

# ACTION REPORT

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## In this issue:

- On Jan. 11, 2000 the Trial of the Century Began in Britain's historic High Court
- On Mar. 15 David Irving and Defence Counsel make dramatic Closing Speeches
- On Apr. 11 Judge Gray hands down his scathing Judgment ... and the next stage begins
- Read these dramas here in A Radical's Diary:-



*A Radical's Diary*

BY DAVID IRVING

January 9, 2000

**A**LL DAY TODAY, Sunday, on final preparations. Head swimming. At 2:45 p.m. a phone call from *The Daily Express*: The German government is asking for my extradition. "Is this the first you have heard of it?" the journalist asks. "Yes," I say. "If that's the quote you want, - 'It is the first I have heard of it.'" Because of a speech I made in Sept. 1990!

I sarcastically point out that (a) the Germans will have to get a move on, as the "crime" expires after ten years; and (b) I have lived at this same address for 32 years, with the same phone number, and they know where to find me. As the Polish government agreed in 1995 that what I said in 1990 is true, I am astonished, I say, that the German government is "still trying to brazen it out." When he asks, "Do you still describe yourself as a 'fascist,'" I say: "I really am very busy, goodbye," and hang up. Six p.m., Jessica and I walk a bundle of documents (on Hamas, etc.) down to [*Penguin Books Ltd's lawyers*] Davenport, Lyons. Work on revising my opening statement until two a.m.

Diary PAGE 2



Into Battle ...

**AR** ACTION REPORT  
online

[www.fpp.co.uk/online.html](http://www.fpp.co.uk/online.html)  
for regular updates on the libel appeals and views on the other news

## A letter from David Irving to his supporters

My Dear Friends:  
Round One is behind us. We fought hard, relying on naked intellect and the truth. The enemies of free speech used money . . . we had no idea, until the very last day, just how much was being poured in, to enable the witnesses to testify in the way they did. The Judge did his job conscientiously, but in a Courtroom awash with torrents of dirty money I believe he found it difficult to separate the History from the Histronics. The press left the Judge in no doubt of his fate if Judgment went against Deborah Lipstadt and her publisher — neither of whom had the courage to testify. You will see from my Trial Diary something of the nature of the battle.— Which continues...!

David Irving,  
London

*Spielberg, Bronfman, AJC gave Six Million Dollars to the Lipstadt Liars*

## ROUND TWO TO GO TO UK COURT OF APPEAL

Astonishing Post-Trial Revelations in U.K. Press

LONDON – Author David Irving is to challenge the unfavourable Judgment handed down in the British High Court in his defamation action against Atlanta scholar Deborah Lipstadt and her UK publishers, Penguin Books Ltd. The two-month trial was followed with intense curiosity by the international media, but in the words of Mr. Irving cast more noise than illumination on one of the greater mysteries of World War II.

Many journalists commented on the courtroom spectacle as Mr. Irving battled single-handed against thirty leading lawyers and experts.

Lipstadt herself is Jewish, and has written extensively attacking Jews who marry outside their own race and religion; but while most of the Six Million Dollars used to fight Mr. Irving came from Steven Spielberg, Edgar J Bronfman Jr., and the American Jewish Committee (as the press revealed), the Defence team, led by star attorney Anthony Julius, went to great pains to preserve a "non-Jewish" image.

Julius even had a Black paralegal sit briefly in the well of the court, after Mr. Irving made a withering attack on Defence Counsel Richard Rampton for having a wholly White team while accusing him of "racism" (Mr Irving has often employed minorities as his personal staff).

Although racism and anti-Semi-

tism are not alleged in the Lipstadt book (which Penguin admitted was enjoying "negative sales" – more returns than sales), the defence dragged these topics in to distract from arguments on the Holocaust, the death figures, Adolf Hitler's personal involvement, and the exact nature of the Auschwitz death camp.

Mr. Irving scored several direct hits during the action. Lipstadt's chief architectural witness admitted he was an unqualified, unregistered charlatan who would be arrested if he stepped outside the courtroom and called himself an "architect".

This witness was also forced to admit that the Auschwitz gas chamber story rested on a handful of six "eye witnesses" who saw SS officers pour cyanide pellets through four large holes in the roof. There are 10,000 survivors, Mr. Irving pointed out, but only these six are ever

Court PAGE 13

We still urgently need support to carry on the fight through the Court of Appeal.

Use the envelope provided, or mail to

P O Box 1707,  
Key West,  
FL 33041

easiest of all, go online at [www.fpp.co.uk/help](http://www.fpp.co.uk/help)

## THE LIPSTADT CASE

# Putting their Money on the Table

by David Irving

IN MY British High Court libel action against her, Emory University professor Deborah Lipstadt "took the Fifth". While I offered myself for cross examination, and was put through the hoops by Britain's most fearsome and highly paid (fee: \$750,000) counsel for three weeks, she ducked out of testifying on the witness stand, even though she would have had only me facing her (I could not afford

counsel). Her publisher Penguin Books Ltd also decided not to venture onto the witness stand.

She is now touring the world at \$25,000 a pop, addressing audiences in Los Angeles, Chicago, Miami, Tel Aviv, and elsewhere, on how she single-handedly "slew the dragon." And good luck to her, I say; I hear she's complaining about three months' loss of income, though Emory University, it seems, gave her three months' paid leave of absence for the trial, during which she lived in a luxury London hotel.

Of course, nobody pays me for the three years I lost preparing the trial.

I had no choice, given that Lipstadt's allies had for ten times as long spearheaded

Money BACK PAGE

*David Irving v. Penguin Books Ltd and Prof Deborah Lipstadt*

Under the new Civil Procedure Rules in the U.K. each of the parties provides to the Court a 500-word summary of the issues. This was David Irving's Summary.

THE PLAINTIFF IS DAVID IRVING, A BRITISH author of about thirty works of history, published by respected mainstream UK and international publishers since 1963, and accorded the widest attention in the popular and serious press. He has been called one of the most widely read historians in the English language. His books are widely quoted as references by others including HM Government's official historians. Until about 1993 he had access to every country in the world and their archives, including the former communist countries.

Disaffected by his findings, various British and international organisations, primarily of the Jewish communities, began in the 1970s to make overt and covert attempts to destroy the plaintiff's career by robbing him and his works of their legitimacy. They also secretly sought to have him physically barred from other countries and their archives. The Second Defendant [*Prof. Lipstadt*] made herself the willing executioner of this campaign, accepting a fee to insert Mr. Irving's name and works into a manuscript that she had written analysing the people whom she

The Defamers *Penguin Books* managing director and author *Deborah Lipstadt, right, arrive at the High Court on Day 1, Jan. 11, 2000*

calls the "Holocaust deniers", an odious phrase which she herself claims to have coined; until thus instructed by those paying her, Prof. Lipstadt had not even mentioned Mr. Irving in her completed book. The First Defendants published the work.

The work attacks the Plaintiff both ad hominem and as an historian, depicting him as a neo Nazi who has knowingly distorted and manipulated the historical record in pursuit of a political agenda.

The collateral attempt by the Defendants to blacken further the name of the Plaintiff, while risky in itself, is one which is permitted for the purposes of mitigation of damages only, and can be dealt with readily by the normal procedures of court.

It appears however, from the Defendants' pleadings, that they:

■ INTEND TO OFFER NO DEFENCE ON libels which they, but not the Plaintiff, regard as lesser (e.g., the allegation that the Plaintiff consorted with Louis Farrakhan and the Hizbollah terrorist leaders, and that he deliberately cheated a colleague out of the credit for finding the Goebbels Diaries in

the KGB archives in Moscow);

■ INTEND TO CONCENTRATE THEIR courtroom effort primarily on restating in exhaustive, tedious and confusing detail the historical record, as it is known today, on the persecution of the Jews by the Nazis and their collaborators.

What is known today (most of which is not and has never been disputed by the Plaintiff) is not however what is at issue in this part of these

proceedings: the issue here is solely whether the Defendants (upon whom the burden of proving their pleaded defence of justification lies) can show that the Plaintiff manipulated historical evidence i.e. what matters is what the Plaintiff knew at the time, yet willfully and perversely disregarded in pursuit of his alleged agenda.

The Plaintiff will resist any attempt to use the court room to refight World War II, or to rewrite the history of that war. The issues are those pleaded in the statement of claim, which is already wide enough. □



Penguin Books later complained to the press about the millions of pounds they spent to defend themselves in this action. In Jan. 1998 and again in Aug. 1999 Mr. Irving offered privately to release them from the action if they paid a token sum of £500 to a charity for the disabled in memory of his daughter.

Diary FROM PAGE 1

## January 10, 2000

(Monday) Last pre-trial day. I take Jessica to school; what a bright little bird she is. . .

A useful item is faxed to me from Australia: today's *Australia/Israel Review* reveals that Deborah Lipstadt pressured St. Martin's Press (New York) not to publish my Goebbels biography. I shall add that to my opening speech.

10:06 a.m. Helen Demidenko of *Style* (Rupert Murdoch press, Australia) phones; she is in London, wants an interview.

I visit the Courtroom. It is a beehive of activity as my opponents are installing their feet of shelving and documents.

5:15 p.m. *New York Times*, a Miss Sarah Lyall, phones for an interview; she'll be covering the case. When she gets, after ten minutes, to: "Are you an anti-Semite?" I am afraid I put the phone down. Lyall is all lies.

5:38 p.m. CNN television phones to ask which High Court entrance am I using tomorrow, and when?

Work all day on tomorrow's speech. 150 e-mails arrive.

## January 11, 2000

(Tuesday) I work through the night until 5:45 a.m., and am up again at eight to take Jessica to school. Not good policy.

# The Trial Begins

I ask the cab driver to stop a hundred yards short of the Court's main entrance, so I can pay the fare; but as we then cover the last hundred yards a throng of pressmen mobs me.

The wall of silence has probably been broken through. I am trained for an hour on the Courtroom computer system.

At midday the public and press are allowed in. Every chair and every inch of standing room is taken. The heat in the room gradually rises during the day.

[I deliver my opening statement all day].

In the evening Robert Treichler and a young reporter, Eva Menasse of *Frankfurter Allgemeine Zeitung*, come over to Duke Street for an interview. The latter is bitchy, but not bad looking (and of course Jewish).

## January 12, 2000

The morning press is filled with trial photos. With the shoddy exception of *The Independent*, which runs an editorial calling me "loathsome," and bemoaning the fact that libel actions can take place in an arena where free debate should reign (ho-ho! Free debate!), the press



Ready for Battle *David Irving* arrives at the High Court for the first day of the action on Jan. 11, 2000.

coverage is exceptionally level.

I write a note to Judge Gray about the editorial, which in my view borders on contempt.

In the evening I collapse onto a sofa and fall asleep repeatedly, waking with a worsening headache each time.

Lady Olga Maitland phones for a

national paper, sounds silky and friendly. The worst kind. Benté feeds answers to her before she realises it is a journalist.

Her mother has read the Danish newspapers: "Why has he got grey hair?" she asks. Benté points out that her mother has grey hair too.

I settle in for another long night's work.

## January 13, 2000

(Thursday) During the night an anonymous e-mail advises me that *Stuttgarter Zeitung* has reported today that Germany has applied for my extradition; it's getting nasty! The report adds:

**WEINHEIM - Weinheim Magistrates Court has requested the British government to extradite David Irving.**

**Against the "self appointed historian," as the Mannheim public prosecutor in question calls the 61 year old, there has been since 1996 an indictment for racial incitement. It goes back to a lecture which Irving delivered in Weinheim at the invitation of the then chairman of the NPD Günter Deckert, in the mid 1990s. [\*]**

**The 61 year old had made a name for himself on that occasion among the circles concerned because he challenged Hitler's blame for the war and among other things maintained that the Holocaust had**

\* In fact on Sept. 2, 1990

not occurred.

While Deckert was sentenced to prison long ago for these events, the planned Court hearing against Irving in the summer of 1997 had to be cancelled because the accused did not appear on the trial date.

The attempt to summons him via the German embassy also failed.

The accused had travelled to the United States.

As has just been made known, Weinheim magistrates Court thereupon commenced extradition proceedings.

After the British government in lengthy preliminaries declared their basic readiness to support the German authorities, in August last year the official extradition request was served, as the Court director has stated in response to an inquiry.

It seems however doubtful that there will be any trial of Irving as the allegations against him will run out of time in September this year.

Bed around 4:30 a.m., and up again at eight to take Jessica to school. Rocking on my feet and feeling distinctly bad.

Fine press coverage of the trial today. Every newspaper reports my comment, yesterday, that

**"no British soldier would have gone 50 yards up the Normandy beach in 1944 if they had known what England would look like at the end of the century."**

[Many British national newspapers repeated this a few days later as their Quote of the Week.]

Taxi to Court. I hand the Judge a letter about the *Stuttgarter Zeitung*, asking if I may cross-examine the defendants' solicitors on this. He says he will not permit my arrest during the trial (or words to that effect) and Mr. Richard Rampton QC [*Defence Counsel*] volunteers the information that his instructing solicitors are not involved in the extradition application.

I accept this of course, though as the Judge said, it is obviously "no coincidence."

AT ONE POINT RAMPTON REFERS to the "waffle" contained in some document, and I say that there is as much waffle as there is coming from Counsel's bench in this action.

The Judge is not amused. Rampton sticks to his view that *Vernichtung* means only *extermination*. I press him to look at the Langenscheidt Dictionary that I glimpse on his desk. I happen to know that this gives *extermination* as only the third or fourth possible meaning, not the primary meaning.

When he asks me for the distinction between *annihilation* and *extermination*, I say: "Mr. Rampton, I have been annihilated by these books. But I have not been exterminated. Is that sufficient for you?"

I also point out that because I have quoted from a certain dia-

ry entry in Goebbels Diary [Dec. 13, 1941], that does not mean that I have read the entire entry for that day in the Moscow archives. They evidently have not appreciated that, for when I get back, during the evening, a fax comes from [*Penguin's lawyers*] Davenport, Lyons: can they have a look at all the Goebbels diaries I brought back from Moscow.

I collapse exhausted on the sofa in the evening, but am repeatedly wakened by the phone.

I wish Benté would come to Court just for an hour. But she is not well. . . She is looking very beautiful: or is it just that I am very fond of her.

Around ten p.m. I start work: A HUGE backlog of paperwork.

### January 14, 2000

(Friday) Finally to bed at 2:48 a.m., and up again at eight to take Jessica to school. *The Times* says I looked tired in the box yesterday: small wonder!

Newspapers today are muted. *The Times* reports Germany's extradition attempts, *The Telegraph* has nothing at all. At 9:45 a.m. Jessica Berry of *The Sunday Telegraph* phones. I warn straight away, "I know who you are and I know the people you are operating with [*i.e. the Board of Deputies of British Jews*]. I may not answer your questions." She asks: "Are you prepared to consider calling Gernar Rudolf for your Defence."

I say: "No, I am not going to answer that." "Okay."

Let's leave the [-] in the dark. As I told Rudolf some days ago, I am not calling him and could not if I wanted to, as the lists closed months ago. What does she mean, anyway - "For your Defence"? *Lapsus linguae!*

10:10 a.m. I send a fax to Davenport Lyons suggesting they contact Mönchen-Gladbach city archives if they're curious about the Dec. 13, 1941 Goebbels diary entry; it is in the set I donated to them in June 1993.

10:40 a.m., a long waffling phone call from M.; he says that A. [*a legal friend*] tells him that counsel always put their best points in their opening speech; if that was the Nov. 30, 1941 episode [*Himmler's talk with Heydrich*, PAGE 18] I have blown them out of the water.

I work until three a.m. tidying up the battlefield.

### January 15, 2000

(Saturday) Benté is in a bad way,

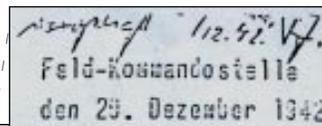
ashen-faced and hardly able to walk. What a worry.

3:33 p.m. G. says the *Frankfurter Allgemeine Zeitung* ran a fine article about me (and Jessica) on Thursday. Thank you, Eva Menasse. Around four p.m. he phones again, to donate DM5,000 to the fighting fund.

Fierce attack on the *Los Angeles Times* by the *L.A. Jewish Journal*. They are fighting back with snakelike venom and *ad hominem* attacks on the journalists who do their duty properly - in this case, Kim Murphy of the *Los Angeles Times*.

### January 16, 2000

(Sunday) I work late, and finally get to bed



Feld-Kommandostelle		den 23. Dezember 1942			
1.) Soldaten:					
a) festgestellte Tote nach Gefechten (x)	August:	September:	Oktober:	November:	Dezember:
	227	381	427	302	1337
b) Gefangene sofort exekutiert	126	202	87	243	757
c) Gefangene nach längerer einjähriger Trennung exekutiert	2100	1400	1095	2731	7628
2.) Bandenhelfer und Bandenverpflichtete:					
a) festgenommen	1343	3078	8337	3795	16563
b) exekutiert	1199	3020	6353	3706	14257
c) Juden exekutiert	31246	165282	95735	70948	363211
3.) Überläufer a. d. deutscher Propaganda:					
	21	14	42	63	140
(x) Da der Russe seine Gefallenen verschleppt bzw. sofort verscharrt, sind die Verlustzahlen auch nach Gefangenenaussagen erheblich höher zu beurteilen.					

Submitted ("vorgelegt") to Hitler *Or was it? A report on the execution of 363,211 Jews as partisans and accomplices* (Bundesarchiv).

around 3:30 a.m. More good reports in the *Frankfurter Allgemeine Zeitung*. My e-mail correspondent (code-name "Polina") arrives: turns out to be that old rogue Dr. Mirgo Dragan, from Connecticut (he says he has been in the USA for 37 years, but he still speaks a tortured English - almost wholly unintelligible). He has brought superb large-scale vertical photos of the historic sites at Auschwitz, taken recently from a helicopter; and they are not without their uses. Work solidly all day, and sleep a bit too; bed around 2:30 a.m.

### January 17, 2000

(Monday) To Court with the lunatic Pole around ten a.m.; the whole of the Strand is closed for roadworks, so we just scrape in at 10:28 a.m. The Judge allows me to argue for half an hour on various points before I go back into the witness box.

He allows me one or two minor victories during the day, but as in all periods of cross-examina-

tion, no doubt, I have the sense that things are sliding against me; I must restore the balance as soon as this ordeal [*cross-examination*] is over.

THE JUDGE IS NOT BEING helpful about my need to introduce my own bundles of documents in evidence.

Worse, he is reading the daily press reports on the trial, as he admits when I ask point blank. But he avers that he pays no attention to them; is that however truly possible? The press contain so many lies about me, that some are bound to stick.

Back at 4:30 p.m., and I get some shut-eye during the evening, having turfed R. and Dragan out early. Benté is I am glad to say in better spirits after a visit to the doctor. But I am at a loss to suggest how things may go from now. What a worry . . .

### January 18, 2000

(Tuesday) Taxi gets caught in bad jams. We just make it again.

Judge Gray listens with interest to the item on the Dec. 1942 Himmler document (LEFT), a *Meldung*, and another *Meldung* that was twice "vorgelegt"; but I don't know if he really gets the point or agrees with me.

Rampton cross-examines; I am on my feet for six hours again.

Tough going, and there are plaudits from the public. I am not so sure, the Judge is sliding into his old friend's camp.

Hope I can recoup this when I take back the trial [*i.e. start cross-examining*]. The Judge agrees that we should present arguments on the relevance of Auschwitz on Thursday.

Back home at five p.m. I sleep a lot on the sofa, then work until two-thirty a.m., solving some bad computer problems (caused I think by Jessica's CD Roms of *Anastasia*).

### January 19, 2000

(Wednesday) A lethal day; I feel tired and heavy. I went to bed around three a.m. finally, and am up again at 7:45 a.m. to take Jessica to school.

The Pole comes back again (he left after lunch for the airport, finds it is the wrong day, and comes back!)

The Judge agrees that we argue Auschwitz tomorrow: "Roughly, is the history of the Holocaust relevant to this trial or not?"

I phone A. at 9:58 p.m. for a long talk on the law. Huge press coverage is beginning around the world - there are entire pages in Germany, South Africa, Australia, Israel, and France. *Le Monde* says I call myself an "intellectual fascist" - where do they get these stupid quotes, which are pure inventions?

The Judge does not like the Schlegelberger Document (PAGE 15): he goes for the narrow definition – that it concerns only mixed-race Jews. I point out it says *die Lösung der Judenfrage*, not *dieser Judenfrage*, i.e. the *Mischling* question. I dictate notes for my closing speech.

I deal with 100 e-mails in the evening; there is now around five or ten percent of pure hate-and threat-mail; noteworthy that, to judge from their names, the only ones resorting to foul language, obscenities and death threats are the usual suspects, I am afraid. I ignore them. The Internet and mail bring offers of financial support, including a \$2,000 cheque yesterday.

## January 20, 2000

(Thursday) Several hours during the night on the Website, then I look for our clippings to put to Prof. Donald Watt in the box (our select file has vanished); and then I also look for the full Schlegelberger file. A letter goes to the Judge at 3:38 a.m. To bed finally at four.

Up at ten to nine and I find Jessica still sitting watching television! Taxi to rush her to school. In Court at 10:30 a.m. I have taken in all the new Auschwitz photographs. Dr. Dragan is there, as incomprehensible as ever. Prof. Watt comes and shakes hands as does Prof. Robert Van Pelt [*Dutch "professor of architecture" at a Canadian university*] a baby faced little fellow who looks barely twenty.

I see Eva Menasse sitting in Court dipping into the latest *Frankfurter Allgemeine Zeitung* and looking abashed – even ashamed; I say, "That bad, is it?" and she nods: "Stinking!"

Back home at five p.m. The *Frankfurter Allgemeine Zeitung* article is truly stinking. In it, she accuses me of lying to the Court about Josephine's death – she says I told the Court she died of a brain disease when in fact she had "leapt" (*gesprungen*) out of a window. (Poor Josephine had no legs). Anguished, I check the actual transcript (PANEL ON RIGHT). I presume Eva Menasse has received a bonk on the head for her first flattering articles.

SEND THIS TO THE GANG:

**Gentlemen – In Court today the Defence put to me the Dec. 10, 1942 Himmler conversation with Hitler about the 600-700,000 *Juden in Frankreich*, after which Himmler noted "abschaffen" (in the typed version: "abzutransportieren") and another document stating that 10,000 were to be sent to *Sonderlager im Reich*.**

**I stated: 600-700,000 is a gross exaggeration. The figure was closer to 240,000 Jews in France. And, that aside from the 10,000 *Geiseln* (hostages) thousands of French Jews to my knowledge were sent to**

**work in German aircraft factories and *Rüstungsfabriken*.**

**Do we not have a document about the construction of special *Auffanglager* for the Jews in Germany at about this time, an *Eichmann* document? I have asked to come back to this point on Monday, and I would like to nail this story down quite firmly with a little dossier of documents.**

**2. At the end of today's hearing, before the weekend adjournment, the Defence counsel read out a speech in which I stated that the Jews use the Holocaust as a means of insulting their community from criticism whenever there is a scandal like Boesky, Milken, Maxwell, etc. ("Yes, but they have suffered haven't they!") He is of course using this as an example of my anti-Semitism.**

**I would like to put to the Judge Chapter and Verse of leading Jewish commentators making precisely the same point: e.g. Peter Novick, criticising the uses to which the Holocaust industry is now put.**

No hearing tomorrow, Friday.

## January 21, 2000

(Friday) I deal with e-mails far into the night. Bed around 2:45.

Up at ten to eight to take Jessica to school. Today's *Australian Jewish News* in Melbourne reports that the Jewish community has put pressure on the *Herald Sun* not to publish the results of a poll of its readers as to whether they thought I was right on the Holocaust because of the distress the result will cause the community! Ho-ho. I send this e-mail to The Gang:

**Gentlemen –**

**There is nothing to be gained by challenging the gas vans, as the evidence of these is very convincing (the Judge is convinced already) and if I challenge that I shall certainly lose the Judge's sympathy.**

**I want all guns trained on the Battleship *Auschwitz*. If we sink that convincingly, we have won (if not, perhaps, in the Courts).**

The Gang want me to suggest that the "Just" letter [*about the gas vans*] is a fake. I respond:

**1. The Judge will simply ask me point-blank: "Mr. Irving do you consider the letter to be genuine or a fake."**

**He will not allow any equivocation. If we dismiss every "hostile" document as a fake, we lose credibility.**

**It is better to challenge the figures (97,000), on the basis of natural desire to impress superiors with figures. I do not propose (or want) to challenge the authenticity of more than 2 or 3 documents: that is powder that we have to keep dry.**

**2. The letter was found in the right place (German Foreign Ministry files) and bears all the hallmarks of authenticity.**

**3. Its language is pretty transparent.**

A Mr. M. of Orlando, Florida, has written an anti-Semitic letter in my support to the *Daily Telegraph* – and copied it to me. I rebuke him:

**Do you really think you have helped me by sending that vile**

**letter to a British newspaper which is broadly speaking very supportive of me?**

Great help on the other hand from Michael Mills, a history expert, in Australia, to whom I reply:

**I have purchased over the last year a dozen wartime German dictionaries, and shall take the 1935 Routledge dictionary to Court, which gives as primary meanings all the meanings that I need for *vernichten*, *abschaffen*, etc. Let us see how Rampton likes that, using his 1998 *Langenscheidt* dictionary!**

Long phone call in the evening, some 45 minutes from Dennis B. Roddy of the *Pittsburgh Post-Gazette*. Then I work until 2:30 a.m.

## January 22, 2000

(Saturday) Up at 10:20: that was a good sleep. A long phone call in the evening from Mrs Ruth Tz., a pensioner and one of my most indispensable supporters in Bavaria. Work hard all day long, preparing for next week; no time for the diary. Bed around 2:30 a.m.

## January 23, 2000

The *Sunday Telegraph* publishes my reply to Andrew Roberts, with an untruthful retort from

him printed alongside: He claims not to have had the Halifax Diaries, on which he based his biography, from me.

My diaries prove he's lying (May 12, 16, 31, Aug. 3, 30, 1989; Apr. 9, 1990; Jun. 12, 1991, Jun. 4, 1992; and Oct. 28, 1997) but I leave it at that.

This morning I say to Jessica, "You're not an only child – you've got four sisters. Well, three," I correct myself. She says, "I've got four," and points up to Heaven. We all miss Josephine badly.

1:54 p.m. Fred Toben phones from Australia, worried about the "97,000" figure in the gas truck letter. He has Richard Craig with him; they're breaking the story of their ground penetrating radar scans of Treblinka tomorrow. I say, Good luck. [*The press appears to have ignored them*].

This message goes to an unknown correspondent, Pat:

**Macmillan Ltd. did not "pulp an out-of-print book", as you put it; their secret internal memos show they came under outside pressure from named organisations and "an Oxford professor of politics" to dump me as an author. Otherwise – the professor hinted – their supply of academic authors would suddenly dry up.**

**I have copies of those memos, but Macmillan's lawyers made me take them off my Website**



### Transcript, January 12, 2000:

What was actually said about that Wreath of Hate

Mr. Irving: The [anonymous hate message] would make more sense to your Lordship if you are aware of who Philipp Bouhler is: Philipp Bouhler was the head of the Nazi extermination programme for the mentally and physically disabled – the Euthanasia Programme.

Mr. Justice Gray: Yes, I know.

Mr. Irving: My Lord, I had the great misfortune in September to lose my eldest daughter. After we buried her, I received a phone call from the undertakers that another wreath had come. When the wreath was delivered late that afternoon, it was a very expensive and elaborate wreath of white roses and lilies – far more expensive than we could have afforded – with a card attached to it saying, "Truly a merciful death", "It was truly a merciful death", signed "Philipp Bouhler and friends".\*

I should mention that my daughter was disabled in all those respects. She was legless and she had been brain-damaged for 18 years. I submit that this is the kind of hatred that this book has subjected me to – something intolerable, something unspeakable, and which I would wish no other person to be subjected to it. . .



Mr. Rampton (for Deborah Lipstadt): Mr. Irving, there is an elegiac story that you told us just now – you blame that appalling note on the wreath on Deborah Lipstadt's book, is that right?

Mr. Irving: The book has generated a climate of hatred.

Mr. Rampton: . . . It would not – perhaps you would agree – be the book's fault but *yours*, would it not? □

\* A well-dressed White male had purchased the wreath anonymously at Bloomsbury Florists – three minutes' walk from the offices of Deborah Lipstadt's lawyers – paying cash. Not many people in that area would have known of Philipp Bouhler and the Nazi euthanasia programme. "There was always the possibility," said Lipstadt to *The Jerusalem Post*, Jun. 6, 2000, "that Irving would drop out, and some of the pre-trial strategy was designed to keep pressure on him, in the hope that he would give up."



by threat of contempt proceedings. At that time (July 1992) Macmillan's were selling thousands of my books, and had assured me they would keep HITLER'S WAR permanently in print for that reason. Within hours of the internal exchange of memos, the thousands of copies were destroyed, and I was never told (or offered them, as I was entitled to, under contract).

This circular message goes to The Gang at 9:10 p.m.:

Gentlemen: - I have now received (9 p.m. Sunday) a new long list of documents from the Defence lawyers relating to Van Pelt, and attaching "three new documents", all from Polish Auschwitz archives, which I list below:

(1) Feb. 5, 1943, *Topf to Zentral Bauleitung Auschwitz. Betr Be- und Entlüftungsanlage im Crematorium II [BW 30]*. No security classification. In summary: ventilator bits still missing, Topf lacks sufficient priority to get adequate wagon space for such small quantities. For the life of me I can't see the point of this document's inclusion. I shall rely on Neufert [*the wartime German architect's building code*] which accompanies me to Court tomorrow for the first time.

(2) February 11, 1943, *Bauleitung Auschwitz (Bischoff) to Topf. Confirms Auftrag for delivery for Crematorium III of 2 (two) permanent electric Leichenaufzüge (corpse elevators) and one provisional ditto which can be delivered at short notice; and a coal and ash conveyance machine. Topf thus has [a] contract to deliver and erect Crematorium III's equipment complete, to become operational by April 10 1943 at latest. Bischoff reproaches Topf for non-fulfilment of earlier delivery dates, says that Topf had fobbed off Auschwitz with lame excuses; Bischoff's double-check of the Frachtbrief for the Feb 6, 1943 shipment shows him that a Gebläse Nr 450 mit 3,5 PS Motor wieder fehlt and that in particular the Gebläse for Morgue I, "welches am dringenden benötigt wird" is also missing. Ausserdem 1 Motor 7,5 PS für das Abluftgebläse nr 550 für L Keller II. Topf had again been warned by telegram to send these motors to Auschwitz, "da andernfalls Anlage nicht in Betrieb genommen werden kann".*

Clearly I need to be able to satisfy the Court of the harmless nature of these blowers and motors.

