

'Did Six Million Really Die?'

**Report of the Evidence in the Canadian
'False News' Trial of Ernst Zündel – 1988**

Edited by

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AAARGH

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Publisher's Notes

In the early 1980s, Samisdat Publishers Ltd., under the signature of its president, Ernst Zündel, published a 32-page booklet entitled *Did Six Million Really Die?*. The booklet was published under a licence from Historical Review Press in England which prohibited Samisdat from making any changes whatsoever to the publication. Samisdat sent the booklet to hundreds of teachers, ministers, politicians and media personalities across Canada in the hope that interest could be aroused in discussing the subject explored in the booklet: did six million Jews really die pursuant to a systematic policy of extermination by Nazi Germany during World War II?

Samisdat received no complaints regarding the booklet's factual accuracy. Nevertheless, in 1983, Samisdat's president, Ernst Zündel, was charged under a private information laid by Sabina Citron, a founder of the Canadian Holocaust Remembrance Association, with the criminal offence of "spreading false news" likely to cause racial and social intolerance. The charge was later assumed by the Crown and led to two lengthy jury trials in 1985 and 1988, both of which ended in convictions.

There is no doubt that *Did Six Million Really Die?* contained errors. It was written hastily by a young University of London graduate, Richard Verrall (who used the pseudonym "Richard Harwood") in the early 1970s. The errors, however, were the type of minor error which one can find in the first edition of any non-fiction book. For example, Verrall wrote that the first allegation of mass murder of Jews was made against the Germans in 1943 by the Polish Jew Raphael Lemkin. In fact, the first charge of mass murder was made by the Allies in a Joint Declaration issued on December 17, 1942. The error played no significant part in the argumentation of the author. The significance and importance of *Did Six Million Really Die?* lay in its logic, its reasoning and its opinions. It critiqued the weaknesses of the evidence and arguments provided in orthodox "Holocaust" literature and it gave to the reader little-known alternate views of what happened in the camps, such as those of Dr. Russell Barton (who was present in Bergen-Belsen immediately after its liberation) and Thies Christophersen (who was stationed near Auschwitz during the war). It summarized the findings of the French revisionist historian Paul Rassinier, whose works at that time were not known at all in the English-speaking world. In short, *Did Six Million Really Die?* did what polemical works were meant to do: it provided the reader with an alternate viewpoint on a historical event.

Two juries convicted Zündel notwithstanding devastating cross-examination of Holocaust "survivors" and Holocaust historians by defence attorney Douglas H. Christie and notwithstanding expert evidence which crushed the basis of the Holocaust story, namely, the allegation that millions of Jews were done to death with industrial efficiency in gigantic gas chambers and disposed of in crematories and burning pits. It did not matter to the jury in the second Zündel trial in 1988 that the warden of a United States penitentiary, Bill M. Armontrout, testified to the enormous difficulties of gassing even one person today in gas chambers. It did not matter to the

jury that a forensic investigation of Auschwitz, Birkenau and Majdanek by the only expert in gas chamber technology in the United States, Fred A. Leuchter, Jr., resulted in Leuchter's opinion that no gassings could have taken place in the alleged Nazi gas chambers. It mattered not that the Canadian crematory expert, Ivan Lagacé, testified that the thousands of persons alleged by Holocaust historians to have been cremated in Birkenau and Auschwitz daily were "ludicrous" and "beyond the realm of reality." It did not matter to the jury that the internationally-known British historian David Irving testified that he no longer believed in the "Holocaust" as it had been defined by its historians. It did not matter that Holocaust historian Raul Hilberg refused to return to testify in 1988 after testifying in 1985 for fear of cross-examination. It did not matter that the Crown could not produce one expert witness in gas chambers or crematories to refute the defence expert evidence.

If the evidence presented at the 1988 trial of Zündel was not enough to convince the jury to acquit him, it was enough to start an explosive chain reaction of books and studies into the veracity of the gas chamber claim. The evidence of Fred A. Leuchter, Jr. and his report on the gas chambers at Auschwitz and Majdanek by far caused the most reverberations. The Jewish Holocaust lobby at first ignored the Leuchter Report, but as its influence mounted internationally, they scrambled to attempt to refute it. The Beate Klarsfeld Foundation published the books *Auschwitz: Technique and Operation of the Gas Chambers* and *Truth Prevails: Demolishing Holocaust Denial: the end of "The Leuchter Report."* The success of these books in "demolishing" the Leuchter Report can perhaps be measured by the fact that almost no one has heard of them; the mass media, usually so willing to use anything to smear Holocaust revisionism, has virtually ignored them.

