

Transcript, day 07

Thursday, January 20, 2000, Court 73, Royal Courts of Justice

Professor Cameron Watt testifies for Irving. The remaining evidence traces the Leuchter Report to the 1988 Zündel trial in Toronto.

The Schlegelberger memorandum continues

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

L0002 **Mr Irving** This morning we are going to be dealing, as I apprehend, may it please the court, with the Schlegelberger document which I brought, as I indicated yesterday evening, with one or two of the surrounding documents. [Document not provided].

L0003 **Mr Justice Gray** Yes. I have only just received this clip, so I am afraid I have not had a chance to go through it.

L0004 **Mr Irving** I appreciate that, my Lord. I do not think it will be a very painful exercise. We will also take on board this argument, and I have taken the liberty of submitting to your Lordship a two-page skeleton, which again you will not have had time to reflect upon but I thought it would be of assistance to your Lordship.

I have also excised the first paragraph of that and put it on a separate sheet for your Lordship, in case you wish to mark it up and say, "Yes I thoroughly approve of this, this is a jolly good idea, I think Irving has it right".

L0005 **Mr Justice Gray** We will come to whether that is going to be my conclusion in a moment, shall we? Can we just have open the Schlegelberger note, unless it is in your clip?

L0006 **Mr Irving** It is in the clip, my Lord. It is little bundle D which you have just received, and you will find it on page 9.

L0007 **Mr Justice Gray** I am going to put this into J. We must keep an eye on not having stray bits of paper knocking around.

L0008 **Mr Irving** This is a bundle called Schlegelberger, a 25 page document relating to the context and provenance of the Schlegelberger document which I have loosely dated as spring 1942. The document concerned is on page 9, my Lord, Tab 7.

L0009 **Mr Justice Gray** Yes.

- L0010 **Mr Irving** The first document is page 1 which your Lordship will see is the folder cover of the Reich Ministry of the Justice, and I will read the words to you which are rather illegible. We have had problems with the German text before. Behandlung der Juden, "treatment of the Jews". My only gloss on that is to say it is not treatment of the mixed race questions. It is a Ministry of Justice file on the treatment of the Jews. I have taken the liberty, my Lord, of highlighting one or two sentences in the bundle I gave you.
- L0011 **Mr Justice Gray** That is helpful.
- L0012 **Mr Irving** Somebody has my highlighted copy. I do not.
- L0013 **Mr Justice Gray** Can you date the cover to the file or the cover top sheet?
- L0014 **Mr Irving** Only inasmuch as the earliest document in the file is early 1942, my Lord. It is a very slim file, the way sometimes these governmental jackets, I think they are called in English parlance, go.
- L0015 **Mr Justice Gray** Yes.
- L0016 **Mr Irving** Page No. 2, my Lord, is the translation into English of the following page. Unless Mr Rampton has any objection, I will just deal with the English text.
- L0017 **Mr Justice Gray** Yes.
- L0018 **Mr Irving** We read it out yesterday but I will read it out again. It is from Schlegelberger, who is acting Minister of Justice after the death of the Minister, and he is writing to the Reich Minister, Hans Lammers: My personal assistant has just briefed me on the result of the session of March 6th on the treatment of Jews and mixed races". Your Lordship will probably see that I have highlighted the fact that it is both A and B, so to speak, not just the mixed race.
- L0019 **Mr Justice Gray** That is your gloss, anyway.

L0020 **Mr Irving** I am now still awaiting the official minutes. My Lord, of course, I will argue that it is not unreasonable -- we will be dealing later in the argument with what is reasonable and what is not reasonable, what would be perverse and what would not be perverse. I am now still waiting the official minutes. From the briefing by my personal assistant there seem to be decisions in preparation which I have to consider for the most part to be completely impossible. As the outcome of the talks in which a personal assistant of your department took part is to form the basis for the decision of the Fuhrer, it would be urgently desirable for me to have a personal talk with you in good time about the affair. As soon as the minutes of the session are before me, I shall permit myself to phone you and to ask you whether and when a discussion between us might take place."

Lammers replies, my Lord, and this is on page 4, that he is very ready to conform. He suggests an appointment at the end of the month; in other words, at the end of March. I do not think it is perverse then to say that the conversation which is referred to in the memorandum is therefore at the end of March 1942. I may be wrong. I allow that I may be wrong. It is always possible to be wrong, but we are looking for a deliberate or wilful distortion.

L0021 **Mr Justice Gray** You rely presumably also on the heading to that letter which is "overall solution to the Jewish problem".

L0022 **Mr Irving** "Overall solution to the Jewish problem", yes, my Lord, I am indebted to your Lordship for pointing that out, the overall solution of the Jewish problem.

The next letter, my Lord, pages 6 to 8, I do not propose to read out. They do not take us very much further. If your Lordship is interested in their content, then there is a British summary.

L0023 **Mr Justice Gray** If are you not going to rely on anything there, I am not going to take time on it.

L0024 **Mr Irving** Very well, my Lord. Mr Rampton may very well wish to point to one or two things in it.

L0025 **Mr Justice Gray** Let us see.

L0026 **Mr Irving** The next document, page 9, is the actual memorandum. Page 10 is something that I did not have before me yesterday, my Lord. It is a translation of the following page, page 11 or part of it. If your Lordship were just to turn to page 11, I draw your attention to two things: first of all, the number at the top, 2653, where, at the beginning of the notes or near the beginning of the notes to the second volume of my Hitler biography, namely Hitler's War, and we are already on manuscript page 2,653. This will give your Lordship an idea of the magnitude of the task and I would therefore pray your Lordship's indulgence if I have occasionally got a word wrong or mistyped a word.

L0027 **Mr Justice Gray** I do not underrate the magnitude of the task at all.

L0028 **Mr Irving** I am indebted to you. I have translated note 63. Your Lordship will notice that the notes are not in the book in this form. Quite simply, the publisher said, "Mr Irving, that would add an extra 500 pages on to the text", so it went. It is helpful because note 53 refers, in this context, to the Schlegelberger document. The staff evidence analysis sheet, which is also in this bundle, we referred to yesterday. The copies were notarised by Dr Robert Kempner, which is not really important, unless we get on to the question of who found it first and when should he have used it.

Then I continue: " Before the International Military Tribunal (at Nuremberg) Lammers testified that Himmler had told him that he had received from the Fuhrer the task of bringing about a Final Solution of the Jewish problem, i.e. that 'the Jews were to be evacuated out of Germany'". That part is in quotation marks. "Lammers wanted to find out for himself, he said, and fixed an appointment with Fuhrer whereupon the Fuhrer told me that, yes, it was quite right that he had given the evacuation order to Himmler, but he did not want to hear any more briefings about this Jewish problem during the war".

L0029 **Mr Justice Gray** That is undated.

L0030 **Mr Irving** This is from the transcript of the international military tribunal.

L0031 **Mr Justice Gray** No. What I mean is there is no indication in the document as to when that was said by Hitler. For all we know, it may have been said in 1940 or '41.

L0032 **Mr Irving** I will deal with that point very shortly, my Lord, when we skip a page, and we now come to page 12. Your Lordship or Mr Rampton might quite well object that it is unsatisfactory, that I should produce the quotation from the transcript in that form, of course, the Military Tribunal transcript. I objected, of course, in exactly the same terms yesterday but, if your Lordship is interested, I am sure we can obtain the precise page from the transcript.

Page 12. Two or three years ago, I went to the national archives in Washington and looked at the detailed verbatim interrogations of the number of people who were present at the Wannsee Conference and at the subsequent conference, my Lord, which your Lordship will remember was on March 6th 1942.

L0033 **Mr Justice Gray** Do you mean Wannsee?

L0034 **Mr Irving** Wannsee on January 20th 1942 -- W-A-N-N-S-E-E -- and the subsequent conference, which was held at the headquarters of Heydrich on March 6th 1942. I wanted to find out what the participants said, what they recalled immediately afterwards, after the war. They were interrogated in detail by the Americans. We have the verbatim transcripts in German and English. I did not copy the transcripts, but I typed extracts on the filing cards which you will see on pages 13 and 14, my Lord, the relevant parts. I have translated them on page 12 which I think is all we need to look at today.

Cabinet counsellor, Dr Hans Ficher of the Reich Chancellery (Lammers department) stated that from the invitation it was evident that evacuation or sterilisation were on the agenda." I skip on to the next sentence: "Lammers took this minute to the Fuhrer and returned with a memorandum. The discussion of the whole affair is to be postponed until after the end of the war". That must have been in March 1942. That is the opinion of Bohle. "To our horror", and I rely on this sentence, my Lord, "we learned that that then continued behind the scenes. We learned that that then continued behind the scenes".

Although Hitler had given this order, leave everything until the end of the war, to our horror, they learned that it went on behind the scenes, rather like the Bruns business, your Lordship will remember. The order comes down from Hitler's headquarters.

What we are looking for, I would submit, is any indication that I have been perverse in putting on this kind of document the meaning that I did in my various writings and utterances. If I continue now to the next statement by Mr Gottfried Bohle, who is also at the Reichs Chancellory Department, he testified that he had been interrogated about this on more than one occasion. The conference, he recalled, was at the headquarters of Heydrich's department, the RSHA. Eichmann opened, and I am relying on this purely to show that it was not just a discussion about the mixed race, my Lord. It was a discussion about the Jews as a whole.

Eichmann opened with the need for a quick solution of the Jewish Question. Bohle told his wife afterwards that they had talked of Jews being supplied like cattle. One man had objected, one cannot proceed against Jews who had behaved correctly, Eichmann's No. 2, that was SS van Fuhrer Gunter, said "that comes under our police judgment".

L0035 **Mr Justice Gray** I do not at the moment see what bearing that has on the issue we are concerned with.

L0036 **Mr Irving** It is an indication where the kind of decisions are being taken, my Lord.

L0037 **Mr Justice Gray** I see. Anyway Bohle again?

- L0038 **Mr Irving** Bohle in another interrogation said, and I draw attention only to the second two sentences, Hitler wanted postponement until after the war. "Whether the security police knew about the different orders from Hitler, I cannot say." In other words, different to what they were doing.
- L0039 **Mr Justice Gray** Yes.
- L0040 **Mr Irving** My Lord, your Lordship may attach no significance whatsoever to these documents. I am a historian looking at these documents. I submit that it is perfectly proper for me to pay attention to them, and it is not perverse for me to attach the significance to them that I did and the meanings that I did.
- L0041 **Mr Justice Gray** Yes.
- L0042 **Mr Irving** That is all that I have to submit on this Schlegelberger memorandum, my Lord.
- L0043 **Mr Justice Gray** You did that very, if I may say so, effectively and briefly.
- L0044 **Mr Irving** Your Lordship will have apprehended that I attach importance to the Schlegelberger memorandum. I have quoted it frequently, I have illustrated it in my books, and I wish to make sure that it stayed upright without being sunk.
- L0045 **Mr Justice Gray** It would not be exaggerating to say that it is something of a linchpin for your thesis about the extent to which Hitler knew about what was going on.
- L0046 **Mr Irving** One of the chain of document to which we occasionally refer, my Lord.
- L0047 **Mr Justice Gray** That is Schlegelberger.
- L0048 **Mr Justice Gray** Mr Rampton, do you want to add anything?
- L0049 **Mr Rampton** I have some questions remaining about Schlegelberger, particularly in the light of these documents.
- L0050 **Mr Irving** Do you wish me to go into the box?
- L0051 **Mr Justice Gray** We have to keep an eye on the time.
- L0052 **Mr Rampton** Your Lordship need not fear; we have enough material for today.
- L0053 **Mr Justice Gray** I am not worrying about having enough. Mr Irving, perhaps you would go back into the box?
- L0054 **Mr Rampton** Mr Irving, there is one document which you have not included in that little clip, is there not?
- L0055 **Mr Irving** Mr Rampton, I spent a large part of the night in looking for my Schlegelberger file, but the documents came back from solicitors for the Defendants in such disarray that it was in vain. I had to reconstruct it from other sources.

- L0056 **Mr Rampton** Curiously enough, I did the same exercise myself last night, and the document that I have included in my little clip which I will hand in----
(Document not provided) .
- L0057 **Mr Justice Gray** Where are we going to put these?
- L0058 **Mr Rampton** For the moment they can go together. Perhaps they can both go in whatever the J number is.
- L0059 **Mr Justice Gray** J7.
- L0060 **Mr Rampton** Some of them may in due course be filed away into the core file.
- L0061 **Mr Irving** May I express incidentally my amazement that this bundle of documents did not turn up in the bundles that were put to the court?
- L0062 **Mr Justice Gray** I know. I understand the point. Let us get on.
- L0063 **Mr Rampton** There is a document, Mr Irving, that you did not include -- I am not saying it is deliberate, at least not at the moment -- in the little clip and that is the actual minute of the meeting on 6th March 1942, is it not?
- L0064 **Mr Irving** That is correct. The reason for that being that it did not come from that Ministry of Justice file. This comes from, as the serial numbers at the foot of it clearly show, the Foreign Ministry files.
- L0065 **Mr Rampton** It did not, but it is one of the footnotes to your Goebbels book, is it not?
- L0066 **Mr Irving** I am sorry, the footnote is referred to in the Goebbels book? It is indeed, yes.
- L0067 **Mr Rampton** It is footnote 36 to page 388, and one knows it is the same document for two reasons: First because the personnel mentioned at as being at the meeting include Karssonsen and Schmidtburg?
- L0068 **Mr Irving** Yes.
- L0069 **Mr Rampton** And because the film roll number at the bottom right hand corner of the page that you have got there is the one which you give in your footnote. So we are looking now at the right document, are we? It is 371962?
- L0070 **Mr Irving** Yes. Can you show me again the page reference in the Goebbels?

L0071 **Mr Rampton** Yes I have copied it for convenience. It is page 388, and it is note 36 in the upper half of the page, the big paragraph before the word Eichmann. My Lord, I have copied for your Lordship note 36 which is on page 647, where Mr Irving said -- perhaps I will read the Goebbels text first so that it will become a little clearer what it is that I am driving at. I will start if I may on 388. "On the following day" -- that is he and one can see from the previous page that that is Goebbels and the following day is 6th March -- "Goebbels took note of an extensive report prepared by Heydrich's office, probably on the Wannsee conference. There were still eleven million Jews in Europe, he dictated, summarizing the document. 'For the time being they are to be concentrated in the east [until] Later; possibly an island like Madagascar can be assigned to them after the war.' 'Undoubtedly there will be a multitude of personal tragedies,' he added airily, 'But this is unavoidable. The situation now is ripe for a final settlement of the Jewish question.' In a covering letter Heydrich invited Goebbels to a second conference, on March 6. Goebbels sent two of his junior staff."

Then one goes to note 36, and one sees that it says they, that is the two junior members of staff, were Karssonsen and Schmidtborg of its Eastern territory subsection. Minutes of conference, March 6th 1942, on Final Solution of Jewish problem. Then your Lordship sees inside the bracket right at the end is the same film roll number, whatever it is, reference number 371962.

L0072 **Mr Justice Gray** Right?

L0073 **Mr Irving** "Eichmann talked crudely at this meeting"-- that is the meeting of 6th March attended by Karssonsen and Schmidtborg - "of 'forwarding' the Jews to the east, like so many head of cattle. The ministry of justice handled the report on this new discussion like a hot potato." -- That is note 38. That is the letter of 12th March, which your Lordship has, to Herr Lammers in the Reichkanzlei "The Reich Chancellery referred it all to Hitler." That is an interrogation of Hans Ficher, that footnote. I ask you to note the words "it all", Mr Irving. "Hitler wearily told Hans Lammers that he wanted the solution of the Jewish problem postponed until after the war was over - a ruling that remarkably few historians now seem disposed to quote."

That suggests, does it not, to the reader, Mr Irving, that the conference on 6th March was about the overall solution of the Jewish question?

L0074 **Mr Irving** The final solution of the Jewish question is the title given on the minutes.

L0075 **Mr Justice Gray** But that was not the question. The question is you are conveying to the readers there that it is the final solution which is postponed.

L0076 **Mr Rampton** That was what that conference discussed, is what you are telling the reader.

L0077 **Mr Irving** Yes.

- L0078 **Mr Rampton** Now would you please look at the minute of the conference, the one you footnoted?
- L0079 **Mr Irving** Yes.
- L0080 **Mr Rampton** Please read it yourself. Tell me when you have finished and I will ask you a question.
- L0081 **Mr Irving** I think I am familiar enough with the document. My Lord, can I mention the fact that we have one of my witnesses present. Is he allowed to be in court?
- L0082 **Mr Justice Gray** Yes. It is only in criminal trials that generally speaking you do not.
- L0083 **Mr Irving** Yes. I think I am sufficiently familiar with the content of this memorandum to answer questions.
- L0084 **Mr Rampton** The only topics that were discussed at that meeting on 6th March 1942 are the fate of the mischlinge, that is to say the children of mixed marriages, and their parents, the mischehen. There are two items, there are not?
- L0085 **Mr Irving** Yes.
- L0086 **Mr Rampton** The first is the mischlinge on page 478 at the bottom?
- L0087 **Mr Irving** Yes.
- L0088 **Mr Rampton** And the second, on page 483 at the bottom, is the mischehen, that is to say mixed marriages?
- L0089 **Mr Irving** Yes.
- L0090 **Mr Rampton** There is not a word in that memorandum of that conference about the solution in general, apart from the heading which was a general heading always used for these documents. Am I right?
- L0091 **Mr Irving** You can say that about this document, yes.
- L0092 **Mr Rampton** Then, if you will, turn to the next page in my little file.
- L0093 **Mr Irving** 371?
- L0094 **Mr Rampton** Yes. I will use yours because you have translated it and I have not.
- L0095 **Mr Irving** This refers clearly to the conference concerning the Jews and the mixed races.
- L0096 **Mr Rampton** I will just find your English first. I am going to read it again.
- L0097 **Mr Justice Gray** Do not, because we have been through it once before.
- L0098 **Mr Rampton** "My personal assistant has just briefed me on the result of the session on March 6th, meeting might be a better word, on the treatment of Jews and mixed races". That personal assistant was a man called Masfelder, was it not?
- L0099 **Mr Irving** That I do not know.

- L0100 **Mr Rampton** If you look at the protocol, you can see Masfelder, sorry. The front sheet of the protocol, which is one of your own documents.
- L0101 **Mr Justice Gray** We can short circuit this. Mr Irving, this must be a reference to the conference of which we have just seen the record, is it not?
- L0102 **Mr Irving** Yes indeed.
- L0103 **Mr Rampton** That conference had nothing whatever to do with what was to happen to the Jews overall. It was under that general heading, but it was specifically about mischlinge and mischehen, was it not?
- L0104 **Mr Irving** The minutes of the conference record only those parts dealing with the mischehen, the mixed marriages.
- L0105 **Mr Rampton** So, in effect, you have totally distorted what was discussed at that meeting. You have totally distorted therefore the reason why Schlegelberger wrote to Lammers and therefore, if the Schlegelberger has a place in this chronology, you have distorted the effect of that, too, have you not?
- L0106 **Mr Irving** This omission that you repeatedly make, and I beg to differ on that because of course I am looking at the other documents in the file and also looking at the interrogations of the people who were at the meeting.
- L0107 **Mr Rampton** Let us look at the interrogations, shall we?
- L0108 **Mr Irving** If you remember, the business about Jews being supplied like cattle and so on. Quite clearly that is not in the minutes either. There is a lot of stuff that happened at that conference which is not recorded in the minutes. I think it is a mistake to adhere slavishly to the Nazi memoranda taken by these gentlemen, the minutes, which as you yourself have said frequently were written for camouflage purposes.
- L0109 **Mr Rampton** It is page 12 my Lord. Let us look at your extract from the postwar interrogation, shall we?
- L0110 **Mr Irving** Yes.
- L0111 **Mr Rampton** Whether or not Hans Ficher is talking about this meeting one does not know because one has not got the full text, but assume that he is, then what he said was: From the invitation, whatever that means, it was evident that evacuation or sterilization were on the agenda. What was discussed at that meeting was to how to deal with the mischlinge and their parents the mischehen, and the question arose should they be sterilized, should they be evacuated, should they be allowed to stay where they are? That is what was discussed, was it not?
- L0112 **Mr Irving** Well we have of course two different versions of the same meeting. We have several different versions of the same meeting. We have the wartime minute taken by the one that you referred to us from the Foreign Ministry files, which of course was before me, but we also have the other sources of that meeting.

- L0113 **Mr Rampton** Mr Irving, the document that you referred to and relied on in the account that you gave in your book Goebbels is this document.
- L0114 **Mr Irving** I specifically refer also to these interrogations of Ficher and Bohle and the rest in this paragraph.
- L0115 **Mr Rampton** Do not move the goal posts please, Mr Irving. It is no good talking about some other memorandum. This is the memorandum which you footnoted in Goebbels, is it not?
- L0116 **Mr Irving** These gentlemen are clearly referring to this conference in their interrogations because they say it was at the headquarters of Heydrich, which pins it down as being this conference where the talk is about Jews being supplied like cattle.
- L0117 **Mr Justice Gray** You are missing, I think, Mr Rampton's point on this, and I do not think we want to spend very long on it. It is that the evacuation and sterilisation that were on the agenda may have been the evacuation or sterilisation of mischlinge?
- L0118 **Mr Irving** It may be.
- L0119 **Mr Rampton** You do not tell your readers that, do you? You do not tell your readers that the discussion at this conference was confined to the fate of the mischlinge and the mischehen.
- L0120 **Mr Irving** I am sure that Professor Evans would have spent eight pages on this one detail, but I am writing a book which has to be kept into the confines of one bound volume.
- L0121 **Mr Rampton** Unless you will answer my questions, we are going to have a bad day. Will you answer my question? You do not tell the readers that the discussion at this conference was confined to the fate of the mischlinge and mischehen, do you?
- L0122 **Mr Irving** Will you allow me to read again what I have written?
- L0123 **Mr Rampton** Yes, indeed.
- L0124 **Mr Justice Gray** Do not take long because really the answer to that question must be yes, that you are conveying to the reader that it is the whole question that is being postponed until the end of the war?
- L0125 **Mr Irving** I think, My Lord, that I have stated on several occasions in the Goebbels' book, and your Lordship will remember the case of Gottschalt having caused Hitler particular agony, in my submission; that I have repeatedly referred to the fact, to the question of the mixed marriages and mixed races was a thorn in the side of the Nazis because they did not know how to treat them, which side of the line to put them.
- I cannot keep on, in a book which is for publication, coming back and reminding readers of things that the intelligent reader will be carrying in his brain anyway.

L0126 **Mr Justice Gray** No, Mr Rampton was asking you about the passage at page 388, I think.

L0127 **Mr Rampton** I was, yes.

L0128 **Mr Irving** Well, I think that the lines, about 10 lines down, where Goebbels is quoted as saying: "For the time being that it be concentrated in the East, undoubtedly, there will be a multitude of personal tragedies, but this is unavoidable". We then go straight on to talk about the March 6th conference. I am making it in a way that a responsible writer should. I did not want to put the whole contents of this 10 page memorandum into a book at this point. That would have been acres of sludge again.

L0129 **Mr Rampton** Mr Irving, I am going to put it once more and I cannot go on making speeches through questions which are never answered. The fact is you that you led the reader in this passage to believe that what was discussed at the conference on 6th March was the fate of the Jews generally, that that then went to Hitler, via Lammers, and Hitler made a ruling that the fate of the Jews generally was not to be considered or discussed at that time. That is a total distortion of the evidence which you had before you when you wrote that.

L0130 **Mr Irving** I totally disagree with you, Mr Rampton. The evidence of Bohle, that there was talk there of delivering the Jews to the East like so many head of cattle, that is no longer talking about the mixed marriage problem. They are talking about the overall Holocaust in the way that I have accepted it can be defined and perceived.

L0131 **Mr Rampton** If you can find in this memorandum which you have cited in your book reference to the general question, please show it to us, otherwise that is my last question.

L0132 **Mr Irving** Mr Rampton, I have referred to the fact that I do not just rely on one document. I do not jump from mountain peak to mountain peak. I look at all the surrounding hills as well.

L0133 **Mr Justice Gray** There we are. That is the Schlegelberger note.

L0134 **Mr Rampton** I think, my Lord, that will do.

L0135 **Mr Justice Gray** Thank you very much.

L0136 **Mr Rampton** My Lord, I was not intending to embark on anything new at the moment.

Professor Cameron Watt, examined by Irving

L0137 **Mr Justice Gray** I think the plan is we have your witness so he is not kept waiting.

L0138 **Mr Rampton** As Professor Cameron Watt is here, he had better give evidence.

L0139 **Mr Justice Gray** That is what I think so, Mr Irving, if you would like to revert to your role as counsel?

L0140 **Mr Irving** Can Professor Cameron Watt be called?

- L0141 **Mr Justice Gray** Yes, of course.
- L0142 **Mr Justice Gray** Professor Watt, would you be more comfortable sitting down? You are welcome to sit down.
- L0143 **Mr Irving** I was going to make precisely the same suggestion, my Lord. (To the witness):
- Professor Watt, thank you very much for coming today. You are appearing, of course, under a witness summons. I want to make that quite plain to the court and you are not appearing voluntarily, so no odium can attach to you for coming and being called for the defence, for my defence, in other words, for the Plaintiff in this action.
- L0144 **Mr Justice Gray** Shall we introduce Professor Watt and ask him about his background?
- L0145 **Mr Irving** Yes. Professor Watt, your name is Donald Cameron Watt?
- L0146 **Professor Cameron Watt** It is.
- L0147 **Mr Irving** You are Emeritus Professor of International History at the London School of Economics and Political Science?
- L0148 **Professor Cameron Watt** Yes.
- L0149 **Mr Irving** How long were you teaching at the London School of Economics?
- L0150 **Professor Cameron Watt** From 1954 to 1993. 39 years altogether.
- L0151 **Mr Irving** 39 years a Professor of History at the London School of Economics?
- L0152 **Professor Cameron Watt** I did not have the rank of Professor until 1971, but I was on the staff.
- L0153 **Mr Irving** You enjoy the reputation of being something of a grand gentleman, a doyen, of the historical profession in this country?
- L0154 **Professor Cameron Watt** I think it is very difficult for an individual to say what their reputation is in the minds of other people. I certainly can only say that I have held a number of senior positions in international organizations devoted to historical research.
- L0155 **Mr Irving** Thank you. You describe yourself as an historian, writer and broadcaster. You are all three things?
- L0156 **Professor Cameron Watt** These are the various sources of my income, yes.
- L0157 **Mr Irving** You were educated at Rugby and at Oriel College in Oxford; is that correct?
- L0158 **Professor Cameron Watt** Yes.
- L0159 **Mr Irving** You served in the Army in the Intelligence Corp.?
- L0160 **Professor Cameron Watt** I did.
- L0161 **Mr Irving** And that you were with the British troops in Austria in the occupation forces after World War II?

- L0162 **Professor Cameron Watt** From 1947 to '48, yes.
- L0163 **Mr Irving** 1947 to '48. Would you tell the court, Professor Watt, what you were engaged with in the years following your Army service?
- L0164 **Professor Cameron Watt** Following my Army service, I had three years reading politics, philosophy and economics at Oxford because only that way could you deal with 20th century history at that time; and I indulged myself in the usual activities of undergraduate. That is to say, I wrote, I played opera, I ran the Poetry Society -- I had a number of activities of that kind.
- L0165 **Mr Irving** And you became a member of the Foreign Office Research Department?
- L0166 **Professor Cameron Watt** I was attached to it, yes -- I do not think I was ever a full member -- from 1951 to 1954, and then again on a part-time basis from 1957 to 1960.
- L0167 **Mr Irving** Yes. Interesting. So you are quite familiar in a way with the kinds of documents, Foreign Office, diplomatic documents, that we have been looking at in this court this morning, for example. The ones with the serial numbers, the six digit serial numbers stamped on the bottom?
- L0168 **Professor Cameron Watt** The ones with the serial numbers are the ones -- those serial numbers are the way we recorded them on our index cards. They represent the serial number of the individual film and the frame number of the particular page.
- L0169 **Mr Irving** The British, in fact, captured all the German Foreign Office records?
- L0170 **Professor Cameron Watt** They fell into the hands mainly of the British and Americans, were collected in Berlin and were evacuated. The whole project for editing them and publishing them was evacuated from Berlin at the time of the Berlin airlift.
- L0171 **Mr Irving** Did they go to a place called Waddon Hall?
- L0172 **Professor Cameron Watt** Waddon Hall near Bletchley, yes.
- L0173 **Mr Irving** Near Bletchley, near the code breaking establishment?
- L0174 **Professor Cameron Watt** Yes. We had no relationship with them at all.
- L0175 **Mr Irving** Nobody knew about them?
- L0176 **Professor Cameron Watt** Well, we knew they were there. There were too many of them to be concealed and some of them played their part in ordinary social activities, but what they were actually doing, no, we did not know.
- L0177 **Mr Irving** Would you give the court, in most general terms, one or two lines, a picture of the scale and scope of the captured German documentation? Was it small or large?
- L0178 **Professor Cameron Watt** Well, at Waddon itself, we had 400 tonnes ----
- L0179 **Mr Irving** 400 tonnes?

L0180 **Professor Cameron Watt** --- of documents covering the records of the German Foreign Ministry and of its Prussian predecessor from 1860 onwards. We also had access to those files of the German Navy, the Reichsmarines, had fallen into British hands at Blenzburg and we had an odd collection of documents from the Nazi leaders, from the offices of the adjutantur of the Fuhrer, for example ----

L0181 **Mr Irving** Hitler's Adjutants?

L0182 **Professor Cameron Watt** --- and a number of private, collections of private papers that were found with the Foreign Ministry archives.

L0183 **Mr Irving** Interrupting here at this moment, Professor Watt. Can I just ask you, when did we last meet -- 30 years ago?

L0184 **Professor Cameron Watt** 30 years ago, I think it was, yes.

