I asked you about Anne Frank; I did not ask about her parents
- L0677 **Mr Rampton** No, I am sorry, Mr Irving. The procedure in this court is that you do not ask questions, I do. I asked you how many ---
- L0678 **Mr Irving** I did not ask a question. I just said, I mean, shall we talk about Anne Frank
- L0679 **Mr Rampton** No, I do not want to talk about Anne Frank
- L0680 **Mr Irving** You want to talk about nameless, unspecified Jews so that later on we can say, "Well, I was not meaning those ones, I meant those ones"? The reason you do not want to talk about Anne Frank, of course, is because she is a Jew who died in the Holocaust and yet she was not murdered, unless you take the broadest possible definition of murder
- L0681 **Mr Rampton** Mr Irving, this is becoming somewhat comical. We will get to Anne Frank along down the road, I assure you. She is part of Professor Evans' report, apart from anything else, for a completely different purpose.
- I said "deliberately killed". How many innocent Jewish people do you say that the Nazis deliberately killed during the course of World War II. That was my question
- L0682 **Mr Irving** Now, you heard me say in my opening statement, Mr Rampton, that I am not an expert on the Holocaust. What I would now say would be a figure without any value whatsoever. It would be just an assessment off the top of my head. I can say what did not happen because you can apply certain logistical principles, but I cannot say what did happen. It would be a waste of this court's time for me to make an assessment
- L0683 **Mr Rampton** Let us break down your Holocaust denial then, so far as you will accept that you have made it. You dispute the word "millions"
- L0684 **Mr Irving** I dispute the word "millions"
- L0685 **Mr Rampton** Yes
- L0686 **Mr Irving** No. I do not think I have disputed the word "millions"

- L0687 **Mr Rampton** So "millions" is only wrong so far as the gas chambers are concerned, is that right
- L0688 **Mr Irving** Yes
- L0689 **Mr Rampton** So there are no gas chambers, I think we know that, do we not
- L0690 **Mr Irving** Mr Rampton, if I may, I will not venture a question, but I will make a statement. A million people weigh 100,000 tonnes. We are talking of a major logistical problem here
- L0691 **Mr Rampton** We are not -- I think, Mr Irving, we are at cross-purposes. I am trying to understand what it is that you deny, not your reasons for denying it. That will come much later on
- L0692 **Mr Irving** I am denying that any kind of multiples of millions of people were killed in the gas chambers at Birkenhau
- L0693 **Mr Rampton** Articles then of -- no, that is not what you have said here
- L0694 **Mr Irving** I am very being very specific which makes it much easier to nail me down
- L0695 **Mr Rampton** No, "factories of death" is plural
- L0696 **Mr Irving** Well, there were several factories of death, allegedly, at Birkenhau, the crematoria
- L0697 **Mr Rampton** What you do you say about Sobibor, Treblinka, Belsac and Chelmo
- L0698 **Mr Irving** Nothing at all. I am not an expert
- L0699 **Mr Rampton** Do you deny that they were killed in gas chambers in those places
- L0700 **Mr Irving** You did not hear what I said, Mr Rampton. I am not an expert
- L0701 **Mr Rampton** You have no opinion about that at all
- L0702 **Mr Irving** Except what I have read from other people. If other people come and tell me that, for example, there is no trace of any mass graves at Treblinka even now, then I begin to get suspicious about the story
- L0703 **Mr Rampton** Let me understand it, Mr Irving. By "factories of death" in this sentence on page 2 of tab 11, you had no intention of including in that phrase "factories of death" the installations, whatever they were, at Belsac, Treblinka, Sobibor or Chelma, is that right
- L0704 **Mr Irving** Mr Rampton, you are asking me a question about a verbal statement I made nine years ago and, if you wish, I will look to see what the rest of the statement is and I will tell you which parts of the universe I was talking about. But ---
- L0705 **Mr Rampton** Your answer just now -- it may have been too quick an answer; it was not, perhaps, your best answer -- was, "Oh, when I said 'factories of death' here, there were factories of death at Birkenhau"

- L0706 **Mr Irving** Well, I presumed that as we are still talking about the Auschwitz phase of the cross-examination, you are talking about Auschwitz and Birkenhau
- L0707 **Mr Rampton** No, I am talking about what I call your Holocaust denier here you write a sentence or you speak a sentence, presumably written out before: "The biggest lie of the lot is the lie that the Germans had factories", plural, and I said that when I read it to you first time, "of death with gas chambers in which they liquidated millions of their opponents"
- L0708 **Mr Irving** Yes
- L0709 **Mr Rampton** Let us get back to the present. Which of those elements in that statement "factories", plural, "of death with gas chambers", plural, "in which they liquidated millions", plural, "of their opponents", which of those elements do you still deny
- L0710 **Mr Irving** The millions in gas chambers
- L0711 **Mr Rampton** Yes
- L0712 **Mr Irving** Because, among other reasons, which we will come to later on in this trial, the logistical problems for a start
- L0713 **Mr Rampton** But you do deny it
- L0714 **Mr Irving** I deny -- I use that word, it might be more proper to use the word "contest" or "question", but certainly for your purposes I will use the word "deny", that it was possible to liquidate millions of people in the gas chambers that had been presented us by historians so far
- L0715 **Mr Rampton** I follow that. Are you retreating from your earlier answer that your use of the words "factories", plural, "of death" was confined to Birkenhau
- L0716 **Mr Irving** What, in this particular speech
- L0717 **Mr Rampton** Yes
- L0718 **Mr Irving** Do you wish me to read the speech so that I can answer that question
- L0719 **Mr Rampton** No, no. I would rather you gave me an answer now; if you want to change it tomorrow, by all means do so. That is perfectly legitimate
- L0720 **Mr Irving** No, unless the Judge so orders, I think it would be improper for me to answer from memory about the content of a speech I made nine years ago
- L0721 **Mr Justice Gray** I think that is probably a fair point. It does mean that time is going to have to be taken up with it, and I am concerned we do not spend too long on it, but glance through. I do not think it will take that long
- L0722 **Mr Irving** I am anxious to be responsive, my Lord, but I do not want to ---
- L0723 **Mr Rampton** No, I think that is fair, as I already said. Just glance through and see whether you can get any help one way or the other from the rest of it
- L0724 **Mr Irving** Whereabouts was it
- L0725 **Mr Rampton** It is on page 2, tab 11

- L0726 **Mr Irving** My Lord, with respect, I do not see why I should be required to amplify a statement that I made nine years ago in any respect whatsoever or I should be required to add geographical locations on which I did not specify at the time
- L0727 **Mr Justice Gray** You were not, with respect, being asked that. When you use that phrase "factories of death" ---
- L0728 **Mr Irving** Well, I can certainly be helpful here and say that I think I am prepared to deny the possibility that the Nazis liquidated millions of people in gas chambers at any of their locations during the Third Reich.
- L0729 **Mr Rampton** That is very helpful
- L0730 **Mr Irving** But do not then start just taking elements of that sentence saying, "Oh, but you said this, the gas chambers" or "You said the millions" or "You said anywhere". The whole sentence in its totality is correct, and that is what I am testifying to
- L0731 **Mr Rampton** Do you accept that the Nazis killed, by one means or another, and I am not talking about hard labour or exposing people to typhus, shot, murdered, gassed, kicked to death millions of Jews during World War II or not
- L0732 **Mr Irving** Yes
- L0733 **Mr Rampton** You do
- L0734 **Mr Irving** Yes, whether it was of the order of millions or not, I would hesitate to specify, but I would say it was certainly more than one million, certainly less than four million. But that is not a very useful answer to you, the limitation I put on that. I do not want you to say, "You said millions, therefore, it is more than two million", for example. I do not want you to ..
- L0735 **Mr Rampton** So tell me what it was then that was the Holocaust that you removed from the 1991 edition and announced to the world that you had done so
- L0736 **Mr Irving** The word "Holocaust" has gone
- L0737 **Mr Rampton** Yes, but why
- L0738 **Mr Irving** Because I find the word "Holocaust" misleading, offensive and unhelpful
- L0739 **Mr Rampton** Why

L0740 **Mr Irving** For precisely the reasons that I said 10 minutes ago, that it is too vague, it is imprecise, it is unscientific and it should be avoided like the plague, because the word "Holocaust" could be understood to mean one thing when somebody is referring to it meaning something else. I try to avoid words like that.