Apparently unable to find competent experts to support the gas chamber claim among engineers and crematory experts, the Jewish Holocaust lobby turned the use of their considerable resources instead to ensuring the destruction of Fred Leuchter's career and the passage of laws in France and Austria making "denial of the Holocaust" a criminal offence. A full account of the tactics used against Leuchter can be found in his article "Witch Hunt in Boston" (*Journal of Historical Review*, vol. 10, pp. 453-460). While the Jewish lobby has succeeded in the political arena in having repressive laws enacted against revisionism, they have not succeeded in refuting revisionism on its merits, most importantly its technical and forensic evidence. The report of Fred A. Leuchter, Jr., has engendered three further studies of the gas chambers.

Krakow Forensic Institute

In response to the Leuchter Report, the Auschwitz State Museum in 1990 commissioned the Krakow Forensic Institute to carry out an investigation of the alleged gassing sites at the camp. The result of the testing of brick and mortar samples fully corroborated the findings of Leuchter: the Institute found either no traces or extremely small traces of cyanide in its samples. The Institute explained the test results, however, by stating that it could not be assumed that cyanide traces would still be detected after 45 years of being subjected to the weather and the elements. The Krakow Forensic Institute also tested samples of hair from the Auschwitz Museum for cyanide. The tests proved negative. (For a copy of the report and commentary, see "An Official Polish Report on the Auschwitz 'Gas Chambers'", *Journal of Historical Review*, vol. 11, pp. 207- 216).

Germar Rudolf

Germar Rudolf, a diplom chemist in Germany, investigated the sites of the alleged gas chambers of Auschwitz and took samples for the purpose of determining cyanide levels. Tests on the samples showed no or minimal traces of cyanide. Rudolf's report concluded, like Leuchter's, that the alleged gas chambers at Auschwitz could never have been used for gassings. Rudolf disputed the Krakow Forensic Institute's conclusion that the cyanide had been removed by environmental factors, pointing out that it was well-known that cyanide compounds have enormous environmental resistance. Ernst Zündel's attempts to call Rudolf as an expert witness on charges in Germany regarding the "Holocaust" were prevented by the German judge.

Walter Lüftl

Walter Lüftl is a professional engineer with a large engineering firm in Vienna and is president of the Austrian Chamber of Engineers. In 1992 Lüftl wrote a report calling the alleged extermination of millions of Jews in gas chambers "technically impossible." He pointed out that the design of the crematories themselves showed that they were incapable of handling the number of victims alleged. "Corpses are not flammable material," wrote Lüftl, "to cremate them requires much time and energy."

These reports and other mounting evidence have shown the durability of the conclusions stated in *Did Six Million Really Die?*. The booklet has proven to be, in the words of Dr. Robert Faurisson, "prophetic."

Today Samisdat is proud to publish *Did Six Million Really Die?: Report of the Evidence in the Canadian "False News" Trial of Ernst Zündel, 1988*. This book is the result of four years of work and summarizes for the reader the evidence presented at the second Zündel trial in 1988. This includes, for the Crown, the evidence of Holocaust historians Raul Hilberg (whose evidence from 1985 was read to the jury since he refused to reattend personally) and Christopher Browning and the evidence of Red Cross representative Charles Biedermann. For the defence, it includes the evidence of the premiere revisionist historian today, Dr. Robert Faurisson, that of the internationally renowned British historian David Irving, German historian Udo Walendy, American historian Mark Weber, Canadian crematory expert Ivan Lagacé and Canadian aerial photograph expert Ken Wilson. It includes the evidence and the report of Fred A. Leuchter, Jr., concerning his forensic investigation of the alleged gas chambers at Auschwitz, Birkenau and Majdanek and the evidence of chemistry expert Dr. James Roth concerning the cyanide content of samples removed from the alleged Auschwitz gas chambers by Leuchter. It summarizes the evidence of the path-breaking Swedish revisionist writer, Ditlieb Felderer, and reproduces the revealing photographs of Auschwitz and Birkenau which Felderer showed the jury.

It is shocking that the persecution of Ernst Zündel has continued for ten years and continues today with virtually no protest either in the intellectual or media elites of Canada. These elites are apparently no longer interested in objective truth, but interested only in maintaining the "political correctness" which will ensure access to lucrative government and institutional positions, the continuation of government and academic grants and the accolades of their like-minded peers. These elites did not

simply remain silent concerning the Zündel trials but participated in a feeding frenzy of hatred against him simply because he had published a booklet questioning the Holocaust. Few voices were raised in defence of intellectual freedom and its relation to the workings of a true democracy. Instead, Zündel was attacked, vilified and ridiculed. The media willingly censored the 1988 trial. The performance of these elites in the Zündel affair has shown that they are unwilling to inform Canadians honestly about controversial and vital issues which offend powerful vested interests; indeed, it has proven their total corruption.