(3) To which Topf replies on Feb. 12, 1943: this ... identifies the temporary elevator as a Demag elevator; their own suppliers had failed to deliver the motors mentioned, so they will now supply a 10-PS motor as an interim measure.

Again, what's the point? It all depends on whether a normal morgue of the size of Morgue 1 and 2 at Crematorium II would need a 3.5 or 7.5 HP motor to power its ventilator or whether there is something sinister about that? Any ideas?

I send to Don Yurman, a leftie, this reply to a query:

Ask Don Guttenplan about the *New York Times*; they originally asked him to cover the

trial. His coverage is good and I have complete faith in him. He does what he can under the circumstances, for which I have great understanding.

He will confirm to you that I have given him, and will continue to give him, complete access to my papers.

I have read the first one third of his *Atlantic* article, and cannot and do not complain.

I think the East Coast may wake up when we start tearing their witnesses and documents apart and the b/s *Auschwitz* slowly begins to sink.

Bed around 2:30 a.m.

## January 24, 2000

(Monday) Up at 7:45 a.m. to take Jessica to School. Court at 9:45 a.m. Cabby regales me with unashamedly anti-Black stories all the way. Court decides to have Thursday free, not Friday; bother.

*Frankfurter Allgemeine Zeitung* publishes a fine article about Donald Watt, so Eva Menasse is forgiven.

I am in the witness box, I nearly write "dock," being cross-examined by Rampton all day. When he is angry his eyes seem to draw closer together.

I score a big hit with the revelation that the Morgue 1 was probably being prepared as an air raid shelter cum fumigation room, a possibility which they have not considered; after lunch I produce the documents listing the evidence of other air-raid shelter construction projects in Auschwitz.

The Judge is frosty, and when I refer to this ordeal as a "public flogging" he is not amused.

He does not seem to accept many of my arguments, which is a poor sign; on the other hand, at the end of the day he perks up and makes a point in my favour, and he also seems interested on hearing that after Leuchter there was a string of other similar scientific tests.

Despite all our best intentions, we have had solid "Auschwitz" for two weeks; and Auschwitz was supposed to come second, to give me time to complete my bundles. So I never quite catch up.

And today 150 more e-mails have poured in - I read only half of them, and reply to none.

Today's mail has however brought over \$3,800, which is helpful to say the least.

Back home from the High Court at 4:30 p.m. I flop onto a sofa for an hour before J. [*my private secretary*] comes.

Jessica is desolate, as I have earlier foolishly said I will take her to the Disney Store again, but I am just too tired to.

I spend the whole evening with J. printing out our immense Pelt cross examination dossier.

But can I make enough sense of it to cross-examine from? That we shall know tomorrow.

Führerhauptquartier, 25.10.1941, abends

(Gäste: SS.-Obergruppenführer Heydrich, RFBSS.-Himmler)

## How David Irving "manipulated" this:

Der Chef sprach sich den Sinne nach u.a. in folgenden Gedankengängen aus:

Vor den Reichstag habe ich dem Judentum prophezeit, der Jude werde aus Europa verschwinden, wenn der Krieg nicht vermieden bleibt. Diese Verbrecher-Rasse hat die zwei Millionen Toten des Weltkrieges auf den Gewissen, jetzt wieder Hunderttausende. Sage mir keiner: wir können sie doch nicht in den Morast schicken! Wer kümmert sich denn um unsere Menschen? Es ist gut, wenn uns der Schrecken vorangeht, dass wir das Judentum ausrotten.

Der Versuch, einen Judenstaat zu gründen, wird ein Fehlchlag sein.

ON OCT. 25, 1941 HITLER made remarks about the fate of the Jews, which were recorded by Bormann's adjutant Heinrich Heim. David Irving used the excellent and literate Weidenfeld translation in *Hitler's Table Talk* (ed. Hugh Trevor Roper). Years later he obtained the original Heim document, above.

The translator had given the sense of the German word *Schrecken* in this context as "rumour", rather than using its literal meaning ("fright").

Prof. Evans accused Mr. Irving of "distortion and manipulation" for having used this Weidenfeld translation.

This is Mr. Irving's argument in his Closing Speech.

“YOUR LORDSHIP ASKS for my comment on *Hitler's Table Talk* of Oct. 25, 1941.<sup>1</sup> Your Lordship is familiar with the Defendants' argument, and with mine.

My extract from this document was based on the original Weidenfeld translation, as it is known.

In disagreement with the Defendants' experts, I still maintain, and others have followed me in this (notably Prof. Philippe Burrin, who translated *Schrecken* as "the ominous reputation") that the appropriate translation here for the word *Schrecken* is indeed "rumour" and not "terror", a word which makes for a wooden and uncouth trans-

lation anyway.<sup>2</sup> A relevant passage from the SS "Event Report" on activities in the rear of the eastern front, dated Sept. 11, 1941, shows that this is precisely what was meant:

The rumour that all Jews are being shot by the Germans had a salutary effect.

- The Jews were now fleeing before the Germans arrived before the Germans arrived.<sup>3</sup> "The rumour"!

To accuse me of wilful mistranslation and distortion, when (a) I used the official Weidenfeld translation, not at that time having received the original German from Switzerland, and (b) the word "rumour" gives the precisely correct nuance that the surrounding history shows the word was meant to have, seems to be an excessively harsh judgment on my expertise.

<sup>1</sup> Day 20, Feb. 15, page 91.

<sup>2</sup> Burrin, *Hitler and the Jews, the Genesis of the Holocaust*. "It is a good thing we are preceded by the ominous reputation of exterminating the Jews."

<sup>3</sup> *Ereignismeldung* No. 60, dated Sept. 11, 1941, page 9: "Günstig wirkt sich das Gerücht aus, daß von den Deutschen alle Juden totgeschossen würden." And see *Ereignismeldung* No. 81 of Sept. 12, 1941 where Einsatzgruppe C reported, "The gratuitous evacuation of hundreds of thousands of Jews may be considered to be an indirect success of the work of the Security Police. As we hear mostly from the other side of the Urals, this is a considerable contribution to the solution of the Jewish question in Europe." Translation in Arad, Krakowski, and Spektor in *The Einsatzgruppen Reports*, page 131.

## January 25, 2000

(Tuesday) A great day in Court.

Desperately tired, I carry a huge box of files in twenty minutes before starting time, at 10:10 a.m.; the benches are soon filled, the reserved press seats are all full.

From 10:30 a.m., I take Prof. Rob-

ert Jan Van Pelt, their chief Auschwitz witness, "Prof. of Architecture" at a Canadian university, under cross-examination. I begin with his qualifications and extract from him the admissions (PAGE 6) that

(a) if I am a pseudo historian, then he is a pseudo architect;

(b) he has as an architect the



### Transcript, January 25, 2000:

Mr. David Irving: My Lord, may I propose that I briefly cross-examine the Witness as to credit? – Prof. Van Pelt, may I first of all welcome you to our country and say what a great pleasure I had in reading your book on Auschwitz – it is one of the few books that I have read from cover to cover. . . You studied at the University of Leiden, and you are now Professor of the History of Architecture at the University of Waterloo in Ontario?

Prof. Van Pelt: No. I am officially a Professor of Architecture. I would call myself Professor of Cultural History because, both in my background, my PhD., and my teaching duties, I teach cultural history in the architectural school. However, when I was advised [by *Defence attorneys*] about the way I had to create my curriculum vitae for this proceeding, I was told that I had to be extremely precise, so I put in Professor of Architecture.

Mr. Justice Gray: So you are really a cultural historian?

Prof. Van Pelt: I am really a cultural historian.

Mr. Irving: This is a point of some substance, my Lord. [To Van Pelt:] We need to know precisely what your qualifications are, to offer your expertise to the court. I do not mean this in the least sense in a derogatory manner. . . In Britain, we have the Royal Institute of British Architects (RIBA). Are you familiar with the fact that it is illegal in England to call yourself “an architect” unless you are registered with the RIBA?

Prof. Van Pelt: Yes, I know.

Mr. Irving: In Holland, the equivalent is the Bond van Nederlandse Architecten, am I correct?

Prof. Van Pelt: Yes, Bond van Nederlandse Architecten.

Mr. Irving: Am I right in saying that you are not registered with the Bond van Nederlandse Architecten? . . . So you cannot legally pretend to be an architect, if I can put it like that?

Prof. Van Pelt: No, I could be prosecuted.

Mr. Irving: Rather as Mr. Leuchter was prosecuted in Massachusetts for pretending to be an engineer?

Prof. Van Pelt: Yes.

Mr. Irving: In other words, your expertise, as an architect, is the same as Mr. Leuchter’s expertise was as an engineer?

Prof. Van Pelt: I do not really know. I have been teaching in architecture school now since 1984. I have taught design courses, specially in small architecture schools, one needs to chip in wherever one does. I have been on architectural juries –

Mr. Irving: You have never learned architecture? You have never studied architecture at university? You have never taken a degree in architecture?

Prof. Van Pelt: I do not have a degree in it, but I have been confronted with the architectural practice and, apart from that, I have worked for various architects, one of them, Sir Dennis Leston, here in England, when he was designing the Synagogue in Jerusalem. I have worked with Jack Diamond in Toronto. So I have been in architectural offices very often and other practices.

Mr. Irving: And, of course, you are now advising the present Auschwitz authorities on the reconstruction, if I can put it like that, of the Auschwitz site?

Prof. Van Pelt: I was advising them, yes.

Mr. Irving: Very well. So if I am called “a pseudo-historian”, then you are a pseudo-architect, if I can put it like that?

Prof. Van Pelt: Yes, except I have never claimed to be either an architect or a pseudo architect.

Mr. Irving: Except that you announce that you are a Professor of Architecture: you leave people with the impression that you are an expert on architecture: and yet you have never studied it. And you have never qualified. And you are not registered as such.

Prof. Van Pelt: I must say that I probably would prefer to be called a Professor of Cultural History –

Mr. Irving: – but you are not giving evidence here on the *culture* of Auschwitz; you are giving evidence on the *architecture* of Auschwitz.

Prof. Van Pelt: I am going to give evidence I hope on the history of Auschwitz and the architectural documents are a very important historical source.

Mr. Irving: I think it is important to draw his Lordship’s attention to the fact that your qualifications as an architect are, in fact, no greater or lesser than mine?

Prof. Van Pelt: I agree that my formal qualifications are exactly the same as yours.

Mr. Irving: So when you look at light switches or architectural drawings or “blueprints” – as you call them – you are no better qualified than I am?

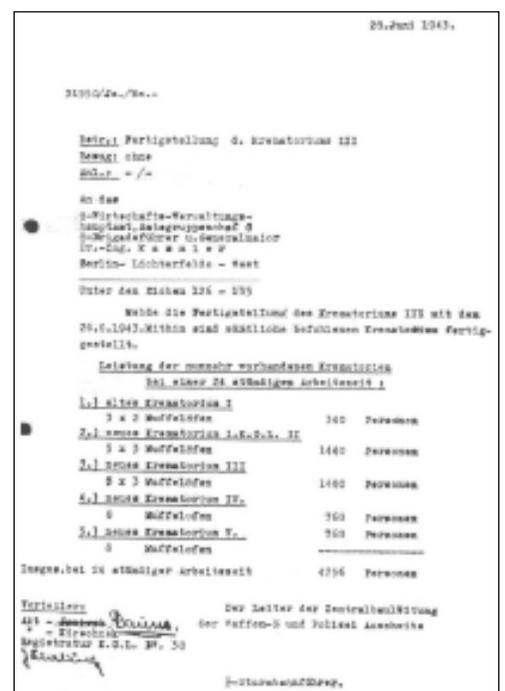
Prof. Van Pelt: No, but I would say, your Lordship, that I have been doing this for the past maybe 15 years, and so there is a certain practical experience, I would say, which maybe is going to be relevant. □



### Transcript, January 25, 2000:

Mr. Irving: Prof. Van Pelt, we are wasting our time really, are we not? There were never *any* holes in that roof. There are no holes in that roof today. There were *never* four holes through that roof. They cannot have poured cyanide capsules through that roof. The concrete evidence is still there. You yourself have stood on that roof and looked for those holes and not found them. Our experts have stood on that roof and not found them. The holes were *never* there. What do you have say to that?

### The “crematorium capacities” document: a fake?



The “Bischoff document” is challenged because:

(a) Letter-No. 31550/Je./Ne. - lacks a year /43/.

(b) Je[nisch] dictated the letter; Letter-No. has a typist working him whose initials (/Ne.) are not found on any of the 58,000 documents surviving in the Auschwitz Construction Office archives.

(c) Kammler’s rank is given wrongly: *SS-Brigadeführer und Generalmajor* instead of *SS-Brigadeführer und Generalmajor der Waffen SS*.

(d) Letter-no. 31550 appears to have been typed in later (after a suitable in-sequence serial number was ascertained for this fake document?)

(e) The figures for Crematorium II do not tally with the manufacturers’ specifications. A letter cited by Pressac in Topf & Co archives gives a top rate of 800 per day for Crematorium II and III.

(f) The document includes crematoria already out of, or due to be taken out of, commission. Crematorium II was in service from Mar. 15 to 24 and Jul. 18 to Dec. 31, in 1943; III from Jun. 25 to Dec. 31; IV from Mar. 22 to May 10. II and IV were down on Jun. 28, 1943; and Crematorium I was taken out of service soon after for conversion to an air raid shelter.

ADDENDUM, July 2000: The reference “ohne” is not found on any other archival documents.

same qualifications that Leuchter had as an engineer;

(c) that he is not, and never has, studied as an architect;

(d) that if he were to describe himself as an architect in his native Holland, he would be liable to arrest.

I then carefully lay the trap, as I candidly inform the Judge around lunchtime; I butter Pelt up as a “Rommel of the Holocaust historians”, I show him Dr. Dragan’s giant aerial pictures of Auschwitz with the “tourists” massing around the

Crematorium II – he himself identifies them as “tourists” – which is, he agrees, the building where the “500,000” or “millions” of Jews were gassed.

I ask him to identify by name the eye-witnesses on which he has based his belief that Crematori-

um II was an instrument of death, operating as a gas chamber, with the SS men pouring cyanide pellets through four holes in the roof: the SS men had, said these “witnesses,” removed the concrete manhole covers with both hands.

# The Hole in Pelt's Story: No Holes in that Roof!

He names Bimko, Broad, Tauber, and another.

E-mail message to The Gang:

**Please supply what you know of those witnesses for tomorrow's hearing! They're going to come back fighting after this disaster!**

I ask him to estimate the size of the wire mesh columns through which the pellets cascaded.

Then having questioned him quietly for nearly six hours I snap, "Your eye-witnesses are liars."

In his Expert Report [for which the defendants have paid Prof. Van Pelt \$200,000], Pelt has claimed that the Nazis must have filled in the holes with ce-



Expert Witness *Robert Jan Van Pelt*, who teaches as Professor of Architecture at a Canadian university, admits in Court that he never qualified or registered as an architect.

ment at the last moment so that they would not be seen.

I sarcastically ask him if the SS gave some luckless corporal a rubber bucket of cement and a trowel, as the Red Army tanks were thundering towards them, with instructions to make good the holes before they dynamited the whole building!

After that I take him through the fact that "fair-face finish" concrete cannot be simply repaired or invisibly mended, as he has waffled in his report, and that the "wooden blocks," referred to by Tauber in his statement as having been set in the concrete roof to screw the fake "shower heads" onto, can also not be seen in the roof today.

It is already five minutes to four p.m. as I finish. The Judge has earlier agreed that we shall stop at 3:45 p.m., as I am so tired. He says, "Mr. Irving, do you wish to stop your cross-examination there? Would that be a good point?"

I say, "Unless Mr. Rampton wishes to say something to repair the damage at this point!"

Van Pelt said, "My Lord, may I respond to this?" The Judge said: "Yes, but not until ten-thirty tomorrow morning!"

The timing could not have been better. The press benches empty as the reporters stream out for the telephones.

100 e-mails in the evening to deal with. An article in Danish, in *Politiken*, by the Holocaust lobby, LIES AND THE HOLOCAUST.

A long phone call from Barbara K., offering Paul Fromm as a witness (I say too late, and I wouldn't have benefited really).

## January 26, 2000

(Wednesday) Not one London newspaper has mentioned the demolition of the Crematorium II roof holes story. *The Times* carries a piece (as, it turns out, *The Guardian* does too) which appears to be based on a P.R. handout from somebody, as it contains evidence (eye-witness names etc.) not stated by Van Pelt in the Courtroom.

I open the day by protesting to the Judge at this attempt to influence public opinion. He merely agrees not to read the story.

I spend an hour demolishing more of Pelt's five main "eye-witnesses." He formally admits that the 1945 *Pravda* article on Auschwitz is bunkum. The Judge agrees that Bimko also spoke bunkum – and that Pelt should have cited the bunkum bits as well as those he has relied on. The Judge is inclined to agree with me on Tauber, too.

E-mail to The Gang:

**Can we prepare equal attacks on Broad and Bender, on whom he is increasingly relying; we also need to demolish Mula, who claims to have made the wire mesh pipes.**

We revert to the roof of Morgue 1.

Van Pelt produces the famous picture of the building under construction (Nov. 1942) with a locomotive in the foreground. I put a powerful case for the objects glimpsed on the flat morgue roof behind being tar barrels, or something similar.

Anyway, if the holes in the roof are not there now, I repeat, what those protuberances are is unimportant. I ask him, has he seen a photo of the same roof covered with snow? "Yes." "Professor Van Pelt, have you seen a photograph of that roof with just snow on it and no kind of protuberances at all, that flat

roof?"

He says he can't remember.

Yesterday Pelt calculated, by using the documented coke-supply figures and reverse math from the suspect Jun. 28, 1943 cremation-capacities document, that Auschwitz had managed to reduce coke consumption to 3.5kg per corpse – "about as much coke as this water bottle would hold," I challenged, picking the jug up off my desk.

The lowest figure achieved at the Gusen concentration camp for mass cremations was 25kg.

I ask Pelt after lunch about the Zyklon-B consumption figures at Auschwitz. He has figures from the Tesch trial showing that roughly 7 tons were consumed in 1942 and 12 tons in 1943. At great length he then does calculations for the Court

establishing that the proper consumption might have been nine tons for 1943.

After pointing out that neither he nor I are disinfestation experts, I suggest (a), that nine tons are not significantly different from 12 tons, given the usual margin for error, inefficiencies, sub-distribution to satellite camps, etc.; I don't think the Judge has appreciated this. And (b), that Pelt should have relied instead on the evidence of Tesch himself and his *Prokurist* Weinbacher, who testified that those amounts delivered to Auschwitz would barely have sufficed for the fumigation of the huge camp.

Van Pelt has not bothered to read the letters submitted by the two condemned men, Tesch and Weinbacher, in their appeals for



## Transcript, January 25, 2000:

Mr. Irving: So you would expect that it would be unlikely that these panic stricken Germans could have managed to trowel the finish on both the gravel covered [top] side of the roof and the underside of the roof, in such a way that nothing would show. You would now see what is called a drying line where the hatch had once been. Is that correct?

Prof. Robert Van Pelt: If you would have had this kind of concrete, but, sadly enough, one does not have that kind of concrete in the ceiling of Morgue No. 1 of Crematorium II. You cannot draw any conclusion from that formwork of what kind of hole was located where.

Mr. Irving: Is it not so that when you have formwork made of wooden planks you can see the grain of the wood, and that you could not plaster over the holes in such a way that "Holocaust deniers" years later would not find them?

Van Pelt: Yes, but there is one problem. The second column of the crematorium remains. The mesh columns were attached to the first, the third, the fifth and the seventh.

Mr. Irving: Fortuitously – the one that remains was the one that did not have the wire mesh? . . . I am talking about the ceiling.

Van Pelt: There is a one little bit of ceiling only visible. You can crawl under the roof of Morgue No. 1. I have done it.

Mr. Irving: The holes are not under that part?

Van Pelt: The roof falls back into the ground.

Mr. Irving: Here is a map of the roof as it now is. The only holes are where it has been

punched through in recent years by people curious about what is going on underneath, and the one place where the pillar has also broken through. The holes that your "eye-witnesses" refer to cannot be found for the simple reason they were never there. There is not the slightest trace of them. I also draw your attention, my Lord, if you go back to page 184 –

Mr. Justice Gray: Yes.

Mr. Irving: – about ten lines down:

The showers were fitted to small blocks of wood sealed into the concrete roof of the gas chamber.

Those little blocks of wood are also not in the ceiling, as you can see, my Lord – I gave your Lordship two colour photographs this morning.

Mr. Justice Gray: Yes. I am just underlining that.

Mr. Irving: One is of the underside of the concrete roof and you can see the condition that the concrete roof underneath this messy slab is in. You can see the wood-grain markings on the concrete where the formwork was, all these years ago, when they built Crematorium II in Auschwitz. You can appreciate that if there had been those holes in the roof, which are the cardinal linchpin of the Defence in this action, they would have been found by now. They have not found them. So their "eye-witness" evidence collapses, because these people are exposed for the liars that they were. My Lord, it is four minutes to 4. Unless Mr. Rampton wishes to say something to repair the damage at this point –

Van Pelt: My Lord, may I respond to this?

Mr. Justice Gray: Yes, but not until 10:30 tomorrow morning. □

clemency; in these letters the calculations are done in full.

I produce a clip of the well-known documents re *Fahrgenehmigungen*, travel permits, for 5-ton trucks bringing materials from Dessau to Auschwitz, and the Zyklon-B invoices; when we get to the "Feldöfen" permit, Pelt claims to have documents proving that Rudolf Höss went to Chelmno that day to inspect fire grates for Blobel's disposal of disinterred corpses. One point to him.

My translation of *Feldöfen* as "field kitchens" earns a black mark from the Judge; thank you, whoever fed that evidently bad document to me!

We turn to the corpse-elevator question: Pelt has no figures, but says that the elevator *eventually* used was a flatbed freight hoist, of 1,500 kg capacity, with no walls. When I state that this would severely limit the number of bodies that could be stacked on it, if slippery and loose, and I suggest that ten minutes was a realistic figure for a round trip, including loading, stacking, and unloading, he asks for time to do the calculation in detail.

On the *Vorwärmung* ("prewarming") of Morgue 1, I make the point, based on *Neufert*, that morgues have to be maintained at a constant temperature – neither too low nor too high).

Pelt's response is that (a) *Neufert* is guidelines, not a building code (I say: why is it in every Nazi architect's office, then – he concedes that a copy was at Auschwitz); and (b) *Neufert* specifies not only warming but also cooling in summer; there is no evidence of any heating installation in Morgue 1 before the *Vorwärmung* document, and none of cooling.

TO MY ASTONISHMENT, THE Judge won't allow me to bring evidence that the gas chamber shown to tourists at Auschwitz [*Auschwitz I, the original camp*] is a fake built in 1948.

Having demolished, as I claim, all of Pelt's eye-witnesses, I have challenged him to produce the drawings on which he relies for evidence of gas chamber use in Crematorium II [*at Birkenau*].

Clearly in difficulties, he states that there are "two or three" drawings which have to be taken in conjunction; and he has prepared a slide show, with computer-generated images of Morgue 1, which he will bring to Court on Friday morning.

We finish at 4:15 p.m.; I am drained, drained.

Terry Lloyd, our free Black-cab driver, is waiting this time to take us home. R. is jittering over our posting the daily transcripts on the Internet; I reassure him on copyright, the worst that will happen is a letter from the transcribers.

Two phone calls from Ruth Tz. On

balance, I am not happy about today. I lost a lot of points.

## January 27, 2000

(Thursday) I work until 2:30 a.m. as usual, then up at 7:50 a.m. to take Jessica to school. No Court hearing today. At eleven-thirty Prof. MacDonald arrives from California.

Very satisfactory coverage today – one day late (why!?) – in all the newspapers of the "no holes" sensation. That must put the Defence into a funk.

Mishcon's [*Deborah Lipstadt's attorneys*] spring two ugly new wartime documents on me at lunchtime; I duly put them to The Gang but I'll protest at this kind of evidence management.

[In one of them, a low-grade SS officer, Kinna, reports from Zamosc on delivering Poles to Auschwitz].

At 4 p.m. Eric Silver of the *Jerusalem Report* comes; formerly with the *Guardian*. Very Jewish, very hostile (though concealing it), he bristles with rage

with Kevin MacDonald to the Court. I reassure him that the Defence will probably not want to cross-examine him. The Judge allows me to put key documents of Bundle "E" to him, and compliments me on the economy with which I do so.

The portrayal by the professor of his teachings and books is sometimes not very audible, given the American voice in which it is put, and Judge Gray seems impatient, asking about the relevance to this action.

I explain that my case is that the Second Defendant [*Lipstadt*] has made herself part of an international global endeavour [*what the Jewish newspapers sneeringly refer to as a world conspiracy*] to destroy my name, and that her documents come from bodies which are all part of that endeavour.

I draw MacDonald's attention to the affidavit served in 1996 by Michael Whine (of the Board of Deputies of British Jews) confirming that he has secretly fed

I invite the Judge to order that Rampton first identify its "anonymous" source, to enable me to issue a *sub-poena* if need be for production of the surrounding documents.

The Judge is receptive to the idea and tells Rampton he cannot see why it should not be identified. In the afternoon Rampton seems unsure of himself, and is rattled when I several times catch out the odious Prof. Richard Evans (their chief expert witness, who has yet to testify) in schoolboy German-language errors in his [\$200,000] Report. Once, this "expert" has even translated a Feb. 1939 (Supreme Party Court) reference, "... sie müssen dran glauben", as an incredible "they will have to believe in it." – *Dran glauben* is German slang for getting killed, like "they bought it," or "they went for a Burton."

Rampton tries to make sense of the 1938 *Kristallnacht* in his clients' interests, but fails to impress – particularly when he produces an alternative copy of the telegram issued by Rudolf Hess's office at 2:56 a.m. Nov. 10, 1938 forbidding arson attacks on *Geschäfte* etc., "on orders from the highest level."

Rampton's version omits the Deputy Führer's letterhead. This original the Judge now wants to see. He says, "I would like to see what you say has been cut off. . . It needs to be chased up." Rampton's misery is complete when he fails to find an item on page 851 of HITLER'S WAR to which Evans has confidently referred; I said, "Perhaps Evans translated the number wrongly!", to general satisfaction in the public galleries.

A member of the public congratulates me on the flattering portrayal of the libel action published in Saturday's *The Independent*. I have not yet seen it.

Mr. Rampton runs out of prepared material at 3:30 p.m.; he reveals that he probably will not call the Moscow Prof. Tarasov after all (which means that the immense body of work I have prepared for T.'s cross-examination is now wasted).

I LEAVE THE LAW COURTS feeling that today at least the tide has changed; as Dr. Goebels would have written, the Defence "can see their bear-pelts floating away".

I wait twenty minutes for a No. 23 bus, and finally take a taxi; as I climb in, a No. 23 pulls up behind. Aaargh.

7:20 p.m. South African radio, an Islamic station, phones, wanting to interview me; I will not co-operate. Benté is on her feet today, though still looking deathly ill.

At 9:37 p.m. ABC Radio Australia phones for an interview. – I send an e-mail about it to Beatrice in Brisbane, and add: "I now begin to suspect I may

## THE TIMES

London, April 12, 2000

### Jewish experts predict more battles to fight

FROM ROSS DUNN IN JERUSALEM AND ROGER BOYES IN BERLIN

ISRAELIS hailed the verdict against David Irving as a key victory in the fight against anti-Semitism but gave warning that there will continue to be battles ahead against other Holocaust deniers. Officials at Yad Vashem, the Holocaust memorial in Jerusalem, said the case had proved the facts of the tragedy...

The libel trial had a direct effect on the Auschwitz camp where curators started to search for crematorium gas inlets to refute Mr. Irving's courtroom claim that none could be seen. The results of the search are not yet known.

An unholy problem *This story disappeared from later editions*

when I raise the not impertinent question of "Why us?"

## January 28, 2000

(Friday) Work until four a.m. completing eight sets of photos for today's hearing. Bed at 4:10 a.m. I expect that the Defence will attempt to squelch Prof. MacDonald and the documents that support his testimony.

Supper with George S. and Nina (latter gets on my nerves, playing games with Jessica which involve Nina tearing up paper and throwing it on the floor of the restaurant.)

## January 30, 2000

(Sunday) Work until 3:10 a.m., tidying papers and updating the Website. Prof. MacDonald is nervous about tomorrow. I hope he holds up on the stand.

I labour all afternoon and evening preparing seven sets of my evidence bundle ("E"), my bundle called "Global"; then index it until three a.m.

## January 31, 2000

(Monday) Up at 7:50 a.m. Take Jessica to school, then by taxi

a (lying) document about me through a Canadian Jewish body to the government in Ottawa with the intention of getting me banned from that country [*as happened in 1992*]; MacDonald confirms that this is the way these bodies work.

As we come to "Document 500", the strange secret item from the Simon Wiesenthal Centre in Toronto, with its references to the need to "destroy Mr. Irving's legitimacy as a historian," the Judge confirms that he now appreciates its relevance to the action; the covering letter warning Deborah Lipstadt to treat it with the utmost delicacy is also relished.

The professor states that he has never heard me utter an anti-Semitic remark even in private. The Defence offers no cross-examination, and Prof. MacDonald is discharged. His air fare has been money well spent.

As they have now been mentioned or read out in open Court, these items come into the public domain and I shall post them on the Website this evening.

RAMPTON RESUMES CROSS EXAMINATION. He tries to put to me the Zamosc document.



Threw the Book *The Judgment which Sir Charles Gray QC handed down to a packed courtroom on Apr. 11, 2000 in David Irving vs. Penguin Books & Lipstadt surprised many by its savagery, but delighted the Jewish community.*

ture of his orders because the official name of the operation was KEELHAUL.

Keelhauling was a disciplinary measure on English ships in the good old days. A seaman guilty of some misdemeanour would have a rope attached under his arms, and be dragged underwater all the way from the stern to the bow of the ship before being hauled out again.

Count Tolstoy later found evidence to the effect that Brigadier Low was indeed still in Austria at the time when his orders were carried out, but the appeal judges refused to re-open the case. They let the £1,750,000 order against Count Tolstoy stand. It bankrupted him, of course.

■ I HAVE MET CHARLES GRAY. IT WAS AT my son's flat in Hampstead. My son had met him in the City and told him that Hilaire Belloc's daughter Elizabeth had been my godmother. Gray told him that he himself was related to Belloc.

When we met, I tested the water, remarking that I had written to the Royal Society for the Protection of Cruelty to

Animals, protesting against the ritual slaughter of animals without stunning (as in shechita or halal killing).