L0185 **Mr Irving** Have we had any discussion about what you are going to be saying today beyond just the invitation and my saying that it would just be very painful and very short?

L0186 **Professor Cameron Watt** No.

L0187 **Mr Irving** I have not rehearsed you in any way as to what to say?

L0188 **Professor Cameron Watt** No.

L0189 **Mr Irving** In your knowledge, in your time going through the German diplomatic documents, and I appreciate you did not read the entire 400 tonnes -- nor can I claim to have read the 400 tonnes of German documents -- were any documents there which came to your attention which showed a Hitler order for what we can call the Holocaust in the sense of the extermination of the Jews?

L0190 **Professor Cameron Watt** I would not come across them because my work was confined, where the original documents were concerned, to the years 1933/1937, and where the editorial work was concerned, to the documents from 1939 to 1940. I never had occasion to go in and look individually at the later documents. We worked with the Nuremberg files and, of course, I was familiar with the evidence that was produced at Nuremberg which dealt with war crimes and I have been consulted about this from time to time.

L0191 **Mr Irving** Did you have discussions with your colleagues at the Research Department about the progress of their work when they were working on different periods?

L0192 **Professor Cameron Watt** No, because the whole project was concerned in the years I was attached to it to completing series D of the documents which ended with Pearl Harbour, and to completing or doing the whole of the work on the years 1933, 1937, which were published as Series C in the documents. I never had any direct dealings with documents dealing with the ----

L0193 **Mr Irving** War years?

- L0194 **Professor Cameron Watt** --- war years beyond that, no.
- L0195 **Mr Irving** You never heard from one of your colleagues there that they had found, stumbled across, a document of the sort that I mentioned, that Hitler had given some extraordinary orders about killing the Jews or any other ethnic minority or persecuted people directly involving Hitler?
- L0196 **Professor Cameron Watt** No, but I cannot think, see why that would have arisen in our discussions. We were working eight to nine hours a day on the very large quantities of documents. Each document was read by members of two countries. I collaborated mainly with the Frenchmen.
- L0197 **Mr Irving** You are familiar, Professor, also with some of the other document collections outside your own area of expertise because of research at that time for the Foreign Office because, of course, you have written a number of distinguished works where you have had to draw on collections outside the Waddon Hall collection?
- L0198 **Professor Cameron Watt** Oh, I have worked in the archives, in the American archives, for the '30s. I worked in the Public Record Office. I have worked in British private collections and I have worked on published documents from all those European countries I had direct access to and those which were translated into languages I could read.
- L0199 **Mr Irving** Professor Watt, from your knowledge of these archives that you worked in, the Public Record Office in London, the national archives in the United States, the Foreign Office collection in this country and elsewhere, would you say that the records of the Third Reich, one way and another, either in original ribbon copy or in carbon copy, are largely intact, give or take a few holes of what the Russians took?
- L0200 **Professor Cameron Watt** No, there are very substantial gaps in the later period.
- L0201 **Mr Irving** In the later period?
- L0202 **Professor Cameron Watt** From 1941 onwards.
- L0203 **Mr Irving** In specific departments, like the SS or the Army or the Air Force?
- L0204 **Professor Cameron Watt** I think that the gaps are consistent with the files not ending up in an archive and where they did to destruction by one means or another, and to their falling into hands of people who wanted to hang on them.
- L0205 **Mr Irving** For example, when the Germany archives at Potsdam was burned down in an air raid, that kind of thing?
- L0206 **Professor Cameron Watt** That kind of thing and, in fact, some of the, one of the worst accidents was when a couple of trucks carrying German Foreign Ministry records in the Secret classification collided with one another and caught fire, and we had only fragments, burnt fragments, and the more you touched them, the more they disintegrated.

- L0207 **Mr Justice Gray** Professor Watt, may I ask you, you may not know the answer, but was there evidence that documents had systematically had gone missing in the sense that somebody had said, "We must take out a particular category of documents" or not?
- L0208 **Professor Cameron Watt** Not in the Foreign Ministry, sir, because, my Lord, the German Foreign Ministry practice, as we found out when we were looking at the documents dealing with the origins of the First World War, was either to deny the existence of files which were relevant or, in a number of cases, to unstitch the backs of them and to remove the documents so that the researcher was presented with what he understood to be a complete file but was not. Since in no case were the researchers allowed access to the registries where all these documents were and that one had noted, this kind of gap misled a number of very prominent American scholars.
- L0209 **Mr Irving** Professor Watt, can I ask, when was this unstitching done? Are you suggesting after the war or during the war?
- L0210 **Professor Cameron Watt** No, no. It was done by the political archive in the late 20s and 30s.
- L0211 **Mr Irving** But not relating to the Third Reich records?
- L0212 **Professor Cameron Watt** No, because the issue of anybody looking at them from outside would not have arisen at that stage.
- L0213 **Mr Irving** Thank you. So, by and large, the records of entire departments are there, but sometimes there are gaps where individual accidents happen, trucks colliding, buildings burned down, but then there would have been copies elsewhere?
- L0214 **Professor Cameron Watt** Not necessarily, no. We were helped by the gentleman called Leursche who had filmed a great many of the important documents before the originals were destroyed and, indeed, there was a great deal of dispute over the genuineness of the text of the Nazis in 1939 discovered that this was photostat.
- L0215 **Mr Irving** How safe is it to draw negative conclusions in the way that I sometimes do (if I may ask a leading question) on the basis of the fact that there is in the body of documents now existing 55 years later, after we have access to just about everything, including the Bletchley Park intercepts which are enormous, how safely can one say because there is not a document there, in your expert view, Professor Watt, would it be perverse to say the fact that there is no such document after 55 years, it would be perverse to say that, therefore, this document probably did not exist?

L0216 **Professor Cameron Watt** I think there are two problems with that argument. One is that the range of the destruction is something which we cannot know because Nazi principles of registration of documents were, to put it mildly, somewhat amateurish. Secondly, the distribution of documents within the offices over which the Nazi amateurs had taken control was very peculiar; and, thirdly, as with other major leaders of other countries at that time, there are periods in which they did not confide their thoughts to anybody else, or to anybody else who might have recorded them.

That was, I think, the reason why the first sight or the first news about the Hitler diaries, alleged Hitler diaries, was for a moment so uplifting a piece of information. I came to hear about it when I had just come back from Finland and I had missed all the previous kerfuffle about it. My first reaction was at last something is going to fill in the gaps, but then, of course, I realized that it was not.

L0217 **Mr Irving** Professor Watt, you are familiar with the way the German documents look, Civil Servant documents. They had a kind of standard layout, did they not?

L0218 **Professor Cameron Watt** Those that came from professional offices, yes.

L0219 **Mr Irving** How would you classify the SS in this respect? Would the documents of the SS that came into Abteilung in Langswei ----

L0220 **Professor Cameron Watt** I think there it depended very largely whether the SS man concerned was a trained bureaucrat or not.

L0221 **Mr Irving** There was actually a Civil Service regulation, a manual, I believe, on how documents had to be laid out, the reference number, the address, the location of the address list, and so on?

L0222 **Professor Cameron Watt** That is true, but there was also a very, the sort of macho SS type who says, "Do not bother me with all this nonsense". So that one cannot, I think, read anything out of this one way or another.

L0223 **Mr Irving** Are you familiar with German security classifications?

L0224 **Professor Cameron Watt** Yes, up to Top Secret and so on, yes.

L0225 **Mr Irving** If a document is marked "Vertraulich", is that round about the lowest security classification, "Confidential"?

L0226 **Professor Cameron Watt** I suppose so, yes. It is somewhere between "Restricted" and "Confidential" in the British classification.

L0227 **Mr Irving** We will stick to the British classification because the American classifications are different, are they not?

L0228 **Professor Cameron Watt** Yes.

L0229 **Mr Irving** For example, American "Top Secret" is our Most Secret. If we go up the next rung in the ladder "Geheim"?

L0230 **Professor Cameron Watt** "Geheim" is "Secret".

- L0231 **Mr Irving** The one above that, we then divide?
- L0232 **Professor Cameron Watt** "Streng geheim", "hochts geheim". The problem with that kind of document is exactly the same as one has in the British system, that there is a tendency to overclassify simply to emphasise the importance of the individual and of the post that he has occupied. It is not a very good guide.
- L0233 **Mr Irving** If you were to be shown a document in which the classification "Geheim" had been upgraded manually to "Geheim Kommandosache"?
- L0234 **Professor Cameron Watt** Yes.
- L0235 **Mr Irving** Then that would apply that somebody attached importance to the increased security rating?
- L0236 **Professor Cameron Watt** It would certainly imply that somebody did, yes. Whether ----
- L0237 **Mr Irving** Conversely, if somebody had crossed out the "Kommandosache" and left it just as "Geheim", that would imply that they thought it was overclassified?
- L0238 **Professor Cameron Watt** That is certainly true.
- L0239 **Mr Irving** And this would indicate that the person who wrote that document did attach importance to security classifications; he was being pernickety?
- L0240 **Professor Cameron Watt** Either that or he was engaged in a feud with the person who had first put the original grade on. I do not think you could arrive at any distinct generalization without looking at the document concerned.
- L0241 **Mr Irving** There is a parting of the ways, is there not, in this top security classification of Geheim Kommandosache on the Army documents, roughly speaking, and Geheim Reichsache on the political documents?
- L0242 **Professor Cameron Watt** Those were classifications which go back before the Nazi period, yes.
- L0243 **Mr Irving** But normally you find Geheim Reichsache -- R-E-I-C-H-S-A-C-H-E ----
- L0244 **Professor Cameron Watt** Yes, that would be -- certainly if one found that from the Wehrmacht(?) period, one would regard that as the top classification.
- L0245 **Mr Irving** Then there another one on top of that which is "Nur durch offizier", "Only by officer's hand"?
- L0246 **Professor Cameron Watt** No. That is an instruction as to how the documents should be handled. It is a bit like the -- there are very similar classifications in the British and it has to do with the handling of the document in transition, not with the actual -- I would have expected to find "Nur durch offizierhande" on a document which was already classified as "Geheim" or "Hochstgeheim" or "Sprengheim" or one of the classifications of ...
- L0247 **Mr Irving** One of the highest -- "hochstgeheim" is H-O-C-H-S-T?
- L0248 **Professor Cameron Watt** Yes, that means "Highest Secret".

L0249 **Mr Irving** Very rare. I have to admit, I have not seen that. To our surprise, we found another secret classification, Professor Watt, in the last day or two, on some of the documents, "AR". We have come to the conclusion, I think, although this speaks against me, that this is the classification "Aktion Reinhard". That is a possible or probable interpretation.

L0250 **Professor Cameron Watt** I never came across anything like that. I had a look at the document.

L0251 **Mr Irving** Professor Watt, just remaining on that topic for one more question: if you were an historian, as indeed you are, or you were teaching historians how to become an historian, would you advise them to use the original document or facsimile, if possible, rather than use the printed text?

L0252 **Professor Cameron Watt** Always, and, indeed, I used to urge my graduate students when using secondary works always to check the original reference if this was at all possible. The geographical distribution of the documents used to meant very often that there was not, but where you have to look at the original, I mean, where an original document has been cited by another author and that seems to play an important part in the argument you are using yourself, then it is of extreme importance to check the original.

I would add that, in my experience and in the advice I gave to my students, I always recommended that they should take most seriously those documents which seemed to support the views that they were in the process of supporting. After all, if you are in the process of being sold a pup by somebody, the man who is trying to deceive you will come as close as possible to what you know to be the truth before slipping in the element of falseness; and the conflict between the historian's desire to arrive at a decision and the insubstantiality of any written evidence, or any other evidence, particularly oral evidence, or of the kind of man who comes up and says, "Never mind what the documents say, I was there and this is the real truth", is one which is a constant pitfall in our paths and which has mislead a great many people, including some extremely important and senior historians in the past.

L0253 **Mr Irving** Professor, I was not going to ask you about eyewitness evidence but where would you rank eyewitness evidence on the scale, if you had, for example, aerial photographs, if you had prisoner of war intelligence, contemporary prisoner of war intelligence, if you had intercepts from Bletchley Park, if you had captured documents, either captured during the war or after the war, and eyewitness evidence, in other words, anecdotal evidence and, finally, interrogations, whether under oath or not in court, how would you classify those in order of reliability, starting with the least reliable?

L0254 **Professor Cameron Watt** I do not know that there is any way of classifying those, because it depends so much on the individual. I did a great deal of interviews, particularly in the period before the 1967 Public Records Act released documents of 30 years of age, and in my experience the kind of evidence I got differed according to the personality of the person giving it.

In some cases I found that the man I was interviewing had his own documentary record and was consulting it, and that what he said was confirmed later. In other cases, including at least one Minister of the Crown, I was given a very plausible and, for all I know, a very true story of a meeting at which he was supposed to have been present; and when the records of that meeting subsequently became available, it was clear that he was not. He should have been, but he just was not that day, and he must have heard the story from one of the people there and then repeated it.

L0255 **Mr Irving** But he seriously believed that he had been there?

L0256 **Professor Cameron Watt** Well ----

L0257 **Mr Irving** By he came to tell the story?

L0258 **Professor Cameron Watt** If a gentleman who holds the rank of Admiral of the Fleet and is a junior Minister in the Cabinet tells you that he is there, one's reaction is not to question him and, indeed, it was one of these confirmatory details.

L0259 **Mr Irving** But ----

L0260 **Professor Cameron Watt** For all I know, the story was true; it is just that the man who gave it me alleged that he was present and was not.

L0261 **Mr Irving** My question was, Professor, if you remember, at the time he told the story he believed that he had been there?

L0262 **Professor Cameron Watt** He may have come to believe it. Memory is a very tricky element.

L0263 **Mr Irving** So to repeat my original question, where you would rank on that scale of material that is lying before you, at one end of the bench you have the eyewitnesses and at the other end of the bench you have, for example, the Bletchley Park intercepts?

L0264 **Professor Cameron Watt** The Bletchley Park intercepts, in so far as they are complete, are always regarded as the most reliable because there is no evidence that the dispatcher was aware that his messages could be decoded and, therefore, he would put truth in them. There are cases, of course, in which messages were sent in a code that was expected to be broken in order to mislead.

L0265 **Mr Irving** The Japanese Purple Code, for example, the Japanese were aware that we were breaking it, is that not so?

L0266 **Professor Cameron Watt** That is not my information.

L0267 **Mr Justice Gray** Professor Watt, I do not know whether you know the answer to this question but ----

L0268 **Professor Cameron Watt** That is not my information, no.

L0269 **Mr Justice Gray** The Bletchley Park intercepts, we have heard of messages about the shootings on the Eastern Front going back to Berlin and those having been intercepted by Bletchley Park, but how wide did it go? What other kind of topics, do you know, were intercepted at Bletchley?

L0270 **Professor Cameron Watt** We were reading at different times a very large proportion of the Naval codes. We were reading the Abwehr codes. We were reading some of the German Army codes. Not all the Bletchley Park intercepts have as yet been released, my Lord.

L0271 **Mr Justice Gray** But, on the whole, they were military?

L0272 **Professor Cameron Watt** This is not an area in which I have particular expertise.

L0273 **Mr Irving** We have another expert who we will be calling on precisely this, my Lord.

L0274 **Mr Justice Gray** All right. I need not trouble you further.

L0275 **Mr Irving** Professor Watt, I only intend to detain you for another five or 10 minutes at most. Moving away from the documentation that you yourself worked with, you have had occasion on a number of times to read books that I have written on the commission of newspapers who have given the job to you to read them or possibly even out of entertainment or possibly even because you wanted to use them yourself as a source, have you a general comment to make on the quality of the research or the writing?

L0276 **Professor Cameron Watt** I find your version of Hitler's personality and knowledge of the Holocaust, a knowledge of the mass murder of the Jews, a very difficult one to accept. That, of course, is a view that I have expressed in the reviews I wrote of your Hitler's War, in the review I wrote of the Goring and the Goebbels' biographies.

I find in other areas where your particular political convictions are not involved, I am most impressed by the scholarship. There is a book, my Lord, which I have brought me which is a second version of the book in which I collaborated with Mr Irving back in the 60s which is an edited version of possibly the only surviving document of the German research office, so-called, which was one of the agencies involved in listening to telephone conversations, in decoding diplomatic and other ciphers and so on. There were also agencies -- there was one run by the Foreign Ministry and there was one run by the German armed forces, but this was most ----

L0277 **Mr Irving** Pioneering?

- L0278 **Professor Cameron Watt** --- high level one and it was one which, although it had people, both of convinced Nazis and those who were unconvinced, on its ranks, it certainly enjoyed the highest reputation. The document itself is a lengthy summary of British policy in the year 1938, 1939.
- L0279 **Mr Irving** Professor Watt, have you any comment on the way in which I handled the document?
- L0280 **Professor Cameron Watt** Yes, this is what I am about to come to. When I collaborated with Mr Irving on this ----
- L0281 **Mr Irving** You wrote the introduction to the book.
- L0282 **Professor Cameron Watt** --- after my discovery of it, I only had one basic document on the subject of the [German] which was the evidence of a man who was then unnamed which was provided me by a German organization. Mr Irving's second version of this is, I think, a major contribution to our knowledge on the subject. He has worked very effectively. He has interviewed large numbers of people. He has identified the British and American reports on the organization. The British ones, I may say, I am in the process of trying to persuade the authorities to release because they are available in America but not here.
- I find it -- invaluable is perhaps too strong a word, but a very, very effective piece of historical scholarship, and it is one which does not deal with the issues on which Mr Irving is complaining.
- L0283 **Mr Justice Gray** Can I just ask this, as a military historian, and I underline the word "military", how do you rate Mr Irving?
- L0284 **Professor Cameron Watt** I think Mr Irving is not in the top class, but as a historian of Hitler's war seems to ----
- L0285 **Mr Justice Gray** That is what I meant.
- L0286 **Professor Cameron Watt** --- I think his is a view which, even if one disagrees with it, has to be taken seriously. He is, after all, the only man of standing, on the basis of his other research, who puts the case for Hitler forward and it seems to me that it is mistaken to dismiss it. It requires the most careful examination, though, I must say, I hope that I am never subjected to the kind of examination that Mr Irving's books have been suggested to by the Defence witnesses. I have a very strong feeling that there are other senior historical figures, including some to whom I owed a great deal of my own career, whose work would not stand up, or not all of whose work would stand up, to this kind of examination -----
- L0287 **Mr Irving** Would you like to mention some names?
- L0288 **Professor Cameron Watt** --- and I think that would be a ----
- L0289 **Mr Irving** Selous ^^ Namier, perhaps, would you?

- L0290 **Professor Cameron Watt** Well, Namier ^^ I would mention because it was the first article I ever published -- the rash youth that I was, my Lord -- was an attack upon him and I am told that it was passed around Baliol College in plain brown wrappers because it caused such a sensation.
- L0291 **Mr Justice Gray** Professor Watt, when you said what you have just said about Hitler (sic) as a military historian, you are talking ----
- L0292 **Mr Irving** Irving.
- L0293 **Mr Justice Gray** --- not really of what he has written about the Jewish problem; is that right?
- L0294 **Professor Cameron Watt** I am talking about his whole case for Hitler. I think it is difficult to divide this man's personality. I do not think he has solved what to me is the mystery which is the extraordinary third rate nature of Hitler's mind from personality and thoughts. How he could have managed to suck into his own private fantasy world the whole of Europe and the major powers and so on is one of the historical mysteries which I yet to see anyone tackle. I am waiting for the second volume of the latest biography.
- L0295 **Mr Justice Gray** It is one of the few issues we do not have to tackle here either, SO...
- L0296 **Professor Cameron Watt** But it is a case, I think, of whether one is arguing about the key or the lock.
- L0297 **Mr Irving** Professor Watt, can I put this to you? I will read it out as that is the simplest way of doing it. It is attached to the back of the little sheaf of documents I gave my Lord. (Document not provided) Professor Watt, it is the review in the Daily Telegraph. It is the only review I am going to put to you. "On June 16th 1977, when you were invited to review my book Hitler's War, which was the first edition, am only going to read one paragraph. Mr Irving's views on Hitler's position in relation to the massacre of European Jewry are well known. He believes the massacre was organized by Himmler and Heydrich without Hitler's knowledge, a belief he rests on the absence of any direct evidence of Hitler's knowledge and the existence of certain specific orders in specific cases that there was to be no liquidation. From these negatives he deduces the positive, backed by evidence from the survivors of Hitler's immediate entourage that the matter was never mentioned in their presence at all". This is yourself writing, Professor Watt?
- L0298 **Professor Cameron Watt** Yes.
- L0299 **Mr Irving** "To this argument each historian would have apply his own judgment." You do not say straightaway what an absurd idea, what a perverse kind of reading of the documents. You carry on by saying, Professor Watt, "For myself I found it initially not unpersuasive, having read the book, until I reflected on the character of Himmler". At that point I propose to stop. In other words, that was your position at the time you had freshly read the book?
- L0300 **Mr Rampton** May I interrupt? Could Mr Irving please complete the paragraph?

- L0301 **Mr Justice Gray** Yes, because I do not have that document in front of me.
- L0302 **Mr Irving** "I found it unimaginable", yes, why not, "I found it unimaginable that he could proceed on so vast an enterprise without obtaining his master's approval". To put it the other way round, you imagined that he did obtain his master's approval, Professor Watt? Is that so? Is that what you are saying? You imagined that he must have obtained Hitler's approval?
- L0303 **Professor Cameron Watt** I assumed that, given his character, he would have at least thought he had Hitler's approval.
- L0304 **Mr Irving** Yes.
- L0305 **Professor Cameron Watt** The difficulty in dealing with Hitler is that he himself defines secrecy in four different categories, the top one being ideas that I have not myself finally resolved, and the next one being ideas that I do not communicate to anybody. Then there is the James bond like category, for your eyes only, or, as Germans say, between four eyes, and then there is the normal category. It is in that area where the absence of evidence to my mind, it is a historical challenge but I do not think that it is conclusive in the way other people have assumed it is.
- L0306 **Mr Irving** Professor Watt, I do not to labour the point too much because, of course, it is well known that in my biographies of Hitler I have accepted that after October 1943, after Himmler's famous speech at Posun, the way I put it is that Hitler had no excuse for not knowing. Would this be a perverse reading of the situation, that he had no excuse for not knowing from that time on? He could not really get away with saying, I did not know what was going on? Am I wrong in suggesting that?
- L0307 **Professor Cameron Watt** The difficulty is that Hitler's theory of the state, anything that was done in the state was done in his name. He would justify it retrospectively if he did not know about it. This is an area, I am talking here not having done the kind of detailed work which is in front of the court on this, and I am simply producing a judgment based on the work I have done on Hitler ----
- L0308 **Mr Irving** Professor Watt, if I was William Showler writing a book about the rise and fall of the Third Reich, then quite clearly this was Hitler's fault, this was Hitler's responsibility. But, if you have a student who is writing an examination of Adolf Hitler's personal responsibility, which is germane to the issues before the court, then you do come up against a bit of brick wall as far as acceptable evidence goes. You really have to start using what you yourself call your imagination. You imagine that Hitler probably, you cannot imagine that he did not, and this kind of thing, and that is very dangerous, would you not agree? It is a dangerous kind of basis. Imagination is a picking on a particular word I used here because I was trying very hard to present a review of your book, which did not descend into denouncing it as being contrary to what everybody knows.

- L0309 **Mr Irving** Mr Rampton, do you wish me to read any more of that paragraph?
- L0310 **Mr Rampton** Yes. It would save me from doing so.
- L0311 **Mr Irving** "For myself, I found it initially not unpersuasive until I reflected on the character of Himmler"- this is yourself writing, Professor Watt. "I found it unimaginable that he could proceed on so vast an enterprise without obtaining his master's approval. Heydrich would have been another matter. There are very large areas in which we have only the slenderest of indications as to what was going on in Hitler's mind. Like Roosevelt, he said different things to different audiences but, like Roosevelt, he committed nothing of his own thoughts to paper. In such circumstances inference is a legitimate historical method." Is that enough, Mr Rampton?
- L0312 **Professor Cameron Watt** Then I go on to say "But to infer Hitler's ignorance, to assume that Himmler and his minions went beyond the limits of what Hitler had approved, seems to assume something inherently improbable and out of keeping with all we know of Himmler's relationship to Hitler". What I am getting at there is that again, as in so much of this biographical approach, there is a kind of build your own Hitler, build your own Roosevelt, build your own Himmler, out of kits which are supplied.
- L0313 **Mr Irving** There are different images. There is the Madison Avenue image.
- L0314 **Professor Cameron Watt** My feeling about Himmler was that he was a man who was almost incapable of originating anything himself unless he had what he thought was approval from above, that he was a man who was dependent on approval of those whom he idolised.
- L0315 **Mr Irving** Professor Watt, Himmler's brother actually told me the same. He said, I cannot imagine Heinnny would have done this on his own. He said he was a bit of a coward. I think I mentioned this also in my books.
- L0316 **Professor Cameron Watt** Towards the end, he began to lose confidence in Hitler and he became open to the sort of arguments that were advanced by senior SS officers, the belief that the Allies would make a separate peace with him and so on, and he reached a point where Hitler believed that he was being betrayed, and there is an expression of his disbelief at this.
- L0317 **Mr Irving** But that is another story, as they say. Can I draw attention to the fact that the passages we read out were written by you in June 1977, in view of the fact that 23 years have passed and still no document has come to light to shake the notion which you considered at that time inherently improbable, would you consider that my notion has become slightly more sustainable?
- L0318 **Professor Cameron Watt** I think I would be reluctant to change my mind about that. What I should say, however, is that the challenge that you then raise to the historical profession.
- L0319 **Mr Irving** The thousand pound offer?

L0320 **Professor Cameron Watt** I was not thinking of money. I was thinking simply of the challenge of putting forward the sort of views you did and basing them on historical research, rather than ideological conviction, or at least seemingly so, has directly resulted in an enormous outburst of research into the ----

L0321 **Mr Irving** Holocaust?

L0322 **Professor Cameron Watt** - into the massacres of the Jews, into the Holocaust and so on, which is now so large an area of historical research that it can support journals, it can support conferences. I see that there are three scheduled in Britain this coming year and that I myself am appearing in one in America in March. This, I think, is a direct result of the challenge which Mr Irving's work and the consistency and the effort which he has put into maintaining it in public, has resulted in somewhat similar ----

L0323 **Mr Irving** Would you describe my notion as being perverse? Would you use that kind of word to describe it?

L0324 **Professor Cameron Watt** This is an argument about nominalism. I think that it is perverse in relation to the values of western society, as I understand them. I do not think it is perverse, speaking as a historian. I have seen more perverse arguments put forward, for example the gentleman who maintained that Stalin hardly killed anybody, who held an academic post of some importance in an American university. I gather that he has now changed his mind as a result of being shown the KGB records and is editing a book which is hastily changing his position.

I think to maintain that America entered the Second World War as a result of the machinations of British security authorities in New York is perverse. I think that the views that Stalin was about to attack Hitler when Hitler attacked Stalin, which is a view that apparently commands a certain amount of support in America and Germany and Israel, is perverse.

There are areas of perversity and indeed the late Alan Clark's support for an eminent British historian's views that Chamberlain could have made peace with Hitler in 1937, and that somebody else besides Churchill have made piece with Hitler in 1940, I regard these as perverse. There is a lot of perversity about, if one is to use that word in historical terms.

L0325 **Mr Irving** I hasten to say that those are not the issues that are before the court, Professor Watt?

L0326 **Professor Cameron Watt** I know, but one has to put this kind of argument, it seems to me, in the general context of what historians, I think Professor Evans and I share views on the responsibilities of historians to tell the truth as we see it, and to be extremely careful and professional in our use of evidence, but I cannot say that the evidence that we both confront in the writing of history generally altogether lives up to those expectations.

- L0327 **Mr Irving** Professor Watt, from what you know of my writings, do you believe that, if a document were now to be presented to me tomorrow morning in one of your plain brown envelopes, utterly confounding me in the issues that are before the court, I would hesitate for one moment to bring them to the attention my readers and that I would in some way suppress them, or do you believe, on the contrary, that in fact I would make them known immediately?
- L0328 **Professor Cameron Watt** I have no knowledge myself of times when you have suppressed evidence. But then our paths have not lain together very often.
- L0329 **Mr Irving** We are nearly at the end of this examination-in-chief, Professor. You wrote a review, you may remember, some years ago of my biography of Herman Goring for the Sunday Times?
- L0330 **Professor Cameron Watt** Yes.
- L0331 **Mr Irving** It was the principal review in the review section that week as indeed most of my books were reviewed very prominently in my hey day. You began the review with the words which I shall never forget, "David Irving is one of Britain's most disliked historians but ..." Do you remember writing those words?
- L0332 **Professor Cameron Watt** I have not looked at that cutting recently, but I find it quite likely that I wrote it.
- L0333 **Mr Irving** Quite likely that you wrote it! You did not of course stand in Oxford Street with a clip board asking the passers-by who their most disliked historian was, so this was just a subjective value judgment?
- L0334 **Professor Cameron Watt** I think so. That would be fair comment.
- L0335 **Mr Irving** It is not, of course, a historian's job to be liked, is it?
- L0336 **Professor Cameron Watt** I do not regard the public's general view of historical facts as something against which one cannot appeal.
- L0337 **Mr Irving** Professor Watt, would I be wrong in suggesting that the reason you used that sentence was because, on balance, you proposed to write a very favourable review of the book, which in fact it was, but you needed to purchase the right to so by saying something wicked?
- L0338 **Mr Justice Gray** We have the review. I think it will speak for itself. I do not think that is a helpful question.
- L0339 **Mr Irving** It is in connection with the next point, which is why I have had to issue a witness summons. I see your Lordship wagging your Lordship's head.
- L0340 **Mr Justice Gray** Professor Watt was not anxious to come voluntarily. That must be the reason. There is so much we have to deal with, I just wonder whether those points are worth struggling with.
- L0341 **Mr Irving** In that case I will end the examination at that point. Professor Watt, thank you very much indeed.
- L0342 **Mr Rampton** I have no questions.