Ernst Zündel, in the foreword to the first *Did Six Million Really Die?*, wrote the following words:

Truth has no need of coercion. Those who choose to ignore the truth are not punished by law -- they punish themselves. We of Samisdat Publishers do not believe that you should be forced to read something, any more than we believe that you should be forced not to read something...Whether you agree or disagree with the facts presented in this booklet, we invite you to assist us in reclaiming and safeguarding the freedoms we have all so long enjoyed, until now, in Canada...Without freedom of enquiry and freedom of access to information we cannot have freedom of thought and without freedom of thought, we cannot be a free people.

Today those words apply with even greater force as more and more individuals face prosecution in Canada and Europe for their beliefs and opinions. Samisdat offers this book to its readers in the hope that they will reclaim for themselves the right to decide what is truth in history.

Editor's Introduction

This book began in the fall of 1987 as a series of witness evidence summaries to be used in the then rapidly approaching second Zündel trial (which commenced on January 18, 1988). Evidence from the second trial was later summarized for use in preparation of the appeal to the Ontario Court of Appeal in 1989. The project expanded considerably in 1990 when Ernst Zündel asked me to put the summaries in a form which could be published as a record of the evidence presented in the 1988 trial. This book is the result.

Most of the considerable testimony given at the trial over a period of three months has been condensed into summaries for the reader. The testimonies of important historians, however, have been included almost in their entirety. These historians are Raul Hilberg and Christopher Browning for the prosecution and Robert Faurisson and David Irving for the defence. Every attempt has been made to ensure the accuracy of direct quotes from the transcript and the accuracy of reproductions of exhibits referred to in the trial. It should be noted that the questions and comments made by defence attorney Douglas Christie, Crown Attorney John Pearson and Judge Ron Thomas are not direct quotes unless indicated by quotation marks.

My own involvement in the Zündel case began in early 1985 when I worked part time in the County Courthouse library in Toronto at the time of the first trial. I attended the proceedings during my free mornings and was shocked by what I saw. There can be nothing more disgusting than watching a man being forced to justify his writings, his beliefs and his opinions before a criminal tribunal in a supposedly civilized and "free" country.

Zündel was being portrayed in the media as a man of hatred; but the man I saw in the courtroom was calm and always gracious to everyone he dealt with. When he testified, he did not repudiate his belief in Germans or Germany or Adolf Hitler. He expressed clearly his admiration for their accomplishments and his disbelief that they had committed what is known as the "Holocaust". Perhaps I had never really known what it meant to be courageous before that trial; but I knew what it meant after I watched Ernst Zündel testify to his true beliefs notwithstanding his knowledge that the voicing of those beliefs would almost certainly seal his conviction.

And everyday as I watched defence attorney Douglas Christie, his legal assistant Keltie Zubko and the various defence witnesses make their way through crowds of hostile Jews, some of whom spat on them, as I watched them being savaged by a hysterical media, as I experienced the lynch-mob atmosphere of that trial day after day, I learned again and again what real courage was and what real dedication to the principles of a free society meant. It affected me profoundly. When the second Zündel trial began in 1988, it was no accident that I had also become part of the defence team.

While Jewish organizations and the mass media expressed satisfaction that Zündel had been convicted, many ordinary people in Canada were shocked at the implications of the trial for freedom of speech and thought. In a letter to the Toronto Sun, Lynda Mortl of Toronto wrote:

Why are we Canadians allowing a certain pressure group to act as censors for us? And worse, to have a member of society brought to trial, probably jailed, and/or deported for saying something we will not even be allowed to read. The more I think about the implications of this trial, the more angry and frightened I become. I am one Canadian who does not want Sabina Citron, Alan Shefman or Julian Sher to decide what I will read or what I will call the truth.

Indeed, the purpose of the prosecution of Ernst Zündel was to make sure that ordinary Canadians would not have access to the type of information contained in *Did Six Million Really Die?*. Even today, Canadians do not realize how far the original "Holocaust" story has disintegrated in the face of ongoing historical research and forensic studies of the alleged Auschwitz execution gas chambers. The tight control of information in this regard is a wonder to behold to those of us involved in this case. Canadians who believe they enjoy a "free" press in North America are sadly mistaken. There is never any attempt in the mass media to analyse why more and more people no longer believe in the "Holocaust"; there is no transferal of any basic information to the average reader to let them decide for themselves whether there is anything to what the revisionists say or whether it is hogwash. Instead, Zündel and anyone else who questions Holocaust claims are simply branded as "evil" and "hatemongers".