Gray became excited and said that the Jews were such an asset that any banning of slaughter without stunning would be intolerable. He was obviously a philo-Semite (as appears in his Judgment of the *Irving* action).

As the evening wore on, more drink was consumed. Gray warmed to me, and asked me to accompany him somewhere. We went on foot, and he sang me a song about an Irish bomber called *The Ould Alarum Clock* (alarm clocks being used in the early days as a timer for bombs), and told me a story about a barrister in Reading who was asked by the judge whether his client was aware of the principle of *res ipsa loquitur* (the thing speaks for itself), to which the barrister replied: "In the Irish village from which my client comes, M'Lud, they speak of little else."

Then he sang *The British Grenadiers*, in which I was able to join. It struck me at the time that the Grenadiers were more likely than most regiments to be philo-Semitic, because they were the first Allied troops into Bergen-Belsen. (The scenes of emaciated prisoners were similar to those in Andersonville PoW camp at the end of the American Civil War, and for the same reason: starvation – though typhus was also rampant). — *Hugh Purcell* □

NO STRANGER TO WORLD WAR II HISTORY, as barrister for former British Army brigadier Toby Low, later Lord Aldington, Gray won a controversial libel action against Count Tolstoy.

Tolstoy, wrote Prof. Hugh Purcell in *The Fortune Newsletter* (May 2000), had published a book in which Aldington was held responsible for the repatriation of 50,000 Cossacks and 20,000 Yugoslavs to certain death at the hands of Tito's partisans, mostly Serbs.

Gray did not deny that Aldington gave the orders which resulted in the horrible death of these people. He did not deny the atrocities (the evidence adduced by Tolstoy was overwhelming); nor did he emphasise the fact that Low was only obeying orders agreed by Churchill and Eden at Yalta.

What Gray argued was that Lord Aldington had had no idea what the fate of these people would be, and could not be held responsible because he was no longer in Austria at the time when his orders were carried out. The barrister for the defence, none other than Richard Rampton QC, appears not to have pointed out that Aldington could hardly have been unaware of the draconic na-

## The Guardian interviews Judge Gray

ON APR. 17, 2000, FIVE DAYS AFTER HIS JUDGMENT, *The Guardian* PUBLISHED IN LONDON A revealing interview of Sir Charles Gray. His role, he said in this, was not to decide what the Nazis did sixty years ago, but whether David Irving had deliberately manipulated historical evidence. "He can't speak about the issues in the Irving case because it may go to appeal," noted Clare Dyer. "There was a lot of emotion in *Aldington* but there wasn't in this, because it was all expert evidence and that in a way distanced you from the actual events." He found it "very revealing" to discover how historians like Mr. Irving and the experts work. "You really examine individual documents very minutely and the use of original source material is extremely difficult and taxing." Gray said that he did not think it could have been fairly tried by a jury because there were 10,000 pages of documents. He began writing his Judgment even before the trial ended.

Having one of the parties represent himself was often a judge's nightmare, he added, but Mr. Irving was far from a typical litigant in person. "No lawyer," *The Guardian* quoted Judge Gray as saying, "could have managed such mastery over his material." "He conducted his case in a very impressive way," says Gray.

Richard Rampton QC agreed: "Mr Irving knows his stuff, does Mr. Irving."

Gray and Rampton knew each other from when they were adversaries in *Aldington v Tolstoy*. Having Gray as the judge in this case was, remarked Rampton without elaborating, "the one ray of light" in the case. "I think he has the makings of a very good judge indeed, and I think that's the view generally of the defamation bar. He's not an overzealous intervener. He listens very carefully and doesn't rush in where angels fear to tread."

Full text: <http://www.fpp.co.uk/docs/trial2/Guardian170400.html>

even win. – Incidentally, don't talk with any Australian media people who contact you. That's my advice."

Midnight: the Melbourne *Herald Sun* phones about her. I hope they don't cause her problems.

## February 1, 2000

(Tuesday) At eight a.m. the Australian Associated Press phones. The Australian prime minister John Howard has this morning publicly condemned my announcement of plans to visit Australia later this year. I say: "Then he's going to have to change the law a second time to keep me out!"

Why do I want to go? "There are thousands of Australians whose hands I want to shake – they

have been supporting me for the last six years!"

THE POWER THAT THESE ENEMIES of the truth have – over prime ministers of continents: the gibbering freaks like Howard are willing to say anything. All I have to do is name the date I shall submit my next application, and already they're pleading with me to back off!

I point out: "Australia has no problem with the 'character' of an IRA terrorist and murderer who wants to visit; no problem with Konrad Kalejs, indeed, he's welcomed with open arms; no problems with the American arsonist Ervin – but *huge* problems with a British historian." To the High Court. As the morning session begins, I ask Judge

Gray for permission to cross examine the Defence expert Prof. Robert Van Pelt again, who is sitting with the Defence researchers in the public gallery; I say I want to investigate further on one specific matter, namely the authenticity of Bischoff's June 1943 cremation-capacities document (PAGE 6). I add that I expect to bring serious discrepancies in the document to the Defence's attention, which I shall invite them to address when their remaining experts are in the witness box. Rampton then re-examines Pelt at some length and breadth until I finally rise and object that he is examining the witness on matters not contained in my further cross-examination, which objection Judge Gray at

once allows. He agrees that it has been a useful interlude, given that this is the only document whose integrity I seriously challenge, and that it seems pivotal to the Defence case on the Auschwitz figures; Rampton now objects that he does *not* regard it as pivotal! I think that Judge Gray now doubts the worth of that piece of paper, on which so much rides. To my mind, it is probably phoney, a post-war fake.

FOR THE REST OF THE DAY I am back on the witness stand, being cross-examined on the 1938 *Kristallnacht* and the 1945 Dresden death roll figures, on the basis of the report put in by Prof. Evans. At one stage Rampton foolishly

states that the reality is that the Dresden death roll was "only 35,000". I respond that "only" is an extraordinary word to use when it concerns 35,000 innocent human beings whom we British have *burned alive* in one night.

I remind the Court that Rampton also shouted "*So what!*" when I mentioned the Dresden atrocity two weeks ago – whereupon I had shown the Court the huge black and white enlarged photograph of the Feb. 25, 1945 Altmarkt mass cremations; I had said: "*That is why!*"

Rampton says today that I should "put away those ugly photos", and he adds for the public's benefit that he has tossed his copy of them into the wastebin. He does score one or two points. It seems that in GOEBBELS I have muddled one source-note, identified there as "PS-3052" (it should be 3051). I check with my handwritten original: the actual source is Karl Wolff, quoted by Werner Best.

Rampton finds it hard to explain away the urgent 2:56 a.m. Nov. 10, 1938 Halt Order, issued by Rudolf Hess as Deputy Führer, if Hitler was fanatically behind the *Kristallnacht* pogrom. He instead makes much of the Supreme Party Court report dated Feb. 1939, commuting sentences imposed on fourteen of the sixteen offenders, and comparing it with what I wrote in the book.

**[To The Gang: Who can dig out for me please in a hurry what Ingrid Weckert wrote of the post-Kristallnacht prosecutions: numbers, with chapter and verse please? I deliberately did not use her book, but I am told it contains statistics on prosecutions for Kristallnacht offences.]**

**A**T LUNCHTIME I DO A FILMED interview for Australian television outside the Law Courts, and Tracey Hannaford of their Channel 9 asks me to go to their studio in Camden for a live satellite link with Australia during the night.

In the afternoon the public flogging goes on, this time switching over to the Dresden death-statistics issue. Here the Defence lawyers are on shaky ground, as their expert Evans has suppressed a number of documents that are in my Discovery.

Fortunately I have pre-emptively copied them for the Court, which rather flummoxes them. Judge Gray is evidently annoyed that (a) the documents are German (b) they are largely illegible (c) the Defence have omitted these highly relevant items from the core bundles.

It is hard to see what the score is so far. I expect that the balance will shift in my favour when I get their experts in my sights, and start cross-examining them, for which we are now



Keegan: *Knighted by HM the Queen on May 3, 2000, for services to history.*

Mr. Irving: Do you remember writing an article for *The Times Literary Supplement* in about April 1980?

Sir John Keegan: I am quite sure that I did write what is quoted here.

Mr. Irving: This was not reviewing a book by me, was it? It was reviewing some other book. Is it right that you wrote the following words:

well prepared, thanks to The Gang.  
On Monday we shall start with Prof. Browning; followed by the others. Judge Gray reiterates that I can ask for days off between the experts, and I shall certainly do so before Evans come under our guns. Rampton runs out of material at 3:45 p.m.; my legs are aching from standing five hours in the box.

## February 2, 2000

(Wednesday) I work till two a.m. preparing for today's hearing. Three hours' sleep then up at five a.m.; the fax machine is overflowing with press clippings from today's Australian newspapers on the trial. Then to the Australian Channel 9 television studios at Camden Lock, NW1 at six a.m., for a live broadcast.

*The Times* has a loaded article, headlining the fact that Rampton has (yet again) called me a liar over Dresden figures. Sigh: that's the way the *journalle* works. Striking out bravely – when they are "privileged" to do so by the rules of Court.

By satellite, I broadcast a fifteen minute interview segment for *A Current Affair* in Australia, about the trial, my daughter Beatrice, their prime minister John Howard (I say I can't imagine why I'm not allowed to enter, perhaps it's the way I hold my pen..!)

The interviewer Mike Munro asks if I have said it was "dreadful," as newspapers report, that Bea-

## Transcript, Feb. 7, 2000:

Two books in English stand out from the vast literature of the Second World War: Chester Wilmot, *Struggle for Europe*, published in 1952, and David Irving's *Hitler's War*, which appeared three years ago?

Sir John: Yes, and that is my general opinion. I think that, taken together, they are – if I were to recommend to a starter two books which would explain the Second World War from Hitler's side and from the Allies' side, those are the two books I would choose.

Mr. Irving: This does not, of course, mean that you endorse or accept all the views that I might be held to propagate in them or not, or otherwise?

Sir John: Indeed not, because later on in the papers you have given me I reprove you for your lack of a moral point of view in your discussion of Hitler and of his status relative to Churchill and Roosevelt.

Mr. Irving: Is it right to say that this opinion which you expressed in that review was not only publicly held, but also privately held, by yourself?

Sir John: Yes. I often say you have to read *Hitler's War*. □

trix has become an Australian citizen, and I laugh out loud.

I do what I can to protect her from criticism, though. Told that Howard says that despite my having an Australian daughter he will *still* not let me enter, I say that this is bad news for millions of Australians who have always imagined that their English next of kin have an automatic right of entry.

They now find that their prime minister has sold out to wealthy private interests and thinks he can trample on the law. "He will have to change the law for a second time to keep me out this time," I say.

At 7:45–55 a.m. I phone [*Dresden survivor and author*] Götz Bergander in Berlin. It's the first time for about twenty years –

he's still at the same phone number. He confirms that the late Herr Ehlich gave him a copy of the genuine Order of the Day No. 47, which he had copied from police records; but he had also copied the fake one, so it is not impossible that Ehlich just cut off again the zeroes which the fakers had added on.

I remark how odd it is that no other genuine ones survived. At the High Court from 10:30 to 4:30 p.m., during which I am again in the witness stand except for the first half hour, when Defence counsel Mr. Rampton again puts his Prof. Van Pelt into the box.

**T**OGETHER THEY TRY TO REPAIR the damage I have done

to their June 1943 "crematorium capacities" document, of Bischoff (PAGE 6). Pelt has brought along ten documents from his portable collection to show various features: I remain firm on the missing year "143/", the unknown secretary "1/Ne.", the typed *Brieftagebuchnummer*, and the totally wrong (incomplete) rank for Hans Kammler (whose full rank, as a *Generalmajor der Waffen SS*, is fortuitously demonstrated on one of these new items).

They are obviously worried about that document, and I think that their action in recalling Pelt today has helped to focus the Judge on its problem value; I repeat that this is the only document in this trial whose integrity I intend to impugn.

For the rest of the morning I am cross-examined on an item in the Gerald Fleming [Gerhard Flehinger] book *Der Führer und die Endlösung*, which he wrote twenty years ago in an attempt to refute *Hitler's War*.

I say I have not read it, or – as an afterthought – that I have at most dipped into it, in connection with the Bruns document, and that my knowledge of its research etc., comes only from reviews I have read by Gordon Craig and Tom Bower.

**T**HE MORNING CLOSES ON A heated note as they try to make out that I am a racist.

They read out from my private diary two poems I wrote for Jessica. One such private poem, written after an anti-fascist magazine published a photo of myself with Benté and Jessica, with the sneering caption "The perfect Aryan family," reads: "I am a baby Aryan / Not Jewish or Sectarian / I have no plans to marry an / Ape or Rastafarian".

The public gallery is engrossed: I compare the poem however with those of Hilaire Belloc and Edward Lear, and I remind Counsel that Jessica was nine months old at the time (he then claims to have been speaking perfectly at six months!).

As a real clincher, I then say words to this effect: Mr. Rampton, for three or four weeks now His Lordship and I have surveyed the serried ranks of barristers, solicitors, trainees and researchers arrayed on the Defence side of the Court, and never once have we seen a member of an ethnic minority working for you; whereas, as you know, I have repeatedly employed members of those minorities.

There is, I think, appreciation from the public, but Judge Gray to my astonishment reprimands me for the remark, calling it "unhelpful."

I repeat it, saying that I am surely entitled to draw this comparison.

He reprimands me again; I again

repeat it, claiming that it is evidence of the hypocrisy of the defendants and their counsel.

At this Judge Gray becomes very angry, so I leave it at that. I begin the afternoon session with an apology for having, as I spell out once again, drawn his attention to the fact that Defence counsel's entire team has never shown one coloured face, unlike my own private staff, and yet they call *me* a racist. Gray accepts this apology.

The afternoon begins with Defence counsel showing a video of my speech at Tampa in 1995. They want to show only the latter half, with my remarks about Jewish opponents; I say that they should show it all, the Judge agrees, and for over an hour the entire Courtroom listens to a not-bad exposition of the entire revisionist case.

There is laughter at several places from the public gallery, which embarrasses me.

I have no idea who comes each day. Today I speak with Churchill historian Sir Martin Gilbert and shake his hand – boor that he is, he takes mine only with hesitation – as I ask him to confirm that I *did* send him the Aumeier document.

He says he will check. That will certainly be quicker than going through all my files, which are dishevelled after their return from the Defence lawyers.

From three until 4:30 p.m. I am cross-examined about that talk and other speeches I have made.

**I**T IS AN UNCOMFORTABLE ninety minutes. I explain (a) I have come under concentrated and vicious attack by self-appointed Jewish community leaders for twenty years or more; (b) that those attacks have frequently been of a despicable nature; (c) that the Jewish community is not immune from criticism; and (d) that such criticism is not anti-Semitism.

Rampton reads out from one speech the Toronto episode about Simon Wiesenthal and the Halloween mask, calling it an example of anti-Semitism.

I say, on the contrary, the word "Jew" is not mentioned in the entire passage; so the anti-Semitism is in his mind, not mine. The whole passage is "Anti-Uglyism" – the basis of the anecdote being that an ugly man, not a Jewish man, wore the mask. Nobody, I say, is likely to award Wiesenthal (*right*) a pride for beauty. Jewishness doesn't come into it.

The strain of this cross-examination tells on me, having had so little sleep, and Rampton cheekily suggests I am looking "rattled" (a word the Judge orders him to refrain from using), and asks if I would like to end it for the day right there.

I reply, "I am game for many more

rounds, Mr. Rampton: just carry on."

**B**ACK AT DUKE STREET AT 4:45 p.m. The flat is in deepest silence; Benté is in her darkened room. Jessica is sitting in the drawing room. Benté has spent the last eight months or so in bed, with only brief remissions.

At 7:50 p.m. there is a phone call from "The School," saying that certain parents have objected to my collecting Jessica and can not Benté do so! I am speechless with anger; it emerges that this is the Ballet School in Harley Street, where I have so far picked up Jessica only twice!

I suggest to the lady (Vicki Woolf) that she should tell these "parents," whoever they are, to "push off" or at least firmly invite them to approach me direct with their concerns and not through the school like this.

The *courage* of these people! Striking at me through Jessica.

A fax comes from Davenport, Lyons asking me to provide from my files copies of the Fleming book reviews by Gordon Craig and Tom Bower! I spend hours searching for them.

At ten p.m. I telephone tomorrow's witness Peter Millar (journalist, ex *Sunday Times*); he confirms he will come to give evidence at 10:30 a.m.

Then a long friendly talk with Gerald Fleming about his book. He's now 79 and too old to come to Court, he says. I say: A pity, you could watch the last hours of the Battleship *Auschwitz!*

I send a communiqué to my world-wide circle of experts, The Gang, and add:

**"We are still negotiating with the [Court] transcribers about the copyright position on the verbatim transcripts. I hope to resume posting them [on the Internet] in full.**

**"We start cross-examination of Prof. Browning on Monday, so please have all final materials that I need for this purpose, preferably in question and answer form, ready to put to him, keyed in to the paragraph number of his report at very least, by this weekend."**



Halloween mask A joke told to a Toronto audience about Simon Wiesenthal "was anti-Uglyism".

## February 3, 2000

(Thursday) A good night's sleep.

The Macdonalds have left by the time I am up, flying back today via Tennessee.

Today's newspapers make hay

with the "Baby Aryan" ditty; *The Times* front-pages it, but it is otherwise a very fair report. *The Daily Telegraph*, which was not represented in Court yesterday, just repeats the Associated Press report which is less full (for instance not reporting my riposte about Mr. Rampton's own pure-White staff).

I begin by handing to Judge Gray my own copy of Fleming's book, which shows [from its marginal jottings] that I read the first 22 pages, then stopped, and on a separate date dipped into the middle to check facts on the Bruns report.

For a while Rampton continues to cross-examine me on minor issues, and then on the Goebbels diaries. I admit quite readily that I illicitly borrowed two microfiches or three (I frankly can't remember) from the archives in 1992, and took two of them to London for forensic tests (all were later returned by us to the Moscow collection).

Then my witness Peter Millar arrives; he was with me as *Sunday Times* correspondent at the time of our visit to Moscow. He is an excellent and unexpectedly useful witness; I have not schooled him in any way as to what to say [unlike the Defence witnesses, who have since revealed that they were thoroughly rehearsed before they went into the witness box] and he has good recall of the most important points; when questioned by the Judge and by Rampton he, quite independently of me, gives precisely the answers I would have hoped for.

**R**ICHARD RAMPTON RESUMES questioning me. "I am going to be modest about this –," he says; I respond: "Mr. Rampton, you have every justification for your modesty." (Purloined, I confess, from Winston Churchill's comment on his 1946 successor Mr. Clement Attlee – "A humble man, and with everything to be humble about.")

He presses me again about racism; I ask the difference between racism and patriotism – "Patriotism," I tell him, "is the proper veneration and reverence for the country that was handed to you by your parents, and by their parents to them."

I explain that I miss the old England that I was born into: I wish I could climb into a "747" and fly for ten hours and arrive in England as it used to be – the England of *The Blue Lamp* and Jack Warner and no chewing gum on the pavements...

There is a hush as I say that, so I know it has struck home.

Rampton now casually reveals, in answer to a question, that he is not calling Prof. Levin or Eatwell. We have expended considerable effort in building cross-examination material for these experts on "extremism", and

this is really vexing. The Judge too seems displeased at this cavalier attitude of the Defence – given that time is, for me, a very scarce commodity.

By mid-day Rampton is flagging, and at 12:30 he persuades the Judge to adjourn until Monday, cutting the day short.

I raise no objection. He tells me as he walks past that he is "quite knackered", and I can believe it: cross-examining acutely is certainly as exhausting as being examined.

Back at Duke Street at 1:15 p.m. Benté seems to be running out of steam. She has arranged with the Ballet School about collecting Jessica in future. How unpleasant: Then these people wonder where anti-Semitism comes from.

I collect Jessica from her infant school at 3:30 p.m. At Selfridges, we buy the *Frankfurter Allgemeine Zeitung*; it prints a truly foul article by the Menasse woman. No wonder she averted her eyes from mine in the Courtroom today.

Somebody is sitting on her, and it ain't Mr. Menasse. Yesterday I handed to her the actual transcript of the passage about Josephine and the "hate-wreath", to show how totally distorted was her account in the *FAZ* a few days ago; she seemed unrepentant.

Nevertheless, I post today's *FAZ* story on my Website; but now I add an easy pushbutton link, so that my German-speaking readers can check what the transcript actually says, and send her, or "even better her editor," an e-mail...

## February 4, 2000

(Friday) A good sleep to 7:45 a.m.

I send this message to Beatrice in Brisbane: "Helen Demidenko is covering the trial for *Style* magazine; she kindly rang me last night and warned me that the media are making frantic attempts to locate you."

*The Times* has a favourable account of yesterday's hearing, quoting my "747" remarks in full, and putting a photo of Lord Hailsham as an illustration to the "traitor" remark.

[*The traitors who had encouraged mass immigration*].

Repaid him in full for his casting vote against me in the House of Lords PQ.17 appeal, 1972! *Die Mühlen mahlen trefflich fein*.

Robert C. sends a fax from the Faurisson's, suggesting I put a revisionist witnesses on the stand. There is of course no time, quite apart from any other considerations. I reply:

**If I were even to put one of the witnesses you suggest, let alone the last one, on the witness stand it would sink my already difficult chances without a trace.**

The *L.A. Jewish Journal* asks its

readers to send messages of support to Deborah Lipstadt. I send them this message:

**I thought it was a great idea that your readers send messages of encouragement to Deborah Lipstadt - who found herself sucked into this trial, having accepted the advice of Yehuda Bauer, who was paying her, that she shoehorn me into her manuscript (in which I previously did not figure, it seems: we do not know, as she has refused to go into the witness box and testify).**

Somebody told me yesterday that a Waterstones bookstore in the Midlands have, after saying they would get him the Lipstadt book in three days, now told him that Penguin have announced they are withdrawing it from circulation. That is an interesting titbit.

## February 5, 2000

(Saturday) *The Guardian* runs a whole-page review of the trial by one Jonathan Freedland; it is well written but hopelessly prejudicial, and I must put it before the Court on Monday.

I am sure it is *entirely* coincidental that Guardian Newspapers Ltd. are defendants in the next libel action that I am bringing.

PEOPLE ARE WRITING ME E-mail letters pleading with me not to post this diary on the Internet, as it reveals too much to "the enemy." I disagree: Cards on the table. *Mit offenem Visier*. I potter around all day, clearing the decks for the cross-examination of Christopher Browning next week. On Monday I shall examine Sir John Keegan, one of Britain's premier historians, briefly and painlessly.

Benté has to leave her sickbed to take Jessica to the dance school in Harley Street at two p.m. Her limbs are numb and almost devoid of feeling now, and she has difficulty walking.

I have to thank the newspaper trial coverage for this monstrous harassment. I have informed the school that Benté is gravely ill. They express regret, but send a letter asking that I not enter "the propinquity" of the school, i.e. come anywhere near it!

So today Benté struggles over with our little toddler to the dance school, and she goes again to pick her up at five p.m. She finds Vicki Woolf, the director's wife, outside the school's front door, with a hand-held phone, explaining to arriving parents that the door is unfortunately locked today as they are making sure that "a certain parent" does not come; she has her phone with her, to summon assistance if need be, as she explains loudly to several other arriving parents.

If this were the USA no doubt she and her husband would call in the Bureau of Alcohol Tobacco

and Firearms too.

Benté, unrecognised, gapes, listens to the proclamations, then says: "I believe you are talking about Jessica's father?" and introduces herself.

Mrs. Woolf is suitably embarrassed, apologises profusely, but loftily says, "I am Jewish, you see," as though this atones for such egregious behaviour.

Benté stays up and perky during the evening, but she is visibly weak. George S. comes round. A pleasant dinner, but with much talk of the Holocaust and of lawsuits until I Can Stand No More; Benté has long fled the room.

## February 6, 2000

(Sunday) *The National Post* in Toronto [owned like *The Daily Telegraph* by Conrad Black] publishes a venomous article by British journalist Geoffrey Wheatcroft; who could not have been more vicious if he were a smearmonger of the Gerald Gable ilk.

## February 7, 2000

(Monday) I work until 2:30 a.m. preparing for the cross-examination of Prof. Browning today; up at seven a.m. to take Jessica to school.

In the e-mails: a Swiss gentleman contributes £1,000 anonymously to the fighting fund. Thank-ee kindly zurr.

At the High Court at ten a.m., I admonish Eva Menasse for her

wayward *Frankfurter Allgemeine Zeitung* reporting. She looks abashed and complains that since I put her e-mail address on the Website she has received unpleasant e-mails.

I promise, relenting, to take the address off as soon as I get in this evening (and do so; but the links to her editor remain).

One or two such nasty e-mails are of course nothing compared with days of vicious and inaccurate reports in a newspaper of the calibre of the *Frankfurter Allgemeine Zeitung*.

The *Ottawa Sun* and *Toronto Globe and Mail* yesterday published libellous attacks on me, written by the usual people.

SIR JOHN KEEGAN, MY WITNESS, arrives toward 10:30 a.m.; he is bent almost double, and carries a walking stick.

I assure him that I will call him first; he asks me to make plain that I have *sub-pœna'd* him, and I tell him I will do so anyway. (SEE BOX ON PAGE 10)

His evidence [on my *international reputation as an historian*] is short and to the point, and he is through in twenty-five minutes.

I put to him a small bundle of ten documents, going back to 1980: words of praise he has uttered for my book *HITLER'S WAR*, and for Chester Wilmot's *Struggle for Europe*, both in press reviews and in private to [*The Viking Press editor in chief*] Alan Williams in 1981, and more recently in his book in 1996.

He confirms that his views are

unchanged, but he disagrees with my opinions on the Holocaust, which is fair enough.

His evidence is straightforward and accurate. I ask him finally why I had to *sub-pœna* him, if I was only asking him to repeat what he has so often said in public and private. He is flustered by the question, and clearly gives the impression in his answer that it was fear of the repercussions.

AT 10:45 A.M. I MAKE SEVERAL submissions to the Court, primarily about the lopsided and prejudicial press coverage - still muted in its attacks on me in the U.K., but vicious and unprincipled in Canada, Australia, Israel, and elsewhere. I point out that Geoffrey Wheatcroft (who writes that he dislikes the word Holocaust, since "some of us" prefer to call it the Shoah) is a London journalist. I add that the *Guardian Newspapers Ltd.* articles by Neal Ascherson and Jonathan Freedland are deliberately prejudicial, in view of the company's being a defendant in a related libel action brought by me. It is in their interest to see me go down in this one, I submit. Judge Gray now belatedly announces that, whatever people may think, in the U.K. at least it is not "open season" on any of the parties in this action, and he takes away the newspaper articles concerned to read. [Neither now nor later does he take any action on these contempts.]

# The Browning Version: The Bits He Left Out

AT ELEVEN AM PROF. CHRISTOPHER BROWNING enters the witness box, and I spend the rest of the day teasing out of him the answers that I want, though they are wrapped in so much American soft talk that they are often hard to interpret.

I have more joy when I tackle his report's first twenty pages, paragraph by paragraph, with the aid of the expert analyses prepared for me by M. and R.

I take on the Aug. 1, 1941 Müller-to-Einsatzgruppen document, and I believe I have demolished it: he accurately translates its reference line *Betrifft: Anschauungsmaterial* as "re: visual materials", and since we have earlier this morning earlier established that the Einsatzgruppen also had major intelligence gathering functions, and their killing activities took up only one of at least a dozen paragraphs in each report, these in-

telligence activities are more likely to have formed the bulk of any reports to Hitler.

Besides, as Browning agrees, the document has only a *geheim* [low grade security] rating.

He is more tenacious on the Nov. 30, 1941 [*Himmler telephone log*] document, insisting that it shows that *Liquidierung* of such transports was evidently in the air, and suggesting that this phone call was cancelling a previous policy; he proves difficult to shake on this.

When we come to the Dec. 18, 1941 Himmler visit to Hitler, and the *Judenfrage* | *als Partisanen auszurotten* entry, there are audible gasps (of consternation, or of incredulity?) from the packed public benches as I point out that since the German word used is *als* and not *wie*, the correct interpretation would be "Jewish problem | To be wiped out as [*the*] partisans [*they are*]." *Wie* is a comparison,

I explain; *als* is an equivalency. I then put to Browning the Victor Gollancz book, *Extermination of the Jews*, and invite him to tell the Court its year of publication from the title page (it is 1936!). So *Extermination*, I suggested, must have meant something else then; which neatly brings us to the topic of *Umsiedlung*. One of his documents is an Oct. 1942 report on the *Umsiedlung* (literally: "resettlement") of 20,000 Jews at Brest-Litovsk; it has that word three times in its first paragraph; the first two *umsiedelt's* are clearly homicidal euphemisms, but the third, at the end of the same paragraph, to which I invite his attention only after he has stated that the word clearly means "killing" throughout, unambiguously means only resettlement ("Half of the villagers of X were shot, the other half were resettled [*umgesiedelt*] to village Y"). The day flies past with such in-

quiries and investigations in a spirit of mutual discovery. The Aug. 1941 draft for Stahlecker, proposing plans for Jewish ghettos in the east, with Stahlecker's handwritten footnote, yields the fact that this plan has been overtaken by verbal orders "von höherer Stelle." I ask Browning, "Could those orders have been from the Führer? This is our only concern in this Court?"

At this, Richard Rampton QC leaps to his feet to interrupt with a totally irrelevant point, and after that has been dealt with I have to ratchet back a couple of lines and start again. Prof. Browning states quite frankly, "No, then it would have read *von höchster Stelle*." Game and set, but not yet match.

Browning is no fool, and an honest witness: the sort perhaps that Defence counsel hate. [It turns out also that although clearly the best qualified, he received the lowest fee.]

By 3:30 p.m. I have come to the end of my cross-examination preparations for the day, and Judge Gray willingly agrees to adjourn, complimenting me on a day's "exemplary" cross-examination, or so I am told. Home at four p.m. [ . . . ]

In the evening friends in Germany fax through to me the latest *Erguß* by Eva Menasse: more *erstunken*, more *verlogen*, more distorted than ever.

I say to her today, "Eva, I sometimes wonder if you are sitting in the same Courtroom as the rest of the people here: your account is so totally different from the transcripts, and from what really happens."

She looks wounded. Perhaps she should *umsiedeln* to somewhere else.

## February 8, 2000

(Tuesday) I work through the night until nearly four a.m. In the early hours, somebody sends me today's *Daily Telegraph* report on Sir John Keegan's evidence: the report makes no visible reference to his testimony.

Up again at 7:40 a.m. to take Jessica to school.