- L0343 **Mr Justice Gray** Professor Watt, thank you very much indeed for coming.
- L0344 **Mr Justice Gray** Do you want to pause to collect your thoughts, Mr Irving? If you did, I would understand.
- L0345 **Mr Irving** I think a five-minute pause might be acceptable.
- L0346 **Mr Justice Gray** I think the transcriber would welcome that.
- L0347 **Mr Irving** Then how are we going to proceed, my Lord? With the argument or continue with the cross-examination? I would propose, if I may be so humble as to submit, that we should have the argument after lunch.
- L0348 **Mr Justice Gray** I am prepared to fit in with whatever you would prefer, unless Mr Rampton tells me that is going to be very inconvenient.
- L0349 **Mr Rampton** I have only one more evidence point that I want to deal with before I start on Auschwitz. I was going to start on Auschwitz today, not unless your Lordship tells me I must, on the technical stuff, but on Mr Irving's own utterances about it.
- L0350 **Mr Justice Gray** So Holocaust denial rather than Auschwitz.
- L0351 **Mr Rampton** Auschwitz denial plus Holocaust denial. That is where I propose to start. Professor van Pelt has only just got here. I do not have the technical stuff in court with me, but I do have one more question in relation to Hitler's knowledge, Hitler's orders, which I could not ask yesterday because I did not have the document, but I have it now.
- L0352 **Mr Justice Gray** How long will that take?
- L0353 **Mr Rampton** Well, unpredictable, but it is about two questions. That is not fair.

Cross-examination resumes, Longerich on Himmler's hostage proposal

- L0354 **Mr Justice Gray** About half an hour. Shall we dispose of that and then have the argument and, if it is after lunch, it is after lunch. If it is slightly before lunch, so be it. We will have a five-minute break.
- L0355 **Mr Rampton** May Mr Irving be supplied with the Dr Longerich report, please?
- L0356 **Mr Irving** Yes.
- L0357 **Mr Justice Gray** I am sorry, Mr Rampton. For some reason which I do not understand, my Longerich has gone missing. We were looking at it this morning so it must have got left behind.
- L0358 **Mr Rampton** It may be that we can manage without it, but I rather think not.
- L0359 **Mr Justice Gray** If there is a spare, I would be grateful. Otherwise I will do my best.

L0360 **Mr Rampton** Mr Irving, could you please turn to page 71 of the first part of this report? I will start on page 70. As usual, I always forget the context. I would like to start at 19.6 on page 70, my Lord. Now we are at the end of 1942: "For a report to Hitler on 10 December 1942 Himmler set up a handwritten list of the points which he wanted to bring up. Under 'II. SD and police affairs' Himmler specified as point 4 the following key words" -- I have added the S -- "Jews in France, -- 6-700,000, other enemies".

Then on page 71 Dr Longerich writes this: "Next to these key words can be found a tick and in Himmler's own handwriting the word 'abolished' (abschaffen): Himmler had thus brought up these points with Hitler and received permission from him to 'abolish' ie to liquidate (says Dr Longerich) the estimated 600,000 to 700,000 Jews in France as well as 'other enemies'."

I am going to read on, if I may: "After the meeting, Himmler sent a note to Muller, head of the Gestapo, in which he stated: The Fuhrer gave orders that the Jews and other enemies in France should be arrested and deported. This should take place, however, only once he has spoken with Laval about it. It is a matter of 6-700,000 Jews.

"Two months later, in February 1943, Eichmann, on a brief visit to Paris visited submitted a maximum programme for the deportation of all Jews living in France including those with French citizenship.

"At the meeting on 10 December 1942 Himmler presented Hitler with a proposal to set up a work camp for Jewish hostages from France, Hungary and Romania, for altogether 10,000 people. According to a handwritten note by Himmler, Hitler accepted this proposal. After the meeting, Himmler sent an order to Muller to concentrate these 10,000 people in a 'special camp' (Sonderlager). He stated: 'Certainly they should work there, but under conditions whereby they remain healthy and alive'".

So far as the documentary references there are concerned, or citations are concerned, Mr Irving, do you quarrel with anything that Dr Longerich has written?

L0361 **Mr Irving** With very many things, yes. First of all, the figure of 600,000 to 700,000 is completely improper. I am not saying it is not a genuine document, but it is characteristic of the gross exaggeration that SS indulged in. There were not 6 or 700,000 Jews in France. There were a total of 240,000 Jews, of whom about 40,000 had already been deported by the time this conference took place, so it is an exaggeration by a factor of three or four. It is characteristic of what goes on. We were talking yesterday about this bus in Serbia with 90,000 people or 70,000 people being gassed in the space of 35 days. That would have meant 38 people being gassed every hour in each bus. That kind of figure is completely impractical.

L0362 **Mr Rampton** Pause there. That is the first thing you do not like about this, but it is not a criticism of Dr Longerich's account of the document, is it?

- L0363 **Mr Irving** You asked me if I had any comments and you gave a very pertinent comment, that this is characteristic of the exaggeration which goes on when we come to numbers.
- L0364 **Mr Rampton** I follow that. That is a criticism of Himmler, not of Longerich?
- L0365 **Mr Irving** I do have criticisms of Longerich, of course.
- L0366 **Mr Rampton** We will come to those in a moment. Let us deal with one thing at a time, otherwise we are going to be shadow boxing and I do not like that, Mr Irving.
- L0367 **Mr Irving** You are relying here on the handwritten note. Of course, Himmler typed up a memorandum in which he used different words after this.
- L0368 **Mr Rampton** Mr Irving, please do not second guess. Do not jump your fences until you get to them, please?
- L0369 **Mr Irving** You asked me for comments, Mr Rampton. I am sure you do not like the comments I give you.
- L0370 **Mr Rampton** I asked you for your first comment. I am now going to deal with your first comment, and I am going to deal with your comments, to use your word, seriatim. Could Mr Irving and his Lordship please be given these documents? This has a marking on it. The other document your Lordship can just throw away afterwards. It is only in case there is anything in it which Mr Irving wants to refer to.
- L0371 **Mr Justice Gray** Where shall we put them?
- L0372 **Mr Rampton** The first one is probably going to go eventually into the core file, but it is a Longerich document which was, until last night, not there. I now have a copy of it. It could, my Lord, at the moment just go perhaps at the front or back of Longerich, part one, or, as I have done, hole punched on the other side opposite the passage in the text. The other two pieces of paper, my Lord, which I have stapled together so that it is clear they are separate are two pages from the Himmler dienstkalender?
- L0373 **Mr Irving** From this book?
- L0374 **Mr Rampton** Yes, that is right, by Witte and others, the version of it. One reason to give your Lordship the dienstkalender extract is that the way in which the words are printed in the dienstkalender shows that this is a document which comes from the Berlin archive and not from the recently discovered Moscow archive?
- L0375 **Mr Irving** I have had this one for a long time. I have had this one for 30 years.
- L0376 **Mr Rampton** Yes, exactly. That is point number one. Point number 2, if one looks at the Himmler manuscript, at the very top right hand corner, somebody has written 10.12.42. Your Lordship need not look at it, but it is to be noted, I expect Mr Irving knows this, that the editors of the dienstkalender say that that has been written in by an unknown hand?

- L0377 **Mr Irving** It was not on it when I had it because that is not on my photocopy.
- L0378 **Mr Rampton** Exactly, so I am not asking anybody to accept that that is Himmler's dating.
- L0379 **Mr Irving** No, the date is 10th December. I had a lot of trouble -- these are all loose pages in the original file but, using internal evidence, you can put them back into the correct sequence.
- L0380 **Mr Justice Gray** Do not let us get into the minutia if we do not need to be.
- L0381 **Mr Rampton** No. I do not need to know the history. I just need to know whether the date ----
- L0382 **Mr Justice Gray** The figure of 600 to 700,000 Jews is challenged as being a wild exaggeration.
- L0383 **Mr Rampton** Against that entry, on the manuscript "Juden in Frankreich 6-700,000 zunstiger Finde", is the word, is it not, in Himmler's spidery Gothic, "Abschaffen"?
- L0384 **Mr Irving** Yes, in green crayon actually - "Abschaffen". Can we look in your Langenscheidt dictionary?
- L0385 **Mr Justice Gray** No, because if we are agreed that is what it says, let us move on.
- L0386 **Mr Rampton** No, will you stop asking me questions, please, Mr Irving.
- L0387 **Mr Irving** I am not asking questions. I am stating that it is the wrong translation by Longerich. He said quite happily "Abschaffen" means "abolish" which he then by a quantum leap says "exterminate".
- L0388 **Mr Rampton** You must give me credit for having had some foresight about what you are going to say. Give us, please, your version of the word "Abschaffen"?
- L0389 **Mr Irving** Well, why don't we just see what Langenscheidt, the dictionary, says?
- L0390 **Mr Rampton** No, tell me what you think it means.
- L0391 **Mr Irving** "Abschaffen" means ----
- L0392 **Mr Rampton** Get rid of?
- L0393 **Mr Irving** Well, I mean, even "get rid of" in this kind of context is difficult, but we are aided by the fact that there is another version of this document which you have not put before the court, Mr Rampton.
- L0394 **Mr Rampton** I have not got it.
- L0395 **Mr Justice Gray** Let us do one thing at a time. What do you say "Abschaffen" signifies? Do not worry about the translation of it, but what do you say that Himmler had in mind when he wrote "Abschaffen" against the French Jews?
- L0396 **Mr Irving** "Remove".
- L0397 **Mr Justice Gray** "Remove", right.
- L0398 **Mr Irving** It is a neutral word, in other words, my Lord, with no kind of -- yes, you have.

- L0399 **Mr Rampton** The root of the word -- I am doing a little bit of etymology myself, Mr Irving, if you will forgive me ----
- L0400 **Mr Irving** I thought that was butterfly clothing.
- L0401 **Mr Rampton** --- the root of the word is "create". So the word means literally "discreate", does it not?
- L0402 **Mr Irving** I disagree. "Schaffen" is one of those words like "get". It is a word which has any number of different meanings, like get in, get out, get up, get hot, and so on. It is a multi-purpose word, a multi-purpose root.
- L0403 **Mr Rampton** You quite like my little schoolboy -- it is not mine, it is my son's -- Langenscheit, do you not?
- L0404 **Mr Irving** You are going to ambush me, I can sense it.
- L0405 **Mr Rampton** You actually put your head in the noose yourself, Mr Irving. You asked for it literally. "Abschaffen", verb transitive, abolish, discontinue, repeal, abrogate, redress, suppress, do away with, get rid of, give up keeping, end of definitions?
- L0406 **Mr Irving** I like the tenth meaning there, "do away with". But we are helped, fortunately, as I have mentioned, by the fact that we have a typed version of this document also.
- L0407 **Mr Rampton** And?
- L0408 **Mr Irving** On that it says "Abtransportieren" which means "transport away".
- L0409 **Mr Rampton** Yes. That is exactly my point, as you probably understood, Mr Irving. When Himmler is sitting in private with Hitler, in response to his request for information or instructions what to do with these French Jews, and I am coming to the number in a moment, these 6 to 700,000 French Jews, he writes down, not the word "Abtransportieren", or whatever it is, he writes down the word "Abschaffen".
- L0410 **Mr Irving** Yes.
- L0411 **Mr Rampton** Now, when it comes to the point about what is to go into the official record and how the orders are to be transmitted onwards via Muller, it translates itself as a necessary first step towards extermination, "arrest and deportation"?
- L0412 **Mr Irving** Well, if we leave out the bit about "as a necessary first step towards deportation", yes, that is absolutely what it says, but the rest was your personal interpolation.
- L0413 **Mr Rampton** Of course, but, you see, Mr Irving, do we find this anywhere in your books, this ----
- L0414 **Mr Irving** Yes.
- L0415 **Mr Rampton** --- Himmler log entry?
- L0416 **Mr Irving** Yes.

- L0417 **Mr Rampton** And you ----
- L0418 **Mr Irving** I am the first person to have found it and have used it, if I can keep on making that point.
- L0419 **Mr Rampton** I have not the references so maybe you will tell me and I will look at them later. How in those books do you translate the word "Abschaffen".
- L0420 **Mr Irving** Bear with me for a moment.
- L0421 **Mr Justice Gray** Where is it, "Hitler's War"?
- L0422 **Mr Irving** It will be in "Hitler's War" in all the editions.
- L0423 **Mr Justice Gray** Let us look at 1991, shall we? Are you on '91?
- L0424 **Mr Irving** Well, I only have the bound volume of the original edition.
- L0425 **Mr Justice Gray** No, all right. Let us use '77.
- L0426 **Mr Rampton** My Lord, I think in 1991 it is likely to be in part 2 because the book is written more or less ----
- L0427 **Mr Justice Gray** Yes, but Mr Irving has the 1977 version, so shall we use that? It will be part 2 of that too, will it not?
- L0428 **Mr Rampton** Yes. (To the witness): Can you tell us, roughly speaking, where 1943 starts in Hitler's War 1977?
- L0429 **Mr Irving** About page 450.
- L0430 **Mr Rampton** Thank you. So it will be volume 2 of that, my Lord.
- L0431 **Mr Justice Gray** If we are looking for it, we will take a lot of time. Do you think we might come back to this?
- L0432 **Mr Irving** My Lord, I will come back to it.
- L0433 **Mr Rampton** I would be grateful. It is my fault, but the index does not help.
- L0434 **Mr Irving** So your point is that Himmler writes down the word that may actually have been used between the two of them.
- L0435 **Mr Rampton** Yes.
- L0436 **Mr Irving** Yes.
- L0437 **Mr Rampton** May have been. I quite agree it may not be verbatim Hitler's word, but Himmler has certainly written down, has he not, what he thinks Hitler's intention is, has he not?
- L0438 **Mr Irving** Yes.
- L0439 **Mr Rampton** Then when we get what one might call the bureaucratic type version, that word is transformed ----
- L0440 **Mr Irving** Unambiguously.
- L0441 **Mr Rampton** Well, as you say -- into another form which is deport?
- L0442 **Mr Irving** Yes.

- L0443 **Mr Rampton** Yes?
- L0444 **Mr Irving** Yes.
- L0445 **Mr Rampton** And, of course, as one must expect, there is then an order from Himmler to Muller that they should be deported?
- L0446 **Mr Irving** Yes.
- L0447 **Mr Rampton** You grumble about Himmler's exaggeration of the numbers. Have you noticed a suggestion -- it is in that Witte -- that in that figure he was including all the Jews in the French colonies, particularly those in North Africa?
- L0448 **Mr Irving** That is not what the document actually says. It says Jews in ----
- L0449 **Mr Rampton** You will find that in note 44.
- L0450 **Mr Irving** --- Jews in France. I know that the French consider those colonies, or some of them, to be part of the metropolitan in France, but I think that in this document that would be stretching the point. I am not going to quibble about that. I just wanted to draw attention to the tendency to exaggerate figures.
- L0451 **Mr Rampton** It might not be an intentional exaggeration, might it? It might be -- I am not saying whether it was or not -- I quite agree with you there were never 600,000 Jews living in France at this time.
- L0452 **Mr Irving** Let alone 700,000.
- L0453 **Mr Justice Gray** I am not sure it really matters very much.
- L0454 **Mr Rampton** It does not matter at all. But then what happened next, leave out paragraph 19.8 of Longerich, apparently on the same day (and I am afraid I do not have this document) "Himmler made a suggestion or proposal to Hitler that there should be a work camp set up for Jewish hostages from France, Hungary and Rumania", three different countries, "for a total 10,000 people"?
- L0455 **Mr Irving** Yes, except we are not be given the actual quotation or document or it is just ----
- L0456 **Mr Rampton** No.
- L0457 **Mr Irving** --- summarized.
- L0458 **Mr Rampton** Do you know of that document?
- L0459 **Mr Irving** This is an important point, because there are other documents that he does not refer to.
- L0460 **Mr Rampton** This is in the IFZ, this document.
- L0461 **Mr Irving** It, presumably, comes from one of the Himmler microfilms.
- L0462 **Mr Rampton** Yes. You do not recall seeing this document?
- L0463 **Mr Irving** Yes.

- L0464 **Mr Rampton** You do. After the meeting, he goes on, Dr Longerich: "Himmler sent an order to Muller to concentrate these 10,000 in a 'special camp' (Sonderlager). He stated: 'Certainly they should work there but under conditions whereby they remain healthy and alive.'" You notice the way I read it?
- L0465 **Mr Irving** we are moving ahead at very great speed on this.
- L0466 **Mr Rampton** We are still on 10th December 1942.
- L0467 **Mr Irving** Yes, but we have already gone past the paragraph 19.7 at the top of page 71 of Longerich and I did want to draw the court's attention to this very bold and adventurous leap from the word "Abschaffen" with the neutral connotations in only one line's length to using the word "liquidate" which is certainly not used between these two top Nazis.
- L0468 **Mr Rampton** "Dispose of" is what you use, I think?
- L0469 **Mr Irving** Thank you very much, yes.
- L0470 **Mr Rampton** Yes. That is not a very benign word, is it, "disposal"?
- L0471 **Mr Irving** No, but ----
- L0472 **Mr Rampton** This is on page 462 of 1977.
- L0473 **Mr Irving** One has this terrible problem when translating German, when you have these multi-purpose words, to strike the right nuance without leaning too far in one direction or the other.
- L0474 **Mr Rampton** You see, in 1977, for want of a better word, you believed still in the Holocaust, did you not?
- L0475 **Mr Irving** I believed in the factories of death element of the Holocaust.
- L0476 **Mr Rampton** Yes. You had no difficulty in 1977 in reading the word "Abschaffen" as Fuhrerwunsch, if that is the right thing, that these 6 to 700,000 Jews should be disposed of, not removed from France, that has to happen first, obviously?
- L0477 **Mr Irving** Well, "disposed of" also does not necessarily imply killing, but contains -- it is one nuance in that direction from the dead centre neutral meaning of the word, and I believe Miss Rogers will be able to establish that I then continued by stating immediately afterwards what the typed version of the document says which is "transport away".
- L0478 **Mr Rampton** That may be so. I do not know. She is trying to find the reference in 1991.
- L0479 **Mr Irving** Yes.
- L0480 **Mr Justice Gray** It may not be there at all?
- L0481 **Mr Irving** Well, it certainly is, my Lord.
- L0482 **Mr Rampton** It is there, but in a footnote.
- L0483 **Mr Justice Gray** She will find it eventually. Let us press on in the meantime.

- L0484 **Mr Rampton** But do you agree that the translation "disposed of", I accept that that is a fair translation of "Abschaffen"?
- L0485 **Mr Irving** Yes, I think it is exactly the right nuance.
- L0486 **Mr Rampton** And the nuance -- construct for me, Mr Irving, if you can, an English sentence in which, according to natural, ordinary meaning, "dispose of" as applied to a person or people does not have a connotation of fatality in it?
- L0487 **Mr Irving** Oh, yes, it happens in large companies the whole time, downsizing. Additional staff are disposed of. That does not mean to say they are sent to the gas chambers.
- L0488 **Mr Rampton** No. Disposed of?
- L0489 **Mr Irving** Yes. It is exactly the right nuance that I applied to that word. That is my submission.
- L0490 **Mr Rampton** So, "These Jews are merely redundant and we have to let them go"?
- L0491 **Mr Irving** That is right.
- L0492 **Mr Rampton** I see. Probably with some nice payment or other?
- L0493 **Mr Irving** That is a rather cheap remark, if I may say so.
- L0494 **Mr Rampton** I know, but, really, Mr Irving, do you really think that is what Himmler meant when wrote "Abschaffen"?
- L0495 **Mr Irving** I remind you that this is a private note being written by Himmler for his own private files.
- L0496 **Mr Rampton** Precisely.
- L0497 **Mr Irving** He had no reason to use euphemisms. If they had said "liquidate", as we have seen on other occasions, they quite frankly talked about "keine liquiderung", did he not? So why would he use a euphemism here?
- L0498 **Mr Rampton** I am suggesting there is absolutely no difference between "dispose of" and "liquidate".
- L0499 **Mr Irving** Well, why would he have used ----
- L0500 **Mr Justice Gray** I think, in a way, I have the point. I understand the basis.
- L0501 **Mr Irving** That is an important point. Why would he use a euphemism here when he is quite happy to use the plain, blunt language elsewhere in his own handwritten notes, particularly in view of the fact that when he dictated the actual memorandum to Muller, so there could be no dispute, he then used "Abtransportieren", to transport away.
- L0502 **Mr Rampton** Yes, of course, and to the East, no doubt?
- L0503 **Mr Irving** No, indeed. They were being transported away to barrack encampments being built in the Reich. We have the documents on that which your Professor Longerich has not shown the court.

- L0504 **Mr Rampton** What happened to them next?
- L0505 **Mr Irving** We do not know, but, unfortunately, Longerich has not introduced into his report the evidence that there are encampments actually being built for them, reception centres.
- L0506 **Mr Rampton** Sorry, where was the Sonderlager which is referred to in paragraph 19----
- L0507 **Mr Irving** Those were the special camps being set up for them.
- L0508 **Mr Justice Gray** But when you say "they" were being transported to the Reich, are you talking about the 10,000 or are you talking about -- whether it was 60,000 or 600,000 does not matter for present purposes?
- L0509 **Mr Irving** Off the top of my head, I cannot say, my Lord.
- L0510 **Mr Justice Gray** It may be quite important ----
- L0511 **Mr Irving** I agree.
- L0512 **Mr Justice Gray** --- because one interpretation -- let me put this to you and see if you agree -- is that the 10,000 people for one reason or another were valuable to the Reich, maybe because they whether qualified in some way?
- L0513 **Mr Irving** Yes.
- L0514 **Mr Justice Gray** Whereas the rest were not and that was why they were going to be "Abgeschafft" or whatever the word would be?
- L0515 **Mr Irving** I will remind your Lordship of the fact that on this very same day, Himmler and Hitler on another page which is not before the court in this passage were discussing selling off Jews for hard currency. That may very well be what is going to happen to the 10,000 in the Sonderlager.
- But the French Jews, in fact, ended up to a very large degree working in underground aircraft factories and so on inside the Reich. From my extraneous knowledge, I know that from the biographies I have written of Field Marshal Milsche, and so on. I have read the records of the Air Ministry conferences so we know what happened.
- L0516 **Mr Justice Gray** Is it or is it not a legitimate inference that if that was what was going to happen to the 10,000, something more sinister was going to happen to the other French Jews?

Himmler's note and the 'special camps' counter-argument

- L0517 **Mr Irving** No, it is not, my Lord. It could be they were going to be sent to work, as I say, in the German arms industry or building fortifications or whatever which I happen to know actually happened. A very large number of these French Jews from my own work that I have done previously on the biography of Field Marshal Milsche who, on Goring's death, would be in charge of German armaments, in charge of the aircraft factory, construction industry. It cannot be ignored that I have a lot of expertise, if I can call it like that, from other records and other books that I have written.
- L0518 **Mr Rampton** Mr Irving, I have found one of these documents, but I do not at the moment know which one it is. My Lord, it is in H4 (ii) at footnote 183. I think it is at 182 that I do not have. Have you got that, Mr Irving?
- L0519 **Mr Irving** Yes.
- L0520 **Mr Rampton** It is a typed document. Again it looks as if it has been taken from a microfilm, does it not?
- L0521 **Mr Irving** Yes.
- L0522 **Mr Rampton** It is from Himmler because it says so at the top left-hand side and there are his initials at the bottom of the page, are there not?
- L0523 **Mr Irving** Yes.
- L0524 **Mr Rampton** On the right-hand side it says "Feld-Kommandostelle", what does that mean?
- L0525 **Mr Irving** "Field Headquarters".
- L0526 **Mr Rampton** 12th December 1942.
- L0527 **Mr Irving** I am sorry. It just says "December 1942".
- L0528 **Mr Rampton** You are quite right. I am sorry. I misread that.
- L0529 **Mr Irving** I would draw attention to that because this was Himmler's way of doing things, that he would always handwrite the day in. In other words, this is an authentic document. We are not challenging that. But there is a reason to draw attention to that because of something that comes up in later documents.
- L0530 **Mr Rampton** Yes, I follow, and it has the top security classification?
- L0531 **Mr Irving** "Geheime Reichssache", yes.
- L0532 **Mr Rampton** For an SS document?
- L0533 **Mr Irving** Yes.
- L0534 **Mr Rampton** It is written to Muller. Now I need your help -- you are very good at this -- can you please translate the text for us?

- L0535 **Mr Irving** You are too kind. "I ordain that from now on the Jews that are still on hand in France and also of the Hungarian and Rumanian Jews, all those who have influential relatives in America, are to be concentrated in a special camp. There they are, indeed, to work but under conditions that they remain sound and alive. This kind of Jews are valuable hostages for us. I am thinking of a figure of around 10,000" ----
- L0536 **Mr Rampton** Yes.
- L0537 **Mr Irving** --- "in this connection".
- L0538 **Mr Rampton** 10,000 from all three countries?
- L0539 **Mr Irving** Yes.
- L0540 **Mr Rampton** There are special Jews who are preserved because they have skills?
- L0541 **Mr Irving** That is right, yes.
- L0542 **Mr Justice Gray** Or because they have influential relatives in America?
- L0543 **Mr Irving** That is right.
- L0544 **Mr Rampton** Even suppose we divide 10,000 in three equal parts and subtract it from 600,000, we have the best part of 600,000 still left who have nothing whatever to do with this piece of paper, do they?
- L0545 **Mr Irving** Yes.
- L0546 **Mr Rampton** This is one camp?
- L0547 **Mr Irving** Yes.
- L0548 **Mr Rampton** Einem sonderlager?
- L0549 **Mr Irving** Yes? The hostages' camp.
- L0550 **Mr Rampton** Tell me about the other camps which you say in Germany ----
- L0551 **Mr Irving** Yes.
- L0552 **Mr Rampton** --- which is the destination for the remaining whatever it is, 597,000?
- L0553 **Mr Justice Gray** I am not sure he did say that.
- L0554 **Mr Irving** Well, I certainly did not say those figures. I do not think we accept the figures.
- L0555 **Mr Rampton** I said I was challenging the proposition that "Abschaffen" meant "transported" and I think Mr Irving said, "And, what is more, we know where they were being transported to, camps being built in Germany".
- L0556 **Mr Justice Gray** Did we not then ask when French Jews he was talking about was going to Germany?
- L0557 **Mr Rampton** Perhaps he would answer that question?
- L0558 **Mr Irving** The balance ----

- L0559 **Mr Justice Gray** Can you elucidate because we are really concerned with the other French Jews and I think I have put the question already.
- L0560 **Mr Rampton** The balance were to be departed to Germany, but that is not a reference to those other Jews, that document, is it?
- L0561 **Mr Irving** Well, Professor Longerich has given us a rather thin gruel of documents on which to draw our conclusions, but I am familiar with the documents that I have read and I am quite happy to bring them to the court on Monday, that special camps were being erected at this time to receive these French Jews who were being deported, not just one camp, but more than one camp. Eichmann is involved in the construction, if my memory is correct -- it is about two or three months sine I read these documents -- and from my own personal knowledge, large numbers of French Jews were put to work in the German Arms industry.
- L0562 **Mr Justice Gray** So they all went to camps in Germany, these other, balance of the French Jews?
- L0563 **Mr Irving** My Lord, I am not going to say "all".
- L0564 **Mr Justice Gray** The vast part?
- L0565 **Mr Irving** That would be something I could not swear to.
- L0566 **Mr Justice Gray** The vast part?
- L0567 **Mr Rampton** I would be very grateful and I am going to leave it there for the moment.
- L0568 **Mr Irving** I shall bring the documents and I will make a note to.
- L0569 **Mr Rampton** If you bring the documents, then it is no good my pouring over documents; may I copy them and given them to my experts to look at?
- L0570 **Mr Irving** Yes. I will fax them over the weekend, the ones that we intend to rely on.
- L0571 **Mr Rampton** Would your Lordship forgive me for one moment? Mr Irving, could you find page 462 of Hitler's War 1977?
- L0572 **Mr Irving** Yes.
- L0573 **Mr Rampton** And page 511 of Hitler's War 1991. If you would look, page 462 of 1977 falls neatly into two halves. I do not need you to read it out and I am not going to either. Could you read that last paragraph on 462?
- L0574 **Mr Irving** "When Heinrich Himmler came to headquarters" ----
- L0575 **Mr Justice Gray** I think to yourself.
- L0576 **Mr Rampton** No, just to yourself. The people in this courtroom are going to get tired of hearing our voices, I would imagine, Mr Irving.
- L0577 **Mr Irving** Yes.
- L0578 **Mr Rampton** Thank you. Now would you read to yourself in the same way the middle paragraph on page 511?