This book ensures that both sides of this ethnic dispute are at least available to the general reader. The record of the 1988 trial is unique in that the major historians on both sides of the issue testified and were cross-examined relentlessly on their research methods, bias, sources and findings. It records the only instance where Holocaust historians have been forced to defend their assertion that the Jews of Europe were exterminated (mainly in gas chambers) by the Nazi government during World War II. For the reader it is a rare opportunity to see how in fact history is written, how indeed history has become the tool of politics.

British historian David Irving testified that it is the reader who decides what constitutes a "historical fact"; it is the reader who decides what has been proven to happen in history and what has not. I therefore invite the reader to read the evidence of one of the most significant trials of our century and with respect to the story of what really happened to the Jews of Europe during World War II, to decide for himself.

Barbara Kulaszka
August 1992

Foreword

by Dr. Robert Faurisson

Did the "Holocaust" of the European Jews really occur? Is it true that during the Second World War, the Germans ordered, planned and carried out a policy of physical destruction of the European Jews? More specifically, did they design, build and use execution gas chambers for that purpose? Did they cause the deaths of millions of Jews in that manner?

To these questions, the majority of writers say yes; they believe in the "Holocaust" of the European Jews. We shall call these writers "exterminationists" because they defend the thesis of the physical extermination of the Jews. To these same questions, other writers say no; these writers are called "revisionists" but it goes without saying that the revisionists do not dispute the fact that, during a world conflict which caused 40 to 50 million deaths, many Jews (the approximate number remains to be determined) died.

Who is right? The exterminationists or the revisionists?

For the layman, there are, in principle, three main ways of forming a personal opinion on a historical controversy.

The first way consists in reading the writings of both sides but in this specific case that would require much time and revisionist literature is often difficult to obtain.

The second way is to attend a public debate between the two sides: the orthodox side (the exterminationists) and the heterodox side (the revisionists). Unfortunately, the exterminationists have always refused the public debate proposed to them by the revisionists and which the revisionists continue to propose. In certain countries such as France and Austria, the supporters of the exterminationist thesis have recently gone so far as to obtain special laws that punish revisionists with heavy prison terms and fines for "contesting" the existence of the "Holocaust" and the execution gas chambers.

Fortunately, there remains a third way of forming an opinion on this controversy, that of reading the transcript of a trial where the two sides found themselves face to face before a judge and jury. In the case which concerns us, that is what happened twice, in 1985 and 1988, in actions brought against the revisionist Ernst Zündel in Toronto by exterminationist members of a Jewish organization.

This remarkable book by Barbara Kulaszka rests upon the transcripts of the 1988 trial. It will enable the layman to obtain a precise idea of the historical controversy surrounding the Jewish "Holocaust" and to form an opinion for himself. I must, however, express a reservation and issue a warning to the reader: a courtroom is not an appropriate place for a historical debate. A trial has its own formal rules of

procedure and it is very limited as to time; freedom of expression is not total since one of the parties is seeking to obtain a condemnation as the other party is trying to avoid that condemnation. Finally, a judge and jury, even if they listen to experts, have neither the competence nor the means required to settle a point of history.

I participated in the preliminary hearing of Ernst Zündel in 1984, in the first Zündel trial in 1985 (quashed on procedural and substantive grounds), and, finally, in the second Zündel trial in 1988. I published a complete account of the case in *The Journal of Historical Review*, Winter 1988-1989, pp. 417-431 in an article entitled "The Zündel Trials (1985-1988)". I take the liberty of referring the reader to it but I would also wish to quote here a passage from the article and to comment on it in the light of what has happened since 1988. This passage deals essentially with my own discovery in the 1970s of the chemical impossibility of the Auschwitz execution gassings and the confirmation of that impossibility by Fred Leuchter. I wrote then:

For my part, I appeared as an expert witness for nearly six days. I concentrated particularly on my investigations of the American gas chambers. I recalled that Zyklon B is essentially hydrocyanic acid and that it is with this gas that certain American penitentiaries execute those who have been condemned to death.