E-mails have come in from The Gang during the night. I print off what is needed for the cross-examination of Browning, and set off to the High Court, arriving at 10:20 a.m.

I notice there *The Daily Telegraph* reporter, and I suggest to her courteously that next time she ought to print what is in the transcript rather than her own fantasy-version.

Prof. Browning resumes the stand. He is a good witness, professional and urbane, a bit cocky as he sits in the chair (the only witness apart from the ailing Sir John Keegan to sit) and he smirks when he

thinks he is scoring.

Early on I put to him Adolf Eichmann's own copy of the Rudolf Höss memoirs, with Eichmann's handwritten comments: In part, Eichmann has roundly dismissed H.'s "memoirs" as "*falsch*". Once or twice the Judge interrupts my questions impatiently; he usually does so at the precise moment when the relevance will become plain. I start by referring to Browning's failed application for the proposed Harvard University chair of Holocaust studies. This pains him, as he knows I am about to quote *The New York Times* reference to his belief that he had not been accepted as he is not Jewish. I suggest that the Holocaust is a subject matter awash in money now.

After lunch I bring up, as had Douglas Christie [in the *Zündel trial*], the \$35,000 commission that Browning was paid by Yad Vashem for a book he has still to write; as that is an Israeli state institution, does this not make him an "agent of Israel"? There are titters from the public benches, but I press this hypothetical point: if he were eventually to write a book that suggests that Hitler did not know of the Holocaust, or that it was smaller than believed, what would be that book's commercial prospects? Would not Yad Vashem want their money back?

The Judge allows the point.

I bring to the Court's attention the deceptive way that Browning quotes the Hans Frank *Regierungssitzung* [Cabinet meeting] of Dec. 16, 1941, and even more so his use of the Kurt Gerstein memoirs (he knows only of three versions, not all seven); he originally left out sentences which are damaging to the Defence, and I give him some uncomfortable moments.

Before he digs himself in too deep on Gerstein, I remind him that he is testifying on oath. He claims that I have been sent a premature version of his Expert Report, and that Lipstadt's lawyers Mishcon screwed things up. But, I press, that still

means that his first version omitted the Gerstein references to the "130 foot high mound" of women victims' clothing, the "80 foot high pile" of shoes, and other unlikely spectacles.

I ask him which camps he has visited, and he says that in the 1990-91 period he visited Auschwitz, Dachau, and others. At Auschwitz, no, the guards did not tell him that what he was being shown was fake. He went into the "gas chamber", and did see that it was "reconstructed" however. I do not press the point as the Judge did not allow me to do so with Pelt.

With Dachau it is different, as he agrees that the staff showed him "gas chambers" there. I ask if the Nazis ever had homicidal gas chambers at Dachau, and he agrees that they did not. "So what they showed you there was fake?"

Judge Gray begins to stir in his seat, and I explain that I have a valid point to make. "But countless *eye-witnesses* described the operations of those gas chambers at Dachau killing people, did they not?"

Browning agrees that this is so. Gray settles back, now grasping why I have asked about this camp. I say, "Doesn't this tell you something about the value of eye-witness evidence?"

Gray says my questioning on this is perfectly proper in the circumstances (but he still seems unconvinced).

FROM SOMEWHERE TO MY left I hear Richard Rampton mutter out loud, "He says fake, but they were *reconstructed*." "If I give you a reconstructed \$50 bill", I challenge, "will you give me five tens for it?"

Rampton sneers, "You're not good for it." The Judge says, "Take your wagers outside please."

Rampton briefly re-examines Browning, putting to him the suggestion that other documents dealing with the mass killings are only *geheim*; in further cross-examination I elicit the concession (I think) that while this may be so for non SS

documents, those within the SS are strictly *geheime Reichs-sache* and not of lower grade. Rampton also tries to suggest that *Ereignismeldung* No. 80, which talks of *Gerüchte* (rumours) of killing, may have reached Hitler; I ask Browning if there are any notations on the document that it did (No), and it is not typed on the Führer typewriter, is it? (No).

Browning is released, and the Court decides not to sit tomorrow. On Thursday I go back in the stand, I believe; and on Friday we shall hear my witness Dr. John Fox (about "freedom of speech matters", sniffs Rampton sardonically, as though that is not what lies at the very root of this case).

Back home at 4:30 p.m. I sleep for three solid hours on the sofa while little Jessica jumps up and down on my stomach on various pretexts. Benté seems marginally better. They carried out tests two days ago. [ . . . ]

## February 9, 2000

(Wednesday) No Court today thank goodness. A long letter by express mail from France – Robert Faurisson offers to accompany the Court to Auschwitz to inspect the roof of Crematorium II. That would sink me too. I reply,

**It is unlikely that I will win, but I have given them a fright.**

**I intend once again on Friday, when we have their chief witness [Prof. Richard Evans] in the box, to ask him outright: Why have you not accepted my challenge to send a man to Auschwitz to scrape the surface off just one of the holes of Crematorium II? If he finds the hole, or traces of it, I would at once end this case.**

**The press have not reported this controversy [the holes challenge] very closely, for obvious reasons! But it is gradually reaching the Judge.**

**We demolished Gerstein – and Browning, who relied on it [the Gerstein Report] – in Court yesterday.**

**I also obliged him to admit that what happened to [Henri] Rocques [who exposed Gerstein] and to you – the deprival of academic distinctions already gained – was proof of the criminal methods of our opponents.**

**On Friday I shall show to the Court (through Evans) the two photographs of you in hospital, as further proof (SEE PAGE 15).**

I take photos of W. and N. [my personal assistants born in Barbados and the Punjab] to be printed. I begin drafting opening questions for Prof. Richard Evans on Friday. I phone Mark Bateman [of Davenport Lyons]: he informs me that I am starting the cross-examination of Evans tomorrow. Aaargh.

The Bundesarchiv faxes a reply to me: in the file named to me by the defendants for the Aug. 1, 1941 "Gestapo" Müller document there is no such thing.

COURT FROM PAGE 1

quoted. He added: "They all lied." The roof is still there, he pointed out. If Lipstadt's lawyers could bring back "over the weekend" one photo of just one such hole, he said, he would end the action forthwith. They secretly tried but the present Auschwitz authorities concealed the results, as *The Times* reported on Apr. 12.

There has been speculation in the UK and elsewhere on the reason for the harshly worded judgment, which ignored or misunderstood the main historical issues and concentrated on the seemingly unrelated issues of racism and anti-Semitism. During the trial Judge Gray had taken pains to seem to act impartially, and he privately even recommended Mr. Irving's trial Website to a Massachusetts legal expert who visited the Court and wrote him.

The case is going to appeal, and Mr. Irving has asked that all those who supported this battle see him through the next stage too.

We still urgently need support to carry on the fight through the Court of Appeal. All help is acknowledged

Use the envelope provided, or mail to P O Box 1707, Key West, FL 33041, or easiest of all, go online at [www.fpp.co.uk/help](http://www.fpp.co.uk/help)



Mass cremation of air raid victims, Dresden Altstadt, Feb. 25, 1945 "The awfulness of that night never leaves my thoughts" (IRVING COLLECTION / WALTER HAHN).

## A Scowling Welshman of Blissful Ignorance

**February 10, 2000**

(Thursday) Four or five points to submit to the Judge, – the Müller and Kinna documents, the IMT Apr. 1946 transcript, etc. – then Rampton calls his chief Defence witness Prof. Richard Evans.

Evans, a small, scowling Welshman, bristles with so much hostility throughout the day that after the lunch adjournment I ask point-blank whether he dislikes, loathes, nay even *hates* me? Had he admitted that he did, I would have submitted a motion to the Court for his removal as an expert witness from this case.

I detect signs of panic from the Defence benches.

Evans rapidly loses the Court's sympathy, in my belief, with his stonewalling – he demands to see each document I mention or touch upon before he will answer my questions, etc.

The tactic will work if used sparingly, but if used each time, as Evans does, it trespasses on the Court's patience, which once lost is not easily recovered.

Unfortunately Gray will not let me put my Bundle E ("Global")

to this witness; in argument, it is decided that I should submit it to the Court later in my arguments on damages.

The high points of today include my challenge on the "racist" [*Baby Aryan*] ditty. Evans sulks, and complains that he does not see why I put this material to *him*. But he has quoted the ditty himself in his report, and Judge Gray explains to him that since Profs. Levin and Eatwell are not going into the stand, that leaves Evans in "the hot seat."

I therefore ask Evans whether he has read all of my private diaries. – "Most of them."

"That is around 30 million words? Is that ditty the only such item that you and your staff found?"

Evans remarks on the speeches, but I bring him back to the diaries: Nineteen words out of 30 million makes only 0.00000063 percent of me "racist", I point out, which means that some 99.99999927 percent is *not* racist! I punch out the calculation on a battery-powered desk calculator, to make the point.

Judge Gray does not approve of the calculator, but emphasises helpfully that the point that I

am making is that if that ditty was indeed the only item in the diaries, that is a very small item indeed to rely upon.

With the Judge's permission I then put to a still uncomprehending and irritable Evans the photos of my ethnic-minority staff members since 1980 (e.g., W., N., R., Ch., etc.).

Richard Rampton mutters out loud about the irrelevance of the fact that Mr. Irving has had "Black servants," a misplaced phrase in which I rub his nose after the lunch adjournment, addressing the Court.

**I** TRY THE SAME ARGUMENTS on "anti-Semitism," but the Court will not allow me to put to Evans the pages of quotations from the unpublished diaries of Lord Halifax, Anthony Eden, and other British notables with their unflattering private references to "the Jews."

Nor will Judge Gray allow me to put to this witness a passage from John Buchan's *Thirty Nine Steps* – a book whose anti-Semitic character has shocked me – since, as Gray explains, times have now changed.

I protest that the First Defend-

ant, Penguin Books Ltd, is still peddling this book (we bought it two or three days ago in Oxford Street), and is there not a Bible passage about "casting out the mote from Thine own eye"?

The Judge offers, "Pot calling the kettle Black?" – seemingly innocent of the racist overtone in that – but my protest is to no avail.

I take Evans through the first fifty or so pages of his Report. He scowls a lot more, but he is a tough witness to break.

Next week however we shall break him, with what we have. The Court rises at three p.m. as I have run out of prepared materials for cross-examination (having been denied the use of Bundle "E").

Rampton now demands a proper Proof of Dr. Fox's intended evidence on Bletchley Park and the police decodes, which I shall prepare today.

I phone Dr. Fox on my return to Duke Street and reschedule him for next week. He tells me he has one very nice intercepted document, a Führer order, of which I never knew. Dinner at the Caledonian Club with M.

Back home at 10:30 p.m., and I work until two a.m.

At one a.m. this message goes to Eva Menasse of the *Frankfurter Allgemeine Zeitung* answering a question from her.

**Watt and Keegan both appeared under *sub-poena*. The two others, MacDonald and Fox, appear wholly voluntarily and without payment. I have dispensed with a fifth witness, the forensic chemist.**

**Today went magnificently, pity you weren't here. The frightful Evans was on the stand, the Judge lost patience with him x times, and snapped at him. . .**

**I must confess that with today's published report you (almost) atoned for past wrongs.**

**O**NE BELLY-LAUGH FROM Australia. The Melbourne *Herald Sun* has run a readers' poll on the Holocaust and asked: "Is David Irving right?"

The poll result has – for the first time in the newspaper's history – been suppressed after pressure from the city's Jewish community leaders!

Today a reader informs me:

**I telephoned the newspaper to ask about the result. I was told that the result wouldn't be published as it would "offend some of our readers".**

**I said, OK, but could a private inquirer be told?**

**I was told that the phone-in results ran "about 50-50".**

**February 11, 2000**

(Friday) I work until 2:30 a.m. Up at 7:30 to take Jessica to school. Just fancy that: Today *The Times* and *The Daily Telegraph* both have identical stories, both headlined, "IRVING 'DOES NOT DESERVE TO BE CALLED A HISTORIAN'."

They appear to be based solely on the written Evans Report; it is as though yesterday in Court never even happened.

Good P.R. work by somebody: money well spent.

Once more, the only paper reporting fully and fairly is *The Jewish Chronicle*. Only the *JC* reports the Judge's mild warning to the press about contempt.

I suppose the rest of the *journalle* dare not do anything other than toe what they imagine "the line" to be. It is an odd phenomenon.

Another item on How They Do It: a leading Danish journalist, whose newspaper a few days ago published his interview with me, has e-mailed to me in confidence this explanation of what "went wrong":

Well, as you probably saw, *Politiken* ran the interview last Sunday.

You may note that the interview as published differed substantially from the draft I e-mailed you.

In particular the editor removed all mention of your daughter's funeral and the "Bouhler" wretch - the editor did not like what he thought of as the pro-Irving tone of the draft. He wanted it made clear that your theories were "embarrassing" and absurd.

My problem was that unlike most commentators I do take your views and your case seriously and wanted to try to give a fair presentation. The result must speak for itself. I think it is quite far removed from the style of [Geoffrey] Wheatcroft or Eva Menasse. But I intend to write more about the matter later. . .

Indeed, the interview is shortened even from the revised version. For example, I had a paragraph about the Cossack Trial where Rampton lost to Gray in 1989. I also wanted to leave in the part about your friendship with Hochhuth, but it went.

I assume you have read Don Guttenplan's piece in *The Atlantic* which strikes me as much the best thing I've read so far on the case, and surprisingly open-minded. A fine article on the trial in the *Evening Standard* by Cal McCrystal.

John Fox sends me an e-mail saying he can not allow his evidence on the SS decodes to be used for the purpose of suggesting there was no evidence of the gas chambers, etc.

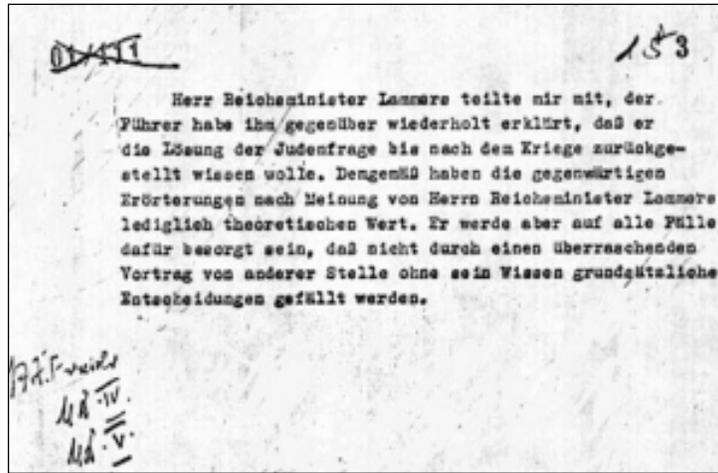
That is not the point of his proposed testimony, but when he phones I tell him (after discussing it with B., who sits up for half an hour in the drawing room with me) that I have decided not to call him.

I explain to Dr. Fox that he would be mincemeat in Rampton's hands when cross-examination begins.

I think that this academic has a chip on his shoulder after his removal as editor of *Holocaust Journal*, and this would also be turned against him.

## February 12, 2000

(Saturday) Up at 10:30 a.m. Hooray, no Court today! With Jessica to the library at 12:30 p.m. to change her books. I toy with the computer there, checking to see whether it yet has the odi-



Schlegelberger Document March 1942: "The Führer has repeatedly ordered the Solution of Jewish Problem postponed until after war" (Bundesarchiv).

ous ADL-style "free speech" filters installed. It has not.

The *Los Angeles Jewish Journal* has published 100 readers' letters to Deborah Lipstadt. One of them says, "Someone said that vermin dies when exposed to sunlight. I am convinced that the vermin you are facing now will too shrivel away when exposed to light." Nice folks.

I shall put that "vermin" quote to good use in the High Court on Monday. Prof. Evans, do you regard dissident historians as vermin?

I respond to one correspondent: "My own instinct, and I may be wrong, is that the Judge will not attach importance to the racist label, unless he is really out for my blood."

SEND THIS QUERY TO THE Short List ("The Gang"):

On Thursday or Wednesday Judge Gray expressed irritation that the Defence have not provided English translations of a number of documents. Two or three of them should be readily available in the IMT files, I think:

1. *Richtlinien* for the troops,



French thugs attacked Prof. Robert Faurisson, leading revisionist, in Paris in 1989, poured acid in his eyes, broke both jaws.

of Mar. 30(?) 1941.

2. OKW order on *militärische Gerichtsbarkeit*, around the same time.

3. Commissar Order of May 1941.

Can one of you please rapidly e-mail me these documents in English to serve up to the Judge on Monday?

then oversleep, and am up at 8:20 a.m.; I just make it to school in time, then on down to the High Court.

I start by reminding the Court that this is the anniversary of our Dresden air raids.

Mr. Justice Gray becomes impatient with the slow pace at which I am dealing with Evans' first 100 pages; but he admits that Evans has asked for it, by taking on so much in those preliminary chapters.

He reiterates - as he said last week - that he is more interested in the history from page 125 onwards. I have not prepared adequately that far ahead, so I vamp until four p.m., scoring some hits all the same: particularly on the accidental or deliberate omissions that Evans has made from items he has quoted.

Once, by omitting the word "as" from a quotation (for which he blames Prof. Eatwell - I should have chided Evans for the folly of one "scholar" accepting another's quotes without checking the original!) he has totally reversed the content of a quotation to my disadvantage. Rampton keeps interrupting just when I am about to make, or have made, a telling point.

I think I have done rather better today. Judge Gray says at one time something like, "Mr. Irving, you are doing very well," but the Courtroom experts tell me that this is a Bad Sign.

I read an interesting article on the case from the Israeli newspaper *Ha'aretz*; it is well written and not too negative.

I work until 2:45 a.m. Mishcon have asked for further Discovery, but it turns out I have almost none of the items they ask for in my custody.

Their demand for some of the items, like Heinrich Himmler's letters to his mistress Hedwig Potthast, appears to be motivated purely by a desire to get their hands on historical documents to which I have obtained exclusive access, and which have no relevance to this trial. Jessica is indignant as I welch on my agreement to take her toy shopping after the day in Court.

## February 15, 2000

(Tuesday) Bed around three a.m., and up at 7:45 to take Jessica to school.

The bundle of documents I take to the High Court at ten has interesting items to be put to the witness - I am still cross-examining Prof. Evans.

He has evidently been lectured on not standing with both hands thrust into his trouser pockets all day, a discourtesy which has certainly shocked some of the German reporters; but now he has taken to sitting down instead of standing, and not infrequently he turns his back on me as a seeming mark of dis-

Journalists with whom I have spoken since then (especially Don Guttenplan) volunteer to me that my diary version of Thursday's hearing is accurate (one admittedly said: "The only one that's been accurate so far!") as far as the Judge's unconcealed hostility to the chief Defence witness Prof. Evans is concerned.

My policy on Monday therefore will be to spend the day further undermining his credibility and credentials, rather than taking up the later specific allegations in his report (which I can also do in great number on later days).

I may later that day simply say, "My Lord, I think Evans is finished as useful witness and I will save the Court's time by ignoring his detailed allegations, except for just a few points..." This may be what the Judge is hoping to hear.

Confidential: I have yesterday decided not to call Dr. John Fox . . . Pity, he is a leading expert on the decodes.

I reassure Dr. Fox with this message at 1:16 a.m.: "You will have seen what I told The Gang, and it represents precisely my reasons for deciding not to call you. It would have been too much of a risk. Richard Rampton QC is very shrewd, and he would have trampled all over you within minutes. I hope we can meet again at the PRO [Public Record Office] as in the old times. Of course your original written evidence still stands and will go before the Judge."

## February 13, 2000

(Sunday) Up at 9:20 a.m. Today is the 55th anniversary of the air raid on Dresden; the awfulness of that night never leaves my thoughts.

## February 14, 2000

(Monday) I work until two a.m.,

pleasure with some of the remarks and questions.

I state at the beginning that dealing with this witness's Expert Report is like advancing with Thirty Corps into a minefield at Alamein: we still have to inch our way through, even though every mine we have found so far turns out to be a dummy.

The Judge does not like the comparison, and says so.

**A** PROBLEM ARISES WITH THE expert witnesses Profs. Levin and Eatwell, whom the Defence will not now be calling.

Judge Gray says that he has so far naturally believed that this means that their reports will no longer be relied on, and when Rampton differs, stating that Civil Evidence Act notices have been served under the old rules, the Judge says this procedure will surely be most unusual with Expert Reports, and we shall have to argue this on a later date. *¡Lo que me faltaba!*

At the end of the morning I tackle Evans on one slur in his report (page 170), the allegation that I agree with Dr. Goebbels that "they [*meaning the Jews*] had it coming to them." When I ask if he is implying that I have applauded the Holocaust, Evans snaps that he is!

It seems there are no libels that this Defence team is willing to shun in order to smear my name further.

Instead of getting the short and expected answer, therefore, we are off on an endless and increasingly acrimonious and circular argument on the difference between *excusable* and *explicable*, a distinction which Evans pretends not to understand and the Judge seems to find pedantic.

The fact that the 1941 pogroms in the Baltic states are *explicable* (given the anti-Jewish hatreds of the natives against the NKVD – Evans claims never to have heard of the 1940 Jan Karski report!) does not make them in the least *excusable*.

He has omitted the vital passages from my description of the lecture at Shreveport (or was it Baton Rouge?), which was disrupted by a large party of Jewish louts, printing only my responses to them, but omitting from his version what the interrupters did, and said, to earn these rebukes; and so on.

Each time I try to chase down such an episode, the Judge intervenes to urge that we make forward progress, although it seems plain that he has registered all the slurs on my name that Evans has concocted.

We deal shortly with the list of names of right-wing "Holocaust deniers" (I point out that Evans has used the phrase "Holocaust denier" over 350 times in his one Report!); he accuses me of being in contact with all the world's leading deniers, but this turns out to be a total of eleven names,

and half of them he eventually concedes I have never met or corresponded with.

The "most sinister" of them all, General Otto-Ernst Remer, he finally admits, I met only once – in July 1989, to interview him for the Goebbels biography.

I ask him why he lists not only Tony Hancock, but his father too, whom he identifies as a Sir Oswald Mosley supporter. "Mr. Justice Lawton," I reminisce, "who heard the 1970 [PQ.17] libel action against me, was a 'Mosleyite' before the war."

But Judge Gray has already snapped at Evans in astonishment, "What on earth does it have to do with Mr. Irving what this man's father is or was?" and Evans explains that he included the father by way of "light entertainment."

I ask if he has ever heard of *Sippenhaft* – the Nazi habit of arresting the family members of an opponent. In Stalin's Russia there was an actual criminal offence of "being related to an enemy of the state."

I ask Evans if he approves of the arrest and seven-year jail term of Dr. Günter Deckert, another of my friends, for having "translated a lecture"

knowing and stating (in fact, he even says, "for *knowing* and not stating") that Hoffmann was a Nazi Party member – but my original notes taken in the 1980s are still at the Downloading company, after six weeks or more, being converted from the now illegible Xerox discs, and I cannot prove that Evans is wrong.

Thus he and Richard Rampton, who springs up and down like a jack-in-the-box all day long with objections and interruptions, make much of this point, and the Judge seems to attach importance to it as well.

Difficult to bring home to these modern books-from-shelves professors and lawyers, that it is easier for them to use a printed, bound volume, fully annotated, with an alphabetical index of names, etc., than for a shirtsleeves historian like myself who used the original document or sat at a microfilm reader years before those books of theirs were printed: no page numbers, no indexes, no Xerox copiers in those days . . .

As the hours grind past, I appeal to the Judge to assist me in stemming the flow of witless words from this professorial witness, and at one time I refer to the famed loquacity of the Welsh race (adding, "Though

tactic that delays proceedings. The Judge is infuriated by the slow progress, and blames it on me. I say, "If this witness had been properly instructed by the defendants' solicitors on how to write his Expert Report, there would have been no need for these delays." Occasionally Judge Gray says, "Mr. Irving has my sympathy," but I doubt that today I really have.

By four p.m. I have driven a 200 page bridgehead into the Evans Report, and we have barely reached *Kristallnacht*.

As everybody picks up their papers to leave, a stranger with staring eyes and unkempt hair comes up to me, and offers these words: "Mr. Irving, the Judge should have halted, adjourned, at 3:10 p.m."

I raise my eyebrows. "Because at 3:10 p.m.," he says, "it was plain you couldn't carry on. You were washed out. You looked really dead." (I thought that for the last hour I had fought that horrid little Welshman really well.)

I tell this stranger to go away, to clear off, and to depart, and variations on those words, and finally I say: "P\*ss off, will you!" when he will not take the hint.

"When you lose the case" – these are his parting words – "you can take it from me that it began at 3:10 p.m. today!"

Have a nice day to you too, Sir. Seventy-three e-mails waiting for me this evening, and Jessica cashes in the promise I made yesterday take her to the toy department.

## February 16, 2000

(Wednesday) Finally to bed at 3:30 a.m. Up at 7:45 a.m. to take Jessica to school. One more month in Court to go. I begin by reminding His Lordship of the position as left yesterday: "When we adjourned, we had left the battlefield in the following condition: I had advanced with my tanks and infantry some 200 pages into Prof. Evans' report, but he had succeeded in laying several choking and suffocating smoke-screens, confusing the issues; and I fear that some of them may still be lingering across the scene today. I propose to deal with his points on the *Kristallnacht*, and then to hand to the witness a bundle of documents on the 'chain of evidence' showing Hitler intervening to stop things happening to the Jews." Things proceed well, although Evans once again waxes garrulous; his hands are once more thrust deep into his pockets, or he stands with his arms obstinately folded. His body language is unmistakable, and several members of the public comment.

I draw him across several little minefields of my own. I start by

## Judge Gray Confirms the Absence of Wartime Documentary Evidence on "Gas Chambers"



Transcript, February 15, 2000:

Mr. Irving: If his Lordship is led to believe, by a careless statement of the witnesses, that there is a vast body of wartime documents [*on gas chambers*], this would be unfair, would it not, because you are not referring to wartime documents? You are referring to post-war documents?

Prof. Evans: I am referring to all kinds of documents.

Mr. Irving: You are not referring to wartime documents?

Prof. Evans: I am referring to documents including wartime documents, the totality of the written evi-

dence for the Holocaust which you deny.

Mr. Irving: Are you saying there is a vast quantity of wartime documents?

Prof. Evans: What I am saying is that there is a vast quantity of documents and material for all aspects of the Holocaust.

Mr Justice Gray: I expect you would accept, Professor Evans, just to move on, that the number of overtly incriminating documents – wartime documents – as regards gas chambers is actually pretty few and far between?

Official transcript, Day 20, Feb. 15, 2000 at page 91.

by Fred Leuchter, as Evans himself quotes in his Report. But it seems that this witness sees nothing wrong with this. We are living in odd times.

**T**OWARD THE END OF THE afternoon, our advance is halted by an old morass, the Police Sergeant Hoffmann testimony [*at the 1924 Hitler Treason Trial*] again: it seems an infuriating detail – Evans has impugned me for not

Mr. Rampton will no doubt call that a racist remark too.")

The Welshman waffles on endlessly, wriggles out of some questions, evades answering others, appeals to the Judge, bumbles, loses himself in his own answers, refers back two paragraphs and reads out everything before coming to the sentence on which I am questioning him.

In short he adopts every possible

putting to him the cover sheet for the Wilhelm Brückner papers which I gave to the Irving Collection at the Institut für Zeitgeschichte. His two researchers have failed to find it: but, I say, Brückner ("Ovambo," Hitler's chief adjutant until 1940) was a key source for the events in Hitler's residence during the *Kristallnacht*.

I then put to him a page translated from the papers of Julius Schaub, another senior Hitler adjutant, which I gave to the same Collection. Finally, I show him the verbatim transcript of the taped interview which I conducted in 1967 with Colonel Nicolaus von Below, (Hitler's airforce adjutant, 1937-1945), one of a dozen such interviews with him over the years.

These officers agree convincingly on the blazing fury of Hitler, when he learned of the Nov. 1938 *Kristallnacht* pogrom that had begun. Evans' response is predictable – these are Nazis, he says, pro-Hitler, trying to exculpate themselves, etc., etc. I ask how many of Hitler's private staff, all of whom I have interviewed, were jailed as war criminals (answer: none); and by contrast how many of the witnesses he prefers (e.g. Karl Wolff, Fritz von Eberstein, etc.) served long sentences?

The Judge becomes restless, and I explain that I rely on the interviews for several reasons: to show that Evans' researchers have failed, or not troubled, to uncover the sources I used, despite having total access to my own Munich collection which I of course am now unable [being banned since Nov. 1993 from Germany] to access myself; that these documents provide the materials I relied on; and that my sources are better than his. Also that with thirty-nine years of speaking German, my knowledge is somewhat better than his five years' of ditto ditto

Evans admits that he mistranslated *daran glauben müssen*. Being the Pinko academic that he is, he hates the Nov. 10, 1938 document from Rudolf Hess's staff, particularly when I ask (a) is it in his view *significant*, given its clear reference to orders from Hitler ("the highest level"); and, that being so, (b) has any other historian than I, before or since, quoted this document, and if not why not?

During the lunch adjournment, a learned friend advises me that the real reason why Evans frantically scrabbles in his Report so often is that he does not know the answers to even the simplest questions on Third Reich history. His researchers have done the spadework.

"Don't say, 'Albert Speer was Hitler's munitions minister, wasn't he?'," advises the friend. "Ask him outright: Does he know who Speer was? Show him up!"

I am dubious – Evans is a leading authority on Nazi Germany. But when we come to a note on Hitler's talk with Abetz, who every historian knows was the Nazi ambassador to France throughout the war, I try it out.

"These two notes are dated Aug. 3, 1940. They refer to a meeting that he had with Hitler. Who was Otto Abetz?"

Evans doesn't know: "You'll have to tell me, I am afraid."

"Otto Abetz was the German ambassador in France in Paris, would you accept that?"

"Sure, yes."

It is stunning proof of Evans' ignorance. I kick myself for not having done this days ago.

Mr. Irving: The first document – does it show Otto Abetz swearing in an affidavit: "He [Hitler] said to me that he wanted to solve the Jewish question generally for Europe, and in fact by a clause in the peace agreement, the peace treaty?"

Evans: Yes.