I shall be calling -- I shall be asking one of my experts on precisely this matter who is an expert on the use of the word "Holocaust". He also takes the strongest exception to it

L0741 **Mr Rampton** So you removed it because you found it imprecise for one reason

L0742 **Mr Irving** Yes, as a part of the general tidying up process -- when you take a book after 10 years and you revise it and you work over it with a red pencil, you do a lot of tidying up and tightening up, and we did that with the new edition. We cut a lot of material out anyway because the book was the one-third too long and we wanted to bring a new material that we had obtained, the diaries of Hitler's doctor and Goring, and so on. So there was a lot of editorial work that went on

L0743 **Mr Rampton** I want to take it slowly because it may be important in the end. You removed it because it was imprecise, but you accept, you now tell me, that the Germans deliberately murdered perhaps something between one and two million Jews during the course of the War

L0744 **Mr Irving** A criminally large number of Jews, yes

L0745 **Mr Rampton** Where, in your opinion, did this happen, broadly speaking

L0746 **Mr Irving** Well, we could take it sector by sector, but I am not sure if it is a meaningful exercise. If I am a Jew and I take it from Amsterdam and I am living a peaceful life and I find myself thrown into a stinking concentration camp where I die of disease, I considered myself to have been murdered

L0747 **Mr Rampton** I excluded them, as you know perfectly well. I talked about shooting, gassing, hanging, kicking, what you like, but I excluded the people who died of disease or overwork or starvation

L0748 **Mr Irving** Very well. On the Eastern front, particularly in the Baltic States, particularly in the Ukraine, I would estimate that up to one million Jews were murdered, using that word in a way that is completely incontrovertible. They were stood on the edge of pits and shot into the pits, clubbed to death

L0749 **Mr Rampton** Just so that we get it straight: in the second edition of "Hitler's War" -- start at the beginning. In the first edition you accepted that Auschwitz was an extermination centre, did you not

L0750 **Mr Irving** Yes, a lazy acceptance which I now regret

L0751 **Mr Rampton** That is as may be. By the time of the second edition you had recanted that acceptance, had you not

L0752 **Mr Irving** That Auschwitz was an extermination centre, a dedicated extermination centre

- L0753 **Mr Rampton** Yes
- L0754 **Mr Irving** Yes
- L0755 **Mr Rampton** You said, for example, I am paraphrasing, perhaps you will accept it, that the Hungarian Jews were sent to Auschwitz for slave labour
- L0756 **Mr Irving** Yes
- L0757 **Mr Rampton** Instead of purposefully to be killed
- L0758 **Mr Irving** Definitely
- L0759 **Mr Rampton** What do you say went on -- perhaps I will ask you this first. Do you accept that there were camps, and we will take them one by one, Chelmo
- L0760 **Mr Irving** Yes
- L0761 **Mr Rampton** Belzec
- L0762 **Mr Irving** Belzec I am not certain of
- L0763 **Mr Rampton** Treblinka
- L0764 **Mr Irving** Treblinka I am becoming uncertain about
- L0765 **Mr Rampton** Sobibor
- L0766 **Mr Irving** Sobibor I know nothing of
- L0767 **Mr Rampton** Chelmo you accept
- L0768 **Mr Irving** Yes
- L0769 **Mr Rampton** The other two, second two you are uncertain about
- L0770 **Mr Irving** Yes
- L0771 **Mr Rampton** What happened at Chelmo
- L0772 **Mr Irving** In 1940 they established a killing centre. It was in a handy part of Europe. Hitler had ordered liquidation in the Polish campaign and afterwards the liquidation of all the Polish intellectuals and clergy and intelligentsia and the Jews who were liable to occupy leading positions, and a lot of them found themselves shipped off to Chelmo where they were dispatched
- L0773 **Mr Justice Gray** But not by gas
- L0774 **Mr Irving** Not to the best of my knowledge, my Lord, no, but I say this, and I hesitate to say this, as a non-expert on the Holocaust, this book was not written as a history of the Holocaust. This was book was written as a biography of Hitler and it would have been neither here nor there how his victims were disposed of
- L0775 **Mr Rampton** Let us take the other three camps together. You would not accept that they were purpose built extermination centres either
- L0776 **Mr Irving** Not on the basis of the evidence I have seen so far
- L0777 **Mr Rampton** It follows, does it not, that you do not accept that people who were killed there were killed by the use of purpose designed gas chambers

- L0778 **Mr Irving** At which camps are you talking about, Treblinka
- L0779 **Mr Rampton** To the three East Polish ones
- L0780 **Mr Irving** There is a lot of debate each way which, in my mind, is unresolved and I have no particular interest in resolving it because, I repeat for the nth time, I am not a Holocaust scholar, and taking the Treblinka Miediner camp you have the problem there that they cannot make up their mind what kind of gas was used to kill the victims, was it Zyklone, was it diesel engine exhaust fumes, was it petrol engine exhaust fumes, when that kind of uncertainty occurs in the testimony, frankly I tend to turn my back on the entire story and write something that is safe rather than something that is liable to dispute
- L0781 **Mr Justice Gray** Mr Rampton, can I ask this question. I thought, Mr Irving, when you were giving your evidence-in-chief, I think it was in response to a question from, you said you accepted that gassing had occurred
- L0782 **Mr Irving** Yes
- L0783 **Mr Rampton** But to the limited sent that it had been carried out on an experimental basis
- L0784 **Mr Irving** By experimental ---
- L0785 **Mr Rampton** Let me finish the question. I had understood that to be a reference to the gas vans being brought after the termination of euthanasia programme. Am I wrong? Is it wider than that
- L0786 **Mr Irving** By "experimental" I do not mean that men stood around in white coats with clip boards and stopwatches. It as just local SS commanders who had been given the job of disposing of these people and were looking for other ways of doing it. Certainly the gas vans were used, because in Adolf Eichmann's papers which I obtained in Argentina he describes having witnessed one such killing, and there are documents which satisfy me, which may be of great disinterest to the Defendants but they satisfy me that they are authentic that such killing trucks did exist, unless there are enormous coincidences in the use of language and words. The gas chambers story is sufficiently difficult to analyse, because on the one hand you have apparently consistent testimony of people who should have known, like the commandants and their deputies, testifying to the fact that these killings were carried out in gas chambers, and on the other hand you have the logistical and agricultural impossibilities which cannot be overlooked. I am sure that we will hear a lot more about them later on in the trial
- L0787 **Mr Rampton** Yes, perhaps. Then let us return finally to page 2 of tab 11 of this file. I hope you still have it open, have you
- L0788 **Mr Irving** Page 2, tab 11, yes

- L0789 **Mr Rampton** Yes. In the second paragraph timed at 12.13 the last sentence reads:
- "If something didn't happen then you don't even dignify it with a footnote".
- The "it" you are referring to there is the Holocaust whatever that may mean.
Is that right
- L0790 **Mr Irving** Well, it is the gas chamber Holocaust
- L0791 **Mr Rampton** Yes. I am not trying to be unfair, but according to the internal syntax of that statement the "it" is the Holocaust, is it not
- L0792 **Mr Irving** It is the gas chamber Holocaust and I am sure his Lordship is well aware of the fact this is a speech delivered under very strained circumstances without a script. So one does not put every word on the gold balance, as the Germans say. The mere fact it means the gas chamber Holocaust is evident from the fact that if you look at the book I am talking about, Hitler's War, there is any amount of reference to the rest of the Holocaust story, namely the shootings on the Eastern Front which are accepted in full degree
- L0793 **Mr Rampton** I said I was not trying to be unfair. I wanted to take it in stages
- L0794 **Mr Irving** You are being very fair and you are being very patient with me, but I have to be very careful with my responses
- L0795 **Mr Rampton** In the four walls of that little paragraph the "it" that did not happen is the Holocaust, grammatically speaking, is it not
- L0796 **Mr Irving** We keep coming back to the same question
- L0797 **Mr Rampton** No. Just say yes or no. It is very easy. I am not trying to trick you. It is, is it not? It is not a difficult question
- L0798 **Mr Irving** Which "it" are we talking about
- L0799 **Mr Rampton** In the last line: "If something didn't happen you don't even dignify it with a footnote". That follows, does it not, from the earlier part ---
- L0800 **Mr Irving** The something that did not happen is it
- L0801 **Mr Rampton** The something that did not happen is the Holocaust if you look at the previous line
- L0802 **Mr Irving** No, the clause, "if something didn't happen", that is the "it"
- L0803 **Mr Rampton** All right, we will read the whole thing. If you read ---
- L0804 **Mr Irving** It is still going to say the same no matter how often you read it
- L0805 **Mr Rampton** "You won't find the Holocaust mentioned in one line, not even a footnote. Why should we? If something didn't happen then you don't even dignify it with a footnote." The something that did not happen is the Holocaust in this sentence, is it not

L0806 **Mr Irving** It is the clause if something did not happen. Let me explain to you, by this time I had encountered a very fine American editor Tom Condon, who was my American editor, American publishers have people who have editors who teach you how to write, and this particular editor said: "Mr Irving, don't waste time and ink telling your readers what has not happened." He said: "Don't say he didn't like dogs but he did like cats. You just write 'he did like cats'". This is what I am getting at there. You do not waste ink

L0807 **Mr Rampton** I follow that entirely, but let us look at the substance of the thing. The something that did not happen is the Holocaust, is it not, in this sentence

L0808 **Mr Irving** The gas chamber Holocaust, yes

L0809 **Mr Rampton** No, no, in the English, the something that did not happen is the Holocaust

L0810 **Mr Irving** The whole of this speech is about the gas chamber, the whole of this part of the speech. You will notice the tape has previously jumped so we have no idea what has been cut out or what has been accidentally omitted

L0811 **Mr Rampton** I said I am said trying to be fair

L0812 **Mr Irving** I must insist on fairness here, because I have stipulated that I will accept these transcripts and allow you to make great horseplay with them, except where they have been edited, and that is a paragraph or a sentence has that has been edited. It says specifically "tape jumps" which means it has been switched on and switched off. You are getting the second half of a sentence

L0813 **Mr Rampton** I wish you would not be so nervous of me, Mr Irving. I said I am trying to be fair. Now look down at the other paragraph we looked at earlier. I am now going to put some words into your mouth. You have said in the earlier paragraph that the Holocaust did not happen. That is as plain as a pikestaff to anybody who can read English. Now we see, do we not, as you have been trying to tell us, what you mean by the Holocaust:

"The biggest lie of the lot is the lie that Germans had factories of death with gas chambers in which they liquidated millions of their opponents."