- L0579 **Mr Irving** I am not happy with reading these things to myself because the court transcript does not know what I am reading to myself.
- L0580 **Mr Rampton** I see.
- L0581 **Mr Justice Gray** It can be determined later what was being read. So can we proceed in this way for the time being? It just saves time.
- L0582 **Mr Irving** Yes.
- L0583 **Mr Rampton** Yes. It is the middle paragraph on 511.
- L0584 **Mr Irving** Yes.
- L0585 **Mr Rampton** It does save time.
- L0586 **Mr Irving** The parenthesis in brackets you are looking at which has vanished between the two volumes.
- L0587 **Mr Rampton** I am looking at two things. In the text of 462 the word "Abschaffen" is translated by you as "remove"?
- L0588 **Mr Irving** Yes.
- L0589 **Mr Rampton** In the footnote it is "dispose of"?
- L0590 **Mr Irving** 462, you mean the end note?
- L0591 **Mr Rampton** Sorry, I call them footnotes. That is very clumsy of me. Yes, the end note.
- L0592 **Mr Irving** I have given the German and the translation that I propose, yes, in each case.
- L0593 **Mr Rampton** But in the text you have, what shall I say, edged away from "disposed of" and replaced it with "removed"?
- L0594 **Mr Irving** I have not edged away from anything, Mr Rampton. I have just used the word "removed" and in the scientific end note I have then given the original German in both versions, once "Abschaffen" which I have translated as "disposed of" and I have said: "In his subsequent memo to the Gestapo Chief Muller, however, he used the milder words 'Verhaftet und abtransportieren' "arrested and transported away".
- L0595 **Mr Rampton** But, Mr Irving, you see the word has now been through two processes. It starts off in German. Fair enough, it has to be translated. When that happens in the end note, it is "disposed of". Now it has become "remove"?
- L0596 **Mr Irving** Mr Rampton, are you familiar with the concept that sometimes one word in one language can only be given, you can only get the meaning by giving its three alternative meanings in another language if you do not have an exact synonym between the two languages.
- L0597 **Mr Rampton** But you do not want to go back to the Langenscheit, to my primary meanings; you have been into that trap once already this morning.

- L0598 **Mr Irving** Well, Langenscheit is probably not concentrating on the fact we are talking about people. They are probably talking about Abschaffen of a government or Abschaffen of a condition or a situation.
- L0599 **Mr Justice Gray** 511 of what? I am so sorry. I am lost.
- L0600 **Mr Rampton** Of 1991 Hitler's War, my Lord. I was just going to compare the two versions. Then at the bottom, still on 1977, Mr Irving, 462, at the bottom of the page, you have got a parenthesis which you have already spotted, in brackets, "Hitler's notes do not indicate that he mentioned to Hitler the alternative fate of the others". You and I can disagree about that, but my question is this, or first question is this. What did you mean by "the alternative fate of the others"?
- L0601 **Mr Irving** We do not know because he did not mention it.
- L0602 **Mr Rampton** I see.
- L0603 **Mr Irving** That is not a weasel answer. I am just saying that there was an alternative fate clearly adumbrated, but we are not told what it was, whether it was being sent for slave labour or sent to the gas chambers or what.
- L0604 **Mr Rampton** Notwithstanding that at this date you still believed in the mass murder of the Jews, including a lot of French Jews?
- L0605 **Mr Irving** I am being very cautious the way I write. This was a very sensitive subject, as you yourself said. I am extremely cautious the way I proceed phase by phase when I write these narratives.
- L0606 **Mr Rampton** When we have got to 1991 on page 511, by which time, on your own admission, you have become a hard core disbeliever so far as the Holocaust is concerned, that little parenthesis has gone, has it not?
- L0607 **Mr Irving** Yes.
- L0608 **Mr Rampton** Why?
- L0609 **Mr Irving** Very simple. First of all, the 1991 edition is an abridged edition. I do not know if you have ever abridged a book, but you go through it cutting out lines which are superfluous. My editor, Tom Congden, as I mentioned on a previous day, taught me the basic or retaught me the basic principles of bookwriting. One of them is, don't say what somebody didn't do; say what they did do. This is a classic example of me saying what somebody did not do which is totally superfluous to our knowledge.
- L0610 **Mr Rampton** No, no, Mr Irving.
- L0611 **Mr Irving** So I cut out the reference to what somebody did not do. A classic example of what somebody did not do being cut out because the book has to be shortened by one-third.
- L0612 **Mr Rampton** The truth of the matter, Mr Irving -- it must be really pretty obvious -- is this, is it not? 1977, you still believe in the Holocaust. I use that as shorthand because I do not like to use a whole lot of words where two will do.

- L0613 **Mr Irving** Well, the factories of death.
- L0614 **Mr Rampton** In 1977 you believed in the factories of death. That is four words, I think?
- L0615 **Mr Irving** Yes.
- L0616 **Mr Rampton** In 1991 you do not. You have removed the parenthesis because you fearful that your readers might think that you meant, as indeed you did in that parenthesis, that the fate of the other Jews, the alternative fate of the other Jews, was going to be death?
- L0617 **Mr Irving** You have no basis for making that suggestion other than the purposes of this action which is you are looking, I think, I will not say desperately, but you are looking for everything you can seize upon ----
- L0618 **Mr Justice Gray** Anyway, the answer is no.
- L0619 **Mr Rampton** The answer is no.
- L0620 **Mr Irving** The equally and far more plausible suggestion is that we are cutting out what we possibly can out of the book to trim it down to make room for fresh material.
- L0621 **Mr Rampton** Mr Irving, it will not be for either you or I to say whether your answers are plausible at the end of this case.
- L0622 **Mr Irving** Well, I venture to suggest that this is the least perverse explanation. You are trying find room to put in an extra 200 pages of material into a book that we were already trying to shorten. So if we put in a paragraph here, a parenthesis, which says something did not happen, then that is an obvious candidate for the chop.
- There are very many sentences cut out on every page if you compare the pages. I would also add the fact that much of the editing was not done by me; it was done by the American publishers or by an assistant who I hired specifically for the job.
- L0623 **Mr Rampton** I am sorry. I have been given something, Mr Irving. I am not being discourteous. I am trying to read it very quickly to find out if I need to ask anything about it. I think not.
- L0624 **Mr Justice Gray** Mr Rampton, can I just ask you this, "Abschaffen", you say, is relevant to Hitler's knowledge?
- L0625 **Mr Rampton** Yes.
- L0626 **Mr Justice Gray** And is also an example of distortion?
- L0627 **Mr Rampton** Oh, yes, it is three things. It is relevance, not just of Hitler's knowledge, but probably of a Hitler, some kind of a, one of these utterances -- well, it is more than that.
- L0628 **Mr Justice Gray** I understand how you put it.

L0629 **Mr Rampton** It is an instruction. That is No. 1. 2, it is evidence of a developing distortion. The distortion is already there in 1977 with the word "remove". We can see that, in fact, from the footnote which uses "dispose" and the parenthesis. In 1991, in the eighth line down in the middle paragraph the word "remove" has been "extract" and the parenthesis has gone.

L0630 **Mr Justice Gray** Yes, thank you.

L0631 **Mr Irving** To which my response is, of course, that I have given no fewer than three different translations for the word "Abschaffen" in the one volume so the reader can pick his own way, my Lord.

L0632 **Mr Rampton** My Lord, for the moment, until I see Mr Irving's other documents on Monday, that is as far as I need take that question today.

L0633 **Mr Justice Gray** Shall we have a discussion about Auschwitz now rather than?

L0634 **Mr Irving** We could try to -- I think we will dispose of it before lunch.

Legal argument, adding 'negligence' to 'deceit'

L0635 **Mr Justice Gray** If you found that a problem and you want more time, just say so, but why do you not go back to your seat?

L0636 **Mr Rampton** My Lord, I will sit down because I would like Mr Irving to take this argument.

L0637 **Mr Justice Gray** Yes, Mr Irving?

L0638 **Mr Irving** My Lord, if I can get to the legal precedents out of the way first, it is Edgington v. Fitzmorris with which I am sure your Lord is familiar, the statement by Bowen LJ that the state of a man's mind is as much a fact of the matter as the state of his digestion. What is very material in this case is the state of my mind when I am writing the books.

We are partially examining in that, in the materials that we have been going over over the last few days in the proper manner, but I do not think that the state of Auschwitz or the state of what happened during the war years is nearly as material to the issues as pleaded as the state of my mind, if I can put it like that.

The issues as pleaded, in my view, bear a strong resemblance to the law in tort, the distinction with which your Lordship will be familiar between deceit and negligence. The defence that the Defendants have pleaded is, basically, one of deceit, that I have had documents before me at the time I wrote the books, that wilfully or perversely attached to those documents meanings that no reasonable man could say they could bear.

L0639 **Mr Justice Gray** That is part of the Defendants' case.

L0640 **Mr Irving** That is part of the defence. But they go beyond that, my Lord, in a manner which I would aver a Plaintiff would be tempted to do if he has pleaded initially the case in deceit and, in finding that he is not making that case, he then ventures to throw in negligence as well, although he has not pleaded it. He is not allowed to do that without amending his pleadings and this is a very serious matter for the court to consider. If you find, my Lord, that the Defendants in this action are trying to plead negligence, if I can put it like that, as they have been saying.

L0641 **Mr Rampton** No.

L0642 **Mr Irving** Mr Rampton --

L0643 **Mr Rampton** We are not.

L0644 **Mr Irving** If they are saying, in effect, Mr Irving is a rotten historian, he did not do his job properly. He spoke about Auschwitz, he wrote about Auschwitz and the Holocaust. He ought to have known better, then this is a plea of negligence. They have not pleaded negligence in the pleadings as yet before the court, my Lord, and, of course, it is perfectly open to them to go to your Lordship at any time and seek your Lordship's leave to amend their pleadings. It would be a very grave step for them to take because I would immediately ask your Lordship order that all the costs up to that point should be borne by the Defendants.

L0645 **Mr Justice Gray** They have not done it yet, so...

L0646 **Mr Irving** No, my Lord, they are still attempting to plead, effectively, deceit, and I suggest that they have not yet established a substantial case in deceit, but that is outside the realm of this argument. What is far more important is; what is the purpose of looking at what happened in Auschwitz and in the camps of Belzec, Treblinka and elsewhere if it was not known to me at the time I wrote the book. It may be of the utmost interest to history and for the purposes of historiography and it has not escaped me and I am sure it has not escaped your Lordship reading, as you say you do, the press accounts that people hope that this will draw a line under the Holocaust and we shall establish what happened at Auschwitz and so on. That is not the purpose of this case.

L0647 **Mr Justice Gray** Well, at the moment I am with you to this extent, that it seems to me that if you are able to say of any particular piece of evidence relating to Auschwitz, well, it was not available to me at the time, I find it difficult at the moment to see how that really is going to assist the Defendant's case. Because their case, as I understand it, is that what you have said about Auschwitz flies in the face of the evidence, and that the inference they ask me to draw is that you must have known that it flew in the face of the evidence.

L0648 **Mr Irving** I ought to have known. There is a subtle difference, my Lord. Must have known -- if they wish to prove I must have known it, I submit that they had to establish that that material was at some material time before me when I wrote either or any of the editions --

L0649 **Mr Justice Gray** Well, I think "available to you". I think it is not just a matter of whether it was, in fact, before you, because if you knew it was there and you, as it were, put your telescope to your blind eye and ignored it, then that is as good as having seen it, and decided to suppress it, as they would put it.

L0650 **Mr Irving** My Lord, material may very well be there in Moscow or on the far side of the Fiji Islands for all I know but there is a limit to what a reasonable person can expect one historian in my position to do by way of research into a subject which is beyond the purview of the books which he is know to write.

L0651 **Mr Justice Gray** I agree with you, it is a question of degree.

L0652 **Mr Irving** It is a question of degree, my Lord. It is quite possible that the very capable researchers (and I have to admire the effort they have put into this case) who are backing learned counsel in this matter for the defence, would have found documents after the expenditure of very consider sums of money, as they have, in the defence of this matter. But no reasonable person can hold that against me that I did not find these documents or come to those conclusions based on those documents and certainly not 30 years ago at a time when none of these documents were available.

So it is an argument in negligence which they are trying to make, my Lord, and I am asking that you bear that firmly in mind at the very least. And I have drawn up -- your Lordship will see three guidelines that I would ask your Lordship possibly to accept, possibly with amendments. They are on the first page.

L0653 **Mr Justice Gray** Yes.

L0654 **Mr Irving** Does it go to the proof of wilful deceit, the evidence that the Defendants are adducing? What materials were before the claimant, myself, at the time I wrote the book or books referred to because, of course, we are not just going to refer to Hitler's War. I understand other books are going to be the topic of discussion by the defendants. I respectfully submit that ephemeral spoken utterances particularly extempore, unscripted talks are less material to this action than books and I would like to hear your Lordship's view on that.

L0655 **Mr Justice Gray** Well, you are talking about eyewitness evidence here?

L0656 **Mr Irving** No, my Lord, no, I am sorry, you misunderstood me there, that if they are holding to me a talk I have given in Los Angeles or something like that, or an answer I given at a press conference, this should be given less weight than what I have written in the books. The talks are ephemeral, they are here today and gone tomorrow.

- L0657 **Mr Justice Gray** That is a comment you can make, but supposing you went on on the record at an IHR conference.
- L0658 **Mr Irving** Yes. Does that become a book?
- L0659 **Mr Justice Gray** With some extreme remarks about Auschwitz, let us assume that, it seems to me that they entitled to rely on that as an instance of Holocaust denial as they would label it.
- L0660 **Mr Irving** It is a matter of weighting, my Lord. That I would ask you to weight each of these utterances and say, well, here he is writing a book which is going to go in libraries and used as a reference work by other historians. Clearly, far more weight should be attached to these than off the cuff remarks he makes at a press conference. I am not thinking of any specific remark. I am not saying that is my own defence pre-emptively, I am just saying that I would just ask your Lordship to weight them accordingly.
- L0661 **Mr Justice Gray** I hear what you say.
- L0662 **Mr Irving** Yes. Have they established -- the second point -- beyond the balance of probabilities, as I understand it, it is in a civil action like this, that the Claimant faced with various alternative interpretations and following as the Defendants wrongly represent an agenda to exonerate Adolf Hitler put fraudulent meanings on these materials before him, i.e. meanings that were so perverse that no reasonable and unbiased man informed by the same materials and expertise could have arrived at those meanings.
- L0663 **Mr Justice Gray** No, I think that is putting the case, or asserting that the case against you has to be established at a far higher level than it seems to me that it actually does have to be established. I think what they have to show, or what they may have to show, I have not heard Mr Rampton yet, is that you have misrepresented the facts and that you have done so because you are working to your own ideological agenda.
- L0664 **Mr Irving** Wilfully represented, not accidentally or negligently.
- L0665 **Mr Justice Gray** Not accidentally, yes, I am cautious about the "wilfully" because that may not help.
- L0666 **Mr Irving** They will have to establish the element of deliberation in that, my Lord, otherwise it does fall under the ambit of "negligence", which they are not pleading.
- L0667 **Mr Justice Gray** Yes, and No. 3.
- L0668 **Mr Irving** What about the element of reasonable doubt, my Lord? Or the balance of probabilities? You say you are not prepared to accept that.
- L0669 **Mr Justice Gray** No, I have not said that.
- L0670 **Mr Irving** But which is the part of paragraph 2 which you find difficult to accept then?

- L0671 **Mr Justice Gray** It is you asserting that the Defendants have to show that you put as you described it "fraudulent meanings" on the materials --
- L0672 **Mr Irving** As opposed to negligently doing it.
- L0673 **Mr Justice Gray** What I was -- I accept the point you make on negligence -- suggesting to you is that they may not have to establish quite that, but I am inclined to accept that they will have to establish that this was a non-accidental, false interpretation placed on documents for the reason that you had your own political agenda, and that I think --
- L0674 **Mr Irving** My Lord, for example, the word "haben" and "Juden" is a typical example; was this a deliberate misleading of the word or was it an --
- L0675 **Mr Justice Gray** That is a very good example.
- L0676 **Mr Irving** A negligent --
- L0677 **Mr Justice Gray** A very good example, yes.
- L0678 **Mr Irving** Thirdly; have they established -- have the Defendants established beyond the balance of probabilities that I wilfully and following that political agenda mistranslated or distorted such materials.
- L0679 **Mr Justice Gray** I do not find much to disagree with about that.
- L0680 **Mr Irving** Yes.
- L0681 **Mr Justice Gray** But, Mr Irving, this is all helpful in a way, but I understood we were going to be having an argument about the Auschwitz evidence I am not sure I understand --
- L0682 **Mr Irving** This comes up --
- L0683 **Mr Justice Gray** How this impacts on that.
- L0684 **Mr Irving** If they are going to be introducing a lot of evidence about Auschwitz which will no doubt be of the utmost interest to everybody in this court, and at the expense of the person who pays the costs of this action, or persons, I think that your Lordship should rule repeatedly on what falls within the issues as pleaded and pleaded under the ambit of "deceit" rather than of "negligence".
- L0685 **Mr Justice Gray** But thinking of the evidence, which is not at the top of my mind at the moment, but thinking of the evidence that the defendants have adduced in relation to Auschwitz, one could put it into various categories, as indeed the Defendants do in their summary of case, it seems to me that most of what they are relying on was probably known to you, but if not known to you was certainly readily available to you; was it not?
- L0686 **Mr Irving** I think that is very bold perception, my Lord.
- L0687 **Mr Justice Gray** Well, you tell me, what --
- L0688 **Mr Irving** I would certainly challenge that.

- L0689 **Mr Justice Gray** -- categories of evidence you say you really have no knowledge of?
- L0690 **Mr Irving** For example, the entire records in Moscow. I am not an Holocaust historian, my Lord. I thought I had brought this matter across to your Lordship satisfactorily that I am known as an historian and a biographer of the top Nazis and that the Holocaust is very much a section of that material. But one cannot, after all because one is writing about the atomic bomb learn nuclear physics. One would not be considered to be negligent that one had not become a Nobel Prize winning nuclear physicist before writing about the history of the atomic bomb, if I may say so. I am asking your Lordship to keep this negligent element before yourself and you say to yourself, this does not go to issues as pleaded, and this is just an attempt to bring in material for the newspapers, put it like that.
- L0691 **Mr Justice Gray** Let me ask you this question, and do not answer if you do not want to, but if I were to come to the conclusion that there is a whole range of formidable evidence of one kind and another.
- L0692 **Mr Irving** Yes.
- L0693 **Mr Justice Gray** Camp officials, eyewitnesses, scientific evidence, evidence of construction at the gas chambers and the like; all of which was there, but you paid no attention to it, is that something you would accept? Is that the way you put your case? That you went for broke on the Liechter Report.
- L0694 **Mr Irving** It depends upon the degree of intensity which would have been appropriate. If I was intending to go on, for example, a BBC talk show and I was likely to be asked about Auschwitz should I therefore spend \$5 million on sending researchers into the archives around the world? It is a degree of proportionality which comes into it, my Lord. I am sure your Lordship appreciates that point and bear it constantly before yourself.
- L0695 **Mr Justice Gray** Yes, but I am not sure you have really quite grasped the nettle of the question; is it your position that the Defendants really are not entitled to rely on the body of evidence that I have just listed for you because, although it was available you did not refer to it; you did not familiarize yourself with it?
- L0696 **Mr Irving** I am not interested to hear Mr Rampton justify doing precisely that.
- L0697 **Mr Justice Gray** Well, I think he will find it difficult to do so unless you have made clear what your position in relation to these various categories of evidence is. If you are saying, "yes, I accept it is there and I simply did not attach any weight to it"; then he may say, "well, what is the point of calling the evidence?" That may not be right, but he may say that. That is why I am asking you. I am trying to get you to come clean, as it were, what your stance is in relation to this evidence.
- L0698 **Mr Irving** I am mortally wounded by the suggestion that I am not coming clean on this.

L0699 **Mr Justice Gray** I did not mean that in any pejorative sense. You see because this is really what the argument is, is this evidence relevant? If you say, "well, I do not quarrel with it, I hear what you say about it all being there, but it just did not feature in my thinking about Auschwitz", well and good.

L0700 **Mr Irving** My Lord, what I have had to do, because Auschwitz has bulked so large in the Defendants' case I have to become something of an expert. I have had to get involved with consultants and discussed the issues with them and learn all sorts of things that I had no need to or desire to learn at the time I wrote these books, or at the time I made the utterances. I do not think that should have been necessary. I would have hoped that your Lordship would have ruled at a relatively early date in this trial -- and we are still at an early date in this trial that you will not hear evidence, my Lord, I would ask you to bear this in mind, that you will not hear evidence that goes only to the imputation of negligence and that you will only hear evidence that goes to the imputation of deceit.

L0701 **Mr Justice Gray** But you see, you say it comes only into the category of negligence, but if you are making pronouncements about Auschwitz in what the Defendants say are offensive terms of denying the gassing happened; are not the Defendants entitled to say, well, that really flies in the face of the evidence and anyone who is prepared to make those pronouncements is not just negligent, he is deliberately deceiving himself.

L0702 **Mr Irving** Very well.

L0703 **Mr Justice Gray** I do not know whether that is the way they put the case or whether it is not. I think it may be.

L0704 **Mr Irving** I accept that but then the element of proportionality comes into it.

L0705 **Mr Justice Gray** Yes.

L0706 **Mr Irving** To make that kind of pronouncement one is not then required to spend \$5 million research, one is required to inform oneself to an adequate degree. But I still ask your Lordship to be on the alert every time that Mr Rampton either implies or actually says he ought to have known this, to say to yourself, yes, but on the basis of proportionality should he really have gone to that degree? Should he really have done that depth of research? Was he really expected to fly to Moscow and bang on the door and say "let me in"?

L0707 **Mr Justice Gray** Yes, do not think I am not taking the point you are making.

L0708 **Mr Irving** Because that goes purely to the negligence issue and not the deceit issue, which is the only one they have pleaded. My Lord, I must emphasise the fact they have not pleaded negligence. It was open to them to plead negligence at the time that they drew up their pleadings. I am not criticising learned counsel at all for the way they have drawn their pleadings, but if they intended to plead negligence the way that they have been hinting at throughout the first six days of this trial, then they should have pleaded it.

- L0709 **Mr Justice Gray** I want to take a bit of time on this because I think this may be really quite important to try and see where we are actually going, but just on Auschwitz and tell me if you are not able to deal with this, but just take the category of "Camp Officials" I cannot immediately put my ...
- L0710 **Mr Irving** The eyewitnesses?
- L0711 **Mr Justice Gray** Well, I was thinking more of the camp official eyewitnesses, but take them, and I think there are probably about ten or maybe a dozen of them, something like that.
- L0712 **Mr Irving** My Lord, we shall be --
- L0713 **Mr Justice Gray** Now, the last thing we want to do is plough through each individual account if that really is not being to be necessary. Are you saying in relation to them, by way of an example, well, I appreciate that they have said what they are recorded as having said, but I did not know about it when I said what I said in Australia in the 1980s or the States in the 1990s, and, therefore, the worst you can say is that I was negligent; is that the line you take in relation to that particular category of evidence?
- L0714 **Mr Irving** Finely couched though your Lordship's words are I would not use them in precisely that form. I would say that at the time I made the utterances or wrote the books I was not informed to the degree that I am now am by virtue of having had to prepare for this case. In 1988 I saw certain evidence which you will be discussing later on, which obliged to me to change my mind about what I had accepted without having gone into it in any detail up to that point. As a result of this case I have now gone in much greater detail into the eyewitness statements by the camp officials to which your Lordship alluded. I still have less reason to accept them as being reliable than has the defence, and we shall go through these statements with forensic methods when the time comes to cross-examine Professor van Pelt.
- L0715 **Mr Justice Gray** Yes, well, I have certainly got your point. Shall I invite Mr Rampton to tell me --
- L0716 **Mr Irving** That may be useful.
- L0717 **Mr Justice Gray** What his position is.

The Zundel trial 1988 and the Leuchter foundation

L0718 **Mr Rampton** Yes, my Lord, it is really very simple. We had these last days been dealing with the way in which Mr Irving on our case, distorts history, deliberately, wilfully distorts history. In 1988, as your Lordship remembers, there was on trial in Canada a man called Zundel. He was on trial for something like inciting racial hatred by publishing an Holocaust denial book. Mr Irving went to Toronto to give evidence for Mr Zundell, in the course of that exercise he got to read -- I think he met Mr Liechter either then or earlier that year -- and he got to read the Liechter report. He came home and he held a press conference the following year, in which he said: "The buildings which we now identify as gas chambers in Auschwitz were not. I cannot accept that they had gas chambers there. There was no equipment there for killing people en masse. I am quite happy to nail my colours to the mast ... Jews cannot have been killed in gas chambers at Auschwitz".

From there on, until 1993, which is the relevant date, he goes into public, into the public arena, and repeatedly makes utterances of that kind. Had he not done so he would not have appeared in the book which forms the subject of this libel action. One of the meanings which Mr Irving complains of, my Lord, this is paragraph (vii) on page 6 of the Statement of Claim: "That the plaintiff after attending Zundell's trial in 1988 in Toronto, having previously hovered on the brink now denies the murder by the Nazis of the Jews."

That is Mr Irving's -- this is the most elementary stage of the whole thing -- that in Mr Irving's case is a defamatory statement by Professor Lipstadt and Penguin Books, who published the book. That alone would allow as the defence -- the Lucas-Box particulars of the defence indicate that they will do -- that alone would allow the Defendants if they wished to do so to prove that he was wrong as a matter of fact. That is paragraph 6.1 of the Lucas-Box on page 2 of the defence, that the plaintiff has on numerous occasions denied the Holocaust, the deliberate planned extermination of Europe's Jewish population by the Nazis and denied --

L0719 **Mr Justice Gray** Well, I have thought about that, because I do not think either the meaning you have just cited from the statement of claim, or paragraph 6.1 of the Lucas-Box, really are defamatory meanings at all.

L0720 **Mr Rampton** That may well be, but as I say that is the elementary -- that is stage one. As the pleadings stand I could do it. I do not, as your Lordship knows, put the case like that.

L0721 **Mr Justice Gray** No.

L0722 **Mr Rampton** What I say is this: it is not negligent, negligence is no part of this case, I am not the least interested in the qualities or efficiency of Mr Irving's research or anything like that; what I am concerned about is two things. He dignifies himself, and Professor Watt, for example, was no doubt called for this purpose, perhaps by some others, as an historian. He then lends his considerable weight, if that be right, to repeated and I have to say from time to time very offensive Holocaust denial statements. He does that, not as he would if it were Hitler that he was interested in researching, he does that upon the basis, the flimsiest possible basis, the Liechter Report. Along down the road as your Lordship will hear, he thinks of other reasons why there were no gas chambers at Auschwitz. But Liechter is the foundation of his denial. For a man to do that, who glorifies himself as an serious historian, is morally wrong. Now that is defamatory. One of the aspects of this case is that he has done it because of his political "with a small P" sympathies and attitudes. He is, we have pleaded, a right-wing extremist, and he feeds this Holocaust denial into audiences of right wing extremists.

L0723 **Mr Justice Gray** And he done it deliberately, in other words, it is not negligent.

L0724 **Mr Rampton** He has deliberately not been to Auschwitz and looked at the archive, never mind Moscow. I have been to Auschwitz, I have not been to Moscow. I have seen many of the documents in the archive and they are -- well, they are what they are. Professor van Pelt deals with them.

L0725 **Mr Justice Gray** Go back to the camp officials, that does mean, does it not, that if your case is that Mr Irving deliberately shut his eyes to that corpus of evidence.

L0726 **Mr Rampton** He did not even care about it.

L0727 **Mr Justice Gray** And his case is, well, I was not an Holocaust historian, maybe I knew that some of that evidence was there, but I did not think it was any part of my function to go and trawl through it.

L0728 **Mr Rampton** Then he should have --

L0729 **Mr Justice Gray** Then we do not need to trawl through it in this trial, do we?

L0730 **Mr Rampton** My Lord, if he will accept that his denial is false. If he will accept that it happened as described by Professor van Pelt and dozens of other people; that the eyewitnesses are telling the truth, those reports of Hoess, the commandant, are perfectly well-known to Mr Irving, for example. He knows all about the Weber and Weisler Report that came out during the War. No doubt he knows all about Jean-Claude Pressack's (?) ^^ book. They are there for anybody to read.

L0731 **Mr Justice Gray** I am not sure whether I see why you are now saying, rather contrary to what you have been saying before, that we have to make a finding of fact as to what happened in Auschwitz.

L0732 **Mr Rampton** No, absolutely, I have never said that. I am not saying that.

- L0733 **Mr Justice Gray** Why should he accept that those camp officials are telling the truth when they say they saw what they say they saw.
- L0734 **Mr Rampton** Because then, my Lord, it is very easy, if you will not accept then that I have to lay out the evidence which would have been accessible to him if he had bothered to look before opening his mouth.
- L0735 **Mr Justice Gray** Yes, but only in the sort of general sense of, let us put it as you might cross-examine, Mr Irving, are you aware that there are statements made by ... and then we can list them and name them and give them positions within Auschwitz, Hoess and all the rest of them; did you read a word of their evidence?
- L0736 **Mr Rampton** That is right, the answer will be "no", what you did do, Mr Irving -- one has to know that this is his position.
- L0737 **Mr Justice Gray** I know, that is why I tried to --
- L0738 **Mr Rampton** I know, well, he has not come clean, to use your Lordship --
- L0739 **Mr Justice Gray** No, I disavow that expression now.
- L0740 **Mr Rampton** If that is the position, that is fine, Professor van Pelt can go back to Canada, specifically though Mr Irving has to accept, before that can happen, that the Liechter Report is indeed bunk and very easily detected bunk, because what a responsible historian cannot do, unless he is motivated by some sinister ulterior motive, is nail his colours to the mast, as he said he did, without critical review of the mast to which he is nailing his colours, namely the Liechter Report. And that is exactly what he did.
- If he will concede that that was, to put it neutrally, a complete mistake, because Liechter is bunk, if he will concede first that a lot of the other evidence is freely available to anybody who bothers go and look at it; a lot has been published in books. But that he did not care to look at it. But nonetheless went about his Holocaust denial in these various forums, why then we can close down the evidence, apart from what he said in these various places.
- L0741 **Mr Justice Gray** Yes, thank you very much, Mr Rampton. Mr Irving, I do not think we will be able to quite conclude this argument, but I think the ball is in your court, because the admissibility of this evidence and how much detail we need to go into in regard to it seems to me to depend, to an extent, what you are going to say about it.
- L0742 **Mr Irving** Which your Lordship does not know yet, of course.
- L0743 **Mr Justice Gray** Which I do not know yet and you do not really have to tell me, we can deal with this on the hoof as we go through your cross-examination. It may have to come to that. But I have to have an eye on how long this trial is going to last and it seems to me --
- L0744 **Mr Irving** Well, I threw a lifeline to your Lordship.