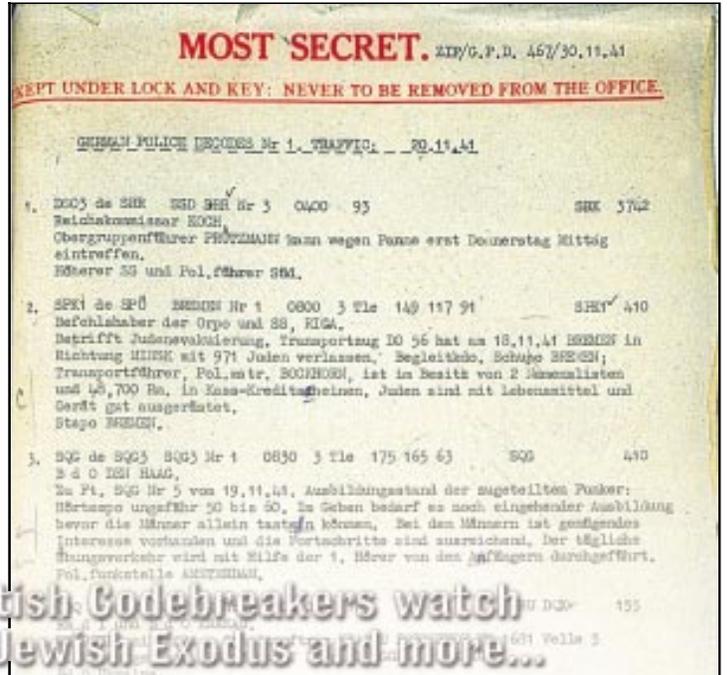
Mr. Irving: "In which he made a condition of the vanquished countries, the defeated countries, that they agreed to transport their Jewish citizens outside Europe", is that right?

Evans: Yes, exactly.

Mr. Irving: So again it is a geographical solution he is talking about?

Evans: Quite right, yes.

THE SPEECHES FROM EVANS become longer; he snaps at me to let him finish, then he wanders off course, and he declines to answer questions di-



British Codebreakers watch the Jewish Exodus and more...

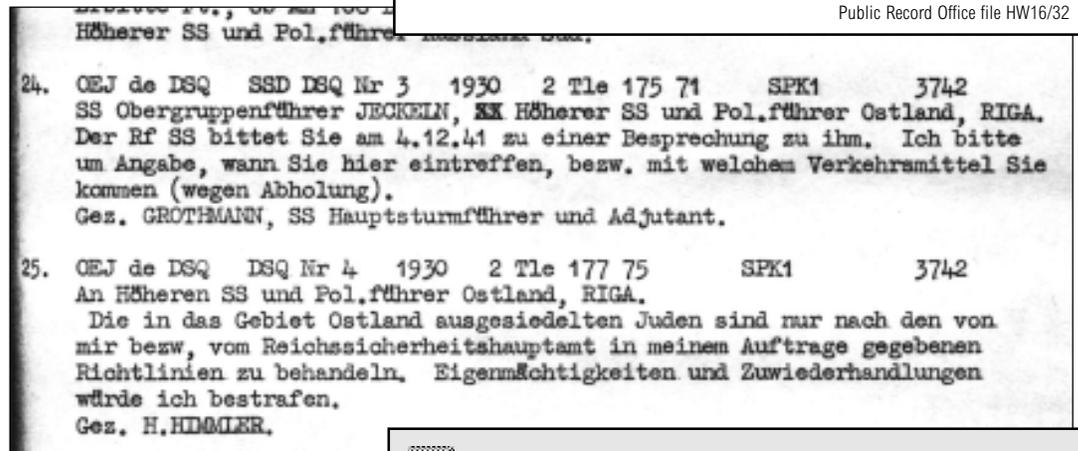
GERMAN POLICE DECODES, NOV. 17, 1941

NO 35: SPK from DQB SSD Berlin No. 44 2300 3 parts 173 169 177 SPK1

To Commander of Security Police Dr. Lange in Riga  
 Re Evakuierung of the Jews. Nov. 17, 1941 at 18:25 hrs transport train No. DO 26 has left Berlin for Kovno [KAUNAS] with 944 Jews. Transport escorted by two Gestapo and fifteen police officers. Transport commander is Kriminaloberassessor Exner, who has two copies of the transport list with him. Transport provided with following provisions: 3000 Kg. bread, 2700 Kg. flour, 200 Kg. peas, 200 Kg. nutriments, 300 Kg. cornflakes, 18 bottles of soup spices. . .

NO 36: SPK1 from SPÖ SSD Berlin No. 45 2300 2 parts 107 103 SPK1 410 .... 52,5 Kg. soup-powders, 100 packets of .... corrupt groups .... 50 Kg. salt, 1.... corrupt groups .... 1 ..... corrupt groups ..... and 47,200 Rm. in Reich cashiers' credits. Gestapo HQ Berlin, IV D 1.

Public Record Office file HW16/32



**Transcript, January 13, 2000:**  
 Mr. Irving: ... my translation, my Lord: Himmler himself contacts him [Jeckeln], either in person or through his adjutant Grothmann. He sends this message, at 7:30 p.m. on Dec. 1 [1941]: "To SS Obergruppenführer Jeckeln, Senior SS and Police Commander, Ostland, Riga. Reichsführer SS Himmler summons you to him for a conference on Dec. 4. Please state when you will arrive here and by what means you will be travelling".  
 In other words, he [Jeckeln] has been summoned urgently to the Headquarters. The very next message explains what is going to happen. "SS Obergruppenführer Jeckeln. The Jews being outplaced to Ostland", to the Baltic, "are to be dealt with only in accordance with the guidelines laid down by myself and/or by the Reichssicherheitshauptamt on my orders. I would punish arbitrary and disobedient acts", signed Himmler. A most important message! He's not talking about a "Hitler Order" here. He is saying: "The guidelines issued by me", by Himmler, "or by the Reichssicherheitshauptamt," which is Heydrich. Jeckeln, out on the Eastern front, has overstepped the guidelines. He has started shooting thousands of Germans. He has been summoned to Himmler's headquarters, to Rastenburg, in East Prussia to account for himself.

rectly even when asked four times by me to do so. The Judge seems to tolerate this unresponsiveness, and once he instructs me, using sharp words, to allow Evans to complete his remarks. That takes some five minutes of rambling, tortuous reading of page after page of the Expert Report, while I now deliberately do not intervene. The Judge sighs to me, when Evans finishes, "I am sorry. I did not anticipate that he would go on quite so long." During the lunch adjournment I decide to submit to the Judge that I must now ask for several more days to cross-examine this witness in view of the length of his answers and his

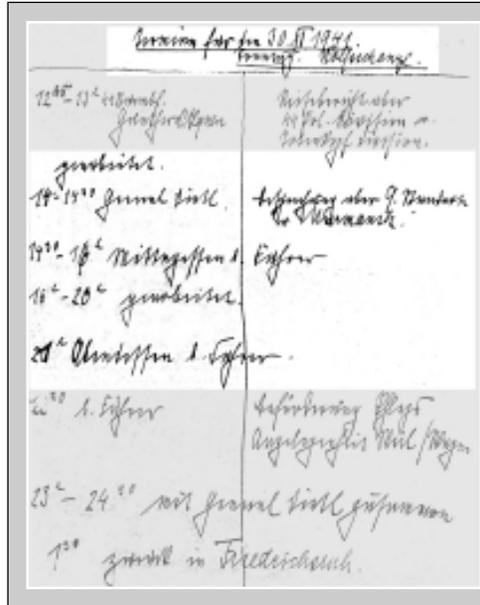
evasions. But Richard Rampton rises, from his end of the Courtroom, to express concerns about much the same likelihood. Rampton says it is my fault for dwelling too long on the early pages; the Judge interjects that the defendants are to blame for submitting such a vast report, of which the first 200 pages are quite superfluous in his view, but on which I have still had to cross-examine. I state that I will not agree to Friday being a Court day: I am alone in this battle, against some thirty barristers, lawyers, solicitors, attorneys, trainees, and researchers, and the physical burden will not allow me to sacrifice that day which I need for preparation. The Judge agrees. Evans is instructed to rearrange his Monday academic timetable at Cambridge to allow for an extra day in the box, and he has only himself and his silvery tongue to thank for that. There is one Nuremberg document, dated Nov. 15, 1941, which proves of unexpected value. It shows the Reichskommissar Ostland (Hinrich Lohse), asking Alfred Rosenberg what he is to do with the Jews. Are they to be shot? He is quite ready to do this, but he can find no instructions to that effect, even when looking in the "braune Mappe" (which appears to be a high-level dossier of invasion and occupation directives). The thus-documented lack of such a killing-directive is, the professor cannot avoid agreeing, significant for any argument about the "systematic" nature of the killings up to that point. The Judge asks me to go over the Nov. 30, 1941 [Himmler/Heydrich] episode again – which I had proposed to skip – since Evans has dealt with this in his report (SEE PANEL BELOW); Evans eventually agrees with most of my points on this and on the related Bletchley Park decodes (PAGE 17), though he rather quaintly argues that if Himmler is on the phone to Heydrich "from the bunker" at

"the Wolf's Lair" (Hitler's headquarters, the FHQ) it is not necessarily Hitler's bunker. He produces a FHQ map showing many bunkers; I ask him its date, and it is 1944! By which time the numbers of bunkers had multiplied manifold. Toward the end, faced with another unhelpful document in the chain, Evans suddenly launches into a now familiar tirade about my "tissue of lies," "manipulations," "distortions," etc., and his whole Nickelodeon record suddenly begins to play. The needle is stuck. I allow him to reel off his now familiar list of insults until he runs out of steam, without interrupting, and I then proceed to the next question without comment. The effect on the public of his uncontrolled hostility and puerile name-calling is as desired, as people tell me a few minutes later, as we leave.

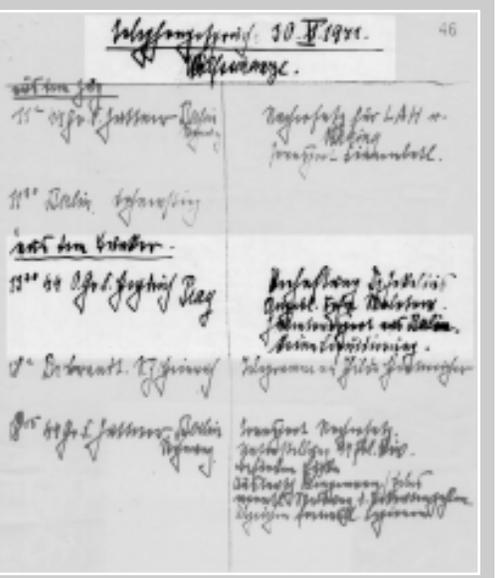
IT IS ALL RATHER ODD: OUR OPponents are yelping in newspaper articles around the world that the correct way to deal with these issues is by proper debate, and not in the Courtroom (as though proper debate is what is going on here); but they have spent twenty years using violence and pressure to prevent such debates, and when the chance for debate comes, they seize up and turn into tinpot Andrei Vishinsky's. Their no doubt powerful brains find it within them only to regurgitate language and arguments that could have come straight from the marxist-leninist history textbook of some pre-1989 state school in communist Köpenick. Every witness they don't like is a "neo-Nazi" and "Hitler apologist"; every statement that cannot immediately explain, they demand to see in facsimile. The session has ended a few minutes earlier than usual, as His Lordship has an appointment elsewhere. Taxi back to Duke Street. I hit the sofa, and Jessica spends the next three hours ensuring I do not fall asleep.

Tomorrow, to borrow a marxist slogan, *la lotta continua*.  
**February 17, 2000**  
 (Thursday) To bed at four a.m. and up again at 7:50 a.m., feeling Lethal with a capital L. 'Mal sehen! At 8:34 a.m. I phone [German writer] Ingrid Weckert for the first time: What evidence is there for her "ten a.m." timing of the broadcast of Goebbels' pronouncement, halting the pogrom, on the morning of Nov. 10, 1938 – the night after the *Kristallnacht*? "The time?" she repeats. "Ich habe es doch gehört!" "I heard it!" She recalls they even had to hear it at school. Which certainly fixes the time at earlier than four p.m., the time preferred by the Defence. At 9:18 a.m. I phone again to ask what were the school hours in those days in Germany? – She has however gone out. The taxi gets snared in roadworks and jams in Piccadilly. I am in the Courtroom five minutes late at 10:35 a.m., and apologise to the Court. On the witness stand, Prof. Evans is back to his hostile, hands-in-pockets stance. Asked by me, this Defence "expert" admits candidly that he has not the faintest idea of the CSDIC reports, of which some 50,000 pages or more are in the PRO, and that he has never worked in them; nor in the Bletchley Park intercept files either. (The CSDIC reports are transcripts of hidden-microphone recordings of captured German prisoners, like the Bruns Report). We discuss the closing paragraphs of the Bruns interrogation, and Bruns' 1945 recollection of a third-hand 1941 remark by the SS-gangster Hans Altemeyer (upon which the Defence heavily relies) that although the SS had now received orders (Dec. 1, 1941 from Führer headquarters) that these mass shootings are to end, they are to be resumed elsewhere less publicly. I ask Evans repeatedly (and with

growing bluntness, several times) whether he does not consider the decodes and intercepts to be far harder evidence than any later statements, e.g. in Nuremberg, or even the CSDIC reports of 1945. He has also adduced a Jan. 1942 letter written by one Schulz Du Bois, reporting that after Admiral Wilhelm Canaris conveyed protests (no doubt, those from Bruns) to Hitler, Hitler made an unhelpful and dismissive comment to him. I extract from Evans the admission that Canaris was an anti-Nazi who was hanged by Hitler in April 1945 for treason: hardly a perfect source for such a third-hand reported remark. Canaris is the source of many a document used in war crimes trials; but not even Nuremberg accepted his version of Hitler's Aug. 22, 1939 speech, ND: L-039 I think! For a while we look at Evans' charge that I have played down the statistics of the victims shot at Riga in 1941. He complains that I stated in *Goebbels* that the killing pits probably held one to two thousand bodies each; he estimates far more. I remind him that Bruns in 1945 described the trenches as being twenty-five metres long, and about three wide. Evans objects, "But we don't know how deep!" "Look at the photograph at the end of the bundle which I handed you this morning, please, witness," I respond: "Does it show a trench filled with bodies, under the guard of British soldiers holding Tommy guns? I believe it is Bergen-Belsen." "But is this a picture of the trench at Riga?" he doggedly counters. "No, it is a picture of a trench being filled with bodies by various women." Evans refuses to answer the question if it does not show the actual trench in Riga to which Bruns is referring. The Judge rules that I may continue with my question, but even he says at first that a trench can be of any depth, surely?



The Himmler-Heydrich episode In *Hitler's War* (1977), Mr. Irving revealed a note by Heinrich Himmler on a phone call to Reinhard Heydrich, chief of the RSHA, at 1:30 p.m. on Nov. 30, 1941 (RIGHT), ordering that a trainload of Jews from Berlin was not to be liquidated. The call was put through from Hitler's Wolf's Lair (*Wolfsschanze*) bunker. But the train had arrived at Riga that morning in the midst of a liquidation of local Jews, and as described in *Goebbels, Mastermind of the Third Reich* the Berlin Jews were machine-gunned into pits – already dead by the time Himmler spoke with Heydrich. Himmler summoned SS Obergruppenführer Jekeln from Riga to headquarters to account for his "arbitrary and disobedient acts" (PAGE 17). A page from the Himmler file in Moscow now reveals his actual agenda for Nov. 30 (LEFT). Was the original theory that Himmler discussed the matter with Hitler first wrong? Only at 2:30 p.m., did he go for lunch with Hitler.



"My Lord," I respond, "I worked my way through University as a navy. I have spent my early years digging trenches. I am an expert on trenches! If they are not shored up, they cave in."

The professor says he too has experience, as his house is having an extension built.

I am allowed to put to the witness this calculation: if the trench is 25 metres by three by two metres deep, say, for the purpose of this calculation, and if it has square sides (not the sloping ones that common-sense dictates) it will hold 150 cubic metres; and if no allowance is made for a fill-in layer of earth on top of the bodies, then 1,500 bodies can be packed in, assuming ten bodies to a cubic metre.

The witness lapses into silence, and my one to two thousand estimate seems to have prevailed.

**T**HE PETTY OBJECTIONS BY Prof. Evans have, in my view, proved self-defeating. On the other hand I may be wrong and this witness-tactic may be precisely what lawyers, judges, and Courts expect and applaud. The Schlegelberger Document (PAGE 15) takes up an hour of the afternoon, and results in a resounding and even somewhat unexpected victory.

[It quotes Hitler as ordering the postponement of the solution of the Jewish Problem to post-war.]

At first Evans demurs, grumbles that it is an odd document with no heading, no signature, etc.; and I have attacked "documents" on that basis. I say: *one* document is under serious attack by me, the Jun. 28, 1943 crematorium-capacities document (PAGE 6). But that document, unlike this one, has a very obscure provenance, while the pedigree of the Schlegelberger document is beyond doubt: an unbroken chain of correspondence since Nov. 1945 testifying to the original document's existence, to its "vanishing act" from 1946 to 1978, and its present location in a file of "Mar-Apr 1942" Reichsjustizministerium documents at the Bundesarchiv in Germany.

The Defence in their written reports have made a noisy case for enveloping this otherwise unambiguous document in a smokescreen about inter-ministerial talks and red tape over mixed marriages, half-Jews, and related problems thrown up by the Final Solution. They even try to haul it out of its 1942 context into the less homicidal climate of 1940 and 1941. The Judge has his eye on the ball however. I suspect that this is because the document is genuine (as even Evans eventually concedes), it is short and to the point, and, in effect, "pure Gold". It allows little room for Evans' usual evasions. Judge Gray is unconvinced by Evans'



How deep is a pit? *British soldiers force German female camp staff at Bergen-Belsen to bury the dead* (IRVING COLLECTION / RASMUSSEN).

responses to my cross-examination.

I suspect, to be fair to Prof.

Evans, that this particular issue has not been one of his own strong points, and that if the assistant who had done the research on the matter had been on the witness stand, the Defence would have fared better; he seems out of his depth, and his answers are notably shorter though, alas, no more to the point for that.

**I**N THE AFTERNOON, AFTER MR. Rampton mutters a loud comment about Hitler's military defeats and his ineptness, I curse myself for not having responded: "Hitler had bad counsel!"

To my delight Rampton, who seems to be slipping today, repeats his remark in a loud *sotto voce*, and "bad counsel" brings the house down – which in a Courtroom of the RCJ means a polite ripple of laughter – and has even Judge Gray chuckling.

At the day's end, I announce that in the remaining ten minutes I want to tackle briefly the issue of the Roman Jews and Hitler's Oct. 1943 order that they are not to be liquidated, notwithstanding that Mr. Rampton has grandly declared that he no longer relies on that episode. But I *do*, I tell the Court.

The matter is postponed to Monday. Prof. Evans wails that he has hoped that we would continue to 4:30 p.m. today, but I am silently shaking my head, and the Judge too has taken all he wants to today.

We return to Duke Street – the taxi loaded now with supporters, including three who have come from the United States on confidential missions to me.

Well, if Prof. Lipstadt has been provided with a multi-million dollar Defence fund by the

American Jewish Committee, as I am told, why should my own friends in that great country not want to shake my hand? We are still trying to raise the funds needed to bring the "live" Courtroom transcripts back to my Internet Website.

Nine p.m. finds me already in bed, and 9:01 p.m. fast asleep.

## February 18, 2000

(Friday) Up at 7:50 a.m. after nearly eleven hours' sleep, and I need it. Jessica dawdles getting dressed, so I have to take her to school by cab. A ten-inch high pile of correspondence to deal with this morning.

This message of thanks goes to "Samuel Crowell" (a non-deplume) who has been assisting me with documents:

**It is clearly impressing the Judge that I produce translations of the documents that the Defence has hurled at him only in German. Yesterday was a great day. Today, thank God, is free, I am beginning to crumple physically otherwise.**

**2. Can you e-mail to me over next 24 hours an English text for: ND: PS-3063, Report of Supreme Party Court, Feb. 13, 1939 (IMT, vol. xxxii).**

**A lot seems to hang on the final paragraph, which is in tortuous lawyer-jargon.**

**3. Unlike all the exterminationist historians, the Judge has been wowed by the Schlegelberger document (Spring 1942) – Hitler ordering the Solution of the Jewish Problem postponed until the end of the war. He refuses to accept their version that this was just the red tape on the mixed-marriages, and made this quite clear from his remarks and from his energetic highlighting of the passages that really matter (which is always a good clue).**

**As for their alternative alibi, that it was really from 1941 (or even 1940!), and that "St S Freisler" should really be read**

as "17.7. Freisler", in support of that version, he laughed it out of Court. As I pointed out, the notorious Freisler, later the hanging Judge Freisler, would hardly like a document being addressed to him just as "Freisler", without his rank or title.

At 11:49 a.m. I phone Ingrid Weckert; she informs me that school hours in wartime Germany were eight a.m. to mid-day. That fixes the time of the Goebbels broadcast nicely.

**W**ELL HERE'S AN AMUSING thing that I must bring up at the right time. Nicholas H. e-mails me:

**I thought you might be interested in some comments by Lipstadt that I just caught on BBC2. Working late I had the TV on in the background – the BBC's "Learning Zone" – that featured a programme on Jews in America. Several segments of an interview with Miss Lipstadt were broadcast (from 1.30 a.m. Thursday, BBC2).**

**She began by condemning mixed marriages, with Jews "marrying out", and, paraphrasing, if this trend continues "intermarriages could destroy everything", with over "52%" of Jews in America marrying non-Jews.**

**I am sure that Mr. Rampton would not look too favourably on similar comments, if, for example, you suggested that "it could destroy everything" if Christians mixed with Jews.**

Yes, but I am the one they are smearing as the "racist". And Lipstadt is not brave enough to go into the witness box.

Around six p.m. a courier brings an unexpected 24-page document from her lawyers, Mishcon – another trick by them.

It is a new paper by Prof. Peter Longerich, entitled "Glossary of some terms used by the NS regime in connection with the murder of European Jews."

Longerich has dipped into the *Ausrottung* dossier that I was required to provide by Discovery, and has attempted to swat the arguments in advance.

I shall ask the Judge to disallow this kind of document.

Certainly it cannot be put to him, or so I hope; but it might be put to me in cross-examination, or by me to him. I note that he deals only briefly with the several words *as used by Hitler*, which is all that counts in this trial; and he uses a 1980 dictionary, whereas I shall insist on using a pre-war one.

10:02–04 p.m. a mystery voice, identifying himself only as Schaefer (and sounding Jewish) says he has some information for me: "Your friend Gerald Gable is in the High Court next week, on Monday, in the High Court, Court 35, defending a libel action." He has seen the confidential papers and knows that Gable will be raising my name. The hearing is before the Hon. Mr. Justice Walker. "You should send somebody along."

**A** R ACTION  
REPORT  
*online*

The trial transcripts and important documents can be read on our Website at <http://www/fpp.co.uk/trial>

INTERESTING MESSAGE FROM Düsseldorf lawyer Hajo Herrmann.\* He mentions the fine reporting by Don Guttenplan in *The Atlantic Monthly*.

Herrmann includes a revealing remark by Otto Günsche, one of the last surviving Hitler adjutants, amplifying Guttenplan's statement that Günsche had told him one had to assume that Hitler knew of the liquidation of the Jews.

**Günsche [says Herrmann now] told me by phone on Feb. 17 he first heard of gassing and Auschwitz when he was in the Lubyanka prison in Moscow. When the gentlemen came to interview him he, like most Germans was exposed to the suggestive influence of the media, so that he gradually began to believe Auschwitz was probably true. If that was so, then Hitler would have had to know of it too.**

**Today, he would no longer be able to say that.**

## February 19, 2000

(Saturday) Up at nine a.m., hooray. A good day's work on the paper-mountain.

2:21 p.m. Fred Toben phones from Australia, bearing complaints from revisionists that I am sacrificing positions to fight this trial. I remind him that my head is the one on the block, not theirs; and that I am not going to defend lunatic positions. I speak pretty sharply with him, and say that his (blatantly) "anti-Semitic Website" is causing part of the trouble.

A few days ago Benté showed that she is realistic about the possible outcome of this trial; she has begun looking for new accommodation for us in [ . . . ]

Today she repeats that she believes we'll lose Duke Street; I point out, that will not be a bad thing, as [ . . . ] She drags herself out of her sickbed to take Jessica to the dancing school at No. 43 Harley Street at two p.m., since I'm "not allowed to".

She comes back near to tears: one of her old-time best friends, Jeannette – (a psychology Ph.D., married to the vice president of Sony UK, both of them Germans) has screamed at her outside the school entrance, shouting that she should be ashamed to be with me, etc., and that Jessica is poisoning the other children! Jeannette boasts that she has agitated against us among the other parents, and that it was

she who sent the poison-pen letter to Vicki Woolf to cause last week's incident.

So, thank *you* Richard Rampton: to score a cheap point, you don't mind what harm you cause.

At seven p.m. American lawyer G. shows up for dinner. That rips a three-hour hole in the evening. He talks throughout supper of the possibility of reaching a settlement with the enemy: I educate him that they would not have thrown Six Million dollars into this action to destroy me if they would entertain a settlement on any terms whatever.

I prevail upon him to drop the matter, as I do not wish to spend my remaining years talking of the trial, the Holocaust, and the Jews. I find them all boring, boring, boring.

I work until 2:45 a.m. again. The paper mountain is down to about one and a half inches.

## February 20, 2000

(Sunday) Asleep at eight a.m., I hear the phone ringing, and Jessica, six, answers. Later she wakes me and says: "I told them Mummy is sick and you are in bed asleep."

While I am writing this morning, she hides in the cubby-hole under the desk. Sometimes I wish I could do that too.

She blurts out this morning, at 11:02 a.m., "Daddy, why don't you get one of those 'lawyers' to do all the work for you, then you would have more time to play games with me. You could

play Hide and Seek with me! You could get loads of lawyers." Children! Their little ears are wide open all day long, picking things up, and processing them.

Contributions are coming in from all over the world toward the cost of putting the daily transcripts back on line; it is the only way, as the newspapers are not reporting my arguments at all: "We are trying to raise cash to pay the fee that the Court reporters are demanding for us to use the current transcripts; as a punishment, they have ceased supplying them even to me!"

3:52 p.m. I phone Davenport, Lyons' Mark Bateman and ask when I am cross-examining Prof. Longrich. He says Tuesday. Then the German professor Hajo Funke next week.

I work until 2:45 a.m. again, preparing the final day of cross-examination of Evans.

## February 21, 2000

(Monday) The British press reporting has totally dried up while I have been cross-examining Lipstadt's experts. I am surprised. I wonder how much money the Defence has spent on public relations firms. I am not naïve about this.

I begin today by asking that the Judge direct the Defence to serve a skeleton argument on me setting out the statutes and authorities on which they rely in presenting the Expert Reports without the experts them-

selves being subjected to cross-examination.

Judge Gray at first gives a vague ruling, but I ask firmly for a direction; which he then dictates. I think that that knocks out both Levin and Eatwell, and their Expert Reports.

Rampton states that he expects to get sufficient from my statements in speeches and the like; I doubt it – these will explode in his own hands when the time comes for my submissions.

I finish cross-examining Evans at four p.m. on the nose. The Judge compliments me: "Well done. You have completed everything just as you promised."

During the day Gray has picked up on a number of points which I consider strong elements of my counter-attack; they include: the Schlegelberger Document (which he specifically mentions to Evans today as defeating one of his documents).

In his re-examination, Rampton is brief, going only to the Hess *Anordnung* of Nov. 10, 1938, which he seeks to limit to the Jewish "shops" [*Geschäfte*]; and to the Heydrich 1:20 a.m. message of the same night.

Here it seems that in the process of drafting GOEBBELS six times over eight years a trivial slip may indeed have occurred for which I must take the blame.

It does not in my view change the main history of the events of that night, the *Kristallnacht*, but it is the kind of straw that drowning men clutch at in a final delirium.

# Longrich: Schlegelberger Document "Insignificant"

## February 22, 2000

(Tuesday) The day begins with Jessica announcing that Mummy is very very very sick. Yesterday she lay all day in her darkened room, and today as well.

A clear day's work to complete preparations for Prof. Longrich. . . I take Jessica over the road to the restaurant but she just wants ice cream. I work until around two a.m. again, just "treading water" to keep afloat in the white-water tidal race of paperwork.

## February 23, 2000

(Wednesday) Laurence M., a Harvard legal friend, phones. He will come to Court today.

Jessica's school has half-term. She asks me to take her to her little friend Grace's "on the way to" the High Court (it is in the opposite direction), so I arrange to leave at 9:45 a.m.

I am receiving large numbers of faxes from around the world, many from total strangers with largely useless advice, sometimes fifty pages at a time. Many such helpful "friends"

quote wads of the Talmud to me, and earnestly advise me to submit them to his Lordship. Not many brownie-points to be earned there, I think.

10:20 a.m. A Channel Four film crew film me as I arrive at Court for the documentary drama they are producing on the case [*"The Holocaust on Trial"*]. Rampton has one or two items; I ask the Judge if he will allow a day clear before final speeches, and he says that he thinks three or even four days should be left clear before final speeches, which is more like it.



\* HAJO HERRMANN was a World War II Heinkel bomber pilot, and then a Luftwaffe fighter pilot, decorated with Germany's highest medal for valour.

**Mr. Irving writes:** I first interviewed Herrmann in 1964. Through the *wilde Sau* fighter tactics which he introduced in 1943, he spared Berlin a Hamburg-type firestorm in Sept. 1943, saving perhaps a million lives – after losing 150 Lancaster bombers in three raids, 'Butcher' Harris halted the Berlin series. From 1990 to 1993 Herrmann was my defence lawyer in Munich. He found himself himself

braving attempts by the Ministry of Justice to have him prosecuted under their 'anti-free speech laws' for endorsing the views of his clients!

Herrmann is in other words the very opposite of that cowardly defence lawyer who appeared before Roland Freisler after the Jul. 20, 1944 Bomb Plot, listened to the prosecution opening statement and then announced: "I can only wholeheartedly endorse the views expressed by my learned colleague against my client." The German Bar Association found in 1993 that Herrmann had acted impeccably, but German public prosecutors' attempts to jail this brave lawyer have not let up.

**I BEGIN CROSS-EXAMINATION** of German historian Dr. Peter Longrich around 10:40 a.m. Longrich admits that after his lecture, to the German Institute in Nov. 1998, on *Hitler and the Holocaust*, he invited questions but then refused to answer mine about the Schlegelberger Document (or anything else, for that matter). He states that he considers this wartime

document to be "insignificant". He now suggests that the reason that he refused to answer my question was that he already knew that he was to give evidence against me (in Nov. 1998?); when I ask him if he informed the meeting's chairman of that reason at the time, he admits that he did not.

He is on oath, and I do not press the point. I take him very gently all day, compliment him on his English, and lay no real traps for him. He is relatively easy to corner and manoeuvre into making useful statements – so easy that I have to urge him not necessarily to agree with the points I make, but to think carefully first, as otherwise any concessions he does make are probably valueless.