L0814 **Mr Irving** My I intern that differently? I am sorry it is a question. I will intern that differently. The biggest lie of the lot is that the Germans had factories of death with gas chambers in which they killed millions of people

L0815 **Mr Rampton** Liquidated, yes

L0816 **Mr Irving** Do you notice the difference there

L0817 **Mr Rampton** You can read it either, can you not

L0818 **Mr Irving** You read it your way, Mr Rampton

L0819 **Mr Rampton** No. What you are saying ---

L0820 **Mr Irving** And we at this end of the wicket will read it our way

- L0821 **Mr Rampton** What you say is the biggest lie is the assertion that there were gas chambers. That is what you say you meant by that
- L0822 **Mr Irving** Yes, in which millions were killed. This is what I asked you not to do, not just to take individual phrases out of a sentence and say, look at this bit and look at that. You have to judge the whole
- L0823 **Mr Rampton** I do not think that is very fair. I read the whole sentence
- L0824 **Mr Irving** No, you did not. You said there were gas chambers, the biggest lie is that they were gas chambers, and I am saying that, no, what I say is the biggest lie is that there were gas chambers in which millions were killed
- L0825 **Mr Rampton** I thought, Mr Irving, these were elements in the lie, factories of death, gas chambers and millions
- L0826 **Mr Irving** Only when taken together
- L0827 **Mr Rampton** Right
- L0828 **Mr Irving** My Lord, am I labouring these points too much
- L0829 **Mr Rampton** No, you are not at all. You deny that there were factories of death with gas chambers in which were liquidated millions of Jews. I have rephrased it so that it is absolutely crystal clear
- L0830 **Mr Irving** I thought I did not recognize it
- L0831 **Mr Rampton** So that it is absolutely crystal clear, it has not an ambiguity of what you wrote. I want to get your evidence clear
- L0832 **Mr Irving** Let me explain what underlies this sentence. Because it is logistically impossible to kill millions of people in the buildings that have been portrayed to us as factories of death, therefore they cannot have been, and that is the big lie, if you try to cut that particular sentence up any particular way then it becomes (A) something I did not say and (B) worthless for the purposes of this court
- L0833 **Mr Rampton** Mr Irving, you sorely tempt me to proceed to Auschwitz straightaway, but I will resist it
- L0834 **Mr Irving** I am looking forward to Auschwitz
- L0835 **Mr Rampton** Would you accept that one version of the Holocaust which is generally understood, accepted and perceived ---
- L0836 **Mr Irving** Will you avoid using the passive voice so we know precisely who is generally accepting, understanding and perceiving
- L0837 **Mr Rampton** Call it the public at large, the audiences to whom you speak
- L0838 **Mr Irving** Have you stood in Oxford Street with a clip board asking them, the public at large
- L0839 **Mr Rampton** You will not commit yourself to a generally understood sense of the Holocaust then

- L0840 **Mr Irving** I do not know what the generally sense of the Holocaust is. I have given my version of it. You are giving the court your version of it
- L0841 **Mr Rampton** Will you accept, Mr Irving, and if you will not say no, it matters not, will you accept that one element in the public perception of the Holocaust is the killing of millions of Jews in gas chambers constructed by the Nazis in various parts of Europe
- L0842 **Mr Irving** That I accept
- L0843 **Mr Rampton** You will
- L0844 **Mr Irving** Yes
- L0845 **Mr Rampton** Right. And that you deny
- L0846 **Mr Irving** Why did you not ask that question right at the beginning
- L0847 **Mr Rampton** I wanted to know what you meant
- L0848 **Mr Irving** It is one element
- L0849 **Mr Rampton** Mr Irving, please
- L0850 **Mr Irving** It is one element, as you say
- L0851 **Mr Rampton** Would you not accept that it was the major element in the public perception of what the Holocaust was about
- L0852 **Mr Irving** Now you are saying something different
- L0853 **Mr Rampton** I am asking you a further question
- L0854 **Mr Irving** You have changed from one element to a major element
- L0855 **Mr Rampton** Mr Irving, please, I have asked you about one element. You have accepted that is an element. I now ask you whether you do not also accept that it is the major element
- L0856 **Mr Irving** In what
- L0857 **Mr Rampton** In the public perception of the words "the Holocaust"
- L0858 **Mr Irving** I do not know
- L0859 **Mr Rampton** Right. You do not know
- L0860 **Mr Irving** I have not take any statistical evaluations of what people think in Oxford Street
- L0861 **Mr Rampton** You deny, I think we are clear on this now, that the Germans killed millions of Jews in gas chambers in purpose-built establishments
- L0862 **Mr Irving** Will you repeat that sentence? You deny that Germans killed
- L0863 **Mr Rampton** You deny that the Nazis, do not let us talk about Germans, let us talk about Nazis, that the Nazis killed millions of Jews in gas chambers in purpose-built establishments
- L0864 **Mr Irving** Yes
- L0865 **Mr Rampton** Yes

- L0866 **Mr Irving** I am sorry to take so long to answer, but I have to see exactly what it is you are asking. Purpose-built establishments, millions of Nazis in gas chambers, yes
- L0867 **Mr Justice Gray** Is the reason really why you deny that because you do not accept there were any such purpose-built factories
- L0868 **Mr Irving** Well, the word "purpose-built" made my answer much easier, my Lord. You will understand why I say that when we turn to the architectural drawings and we bring in the evidence that I have
- L0869 **Mr Rampton** And Liechter
- L0870 **Mr Irving** Liechter I think is something that I am not going to rely on at all. As I said in my introduction on the Liechter report, the Liechter report is flawed. We now have very much better expertise
- L0871 **Mr Rampton** Mr Irving, you do tempt me very sorely. When Liechter first swam into your view, you had no expertise about Auschwitz or about gassing or extermination or anything like that, did you
- L0872 **Mr Irving** I did not need it. That was not what his report was based on
- L0873 **Mr Rampton** No. Mr Irving, when Liechter swam into view you had not studied this question at all, had you
- L0874 **Mr Irving** No
- L0875 **Mr Rampton** I think you said as much
- L0876 **Mr Irving** No
- L0877 **Mr Rampton** Yet I am right, am I not, that you announced Mr Liechter as having been, as it were, the corner stone of your conversion, if I may mix my metaphors
- L0878 **Mr Irving** Not Mr Liechter, but the laboratory analyses attached to his report. I am not sure whether I announced it in that way, but certainly that was the corner stone

L0879 **Mr Rampton** I will just read from the same -- there are many other references but we need not look them all up. Page 6 of the same transcript. We will start, if we may, at the large paragraph in the middle of the page, timed at 30.28 because again I do not want to be accused of taking anything out of context.

"Thank you Professor Faurisson for that wonderful erudite discursion on the argument on the controversy in which we are so emotionally and deeply embroiled. It is fascinating to see how an academic, a Professor, can enlarge upon what after all is just a tiny detail of history, as it now turns out. He can hold it under a microscope and see details, he can see details on those details and further details on those details. If I can just dot the i's and cross the t's to some of those details of details of details, he mentioned that after Fred Liechter did his truly epoch making investigation of the gas chambers at our Auschwitz, the forensic laboratory tests which yielded the extraordinary result which converted me" ---

L0880 **Mr Irving** There you have it

L0881 **Mr Rampton** " ... made me into a hardcore disbeliever."

L0882 **Mr Irving** Yes

L0883 **Mr Rampton** That is right, is it not

L0884 **Mr Irving** Yes

L0885 **Mr Rampton** So it was the Liechter report and that aspect of the Liechter report which summarised or discussed the laboratory findings that converted you into a hardcore disbeliever

L0886 **Mr Irving** I specifically say there the laboratory forensic tests Can we analyse what I am disbelieving there

L0887 **Mr Rampton** No. It is much better we do not go down that road

L0888 **Mr Irving** I thought so

L0889 **Mr Rampton** Because we might find ourselves discussing Auschwitz now which might not suit your book. Do you agree

L0890 **Mr Irving** Mr Rampton, you said it did not suit your book in the interval. You were very willing to start with Auschwitz

L0891 **Mr Justice Gray** Anyway, we are not dealing with Auschwitz now. We are dealing really, are we not, with Holocaust denier

L0892 **Mr Rampton** Yes

L0893 **Mr Irving** Yes

L0894 **Mr Rampton** We have touched upon Mr Liechter. We are going to grapple with him much more extensively next week. We have touched upon Mr Liechter and it has led you to this conclusion that there were no gas chambers at Auschwitz, is it not? I use the historic present. It was Mr Liechter's report and the bit about the laboratory tests which converted you into disbelief that there were gas chambers at Auschwitz, is that right