L0745 **Mr Justice Gray** That is not the predominant consideration, it has to be a feature of my thinking, it seems to me there may well be sense in dealing with the -- I have used the camp official's eyewitness accounts as an example, dealing with that body of evidence in a rather broad way because if you say, "well, I was not familiar with the detail of it", then Mr Rampton may achieve what he needs for his purpose by putting to you, in effect, you shut your eyes to it deliberately.

L0746 **Mr Irving** I can say in two lines if that will assist you what my position on the four or five camp officials will be; that I was not familiar with the evidence of the lower camp officials. I was partially familiar with the evidence of Camp Commandant Hoess. I have reasons to discount that evidence, which I will bring out during cross-examination of the experts. But the reasons have only become apparent to me now I have done the research for the trial. But at the time, of course, I had this gut instinct against eyewitnesses in the first place. I have always preferred to use concrete documents rather than statements of people, for whatever reason. My Lord that does not help your Lordship very much at this stage.

L0747 **Mr Justice Gray** It does not help us in the sense that it does not enable me to make a ruling which will ...

L0748 **Mr Irving** I am hoping that your Lordship will be able to make --

L0749 **Mr Justice Gray** Direct which evidence we can safely exclude and which we admit, I am afraid.

L0750 **Mr Irving** Your Lordship is now aware of my arguments as against fraudulence in this action. I am hoping your Lordship will make determinations from time to time as to what is admissible and what is not on the issues as pleaded, and possibly at a later date, once you have heard my remarks about the eyewitness, or went a bit further down the road we have had a chance to cross-examine Professor van Pelt, then you can possibly even make a ruling on the basic issue as to the admissibility of what happened at Auschwitz or not, if I can put it like that.

L0751 **Mr Rampton** My Lord, can I add one thing, I know it is a little irregular, but it may help. Mr Irving says that now with hindsight he sees reasons to doubt what, for example, Hoess said, I believe that that is an irrelevant observation. What he now sees as being flaws in Hoess' evidence is quite beside the point, we are not concerned with what he now sees; what we are concerned with is with Mr Irving's state of mind, his bona fides, at the time when he made these denial statements.

L0752 **Mr Justice Gray** Yes, but that really is having the best of both worlds, is it not? You are wanting me to see what Hoess said and to be satisfied that he is correct in what he says.

L0753 **Mr Rampton** No.

L0754 **Mr Justice Gray** But you seek to prevent Mr Irving from showing why he does not accept Hoess.

L0755 **Mr Rampton** No, my Lord, that it is perhaps a slight misapprehension, it is probably my fault, on your Lordship's part. I do want you to see what Mr Hoess says, in just the same way as Mr Irving could have seen it before he spoke in public. I do not need your Lordship to accept what Hoess said is true.

L0756 **Mr Justice Gray** That is where I think I joined issue with you earlier on.

L0757 **Mr Rampton** I need your Lordship simply to say this --

L0758 **Mr Justice Gray** The evidence was there.

L0759 **Mr Rampton** This evidence is suggestive of a strong probability it was there, and it is not such obviously rubbish evidence that one would join immediately with Mr Irving and say, "no, there were no gas chambers at Auschwitz"; quite the contrary. That is all I need to do because all I am doing by looking at the evidence is suggesting what an open-minded, careful historian would have found if he had looked at the evidence.

L0760 **Mr Justice Gray** But you see open-minded, careful --

L0761 **Mr Rampton** Open-minded, leave the "careful" out of it.

L0762 **Mr Justice Gray** Yes, "careful" is not the ...

L0763 **Mr Irving** Open-minded historian without an ulterior motive, beyond informing the public of the truth would have found if he had looked.

L0764 **Mr Justice Gray** That is the right formulation, yes. I will, if you would find it helpful, both of you, make a ruling, but I think, really, we are going to have to deal with this on a bit of a piecemeal basis. Would it help if I gave an indication maybe at 2 o'clock what I think the --

L0765 **Mr Rampton** Well, it would --

L0766 **Mr Justice Gray** Guidelines should be.

L0767 **Mr Rampton** I am sorry, I did not mean to interrupt. It would very much help, because it will put Mr Irving in the position of deciding whether or not, in order to save time and everybody's labours, whether or not there are not some concessions that he ought to make.

L0768 **Mr Irving** That rather implies that I can answer under oath in any way that is not true.

L0769 **Mr Justice Gray** No, it does not imply anything of the sort.

L0770 **Mr Rampton** No, I meant before he gives evidence.

Afternoon, Leuchter, chemical versus historical analysis

L0771 **Mr Justice Gray** I will try and say something which helps at 5 past 2.

L0772 **Mr Irving** My Lord, I think that admirably clarifies the situation. I hope that you will agree that it was a useful exercise to conduct at this point in the trial.

- L0773 **Mr Justice Gray** I most certainly do because I think it may keep the case in slightly more reasonable bounds than might otherwise have been so.
- L0774 **Mr Irving** I think that this was the right time to conduct that exercise, being several days into the trial. Thank you very much, my Lord.
- L0775 **Mr Justice Gray** Are you both happy to proceed with cross-examination on the topic of Auschwitz?
- L0776 **Mr Rampton** Indeed I am. I have not of course got a transcript yet. We have been trying to follow it on the screen. May I see if I have understood the last part of your Lordship's ruling correctly?
- L0777 **Mr Justice Gray** Yes.
- L0778 **Mr Rampton** If and in so far as Mr Irving should contend that he was entitled to rely on the Leuchter report in the way that he did, then I have a gate open, as it were -- not that I want it to, I would much rather it did not -- for me to go through the detail, in effect. Is that right or not?
- L0779 **Mr Justice Gray** Sorry, I am not quite sure. The detail of what?
- L0780 **Mr Rampton** If he said should say, I maintain that I was entitled to rely on the Leuchter report, then the detailed criticisms of the Leuchter report may become relevant.
- L0781 **Mr Justice Gray** I totally agree. What I was intending to say right at the end of my little ruling was that that is really open season, the whole of the Leuchter report.
- L0782 **Mr Rampton** That, apart from some parts of the eyewitness testimony, this was my fear, and some parts of Professor van Pelt's report about other evidence, it is, I am afraid, two thirds of the evidence on Auschwitz.
- L0783 **Mr Justice Gray** Yes. I am a bit doubtful of that, but I appreciate there is an enormous amount left.
- L0784 **Mr Rampton** Maybe that is a wrong estimate, but it is a large lump of the actual factual evidence about Auschwitz, what can be known of what happened there by reference to what Mr Leuchter said.
- L0785 **Mr Justice Gray** Yes, but there is no reason why you should not cross-examine on the totality of that.
- L0786 **Mr Rampton** I just wanted to be clear. I do not want to put my foot in the wrong

- L0787 **Mr Justice Gray** That is without prejudice to Mr Irving's entitlement at any point to say that that question is not relevant to the issues for whatever reason he may suggest.
- L0788 **Mr Rampton** Your Lordship may say it without being prompted by Mr Irving, I dare say.
- L0789 **Mr Justice Gray** I might even do so, yes. Mr Irving, would you like to come back?

- L0790 **Mr Justice Gray** Mr Rampton, may I say this before you start? It would help me if one could, perhaps by some initial questions to Mr Irving, put into the context of your case.
- L0791 **Mr Rampton** A little bit of history?
- L0792 **Mr Justice Gray** A little bit of history and where one pigeon holes it, if you like.
- L0793 **Mr Rampton** Not wartime history. This is Mr Irving's history.
- L0794 **Mr Justice Gray** Eighties/nineties.
- L0795 **Mr Rampton** That is right. Mr Irving, when did you first meet Mr Fred Leuchter?
- L0796 **Mr Irving** On a day in April 1988 in Toronto, Canada.
- L0797 **Mr Rampton** You went, and I do not think there is controversy about this, to Toronto, Canada, in order to give expert evidence at the trial of Mr Hans Zundel. Is that right?
- L0798 **Mr Irving** I was residing in Florida at that time, writing. They invited me to give evidence as an expert witness on the general history of the Third Reich, I do emphasise not on Auschwitz, and on Adolf Hitler's involvement in what is referred to as the Holocaust. I flew to Toronto on the day before I was due to give evidence.
- L0799 **Mr Rampton** So the answer to my question is yes, I think, is it not?
- L0800 **Mr Irving** Yes.
- L0801 **Mr Rampton** What was it, in case I have got it wrong, that Mr Zundel was charged with?
- L0802 **Mr Irving** There was a mediaeval law in Canada which made the spreading of false information a criminal offence. That law has now been struck down by the Canadian Supreme Court.
- L0803 **Mr Rampton** In respect of what statements under that mediaeval law, as you call it, in what form was Mr Zundel charged?
- L0804 **Mr Irving** If I remember correctly, he was charged with having published or disseminated a brochure called, "Did 6 million really die"?
- L0805 **Mr Rampton** Yes. What was the topic of that pamphlet or whatever it was?
- L0806 **Mr Irving** As its title implies, it was questioning the fundamental aspects of the Holocaust.
- L0807 **Mr Rampton** Yes?
- L0808 **Mr Irving** I had not, up to the time I arrived in Toronto, read that brochure, but I was given a copy to read shortly before the trial began, because I was going to be asked questions about it.
- L0809 **Mr Rampton** You did not give evidence, I expect, immediately upon arrival? You did not get off the plane and into the witness box?
- L0810 **Mr Irving** I gave evidence on the following day if I remember correctly.

- L0811 **Mr Rampton** Does this mean that you had the opportunity to read Mr Leuchter report before you gave evidence?
- L0812 **Mr Irving** Either on the evening I arrived, or the following morning before I went into the witness box, defence counsel for Mr Zundel gave me a one inch thick affidavit which was the engineering report produced by Mr Fred Leuchter, and he said, if you read this, you will find this very interesting. Of course, I could not read a one inch thick affidavit in the remaining hours, but I glanced at the summary at the beginning and I looked at the principal conclusions. They may even have told me in outline what the affidavit purported to conclude.
- L0813 **Mr Rampton** For how many days did you give evidence?
- L0814 **Mr Irving** It was over a weekend. I think I was in the box for three or four days, possibly three days.
- L0815 **Mr Rampton** Over the weekend while were you were in the box -- I am not suggesting there is anything in the least bit improper in this because there plainly is not -- did you get a chance to read the inch thick affidavit?
- L0816 **Mr Irving** I would have had a chance to, but I do not think I did. I think we went on an outing to the Niagara Falls, which is close to Toronto.
- L0817 **Mr Rampton** If I may say so, a good deal more edifying than the Leuchter report.
- L0818 **Mr Justice Gray** Can I ask you this? You were asked to give evidence as an expert on the Holocaust?
- L0819 **Mr Irving** On Adolf Hitler basically, and his involvement, the kind of thing we have been discussing until now, my Lord.
- L0820 **Mr Justice Gray** That is not what I am getting at. You were giving evidence about extermination, of whether there were really 6 million Jewish deaths?
- L0821 **Mr Irving** Not on the extermination, my Lord. They were purely interested in hearing what Adolf Hitler's part in this was or was not. I could not give expert evidence on the Holocaust and I would not have been accepted by the court as an expert.
- L0822 **Mr Justice Gray** I understand.
- L0823 **Mr Irving** I was very closely questioned before the trial began, before my hearing began, as to my qualifications by the court.
- L0824 **Mr Rampton** May Mr Irving please be given a file? Your Lordship may not have this in court. I have the reference here, D 9 (i). (Document not provided) If your Lordship has not got it, which I do not expect you have, I will try and find one.
- L0825 **Mr Justice Gray** I should have thought to bring it.
- L0826 **Mr Rampton** It is a transcript of Mr Irving's evidence in the court.
- L0827 **Mr Justice Gray** Yes, I have it.

- L0828 **Mr Rampton** My Lord, the page numbers are the original. There are two page numbers. I intend to use the original transcript page numbers, which are at the top left hand corner of the page. The page I am looking for is 9473. I think it must be that the Canadians numbered the whole trial with consecutive page numbers.
- L0829 **Mr Irving** Is this examination in chief?
- L0830 **Mr Rampton** No, this is cross-examination by Mr Pearson?
- L0831 **Mr Irving** Yes.
- L0832 **Mr Rampton** Have you got it, Mr Irving?
- L0833 **Mr Irving** I have it in front of me.
- L0834 **Mr Rampton** 9473. It has the helpful heading "Irving CREX Pearson". At the bottom of the page it says 327. It is a recent file number. Mr Pearson has put to you something -- I do not think it probably matters what much except that it will have to do with the Holocaust -- about which you say this. I am reading from the top of the page: "At the time that I wrote that in the 1960s, 1974 or thereabouts, when I wrote that introduction, I believed, I believed everything I had heard about the extermination camps".
- L0835 **Mr Irving** I think there should be a comma after the first "believed" probably.
- L0836 **Mr Justice Gray** Yes.
- L0837 **Mr Rampton** There is in my copy. There should not be?
- L0838 **Mr Irving** I think there should be a comma after the first "believed".
- L0839 **Mr Justice Gray** It does not matter.
- L0840 **Mr Irving** It sounds a little bit obsessive, otherwise.

L0841 **Mr Rampton** (Document not provided) "I believed everything I heard about the extermination camps. I was not investigating the extermination camps. I was investigating Hitler. Question: But you told us that you did ten years of extensive research on the national socialist regime? Answer: Yes. Question: And you had no problem making that statement, did you? Answer: Because I believed. Question: Right. Answer: I believed what I had read up to that point. I had not gone to the sites at Auschwitz and Treblinka, and Mydonek and brought back samples and carried out an analysis. I had not done any research into what is called the Holocaust. I researched Hitler and his staff. Question: You have done that, have you, since? Answer: I have not. Question: You have not done those things? Answer: I have carried out no investigation in equivalent depth of the Holocaust. Question: But your mind changed? Answer: My mind has now changed. Question: You no longer believe it? Answer: I have now begun to challenge that. I understand it is now a subject open to debate. Question: But your belief changed, even though you did not do any research? Is that what you are saying? Answer: My belief has now changed because I understand that the whole of the Holocaust mythology is after all open to doubt, and certainly in the course of what I have read in the last few days, in fact in this trial, I am now becoming more and more hardened in this view".

Mr Irving, what had you read that led to such a volte-face during those last few days?

L0842 **Mr Irving** A few figures in a column of chemical tests. Percentages.

L0843 **Mr Rampton** You had read a few figures in a column in Mr Leuchter report. Is that right?

L0844 **Mr Irving** In the laboratory analysis appended to the Leuchter report.

L0845 **Mr Rampton** That evidence, I think I am right in saying, was given on 25th April, 1988?

L0846 **Mr Irving** Yes.

L0847 **Mr Rampton** I think your diary entry for the 22nd, which is a Friday, tells us this. I will just read it: "Breakfast in the Carven Inn. Hans Zundel and defence lawyer Douglas Christie came around 8.30 am for a briefing session. I told them I had read Leuchter's report on Auschwitz and am much impressed". What is the truth of this?

L0848 **Mr Irving** Yes.

L0849 **Mr Rampton** Which?

L0850 **Mr Irving** I beg your pardon?

L0851 **Mr Rampton** The two things are not the same.

L0852 **Mr Irving** Well, obviously, if the report is one inch thick and has only been given to me either that morning or the previous evening, I have not read the entire report one inch thick. But I have read the relevant part they are interested in.

- L0853 **Mr Rampton** The last entry for the previous day, which is 21 April, which is a Thursday, you said this in your diary. I do not know whether you are intending to publish your diaries but you say this: "Zundel says I give evidence tomorrow. Read their lab reports on Auschwitz until late. Bed around 11" p.m.
- L0854 **Mr Irving** I do emphasis that I have not read those diaries since I wrote them 12 years ago, but that precisely confirms my memory. I read the lab reports, the percentages, until 12
- L0855 **Mr Irving** m. There are quite a few pages of them.
- L0856 **Mr Rampton** When you tell them next morning at breakfast time that you had read Leichter's report on Auschwitz "and am much impressed", that is a shorthand way of saying "I have read some small part of the Leichter report". Is that right?
- L0857 **Mr Irving** I think so, the relevant part.
- L0858 **Mr Justice Gray** Because that is the guts of it, really, the lab reports? Is what you are saying?
- L0859 **Mr Irving** They may have drawn my attention specifically to the lab reports, but the answer to your question is yes.
- L0860 **Mr Rampton** I am not suggesting that what you said in answer to those questions on 25th April in the court in Toronto were false answers. What I question is this. Do you think it sensible -- I will use a neutral word to begin with Mr Irving -- for a man in your position, who has gone all the way to Canada to give expert evidence on a different aspect of the case, to arrive at so certain a conclusion on the basis of one part evening's reading of one part of a report made by a man -- we will come to his qualifications in a moment -- who, so far as you were aware at that date, was not known to history?
- L0861 **Mr Irving** Was not known to ----
- L0862 **Mr Rampton** Was not known to history as a scholarly discipline?
- L0863 **Mr Irving** There are several questions contained in that question.

What Leuchter actually established: chemistry, not history

- L0864 **Mr Justice Gray** It is all one question. It is a long question, but I think it is an important question.
- L0865 **Mr Irving** It is, but there are several questions contained within a question there. Would you break it up into fragmentary questions, one question at a time?
- L0866 **Mr Justice Gray** I am not sure I agree about that. Do you want it asked in parts?
- L0867 **Mr Rampton** My eyes are just not the right focal length for the screen.

L0868 **Mr Justice Gray** I will read it. Do you think it is sensible I -- am going to skip the interpolations -- Mr Irving, for a man in your position, who has gone all the way to Canada to give expert evidence on a different aspect of the case, to arrive at so certain a conclusion on the basis of one part evening's reading of one part of a report made by a man like Leuchter? I am slightly fudging the end of the question, but I think it is fair?

L0869 **Mr Irving** All right. So there are several parts in that question. The question is, what is my value judgment on Mr Leichter? We can deal with that separately, my Lord. This part of the report was of course not produced by Mr Leichter. It was produced by a qualified forensic laboratory, and that I would emphasise at this point.

For whatever value it is worth, I would point out the fact that I spent three years at London University unsuccessfully trying to get a degree in physics and chemistry. One thing that I did excel in was quantitative and qualitative chemical analysis. In fact, in the examination which I took I got the correct amount to six decimal points, which was an embarrassment because it looked as though I had been cheating.

So I am aware of the fact that, unlike the writing of history, where there is a lot of reading between the lines, chemical analysis is an exact science. When I looked at that document, and I probably said it on subsequent occasions, I said that no matter how much historians can interpret documents, as they do one way or the other, perversely or honestly or genuinely, you cannot interpret percentages in any different way than the figures actually speak. We will come to what the figures actually said, I am sure, later on, but, when I looked at those columns of figures, I said to myself, and I accepted of course that I was not being taken in, I was not being given fraudulent figures because they would be very rapidly exposed by the court, I accept that I was being given genuine forensic analysis figures. I would go straight ahead and say to this day I have no reason to doubt that those percentages are correct, and I state that the figures that I saw at that time, spoken in unmistakable language, so unmistakable that any person with even a smattering of knowledge of chemical analysis, quantitative and qualitative, would have to accept that the story, as it had been preached so far, was untenable.

L0870 **Mr Rampton** Mr Irving, have you read the Leuchter report with any care since that date?

L0871 **Mr Irving** The report or the chemical analyses?

L0872 **Mr Rampton** The report. You have to read the report to understand what the chemical analysis is referring to, do you not?

L0873 **Mr Irving** It is referring to a number of samples taken from the fabric of Auschwitz and Birkenau, various buildings.

- L0874 **Mr Rampton** Did you notice, Mr Irving, before you started making these statements, or indeed since, that the chemical analysis gave a much higher reading of hydrogen cyanide residues for the parts of the camp, whether Birkenau or Auschwitz, which were known to have been used as delousing facilities than it did for those parts which were said to have been gas chambers? Did you notice that?
- L0875 **Mr Irving** It would probably be useful if you were to give us the actual figures, but this was my general impression from memory, that this was the conclusion based ----
- L0876 **Mr Rampton** Did you notice, Mr Irving, that Mr Leuchter conclusion was based upon the assumption that higher concentrations of hydrogen cyanide would have been needed to have been used in the gas chambers than in the delousing facilities?
- L0877 **Mr Irving** Mr Leuchter was an expert in homicidal gas chambers.
- L0878 **Mr Rampton** Please. This is very important. I wish you would answer my question. Did you notice that Mr Leuchter's conclusion that there were no homicidal gas chambers at Auschwitz was based in part upon the assumption that higher concentrations would have been needed to kill people than were needed to kill lice?
- L0879 **Mr Irving** As this appears to be an important point, can we see the precise passage in the report where he states this and the language he uses?
- L0880 **Mr Justice Gray** Mr Rampton, so that there is no misunderstanding because it puzzled me for a while, kill lice in clothing? That is right, is it not?
- L0881 **Mr Rampton** Yes. If you try and do it while the clothes are still on in a concentration of 6,666 parts per million, you are going to kill your people about 22 times over.
- L0882 **Mr Justice Gray** You understand why, if that is not made clear, it can be a bit puzzling?
- L0883 **Mr Irving** I think we ought to see what the report actually says.
- L0884 **Mr Rampton** Yes. Perhaps you would like to take your coloured copy and I will use my weary old photocopy.
- L0885 **Mr Irving** I have a colour copy here. This is an abridged version. It is not the one inch thick one that was shown to me.
- L0886 **Mr Rampton** I do not know if your Lordship has the file copy?
- L0887 **Mr Irving** This was the actual discovery copy I want them all back because they are very rare now.
- L0888 **Mr Rampton** You would like them back at the end of the case?
- L0889 **Mr Irving** Yes, please.
- L0890 **Mr Rampton** You will be welcome to them, as far as I am concerned. Page 15 of this glossy -- this is not its original form. This is the Irving publication form?

- L0891 **Mr Irving** This is no doubt an abridged version, certainly much slimmer than the one inch affidavit I was given in the courtroom.
- L0892 **Mr Rampton** But what about the use of ordinary type, bold type and bold italic type.
- L0893 **Mr Irving** Mr Rampton, the original version was in my discovery and was available to your instructing solicitors. They could have drawn this kind of comparison.
- L0894 **Mr Rampton** Mr Irving, please listen. In this document, as we see if we look at page 15, leaving the capitals on one side, we see four different kinds of type that are used. There is first of all what you might call ordinary Roman, then there is bold Roman, then there are ordinary italics which we see at the little words "table 3", and then there is bold italics, which is the paragraph fortunately that I want to read.
- L0895 **Mr Irving** Yes.
- L0896 **Mr Rampton** Who made the decision to use those different kinds of type?
- L0897 **Mr Irving** Not I.
- L0898 **Mr Rampton** Not you?
- L0899 **Mr Irving** No.
- L0900 **Mr Rampton** So in the affidavit they have used these sorts of type, have they?
- L0901 **Mr Irving** I do not know. You have in the discovery the original affidavit.
- L0902 **Mr Rampton** Anyway, it was not you?
- L0903 **Mr Irving** No.
- L0904 **Mr Rampton** Do you see the paragraph in bold italics?
- L0905 **Mr Irving** In the second column, the controlled sample.
- L0906 **Mr Rampton** That is right. "One would have expected higher" -- do you see that?
- L0907 **Mr Rampton** Do you agree that whoever put that in bold italics thought that it was an important paragraph?
- L0908 **Mr Irving** I cannot see "one would have expected higher".
- L0909 **Mr Rampton** Paragraph, not half sentence. I will read it.
- L0910 **Mr Irving** Yes.
- L0911 **Mr Rampton** "One would have expected higher cyanide detection in the samples taken from the alleged gas chambers, because of the greater amount of gas allegedly utilized there than that found in the control sample. Since the contrary is true, one must conclude that these facilities were not execution gas chambers when coupled with all the other evidence gained on inspection.
- L0912 **Mr Irving** Yes.
- L0913 **Mr Rampton** You must have read that?

- L0914 **Mr Irving** No.
- L0915 **Mr Rampton** You did not read that?
- L0916 **Mr Irving** Not to my knowledge I looked just at the laboratory tables.
- L0917 **Mr Rampton** Does it not occur to you, Mr Irving, that, if in fact, as it is the case, Mr Leuchter has got history completely the wrong way round, then you can reverse the figures in the table?
- L0918 **Mr Irving** If you exclude extraneous factors, which you can talk about later on, the factors which you are not talking about, about the fact that the "gas chambers" have been freshly built, they were freshly poured concrete, they sweat, there is a pronounced interaction between humanity and hydrogen cyanide gas which would have led one to conclude there should have been more in the so-called gas chambers, but this was a degree of research that Mr Leuchter did not go into. It has been done since the Leuchter report. This is where I am in difficulty, my Lord, because of course there had been ongoing research into this kind of controversy since then.
- L0919 **Mr Rampton** This is my point, Mr Irving.
- L0920 **Mr Irving** Not by myself, I hasten to add.
- L0921 **Mr Justice Gray** I follow that.
- L0922 **Mr Rampton** This is one of a one of a large number of absolutely basic school boy errors from an historical point of view, as well as some scientific ones as well. But from the historical and archeological point of view, this is one of the basic school boy errors in the Leuchter report. Fair enough, you are not Mr Leuchter and you did not write the report, but you made the decision to change your mind about the Holocaust, or whatever you like to call it about gas chambers at Auschwitz.
- L0923 **Mr Irving** On the basis of the forensic percentages.
- L0924 **Mr Rampton** On the basis of absolutely no research whatsoever.
- L0925 **Mr Irving** On the basis of no research whatsoever; you are absolutely right. I made the decision to change my mind on the percentages of hydrogen cyanide residues, the compounds which were missing from the chambers where they should quite clearly have been present.
- L0926 **Mr Rampton** No, they were not; they were present in smaller quantities which is exactly what you would expect.
- L0927 **Mr Irving** They were present in quantities that are familiar to people doing the laboratory analyses. You guess statistically meaningless numbers. The figures are so low that they are statistically meaningless. They may be there from any external sources. They may be there from the cleaning lady. They may be there from there having been a regular fumigation. The quantities are so low that they are statistically meaningless; whereas in the fumigation chamber, you get a figure that is 1,050 milograms per kilogram of cement, starting with the high figure.

- L0928 **Mr Rampton** Yes, Mr Irving, precisely, which is exactly what, if you know the very slightest thing about this topic, you would expect to find.
- L0929 **Mr Irving** I now know quite a lot about this topic, Mr Rampton, which I was not aware of at the time, and I am not prepared to change my position.
- L0930 **Mr Rampton** Then, Mr Irving, it behoved you, as an historian, brought over as an expert witness, to keep your trap shut until you had done some proper research, I suggest.
- L0931 **Mr Irving** This is the negligence argument again, is it not?
- L0932 **Mr Rampton** No, it is not.
- L0933 **Mr Irving** It very clearly is; you are saying I ought to have done it and I did not.
- L0934 **Mr Rampton** No responsible person in your position would give that kind of evidence to a court on the kind of research you had, I should say, not conducted.
- L0935 **Mr Irving** Mr Rampton, I did not give this evidence to court.
- L0936 **Mr Rampton** Let me finish question.
- L0937 **Mr Irving** You just said I gave this evidence to the court -- this court or the court in Toronto?
- L0938 **Mr Rampton** The court in Toronto.
- L0939 **Mr Irving** I not give this evidence to the court in Toronto.
- L0940 **Mr Rampton** That is the starting point, Mr Irving.
- L0941 **Mr Irving** This was the evidence that Mr Leuchter gave.
- L0942 **Mr Rampton** Let me finish my question, Mr Irving, please -- unless that so-called historian had an ulterior motive for diving into a sea on which he had no knowledge, is that right?
- L0943 **Mr Irving** Diving into a sea is rather literally. Can you state specifically what you are trying to say?
- L0944 **Mr Rampton** Venturing on to a territory of history, an area of history, of which he had absolutely no knowledge whatever, making world-shattering statements from the witness box in Canada without having done any research suggests, does it not, Mr Irving, that you had an ulterior motive for doing it?
- L0945 **Mr Irving** Let me give you an analogy, Mr Rampton -- it just occurs to me. Suppose just before you are going to go into the witness box, the barrister for the Defence comes up to you and says, well, the man is alleged to have been shot by a nine-milimetre automatic, but, unfortunately, we now find out that the bullet that was found in the body was a 38; would not this be sufficient grounds, even for a person who is not versed in ballistics, to say, "Well, I am beginning to change my mind"?
- L0946 **Mr Rampton** It is a rotten analogy which I do not want to pick up, Mr Irving, because it will just waste time.

- L0947 **Mr Irving** You have to remember, I have just been going into the witness stand in Toronto to pontificate, if you can put it like that, about Hitler and the decision-making at the top level, and I have been shown by the barrister laboratory reports produced by a qualified laboratory in New England, suggesting very strongly that there is no significant residue of cyanide compounds to be found in the fabric of the so-called gas chambers at Auschwitz where millions of people have been gassed, or hundreds of thousands of people have been gassed.
- L0948 **Mr Justice Gray** What was the relevance, as you saw it, of that to your own evidence? Why did they come to your hotel and talk about the Leuchter report?
- L0949 **Mr Irving** I think probably because they were trying to get the Leuchter report before the judge.
- L0950 **Mr Justice Gray** Not through you?
- L0951 **Mr Irving** They were having difficulties, my Lord, because the judge had taken judicial notice of the Holocaust in Canada and they were in legal difficulties. My Lord, I am not a legal expert and I can only begin ----
- L0952 **Mr Justice Gray** No, the answer is you do not really know?
- L0953 **Mr Irving** The answer is I do not know, but if you ask me the reason why I suspect they were trying to get me to make reference to it and to try to bring it before the jury, before his Lordship, in that case Lock J could intervene to say this matter has been ruled inadmissible.
- L0954 **Mr Justice Gray** I was puzzled.
- L0955 **Mr Rampton** Mr Irving, you just given what you know to be an untrue answer to his Lordship. The Leuchter report was ruled out of court because the judge held that Mr Leuchter had no relevant expertise that would justify his report going before the jury.
- L0956 **Mr Irving** I would be grateful if you would lead that evidence actually on a documentary basis.
- L0957 **Mr Rampton** I will. I do not have the file here. You will see it on Monday.
- L0958 **Mr Irving** Yes, but you remember I questioned that before when you said that.
- L0959 **Mr Rampton** It is in the transcript. I cannot give you the page number.
- L0960 **Mr Irving** That was not my understanding of the reason why the document was ruled inadmissible.
- L0961 **Mr Justice Gray** We will wait until we have the transcript, shall we?
- L0962 **Mr Irving** And certainly, if that is the reason why, then it was not to my knowledge.
- L0963 **Mr Rampton** It was quite clear from the answer -- I am not suggesting you gave an answer to the judge in Canada which was untrue at all?