For a while I ask him about Hitler's anti-Semitism. Mr. Rampton is edgy, and leaps to his feet to protest that I have "conceded" that Hitler was anti-Semitic from the very outset.

I ask Longerich whether Hitler was indeed such an anti-Semite if he tolerated a half-Jewish chauffeur (Emil Maurice: see Prof. Peter Hoffmann's book on Hitler's security), and a Jewish dietician, Marlene Exner?

We finish this expert's *Glossary* on "euphemisms" relatively swiftly; the Judge does not like the document, and urges me to speed through it. I have already announced that I shall concentrate on Hitler's usages of specific words like *Ausrottung* and *Vernichtung*.

Richard Rampton QC is a chain smoker and suffers accordingly in the non-smoking Courtroom. But he is a tough old boot; he must have been through battles like this a hundred times, and with far more capable adversaries than me.

He rises once again to object that I have already conceded, as he claims, with references to Days 2 etc., that Hitler knew of and had ordered the shootings of Jews by the Einsatzgruppen in 1941. I cannot be hurried on this point; I refuse to state a position "on the hoof," as I put it, and say I will submit a written statement tomorrow, which may well agree with his claim.

I refuse to be rushed into concessions, alleged or otherwise. On the Dec. 29, 1942 *Meldung* No. 51 (PAGE 3), I point out that because a document is marked "vorgelegt" (submitted) that does not mean it has been read by Hitler, particularly as others that day were endorsed *vorgelegt* not once but twice – indicating that they had not been read on at least one occasion.

I say that I hear rumours that some briefs are "submitted" to leading Counsel (I mention the name of George Carman QC) but never actually get read, and this evidently strikes a resonant chord with both Mr. Rampton and his Lordship.

RAMPTON MUTTERS IN A LOUD *sotto voce* (a tactic which is beginning to irritate) about the expense of allowing me to continue to question Longerich about matters that, he says, I "have already conceded".

I should have pointed out yet again, there and then, that the trial could have been cut short two or three weeks ago, when I offered to end it forthwith if they could scrape away some of the gravel on the roof of Crematorium II, and find that the Zyklon-B introduction holes described by their "eye-witnesses" have been there all the time.

There are no holes however, and we know it (apart from the hole that the Defence is in, in this respect).

I ask Longerich if he is familiar with the police decodes; he agrees that he has studied those in Washington and some of those in the Public Record Office. He has not seen the Dec. 1, 1941 decodes (PAGE 17), and clearly thinks them important.

He tries to suggest that such intercepts are only from the *Ordnungspolizei*, and do not contain high-level materials; but even the Judge knows that this is wrong – there are scattered examples of messages signed by Himmler himself, and to Einsatzgruppe commanders.

3:45 p.m. I finish cross-examining Longerich on his *Glossary* and on Part 1 of his report. Tomorrow is the last trial day this week.

Back home, by bus. I fall asleep on the bus. The flat is in darkness. Benté is curled up in bed. Jessica is out, still at Grace's?

This message goes to a barrister friend, A.:

**Judge Gray directed the defendants to supply an Argument on why they should be allowed to table experts' reports without calling the witnesses.**

**They have today complied. Can you give me a reply and authorities this weekend? Please come and have dinner with us one evening over the weekend (Friday, Saturday or Sunday), when I am off.**

**All going well otherwise.**

A long call from him at 10:36 p.m. with suggestions; he wonders whether I can apply for an Order that Prof. Lipstadt present herself for cross-examination on her affidavit of Discovery. That would be a firework.

He suggests that Rampton, as a QC, is probably well informed on the Reports business, and that he probably does have the right to produce them after all. He would not argue otherwise if not. That seems lame to me, but I shall let the matter drop.

## February 24, 2000

(Thursday) I work until 3:10 a.m., and am up again before eight, before I remember that Jessica has Half-Term.

My efforts to get the full text of the diary of the Auschwitz doc-



Jessica "Why don't you get one of those 'lawyers' – then you could play Hide and Seek with me!" – She took this picture of Mummy.



tor Josef Kremer seem to have been stalled; the Rijksinstituut in Amsterdam does not respond; the public prosecutor's office in Münster has not replied since their first letter; the Zentralstelle in Ludwigsburg apologises by fax that they have only illegible extracts.

I finish the latest bundles and take them to the High Court at ten a.m. US lawyer G.'s family are there, all five of them; and Lawrence M. from Harvard. A packed house, and twenty more people waiting patiently outside for seats to get in.

STRAIGHT AWAY PUT TO THE court the Karl Wolff document [*the confidential statement of Himmler's personal adjutant, made in 1952 to the Institut für Zeitgeschichte*]. The passage I am interested in has W. saying this (in my translated extract):

**Himmler was in his way bizarre and religious, and held to the view that for the Greatest Warlord in the Greatest War of all times he had to take upon himself tasks, which had to be solved to put Hitler's ideas into effect, without engaging him personally.**

**Around Aug. 1942 the Reichsführer SS dropped some dark hints: Wolff could have no idea what one had had to take on ones self for The Messiah of the Next Two Thousand Years, in order that this man personally remain free of sin.**

**He (the Reichsführer) was beyond help. For the sake of the German people and its Führer he had had to take things upon his own shoulders of which nobody must ever be allowed to learn. . . The Reichsführer had taken the decision to solve the Jewish Problem radically, as Himmler considered the Jewish Problem and Bolshevism to be practically identical.**

Peter Longerich primly says he will not comment without seeing the whole document.

Okay by me, but I have not had that in my hands since the late 1960s. It is at the institute in Munich. I will try and get it, I say, for Monday.

The Judge asks the Defence solicitors to use their good offices to get the document from Munich. I cross-examine somewhat better all afternoon, on the basis of the brief provided by Michael Mills, an expert, of Australia. A very useful brief it is too, and it helps to narrow down the issues, though it lengthens the cross-examination and I am still unfinished by four p.m.

I apologise that Dr. Longerich will therefore have to return on Monday for half a day. The Judge pulls a face, but everybody resigns themselves to it. Meanwhile, to my surprise, Munich has already supplied by four p.m. to the Defence lawyers the entire Karl Wolff document: it is five pages long, and the Judge, after glancing at it, invites me to agree that I stated this morning that I rely on the whole document.

I WONDER WHAT HIS EAGLE EYE has spotted! Longerich is reluctant to comment without reading it in full, and I volunteer to translate the whole thing this weekend. I think that will be worth it, as it does seem to suggest a really bizarre relationship between Himmler and Hitler over the Holocaust – a word that did not even exist in this context when I last had the document in my hands in 1970.

I use up the remaining ten minutes by putting to the witness first the Danneker (Aug. 1942); then the Ahnert (Sept. 1942) document, and finally the Föhl (June 1942) document.

I do not have spare copies of one item, and I apologise for my disorganised condition. Judge Gray remarks: "Normally you are exceedingly well organised." But that is the only praise from His Lordship this day.

The German witness cavils over each item, even suggesting that the paragraph of Föhl which Götz Aly quotes verbatim in *Endlösung* may have left out more vital, incriminating stuff proving that the letter is baloney. I point out that Aly, an "exterminationist" historian of whom he has only this morning spoken highly, is unlikely to have left out even a comma that speaks in his favour.

True, Aly goes on to dismiss the document as "camouflage", but the evidence that we have suggests that it is not. After all, the document has Walter Föhl, a leading Krakow resettlement organiser, writing to his SS comrades in June 1942:

**Every day, trains are arriving with over 1000 Jews each from throughout Europe. We provide first aid here [he was writing from Krakow, so "here" was probably Auschwitz], give them more or less provisional**

accommodation, and usually deport them further towards the White Sea to the White Ruthenian marshlands, where they all - if they survive (and the Jews from Kurfürstendamm or Vienna or Pressburg certainly won't) - will be gathered by the end of the war, but not without having first built a few roads. (But we're not supposed to talk about it.)

I offer to let Longerich brood on these documents over the weekend; I wonder what alibi he will think up for them by Monday!

E-mail from journalist James Buchan: "I have been asked by the *New York Times* Sunday magazine to write a longish piece about your libel action. . ." That's nice. The entire East Coast newspaper industry has so far acted as though this historic trial is not proceeding; while the *Los Angeles Times*, which did carry a major story [by *Kim Murphy*], has been severely rapped across the knuckles by the usual suspects. I agree to see him any weekend.

[The *New York Times* eventually spikes Buchan's story.]

## February 25, 2000

(Friday) Up at 9:10 a.m. No Court today. Hooray. Feeling good. I fire off this letter to [*Penguin's attorneys*] Davenport Lyons:

**I have received no digital transcripts since Day 15 (Feb. 3). I have repeatedly addressed yourselves about this matter, and made a written cash-per-day offer to yourselves, which I consider reasonable, which is to include permission to continue our daily posting of the transcript on the Internet as a non-profit making service. I have received no acknowledgement or reply.**

**While I wish to imply no deliberate intent on your part, the denial to me of the digital version of the daily transcripts is causing me disadvantages; it has made it pointless for me to annotate the transcript as I proceed with the cross-examinations.**

**I shall take up this imbalance with His Lordship on Monday.**

More quality reporting in today's *Jewish Chronicle*. Major articles have also appeared in the *Svenska Dagbladet* and the *Korea Times*. The press clippings service confirms that there is however silence in the British press during my cross-examination of the Defence witnesses! Very impressive, this - how the system works ("What, us..?")

In the afternoon, and then again in the evening around seven p.m., a courier brings two immense files of documents on my "extremist" associates from [*Lipstadt's attorneys*] Mishcon de Reya; I do not even open the packages yet. I am working on the remaining cross-examination of Longerich.

J. comes in the evening and I set her to searching for and digitally copying diary references on Ewald Althans (the scoundrel)

to a separate file.

## February 26, 2000

(Saturday) This letter goes by e-mail to The Gang at 1:17 a.m.:

**I have now translated for the Judge the whole Karl Wolff document. The interesting passage . . . Hitler's ignorance of the Jewish problem, Himmler kept "the Messiah" deliberately in the dark.**

**I will cross-examine Longerich about this extensively on Monday. It is clear what he will say (self-serving, Wolff is a liar, etc.). With your help I want to make a big meal of this however. Please suggest points, questions, likely evasions by the Defence, etc., to reach me by Sunday afternoon.**

**Michael M.'s briefing for the Longerich report is proving pretty devastating, and the Judge perked up no end when this kind of question started being asked by me.**

**2.) Can somebody supply a text of the Ahnert document?**

**3.) How do we know that the Föhl letter is from his BDC [Berlin Document Center] file?**

I work until three a.m. Up at 9:20 a.m. More cheques in the mail; we must get the transcripts back up on the Internet.

I repeat this e-mail to the *Frankfurter Allgemeine Zeitung*.

**I've invited my Website readers to send you their opinions on the reporting by Frau Menasse. My readers, unlike the folks who read FAZ, can read the trial transcripts day by day and so they know rather better what is going on in Court.**

6:10-15 p.m. A phone call from Brazil journalist; clearly a left-winger, and his questions edge towards the hostile and impermanent, so I end the interview after five minutes.

Work until 2:30 a.m. on the Website, updating items and fixing a bug in the UK order form. F. [a US bookstore] wants 200 more *Goebbels*. We'll soon have to reprint that.

## February 27, 2000

(Sunday) Up at nine a.m. Thank-you letters to Americans. I fax to A. about the lack of "extremism" references in the Statement of Claim (only to Farrakhan, Hizbollah et.):

**This is the only reference to extreme or extremism in the statement of claim. Should I not tomorrow ask Judge Gray to hold the defendants purely to this issue?**

**The only references to "right-wing" are in the [*Lipstadt*] book itself, page 111: "[Prof. Ernst] Nolte was criticised on this point in light of pre-war Nazi persecution of Jews, he said that he was only quoting David Irving, the right-wing writer of historical works" and page 161: "In 1981 Irving, a self-described 'moderate fascist,' established his own right-wing political party. . ."**

. . . which is of course a lie. Let's see what he responds.

*Ha'aretz* announces in Israel today that Mr. Rampton has ap-

plied to the Israeli government to release the Eichmann memoirs. That is interesting; M. phones at 1:34 p.m. and when I tell him this, he suggests, "Yes, and why not the Himmler diaries while they are about it!"

## February 28, 2000

(Monday) Up at 7:50 a.m.; Benté is obviously very sick. I take Jessica to school, finish preparing the documents for today, and then by taxi to High Court.

At 10:30 a.m., just as the Judge enters, I realise I have the wrong file with me. I frantically close it and open it several times, in the hope it will magically turn into the right one. It is not the cross-examination file at all.

I stutter my apologies - Judge Gray is very understanding; he asks if there is nobody who can bring the file over to Court for me, I explain that B. is fighting a battle of her own.

I hail a taxi back to Duke Street, leaving a packed Courtroom behind, with people still lining up outside.

The taxi plunges straight into the mother of all traffic jams in Oxford Street; it takes 45 minutes to make the round trip. Benté is still in her silent and darkened room, as I had left her.

I complete cross-examining Longerich. I ask him to examine the Karl Wolff manuscript, point by point. The mystic, religious nature of Himmler is agreed to; but not Wolff's conclusions about Himmler's sole responsibility for the mass extermination of the Jews. The latter is dismissed by Longerich as Wolff's self-serving fantasies, bottled in vintage 1952.

I put to him the Horst Ahnert document, and then the Föhl letter. They cause him some trouble, and he has to state that the latter is just camouflage, as historian Götz Aly also avers.

Not good enough! I suggest that he may find it remarkable that there are now emerging two parallel bodies of history:

(a) the established version of the Holocaust, or Final Solution, which is supported as he states by the "consensus of opinion" of German historians - which has the flaw however of having not a single contemporary document to support it; and (b) the parallel version produced by us dissidents, which has the advantage of relying on documents, which Longerich and his ilk can only get around by dismissing them as "trivial" (the Schlegelberger document), "forgeries", or "self serving" (Wolff manuscript) or "camouflage" (the Föhl letter, etc.).

On the Ahnert document, at first Prof. Longerich says he does not know of it. But he has published it himself, I point out, as an appendix to a 1989 book! He states that nobody has ever

produced any sign of the "baracks" or encampments built to house the deported Jews in Russia, the White Sea, Düsseldorf, etc.; I could well have made the same remark about the "holes" in the roof of Crematorium II.

What is plain is that the documents show the intention of those planning the deportations to build such camps; whatever the final product. I put to him what he wrote in *Politik der Vernichtung*, accepting that Himmler's phone talk with Heydrich on Nov. 30, 1941 led to a stop on the killing of German Jews for many months.

That too is embarrassing for the Defence here; the Judge asks why I repeat this point, and I say that this source's own book makes the point far more firmly than the Defence experts have allowed in their reports.

He makes some further damaging statements before being released from the stand: putting the overall death roll at Auschwitz at one million, he states in answer to my question that that figure is inclusive of all causes including pestilence, epidemic, starvation, overwork, cold, etc.; astonished, the Judge asks him if he *means* that?

Longerich says he thinks that death by sickness in a place like Auschwitz is just like any other kind of murder.

The Judge perceptibly shrugs, the Defence team fumes impotently at their man's "wrong" answer.

I conclude by putting to him the Horthy-Hitler conference of Apr. 16, 1943, with Hitler's reference to the "Jewish" origins of the bombing campaign against women and children; which corrects Evans' point.

In re-examination, Rampton trawls through a number of items. He trudges interminably through the Himmler pocket diary of July 1942, a visit to Auschwitz, meal with Hitler, etc. If asked, I would have pointed out that one person is missing in the diary and photo on this trip: Karl Wolff!

**T**HERE IS A DISCUSSION THEN on remaining points. I insist that I must be told the *correct* archival file number for the document Aug. 1, 1941, from "Gestapo" Müller to the Einsatzgruppen; the Bundesarchiv has told me that the file number which the defendants have quoted to me is incorrect. Gray mentions to Rampton that it has not escaped his attention that he has reserved the cross-examination of me on right-wing extremism, which he was originally inclined not even to bring before the Court, until the very end - no doubt as a *bon bouche* for the press gallery. Rampton intends to show a video; I shall sit heavily on that, if it is edited.

I say that I have read that Mr. Rampton is asking Israel for the Eichmann papers. I applaud his initiative and will he now try and get the Himmler diaries from the same source! The Judge says that he has no powers to make such an Order.

The Court reporters are asking £100 per day for our posting of the transcripts. Reasonable enough. I send them to half a dozen of my historians, adding:

**This morning I complained to the Judge about the non supply of transcripts in digital form to me; the Judge frowned, and ordered that they be made available to me on my undertaking not to post them on the Net until agreement is reached. . .**

**I am attaching those transcripts with this message, on the understanding that you do not make copies for third parties, and use them only for this litigation. I hope to have made the payment and get them back on the Internet within 24 hours or more.**

At 7:19 p.m. Wieland K. phones from northern Germany that the German television news has just announced that Israel "has released the *Eichmann-Papiere*" for a trial going on in London; he's now going to send me back my set of original Eichmann papers (finally) by courier in about nine days, will that too late, he asks?

10:23 p.m. A phone call from M.: he says that Radio Four reports my coming "public flogging" on right-wing extremism. I give him a rundown of what has really happened. I then work until 3:45 a.m. preparing for the cross-examination of the German extremism "expert" Prof. Funke [fee also \$200,000].

## February 29, 2000

(Monday) Up at 7:45 a.m. to take Jessica to school. She spreads a path of happiness and joy all the way from our front door to the front door of the school. She breaks away and skips and dances the last hundred yards to the school's front door.

To the High Court at 10:30 a.m. After hearing argument from me based on the fact that, according to today's Israeli newspapers and *The Washington Post*, the Eichmann manuscript is already in the hands of the defendants, and therefore discoverable to me, Judge Gray orders Lipstadt's lawyers to turn over to me a complete copy by close of business today; which they do on disc at four p.m. This is only hours after they have received the document from Israel.

The Judge obtains an undertaking that I will not use it except for the trial at this stage; i.e. no posting on the Website.

There is first an exchange on the matter of "public domain". I argue that the documents, once in defendants' custody, have come

into the public domain already by virtue of having been mentioned in this trial.

Richard Rampton QC heaps withering sarcasm on me, saying that Mr. Irving does not know the law and that mere *mentioning* is not enough.

Judge Gray looks baffled, and murmurs that he thinks it is. Miss Rogers (Rampton's Junior) whispers something, and Rampton graciously climbs down: he has now learned that *mentioning* is, according to the authorities, enough to put the document in the public domain.

I ask, "My Lord, would you be so good as to say which of us was therefore right?" Judge Gray says with a smile: "Mr. Irving, you were right."

Rampton begins by showing the five "extremism" videos. One has been edited ("redacted," in legalese) no less than three times – by Michael Schmidt, the cameraman; by *Dispatches*, for Thames TV; and by the Defence attorneys themselves.

The Judge finally rules that he will accept the videos only as a kind of Rogues' Gallery – as evidence of whom I am seen with. The problem for the Defence is that in most of the videos I am not *seen* in the same shot as their target personages like Robert Faurisson and Ernst Zündel and others. I point this absence out, and Judge Gray responds that he too has been waiting to glimpse me in the videos.

The Halle video [of Nov. 1991] is irksome: it has been cut at three points of my brief speech, as the cameraman moves to change his angle, and each time he has lost important parts of the transcript: the first part, where I tell the audience that they are young, and I am old; and that they are Germany's future. Then again as I angrily shout at the lunatics in the front rank for giving the Hitler salute (no doubt having been well paid to do so by the many international newsreel teams).

The local stringer from the *Süddeutsche Zeitung* buttonholes me afterwards, and I take him downstairs for a snack.

After lunch, I cross-examine Prof. Hajo Funke. His German is excellent, but his English is less so, for expressing complex concepts. The Judge is interested only in a few names, a dozen or so of the people I know, and he wants me to cross-examine Funke only on these names. This simplifies matters.

As I deal with one of the names, Judge Gray interrupts, apologises, and says, "Mr. Irving I am interrupting this time only to say that these last questions of yours are precisely how a cross-examination should be conducted." That was nice.

Altogether it has been a successful day, with the Judge effec-

tively throwing out much of the video "evidence" as irrelevant, because it does not relate to me; and throwing out most of the names in the Funke report as well, as being irrelevant or uninteresting to him too.

**T**HE MYSTERY REMAINS: WHY on earth have the Defence, at this late stage in the proceedings, felt they need to go to Israel to get the Eichmann document? It cannot be purely playing to the gallery. If they really wanted to go on an excursion, why not to Auschwitz, to the roof of Crematorium II, taking a trowel with them, to look for those Zyklon-B inlet manholes?

I cross-examine until 4:30 p.m., and take a cab home with the *Süddeutsche Zeitung* reporter (the usual lefty type).

I rapidly print out the Eichmann disc and methodically search out all relevant references to *Hitler* and *Führer*, which I shall put to the Judge in a bundle tomorrow. Some half dozen pages. No surprises, I think.

I work again until 3:30 a.m. but it is getting harder.

## March 1, 2000

(Wednesday) Another month has passed, and the trial grinds on. Up at 7:50 a.m., to take Jessica to school. In good time today.

I sort out ten sets of photographs of German meetings that I am addressing: the audiences are all quiet and middle-aged – no skinheads or placards in sight.

10:20 at the High Court. An Israeli TV team is waiting outside, collars me for a news interview. I see out of the corner of my eye one young yarmulka'd thug do a U-turn and follow me into the building, but he soon vanishes.

The Courtroom is filled with Israeli youngsters and a party of French students (or was that yesterday?) The Israelis are quite boisterous, and one deliberately barges into me in the corridor outside. Tough guys! Court begins at 10:35 a.m.

I state that I have printed out the complete Eichmann papers, and I hand the Judge the five pages that refer substantively to Hitler or Führer. He says however that we can not deal with those today; quite right.

I continue with the cross-examination of Prof. Funke. He seems somewhat exhausted, his answers are slow and occasionally more muddled than yesterday, and he is noticeably more irritable, particularly when I make mocking reference to the "consensus of expert opinion" upon which he repeatedly draws as his one basic source, and the "social sciences" which he cites as his other, for stating that certain people or bodies are right-wing extremists.

It is difficult to see how far this

kind of pseudo-academic guff impresses the Court. If it does, then God help us, there is nothing I can do about it. You cannot argue against it any more than you can fish for blanch-mange with a hook.

Judge Gray becomes quite cross, as my detailed cross-examination drags on, each question provoking interminable and often seemingly pointless replies from the witness.

Finally in exasperation he says he will give me half an hour, effectively, to finish the job after lunch, and that I should deal only with the bigger "rogues" of the gallery. I am apprehensive about this, as Rampton will then surely pounce on any items I have not traversed.

At the end of the afternoon Rampton re-examines for an hour. He introduces new documents, and upon my protest the Court allows me to re-examine on them. Among them is the typed transcript of the thrice-edited video anthology: I make vociferous protests about this kind of evidence, to no avail.

Mr. Rampton produces a letter I wrote to Dr. Frey and my Munich lawyers on Jan. 30, 1991 (making over-much of the date, "January 30") and suggesting to Funke that anybody who seeks to restore Germany's old borders is a right-wing extremist. I thereupon extract from the witness the concession that the German Constitution, which he is sworn to uphold, makes it an express *duty* of every German citizen to strive to restore unification within Germany's old frontiers!

One problem in this little bundle is the anti-Semitic remark which Zündel uttered (*Juden-pack*) at Hagenau. Another point which Rampton makes (though this is more easily dealt with) is the "portable one-man gas chamber" eye-witness statement, which I have ridiculed in speech after speech. Rampton introduces, against my protests, just the fragment of speech dealing with that.

When I refer in one question to the fact that a city official of Munich was able to utter a document which bans me from the entire "German Reich," Rampton assumes I have made a Freudian slip; I educate him – it was sarcasm, and I had assumed that he, as a Master of Sarcasm, would have understood that at once.

Eighty e-mails waiting for me in the evening. One of them, from expert K., comments on the transcripts now posted (and which I am paying heavily for):

**With the exception of Chris Browning, the three historical experts all took the tack of wanting to see every document you mentioned all the time, and to make non-committal answers when posed with difficult questions or new documents.**

I think they were instructed to do this, because:

No. 1 It makes the point that "you can't be trusted" by real historians

No. 2 It makes the point that real historians are cautious in their judgements.

However, I think the Defence strategy backfires, in a few ways: First... it made their experts appear laughably anal-retentive and petty, Second, it made them appear as though they were stalling, which in turn made them appear more ignorant than they probably are, Third, it prevented them from engaging in any spontaneous dialogue in which they might have demonstrated their intelligence in quick exchanges, Fourth, it made them appear ideologically driven and frankly instructed on how to think, because of their inability to entertain counter-notions.

As a result, what we got was you running rings around a group of tightly reined-in historians. There is no doubt in my mind that you bested them all.

Benté seems to be better these afternoons, but not in the mornings. . . My worries about her remain, however.

In the evening I host at Duke Street a crowd of journalists – the *Süddeutsche Zeitung*, various Israelis, ZDF television, and other media concerns until eight p.m. Jessica decides to join in the interviews. The Eichmann Memoirs have kick-started the media interest in the trial – and tomorrow the public flogging resumes.

## March 2, 2000

(Thursday) A rather odd day. I work until 3:30 a.m., preparing rebuttal items for the cross-examination today, primarily all diary entries relating to [-] and Faurisson, etc., on which I expect Rampton to feast the Court's eyes. My staff have worked for weeks distilling these extracts from the diaries.

At 9:30 a.m. a woman from the OSS (Office for the Supervision of Solicitors) telephones about my Apr. 1998 complaint to them, about Mishcon's breach of an undertaking to bring the Halle video to Court.

To the High Court at 10:30 a.m. I begin by stating five points to Judge Gray.

1. I have repeatedly asked the Defence, as I am entitled to, for the speeches on disc, to enable me to search rapidly for the bleeding morsels which they have torn out of context and tossed out of their cage to your Lordship. Please now order them to provide that material.

2. I have provided translations of the police documents proving that my version of events [in Munich] on Apr. 21, 1990 is correct and that Prof. Funke's is not.

3. The Defence are sitting on several of my videos and materials, which hampers my preparatory work for these cross-examinations. Their total destruction of my boxes and fil-

# Israel's Mystery Gift



The Adolf Eichmann Manuscript On Feb. 28, 2000 the press announces that Israel has released Eichmann's prison memoirs to the defence attorneys. Judge Gray orders them to turn a copy over to Mr. Irving immediately. Rampton makes no use of the costly prize. Mr. Irving scans the document that same night for key words like Hitler and Führer; he concludes that the Eichmann memoirs aid his case more than Lipstadt's.



ing system has greatly hampered my preparation of bundles.

4. Since the Eichmann manuscript has been placed in the public domain by *Der Spiegel* and other sources, can I be relieved of my undertaking?

5. The Halle video... I wish to make submissions next week on its admissibility.

On No. 1, the Judge orders that a disc be provided to me tomorrow at the latest.

On No 2, he shows little interest: he says he is not at all interested in the arrest; I point out that it was important to establish that I was telling the truth, and not Prof. Funke, yesterday.

On No. 3, the Judge says it was between me and the solicitors, but they will no doubt take the right steps.

On No.4 the Judge says he agrees that I *should* be released from the undertaking, but that it is difficult to do so as Rampton still objects, having given his word to the Israelis. He says, rather mysteriously, that the Israelis have indicated to him that they have supplied to us a version more complete than the one released to the public.

On No. 5 the Judge expresses concern, asks what is afoot: I say two things, the admissibility of the video (in which I do not think I will prevail); and the conduct of the Defence case, with fraudulent withholding of the videos in April last year. The latter as the parties are well aware goes to the issue of costs, which may be relevant.

Later in the day, Judge Gray orders that we shall argue the latter point, No. 5, on Monday. Richard Rampton's final cross-examination of me resumes around 10:45 a.m., and concludes at three p.m. He commences by showing a video of part of my speech at Hamilton, Ontario, including my ridiculing of the eye-witness allegation of a portable "one-man gas chamber", and the reference to the ASSHOL organisation.\* I don't think he makes much

headway with them.

The fact that he has now tried twice to bring them to the Judge's attention suggests that he feels he did not succeed the first time round.

He now brings in the Kinna document; I agree to all his submissions on the document, which do not really damage the position I have adopted, but I point out that Kinna was a very lowly SS rank (a corporal, I say: but a check at home reveals that *Untersturmführer* is in fact second lieutenant), and that his command of language is perhaps not such that one can attach great significance to the precise words he used.

Going on to my contacts with the "Rogues' Gallery" of "extremists" he tries to establish beyond doubt that I spoke often to "National Alliance" functions and, in 1983 – seventeen years ago – to the British National Party. The latter turns on a document of the British National Movement, whatever that is; and there is only one function addressed by me described as "partly a BNP audience", the rest of the audience being explicitly Monday Club [*of the ruling Conservative Party*] and other bodies.

I don't think the Judge will make much out of that. The NA link is less tenuous, but hardly more intense: Erich Gliebe, Cleveland organiser of functions for me, wrote me one letter in 1990 on NA-headed note-paper, with what turns out to be the NA logo top left (it is like an inverted CND symbol).

All his other letters have no such embellishment however, and apart from a diary entry where I state that a Tampa, Florida, function "turns out to have been" organised by the local NA officials, even that is a dry seam, as the printed poster announcing the meeting makes no reference whatever to the NA.

The NA leaflets handed out elsewhere in the meeting room, which a Rebecca Guttman (the

local spy for the ADL) has obtained for the defendants, contain White power language:

Rampton points to the use of capital W's and B's for White and Black. I point out that *The Daily Telegraph* uses the same style.

Some time is spent in the afternoon on little dossiers they have compiled:

1. On the Kurt Daluge figures for Jewish criminality in pre-Nazi Berlin: figures obtained from the Statistisches Bundesamt do not support Daluge's, evidently. I point out that my source-footnote references *four* documents or books, not just Daluge (but I must now check those on returning home).
2. On the Goebbels diary entry for Dec. 13, 1941: They still want to prove that in Moscow in 1992 I read his full account of the Hitler speech about the Judenfrage, and wilfully suppressed it ("manipulation"). My reply is genuine: (a) I never did read that far into the microfiche concerned, as my *Sunday Times* shopping-list asked only for Pearl Harbor materials from that period; (b) even if I had noticed that paragraph, I would not have copied it, as it was just the familiar old Hitler "Phonograph record" about his Jan. 30, 1939 prophecy.
3. On my suggestion that the British government "invented" the gas chamber story and broadcast it to Germany as propaganda. I must now compile a dossier for the Judge of all references in broadcasts and other propaganda to Germany on "gas chamber" propaganda from, say, late 1941 on.