- L0895 **Mr Irving** That is correct
- L0896 **Mr Rampton** Is that is correct. As a consequence of that, you have come to believe, perhaps it was a matter of protest, perhaps not, I do not know, that the Nazis did not use gas chambers for the extermination of Jews let alone millions of Jews
- L0897 **Mr Irving** Yes, I have become very sceptical of that element of the story
- L0898 **Mr Rampton** And you have publicly expressed your disbelief
- L0899 **Mr Irving** Scepticism, yes
- L0900 **Mr Rampton** So if and in so far as that forms a part of people's belief about the Holocaust, you are a Holocaust denier
- L0901 **Mr Irving** No
- L0902 **Mr Rampton** Are you not
- L0903 **Mr Irving** No. You do not have to believe in the whole to be a believer. How many of us are Christians who do not believe in every aspect of the Christian ethos
- L0904 **Mr Rampton** All right. I do not think we ought to argue metaphysics, Mr Irving
- L0905 **Mr Irving** It is a metaphysics problem you are putting there. You are saying: Believe the whole thing or you are a denier and you are ruined. You will not eat lunch in this town again.
- L0906 **Mr Rampton** I did not. I said in so far as that forms a part of people's belief about the Holocaust, you deny that part, put it like that
- L0907 **Mr Irving** Mr Rampton, are you leading evidence on people ---
- L0908 **Mr Rampton** I am asking you ---
- L0909 **Mr Irving** --- people's belief
- L0910 **Mr Rampton** I am asking you a question. If it should be thought that it forms a part of common belief about the nature of the Holocaust that large numbers of Jews were systematically gassed in purpose-built gas chambers, you are a Holocaust denier, are you not
- L0911 **Mr Irving** I do not know this does form a large part of people's beliefs and I do not think you are allowed to lead evidence on people's beliefs in an effort to back it up
- L0912 **Mr Rampton** Mr Irving, only one last little bit about that. Whatever methods were used, and you deny the use of gas chambers, whatever methods were used to kill large numbers of Jews, whether they are 1, 2 or 3 or 6 million, you say it was not systematic, is that right
- L0913 **Mr Irving** Would you elucidate precisely what you mean by "systematic"? Something organised and ordered from the highest level of the Third Reich or something ordered from halfway up the system, or something that was just a system within the camp? I think the word "systematic" is a bit of a man trap

- L0914 **Mr Rampton** You know quite a lot about the shootings in the East after Barbarossa in June 1941, do you not
- L0915 **Mr Irving** As I said this morning, they appeared to be chaotic, disorganized and arbitrary
- L0916 **Mr Rampton** You know that ---
- L0917 **Mr Irving** As that one signal proves that I read out
- L0918 **Mr Rampton** You know, do you not, that regularly, indeed frequently, reports were sent back in writing from the East, from the units in the East, from the Einsatzgruppen and other units in the East, enumerating and totalling the numbers of people shot
- L0919 **Mr Irving** Who were these reports from and to
- L0920 **Mr Rampton** They are from the Einsatzgruppen to Heydrich's office in Berlin
- L0921 **Mr Irving** Yes, this is true
- L0922 **Mr Rampton** Where they are, am I not right, distilled into, as it were, summary reports, meldung
- L0923 **Mr Irving** Sometimes they were, yes
- L0924 **Mr Rampton** And there are a large number of these documents, are there not
- L0925 **Mr Irving** Yes. From whom to whom did these reports go
- L0926 **Mr Rampton** From the East to Berlin
- L0927 **Mr Irving** Yes, and the meldung you are talking about made in Berlin, were did they go to
- L0928 **Mr Rampton** That is a matter of speculation. Assume they went to Heydrich or his office. We are then, are we not, in the top echelons of the Nazi party at this time
- L0929 **Mr Irving** Yes
- L0930 **Mr Rampton** Do we need to go any further
- L0931 **Mr Irving** We do not and I can make your life easier, Mr Rampton, by saying that Adolf Hitler was quite satisfied, I think, with the Einsatzgruppen operations on the Eastern Front in so far as they had the character of security operations
- L0932 **Mr Rampton** I see
- L0933 **Mr Irving** Subsequently of course the security operations were then umbrellaed out to include the liquidation of Jews who were considered to be fair game
- L0934 **Mr Rampton** We will come to report No. 51 on 29th December, 26th its original date but 29th September 1942 further down the line
- L0935 **Mr Irving** That is just one of a kind of course
- L0936 **Mr Rampton** Well, it is 51. It is No. 51. So presumably there were another 50 before it

- L0937 **Mr Irving** Yes, but the others were about things like the progress and development of the rubber plant and things like that
- L0938 **Mr Rampton** It may be so. It gives a figure, does it not
- L0939 **Mr Irving** 316,000
- L0940 **Mr Rampton** 363,000 plus as a separate category of Jews executed in three areas
- L0941 **Mr Irving** I think you ought to look at the whole document rather than just take one line out and consider the document a bit and the initials that are marked on it
- L0942 **Mr Rampton** Yes
- L0943 **Mr Justice Gray** But the figure is right, is it not? That is the figure
- L0944 **Mr Irving** This figure is typed on that document, my Lord, that is true, yes, and the document is typed in the special large faced typewriter which Himmler and Hitler used
- L0945 **Mr Rampton** Himmler used that as well
- L0946 **Mr Irving** Yes, on occasion he would use it to write speeches in, yes
- L0947 **Mr Rampton** And that document is signed by Himmler, is it not
- L0948 **Mr Irving** One copy of it is that I have seen
- L0949 **Mr Rampton** And it is marked for the Fuhrer, is it not
- L0950 **Mr Irving** It is a report to the Fuhrer, yes
- L0951 **Mr Rampton** Yes. Suppose ---
- L0952 **Mr Irving** It would be far more useful if we could have the document before the court
- L0953 **Mr Rampton** Unfortunately I do not have it here. So we will have to come back to it. We will come back to it in detail I am afraid. There is no way round it
- L0954 **Mr Irving** I am very familiar with the document of course. I think his Lordship should see it
- L0955 **Mr Rampton** This is why I can ask you about it, so am I, without your having it in front of you. Just suppose for the sake of argument that that document was shown Adolf Hitler
- L0956 **Mr Irving** Yes
- L0957 **Mr Rampton** Why would it have been shown to Adolf Hitler
- L0958 **Mr Irving** I would ask the question the other way round
- L0959 **Mr Rampton** No, please
- L0960 **Mr Irving** I would say why is that figure buried on page 6 of that document
- L0961 **Mr Rampton** It is not. It is on the first page
- L0962 **Mr Irving** That is why we wrote it so I do not blunder into silly mistakes like that. I think I am right. You think you are right

- L0963 **Mr Rampton** I am not trying to catch you. Under the heading Meldung and Fuhrer or whatever it is
- L0964 **Mr Irving** Yes, OK, why it is buried on that first page
- L0965 **Mr Rampton** Have you got it there
- L0966 **Mr Irving** We have got it. Ah!
- L0967 **Mr Rampton** No, I have not got my copy. We have only got one copy. We do not play tricks like that in this court, Mr Irving. If we do the judges get very cross with us. There is no point to it
- L0968 **Mr Irving** What I shall ask you is, does it have the notation at the top: Fuhrer Fordalig
- L0969 **Mr Rampton** I did not hear that
- L0970 **Mr Justice Gray** Does it have "shown to the Fuhrer" written on the top
- L0971 **Mr Rampton** Yes, it does. Well, it has a word which I believe means something like "presented" in handwriting. It is written by a man called Fife I think
- L0972 **Mr Irving** I know Fife and I know Gruchmann, the two initials on it. It has the letters ERL which means taken care of which may or may not have been shown to Hitler
- L0973 **Mr Rampton** Please, I do not want to come on to the question of fact whether the Fuhrer ever saw it. I would just like you to have a look at it
- L0974 **Mr Justice Gray** Can I be told where it is
- L0975 **Mr Rampton** Yes, I am sorry. It is in H3 (i) at tab 3. It has a handwritten "6" on the bottom which is a modern numeral. Tab 3 page 6. It has a whole load of other numbers on it as well
- L0976 **Mr Irving** Written on the top it says "forgaleg" which means put before. But it does not say whom to. But it does say "put before"
- L0977 **Mr Justice Gray** It is cut off on my copy
- L0978 **Mr Rampton** Yes, I know. I have had it read by a Germanist and it does say that
- L0979 **Mr Irving** The initial at the top is Fife and the initial below it is Gruchmann, GR
- L0980 **Mr Justice Gray** So the manuscript is "forgaleg", is it
- L0981 **Mr Irving** Yes
- L0982 **Mr Justice Gray** Do you accept that means since it is addressed to the Fuhrer that it was shown to him
- L0983 **Mr Irving** On a high probability, yes, my Lord. I would have accepted that as being evidence that it had probably been shown to Hitler, but I would also draw attention to two or three details, if I may, since we are looking at the document now
- L0984 **Mr Rampton** I would rather we left it but you can if you want
- L0985 **Mr Justice Gray** I personally think I would leave it