- L0964 **Mr Irving** You are saying I gave an answer just now which was untrue and I am on oath.
- L0965 **Mr Rampton** Yes, I believe that it is and we will come back to it. Mr Irving, you said to the Judge in Canada, truthfully I believe, that you had never been to Auschwitz to look at the archive?
- L0966 **Mr Irving** It was true then and it is true today.
- L0967 **Mr Rampton** It is true today?
- L0968 **Mr Irving** And you know the reason why.
- L0969 **Mr Rampton** I have no idea what the reason why is?
- L0970 **Mr Justice Gray** Does it matter?
- L0971 **Mr Rampton** It does not matter.
- L0972 **Mr Irving** Because I am banned from visiting Auschwitz or the archives. I am the only historian in the world who is not allowed to set foot in the Auschwitz archives.
- L0973 **Mr Rampton** When did that happen?
- L0974 **Mr Irving** Last summer -- summer 1996.
- L0975 **Mr Rampton** But between this trial in 1988, yes, and whenever the ban was imposed recently, you have had every opportunity to visit the archives in Auschwitz, have you not?
- L0976 **Mr Irving** I do not think so. I think the ban would have been imposed even then. I think it is like the big casinos in Los Vegas. They do not want the big winners to come. They said, "For God's sake, don't let David Irving come and look in our archives".
- L0977 **Mr Rampton** What is the reason for the ban in the Czech Republic -- no, Poland, sorry, as it is still is, Mr Irving?
- L0978 **Mr Irving** They did not state. In their letter to me, they said: "Mr Irving, you will not be permitted to set foot on the territory of the Auschwitz camp nor will you be allowed to enter the archives".
- L0979 **Mr Rampton** Do you not think it virtually certain that the reason for that is that ever since the Zundel trial in 1988, you have been up on your hind legs denying that Auschwitz served the purpose which everybody knows that it did?
- L0980 **Mr Irving** Well, in that case they have taken precisely the wrong attitude with me. They should have said, "Mr Irving, do come round. We have some very interesting documents here which will change your mind". They know perfectly well that had they produced one document to me of quality, I would immediately have changed my mind because I have no axe whatever to grind on this. I have repeatedly said that. But they took the opposite attitude. They said, "Don't let him anywhere near our archives. That is David Irving who exposed the Hitler diaries and all these other frauds".

- L0981 **Mr Justice Gray** Does it matter what these various governments have said and done?
- L0982 **Mr Rampton** Yes, it does.
- L0983 **Mr Justice Gray** Why?
- L0984 **Mr Rampton** Because the reason for the ban has likely been Mr Irving's denial of the Holocaust without any evidence.
- L0985 **Mr Justice Gray** Yes, sure, and I want to see the denials, but I do not think I am really interested in knowing what the Polish government did about it.
- L0986 **Mr Rampton** It is only a passing suggestion that he has brought the ban on himself.
- L0987 **Mr Justice Gray** So what if he has?
- L0988 **Mr Irving** In which case this is one more example of the damage done to me by the book that the Defendants have published.
- L0989 **Mr Rampton** Did you make any attempt to go to Auschwitz, following your first receipt of the -- I cannot remember the man's name -- Leuchter report and your publication of it in this country in 1989?
- L0990 **Mr Irving** Why should I have done so, if I may ask the question? What possible reason would I have had to go to Auschwitz?
- L0991 **Mr Justice Gray** But the answer is no?
- L0992 **Mr Irving** The answer is no because I am not a holocaust historian, my Lord.
- L0993 **Mr Rampton** The answer is no. Did you take any steps before you published it with a press conference in London in May or June -- June, I think it was -- 1989, did you have any steps to have its logic and its science and Mr Leuchter's methodology verified?
- L0994 **Mr Irving** The whole point of publishing a document like this is in order to test the hypothesis. You put it up on the wall and you invite people then to contact you and say, "This is wrong, that is wrong, this is flawed", and this is precisely what happened.
- In fact, Mr Rampton, you will notice in my introduction to the report, as you are aware, I described this report as being flawed. One would have wished to see it written differently and the investigations carried out differently. So it was published with reservations by myself as a publisher.
- L0995 **Mr Rampton** Mr Irving, the answer to my question is no, is it not?
- L0996 **Mr Irving** The answer is just as I gave it.
- L0997 **Mr Rampton** The answer is you did not take any steps to have the contents of the Leuchter report, and Mr Fred Leuchter's shattering conclusions, as you describe them, you did not do anything at all to have them verified by an independent expert or experts, did you?
- L0998 **Mr Irving** The very act of publishing the report was the attempt to get it verified.

- L0999 **Mr Justice Gray** The answer is no.
- L1000 **Mr Rampton** The answer is no?
- L1001 **Mr Irving** I beg your pardon?
- L1002 **Mr Justice Gray** The answer is no. It is helpful to -- you add things, but, you know, answer the question and then elaborate if you feel you must.
- L1003 **Mr Irving** Is a publisher bound to take steps to verify in detail the scientific basis of every book that he publishes?
- L1004 **Mr Rampton** Mr Irving, if he adds the weight of his own authority as a noted historian on this period in human history, then the answer must be yes, must it not?
- L1005 **Mr Irving** Mr Rampton, then I would draw your attention to the language in which my introduction was couched which was clearly with reservations.
- L1006 **Mr Rampton** Some small reservations?
- L1007 **Mr Irving** And it says the ball is now in their court which makes quite clearly the trial nature of the publication of this document.
- L1008 **Mr Rampton** Did you have a press conference on 23rd June 1989 to announce the publication of the Leuchter report?
- L1009 **Mr Irving** Yes.
- L1010 **Mr Rampton** Did you say at that press conference: "The buildings which we now identify as gas chambers in Auschwitz were not"?
- L1011 **Mr Irving** Yes.
- L1012 **Mr Rampton** Had you had any research done beyond what appeared in the Leuchter report to verify that statement before you made it?
- L1013 **Mr Irving** No.
- L1014 **Mr Rampton** Thank you. "I cannot accept", you said, "that they had gas chambers there. There was no equipment there for killing people en masse." You went on: "And hydrogen cyanide is wonderful for killing lice, but not so good for killing people unless in colossal concentrations".
- L1015 **Mr Irving** Yes.
- L1016 **Mr Rampton** Did you take any steps to verify the scientific and biological correctness of that statement ----
- L1017 **Mr Irving** No.
- L1018 **Mr Rampton** --- before you made it. Do you know now that it is complete rubbish?
- L1019 **Mr Irving** No, I would not agree.
- L1020 **Mr Rampton** Have you read the appendices to Mr Leuchter's report?
- L1021 **Mr Irving** Which appendices?

- L1022 **Mr Rampton** The ones appended to his report?
- L1023 **Mr Irving** There are several appendices.
- L1024 **Mr Rampton** Yes. They are all here. I have got them.
- L1025 **Mr Irving** Yes, but I am saying that I have read some of them and I have not read the others.
- L1026 **Mr Rampton** Shall we just have a quick look at them? Are they attached to your version?
- L1027 **Mr Irving** Well, they are not in the slim line version, as you might call it.
- L1028 **Mr Rampton** Unless somebody can find me the reference in court, this also will have to go back to Monday.
- L1029 **Mr Justice Gray** Well, it must be somewhere, surely.
- L1030 **Mr Rampton** Well, I know.
- L1031 **Mr Justice Gray** It is probably the most important single document in the case.
- L1032 **Mr Rampton** I am sorry, I did not do the files.
- L1033 **Mr Justice Gray** No, I am not casting blame anywhere.
- L1034 **Mr Rampton** No, I am not trying to cast blame. I am trying to find the report.
- L1035 **Mr Justice Gray** Professor van Pelt might know where it is.
- L1036 **Mr Rampton** He has his own copy, I expect, and he did not do the filing either. I will send out some messages, to put it politely, at the end of today and make sure that everybody has the same copy as I have.
- L1037 **Mr Justice Gray** You did say you were going to deal with the denials.
- L1038 **Mr Rampton** I am.
- L1039 **Mr Justice Gray** So that is something one can deal with without the Leuchter report.
- L1040 **Mr Rampton** My Lord, there is a problem about this, not from my point of view, but from your Lordship's point of view. Miss Rogers and I have not been arguing about it, but we are thinking the best way of dealing with it. There are so many of them and the transcripts are so long that my voice could conk out and your Lordship would die of boredom if I went through them all.
- The fact that I select some passages in some of them over a period of time should not allow anybody to think that this is not a topic which Mr Irving has returned to again and again and again over a period of years from 1988 onwards.
- L1041 **Mr Irving** We will not have difficulty with the denials because I denied at that time and I deny now that the buildings shown to the tourists at Auschwitz are gas chambers or ever were.
- L1042 **Mr Rampton** That is easy. In case, I can give your Lordship the references simply, can I not?

- L1043 **Mr Justice Gray** Yes. Can we just spend a few minutes on this because it is really a sort of methodological kind of problem, is it not?
- L1044 **Mr Rampton** It is.
- L1045 **Mr Justice Gray** The difficulty that I see is I have all those articles and I do not want to plough through them particularly, and I would have no problem, unless Mr Irving tells me he does not like this idea, in your sidelining, or somebody on your team, the passages on which you rely. The problem arises because, as I understand Mr Irving, he says that in a number of the statements you rely on he has been taken out of context.
- L1046 **Mr Rampton** Then I will have to do it.
- L1047 **Mr Justice Gray** Well, heaven forbid, but that is right, Mr Irving, is it not?
- L1048 **Mr Irving** If it is relevant, my Lord, yes, then we ought to look at it, but I thought that the statement that I just made would have helped your Lordship, if I make a crystal clear statement of denial there of an element of the Holocaust.
- L1049 **Mr Justice Gray** No, I had better just highlight it whilst I am thinking of it. Sorry.
- L1050 **Mr Irving** One could have operated with that statement in lieu of looking at all the passages.
- L1051 **Mr Justice Gray** Yes, I think, well, I will not say that. I think it is up to Mr Rampton to decide what course he takes.
- L1052 **Mr Rampton** No. I am open to guidance, if not actually of being told what to do. I want to save time. At the same time I must make absolutely sure (a) that your Lordship has the relevant parts of the evidence and, quite frankly, I cannot ask you to sit down and read all these transcripts; (b) that Mr Irving is given a fair chance of dealing with what I shall say about his conduct in this regard at the end of the case.
- L1053 **Mr Justice Gray** My feeling is it probably can be dealt with without actually ploughing through the individual transcripts. You might want to take some what you would describe as prime examples. Beyond that, I think it may be down to me to read them.
- L1054 **Mr Rampton** I will do that. I will need help from my learned junior who is the master of these, if I can call her that, mistress, if you like, of these transcripts.

Irving's private Canadian speech, Auschwitz as 'cardinal tent pole'

- L1055 **Mr Irving** I think they are very similar. It is always the same gramophone record. It may just be embedded in a different amount of verbiage.
- L1056 **Mr Rampton** Could your Lordship and Mr Irving be provided, please, with file D2(i)?
- L1057 **Mr Justice Gray** I hope I have it. What I am going to try to do, my Lord, is to take what your Lordship calls a prime example from each year to start with and see how we get on.

- L1058 **Mr Justice Gray** That would be very helpful.
- L1059 **Mr Rampton** Could your Lordship and Mr Irving please turn to tab 4 in this file? This, Mr Irving, is a speech made in Toronto, I know not on what date, but in August, 13th August 1988. My Lord, this file has an index, not an index, a contents page, two contents pages, at the beginning from which one can see that tab 4 is an audio cassette marked "Toronto". But I do not know, therefore, what the audience was. I will ask Mr Irving. (To the witness): Could you tell us, please, Mr Irving, who the audience was on this date?
- L1060 **Mr Irving** Human beings.
- L1061 **Mr Justice Gray** That is not a conspicuously helpful answer?
- L1062 **Mr Irving** Well, my Lord, I have no idea who was in the audience, without wishing to be disrespectful.
- L1063 **Mr Rampton** Was it an event arranged by somebody else?
- L1064 **Mr Irving** Without looking at my diary, I cannot tell you who was there. Sometimes I spoke 150 times a year.
- L1065 **Mr Rampton** 40 to 50 -- who lives at Kentville?
- L1066 **Mr Justice Gray** Mr & Mrs Weisner?
- L1067 **Mr Irving** Mr & Mrs Weisner, I think it was a private soiree in their home probably.
- L1068 **Mr Rampton** 255, I am reading from your diary for that day: "3.00 p.m. function, audience of 40 to 50, in stiflingly humid basement room, no air conditioning"?
- L1069 **Mr Irving** I remember and there was a colossal thunder storm that evening.
- L1070 **Mr Rampton** I do sympathise. Also there are some remarks about the gate of \$350 and Ernst, that is Ernst Zundel's, book sales \$600. Our book sales \$180." Who is the "we" in "our"? Whose book is that?
- L1071 **Mr Irving** I think Mr Zundel bought a number of books off me as I sold books all around the world, and he runs a bookshop. So I divided it up between this bulk sale of books to him and bulk and books that we sold. That was myself and my assistant.
- L1072 **Mr Rampton** So in this stiflingly hot basement in August in Toronto, if you turn to page 6 ----
- L1073 **Mr Irving** I think it was probably Ottawa rather than Toronto.
- L1074 **Mr Rampton** I cannot help about that. It has "Toronto" on the front.
- L1075 **Mr Justice Gray** Canada anyway?
- L1076 **Mr Irving** It was Ottawa.
- L1077 **Mr Rampton** It is Miss Rogers fault. I will scratch out "Toronto" and put -- sorry about that -- "Ottawa"?

- L1078 **Mr Irving** Manipulate the place back to Ottawa, shall we?
- L1079 **Mr Justice Gray** Just negligence, I think.
- L1080 **Mr Rampton** We will sort this out later. It is just a waste of time. It does not matter. It is the words that matter. Whether it is an audience of 130 or an audience of 50, it is still quite a lot of people?
- L1081 **Mr Irving** Well, you asked me who the audience was and that is why you, obviously, attached importance to it.
- L1082 **Mr Rampton** Yes, I wondered what the occasion was. Some friends of Mr Zundel's who paid at the door to come in, is that right?
- L1083 **Mr Irving** No, it was the friends of the Weisners.
- L1084 **Mr Rampton** The Weisners?
- L1085 **Mr Irving** The Weisners who live in Ottawa, and they invited me to go and address their family and friends, basically.
- L1086 **Mr Rampton** Yes. Were these family and friends mostly German speakers?
- L1087 **Mr Irving** I am not anti-German. I dislike this kind of ethnic slur.
- L1088 **Mr Rampton** No, no, no, Mr Irving, nor am I.
- L1089 **Mr Irving** Anti-Germanism is as bad as anti-Semitism, I think.
- L1090 **Mr Rampton** That is a matter of opinion. Can you please turn to page 6 of this document?
- L1091 **Mr Irving** Page 6?
- L1092 **Mr Rampton** Yes.
- L1093 **Mr Irving** Yes.
- L1094 **Mr Rampton** There is a parenthetical note, (286). That must be some kind of mark on the recording. You say this: "But just imagine the omelette on their faces", they are the orthodox historians, are they, or who?
- L1095 **Mr Irving** Well, probably like saying I like seeing egg on the historians' faces. The court may have gained that impression also over the last few days.
- L1096 **Mr Rampton** I would have to trace it a way back and I really ----
- L1097 **Mr Justice Gray** Do not let us worry.
- L1098 **Mr Rampton** "Imagine the omelette on their faces if we managed to unmask the other six million lie". What do you mean by the words "the other 6 million lie"? "This is the prospect that is now opening up in front of me"?
- L1099 **Mr Irving** Oh, because the previous day I had been talking about Derstern spending \$6 million on buying the Adolf Hitler diaries.
- L1100 **Mr Rampton** So this is what you call the Holocaust lie, is it not?
- L1101 **Mr Irving** Well, it is obviously a play on words between \$6 million and 6 million people, yes.

- L1102 **Mr Rampton** But you frequently referred to what you might call the received view about Auschwitz and the Holocaust generally as a lie, have you not?
- L1103 **Mr Irving** I do not think you will find many occasions, Mr Rampton. This is not being spoken from a script. This is an extemporary talk to a group of fans and friends in the south.
- L1104 **Mr Rampton** And, rather like Heinrich Himmler -- I mean no offence by that, but we looked at something this morning -- the more apt, I suggest, to portray your true inner thoughts than a carefully crafted script?
- L1105 **Mr Justice Gray** That is what he says in the next sentence.
- L1106 **Mr Rampton** "And I am glad, in fact, that we are such a small circle" -- indeed so, my Lord -- "today because I can talk, I think, in a small audience like this more frankly than I would in a large audience about what I am doing and what I am proposing to do. Because, of course, an historian who now stands up and says, 'I do not believe it happened' is putting his name on the line. He's risking his reputation and his career and his prospects and his profession".
- L1107 **Mr Irving** Precisely what we have seen over the last few years, of course.
- L1108 **Mr Rampton** "In Germany, of course, if you say it you're risking a jail sentence, because that particular lie has become a lie anchored in law and it is now a criminal offence to challenge that six million lie. And I think that alone is prove sufficient that there is not documentary evidence to back the lie up".
- L1109 **Mr Irving** Can I point to the word "challenge" rather than "deny"? "Challenge" implies you are looking at aspects of it.
- L1110 **Mr Rampton** Please do not be impatient, Mr Irving. The more time goes by, the more emphatic you become about this.
- L1111 **Mr Irving** No, these are quite important points -- small though they may seem.
- L1112 **Mr Rampton** "And I think that alone is proof sufficient that there is not documentary evidence to back the lie up. So they anchor it in law and this is one particular reason why I am even keener to demolish the lie. Yet, to find myself speaking like this to you now, in August 1988, until would have astonished me", "until now", I do not know, "would have astonished me had I thought about it at the beginning of this year, because at the beginning of this year I was among the believers. You can find that if you look at a number of my books, the Adolf Hitler biography I wrote or a book that I wrote called 'von Guernica bis Vietnam'. A number of books I accept quite happily that Auschwitz existed and that Auschwitz did exist as an extermination camp, among other extermination camps. What I did write, which upset a lot of people in my Hitler biography, was", and then you go on about upsetting people by denying that Hitler knew anything about it. Then you say: "This was the kind of halfway house in my conversion".

- L1113 **Mr Irving** Yes, and then if I can just draw attention to three lines from the bottom: "... not the slightest evidence of Hitler knowing about Auschwitz, Auschwitz as we are now taught to regard it". When we are talking about Auschwitz, I was being quite specific there. "Auschwitz as we are now taught to regard it". That is what I am trying to demolish.
- L1114 **Mr Rampton** I know exactly what are you talking about, Mr Irving. That is why you say it was a halfway house in your conversion. You were saying to yourself, were you not, whether honestly or not is not today's work, "Well, if Hitler did not know about the fact that Auschwitz was a massive extermination camp, very likely or perhaps it was not", then you get Mr Leuchter's little report put in your hand and you said, "Oh, well, I am right after all. Hitler cannot have known about it because it never happened"?
- L1115 **Mr Irving** What never happened?
- L1116 **Mr Rampton** That is the whole house in your conversion, is it not?
- L1117 **Mr Irving** What never happened?
- L1118 **Mr Rampton** Auschwitz use as an extermination camp by the use of homicidal gas chambers?
- L1119 **Mr Irving** As a factory of death, yes.
- L1120 **Mr Rampton** A factory of death. It was never built -- we know this -- we have been over this a dozen times already in this court -- everybody knows who knows anything about it at all that Auschwitz did not start life as a totas fabrik , as you call it?
- L1121 **Mr Irving** There is no point getting testy about it, Mr Rampton. I think it is appropriate if I remind the court at this point that if it turns out that I am right, then truth is an absolute defence to this kind of position. And I am quite happy to stand here and be subjected to this grilling, but if it turns out that I am right at the end of this trial on this particular matter, then this been a lot of water under the bridge that we could have spared our time over.
- L1122 **Mr Rampton** With respect, Mr Irving, I believe you might have misconceived the nature of this case. This case is not, as I have repeatedly said, about who is right and who is wrong?
- L1123 **Mr Irving** Oh!
- L1124 **Mr Rampton** It is not indeed. It is about your qualities as an exponent of the truth.
- L1125 **Mr Irving** So, in other words, "OK, he propagated the truth, but he did it in a tasteless manner and an offensive manner and an insensitive manner"?
- L1126 **Mr Justice Gray** I think this is a debate that may need to take place at some stage, but I think it is not productive at this stage.
- L1127 **Mr Irving** I am astonished to hear Mr Rampton say that it is not about ----

L1128 **Mr Justice Gray** I think I know what he means and I know your response to it, but let us postpone this.

L1129 **Mr Rampton** Mr Irving, we are dealing here, as you yourself said this morning, you opened with some reference to a state of a man's mind taken from a legal case, what we are dealing here with, Mr Irving, is your state of mind at the time when you made these statements?

L1130 **Mr Irving** In August.

L1131 **Mr Rampton** And subsequently.

L1132 **Mr Irving** Yes.

L1133 **Mr Rampton** Not about whether you were right or wrong, as a matter of objective fact. Do you understand?

L1134 **Mr Irving** But it is about both matters together taken in tandem.

L1135 **Mr Rampton** No, no, we are not. In this part of the cross-examination we are simply dealing with what you said, why you said it and what basis you had for saying it -- you had.

L1136 **Mr Irving** So the allegation is David Irving was right, but how tasteless the way he put it?

L1137 **Mr Rampton** No.

L1138 **Mr Justice Gray** Let us press on. For what it is worth, I think the way Mr Rampton puts it just now is precisely right, but please let us not prolong the debate.

L1139 **Mr Rampton** Keep in the front of your mind what the Judge said, lest you go down some other routes or you may get a ticking off from the bench, Mr Irving?

L1140 **Mr Irving** That is a risk when one is under cross-examination for several days.

L1141 **Mr Rampton** Please turn to page 12, Mr Irving.

L1142 **Mr Irving** Yes.

L1143 **Mr Rampton** I will start at 549. I am not at all sure what you are talking about but I do not think it matters. Towards the top of the page: "I do not like the historian writers who have been going around for last the 20 years saying this. I do not like them because they have not been using scientific methods". You know their names because they frequently appear in the newspapers under attack and they have done our cause quite a lot harm I think."

Can I pause there? What do you mean by the words "our cause"? Whose cause?

L1144 **Mr Irving** Do you mind if I read these few lines again to try to work out what I am talking about?

L1145 **Mr Justice Gray** Please do.

L1146 **Mr Rampton** And back if you want as well for the content.

- L1147 **Mr Irving** It is a problem. You leap forward ten pages and then say who are we talking about? I do not know. I do not know who we are talking about there.
- L1148 **Mr Rampton** These people, whoever they are, have been blundering about in the room, saying things or doing things you do not like?
- L1149 **Mr Irving** Yes.
- L1150 **Mr Rampton** You say: "These people have done our cause quite a lot of harm". Whose cause, Mr Irving?
- L1151 **Mr Irving** I do not know. I do not know who I am talking about.
- L1152 **Mr Rampton** You are talking about the cause of like minded anti-Semitic Holocaust deniers, are you not?
- L1153 **Mr Irving** I do not think there is the slight hint of that in those lines.
- L1154 **Mr Justice Gray** Who else's cause would you be talking of?
- L1155 **Mr Irving** Obviously I am going to have to read the previous page to see who we are talking about then. (Pause for reading) One interpretation is that it is the defence team of Mr Zundel, who was at that time under appeal, or I think the case was ongoing against him. Or historians like myself. To try and put in words like anti-Semitic and things like that I think is not very helpful.
- L1156 **Mr Rampton** You may as well have them now, Mr Irving. You will get at the end anyway.
- L1157 **Mr Irving** Are you going to imply that I am anti-Semitic, are you, or my friends are anti-Semitic?
- L1158 **Mr Rampton** I have said it in opening and I will say it again now if it pleases you so that you will have it in mind ----
- L1159 **Mr Irving** So the newspapers will have it tomorrow, yes.
- L1160 **Mr Rampton** You may or may not do, but you will certainly get it at the end of case when we have looked at all the evidence. Our case is that you consort with people who are deeply anti-Semitic, and you do it quite frequently, not all the time.
- L1161 **Mr Irving** So did Winston Churchill. Most of his Cabinet ministers were anti-Semitic but does it make Winston Churchill anti-Semitic?
- L1162 **Mr Rampton** Two blacks do not make a white?
- L1163 **Mr Irving** I am not calling Mr Winston Churchill black. I am just giving that as an example that that is not so far very good evidence.
- L1164 **Mr Justice Gray** Mr Rampton was putting his case to you. Perhaps wait until you have the whole of it and then comment.
- L1165 **Mr Rampton** What is more, Mr Irving ----
- L1166 **Mr Irving** This is a very serious charge to make, of course.

- L1167 **Mr Rampton** Of course it is. It is a charge I made in opening the case and I intend to make it good.
- L1168 **Mr Irving** You did not make the anti-Semitic charge in opening the case.
- L1169 **Mr Rampton** I made the charge that you made statements, and I now add the word "deliberately", which are deliberately designed to feed the virulent anti-Semitism which alas today in the world is still alive and kicking, and you know perfectly well that that is what you are doing. I further say, and we will look at some of this down the line, that some of the observations you make on these occasions are themselves greatly anti-Semitic.
- L1170 **Mr Irving** Well, no doubt we can take each of these seriatim when we come to them.
- L1171 **Mr Rampton** We will. You will remember the one that I read out in opening, will you not?
- L1172 **Mr Irving** Mr Rampton, your instructing solicitors may not have told you but we had correspondence on this matter, and I invited the solicitors to say to me whether they were going to level at me the allegation that I am anti-Semitic so that I would have the opportunity to lead evidence on that. They refused to state at that time that that was their intention. You are now coming totally against the principles of the new rules with this fresh allegation that I am in some way anti-Semitic.
- L1173 **Mr Rampton** No, I did not say that.
- L1174 **Mr Irving** I think it is highly improper.
- L1175 **Mr Rampton** If you will read the transcript of what I said I chose my words very carefully.
- L1176 **Mr Irving** I am sure you did, Mr Rampton, so that they get in the newspapers in that form tomorrow. I am sure you know exactly how carefully to choose your words to make a slur like that.
- L1177 **Mr Rampton** I do. That is why they pay me, Mr Irving. Precision is everything, I find. You make observations -- I am trying to repeat myself without looking at the screen -- which can fairly characterised -- I am not sure that I have it verbatim -- as grossly anti-Semitic on these occasions.
- L1178 **Mr Irving** I am not going to dignify that with an answer, Mr Rampton, unless his Lord invites me to.
- L1179 **Mr Justice Gray** No, you do not have to. I will invite Mr Rampton in due course to make that good by reference to what you said. That is elementary fairness to you.
- L1180 **Mr Irving** To lead appropriate evidence.
- L1181 **Mr Rampton** Thank you. I could not possibly say it if I did not have that intention, Mr Irving.

- L1182 **Mr Irving** It would have been nice if your solicitors had informed me in good time that this was going to be your intention, which would have given us time over the months to build up the appropriate dossier of counter material.
- L1183 **Mr Justice Gray** That is a fair point because I am not sure this is spelled out quite as clearly as you did just now, Mr Rampton.
- L1184 **Mr Irving** Very clearly indeed in the correspondence between the parties.
- L1185 **Mr Rampton** It is not spelled out clearly in the original defence, my Lord, I accept.
- L1186 **Mr Justice Gray** I have just been looking at the way it is put ----
- L1187 **Mr Rampton** I think it is spelled out very clearly in the statement of case. I think it is. I think I read it the other day.
- L1188 **Mr Justice Gray** Tab 6, not so clearly as all that.
- L1189 **Mr Irving** But this is clearly playing to the gallery in the form of the press gallery.
- L1190 **Mr Justice Gray** Mr Irving, really, I must be the judge of that, must I not?
- L1191 **Mr Irving** It goes to the conduct by the Defendants of the case when the time comes, my Lord.
- L1192 **Mr Justice Gray** Of course it does.
- L1193 **Mr Rampton** Do you know anything at all about life at the Bar, Mr Irving? Do you know anything about the rules under which we operate?
- L1194 **Mr Irving** I am totally ignorant, as you are now well aware, Mr Rampton.
- L1195 **Mr Rampton** If you did, you might not say something like that?
- L1196 **Mr Irving** I am aware you are not supposed to lead evidence you cannot justify.
- L1197 **Mr Rampton** I am never supposed to say anything that I do not think can be justified, that is right.
- L1198 **Mr Justice Gray** In the summary of case, which is quite short and that is to its credit, I think you will see the observation I just made is perhaps not an unfair one.
- L1199 **Mr Rampton** I did not sorry, I did not catch your Lordship's observation.
- L1200 **Mr Justice Gray** I think I said that I did not read the summary of case as putting the Defendants' case as clearly and in quite the terms that you put just now.
- L1201 **Mr Rampton** My Lord, I do not think I can do better, and I do not think I did better just now, than what appears in box 80 on page 27.
- L1202 **Mr Justice Gray** I was looking at the front. You are looking at the end.
- L1203 **Mr Rampton** I am looking at the summary we give of what we say is to be drawn from the content of Mr Irving's speeches.
- L1204 **Mr Justice Gray** Do you want to have a look at that, Mr Irving?