THEN SUDDENLY THE CROSS-examination is over. The nocturnal efforts by myself, and the last weeks, by my staff, have been for nothing, it seems. We arrange the timetable for the closing phases, and I take Terry Lloyd's free taxi home, emptying all my files and books out of the Courtroom as I do.

Michael W. faxes to me the two latest articles from the *Frankfurter Allgemeine Zeitung*. Both are horrendously distorted ac-

\* "Association of Spurious Survivors of the Holocaust and Other Liars," a (fictitious) body to which the likes of Benjamin Wilkormirski and the ADL's Abraham Foxman are eligible to belong.

counts of the trial by Eva Menasse. She gets (and earns) this e-mail from me:

Your two latest articles were particularly infamous, even mendacious. The transcripts will prove that, and I hope your newspaper gets to hear of that from my friends! The Judge has already accepted that there are absolutely no proofs for any contacts between me and Kühnen, Küssel and other radicals. Why have you repeated the same lies? That was particularly nasty.

If your Minister of Culture Michael Naumann claims I went bankrupt, that too is a lie: I have never been bankrupted in my life. His publishing firm [Rowohlt] did not publish the book [CHURCHILL'S WAR, vol. i] because his work-force threatened to go on strike (ask Dr Herbert Fleissner of Langenmüller Verlag, he knows the facts). The committal to a London prison was for contempt of court.

Why do you let people lie to you like that? I did tell you which Website page to look at.

In the circumstances I see no need to respond to your query, but I do: (a) the last court day will be Monday, just two hours early; (b) nothing then until Mar. 13 [15], when there are closing speeches. Try to report things honestly this time.

An hour's work tonight only. Wrong, I work finally until close to two a.m. again.

### March 3, 2000

(Friday) I take Jessica to school. The bright little spark arrives at the bus-stop with me minus hat, scarf, and satchel. We have to retrace our steps to get them. Normally she's not forgetful.

Today's press inevitably covers Rampton's closing cross-examination of me heavily, almost every newspaper quoting extensively from my speech in Ontario.

I shall make mention of this [imbalance] in my closing speech; tonight, J. [secretary] will do the statistics on the coverage.

I AM SURE IT IS ENTIRELY COINCIDENTAL. Just as it was yesterday morning, that there was one Afro-Caribbean face sitting among the ranks of the lawyers, for the first time in two months, during my cross-examination; he disappeared as soon as it ended!

No doubt he was on stand-by in case I was tempted to repeat my (Judge Gray: "Unhelpful") remarks about the ethnic make-up of the Defence team (which had been, until that

nanosecond, pure White). Cynicism, thy name is left-wing liberal outrage: also known as "social sciences"; aka "the consensus".

A Canadian writes this letter to *The Times* (using my Website link) and sends me a copy:

I have just read your article entitled "Irving 'was an ally of neo-Nazis'" by Michael Horsnell. I must say that I am deeply disturbed by this short article.

I find it worrisome that you only seem to cover this trial when innuendoes, allegations or accusations are made against Mr. Irving by the "experts" arrayed by the defendants. You never seem to report Mr. Irving's answers to these accusations, why is this?

I find it even more unsettling since the whole trial is about Mr. Irving defending himself against what he says are unjustified accusations.

A long phone call from a Dutch television show researcher. This message goes at midday to The Gang:

1. Yesterday the Judge in the libel action, at the end of the evidence phase, presented us with a list of the issues to be examined and addressed in closing speeches, which will be delivered Mar. 13 [15]. . . The more brains that work on the closing speech, the better. . .

2. A well wisher has sent me the following extract (BELOW\*) from a speech by [Chaim] Weizmann allegedly delivered on Dec. 8, 1942. The relevance seems clear, but I must be sure it is authentic and not taken out of context, I need the original English text.

We are now into the final stretch, and it is going to be uphill all the way.

PHONE MARK BATEMAN AT Davenport, Lyons to clarify what will happen on Mar. 13, as I am not clear from Judge Gray's words: Are our closing speeches being taken as written, or will they be read out? He says Mr. Rampton is equally unclear. It seems the Judge will have questions to ask, on our statements (when?). We will clarify things on Monday.

Davenport have sent a disc of speeches, but it is not what was ordered – the whole contents of the transcripts, which I need.

### March 4, 2000

(Saturday) Weird dreams during the night. More contributions this morning, around \$1,500. I send a reader's letter to *Frankfurter Allgemeine Zeitung*, re the Rowohlt episode.

I send this e-mail to my expert K.:

**What I need for the Court hearing on Monday is evidence of the British government or BBC broadcasting or rebroadcasting unfounded ("invented") gas-chamber stories to Europe.**

I am half-way there, but want a good file to show the Judge.

During the day Benté is better; takes Jessica to dance school and fetches her at five p.m. I am still clearing the decks for drafting the closing speech. Empty a file drawer.

I don't like the Judge's draft outline, and will go my own way, I think. It is important too for the sake of the media coverage.

I end up working until 2:30 a.m. again.

### March 5, 2000

(Sunday) Benté is very sick this morning, so Papa is wakened at 8:45 a.m. to do party duty for Jessica. "Now is the time for all good men," ... etc.! Taxi to Streatham Place and back; Jessica chats all the way to the driver, a stranger, happily assuming that he knows Grace and Mackenzie and all her other little schoolfriends.

I sink my teeth into drafting the speech, from memory: the way any such oeuvre should be initially drafted. I'll decorate it with documents later.

Michael Mills e-mails a query from Australia, and I respond:

I can put whatever I want in my closing speech, and having studied them I am rather horrified at how restricted the Judge's proposals are; they seem to betray his own floundering, I think.

Please put all your points to me, they will not waste my time. We cannot go into too much detail, except on "killer"-items like the "holes in the Crematorium II roof". Otherwise I will trespass on his patience.

A Scandinavian sends me this message:

Kurt Målarstedt has now reported in *Dagens Nyheter* (the morning newspaper with the largest circulation in Sweden): **The title is: THE MAN WHO DENIES THE HOLOCAUST**

Mostly standard stuff but at least he tries to quote some of your own words as he understood them.

Sample excerpt:

[Mr. Irving] repudiated the allegations that he is an anti-Semite and a racist. He dismissed "lazy historians who, at best, invent proofs of generally embraced theories" (about the Holocaust and the Auschwitz gas chambers implied) – his comment, not mine.

Adolf Eichmann, the leader [sic] of the Nazi German extermination programme against Jews, was "a little snake of a man".

Eichmann was, Irving said, "very good at being servile, an interesting example of German nature [ambiguous, could also mean 'the German species'], an example of German mentality... such people are highly dangerous".

The article is, comparatively, not very malicious. He says that you have the body of a bear and that the wig of the Judge is even more ridiculous than that of the Defence lawyer. He quotes an unnamed writer who has compared you to a "Wehrmacht general . . . in a desperate fight against the Jewish-Bolshevik hordes."

He refers to Cesarani's worry that an "unholy alliance" might be formed between you and "the more honourable writers and scholars" who criticise the growing "Holocaust industry".

Sad word comes from Honolulu, from a stranger, that Henry K., who was one of my most generous protagonists, has died:

[He] died about midnight Honolulu time on Mar. 4th. He was a great admirer and a supporter of you and your cause so I thought you may want to know of his passing. His death is considered a great loss as an intellectual and a wonderful friend.

His friends numbered in the thousands around the globe. Henry introduced me to a number of your books which I have read with great joy and interest with the first one being *THE WAR BETWEEN THE GENERALS*. This book I could hardly put down until I finished reading it because I was so impressed with your research and writing skills.

I followed that up with *HITLER'S WAR, GÖRING* and then *GOEBBELS*. All masterfully done. One day I would very much like to attend one of your speeches in the USA.

It is a blessing for me that he referred me to your writings.

I send this message at once to Henry's widow:

Dear U. – Words cannot express the sorrow I feel at hearing the sad news of Henry's passing. I had been thinking of him all day, and wondering whether I ought to phone him this weekend to find out how he was. You must be very sad.

I do hope he was not in pain toward the end. I wish I could come to the memorial, but I am up to my neck with the great trial in London. . . Please let me know, when you feel able, how he was these last few weeks.

It must have been telepathy.

### March 6, 2000

(Monday) Until one a.m. I watch the raw, unedited video of the Nov. 1991 Halle function again. Up at 7:50 a.m. to take Jessica to school. Take a No. 15 bus to Fleet Street and the Law Courts. A large crowd is waiting patiently outside, though I warn them we shall be finished in less than an hour.

Lady R. is there; she incidentally tells me that there was not just one Black man sitting among the defendants' team on Thursday morning, but a Black female too – the defendants desiring no doubt to be doubly correct. But only during the "danger period" when Rampton was criticising me for racism – they both then vanished. *Der*

\* From the speech of Chaim Weizmann, president of the World Jewish Congress, in New York (translated from the German): "We don't deny, we're not frightened to admit, the truth that this war is our war, and it is being fought for the liberation of Jewry. What we say is that without us an Allied victory would be unthinkable. Our front, the Jewish front, is stronger than all the other fronts together. We are not only providing our wholehearted financial support for this war. We ensure victory primarily by our weakening of the enemy forces, by the destruction of their powers of resistance, from within their own country, from inside their own fortress. And we are the Trojan Horse in the enemy fortress. Thousands of Jews living in Europe today are the main factor in the destruction of the enemy."

## Closing speech

AT MIDDAY ON MAR. 15, 2000 DAVID IRVING BEGAN TO DELIVER HIS CLOSING SPEECH IN THE ACTION AGAINST PENGUIN BOOKS. THESE ARE ITS OPENING ARGUMENTS.



The full 104-page text is published separately by Focal Point Publications with illustrations; it is on the Internet at [www.fpp.co.uk/docs/trial/closing](http://www.fpp.co.uk/docs/trial/closing)

“THIS TRIAL IS ABOUT MY REPUTATION AS AN HUMAN being, as an historian of integrity, and – thanks to the remarks made by Mr Rampton – as a father. The Defendants are saying, and have convinced many people, that I am not entitled to continue to earn a living in the way that I have earned it for nearly forty years.

A Judgment in my favour is no more than a Judgment that disputed points which I have made about some aspects of the narrative are not so absurd, given the evidence, as to disqualify me from the ranks of historians. Under the laws of defamation in this country, it could not be any thing else, and nor must the Defence team, no matter how powerful, or moneyed, or eloquent, or numerous, be allowed by their tactics to skew it in any other way.

I may add that the points I have made do not necessarily lessen the horror or the burden of guilt. I always have accepted that Adolf Hitler, as head of state and government, was responsible for the Holocaust. I said in the Introduction to my biography *HITLER'S WAR*:

If this biography were simply a history of the rise and fall of Hitler's Reich, it would be legitimate to conclude: “Hitler killed the Jews”.<sup>1</sup>

But my years of investigation suggested that many others were responsible, that the chain of responsibility was not as clear cut as that. Nothing that I have heard in this Court since Jan. 11 has persuaded me that I was wrong on this account.

These latter points lead to another consideration. Your Lordship will have heard of the – largely successful – effort to drive me out of business as an historian. This Court has seen the timidity with which historians have already been fraught once the Holocaust is questioned: One notable historian, ordered by summons to attend, [Sir John Keegan] showed himself reluctant even to confirm what he had written in my favour, repeatedly, over the last twenty years.

A Judgment rendered against me will make this paralysis in the writing of history definitive; from then on, no-one will dare to discuss who exactly was involved in each stage of the Holocaust, or how extensive it was. From then, on discussion will revolve around “safe” subjects – sacred texts in the Middle Ages, or Marx in the old USSR, or the Koran in a fundamentalist state today. Every historian will know that his critique needs to stop sharply at boundaries defined by certain authorities.

He will have a choice: accept the official version holus-bolus; or stop being an historian.

A Judgment in my favour does not mean that the Holocaust never happened; it means only that in England today discussion is still permitted. My opponents would still be able, just as now, to produce other documents if they can; to expound alternative interpretations. They would be as free as ever to declare that they think I am wrong.

They would be impeded in one way only: they would not be able to say in a loud and authoritative voice that I am not an historian, and that my books must be banned. As a result of my work (and of this case) the Holocaust has been researched more. Those who (rightly) believe that these crimes should never be forgotten should ask whether their case is better served by a compulsory – and dead – text imposed by law and intimidation, or by a live and on-going discussion.

ALLOW ME TO INTRODUCE ONE cautionary statistic: not including the fuss about the Eichmann manuscript, the British press published no fewer than 167 reports during the seven days that I was on the witness stand, that is 24 per day; but just fifty-eight reports during the twenty days when the boot was on the other foot and I was cross-examining Mr Rampton's witnesses, that is roughly three per day.

That is a disparity of some eight to one against me. Your Lordship will perhaps have observed that the reporting in both cases is almost exclusively devoted to the Defence statements, or their questions to me, and not to the product of the examination. The Court however operates by different standards, and it will not allow public sentiment to guide its verdict.

I believe it was Sir Winston Churchill who once said, “There is no such thing as public opinion, there is only *published* opinion.” Given such a baleful glare from the press gallery, My Lord, I am glad that Her Majesty has such a resolute officer presiding over this case. The outcome is in your hands, and in yours alone, and I am confident that nothing that the Press has writ-

ten, or may yet write, will deflect Your Lordship from arriving at a just conclusion.

MY LORD, THE COURT WILL be aware that from the very outset I argued that this hearing should not, effectively, leave the four walls of my study, where I wrote my books; and that what happened fifty or sixty years ago was of less moment to the issues as pleaded.

The matter at issue, as pleaded by the Defendants, is not what happened, but what I knew of it, and what I made of it, at the time I put pen to paper.

To take a crude example: neglecting to use the Eichmann memoirs, released to us only a few days ago, had they contained startling revelations – which they did not – could not have been held against me because they were not available to me in the 1960s, 70s or 80s.

Your Lordship took a different view, and I respectfully submit that it was wrong. The Defendants have invested a sizeable fortune in re-researching the Holocaust, and possibly for that reason alone we have all been dragged through that vast and inhuman tragedy yet again, and quite needlessly.

It would have sufficed for their purposes if they could have proved, on the basis of the total disclosure of my files which I made to them and their experts, that I had indeed “*distorted, misstated, misquoted, and falsified.*”

Fearing or finding however

that they were unable to prove wilful fraud, in effect, they have fallen back on the alternative plea in the tort of negligence: that “Mr Irving *ought* to have known.” I respectfully submit that this unsubtle change of Defence should not have been allowed to them, as it was not pleaded at the outset.

If my submission on the law is, however, wrong then Your Lordship must ask what effort would have been reasonable on the part of an historian, acting without institutional support like that of Yad Vashem, and with the doors of archives increasing being slammed against him.

These Defendants have spent reportedly some Six Million dollars, and twenty man-years or more, in researching this case: this blinding and expensive spotlight has been focused on the narrowest of issues, yet still it has generated more noise than illumination.

I heard the expert witnesses who were paraded before us use phrases like the “consensus of expert opinion” as their source so often – in fact the word *consensus* occurs so far no fewer than forty times in the daily transcripts of this trial – that I began to wonder what archives were for.

I suggest that these experts were more expert in reporting each other's opinions, and those of people who agree with them, than in what the archives actually do – and do not – contain.

The phrase “*Holocaust Denier*”, which the Second Defendant boasts of having invented, is an Orwellian stigma. It is not a very helpful phrase. It does not diminish or extend thought or knowledge on this tragic subject. Its universal adoption within the space of a few years by media, government and even academics seems to indicate something of the international endeavour of which I shall make later mention.

It is in my submission a key to the whole case. Perhaps this Court should raise its gaze from the red and blue files and bundles for a brief moment, and re-read George Orwell's brief appendix to “1984” which seems to be very relevant to this case.

From the witness box, with its revelations of the “consensus of opinion”, “moral certainty”, and the mass male-voice choir of the “social sciences” or “social scientists” – on which the Defendants' German expert

Professor Hajo Funke relies for his certainty as to what is right-wing extremism – we seem to hear more than a vague echo of Orwellian Newspeak – a language that moulds minds, and destroys reputations and livelihoods.

Orwell was wrong in one point: he thought it would take the forces of the State to impose Newspeak: Professor Lipstadt and her reckless publishers Penguin Books Ltd – I shall justify that adjective shortly – have sought to impose it through the machinery of the literary and media establishments.

Only the Royal Courts or Justice, independent and proud, can protect the rights of the individual from now on. And those rights include the right, as Lord Justice Sedley recently put it in another Court in this same building, of any person to hold to, and to preach, unpopular views, perhaps even views that many might find repellent.<sup>2</sup>

<sup>1</sup> *HITLER'S WAR*, 1991 edition, at page 17.

<sup>2</sup> *The Daily Telegraph*, Jul. 29, 1999: “PREACHER HAS RIGHT TO BE HEARD, HOWEVER IRRITATING.” Citing Socrates and two famous Quakers, William Penn and William Mead, Lord Justice Sedley said: “The irritating, the contentious, the eccentric, the heretical, the unwelcome, and provocative have a right to be heard.”

*Mohr hat seine Schuldigkeit getan und kann gehen.* – Schiller, I think: The Blackamoor has done his bit and now away with him.

[An erudite reader tells me it's from Friedrich Schiller, *Die Verschwörung des Fiesko*. Mentioned in *Mein Kampf*, chapter 11, Nation & Race.]

I have four points or so and put them to the Court. First, I express formal thanks to the two law firms acting for the defendants, since I recognise the extra burden placed on them by a litigant acting in person. Rampton immediately comments on "Mr. Irving's sycophantic remarks" about his instructing solicitors – and adds his own words of thanks to the lady Court Usher. Second, I provide the full diary entry for Jul. 25, 1998, which I previously redacted: the full entry shows no reference to the National Alliance (NA), which they had suspected I excised.

Third, I produce a small file on the "gas-chamber" broadcasts made by Thomas Mann, Germany's own "Lord Haw-Haw", in 1941 and early 1942, as requested by the Court on Thursday.

I then touch upon the defendants' fraudulent concealment last April of their uncut video of the Halle speech, Nov. 9, 1991. There are three issues, I suggest: admissibility, conduct of case, and damages.

Judge Gray says that this is not the place to make representations on the defendants' conduct of the case or damages, but I may do so purely on the admissibility of the video in evidence. That limits my submissions sharply.

He says most helpfully, "What you are, presumably, going to say is that the way in which the defendants have dealt with this material is an illustration of the high-handed and the offensive way in which they have conducted their case generally?"

I reply that I was not going to use those precise adjectives, but that I shall certainly now appropriate them and make the relevant submissions in my closing speech.

The Judge has also grasped the point that this video on which the defendants rely has some abrupt cuts in the images and sound, as filmed by the cameraman (the left-wing Bavarian police *Spitzel* Michael Schmidt) – "He only filmed what interested him," Gray points out to the Defence, inquiringly.

I shall do further homework on that item for the final speech. Mr. Rampton now says that since I have made remarks in open Court about a "broken undertaking", their Mr. Anthony Julius, who is familiar with the affair (Apr. 1999) will address the Court.

Julius says flatly that no under-

taking was broken (on that, opinions will differ: it was given by them in writing!); and that the videos concerned were privileged, which privilege they waived at the time.

Showing that he is nobody's fool, the Judge does now express curiosity on the "broken undertaking" and asks, razor-sharp, "How long did you claim that the privilege existed?"

"Two days," admits Julius.

That shows, I think, that Judge Gray has got the point on that. Mr. Rampton confirms that as for the American extremists, he is jettisoning the whole of his Bundle "C" except for the report by Rebecca Guttman. Since Guttman herself says there was no sign that the Tampa meeting was National Alliance, and the leaflet she received does not even mention the NA, it is an interesting choice.

**R**AMPTON ASKS IF PROVISION can be made for more seating on the last days as people are coming from all over the world. The final timetable is agreed: Monday Mar. 13, and Tuesday, Judge to ask questions on the draft speeches.

Wednesday, Mar. 15, closing speeches: Rampton to kick off, reading a summary of his speech, followed by me – as Plaintiff, I get the litigant's equivalent of the *jus primæ noctis*, the right to the last word.

I declare that I shall not slavishly follow the listed Issues as drafted by the Judge, and that I shall read out my speech with suitable omissions, rather than writing a separate summary. Finally, Rampton asks that if I am to be given the Judgment one day ahead of the public reading, as is the custom, I should give an undertaking of secrecy; to which I agree.

Back to the Duke Street flat at 11:30 a.m. Rebecca Wallerstein says she was with Dr. Tom Stuttaford in Court today and a few days ago when I was cross-examining Van Pelt. Stuttaford feels that I am "schizo-typed" – but that's not bad, she assures me.

## March 7, 2000

(Tuesday) Work until one a.m. Phone call from Wiesbaden, the *Frankfurter Rundschau* has a major article today on the trial; I remark that this newspaper is left-wing, so it will hardly be a pæan. He confirms that. 10:35–46 a.m. a long call from M. He'll come tomorrow to analyse the press coverage.

Gerald Posner wants to interview me for *Talk* magazine, New York. I reply:

**I am really busy writing the closing speech. . . I shall not be giving ANY interviews after it, as I must resume my career as**

**a writer after this three-year hiatus.**

Calls from *Der Spiegel* and *Daily Telegraph*, arranging next week's festivities.

Work on the closing speech, and on Bundle E ("Global") all day. Difficult to tie all the strands together. Time is going to be pressing.

## March 8, 2000

(Wednesday) Thirty e-mails when I get up: but the tide is receding. Posner phones, will come on Saturday at three. Predictions multiply in the foreign newspapers, by friend and foe, that I cannot win the action. My final speech is taking shape. How long to make it? 3:53 p.m. I phone Dr. Howard B. Gottlieb at Boston University, Special Collections, who wrote to me 10 or 15 years ago, wanting to acquire my papers. (I persuaded him to buy the Tyler Gatewood Kent papers last year.) I say: The time is now approaching. He too is following the trial, and asks if I am optimistic. I say: fifty-fifty. Which is not much. "It depends on whether Judge Gray is ready to commit professional suicide", so I say.

Gottlieb says I should write and tell him what "my expectations" are.

George S. phones, would I like a coffee? I say yes; he rings the doorbell seconds later, stays two hours, and makes useful comments on the speech arguments.

M. comes round at eight p.m. and works three hours analysing the UK press clippings; ignoring the Eichmann and routine items, the tally so far is – 58 while I was cross-examining them, i.e., about twenty days out of 30), against 167 while they had me on the witness stand (for only seven days). Comment is superfluous.

The reporting in both cases is moreover almost exclusively devoted to the defendants' statements, and their questions of me, and not to the product of the examination.

## March 9, 2000

(Thursday) Fifty-nine e-mails come in overnight, including this from Henry's widow:

**Henry died very peacefully . . . he finally gave up to fight back. He died in his sleep. The funeral takes place on Monday at 1:30 pm at Diamond Head Cemetery where we found a lovely spot in a gardenlike area. . . I wish you good luck for the outcome of your trial, which we follow with interest.**

*New York Post* yesterday and *Aftenposten* today publish articles on the case.

R. comes round at lunchtime; what does she want? A bit flakey. A bit?, no, a *lot*. Then W,

who aggravates me all afternoon. Ditto, ditto.

Benté hardly shows herself . . . today she is deathly pale and grim-faced. I work solidly all day on the speech; I complete exploiting Bundle "E", "Global". The question is, how much of it will Judge Gray allow, or even pay any attention to? Perhaps I ought to weed it out. I take Jessica to Garfunkel's for supper: in her glossary, "supper" is just a large chocolate ice cream.

## March 10, 2000

(Friday) Work until two a.m.; up at eight. Jessica is in tears this morning, as it seems unlikely that her mother will be able to attend the School Play at 2:30 p.m. this afternoon. I say that Mummy is very ill, but I will try and persuade her to come. I take her to school as usual. I find on my return a blizzard of foreign currency has come in the mails over the last few days – Belgian, French, German, Australian, Canadian, etc. A sad last letter too from Hawaii, just four or five typed lines of farewell, and a very shaky "Henry" signing at the end, before this old submariner submerges for his final dive.

I am sad that I did not see him again after last April in Seattle. Without his aid, I could not have done what I am doing. 11:42 a.m. Davenport, Lyons' Mark Bateman phones: they have had a word with Counsel, they are running late with their scripts (as indeed am I); they propose that we hand them in on Monday, Judge Gray can read them that day and ask his questions on Tuesday. That means no sitting on Monday, which suits me.

*The Independent* publishes on Mar. 4 a vicious and libellous article about the trial.

**A**T 2:30 P.M. TO THE STEINER Theatre for the school play, *The Jungle Book*. Jessica is one of six crocodiles. Tears of joy trickle down my cheeks in the darkness of the auditorium. What happiness a family brings, and what sorrows too. M. comes; we have supper at a restaurant, he and I, and he stays until one a.m.; reading the first draft of the speech, making comments, and then reviewing the videos with me (Halle, etc.). I have timed the Halle speech extracts: 3.5 minutes or so. They are hair-raising stuff – as edited, anyway.

## March 11, 2000

(Saturday) Benté is unfortunately very sick this morning. . . Jessica is very depressed by it. She says Mummy talked to her all night and kept her awake. Later, she says that Mummy asked her to keep her fingers crossed

for her all night. Jessica has done as asked, and hopes it does the trick, and that Mummy gets better again.

The Toronto *Globe & Mail* has published my letter about Mr. Churchill's brave nights on the roof at No. 10 Downing Street; no doubt the usual people will be annoyed.

I take Jessica to the Ballet School in Harley Street; I send the cab driver out to ring their bell, while I slump down out of sight inside the cab!

Gerald Posner comes at three: a shrewd, ostensibly friendly, winning-ways young man (who has a twenty-year old son, though). An expert on my old friend Ladislav Farago, and on the John F Kennedy assassination. A bit too keen to impress me with how favourable he is to my case, so I suspect he is doing a clever hatchet job.

Five p.m. I have to collect Jessica, as Benté is in a bad way all day. This time I have to march right into the Ballet School to collect her. Nobody glares, perhaps the wolves are away. Or perhaps the phone will ring tomorrow. . .

Jessica crayons a card for Mummy: PLEASE GET WELL SOON, LOVE AND KISSES. We buy provisions in Selfridges, and she insists on adding a bunch of flowers for Mummy. But Benté is not well enough to appreciate anything today. It is deeply worrying for us all.

11:17 p.m. I phone George S. He is drafting something based on the introduction to HITLER'S WAR (1991 edition). I say, "Three pages maximum, and keyed in to the right pages!"

This e-mail to Harold S., of Los Angeles:

**A seat is earmarked for you. If you're staying at the Charing Cross Hotel, it is about one mile from the Courthouse on the same street. If you want to make sure of getting in, come here first. . .**

**Make sure you identify yourself to the Usher, a dark haired woman in black gown who guards the entry door to the Courtroom. And yes, we'll enjoy having some meals with you when here.**

MORDECHAI RICHLER, A TRULY funny humorist, writes in part in a *National Post* article today in Toronto:

. . . Also in the loopy U.K., David Irving, celebrated victim of an international Jewish conspiracy, recently made nice in Court, allowing that my people were "a clever race. I would say that as a race they are better at making money than I am. I would say that not only are they better at making money, but they are greedy."

Bolstering his case, in July, 1997, he wrote in *A Radical's Diary: 'They clamour Ours! Ours! when hoards of gold are uncovered.'*

Relax, David, not any more, at least in the case of this Jew. Reacting to a hot tip passed on

to me, a couple of years ago, by an acquaintance in Winnie's Bar on Crescent Street, I bet \$2,000 on a gold stock that was selling for \$4 at the time. Last time I looked, it was worth 83 cents.

## March 12, 2000

(Sunday) I work all day on the closing speech; gradually filling the gaps. Hurrah: Benté is better this afternoon, and we sit in the sunshine in Grosvenor Square for a while with Jessica, immensely proud, just like old times. I am hoping to persuade her to come to Court for the finale on Wednesday.

Jessica asks me during the afternoon, "What is DNA, daddy?" I tell her in general terms (although my precise knowledge fails at the word after "deoxyribonucleic").

6:38 p.m. a long phone call from Gerhard Frey Jr. . . He gives me the phone number of Gudrun Burwitz (daughter of Heinrich Himmler); I am intending to write a Himmler biography one day, I reveal – I have been gathering files and photographs for some time.

## March 13, 2000

(Monday) Finally to bed at 2:15 a.m., and up at eight a.m.

When Jessica, now all of six, is about to be cheeky, she cocks her head slightly on one side and looks at me with a trace of insolence; it is irresistible.

I call her "Daddy's favourite baby" this morning, as she's putting on her coat for school. She frowns, and says I shouldn't call a "grown girl" a baby.

I joke: "When you get older, and a man falls in love with you, he'll call you 'Baby,' and you'll like that." She smiles faintly, then turns pink, and says, "You mustn't embarrass people like that. It's wrong."

I resume work on the final speech; long way to go. Probably just as well, as the main points have been covered, and I should not let it get bogged down in detail.

At 10:14 a.m. James Libson of Mishcon de Reya [*Lipstadt's attorneys*] phones, they will send Rampton's speech round now. I say I am still working on mine. A friendly enough discussion of formalities for tomorrow – closing speeches day. It is all very gentlemanly. What Matters is How You Play the Game.

Six p.m. to an address in Soho for a radio broadcast by satellite to the USA: it turns out to be, not radio, but television, Court TV, live – what fun; at the other end I hear the notorious trial lawyer Alan Dershowitz, who got the alleged wife-murderer (poison of preference: insulin) Claus von Bülow off the hook.

Not that the Americans use hooks – that was just the Nazis; the Americans use poison gas.

I express surprise that Dershowitz is facing me, as I did not know that – not that I mind; I rather relish it, given what we know of his links with the traditional enemies of free speech.

That phrase comes up, as he accuses me of trampling on *Lipstadt's* right to free speech, using the British Courts.

What chutzpah! What hypocrisy! Given that he and his pals at the ADL have done all they can for thirty years to destroy me, and have terrorised all my US publishers; and that La Lipstadt refuses to debate with me or any other opponents, as a savvy means of silencing us.

He splutters that he was one of those who championed me in the St. Martin's Press ruckus in Apr. 1996. If he did, he did it at an amplitude of one decibel: Neither I, nor the rest of the world, heard him.

When he spouts this nonsense, I ask him where he was when "your friends" at the ADL were destroying my right to free speech.

Dershowitz denies that the ADL are his friends – which is foolish, because I say at once that I have read what Noam Chomsky has to write in his memoirs about the day that he was accidentally sent the ADL smear-dossier on him, when it was meant for Dershowitz to use against him in a public debate. A viewer later e-mails to me that he has never seen Dershowitz so angry and confused.

Afterwards the producer asks me if I'll go on with them again, and I say: Glad to. ¡*Vamos a ver!*, however.