- L0986 **Mr Irving** I do not want to upset Mr Rampton by drawing attention to inconsistencies
- L0987 **Mr Justice Gray** You will have an opportunity later
- L0988 **Mr Irving** I am not questioning the authenticity, my Lord, just aspects of it. Right
- L0989 **Mr Rampton** I do not mind at all, Mr Irving, if that is what you would like to
- L0990 **Mr Irving** No, you have your own way
- L0991 **Mr Rampton** I look at it, I see it describes itself, its subject matter ---
- L0992 **Mr Irving** Now you are looking at details and I am not allowed to!
- L0993 **Mr Justice Gray** I think we will leave it to Mr Rampton. I think he can ask you more questions if he wants to
- L0994 **Mr Rampton** If you have answers to my questions rather than speeches to make by all means give them, but I really do prefer to proceed my own way, if I am allowed. It concerns reports to the Fuhrer about the campaign against the partisans. Is that a roughly right translation
- L0995 **Mr Irving** This is what I was about to point out, that the subject line is combatting partisan, partisan warfare
- L0996 **Mr Rampton** It is report No. 51 and it concerns Souther Russia, the Ukraine and Bialystok area, does it not
- L0997 **Mr Irving** Yes
- L0998 **Mr Rampton** It is about the outcome of that campaign from 1st September until 1st December 1942
- L0999 **Mr Irving** That is correct, yes
- L1000 **Mr Rampton** The first group, the first category are called van Dieckmann which are ---
- L1001 **Mr Irving** It is their word for "partisans"
- L1002 **Mr Rampton** Well, not always, sometimes it is partisanan, is it not
- L1003 **Mr Irving** They have various different words for the same thing. But Nazi jargon was to call partisan bandits
- L1004 **Mr Rampton** Yes. There are some people killed under in fact four headings, August, September, October and November. So it does not actually begin on 1st September; it begins earlier. The second category are partisan helpers and what are "vanda verdicta"
- L1005 **Mr Irving** Partisan suspects
- L1006 **Mr Rampton** Suspects, yes. In 2C it says: First of all, arrested, that is subcategory (a). Then it says subcategory (b), numbers executed, a total of 14,257. In subcategory (c) it says explicitly, does it not, "Jews executed"
- L1007 **Mr Irving** Yes

- L1008 **Mr Rampton** And the total there is 363,211
- L1009 **Mr Irving** That is correct
- L1010 **Mr Rampton** What would the Fuhrer think when he saw that. You tell us? You are the Hitler historian
- L1011 **Mr Irving** I do not think that my imagined response on behalf of the Fuhrer is evidence in this case
- L1012 **Mr Justice Gray** No. I think that is wrong, if I may say so. I thought you might say that, but you are an historian. It is your job to make sense of a document, if you can. I therefore think it is not only a proper question, it is quite a significant question
- L1013 **Mr Irving** Well ---
- L1014 **Mr Rampton** To be asked what you think this would have conveyed to Hitler, which is I think what Mr Rampton was asking
- L1015 **Mr Irving** Firstly, I accept the document was in all probability shown to Hitler. Secondly, I think in all probability he paid no attention to it. The reason being the date. This is the height of the Stalingrad crisis. Every waking moment he is waiting for news that the fourth army that he sent to rescue the sixth army, to relieve the sixth army, had broken through the ring, the battleship Sharn Horse is out on the high seas in the Arctic Circle just about to be sunk that same day as it is shown to him. He has an awful lot of things on his plate. You asked me to imagine, my Lord, the situation and I can imagine the situation that the Fuhrer, Heydrich Himmler has thought that this is an opportune moment to slip a document into the heap to be shown to the Fuhrer which he can use one way or the other as time may come later on, either to say, "look how well I did, mein Fuhrer", or on the other hand to say, "But I told you at the time we had done that." There is a reason why I say this because we have another document later on called Korherr report with which I am sure the Defendants are familiar, where Himmler goes to some lengths to camouflage the documents so Hitler cannot see what is going on, and references to special treatment and so on are actually excised from the document before it is shown to Hitler. So taking this in conjunction with other documents, but I would attach no evidentiary value to what I just said whatsoever, because it is literally speculating on the basis of very thin evidence, on the basis of the date, on the basis of my knowledge from other source of what else was going on at that time in Hitler's War. It is a mistake to contemplate documents like in vacuo
- L1016 **Mr Rampton** Oh yes
- L1017 **Mr Irving** At the same time as documents like this are happening, if I can put it like that, all sorts of other things are happening

L1018 **Mr Rampton** Sure, but one, only one, and you see, Mr Irving, we are not on this side of the court setting out to prove what did happen, we are only interested in the evidence which a reputable historian would put into the scales and weigh before arrival at a conclusion, one obvious explanation of this document, which in fact is generated by the document before it in the bundle if you look at it, is it not? The original report is dated 26th December 1942 and comes from the higher SS and police leader in South Russia, etc., does it not

L1019 **Mr Irving** Yes

L1020 **Mr Rampton** So somebody has taken the trouble back at Berlin to have this typed up in the large Fuhrer type

L1021 **Mr Irving** Yes

L1022 **Mr Rampton** Somebody has taken the trouble to put it in front of Himmler who has signed it as we see on its fourth page, my Lord, that is page 9, and somebody has taken the trouble to put it in front of Hitler

L1023 **Mr Irving** Yes

L1024 **Mr Rampton** Why should they do that

L1025 **Mr Irving** Somebody has sent it to be put in front of Hitler, yes

L1026 **Mr Rampton** And you agree that the probability is that he saw it

L1027 **Mr Irving** Yes

L1028 **Mr Rampton** Or that it was put in front of him

L1029 **Mr Irving** Yes

L1030 **Mr Rampton** Why should they do that if they did not think he would want to see it

L1031 **Mr Irving** Because Hitler has personally given orders for the security operations on the Eastern Front. Hitler at a very early date after the operation Barbarossa began, the attack on Russia, issued instructions to Heydrich that he wanted to be kept regularly informed on the operations of the Einsatzgruppen

L1032 **Mr Rampton** And on 1st August 1941 Muller, the head of the Gestapo told Einsatzgruppen that, did he not, or reminded

L1033 **Mr Irving** Yes, that is correct. That is the document I am referring to

L1034 **Mr Rampton** That is the beginning of the system, if I may call it that, and this is one of the end results, is it not? That is how the system matures

L1035 **Mr Irving** We are trying to justify the word "systematic"

L1036 **Mr Justice Gray** Do not worry too much about what Mr Rampton may or may not be trying to do

L1037 **Mr Rampton** It is not a joint exercise with you, Mr Irving

L1038 **Mr Irving** I was in the dark as to what was contentious about this document, because I have actually used in document in my book Hitler's War, my Lord. I have given the data. I have given the figures. I have reported it in detail. There is no mystery about it. I have not tried to conceal it the way that my opponents have concealed the documents they do not like

L1039 **Mr Rampton** Mr Irving, I am not here representing your opponents except in so far as you have sued some people for libel. Beyond that I have no role

L1040 **Mr Irving** You are representing my opponents

L1041 **Mr Rampton** In this case

L1042 **Mr Irving** Yes

L1043 **Mr Rampton** What, you mean Professor Lipstadt has suppressed documents, is that what you are trying to say

L1044 **Mr Irving** You said I am not representing your opponent

L1045 **Mr Rampton** No, I am not. You said "in the way that my opponents have suppressed documents". I said I do not answer for those opponents

L1046 **Mr Irving** Those opponent you are not representing

L1047 **Mr Rampton** No, I do not represent them. Here is a document which appears to represent a part of a systematic reporting to Adolf Hitler about the numbers of people killed by the Einsatzgruppen in the East

L1048 **Mr Irving** I strongly disagree. This document is an orphan. Can you produce to me one other document shown to Hitler with figures of that magnitude reporting crimes on that scale

L1049 **Mr Rampton** Earlier they would have been less. We do not have the other 50 or do we

L1050 **Mr Irving** I am saying that these reports ---

L1051 **Mr Rampton** Have you got ---

L1052 **Mr Irving** No. What I am saying is that the other reports in the Meldung series are not necessarily statistics. They may be as I gave one example, a typical thing would be a report on a two-man midget torpedo operation against the Tirpitz where Himmler's men had caught the British seamen involved and had them executed and that would go to Hitler as a meldung to the Fuhrer at exactly this time. So what I am saying is that this kind of meldung with these kinds of statistics to Hitler on an Einsatzgruppen operation is an orphan. You cannot produce to me one similar document in that series

L1053 **Mr Justice Gray** Have we got any of numbers 1 to 50

L1054 **Mr Irving** I have at home, my Lord, yes

L1055 **Mr Rampton** Do they look like this? I am not saying the wording is similar, but do they look like this

L1056 **Mr Irving** No. This is just something that Himmler sent in because he thought it is just as interesting to Hitler midget torpedo operations or the rubber plant that he is working on

L1057 **Mr Rampton** We are know at the end of 1942 with this document

L1058 **Mr Irving** Yes, but you are trying to justify the system, the fact that they were systematically put in on the basis of reports like this and I am saying this is the only such report

L1059 **Mr Rampton** It is the only one which has survived

L1060 **Mr Irving** No. There is a complete series

L1061 **Mr Rampton** How many are there in this form with a large Fuhrer type

L1062 **Mr Irving** I have only seen one such report reporting statistics of this kind. All the others are in the large Fuhrer type

L1063 **Mr Rampton** They are

L1064 **Mr Irving** Yes, the ones about the two-man torpedoes and things like that. They make fascinating reading. They are obviously of great interest

L1065 **Mr Rampton** Would you suggest that that report to Hitler of 363,000 plus Jews executed in those eastern territories by the end of 1942 bore no relation to the order that the Einsatzgruppen should report to Hitler on the activities, on their activities, on their work, in the East

L1066 **Mr Irving** Yes, it may have born, and we know from the decoding operations of the Einsatzgruppen regularly reported their killing operations and there are enormous figures involved in them

L1067 **Mr Rampton** Then, Mr Irving, can we face reality? There is an order in August 1941 that these people shall report to the Fuhrer on their activities

L1068 **Mr Irving** The Fuhrer wishes to be kept constantly informed on the Einsatzgruppen operations.