- L1205 **Mr Irving** I think your Lordship sees my objection to this particular kind of thrust.
- L1206 **Mr Justice Gray** Yes.
- L1207 **Mr Rampton** Shall I read it, Mr Irving?
- L1208 **Mr Justice Gray** I think you ought to, Mr Rampton, because I think you have corrected me rightly, if I may say so.
- L1209 **Mr Rampton** "P - that is P for plaintiff as he then was - Mr Irving, is a right-wing pro Nazi ideologue, as is demonstrated by the views he has expressed in his speeches and publications. The Defendants will refer to the anti-Semitic racist and misogynistic tone and contents of Mr Irving's speeches and publications, including those referred to above and in sections 1-5".
- L1210 **Mr Irving** Very well. If you are going to lead evidence about that topic, then you ought to do so earlier, sooner rather than later.
- L1211 **Mr Justice Gray** That is a fair point. The evidence must be led. But that is the case. It is spelled out clearly.
- L1212 **Mr Irving** Sooner rather than later, rather than leaving this allegation in suspense.
- L1213 **Mr Rampton** That is what I am starting on now. I have just started on your speeches and publication.
- L1214 **Mr Justice Gray** Shall we press on?
- L1215 **Mr Rampton** Where am I now? I am still in 1988.
- L1216 **Mr Justice Gray** We are still in Ottawa.
- L1217 **Mr Rampton** Or was it Toronto? That is what I am going to try and prove, Mr Irving, over the next few hours or days or however long it may take.
- L1218 **Mr Irving** Would your Lordship allow me then to lead evidence to refute these allegation? S.
- L1219 **Mr Justice Gray** Yes of course.
- L1220 **Mr Irving** I am not sure how we can do it.
- L1221 **Mr Justice Gray** You can do it yourself.
- L1222 **Mr Irving** Or I can put it to one of the experts, Professor Levin or Professor Eatwell. It is an easy slur to make, but it sticks.
- L1223 **Mr Justice Gray** Let us concentrate on the evidence that is going to be put now.
- L1224 **Mr Rampton** The only thing which is going to stick in this case, Mr Irving, is his Lordship's judgment. At least, I hope so.
- L1225 **Mr Irving** Shall we proceed with the questioning, Mr Rampton.

L1226 **Mr Rampton** Yes, Mr Irving. We will continue, shall we? I think I was at the words: "But Mr Zundel has used the scientific methods and, taking this as a starting point, I have now begun over the last few months going round the archives, with a completely open mind, looking for the evidence myself because, if Auschwitz, just to take that one cardinal tent pole of the case, itself was not an extermination factory, then what is the evidence that it was?" I do not understand that sentence but I understand the sense of it. "This is one thing I have to look at. How did all the evidence come into existence? It is an interesting case because we all now accept that the media knows, everybody knows, it has become a matter of common experience, judicial notice has been taken of the fact that Auschwitz was an extermination camp. So what is the evidence that it was? If you then start going all your way back down the pipeline to find out where this evidence comes from, you come up with one or two or three documents and eyewitness accounts and that is all."

Now, that was your account of the state of the evidence regarding the proposition that Auschwitz was a totas fabrik in August 1988, some five months after the end of the Zundel trial.

L1227 **Mr Irving** Yes.

L1228 **Mr Rampton** You had not even bothered going to look at the archive in Auschwitz, had you?

L1229 **Mr Irving** I think I did not say here that I went to the Auschwitz archives.

L1230 **Mr Rampton** You said you had been round the archives with a completely open mind looking for the evidence.

L1231 **Mr Irving** Yes.

L1232 **Mr Rampton** You tell your audience that all you come up with is one or two or three documents and eyewitnesses accounts and that is all.

L1233 **Mr Irving** Let me explain to you the situation at the time as I understand it, archively speaking. The Soviet archives were not opened until 1990, I believe I am correct in saying.

L1234 **Mr Rampton** I am listening. Please continue.

L1235 **Mr Irving** I do not like talking to the back of counsel.

L1236 **Mr Justice Gray** It happens all time in court. It has to. It is not rudeness or anything else. It is just the way of the world.

L1237 **Mr Irving** I promise I will not turn my back on people when they are speaking to me.

L1238 **Mr Justice Gray** Just carry on with your answer, please.

L1239 **Mr Irving** Soviet archives had not been opened at that time. Poland was still behind the iron curtain. The wall had not come done. Am I making my point?

L1240 **Mr Rampton** No, not in the least bit.

L1241 **Mr Irving** Which of those sentences did you not understand?

L1242 **Mr Rampton** I understood the first sentence, which was completely irrelevant because we are in 1988. I am not interested in Moscow. I asked you about the archive at Auschwitz so leave Moscow out of it.

L1243 **Mr Irving** Our present state of information about Auschwitz, the superior information we now have about Auschwitz, comes primarily from the fact that the Russians, when they arrived in Auschwitz, captured the records of the camp intact, particularly the construction records of the camp, which therefore went to the Moscow archives. Poland, where Auschwitz is situated, was behind the iron curtain.

L1244 **Mr Rampton** I am getting some information. Continue. Yes?

L1245 **Mr Irving** Principal archives which were being used by historians at this time were in the national archives in Washington, and the German Federal archives, to which I at that time still had access, not having been banned from them by the German government in the interests of German people.

L1246 **Mr Rampton** Are you familiar with the work which you disparagingly call the French country chemist, Jon-Claude Presac?

L1247 **Mr Irving** I am not familiar with his work, no.

L1248 **Mr Rampton** You know who he is, do you not?

L1249 **Mr Irving** Yes. He wrote this being volume on the desk.

L1250 **Mr Rampton** He did indeed. Do you know that he went to the archive in Auschwitz in 1982 and 1983?

L1251 **Mr Irving** Maybe they found favour in him which they did not find in me.

L1252 **Mr Rampton** You never asked?

L1253 **Mr Irving** I am not a Holocaust historian, Mr Rampton. At this time in 1988 I was writing, if I remember correctly, the latest edition of the Hermann Goring biography or I was working on the second volume of my Winston Churchill biography, neither of which would have required me to go to Auschwitz.

L1254 **Mr Rampton** You cannot have it both ways. You cannot have it that Auschwitz did not exist and you cannot have it that there is no evidence in the archive if you have never looked.

L1255 **Mr Irving** If I say I have been round the archives, I am not saying I have been round all available archives, including those had Poland and elsewhere. I am saying I have been round the archives, which at that time is perfectly true. I might even have gone to the Public Records Office to see what they had.

L1256 **Mr Rampton** You might have been round the archives of the Royal Botanical Gardens in Kew, for all I know.

L1257 **Mr Irving** I find that a cheap remark.

L1258 **Mr Rampton** Of course it is cheap, but this is a very cheap----

L1259 **Mr Irving** Which you say is a matter of great sensitivity to the Jewish people.

- L1260 **Mr Rampton** This is a very cheap fraud that you have perpetrated on the 50 or so people in this room because what you are telling me is that you have looked everywhere and all anybody can come up with is two or three documents.
- L1261 **Mr Irving** I have not said I have looked everywhere. This is again your manipulation of the sentence, your rather superfluous gloss. To look everywhere you need to spend the kind of money that your team has spent.
- L1262 **Mr Justice Gray** Can I put it a different way round? Which were the archives that you had spent a few months going round?
- L1263 **Mr Irving** I do not want to be ambushed by references from my own diary, but I would suspect, from the way I put that sentence, that I went to the German Federal Archives and I went to the national archives in Washington, and possibly to the Hoover library in California where they also have a certain amount of material relating to this.
- L1264 **Mr Justice Gray** So you have done a fair amount of research into the Holocaust, or into Auschwitz?
- L1265 **Mr Irving** Yes, but not specifically for that. I would have gone there for other purposes and I would then have called up roles of microfilm of Heinrich Himmler's papers which are in great abundance in the national archives and I would have looked at some of the Nuremberg documents. But I had not travelled there specifically to research the Holocaust. At this time I was researching probably Winston Churchill Volume 2.
- L1266 **Mr Rampton** So, when you said on page 6 that in relation to Hitler you had been round the archives of the entire world, we have to exclude Auschwitz from that, do we not?
- L1267 **Mr Irving** Can I see the exact reference?
- L1268 **Mr Rampton** Yes, of course you can. You are talking about Hitler and his knowledge of whatever, I do not know, Auschwitz I suppose, five lines up from the bottom?
- L1269 **Mr Irving** Because I worked in the archives of the entire world, including the public archives here in Wellington Street. That shows as Ottawa, by the way.
- L1270 **Mr Rampton** Please do not give us a list. The entire world is the entire world, but apparently does not have Auschwitz in it.
- L1271 **Mr Irving** It did not have anything behind the iron curtain and the people who were in the audience at that time would have realized that.
- L1272 **Mr Rampton** Oh, I see. So they would not have been in the least bit deceived?
- L1273 **Mr Irving** Mr Rampton, you have to put yourself back to 1988 before the wall came down.

- L1274 **Mr Rampton** I do not think so, because I am told that the archive at Auschwitz was readily accessible to anybody with the proper credentials, that is to say I am an historian, please may I have a look because I intend to write a serious piece of research about this, before I go public on what it was or was not.
- L1275 **Mr Irving** So we are coming back on to the negligence argument again?
- L1276 **Mr Rampton** No.
- L1277 **Mr Justice Gray** The picture I have, and I think we probably need to press on a little bit, is that Auschwitz may or may not have been accessible to somebody like yourself, but you never in fact enquired about getting access to the Auschwitz archive?
- L1278 **Mr Irving** I ought to have but did not. If I was going to write about Auschwitz and the Holocaust then I ought to have but did not.
- L1279 **Mr Justice Gray** That is a fair summary of factual position?
- L1280 **Mr Irving** Yes, with the rider that I added, my Lord, that if I intended to write about the Holocaust, then I would have done that and ought to have done it.
- L1281 **Mr Rampton** I add to this, and you not only deliberately decided not to go to Auschwitz because you were not interested in finding the truth before making these statements ----
- L1282 **Mr Irving** Deliberately decided not to?
- L1283 **Mr Rampton** Yes, deliberately decided not to. You made a deliberate decision. If you were the slightest bit interested in the truth about Auschwitz, you would have gone there.
- L1284 **Mr Irving** If I was writing a book about Auschwitz and the Holocaust, then I would have gone there. When I became deeply involved in it, thanks to this litigation, and I tried to go to Auschwitz, then I was banned from entry, the only person in the world who has so far been banned, apparently.
- L1285 **Mr Rampton** That was recently, Mr Irving.
- L1286 **Mr Justice Gray** There we are.
- L1287 **Mr Rampton** What is more, Mr Irving, what is important about this very early speech in your Holocaust denial career, is that you actually deliberately misled your audience in Toronto or Ottawa or wherever it is into believing that you had done the research and had found that there was no evidence.
- L1288 **Mr Irving** I can only repeat what I previously said, Mr Rampton, that my audience were not stupid and they knew that the iron curtain was still standing at that time, even if you have forgotten it.
- L1289 **Mr Justice Gray** Is that the lot from that speech?
- L1290 **Mr Rampton** That is all I want from Toronto/Ottawa, whichever it be.

- L1291 **Mr Irving** There is, of course, a great deal more in that speech, my Lord, which your Lordship may well read later on. The reasons why one is sceptical about the report by the two Slovak Jews, for example, and so on. I am not just speaking off the top of my head. It is quite clear, I think, by that time that I went to the Reissaltz Library and had a look at the origins of the war refugee board and its entire file on that report and so on. It is a bit deceptive really just to take these single paragraphs out and hold them up.
- L1292 **Mr Justice Gray** We may have to have more discussion about the mechanics of dealing with the contextual points that you want to take.
- L1293 **Mr Rampton** I quite agree about that and, as I think I have already said at some time in this case if not just now, one of the problems with this sort of an exercise is that there is a danger that the most innocent selectivity can lead to distortion. I do not want that to happen. I do not want to skin this cat by a false case, if you see what I mean.
- L1294 **Mr Justice Gray** I follow that. This is not a criticism and please do not think it is, but we have taken, I do not know, three quarters of an hour on one relatively unimportant speech, and I do not think we can do that with all of them, can we? It really is not a criticism. This is very difficult.
- L1295 **Mr Rampton** I realize that. I would make the complaint, if I had to, that I never get an answer to my question.
- L1296 **Mr Justice Gray** I am not being critical either way.
- L1297 **Mr Rampton** I get a speech, and that is one of the reasons why it takes such a long time.
- L1298 **Mr Justice Gray** I did suggest prime examples.
- L1299 **Mr Rampton** That is quite a prime example, in our submission.
- L1300 **Mr Justice Gray** I think the answer is a selection of prime examples, followed by a marked up list of those that are relied on, and then and then we will work out how best to allow Mr Irving to take the context.
- L1301 **Mr Rampton** My Lord, I think I already read some of the most important parts of the press conference announcing the publication of the Leuchter report.
- L1302 **Mr Justice Gray** Can you give me the reference?
- L1303 **Mr Rampton** That is tab 5 of same file.
- L1304 **Mr Irving** If you had listened, with respect, to what I said about weighting the verbal utterances less heavily in the written books and so on, perhaps we would have avoided part of this misery.
- L1305 **Mr Justice Gray** That is not fair. I am anxious not to have a sort of running commentary about the evidence, but the fact is, it seems to me on what I have heard so far, that you have been far more unrestrained in your assertions about Auschwitz when speaking at these various talks that you gave.
- L1306 **Mr Irving** Private gatherings, yes.

- L1307 **Mr Justice Gray** Gatherings. Well, I do not know that it matters very much that they are private gatherings. I think the Defendants are perfectly entitled to put that to you.
- L1308 **Mr Irving** Yes.
- L1309 **Mr Justice Gray** I bear in mind what you said about these being, relatively speaking, unconsidered remarks, but the fact is you made them, so I am not going to stop Mr Rampton. Indeed, I think it is very important that we do see some of the things that have been said. We are on now to the press conference. That is Tab 5.
- L1310 **Mr Rampton** Mr Irving was about to say provided your Lordship does not attach too much weight. On the contrary, Mr Irving----
- L1311 **Mr Irving** I was not. I was about to say provided he bears in mind they are extempore, not scripted.
- L1312 **Mr Rampton** On the contrary, Mr Irving, what you say in private to what I might call people of like mind is, in our submission, likely to be far more revealing of your true thoughts and motives than what you carefully craft for publication to the world at large. Do you follow me?
- L1313 **Mr Irving** I do not follow where you get people of like mind from. What is the evidence for that?
- L1314 **Mr Rampton** We are coming to that when we look at some of your remarks, for example, to the national alliance.
- L1315 **Mr Irving** We have just been looking at this particular meeting.
- L1316 **Mr Justice Gray** Let us get on. I really think we are spending an awful lot of time debating and fencing. The thing is, I need to be shown what it is the Defendants rely on that you said and to hear what you say about it now, Mr Irving.
- L1317 **Mr Rampton** In answering your Lordship's request I am only showing your Lordship a fragment of what we rely on.

Speaking-engagement denial passages

- L1318 **Mr Justice Gray** Yes. I follow that. Prime example. So press conference.
- L1319 **Mr Rampton** Can we turn next, please, to page 35 of tab 5? Before I do that, Mr Julius has drawn to my attention something which your Lordship may actually think really rather important. Mr Irving challenges me to justify my observation, proposition, that these remarks, these, what shall I say, unclothed naked remarks, are to people of like mind. I do that by reference, if I may, before I leave tab 4, to page 16, and we see this again when we get, for example, to Calgary in 1991.
- L1320 **Mr Justice Gray** Whereabouts on the page?

L1321 **Mr Rampton** In the middle of the page there is a sentence which starts: "The Auschwitz propaganda lie that was starting to run in 1944 is now out of control and it is going to take the men of the kind of stature of Ernst Zundel to kill that particular hare. Applause."

That is not the only such example.

L1322 **Mr Irving** Of what?

L1323 **Mr Justice Gray** I think the question, because it was not quite put as a question, is does that not show that you were addressing a bunch of supporters of Zundel?

L1324 **Mr Irving** I think they were just people who appreciated the fact that I had compassion for a man who had had his house burned down and been subjected to repeated physical violence and that he was still standing up to this kind of intimidation.

L1325 **Mr Justice Gray** That is the answer. On to the press conference, page 35.

L1326 **Mr Rampton** Page 35. You are answering questions at the press conference. Just under halfway down the page somebody asks: "Everybody who has written about their camp experiences ----" You do not allow them to finish what they were going to say, Mr Irving. You butt in: "Anybody who has described gas chambers in slave labour camps at Auschwitz or anywhere else is to my mind making it up."

L1327 **Mr Irving** Yes.

L1328 **Mr Rampton** Did you mean to say that?

L1329 **Mr Irving** Well, I think that, if I had written this sentence out logically and not in this incoherent scramble, it would have been anybody who has described gas chambers in the slave labour camp at Auschwitz is to my mind making it up and it has probably come out a bit garbled, for which of course I accept full responsibility.

L1330 **Mr Rampton** What do you mean, garbled? It is a perfectly good English sentence. Garble: It is as clear as a shaft of sunlight.

L1331 **Mr Irving** In slave labour camps at Auschwitz or elsewhere.

L1332 **Mr Rampton** Yes, exactly. Or elsewhere. That is why you have used the plural, slave labour camps.

L1333 **Mr Irving** That is why I am talking about garbled. You cannot have camps at Auschwitz, when Auschwitz was just one of two camps. It is garbled.

L1334 **Mr Justice Gray** "All" should be "and" really.

L1335 **Mr Irving** Yes, but the sense of that is saying anybody who describes gas chambers in the slave labour camp at Auschwitz is to my mind making it up.

L1336 **Mr Rampton** Or elsewhere, gas chambers elsewhere, is making it up too, are they not?

- L1337 **Mr Irving** Well, I might have to be pernickety and say I would like to see me actually saying that and hear what emphasis is attached to the words verbatim. This is the problem with transcripts, particularly when it is an incoherent passage.
- L1338 **Mr Rampton** Questioner: Not at slave labour camps either? Is that what you are saying?
- L1339 **Mr Irving** They have obviously got hold of the wrong end of stick straightaway.
- L1340 **Mr Rampton** You repeated, no gas chambers at slave labour camps plural.
- L1341 **Mr Justice Gray** Mr Rampton, is that really fair? Over the page, "Question: What do you think happened at Treblinka and Sobibor? I do not know".
- L1342 **Mr Rampton** Fair enough, my Lord, yes. Let us concentrate on Auschwitz. That is danger of taking these plums ----
- L1343 **Mr Irving** Springing them on me like this, that is the danger.
- L1344 **Mr Rampton** What did you say?
- L1345 **Mr Irving** One springs just fragments on me and on the court like this, but his Lordship has quite wisely read ahead.
- L1346 **Mr Rampton** Mr Irving, you have for a very long time, I mean months, had a whole list of the speeches, the transcripts of speeches etc. on which we rely. You have had copies of them. And you made them in the first place. How can you say I am springing it on you? What shall I do? Give you a marked up copy Is that the best thing? I do not know what your Lordship thinks?
- L1347 **Mr Irving** Sarcasm apart.
- L1348 **Mr Justice Gray** Shall we press on and find the other passages relied on? I just think we have to get to the passages that are relied on.
- L1349 **Mr Rampton** I am looking, my Lord, yes?
- L1350 **Mr Irving** My Lord, these are not my transcripts. These are transcripts made by --
- L1351 **Mr Rampton** I am looking for a way round two problems, one that this is taking far too much time.
- L1352 **Mr Justice Gray** If you went direct to the passages, as it were, one after another, would that not help?
- L1353 **Mr Rampton** I just did that.
- L1354 **Mr Justice Gray** I know.
- L1355 **Mr Rampton** I do not want to be disobedient but this is cross-examination and I cannot just stand in cross-examination and read out passages without the witness being given a chance to speak about them.
- L1356 **Mr Justice Gray** No, he has to have a chance to comment but I just wonder whether we do not want to go from one to another with a minimum of intervening exchanges.

- L1357 **Mr Rampton** I will do what I can. I am not going to get the file out for this one because it will take too much time. Do you remember you made a speech at Dresden in February 1990?
- L1358 **Mr Irving** On the anniversary of the air raid, yes.
- L1359 **Mr Rampton** So what?
- L1360 **Mr Irving** So what?
- L1361 **Mr Justice Gray** Let us concentrate on what was said.
- L1362 **Mr Rampton** Yes. Did you say something like this: The Holocaust of Germans in Dresden really happened. That of the Jews in the gas chambers at Auschwitz is an invention. I am ashamed to be an Englishman?
- L1363 **Mr Irving** Could I just have that?
- L1364 **Mr Rampton** By all means, so far as I am concerned.
- L1365 **Mr Irving** There is what happened in Dresden and of that I am ashamed. I am sorry, my Lord, I have only got one copy with me but it is a picture of the old market in Dresden, thousands of bodies, victims of the air raid. Mr Rampton, you mentioned it.
- L1366 **Mr Justice Gray** Yes but I am going to ask you to put it down. We are going to spend no doubt a lot of time on Dresden. The reasons, as you must appreciate, that Mr Rampton put that alleged quote was nothing to do with Dresden but what you said by way of comparison between Dresden and Auschwitz. Did you make that comparison?
- L1367 **Mr Irving** Perfectly entitled to I think.
- L1368 **Mr Rampton** Did you say: I am not at present interested in Dresden. We can argue moral and historical questions about Dresden until the cows come home. At the moment Mr Irving we are dealing with your statements about Auschwitz.
- L1369 **Mr Irving** Can I see the passages you are relying on?
- L1370 **Mr Rampton** Which is why I said so what?
- L1371 **Mr Irving** Can I see the actual passage you are relying on?
- L1372 **Mr Justice Gray** That you are perfectly entitled to do.
- L1373 **Mr Rampton** You have to get out another file, D3(i)?
- L1374 **Mr Irving** I am afraid, when somebody says so what about Dresden,----
- L1375 **Mr Rampton** No.
- L1376 **Mr Justice Gray** Please. There is going to have to be a ruling before long. This is just absurd, this back and forth exchanging. Dresden is, I am sure, where is it in the index?
- L1377 **Mr Rampton** D3(i) 25, page 493.
- L1378 **Mr Justice Gray** Do you know the internal pagination Mr Rampton?

- L1379 **Mr Rampton** No. I do not have a copy of it here. I have only got an extract.
- L1380 **Mr Justice Gray** Have you found the passage, Mr Irving?
- L1381 **Mr Irving** I am sorry I have not.
- L1382 **Mr Justice Gray** I think, if things are being put, they really have to be available in documentary form in case Mr Irving wants, as he has in this case, to see the context.
- L1383 **Mr Rampton** I agree with that. All that follows from this is that the reference I have been given is not the right one. It is entirely my fault. I am using the wrong idiot's guide to those transcripts. Can we forget Dresden for the moment, Mr Irving?
- L1384 **Mr Irving** I can never forget Dresden.
- L1385 **Mr Rampton** Not Dresden what happened, what you said about Auschwitz at Dresden, and then come back to it at some later stage if we have to? In D3(i), page 25, tab 25, may I please have a copy of that file? There should be, my Lord, a speech at an IHR conference on 14th October 1990.
- L1386 **Mr Justice Gray** Was that where we were just now, D3(i)?
- L1387 **Mr Rampton** Yes, I think it was because what I am told by Miss Rogers is that in that speech one finds a reference back to what Mr Irving said at Dresden. That, I think, is the point, which is why I was given the page reference which I will now go back to. I am sorry about the muddle.
- L1388 **Mr Irving** What is the section again, please, or tab?
- L1389 **Mr Justice Gray** 25.
- L1390 **Mr Rampton** Page 493 in this tab. The page numbers are at the top of the page, Mr Irving.
- L1391 **Mr Irving** I have it.
- L1392 **Mr Rampton** In the right-hand column of page 493 somebody has written: "Irving concluded his address" -- this is about near the end of the middle paragraph -- "in Dresden with these words: 'Ladies and gentlemen, survivors and descendants of the holocaust of Dresden, the holocaust of Germans in Dresden really happened. That of the Jews in the gas chambers of Auschwitz is an invention. I am ashamed to be an Englishman'".
- This article starts with the heading: "Battleship Auschwitz, David Irving, (Remarks presented to the Tenth International Revisionist Conference With an Introduction by Mark Weber". That recitation or repetition of what you had said at Dresden, therefore, comes, does it not, the mouth of Mr Weber?
- L1393 **Mr Irving** Did he write this or is this ---
- L1394 **Mr Justice Gray** It is his introduction to your talk.
- L1395 **Mr Irving** Very well.

- L1396 **Mr Justice Gray** It looks as if he did, but the question is was he accurate, was he right, had you said that?
- L1397 **Mr Rampton** Did you say that?
- L1398 **Mr Irving** I do not think so. There is a transcript of my speech in Dresden which your researchers could have obtained.
- L1399 **Mr Rampton** OK. So Mr Weber got it wrong?
- L1400 **Mr Irving** Well, on the evidence of this document, yes.
- L1401 **Mr Justice Gray** Where is the transcript?
- L1402 **Mr Irving** They could have had the video tape transcribed.
- L1403 **Mr Rampton** No, we have not got a tape of Dresden?
- L1404 **Mr Irving** I am sorry, but a tape was made by Mr Geiger.
- L1405 **Mr Rampton** Maybe it was, but we have not got it.
- L1406 **Mr Irving** I am sorry but ----
- L1407 **Mr Rampton** If you would be kind enough to retrieve it, we should very much like to have it transcribed.
- L1408 **Mr Irving** I will see if I can obtain a copy for you.
- L1409 **Mr Rampton** Which is why our only source of what you said in Dresden is this document.
- L1410 **Mr Irving** Yes, it is not the kind of source that I personally would have relied upon.
- L1411 **Mr Rampton** Who is Mr Weber?
- L1412 **Mr Irving** Mr Weber is, I think he is the head of the Institute Historical Review.
- L1413 **Mr Rampton** Do you know him well?
- L1414 **Mr Irving** Yes.
- L1415 **Mr Rampton** Is he a reliable gentleman?
- L1416 **Mr Irving** On the evidence of that, no.
- L1417 **Mr Rampton** Is he a friend of yours?
- L1418 **Mr Irving** Probably no longer.
- L1419 **Mr Rampton** Probably no longer. Seriously though, how close is your association with Mr Weber?
- L1420 **Mr Irving** I see him about once every two years.
- L1421 **Mr Rampton** Do you correspond regularly?
- L1422 **Mr Irving** He occasionally telephones me. I am glad he is paying the bill.
- L1423 **Mr Justice Gray** I think if I were you, I would remember having said that if I said it.

- L1424 **Mr Irving** Having said this? It is the precise wording that worries me, my Lord. The sense is correct.
- L1425 **Mr Justice Gray** I see. Do not worry about the precise wording. Is the substance of it, did you make the points that Dresden was a Holocaust or Auschwitz is a non-Holocaust because it did not happen?
- L1426 **Mr Irving** I did not say that and I do not think even this says that, my Lord. What I have said is that Dresden was a real Holocaust. I have witnessed the pictures.
- L1427 **Mr Justice Gray** Well, you then go on to say that of the Jews in the gas chambers of Auschwitz is an invention?
- L1428 **Mr Irving** Well, it is no secret that I have said that no Jews were killed in the gas chambers at Auschwitz that are shown to the tourists, but that is the kind of limitation which Mr Rampton would probably find unhelpful.
- L1429 **Mr Rampton** No. That is one of your own, what I might say, self-set traps, Mr Irving. You have occasionally made reference to the reconstructed gas chamber at Auschwitz 1, the Stumlager. You have on numerous occasions said that there were no gas chambers anywhere in the German system. That must include Birkenhau; we have just looked at one such remark.
- L1430 **Mr Irving** Well, I think you ought really to lead evidence to this and not just summarize ----
- L1431 **Mr Rampton** Am I right or -- it will ----
- L1432 **Mr Irving** --- to this effect.
- L1433 **Mr Rampton** --- save so much time, Mr Irving, if you would accept that you have on numerous occasions said there were no gas chambers, plural, at Auschwitz?
- L1434 **Mr Irving** Well, I am sure that if you had evidence to that effect, then you would have started off the afternoon by saying this.
- L1435 **Mr Rampton** No. Well, I will try to find your Chappaquidick remark. Here we are, this is in November 1990, something called the Latvian Hall ----
- L1436 **Mr Justice Gray** Reference?
- L1437 **Mr Rampton** That is the wrong one. I am so sorry. There is the one I read out. D2(i), my Lord, tab 9. This is 1991, so I have got ahead of the chronology, so it does not matter. I will start, if I may, with page 14?
- L1438 **Mr Irving** At tab 9, you say?
- L1439 **Mr Justice Gray** Yes, I think so.
- L1440 **Mr Rampton** Page 14 of tab 9, Mr Irving?
- L1441 **Mr Irving** Yes.
- L1442 **Mr Rampton** Which is a speech at, well, this is called Travel Lodge Airport Inn, is that the same thing as Latvian Hall?