## March 14, 2000

(Tuesday) Apologies by e-mail from Court TV for Dershowitz's ill-mannered outbursts: "Mr. Irving, I want to apologise sincerely for that interview. I do not ambush my guests and I assure you that I believed Dershowitz would be a tempered supporter of your efforts. The 'crackpot' comments were out of line and frankly immature. Best of luck".

A Mark Louttit admonishes me however, also by e-mail:

**I must also say that you looked a bit disheveled (loose tie, no coat) on the program. . . One should always endeavor to be telegenic these days, I'm afraid. This is the first time that I have ever seen Mr. Dershowitz react emotionally on television. You certainly pushed the right buttons. Frankly, I don't know if your ideas are crackpot or not. . .**

Of course, I hadn't realised it was going to be a television broadcast. He gets this reply:

**"Dishevelled": I was on a hectic schedule, writing that final speech, and had to fit in Court TV at the last moment. Dershowitz was a bad boy. Should have let me answer more.**

**Got only two hours' sleep last**

**night, so must go. . .**

An *American Prospect* fact-checker phones, editing a scummy article. I correct their wrong facts, but can't correct their author's wrongheadedness.

## March 15, 2000

(Wednesday) Closing-speeches day. At the Courthouse at 10:10 a.m., with a box of twenty-five Xerox copies of my 104-page speech to distribute to the media. A dozen press and TV cameramen prowl outside the main entrance. I ham it up for them, tucking *Gatley on Libel and Slander* under my arm etc.

As I cross the great entrance hall, a Court reporter from another trial trots after me, all flustered, and she says that all the Court reporters in the building are solidly behind me.

"You are putting up a fight for a lot of people who think just the same as you," she says.

From her further remarks, before I outpace her, I take it that she finds the Holocaust propaganda campaign endlessly boring. Courtroom No. 73 is packed to overflowing, and a hundred people are still lining up outside. I spy many famous faces – I see Stuttaford of *The Times* again, and his p.a., my interesting friend Rebecca Wallerstein; there is Chief Rabbi Hugh Gryn's daughter too.

On the way in I chat with Neal Ascherson of *The Observer*; I say I am going to mention him in my speech, and his 1981 review of UPRISING ("A Bucketful of Slime"), but when the time comes I generously skip that paragraph and carry on.

The Usher is dashing around in her black robe clucking like a chicken, marshalling people into the public and press galleries. "One more seat here – No Sir, that's a press seat – That's all, I'm afraid." The House Full sign goes up, the doors are locked. Then "Silence. All rise!" and the Judge comes in.

Rampton's speech is short, and as predictable as Adolf Hitler's ("my prophesy in 1939 about the Jews") Phonograph-record. I spend the hour ignoring him with all but half an ear, and trimming down my own speech in line with the Judge's hints expressed yesterday.

Rampton brings in all the facts I have predicted, which makes my own prepared response even more of, well, a response. Mr. Justice Gray asks him a few questions, bitingly inquiring about the *point* or relevance of some of his statements, then invites me to begin.

At this, to show who is in command, I propose that the Court adjourn for five minutes: an optical device, but necessary. Besides, I am sure that this Judge has liquid sustenance in his room, and my coming speech

will after all last five hours.

Five minutes later, we resume. My "bridging-the-gap" introduction (that is, setting up a spark between myself and the audience) is World War I. "It is rather like going over the top at Gallipoli, my Lord," I murmur. "My father was there – he was at Gallipoli." Aboard one of the bombarding British battleships, so he probably had it rather cushier than the grenadiers who were ashore, that is true. But he was at Jutland also the next year, in May 1916, and that was no picnic either. Once or twice I break away from the prepared text – once, mentioning Prof. Evans, to assure the Court that I bear him no personal animus; but he still gets a well-deserved mention when the time comes.

And once I pause, when we come to the figures, to say:

... these figures seem appalling figures but, if it is one million or 300,000 or whatever the figure is, each of them means that many multiples of one individual.

I never forget in anything I have said or written or done the appalling suffering that has been inflicted on people in the camps like Auschwitz.

I am on the side of the Innocents of this world.

When I refer to a press report in *The Jewish Chronicle*, I half turn to the press gallery and utter unscripted words of commendation for that newspaper which has consistently produced the best U.K. reporting on the trial.

As I say that no doubt Prof.

Evans has been gathering some "interesting comments" from his colleagues in the Common Room at Cambridge, there is a ripple of laughter around the Courtroom.

[I have since heard that his departure for Cambridge from the University of East Anglia was greeted with loud cheers.]

There are many, many unknown friends in Court this day, as the response to much of what I say makes clear.

Each time I deliver a homily on the meaning of German words like "*Schrecken*" or "*als Partisanen*", I glare at Eva Menasse of the *Frankfurter Allgemeine Zeitung* – who I know will not like it all. She confirms later that she did not, and she professes herself shocked at my, well, chutzpah, in putting those meanings to those words.

What will they do if things go "wrong" for them? Rampton seems confident, but so am I.

Judge Gray is terse with him today. At the end of the afternoon, as I make a formal protest after Rampton's second or third interruption – interrupting a closing speech is *not done*, as I have the right to the last word – Judge Gray is heard to state tersely to Mr. Rampton



David Irving "has many of the qualities of the most creative historians. He is certainly never dull. Prof Lipstadt, by contrast, seems as dull as only the self-righteously politically correct can be. Few other historians had ever heard of her before this case. Most will not want to hear from her again. Mr. Irving, if he will only learn from this case, still has much that is interesting to tell us." – Sir JOHN KEEGAN, *The Daily Telegraph*

## The Daily Telegraph

### The trial of David Irving – and my part in his downfall

By John Keegan  
Defence Editor

THE news that David Irving has lost his libel case will send a tremor through the community of 20th-century historians.

For more than a year now, the gossip between them has been about whether he would lose or not, a subject on which all hedged bets. "It depends whether the judge goes for Holocaust denial or slurs on his reputation", was the general view. "If the first he'll lose, if the second he might get away with it."

What this insider talk meant was that Mr. Irving might well persuade the judge of the unfairness of Professor Lipstadt's accusations of his bad historical method. That was what he cared about and he would no doubt argue his case well.

As the trial date drew nearer, talk turned to the question of who had been asked to give evidence. Eventually I was. I – like others I knew – declined. Earlier experiences had persuaded me that nothing but trouble comes of taking sides over Irving. Decide against him, and his associates accuse one of prejudice. On this occasion I was accused of cowardice.

Refusal did not get me off the hook. Last autumn, Mr. Irving told me he intended to subpoena me and in January the summons appeared. To it was attached a cheque for £50, thus making it an enforceable court instrument. I had to appear, like it or not.

In practice, the appearance was painless. Mr. Irving very decently gave me the chance at the outset to state that I was not present willingly. He allowed me to explain why, without interruption. All I had to do

was answer Mr. Irving's questions. They were about my opinion of him as a historian. He had quotations from favourable reviews of his work I had written. Could such opinions, he asked, in effect, be consistent with the contrary opinions of other historians?

Fortunately, I did not have to give my opinion of Prof Lipstadt's work. I had praised, and would praise again, I said, Irving's extraordinary ability to describe and analyse Hitler's conduct of military operations, which was his main occupation during the Second World War. That did not imply endorsement of Irving's view that Hitler did not "know" about the Holocaust until October 1943. That view was "perverse", I said.

What did I mean? I meant, I said, that it defied reason, or common sense. Would it not, however, be the most extraordinary historical revelation of the war, Irving asked, if it could be shown that he [Hitler] did not know about the Holocaust? This was a very curious moment. I suddenly recognised that Irving believed that Hitler's ignorance could be demonstrated.

I stepped down but stayed to watch the rest of the morning's proceedings. Mr. Irving's performance was very impressive. He is a large, strong, handsome man, excellently dressed, with the appearance of a leading QC. He performs as well as a QC also, asking, in a firm but courteous voice, precise questions which demonstrate his detailed knowledge of an enormous body of material.

There it was all around us, hundreds of box files holding thousands of pages telling in millions of words what had been done and suffered in Hitler's Europe. Irving knows the material paragraph by paragraph. His skill as an archivist cannot be contested.

He has, in short, many of the qualities of the most creative historians. He is certainly never dull. Prof Lipstadt, by contrast, seems as dull as only the self-righteously politically correct can be. Few other historians had ever heard of her before this case. Most will not want to hear from her again. Mr. Irving, if he will only learn from this case, still has much that is interesting to tell us.

Sir John's courageous article (from which the above is extracted) appeared on Apr. 12, 2000 – the morning the London press was filled with Judge Gray's extraordinary verdict. It was reprinted in newspapers around the world including *La Stampa* (Italy), *National Post* (Canada), *Le Monde* (France). It caused outrage elsewhere.

that his team's *sotto voce* "over-reactions" to my speech are undesirable.

I finish exactly on time after five hours, at 4:30 p.m.

Then it is all over: the drama, the stress, the strain, the sleepless nights. For a while the Judge addresses legal matters; Rampton asks if we can have a week's advance warning of the date that Judgment will be given, so he can round up the same press *galère* from all over the world. (P.R., again.)

SPOT THOMAS KIELINGER OF *Die Welt* and there are reporters from *Dagens Nyheter* and most of the big European dailies too.

As we leave the Courtroom it is like an end of term. I pass in the corridor Ms. Laura Tyler, of Mishcon de Reya, and thank her for having inadvertently sent to me last April those "three videos" [of Halle] when she returned my own videotape collection.

She flashes a meltdown smile and says she is glad to have helped.

That is the only unsettling thing about today: that Mishcon's staff, who have been brought in to the Courtroom as a treat, are in such corporate good humour. The press pack are waiting in the Strand as I emerge. It is a pity Benté is still so ill. She would have really wowed these press hounds, but she's a very private person and even more so now.

HIT THE GET-WELL SOFA FINALLY around six p.m., and I am out cold for three hours.

At 9:40 p.m. I send a message of thanks to my worldwide circle of consultants, including to Michael Mills.

Mills is an Australian civil servant who has helped me so much with history briefs. For that, he is now under vicious attack from the U.S. and Australian Jewish communities; but he has done no wrong, and even Canberra cannot dictate what a civil servant thinks in his spare

time.

This is my message to The Gang:

Gentlemen – Today was the day of closing speeches. The Courtroom was packed with 200, standing-room only round the walls, around 70 journalists from all over the world; I handed out 25 copies of my speech and nearly had my clothes torn off by journalists trying to get it.

The Courtroom listened in total amazement to my revelations of the pressures put on me by the ADL [Anti-Defamation League], etc., for thirty years, [Bundle "E"] which the Judge had allowed me after all to report.

I think the chance of victory has risen to about 70%, based on remarks by the Judge.

He challenged Rampton, at the end of his speech, on racism, making it plain that he thought it had no bearing whatever in this trial. When I got to my page on the British National Party, he said I need not read it; I asked if he was satisfied there was "no case to answer on that," and he said he was.

He even introduced the inter-

esting idea that *anti-Semitism* was okay if it was a "sincerely held" anti-Semitism, and that such a historian might not necessarily be a bad historian.

It is a typical lawyers' argument, and I would not have pleaded or argued that myself.

Since I am not anti-Semitic, I would not think of it.

I wish I had been looking at the faces of the German journalists, however. (Julius Streicher at Nuremberg: "Alright, M'lud, I'll come clean, I was a Jew-baiter: but it was sincere Jew-baiting!" - "Acquit that man with costs from the public purse!")

Rampton was livid about the Crematorium II "no holes" argument - I reminded the Court once again that I twice stated the challenge: find the holes on top of the roof of Morgue No. 1 at Auschwitz, and I will drop the action within 24 hours. They have not tried, because they know I am right.\*

This time it sinks in to the whole Courtroom. He was also livid about the Jun. 28 1943 Bischoff document on Crematorium capacities; he says there remains *only one* flaw in it, the missing "/43/"; this is quite untrue. I stuck to [my] guns. The document in that form is not genuine, and it is the *only one* I challenged.

10:15-30 p.m. long call from A. about today; he was thrilled by his first day at the trial.

Lawrence M., my Harvard lawyer friend who attended the Court last month, writes me quoting a letter he has received from the Clerk to Mr. Justice Gray.



Missile Attack is Early Warning Arriving with Washington Post bureau chief Tom Reid, right, at the High Court to hear Judgment in the case, David Irving is bombarded with eggs by hired hooligans and supporters of US scholar Lipstadt (AP).

**His Lordship has asked me to reply thanking you for taking the trouble to write....**

**In a convenient effort to keep track on the trial, you may find Mr. Irving's Publishing Company's web site ([www.fpp.co.uk](http://www.fpp.co.uk))**

**as a comprehensive source of information through the AR section.**

An extraordinary letter. I have suspected for some time that Judge Gray is privately reading

my Website, and perhaps even the Radical's Diary that I post on the trial. . .

## March 16, 2000

(Thursday) 10:14 a.m., a phone call from Thomas Kielinger of *Die Welt*, asking where he can see the Schlegelberger Document. I give him the Website reference.

How useful that Website has become. He says the date for Judgment has been fixed at Apr. 10, from what Mishcon told him on the way out. That is news to me, I say.

The Jews are trying to get at Michael Mills, who has provided me with such help.

An article entitled, "IRVING'S CASE GETTING AID FROM AUSSIE - MILLS, A CIVIL SERVANT, PLAYING A ROLE IN TRIAL" appears on page one of the Mar. 10, 2000 issue of the New York Jewish journal *Forward*. According to this newspaper, "a subscriber to H-Holocaust [*an Internet discussion group*], Gabriel Schoenfeld of *Commentary* magazine, recognized Mr. Mills as the [source]."

A controversy has now erupted in Australia with leaders of the Jewish community calling on the Australian government to reprimand Mr. Mills.

And then they wonder where the hatred comes from.

## April 8, 2000

(Key West, Florida)  
(Saturday) A tropical downpour begins. Heigh-ho. Looks like a darling of a week is brewing.

## April 9, 2000

(Sunday) I finish packing for London. This message goes to Fox TV Network: "I am flying back to London today from Florida. I have refused all other interview requests including esp. the BBC and ITV. Paula Zahn got her request in under the wire and if she wants to go ahead I'll honour my agreement."

Gorgeous drive up the Keys to Miami and the airport. The plane there is delayed for four hours. I hunker down with the laptop in a cafe and write. On the plane, I design a Website headline. It reads just: "OUCH!"

## April 10, 2000

(England, Monday morning)  
Back at Duke Street by midday. I am allowed to pick up the Judgment any time after nine a.m. The phone is ringing all

day, I give everybody the same answer: no interviews, whatever the verdict. First I assemble the new bike I have carried back from the USA for Jessica. At three p.m. she and I leave by taxi to the High Court.

I am concerned to see new roadworks outside the Law Courts, with a temporary barricade running along the kerbside; even more disturbing, there are piles of half-bricks and paving stones flanking the main entrance, which may turn into ammunition tomorrow if the *Lumpenproletariat* turns out.

The Judge's clerk brings the ring binder with the Judgment down to me; Jessica gapes at the size of the grand hall. There are those lawyers everywhere.

I open the binder in the taxi; it has 333 pages. The final page shows that Judge Gray finds that *the defence of justification succeeds*, and awards Judgment with costs to the defendants.

THAT IS SAD, BUT NOT ENTIRELY unanticipated. - I toss the binder aside, and take Jessica into Grosvenor Square for an hour to play with her new bike. At 5:30 p.m. a gentleman from

*Ha'aretz* phones, Sharon somebody. I say again, "No interviews"; strangely, he seems to know the outcome, because he asks if I will be appealing in a certain event.

6:03 p.m. A. phones: I discuss the legal implications with him. I must analyse the Judgment in detail to see where I have prevailed - Rampton will almost certainly ask for an Order for payment of a percentage of the costs immediately.

6:25 p.m. Lee Levitt of *The Jewish Chronicle* phones; he gets the standard response.

Around nine p.m., a courier brings from Davenport, Lyons, a two-inch thick sheaf of their major costs - a sign that they will ask the Court tomorrow to make an Order for immediate payment. This interim assessment alone already totals well over a million pounds.

As I leaf through its pages, my eyes are popping with astonishment: It is evident that the defendants have lavished moneys on the "neutral" witnesses on a scale that rivals the wartime Manhattan Project. Where has it come from?

Millions of pounds have been thrown at these neutral but fortunate gentlemen and lawyers.

Ignorance is indeed bliss! They deserve medals for heroism - remaining impartial between the parties (myself and the Defence), in the face of such largesse. Evans, Longerich, Funke, Pelt, etc., have already each received around \$200,000 - and more bills are yet to come.

There is no covering letter or indication that these figures are confidential, so within a few minutes I have posted them, without comment, in tabular form on the Internet.

[*Only one newspaper, The Guardian, dares make any use of them.*]

AFTER JESSICA GOES TO BED, I work until 4:30 a.m., annotating the entire Judgment.

As the night wears on, I realise that Judge Gray has failed to grasp most of the historical arguments, which is disappointing. It is clearly my own fault for not having put them in a form intelligible to his Lordship, and I shall state it that way to the Court tomorrow.

His clerk has asked me to fax any comments to him by nine a.m.; foolishly, I do draw attention to the judge's more egregious errors, like his confusing Gestapo chief Heinrich Müller with Auschwitz architect Bischoff,

\* According to an item in *The Times*, Apr. 12, 2000, in fact they did try (SEE PANEL ON PAGE 6).

and placing the Harvard University library in the city of New York. I should have left Gray exposed to censure.

People in Court did warn me that his masklike countenance actually betokened not a Sphinxlike wisdom but a total lack of comprehension of the historical points, and they advised me to make the points more bluntly than I felt necessary. I did not do so. I thought he was following the points as I made them. It seems that I was wrong.

## April 11, 2000

(Tuesday) Not a nice day, at all. Up at seven a.m.; I stand in drizzling rain at the bus stop by Selfridges.

Tom P. Reid of *The Washington Post* jumps off a No. 6 bus and invites me to share a cab down to the High Court.

As the cab grinds its way through London traffic, he asks what I shall do if it turns out I have lost: I tell him I already know the result – “Think bad,” I say, “then think worse!” “The coming two hours will be the most unpleasant in my life,” I add: but, initially mystifying to him, I add that my reputation will come through it all enhanced in the end.

At the High Court we get out of the cab a hundred yards short of the main entrance; as Reid settles the fare, I see a hostile mob penned by police behind barricades with familiar “anti-Nazi” posters etc. These are Prof. Lipstadt’s fans and their hired thugs, and the police are already moving in.

I nonchalantly move Reid onto the inside, keeping him between me and the mob (which he has not spotted). The international press has its uses. Missiles fly (I can’t see, but they turn out to be eggs, not rocks).

I stride on into the Court. It takes me ten minutes to wash off the worst of the mess in a men’s room, and I get into the Courtroom at 10:29 a.m. – one minute to go. Everybody assumes it is deliberate timing. I have my sodden jacket off, rolled up in bundle.

Courtroom No. 36, the biggest in the building, is packed to the window ledges. I send apologies to the Judge’s quarters for my necessarily informal attire – I am sitting in my waistcoat.

The Judge’s staff have handed out summaries of his masterpiece to all and sundry. Sir Charles Gray has saved his own bacon, that is for sure. He recites the indigestible prose in a toneless, almost inaudible voice for two hours.

He skips the worst passages on “anti-Semitism,” “racism,” etc., and is decent enough to put in and emphasise the positive passages.

NO, NOT A PLEASANT DAY; AS I am preparing to battle my way out through the reporters who are calling out for my opinion on the judgment – I say tersely, “perverse” – and asking: “Did you really tell *The Washington Post* your reputation will come out of this enhanced?” – it is already on all the wires – the police order the Courtroom cleared, pushing out everybody else into the hallway. After ten minutes we are escorted through a back building into Carey Street. There is an ugly mob out front, bent on violence, the police inspector explains.

Lipstadt’s admirers again. And their hired helps. Money buys anything now. It is pouring with rain. Back to Duke Street; Benté is grinning faintly, she has seen it all on TV, and does not need to ask about the missing jacket. Jessica is very blasé.

A barrage of phone calls begins: the world’s press in a feeding-frenzy. The television screens fill with Lipstadt’s *gloatfest* – first her press conference at two p.m., then endless repeats. I suddenly relent and allow television crews and pressmen up inside for interviews.

THIS VOLTE-FACE TAKES THE Jewish agencies by surprise. Lulled for three weeks, they neglected to warn off the media.

Television trucks with transmitter dishes on their roofs line up outside in the street. I do live interviews from my study with ITN – Benté watches on the screen in the drawing-room – Australian ABC, *Today*, Radio Four, Radio Five, and then over to White City for *Newsnight* with Jeremy Paxman at ten.

I still have to wear that waistcoat, as the jacket is a casualty. Off-screen, Paxman affably recalls coming to Duke Street years ago, then as an unknown, for a cocktail party with Robert Harris (“*Fatherland*”). We swap reminiscences. There is no real edge to his questions, though he pretends to apply one as soon as the red light winks on.

He shows an interview filmed with me in 1983 with Harris: I look young and eager – on top of the world, as I said even then: “I am indestructible.”

When he asks me how I feel after Judge’s words of condemnation, I respond in this sense: “Mr. Paxman, I know something that Mr. Justice Gray has forgotten: Around this nation, at this moment, are at least a million people who have one or more of my books on their shelves; they are taking down those books in astonishment, and asking what on Earth has gotten into this judge.”

AS I LEAVE, PAXMAN IS JUST starting a remote interview with Lipstadt: she refuses of course to be seen to debate with me. Ho-ho. Her nasal Brooklyn

accent does not exactly caress the English ear; I understand that few Americans like it either. Paxman gives her a rough time. He doesn’t like clichés.

BBC World Television grab me while I am still there, then someone else collars me and persuades me to come back tomorrow morning at seven a.m. to do Breakfast TV. Back home I fetch in the latest e-mails: 233 messages on one service, and fifty on the other.

AAARGH; and aaargh again. A splitting headache has pounded me all day, thanks to the germs inhaled on the ten-hour flight back from Miami.

## April 12, 2000

(Wednesday) The first round is over, but it is still a strenuous day. Up at six a.m., to do the BBC’s Breakfast TV. Lipstadt and her minders are quoted in this morning’s press as spitting fury that I am now being seen and heard on every television screen; for years they have successfully prevented it – and now this!

They won’t like to see today’s print media then – the Breakfast TV news bulletin is introduced with the words: “One story dominates the front pages of every national newspaper in Britain today. . .!”

Back to Duke Street at 8:30 a.m. The phone rings all morning every thirty seconds, every line is lit up. I ignore them until 12:45 p.m. – it is BBC *Question Time* asking if I can do their programme in Edinburgh tomorrow. – Yes. (Later today they cancel on a pretext, citing impossible difficulties.)

The immense press coverage continues. Front-page headlines in every main broadsheet, with photographs, special pull-out sections, and interviews.

IT HITS ME, THAT THIS IS JUST as though I have died. I now know what the obituaries will say, if I ever do. But I feel curiously immortal. Nothing even remotely resembling an aura of doom hangs over me.

6:30 p.m. a reporter from *The Independent*, Julia Stuart, wangles her way in; a plumpish female in a green cardigan. She wants really to see Benté, but Benté is missing, ill all day. She prods me then about Josephine’s death, and it is very hard to keep back tears, even now. She is never out of my mind. Poor Josephine.

The *Jewish Chronicle* reporter is still here. R. phones from Portugal during the interview, offers me a villa on a Portuguese island to live in for as long as I want. The reporters goggle.

Los Angeles radio phones and on the other line is a hostile gentleman who turns out to be the ubiquitous Alan Dershowitz again. I spar with D., once

more. He screeches.

I say, “If the *Anti-Defamation League* gets up to this kind of thing, one wonders what a Defamation League would do!”

Jessica climbs onto my lap during this transatlantic exchange and begins tearfully demanding that I abandon these endless telephone talks and Take Her To The Disney Store as I have promised earlier.

I hand the phone to her to deal with Alan Dershowitz, and all Los Angeles hears her plaint. At five p.m. we escape to the Disney Store. Our assets are increased by one copy of *The Lady and the Tramp*.

I finally get round to reading today’s national papers. *The Times* has a whole page photo showing me halfway through the trial, clutching a bundle of books with red rimmed eyes, having obviously worked all night.

Sir John Keegan writes a half-page leading article in today’s *Daily Telegraph*: he is embarrassingly fulsome about my career, and hateful about Prof. Lipstadt. I must write and thank him.

Later, I find that Prof. Donald Cameron Watt has a whole page article backing me in *The Evening Standard*, and there are fine words from Prof. John Ericson, the Red Army historian, in *The Glasgow Herald* too. Someone tells me that the Associated Press quotes me as saying Judge Gray only did it because he was angling for a peerage. That is unfortunate. I don’t remember saying that. I probably said that as a Judge he was in line for a peerage, and deserved it; in my view he leaned over backwards to be even-handed during the trial, but not after.

## April 13, 2000

(Thursday) I work until 5:30 a.m. reading the hundreds of messages pouring in from all over the world, and answering them. Sleep until eight a.m., and at nine the phone starts ringing again. Sky TV, to remind me a car is coming for me at 12:20 p.m. I had forgotten.

A call from Australia, am I now going to apply for a visa? Yes: That puts the cat among the pigeons again. The fax when I get up already has the resulting Australian headlines. A bookshop, a Waterstone’s, phones, ordering books.

At 3:27 p.m. *Viva Voce* of Italian Radio 24 phones, fix one hour radio interview at eight a.m. Says that *La Stampa* today is running Keegan’s remarkable piece.

At 3:30 p.m. ABC Television phones from Washington, D.C.: Will I agree to be online from the U.K. with Deborah Lipstadt in their studio? I warn that she won’t agree – and she does not.

Epilogue BACK PAGE

Money FROM PAGE 1

a dirty war to destroy my livelihood by putting secret pressure on my publishers like The Viking Press, St. Martins Press and Doubleday, Inc.

My pre-trial offer to Lipstadt and Penguin (twice, in writing) was to end the action if they confidentially paid 500 pounds (\$750) to a charity for the limbless in memory of my daughter.

During the trial itself I furthermore twice guaranteed to end the trial and accept defeat if they would fly to Auschwitz and bring back photographs of the apertures in the roof of the "gas chamber" (Krema II) through which they said the cyanide crystals were poured in. (The roof is still there; but not the holes).

The defense lawyers fighting this action have so far spent \$6m. *The Washington Post*, *London Jewish Chronicle* and *The Sunday Telegraph* reported that the funds came from the American Jewish Committee, Steven Spielberg and Edgar Bronfman.

Since Deborah Lipstadt has denied that the \$6m came from "the Jewish community", we must assume she paid it herself.

There certainly seems to be a lot of money on the table in this fight against the lone historical revisionists like myself – or on one of the tables, anyway.

On the day I picked up Judge Gray's damning Judgment in my libel action against Lipstadt I also received a list of the payments made to her expert witnesses. I posted them immediately on my Internet Website.

Some people must have rubbed their eyes in disbelief to see that these mediocre British and German scholars were paid upwards of \$200,000 each for their testimony: they deserve medals of valour for staying neutral between the contending parties (as sworn to by law) – one of whom had given them this fortune, with prospects of

more – Prof. Richard Evans has just accepted a post on the Holocaust art theft panel – while the other had paid them nothing.

The judge found, incidentally, that there were three major lies in Lipstadt's book:

■ THAT I SIT IN MY OFFICE under a portrait of Hitler;

■ THAT I AM IN CAHOOTS WITH Louis Farrakhan and the Hizbollah leaders; and

■ THAT I DAMAGED THE HISTORIC glass microfiches containing the Goebbels diaries in the Moscow archives and broke an agreement with them.

HAVE NEWSPAPER READERS been told that Judge Gray also found both that I am not "obsessed with racism", and that given that Lipstadt or her allies have done their utmost to destroy my career, it can not be termed "anti-Semitism" when I criticise them for it.

Oh, and he also referred to my record as a military historian in glowing terms: the odd thing is that, in his Judgment, and because he is so advised by the "experts", I suffer a monstrous and malevolent blind spot when it comes to my criticisms of Holocaust history – the numbers, the methods, and whether Hitler ever ordered it or not.

Well, that is what the appeal courts are for. The world's press began squirting slime over me weeks before the Judgment was announced. Even the British press did so, heedless of the laws on contempt. Gray, a brand-new judge, had his entire career still before him; but his seniors, the judges of appeal, have theirs largely behind.

It may well be that Prof. Lipstadt is in for a nasty fall, and that many of those journalists around the world who scrambled onto the bandwagon will come to regret that they did not use ink of a softer hue.

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Dragon slayer Deborah Lipstadt

Diary Epilogue FROM PAGE 31

For the Jewish community the Judgment has left an unexpectedly sour taste. My father once told me that although the Battle of Jutland (on which he wrote his last book) was evenly matched, and neither side knew at first who had won, the Germans effectively did so by being the first to claim victory. I kept this in mind throughout the next twenty-four hours.

On the following weekend, historian Andrew Roberts actually headlined his summary of the trial in *The Sunday Telegraph*,

DAVID IRVING IS THE WINNER. Even *Die Zeit*, a left-wing liberal weekly, reported that the case highlighted the efforts of the Jewish community to destroy authors they disapproved of. The Board of Deputies of British Jews expressed "outrage" to the BBC governors for having allowed me to defend myself on radio and television. Neville Nagler, the Board's director-general, criticised the BBC for

offering a platform for "someone whom the High Court has found to be an anti-Semite and a racist."

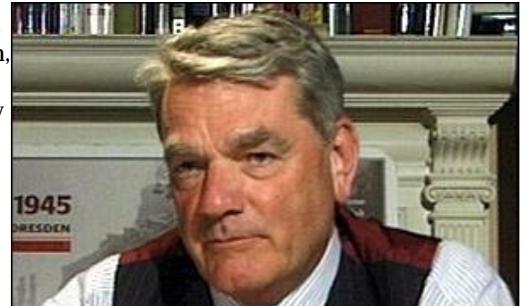
"The BBC sets the standard for journalistic integrity in this country," raged Nagler. He added unambiguously: "We are concerned to know what standards it will be setting in the aftermath of the Irving case."

The odd feeling of having read my own obituaries lingered on. A few days later, I went to the BBC Television Centre at White City, West London, for an interview with Tim Sebastian for his popular interview programme *HardTalk*, broadcast on the BBC World service with 150 to 200 million viewers.

In the guest book that was given to me to sign on the way out, I entered these words:

"Dr. Goebbels once advised: 'Die at the right time.'

"I think I may have!"



Caused Outrage After the BBC broadcast live interviews with Mr Irving, Jewish community leaders expressed outrage in a letter to the Governors of the BBC (photo: BBC)

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