L1069 **Mr Rampton** That is right, he wishes to have continuous report

L1070 **Mr Irving** That is right

L1071 **Mr Rampton** In the result, as I have put it, in the result in December 1942 he gets just such a report

L1072 **Mr Irving** Oh, I do not think you can say that because somebody gives an order in August 1941 and a document turns up, what, 16 months later this is the result of that

L1073 **Mr Rampton** Why not

L1074 **Mr Irving** It may have been but it may not

L1075 **Mr Rampton** Why not

L1076 **Mr Irving** If it had turned up two weeks later then I would say yes there is probably a very clear link between one and the other

- L1077 **Mr Rampton** If in August 1941 at the time that the Einsatzgruppen were just starting their work there is an order in place that the Fuhrer is to be supplied with regular reports of their work, it is not at all surprising that by December 1942 that system is still in place and these reports are still coming in, is it
- L1078 **Mr Irving** I disagree. Suppose in August 1941 you ask for a plumber to come and fix a sink, and finally in December 1942 a firm of plumbers contacts you and says, "here is an estimate for fixing your sink", it does not necessarily mean there is any connection between them
- L1079 **Mr Rampton** It is not a very good analogy, Mr Irving. I do not ask the plumber for continuous plumbing over a period of time all over a large part of Eastern Europe. Better keep off those sorts of analogies
- L1080 **Mr Irving** But then where are the other continuous reports, Mr Rampton? I have not seen them
- L1081 **Mr Rampton** No, I do not know where they are, Mr Irving
- L1082 **Mr Irving** This is one report
- L1083 **Mr Rampton** But this is a report of some of the work of the Einsatzgruppen in the East to be placed before the Fuhrer
- L1084 **Mr Irving** But this was not the only task of Einsatzgruppen. The Einsatzgruppen had a whole bunch of tasks they carried out
- L1085 **Mr Justice Gray** Mr Irving, I really do think that you ought to consider the position. Hitler gives an order that he wants to be kept regularly informed about the shootings by the Einsatzgruppen
- L1086 **Mr Irving** No, he wants to be kept informed of the operations of the Einsatzgruppen
- L1087 **Mr Rampton** The work
- L1088 **Mr Justice Gray** The work, whatever you like, kept informed. That suggests he wants to be told on a repeated basis what is going on
- L1089 **Mr Irving** Yes
- L1090 **Mr Justice Gray** Are you suggesting that for some reason he countermanded that order or that it was not obeyed or what
- L1091 **Mr Irving** No, I am not, but I am not saying that it is established to my satisfaction at any rate that this document is -- I am sure what the relevance is -- that this document is the direct product of that order
- L1092 **Mr Justice Gray** Well, forget about whether it is the direct product. Would you not think it a reasonable inference that there would have been reports in one shape or form or another to him reaching Hitler's desk of the number of people being shot by the Einsatzgruppen
- L1093 **Mr Irving** One would have expected it, but this is the only one we have and this is what surprises us

- L1094 **Mr Justice Gray** So you agree that one would expect that there would have been other similar reports
- L1095 **Mr Irving** Yes, my Lord
- L1096 **Mr Rampton** Mr Irving, let us look at it in a slightly different way. If, as you have proposed on occasion, the killings by the Einsatzgruppen in the East and some of the police battalions and some of the local militia were merely, I say "merely" I do not mean to diminish what happened, but in the sense of structure, merely criminal acts by local maverick SS commanders and others, nobody would have dreamed of putting this document before Hitler,, would they
- L1097 **Mr Irving** You are regarding it in vacuo again. The episode which I recounted was at the end of 1941. The clock has now moved on one year, many things have happened. Germany has started to lose. People are getting frantic. The tide has turned as Churchill himself said, it was no longer the beginning of the end, but it was the end of the beginning I think Churchill said. This was Stalingrad, it was encircled, El Allgemeine, the battle had been won. The Germans were now seeing the writing on the wall and it may well be that Himmler thought this was a good time to show this kind of thing to Hitler
- L1098 **Mr Rampton** And for why
- L1099 **Mr Irving** Can I just remind you once again, this document is in my books
- L1100 **Mr Rampton** Yes. We are going to look at your books in some detail further on down the road, not today, Mr Irving, except for one remaining purpose
- L1101 **Mr Irving** That is what worries me about why we are spending the court's valuable time on looking at this document when I have gone into in great detail in my book
- L1102 **Mr Rampton** Because, Mr Irving, I think your position is that mass killings ---
- L1103 **Mr Irving** Yes
- L1104 **Mr Rampton** --- not by gas but by other means were not systematic
- L1105 **Mr Irving** I have said all along mass killings occurred on the Eastern Front. This is the Eastern Front
- L1106 **Mr Rampton** And then we started this little digression, if you remember, by your asking me what I meant by "systematic"
- L1107 **Mr Irving** Yes
- L1108 **Mr Rampton** I said and you agreed there are all those meldungs that go back to Heydrich's office
- L1109 **Mr Irving** Halfway up the hierarchy
- L1110 **Mr Rampton** Or whatever, but quite a long way up, halfway up the RHSA, he is head of the RHSA in Berlin
- L1111 **Mr Irving** Yes

- L1112 **Mr Rampton** He is quite close to Himmler
- L1113 **Mr Irving** Yes
- L1114 **Mr Rampton** Who is quite close to Mr Hitler
- L1115 **Mr Irving** Yes
- L1116 **Mr Rampton** Then this was another example designed only to illustrate this, that a reputable historian might well conclude that this document would not have surprised Adolf Hitler one bit
- L1117 **Mr Irving** Might not have
- L1118 **Mr Rampton** No. Well, surely, use your imagination, Mr Irving, if I am Adolf Hitler I am king of the German world, as it were, and this is put in front of me and it represents something that I do not approve of, I am going to go through the roof, am I not
- L1119 **Mr Irving** I do not say he did disapprove of the killings of the Jews on the Eastern Front
- L1120 **Mr Rampton** He did not
- L1121 **Mr Irving** He did in December 1941 in the case of the German Jews being killed. He was quite plain. I mean Himmler sent the message which the British decoded ordering the man responsible to come immediately to headquarters, but the killings on the Eastern Front of the Russian Jews and the others, Hitler did not care about them
- L1122 **Mr Rampton** This is South Russia, the Ukraine and Bialystok which is on the border then of Poland and Russia
- L1123 **Mr Irving** Still the Eastern Front according to my map
- L1124 **Mr Rampton** Though by 1942 quite a long way behind the Eastern Front
- L1125 **Mr Irving** It is the rear Eastern Front area. It is the area in which the SS still operated
- L1126 **Mr Rampton** It is miles away. It is right over, well, as you say, Stalingrad. This is the height of the battle for Stalingrad
- L1127 **Mr Irving** But it is the area in the rear of the Eastern Front where the Einsatzgruppen had the task of pacifying and cleansing
- L1128 **Mr Rampton** Before I move on to something else, do you distinguish in your own mind a sensitivity in Hitler towards the murder of central or western Jews, German Jews, and the murder of 363,000 Eastern Jews

- L1129 **Mr Irving** I am not sure what that question means, but if I say that one of his staff, Walter Havel, whose diary I had, said that if you want to understand Hitler's attitude to humanity was the way that a man might look on an ant heap, and that is how he regarded the Eastern peoples whether they were Jewish or not, but he very definitely intervened to stop the killing of German Jews at the time that I specified. So there was clearly a distinction in his own mind at that time
- L1130 **Mr Rampton** We are talking about two events a year apart
- L1131 **Mr Irving** Well, you are talking about two events a year apart. Also you are talking about the giving of the order and the receiving of meldung
- L1132 **Mr Rampton** Yes, surely, but that is in a completely different context, Mr Irving, as you very well know. You use what you say as Hitler's opposition to the Riga killings as having some kind of relevance to this document. Tell me what the relevance is
- L1133 **Mr Irving** Hitler clearly intervened, if we can assume that the fact that the telephone call in the first place was made from Hitler's bunker, and if we know that the next day Himmler was ordered to send or Himmler was required to send a radio message to the man who had carried out the killings telling him that he had overstepped the mark, that he had to follow the guidelines in the future with outsettled Jews, the ones sent from Germany, in other words, and this is clearly an indication that German Jews were kept in a different category because the killings then stopped as the historians agree for several months as far as the German Jews were concerned, but the killing operations of non-German Jews behind the Eastern Front continued and obviously, according to this document, on a huge scale. I can only repeat why are we wasting our time looking at this document which I have printed in my books, which I agree is authentic, I am not going to challenge the authenticity of it
- L1134 **Mr Rampton** Or the likely conclusion to be drawn from it that Hitler will have seen it
- L1135 **Mr Irving** We have agreed that it is probable that given that it says "forgaleg" it is probable that it was shown to Hitler because that is the phrase they would have used
- L1136 **Mr Rampton** You deny, however, that there is any evidence that the shootings in East were systematic in the sense that they got up and were approved, got up to and were approved by the highest level
- L1137 **Mr Irving** To justify the word "systematic" I would want to not just one out message and one in message which is all we have separated by 18 months, I would want to see a flow of out and in and out and in, in the way that we are accustomed to seeing them in the archives
- L1138 **Mr Rampton** You have read what I call in shorthand the EMs coming in from the East to Heydrich's office, have you not