- L1443 **Mr Irving** 2,000 miles away, otherwise it is the same, yes.
- L1444 **Mr Rampton** Oh, yes, this is Calgary, yes. Quite right. Now I am going to start at ----
- L1445 **Mr Justice Gray** 10 lines down.
- L1446 **Mr Rampton** Yes, something like that. You were saying that Elie Wiesel is a liar. I am not the least bit interested in the answer to that question -- it is not a question -- that observation, not the slightest bit, so please do not but in with something about Eli Wiesel. "And so are the other eyewitnesses in Auschwitz who claim they saw gassings going on because there were no gas chambers in Auschwitz, as the forensic tests show."
- Mr Irving, is that right?
- L1447 **Mr Irving** Yes.
- L1448 **Mr Rampton** So when I said a moment ago that you had referred to gas chambers in the plural, as you had at the Leuchter press conference, I was right?
- L1449 **Mr Irving** Well, I could quite simply say this is a matter of English grammar.
- L1450 **Mr Rampton** No.
- L1451 **Mr Irving** I could say there is no Chinaman sitting in your team, and I could equally well say there are no Chinamen sitting in your team. Both facts are equally correct if there is not one.
- L1452 **Mr Rampton** Yes, Mr Irving, that is, I am afraid, a rather poor answer.
- L1453 **Mr Irving** It is an exact parallel.
- L1454 **Mr Rampton** Mr Irving, you said at the Chelsea Press Conference, the Leuchter Press Conference, that there were no gas chambers at Auschwitz or elsewhere?
- L1455 **Mr Irving** Mr Rampton, you are showing us one speech in Calgary and suddenly you switch to Chelsea.
- L1456 **Mr Rampton** I am going to show you a dozen references.
- L1457 **Mr Justice Gray** Well, shall we deal with this one first?
- L1458 **Mr Rampton** When you made that remark, am I right, am I not ----
- L1459 **Mr Irving** If there was no gas chamber at Auschwitz, then there were no gas chambers at Auschwitz.
- L1460 **Mr Rampton** Mr Irving, please try to focus on the question.
- L1461 **Mr Irving** It is precisely the question you asked me and I am saying yes.
- L1462 **Mr Rampton** No, you had said no gas chambers, plural, at Auschwitz; what it means we can argue about later on. You knew when you made that observation, did you not, Mr Irving, that Mr Leuchter had purported to sample the ruins of the supposed gas chambers at Birkenhau, did you not?

- L1463 **Mr Irving** Also, yes.
- L1464 **Mr Rampton** Yes. So your assertion was meant to mean there were no gas chambers at what people generally think of as Auschwitz, that is to say Auschwitz 1 which is relatively unimportant, and also at Birkenhau?
- L1465 **Mr Irving** Oh, we are slopping over the whole thing into Birkenhau too now, are we?
- L1466 **Mr Rampton** What do you mean? Every time ----
- L1467 **Mr Irving** I am clearly talking about Auschwitz here and you want to drag Birkenhau under that umbrella as well.
- L1468 **Mr Rampton** You meant to refer to Birkenhau, you meant people to understand Birkenhau, did you not, Mr Irving, because you knew that Mr Leuchter's forensic tests related to Birkenhau as well as Auschwitz? You also know that everybody thinks when they think of Auschwitz of the massive extermination facility at Birkenhau?
- L1469 **Mr Irving** Well, Mr Rampton, you say "everybody thinks" this, this is another of those wild assertions you make, rather like you previously said everybody says the Holocaust is the gas chambers.
- L1470 **Mr Rampton** Mr Irving ----
- L1471 **Mr Justice Gray** But it is true, Mr Irving, is it not?
- L1472 **Mr Irving** It is not, my Lord. It is a very important point.
- L1473 **Mr Justice Gray** Just speaking for myself, I had never heard of Birkenhau, but I had heard of Auschwitz.
- L1474 **Mr Irving** Well, you have heard of Auschwitz, but, unfortunately, there are two camps. One is called Auschwitz, one is called Birkenhau and there is a third camp called Monovitz which is where the plant was, and experts, the historians, are very careful to distinguish between them.
- L1475 **Mr Justice Gray** Yes, but in terms of lay reaction and understanding, almost everybody regards the whole complex as being properly called "Auschwitz"?
- L1476 **Mr Irving** I was not talking down to an audience here, my Lord. I was speaking ----
- L1477 **Mr Justice Gray** They were all experts?
- L1478 **Mr Irving** --- in terms of what I could justify. It would be talking down to them ----
- L1479 **Mr Justice Gray** Anyway, you accept you said what is recorded as having been said here?
- L1480 **Mr Irving** Quite definitely, yes.
- L1481 **Mr Justice Gray** Do you also accept that you said that the existence of hundreds of thousands of eyewitnesses at Auschwitz, from Auschwitz, is evidence that Auschwitz did not have a dedicated programme to kill the Jews there?

L1482 **Mr Irving** Yes, and I think that is a very fair comment to make. If we are told that the Nazi programme was one of extermination of every Jew that Hitler could get his hands on, the fact that very large numbers evidently survived this programme, they were in the jaws of death at Auschwitz, and at Birkenhau

L1483 **Mr Justice Gray** Hundreds of thousands?

L1484 **Mr Irving** Indeed. The figures are very large indeed if we look at the figures of those who survived the camps. Anne Frank was one example, my Lord. She was in Auschwitz. She survived Auschwitz. She was evacuated to Begen-Belsen and died of typhus there with her family.

L1485 **Mr Rampton** Mr Irving, the public perception, or what you call the legend, is that upwards of a million people were deliberately murdered in gas chambers at what people call Auschwitz. Do you know that the actual number of people murdered by that method at Auschwitz 1 was between 10 and 15,000?

L1486 **Mr Irving** No, I do not know that.

L1487 **Mr Rampton** Where did Mr Leuchter do his forensic tests precisely? Tell me that.

L1488 **Mr Irving** Can we look at the report?

L1489 **Mr Rampton** Sorry, take the samples for the forensic tests.

L1490 **Mr Irving** Can we look at the report and see?

L1491 **Mr Rampton** No, no. I want to know what you know about this. I really do not want you to deflect my questions by forever trying to refer to something else. Tell me, if will, whether you know as a fact or you knew as a fact, rather, at the time when you were speaking here that he had taken samples from the ruins of crematoria 2, 3, 4 and 5 at Birkenhau?

L1492 **Mr Irving** I am certainly not going to answer a detailed question like that from memory of a document I saw 12 years ago.

L1493 **Mr Rampton** You knew he had taken samples from Birkenhau, did you not?

L1494 **Mr Irving** Yes.

L1495 **Mr Rampton** You knew that those samples had been subjected to forensic chemical tests, did you not?

L1496 **Mr Irving** Yes.

L1497 **Mr Rampton** Right. Please turn to page 11 of this transcript that we are presently looking at. About halfway, just under halfway, I would say two thirds of the way down, there is a sentence which begins: "And it was the forensic tests".

L1498 **Mr Irving** Yes.

L1499 **Mr Rampton** "And it was the forensic tests", those, Mr Irving, in your mind are the Liechter tests at Auschwitz One and at Birkenhau?

L1500 **Mr Irving** Yes.

- L1501 **Mr Rampton** As you have just told us: "On the gas chambers" plural "in Auschwitz which has totally exploded the legend", now what is "the legend"?
- L1502 **Mr Irving** The legend of Auschwitz as a factory of death, purpose-built with gas chambers that clanked into operation and killed upwards, as you say, of a million people.
- L1503 **Mr Rampton** Of which the major component, as I have just suggested to you, by a very long way was Birkenhau?
- L1504 **Mr Irving** Yes.
- L1505 **Mr Rampton** Thank you. Now can we please go to ----
- L1506 **Mr Irving** A major component of a legend, yes.
- L1507 **Mr Rampton** Of course, Mr Irving. Page 22. I am going to read from the beginning actually of this is in connection with that piece of pleading that I read out to you, from the beginning of the big paragraph about a quarter of the way down the page: "There is more to come. 'Irving has been welcomed in Ottawa. Less publicized but no less disgusting are Irving's on women. He argues that women's brains are 10 per cent smaller than men's'. This is now Mr Irving speaking:
- "You see they are scraping, it is true, they are scraping the bottom of the barrel now. They are trying to appeal to all the organizations in Ottawa who are being called together under a mass demonstration against the gays, the lesbians, the communists, the trade unions, all these people".
- L1508 **Mr Irving** You will notice I do not mention the Jews there even in this audience, is that not surprising for an anti-Semitic?
- L1509 **Mr Justice Gray** Let us read it through.
- L1510 **Mr Rampton** "All these people are being called out to demonstrate against me on October 6th." Was that true?
- L1511 **Mr Irving** Yes, we had rented the biggest hall in Ottawa for me to speak in and massive attempts were being made to shut me up.
- L1512 **Mr Rampton** "It brings us back to the fact that what they are really after is to try to stop me speaking, because when I speak audiences go away worried about whether the gas chambers" plural "and death camps" plural "and the factories of death" plural "really did exist or is this really the biggest lie of the 20th Century?"
- I will stop there. Do not comment. Please listen to my question. The answer you gave me a moment ago to the effect that when you referred to the Auschwitz legend and there being no gas chambers, was in fact intended and never intended to refer to anything but the single reconstructed gas chamber at Auschwitz one. That answer was complete tosh, was it not, Mr Irving?

L1513 **Mr Irving** We would have to go back and look at the precise wording I used. I think both statements are entirely supportable. The fact that audiences go away worried that if this is true about this site, what about the other sites, it is quite a natural reaction.

L1514 **Mr Rampton** We will pass now to page 31. You say with some pride, I think, Mr Irving, and I am afraid I do have to take this up now because it is part of my case, I am sorry I did not spot it earlier, proudly as though you scored some kind of wizard point, there is no reference to the Jews amongst all that stuff about the gays, the lesbians, the communists and the trade unions. Let me read on.

L1515 **Mr Irving** What page are we on?

L1516 **Mr Rampton** Page 22. Let me read on. This is one of some of the remarks which I shall rely on at the end of the case.

"Is this really the biggest lie of the 20th Century, because if it is the biggest lie, then it has a corollary, and that is that hundreds of millions of innocent people who have been bamboozled", I will miss out the "who" I think, "hundreds of millions of innocent people have been bamboozled, and they have been bamboozled for a purpose. And the purpose I think we can all say on reflection, looking over our own perception of the media, is that every time a Jewish financier, a John Gutfreund, the Salomon brothers or Ivan Boesky or Ernest Saunders or one of these, or Michael Milken, everyone time one of them is caught with his hands deep in the till and he has, yes, that's true, he has undoubtedly bilked hundreds of thousands of investors out of every penny they have got" ----

L1517 **Mr Irving** That was Mr Michael Milken. He went to prison for it.

L1518 **Mr Justice Gray** Please let Mr Rampton continue.

L1519 **Mr Rampton** Mr Irving. "Michael Milken and the rest of them, people have gone to the wall, they have put all their money into junk bonds and the rest of it, and these financiers have laughed like Ivan Boesky paid \$100 million fine on the instruction of the American Government and they still laughed because they can afford it".

Now what is that passage?

L1520 **Mr Justice Gray** Can you read the next three or four lines.

L1521 **Mr Irving** Precisely.

L1522 **Mr Rampton** "When you read this kind of story and if you realize that they are Jewish, then the invitation is that the man in the street should say: Yes, but they have suffered, haven't they? They did the have Holocaust."

L1523 **Mr Justice Gray** That is it.

L1524 **Mr Irving** Yes.

- L1525 **Mr Rampton** What is the point of putting that glorious purple prose passage into this speech about Auschwitz, tell me?
- L1526 **Mr Irving** Because first of all may I say this is not only my opinion, even leading Jewish experts like Professor Peter Novac of the University Chicago quite recently within the last two or three months ----
- L1527 **Mr Justice Gray** Answer for yourself, Mr Irving.
- L1528 **Mr Irving** --- has stated precisely the same point. They have said that the whole of the Holocaust industry has been generated in order to prevent, to create a kind of safety curtain, a fire wall which protects, for example, as Professor Peter Novic says, the activities of the Israeli Government on the West Bank, which protects, for example, the entire Jewish population in the United States from criticism to which they might otherwise be subjected. I think this is a perfectly reasonable statement and I would not have made it if I did not know that I was buttressed by leading Jewish authorities who are equally aware of precisely the same origins or possible origins of part of the present promotion of the Holocaust story. We will be listening to one of my own experts on this, Professor McDonald, on precisely this matter when the time comes.
- L1529 **Mr Justice Gray** So the Holocaust is a kind of a lie dreamt up in order to excuse crooked Jewish financiers?
- L1530 **Mr Irving** I would like to endorse your Lordship's wording but I cannot. I did not put it like that.
- L1531 **Mr Rampton** What are you saying if you are not saying that?

'Spurious survivors' after the 1989 Auschwitz records release

- L1532 **Mr Irving** I have said here that there is a body of opinion which says that one possible cause for the promotion of this particular legend is the fact they find it serves a purpose to protect their community from criticism which might otherwise be levelled against them because of their activities in the world of finance, or because of their brutality on the West Bank or whatever. I certainly would not have made that kind of statement had I not known that senior members of their own community are worried on precisely the same score. I mentioned the name of Professor Peter Novic of the University of Chicago whose book is about to be published in this country too I believe. They cannot be insulated from criticism just because of the Holocaust, and I think most members of the Jewish community would find it repugnant to suggest that they were or they should be.
- L1533 **Mr Rampton** Can we move on in this transcript, please, Mr Irving, to page 31, bottom of the page.
- L1534 **Mr Irving** This is transcript No. 9.

L1535 **Mr Rampton** I am still in transcript No. 9. "I don't see any reason to be tasteful about Auschwitz." You have heard this before of course. "It's baloney. It's a legend. Once we admit the fact that it was a brutal slave labour camp and large numbers of people did die, as large numbers of innocent people died elsewhere in the war. Why believe the rest of the baloney? I say quite tastelessly in fact that more people died on the back seat of Edward Kennedy's car at Chappaquidick than ever died in gas chamber", note you do not say "the gas chamber", "a gas chamber in Auschwitz. Laughter." Laughter, Mr Irving?

L1536 **Mr Irving** No laughter is just once there, Mr Rampton.

L1537 **Mr Rampton** Laughter. That is three times.

L1538 **Mr Irving** That is three times, Mr Rampton. Now you are getting appreciative laughter from your audience.

L1539 **Mr Rampton** Why should your audience think that what you yourself describe as "tasteless", why should they think that is funny?

L1540 **Mr Irving** Possibly because you omitted the beginning of that paragraph, Mr Rampton. Can I read it? "Why did Gorbochov release the Auschwitz records? A very interesting question. This was in September 21st 1989. Tass, the Soviet News Agency, announced that they had 'now found' all the death books of Auschwitz which sent a shudder through every Jewish so-called refugee around the world notice word so-called around the world." Notice the word "so-called" around the world. "Every so-called survivor of the Holocaust or survivor of Auschwitz, people who claimed they had been in Auschwitz. When they heard that the Russians announced that they had found all the death books and the entire filing cards of every prisoner who had been in Auschwitz, suddenly there was a lot reshuffling went on. Ely Weasel, for example, no longer claimed to be a survivor of Auschwitz. He suddenly decided he was a survivor of Dachau or Vukenvau. He was not even quite sure about that." We are talking here about the spurious survivors of the Holocaust which is the second S in that word you are just going to come to which has been left out of the transcript.

L1541 **Mr Rampton** Will you read on the next sentence, please, about Mr Wiesel. "In fact he seems to have done quite a cook's tour of the different concentration camps. Laughter."

L1542 **Mr Irving** Yes.

L1543 **Mr Rampton** What is it, do you think, that you your audience is laughing about?

L1544 **Mr Irving** Because they know that Ely Wiesel is a particularly unpopular character. Even the Jewish community holds him as being particularly unpopular because of his posturing.

L1545 **Mr Justice Gray** Sorry, posturing, what is the posturing?

L1546 **Mr Irving** He is a poser. He is on all the presidential committees. He is on all the Holocaust memorial museum committees. He has made a lot of money out of the Holocaust, and yet he cannot quite remember which camp he was in, my Lord.

L1547 **Mr Justice Gray** Is that so surprising?

L1548 **Mr Irving** If I was in Auschwitz ----

L1549 **Mr Justice Gray** Tell me. I would like to know your answer.

L1550 **Mr Irving** My Lord, if I was in Auschwitz I would remember it was Auschwitz and not Vukenvau or Bergen Belsen or Dachau. That is what his problem is, my Lord. The world is full of people come forward and claim to have been survivors of Auschwitz, most recently the notorious case of Benjamin Wilkomersky who was recently exposed by the BBC. I find these spurious -- I have the utmost sympathy for people genuinely suffered the torments and horrors of Auschwitz and these other camps, and let there be no doubt whatsoever about that, but the spurious survivors who are trying to cash in now by saying they too were there, that is the people I reserve this association of spurious survivors of the Holocaust, "the arseholes" as they referred to here. I agree that is a frightfully tasteless word to use and I would not normally use it in public. But I have the greatest contempt for these people who are trying to climb on the Holocaust bandwagon.

L1551 **Mr Rampton** And it is not a laughing matter if they should do so, is it, Mr Irving?

L1552 **Mr Irving** These unfortunates who claim they were there and never been anywhere near Auschwitz, yes.

L1553 **Mr Rampton** People who fraudulently, if there are any such people, people who fraudulently ----

L1554 **Mr Irving** You do not believe the case of Mr Wilkomersky who said he had been there?

L1555 **Mr Rampton** I know well about the case of Mr Wilkomersky and I am not going to discuss ----

L1556 **Mr Irving** So the word "if" is misplaced.

L1557 **Mr Rampton** It is not misplaced necessarily, Mr Irving. We are not going to, unless his Lordship tells us we are, going to examine the case of Mr Benjamin Wilkomersky, the Swiss orchestral musician, in this court, if you do not mind. Mr Irving, you will not answer my questions, I know, because you do not like them, but please answer: Why should such a serious matter as fraudulent Holocaust or Auschwitz pretence or posturing provoke laughter from your audience?

L1558 **Mr Irving** Because there is something ludicrous about it, something pathetic about it, and the notion that a lot of these spurious survivors had been found out by the Russians of all people who were publishing the index cards, made known that they had found the index cards of everyone who was a genuine survivor which promoted the scurrying that went on for the few weeks after that. That is what provoked the laughter I am afraid.

L1559 **Mr Rampton** Can I suggest something completely different, and perhaps a little nearer to the truth of the matter. That remark, those remarks about spurious survivors, the remark about Edward Kennedy's car at Chappaquidick, the remark over the page about arseholes, as we call them in this country, provoked the laughter they did because you were amongst an audience of anti-Semites, these remarks were intended to provoke that kind of laughter. You can see that, if you like, from the very way in which they are phrased?

L1560 **Mr Irving** I do not think so. I think I was amongst an audience of antipathies.

L1561 **Mr Rampton** Did not you notice anything when you were talking about the way in which the Holocaust is used to protect frightful Jewish criminals like Boesky, did you not detect anything in the wording of that passage reminiscent of Dr Goebbels in it, in the way you relish the dishonesty of these Jewish people?

L1562 **Mr Irving** I relish the dishonesty of the Jews?

L1563 **Mr Rampton** So it seems to me, Mr Irving, please comment on that?

L1564 **Mr Irving** Now I am stuck here with a bit of a problem, because Jewish historians have made precisely the same comment I have. The Jewish community have made precisely the same comment that I have. Jewish sociologists have made precisely the same comment that I have. Are suggesting that only Jewish sociologists are entitled to make this kind of hostile comment about the reasons for the propagation of the Holocaust story, and that non-Jewish historians are to be excluded from this kind of comment?

L1565 **Mr Rampton** I did not ask you about the sober sentiment.

L1566 **Mr Irving** And that they are at risk of being compared with Dr Goebbels if they do?

L1567 **Mr Rampton** You never ever answer my question, Mr Irving.

L1568 **Mr Irving** That was a very good answer, I believe.

L1569 **Mr Rampton** No, Mr Irving, because you do not listen or because you do not want to listen. My question was not about sober sentiment, ill-conceived though it may be. My question was about the wording, the language, of that passage that I read.

L1570 **Mr Irving** Which particular words are we looking at here? Can you pick on any particular inflammatory words?

L1571 **Mr Rampton** Please go back to page 22. I am not going to read it out again.

- L1572 **Mr Irving** Just the Goebbels type of words.
- L1573 **Mr Rampton** "Because if it is" down to the bottom of the page ending with the word "Jewish comment".
- L1574 **Mr Irving** Is the word "Jewish" a Goebbels word perhaps?
- L1575 **Mr Rampton** No. Please just quietly re-read that section of what you said to yourself and tell me when you have got to the bottom of the page.
- L1576 **Mr Irving** I think I am entitled to know which words you consider are typical of Dr Goebbels.
- L1577 **Mr Rampton** Will you please read it and then I will tell you.
- L1578 **Mr Irving** My Lord, will you direct him to identify the words he considers ----
- L1579 **Mr Justice Gray** If you know it by heart then you do not need to read it.
- L1580 **Mr Irving** I do not know it by heart.
- L1581 **Mr Rampton** The whole passage.
- L1582 **Mr Irving** Yes.
- L1583 **Mr Rampton** It is redolent of animosity, hostility, contempt, spite, malignantly, just like Dr Goebbels articles in Das Reich?
- L1584 **Mr Irving** Just like Winston Churchill talking about Adolf Hitler if you want to put it like that. Any number of people who are capable speakers are capable of using language.
- L1585 **Mr Rampton** Absolutely, you have got it in one, Mr Irving. Mr Churchill rallied this country to the flag during the war by being spiteful and beastly about Adolf Hitler. The difference is, unlikely Dr Goebbels, Winston Churchill had a very good reason to be spiteful.
- L1586 **Mr Irving** But do not these particular gentleman who I have identified by name deserve our contempt, or are you supporter of these gentlemen who bilked ordinary people out of thousands pounds and their entire life savings as well.
- L1587 **Mr Rampton** You do not have to give a list of names. All you need to say is the sober sentiment, if you believe it. The trouble is or one of the problems with the Holocaust is that it is sometimes apt to protect some Jewish people who have broken the law?
- L1588 **Mr Irving** No, I gave chapter and verse. These are specific instances which were probably in the news at the time, I think Ivan Boesky was in the news at that time, Mr Gutfreund, Mr Milken was certainly in the news at that that time.
- L1589 **Mr Justice Gray** Let us move on.
- L1590 **Mr Rampton** Yes I am trying to.
- L1591 **Mr Irving** If you cannot identify which particular words you are identifying with Dr. Goebbels ----
- L1592 **Mr Rampton** I am looking at the flavour of the whole passages.

- L1593 **Mr Irving** Anybody can play that game, Mr Rampton can.
- L1594 **Mr Justice Gray** So am I. We are moving on.
- L1595 **Mr Rampton** And so is his Lordship. I am grateful.
- L1596 **Mr Irving** Would you accuse Professor Peter Novac also using the language of Dr Goebbels in his ----
- L1597 **Mr Rampton** No, because he does not write like that.
- L1598 **Mr Irving** He is a Professor and he is Jewish, so he is allowed to do it but non-Jews are excluded.
- L1599 **Mr Justice Gray** You can deal with this in your own evidence, if you wish.
- L1600 **Mr Irving** I certainly shall, my Lord.
- L1601 **Mr Rampton** My Lord, this is Chelsea Town Hall. This is tab 11 of the same file.
- L1602 **Mr Justice Gray** Page 2.
- L1603 **Mr Rampton** Page 2, yes. A couple of a very short passages on this page.
- L1604 **Mr Justice Gray** The first one is by the upper hole punch.
- L1605 **Mr Rampton** Yes, that is right. Say you, MR IRVING:
"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 presses today, you won't find the Holocaust mentioned in one line, not even a footnote. Why should we if something did not happen and you don't even dignify it with a footnote". That is in plain terms an assertion by you that the Holocaust did not happen?
- L1606 **Mr Irving** We have not even heard the word "Holocaust".
- L1607 **Mr Justice Gray** This is a speech you made, is it not?
- L1608 **Mr Rampton** I am so sorry, Mr Irving, look at the penultimate line of the passage I have just read..
- L1609 **Mr Irving** Am I looking at the wrong passage?
- L1610 **Mr Justice Gray** I think I it must, because it starts, "if You look at my great Adolf Hitler biography", which sounds as if it could be you speaking.
- L1611 **Mr Irving** I see right, yes.
- L1612 **Mr Justice Gray** Did you say that?
- L1613 **Mr Irving** Well, obviously the reference, as we have now found out, the word "Holocaust" has been taken out of the second volume, yes. You will not find "Holocaust" mentioned in this book.
- L1614 **Mr Justice Gray** Because it did not happen, that is what you are saying?

- L1615 **Mr Irving** Well, I do not want to quibble about this too much, but we do not really know what we are talking about when we are saying if something did not happen. I know his Lordship will interrupt and say straightaway you are referring to the Holocaust, but we do not know how much of a pause there is there. We do not know what emphasis is made here. We have to look at the whole speech. The references later on you will see to the bars of soap and so on, which clearly did not happen because that has now been admitted. I mean that is what we are building up to. This is a topic sentence.
- L1616 **Mr Rampton** I know it is late but I really do not think you are doing yourself justice. Look down to the bottom page at 001425.
- L1617 **Mr Irving** Yes.
- L1618 **Mr Rampton** Read it out loud, will you?
- L1619 **Mr Irving** Well, I am looking at a paragraph which you want skipped.
- L1620 **Mr Rampton** No.
- L1621 **Mr Justice Gray** What is there in there that you really derive any assistance from?
- L1622 **Mr Irving** "Two years from now nobody in the world will believe in these absurd legends any longer. They already don't believe in the absurd legends of Jewish concentration camp prisoners being turned into bars of soap, because Jad Vaschen has now formally admitted that that was a lie." So this is what I am talking about, if things do not happen they do not deserve a footnote. So I am being specific in what follows by what I mean.
- L1623 **Mr Rampton** Mr Irving, I know you like your platform and I am sure you want to get into the newspapers.
- L1624 **Mr Irving** Can I now interrupt with the utmost respect, Mr Rampton, if you move that sentence "if something didn't happen and you don't even dignify it with a footnote", the beginning of the following paragraph, then it becomes the famous topic sentence of which I have spoken earlier giving the topic of what follows in the following paragraph and that is what it is. It has been put deliberately into the paragraph above to make it look as though it is applying to the word "Holocaust".
- L1625 **Mr Rampton** Now look, Mr Irving, we can go a lot quicker if you just occasionally

- L1626 **Mr Irving** I know you do not like these answers because of course it is a total answer to what you just said, Mr Rampton.
- L1627 **Mr Rampton** That is a matter for his Lordship.
- L1628 **Mr Justice Gray** I heard the answer.
- L1629 **Mr Rampton** I think it is one of the worst answers you have given and that is saying something, Mr Irving.
- L1630 **Mr Justice Gray** That is comment and I think we will move on to the lower quote.

- L1631 **Mr Irving** Maybe his Lordship thinks differently but his Lordship has heard from me about topic sentences and that is a clear example of a topic.
- L1632 **Mr Rampton** If you will please stop talking for one minute I will show ----
- L1633 **Mr Irving** I was about to say the same to you.
- L1634 **Mr Rampton** --- I will show you why it is such a rotten answer. Read the first sentence of the last paragraph out loud.
- L1635 **Mr Irving** "The biggest lie of the lot, the blood libel on the German people, because people were hanged for this, as I call it, is the lie that the Germans had factories of death with gas chambers in which they liquidated millions of their opponents."
- L1636 **Mr Rampton** Thank you very much, Mr Irving.
- L1637 **Mr Justice Gray** I think that is a convenient point at which to break off.
- L1638 **Mr Rampton** I just want to take one more ----
- L1639 **Mr Irving** Truth is an absolute justification of that remark of course.
- L1640 **Mr Rampton** --- little line from this transcript.
- L1641 **Mr Justice Gray** I did not know there was any more. I am sorry.
- L1642 **Mr Rampton** There is one line on page 4.
- L1643 **Mr Justice Gray** Yes, page 6. Page 4. I think there is also something on page 6.
- L1644 **Mr Rampton** There is. I will just tell your Lordship which it is. I do not need to read that out yet again.
- L1645 **Mr Justice Gray** Page 4.
- L1646 **Mr Rampton** Page 4, the last line of the second paragraph, the last sentence: "So Fred Leuchter is poisoned for the whole of the Holocaust legend." The whole of the Holocaust legend. "The whole of the Holocaust legend" includes all alleged gas chambers anywhere in Nazi occupied Europe, does it not?
- L1647 **Mr Irving** He is bad news in the sense, as I said in the earlier speech, once people have heard the data that Fred Leuchter brought back, the forensic laboratory results, they go away thinking, they begin asking awkward questions. That is what is meant by that sentence and certainly no more.
- L1648 **Mr Justice Gray** Yes.
- L1649 **Mr Rampton** My Lord, if that is convenient, there is one matter I wish to raise.
- L1650 **Mr Justice Gray** Yes. I think it is. I am just looking to see whether we ought to deal with the passage I have marked on page 6.
- L1651 **Mr Rampton** Yes, very well.
- L1652 **Mr Justice Gray** It is about just below the lower hole punch. I have marked it presumably because you relied on it in your Summary of Case.

L1653 **Mr Rampton** Yes. Page 6, last paragraph, Mr Irving. You say about five lines down: "If I can just dot the i's cross the t's to some of these details of details of details. He mentioned that after Fred Leuchter did his truly epoch making investigation of the gas chambers" plural "at Auschwitz, the forensic laboratory tests which yielded the extraordinary result which converted me, made me into a hardcore disbeliever."

Yes? I will read on if you like.

L1654 **Mr Justice Gray** It does not affect the context, the sense of it.

L1655 **Mr Rampton** It does not affect the context?

L1656 **Mr Irving** I do not think it takes it very much further, that sentence, my Lord.

L1657 **Mr Rampton** You are by this date, are you not, November 28th 1991, a hardcore disbeliever in the whole of the Holocaust proposition?

L1658 **Mr Irving** You are incorrigible, Mr Rampton. We have just been talking about the gas chambers.

L1659 **Mr Justice Gray** I think we will leave the evidence there because there may be some more

L1660 **Mr Justice Gray** Monday 10.30.