- L1139 **Mr Irving** They go up to Heydrich's office and hey are detailing purely these security operations
- L1140 **Mr Rampton** Security operations. I mean they list killings of hundreds of thousands of Jews, as Jews, as Jews, not as partisans
- L1141 **Mr Irving** Well, let us have a look at all the other ones and see how they are categorized
- L1142 **Mr Rampton** We will do
- L1143 **Mr Irving** I agree that the Jews are being brought in under that umbrella. They are being killed under that camouflage
- L1144 **Mr Rampton** You are familiar with the Jager report, are you not
- L1145 **Mr Irving** Yes, but I very much hope we are going to have a look at the original
- L1146 **Mr Rampton** We are going to have a look at the original. We certainly are
- L1147 **Mr Irving** It comes from the Russian archives
- L1148 **Mr Rampton** I want to be sure, because I do not want to do you any disservice at the end of this case. I want to make sure I have your position clear. You do not accept that that document, let alone its forerunner, you say it is not a forerunner, back in August 1941 is any evidence that the killings in the East by shooting, not by gassing, but the killings in the East by shooting is any evidence at all that this was a systematic process approved of at the highest level of the Third Reich
- L1149 **Mr Irving** That is my position
- L1150 **Mr Rampton** I see. Thank you very much. Now I want to pass to something different. What you will need now are copies of your two books, 1991 Hitler's War and Goebbels Master Mind of the Third Reich. You will also need in case we need to refer to it, a copy of your opening yesterday. You will need D2 (i) (ii) and (iii). Forgive me, Mr Irving, I am just trying to find the document. I apologise for that pause, my Lord. Mr Irving, yesterday you made quite something of this document from the PRO which records statements made ---
- L1151 **Mr Irving** The Bruns document
- L1152 **Mr Rampton** --- by General Bruns but secretly recorded
- L1153 **Mr Irving** That is true
- L1154 **Mr Rampton** You told us that this document has considerable evidentiary value. It is not self-serving
- L1155 **Mr Irving** Not self-serving, yes
- L1156 **Mr Rampton** And that it has the ring of truth from the phraseology and the things he describes, is that right
- L1157 **Mr Irving** Yes, very similitude
- L1158 **Mr Rampton** Yes. Do you have a copy of it with you or can you tell us where to find it

- L1159 **Mr Irving** Well, the text is in my opening speech of course
- L1160 **Mr Rampton** I will try to use the same version as you
- L1161 **Mr Irving** Page 22
- L1162 **Mr Rampton** Yes, page 22
- L1163 **Mr Justice Gray** It is not 100 per cent accurate I remember noticing, but I do not think there is any real difference
- L1164 **Mr Rampton** I am just checking, my Lord, to see whether the two little passages which I have are the same
- L1165 **Mr Justice Gray** Yes, the one right at the end
- L1166 **Mr Rampton** There is one, as your Lordship says, right at the end. As far as I can tell at a quick glance, the words which Mr Irving has printed in his speech are the same as I have on the document. So perhaps we can use the speech. In the middle of the page just below the middle of page 22, Mr Irving, General Bruns reports having, as it were, been subjected to the experience of one of these Riga shootings. He reports that a man called Altemeyer said to him upon his protest at the use of, at the misuse of he waste of valuable manpower, Altemeyer said: "Well, let it be shot in accordance with the Fuhrer's orders. I, that is Bruns, said: Fuhrer's orders? Answer from Altemeyer: Yes. Whereupon he, Altemeyer, showed me, Bruns, his orders." Yes
- L1167 **Mr Irving** That is correct, yes
- L1168 **Mr Rampton** That is what is in the PRO document. Therefore, presumably, General Bruns actually said that
- L1169 **Mr Irving** Yes
- L1170 **Mr Rampton** And was recorded as having said it by Allies. If you go right to the end, the narrative is that they managed, Bruns and his colleagues managed, to get back to Berlin, perhaps to Canaris, an account of this shooting, perhaps in the form of an objection, is that right
- L1171 **Mr Irving** My reading of the document was -- in fact, we know also from other sources -- Gerald Fleming had done some very good work on this particular episode, that an Army Lieutenant wrote a report, having been sent down the road to go and have a look for himself by these cowardly German Generals, and this Army Lieutenant's report was sent over the Army Lieutenant's name up to Hitler's headquarters by the route of Admiral Canaris who was the Head of the German Intelligence Service
- L1172 **Mr Rampton** Can I start at the bottom of the next page 24 where "Canaris" begins a line, do you see that
- L1173 **Mr Irving** Yes

L1174 **Mr Rampton** "Canaris had the unsavoury task of waiting for the favourable moment to give the Fuhrer certain gentle hints. A fortnight later I visited the Oberburgermeister, or whatever he was called then, concerning some other business. Altenmeyer(?) triumphantly showed me: 'Here is an order just issued prohibiting mass shootings on that scale from taking place in future'. They are to be carried out more discreetly.' From warnings given me recently, I knew that I was receiving still more attentions from spies", etc.

"They are to be carried more discreetly in future" means the shootings are to be carried out more discreetly in the future

L1175 **Mr Irving** I would even go so far as to say mass shootings

L1176 **Mr Rampton** Yes. It does not mean that the mass shootings were to come to an end, does it

L1177 **Mr Irving** Not in that sentence, no

L1178 **Mr Rampton** What it means is that they must be more cleverly disguised from anybody who might notice what was going on

L1179 **Mr Irving** Yes

L1180 **Mr Justice Gray** Just whilst you are on that document, you told us, I think, that Bruns would have been a Colonel

L1181 **Mr Irving** He was a Colonel at that time in the Engineer Corp. and he was a Major-General at the time of his capture in 1945

L1182 **Mr Rampton** And Altenmeyer, presumably, was his superior officer

L1183 **Mr Irving** No, sir. Altenmeyer, his real name was "Altemeyer", without an "n", he was a 21 or 22 year-old very junior SS officer who just happened to have the lives of these unfortunate people in his power

L1184 **Mr Rampton** Hitler's orders go to him before they go to the Colonel

L1185 **Mr Irving** No, sir the orders went -- I think the route was that Hitler told Himmler, who sent the message to Joachim which is what we talked about yesterday which we, British, intercepted and decoded, so we had an inkling of what was going on. Himmler said to Joachim, "Come straight to headquarters, that it had to stop".

In Himmler's diary on December 1st 1941, the following day, I noticed yesterday there is the telephone call from Himmler to Heydrich on December 1st, SS Obergruppenfuhrer Heydrich "Executzionan in Riga", the executions, the shootings, in other words, in Riga, they talked about this very episode again on the day after it happened; and when Joachim came -- unfortunately, I cannot show you this, my Lord, that bundle is still at home; we know it from Himmler's diary in Moscow -- Joachim came to see Himmler on December 4th. Himmler wrote in his diary that evening that he dined with him at 9.30 p.m. and the topic of their conversation which Himmler also noted was [German], Jewish question, and [German] "in Riga", which [German], economic businesses, small shops, something like that, in Riga, which fits rather in with Bruns' description, in my view, that these executions were causing problems in the local economy because they were running out of manpower, but that is a possible interpretation of that.

But, obviously, there was a certain amount of toing and froing from the very highest level down through these channels down to this very low level SS Officer who claims he received a Fuhrer order, if I may go into that, when the army Colonel came to see him and said, "What on earth is going on here?" and this very junior SS Officer said, "Oh, it is the Fuhrer's orders" which frequently was said. Frequently people claimed they were Fuhrer's orders. We know, however, from our other sources (which are much superior sources) that the Fuhrer's orders were distinctly very different in this case [German] "No liquidation"

L1186 **Mr Justice Gray** But Bruns says that Altemeyer showed him the orders

L1187 **Mr Irving** Yes, I do not attach too much importance to that, my Lord

L1188 **Mr Rampton** Well, in considering all the other trappings of verisimilitude that this ---

L1189 **Mr Irving** I thought you might mention that, actually

L1190 **Mr Rampton** Of course I might mention it. It is obvious, is it not

L1191 **Mr Irving** Yes, but the problem we have with that, Mr Rampton, is how do you reconcile in with the kind of [German] in Himmler's own notes what Hitler told him, Jew transport, no liquidation

L1192 **Mr Rampton** You have never shown us any evidence, shall I say, or any of your readers that Himmler [German] came from Hitler

L1193 **Mr Irving** It is coming from Hitler's bunker, from a phone booth in Hitler's bunker, just as if I made a phone call from that phone booth outside

- L1194 **Mr Rampton** But as I think you have accepted on your web site an hour before Himmler met Hitler
- L1195 **Mr Irving** But he was in and out all day. When you visited Hitler in his headquarters, you would have lunch with him, you would have tea with him, you would be in and out of Hitler's bunker all day
- L1196 **Mr Rampton** The entry in his log for that day -- it is not a diary, except in the most primitive sense -- in Himmler's log, the only entry referring to Hitler is, I think, 1430, [German] or something along those ---
- L1197 **Mr Irving** Yes, I agree entirely with what you say, Mr Rampton, but I have to say that if he drives over to Hitler's headquarters and, for whatever reason, finds it necessary suddenly to telephone Heydrich and say, "That transport of Jews from Berlin is not to be liquidated", it is a very reasonable interpretation indeed to say this is not unconnected with the fact that he is speaking from Hitler's bunker. And it would be perverse not to accept that
- L1198 **Mr Rampton** Mr Irving, bear with me. I do wish that one could insert the word "objective" into every answer you give. It is a possibly, certainly, that Himmler spoke to Hitler before he made that telephone call. That is quite different, is it not, from an assertion that the telephone call was made on Hitler's orders
- L1199 **Mr Irving** I agree, I agree
- L1200 **Mr Rampton** And you have asserted the latter, have you not
- L1201 **Mr Irving** I agree, it is a judgment call, and it is a judgment call which -- may I speak? It is a judgment which, in my submission, is entirely justified. If Himmler drives over to Hitler's bunker in the train, [German] makes a few phone calls and then [German], from the bunker, from Hitler's Wolf's Lair bunker, he makes a phone call to Heydrich saying, "That train load of Jews is not to be liquidated", it would take a very perverse and obtuse person indeed to say there is no connection between the two facts
- L1202 **Mr Rampton** May I suggest that what an objective, reputable historian who was not punting a particular line to exonerate Adolf Hitler might have written would be something like this: The evidence is that Himmler saw Hitler about an hour after he made that telephone call. There is no direct evidence that Himmler spoke to Hitler before he made the telephone call. It is possible that that telephone call was made at Hitler's instigation
- L1203 **Mr Irving** Yes
- L1204 **Mr Rampton** Yes
- L1205 **Mr Irving** Why did he make the phone call from Hitler's bunker then
- L1206 **Mr Rampton** Because he happened to be there for heavens sake
- L1207 **Mr Irving** Why did he not make the phone call from his own headquarters? I do not want to say that I am less obtuse than you, but I am beginning to suspect it in this matter. It is not a question of reputable or not. It is a question of seeing a logical solution written in six inch letters in front of your own face

- L1208 **Mr Rampton** I see
- L1209 **Mr Justice Gray** My impression, I think it is relevant on this topic, from your book Hitler's War is that at this time Himmler was seeing Hitler almost more often than anybody else
- L1210 **Mr Irving** Very frequently as we know now from his diary and telephone log, but you will appreciate that particular episode because it is a pivotal episode has now gone through three or four different chameleon like changes with very subtle refinements and a word knocked out here which cannot be justified and so on, as happens. One is constantly revising history. This does not mean to say one is manipulating or is in any way trying to exonerate. You are trying to get closer and closer and closer to the likelihood of what actually happened
- L1211 **Mr Rampton** Mr Irving, tell me plainly, we are off course again but it does not matter, we will get back on course in a moment, tell me plainly what is the evidence for this, this is in the 1991 edition ---
- L1212 **Mr Irving** Right
- L1213 **Mr Rampton** And you have repeated it since. I think you repeat it in the appendices or the footnotes to Goebbels, these words: "On 30th November he, Himmler, was summoned to the Wolf's lair", pause there. Sorry, page 427
- L1214 **Mr Irving** I am looking at my Himmler diary because I know what you are going to say next
- L1215 **Mr Justice Gray** I expect you know it off by heart
- L1216 **Mr Justice Gray** I am sorry
- L1217 **Mr Rampton** It is D1 (v). It is Hitler's War second volume, 1991 edition
- L1218 **Mr Irving** What is the evidence for ---
- L1219 **Mr Rampton** Wait a minute. I am waiting until his Lordship has the volume
- L1220 **Mr Justice Gray** Yes
- L1221 **Mr Irving** What page of Hitler's War is it? This is the new edition
- L1222 **Mr Rampton** Now you can help me with some German perhaps in a moment. It is the new edition. It is changed from the 1977 edition in that you have conceded that the Himmler order concerned but a single train load of Jews
- L1223 **Mr Irving** Yes
- L1224 **Mr Rampton** Instead of Jews in general
- L1225 **Mr Irving** Yes
- L1226 **Mr Rampton** Can you first of all explain why it was that in the 1977 edition this passage referred to Jews in general
- L1227 **Mr Irving** It was a silly misreading of the word. If I show you the actual handwriting ---
- L1228 **Mr Rampton** Yes, it is printed in the book, is it not

- L1229 **Mr Justice Gray** I think you said you misread, you could not read the handwriting of Himmler
- L1230 **Mr Irving** Perhaps I would like to show to his Lordship what the handwriting of Heydrich Himmler looks like
- L1231 **Mr Rampton** Your Lordship will find it in this ---
- L1232 **Mr Irving** I have a reasonable facsimile of the original here. He wrote a particularly nasty form Gothic spiky handwriting which modern Germans cannot read either. You could show that document to several Germans in this room, unless they were the older generation, they would not be able to read it. It is pretty horrific. I admit I made a mistake in the transcription. I was paying more attention to the position of the full stops in the lines which are quite important
- L1233 **Mr Rampton** Yes. I have it somewhere here. You actually printed a facsimile of that page in both the editions, did you not
- L1234 **Mr Justice Gray** It is in the following page 506
- L1235 **Mr Irving** It would be remarkable if when one transcribes a lot of that handwriting one does not occasionally miss out a letter E or something like that.
- L1236 **Mr Rampton** When printing that as a facsimile in your editions Hitler's War, you would not expect your ordinary English reader to be able to decipher what it said
- L1237 **Mr Irving** I would be very surprised if they could decipher that
- L1238 **Mr Rampton** Even if they knew German
- L1239 **Mr Irving** Older generation Germans can read that, prewar generations
- L1240 **Mr Rampton** But your ordinary English reader, these books are published primarily in English, are they not
- L1241 **Mr Irving** No. My books are published in every language in the world
- L1242 **Mr Rampton** I know, but are they written in English originally
- L1243 **Mr Irving** This one was, yes. I have written books in German too
- L1244 **Mr Rampton** As you fairly concede even a modern German might struggle with that unless they had the old handwriting
- L1245 **Mr Irving** The point I am trying to make is that this is not manipulation on my part. It is not manipulation or distortion. It is a traffic accident, shall we say
- L1246 **Mr Rampton** I have to disagree with you. I do not have any training of the German language. I have relatively poor eyesight. I look at the word on the page and it quite plainly does not have an E on the end of it, does it
- L1247 **Mr Irving** No
- L1248 **Mr Rampton** It is perfectly clear

- L1249 **Mr Irving** I now see that, yes
- L1250 **Mr Rampton** Why did you put an E on it? Were you in a terrible hurry or very tired or something when you wrote this
- L1251 **Mr Irving** You are asking me to recall. This was actually written in 1970. We are looking at something 30 years ago you and you are asking me why I had an E on the end of a word which I wrote 30 years ago
- L1252 **Mr Rampton** I will tell you why I am suggesting it was deliberate, Mr Irving, for a number of reasons which are cumulative, but one which is very closely related. There are two closely related reasons. The first we are coming back to in a moment which is the way you have handled the Bruns testimony, but the other is in relation to the entry for the following day, 1st December 1941, where for some reason best known to yourself, and of course we shall need to hear your explanation, you translate the words "[German] SS" as Jews
- L1253 **Mr Irving** No.
- L1254 **Mr Rampton** That cannot be a misreading, can it
- L1255 **Mr Irving** I misread the word "harbun" for "uden" and I have it here in front of me and I will show that to his Lordship
- L1256 **Mr Rampton** What have you got in front of you
- L1257 **Mr Irving** Himmler's diary, the actual handwritten page
- L1258 **Mr Rampton** We have not got that. We would like to see it. May we see it
- L1259 **Mr Irving** Had I known you were going to attach importance to I would have provided you with any number of copies
- L1260 **Mr Rampton** You would have heard in my opening speech that I attach some importance to it
- L1261 **Mr Irving** I am terribly sorry, but I had actually prepared a dozen facsimiles of this to bring in tomorrow in a bundle
- L1262 **Mr Rampton** In fairness to you and perhaps to me we should leave it where it is until we get the facsimile
- L1263 **Mr Irving** Yes. I did envisage that I would have the running of this and that we would be looking at my bundle of stuff tomorrow
- L1264 **Mr Rampton** The running of what, your cross-examination
- L1265 **Mr Irving** I had not ---
- L1266 **Mr Rampton** Shall I sit down
- L1267 **Mr Irving** --- envisaged that I would envisioned I would be standing up for cross-examination today. Had I known that I would not have worked to 6 o'clock this morning preparing bundles
- L1268 **Mr Justice Gray** You can blame me for that
- L1269 **Mr Rampton** That said, my Lord and since he was up until 6 o'clock ---

L1270 **Mr Justice Gray** ! I agree with what you are about to say. I think you have had quite a long day. 10.30 tomorrow morning