In 1945 the Allies should have asked specialists on American gas chambers to examine the buildings, at Auschwitz and elsewhere, which were supposed to have been used to gas millions of people. Since 1977, I have had the following idea: when one deals with a vast historical problem like that of the reality or the legend of the Holocaust, one must strive to get to the core of the problem. In this case the central problem is Auschwitz and the core of that problem is a space of 275 square metres: the 65 square metres of the "gas chamber" of crematorium I at Auschwitz and, at Birkenau, the 210 square metres of the "gas chamber" of crematorium II. In 1988, my idea remained the same: let us have expert studies of those 275 square metres and we will have an answer to the vast problem of the Holocaust! I showed the jury my photos of the gas chamber at the Maryland State Penitentiary in Baltimore as well as my plans for the Auschwitz gas chambers and I underlined the physical and chemical impossibilities of the latter ones.

A Sensational Turn of Events: The Leuchter Report

Ernst Zündel, in possession of the correspondence I had exchanged in 1977-78 with the six American penitentiaries outfitted with gas chambers, gave attorney Barbara Kulaszka the job of getting in touch with the chief wardens of those penitentiaries in order to see if one of them would agree to appear in court to explain how a real gas chamber operates. Bill Armontrout, chief warden of the penitentiary at Jefferson City (Missouri), agreed to testify and in doing so pointed out that no one in the USA was more knowledgeable about the functioning of gas chambers than Fred A. Leuchter, an engineer from Boston. I went to visit Leuchter on February 3 and 4, 1988. I found that he had never asked himself any questions about the "gas chambers" in the German camps. He had simply believed in their existence. After I began to show him my files, he became aware of the chemical and physical impossibility of the German "gassings" and he agreed to examine our documents in Toronto.

After that, at Zündel's expense, he left for Poland with a secretary (his wife), a draftsman, a video-cameraman and an interpreter. He came back and drew up a 192 page report (including appendices). He also brought back 32 samples taken, on the one hand, from the crematories of Auschwitz and Birkenau at the site of the homicidal "gassings" and, on the other hand, in a disinfection gas chamber at Birkenau. His conclusion was simple: there had never been any homicidal gassings at Auschwitz, Birkenau, or Majdanek.

On April 20 and 21, 1988, Fred Leuchter appeared on the witness stand in the Toronto courtroom. He told the story of his investigation and presented his conclusions. I am convinced that during those two days I was an eyewitness to the death of the gas chamber myth, a myth which, in my opinion, had entered its death throes at the Sorbonne colloquium on "Nazi Germany and the Extermination of the Jews" (June 29 to July 2, 1982), where the organizers themselves began to grasp that there was no proof of the existence of the gas chambers.

In the Toronto courtroom emotions were intense, in particular among the friends of Sabina Citron. Ernst Zündel's friends were also moved, but for a different reason: they were witnessing the veil of the great swindle being torn away. As for me, I felt both relief and melancholy: relief because a thesis that I had defended for so many years was at last fully confirmed, and melancholy because I had fathered the idea in the first place. I had even, with the clumsiness of a man of letters, presented physical, chemical, topographical and architectural arguments which I now saw summed up by a scientist who was astonishingly precise and thorough.

Would people one day remember the skepticism I had encountered, even from other Revisionists? Just before Fred Leuchter, Bill Armontrout had been on the witness stand, where he confirmed, in every detail, what I had said to the jury about the extreme difficulties of a homicidal gassing (not to be confused with a suicidal or accidental gassing). Ken Wilson, a specialist in aerial photographs, had shown that the homicidal "gas chambers" of Auschwitz and Birkenau did not have gas evacuation chimneys, which would have been indispensable. He also showed that I had been right in accusing Serge Klarsfeld and Jean-Claude Pressac of falsifying the map of Birkenau in *The Auschwitz Album* (Seuil Publishers, 1983, p. 42). Those authors, in order to make the reader believe that groups of Jewish women and children surprised by the photographer between crematories II and III could not go any farther and were thus going to end up in the "gas chambers" and those crematories, had simply eliminated from the map the path which, in reality, led up to the "Zentralsauna," a large shower facility (located beyond the zone of the crematories), where those women and children were actually going.

James Roth, director of a laboratory in Massachusetts, then testified on the analysis of the 32 samples, the origin of which he was unaware of: all the samples taken in the homicidal "gas chambers" contained a quantity of cyanide which was either unmeasurable or infinitesimal, while the sample from the disinfection gas chamber, taken for comparison's sake, contained an enormous amount of cyanide (the infinitesimal quantity detected in the former case can be explained by the fact that the supposed homicidal gas chambers were in fact morgues for preserving bodies; such morgues could have been occasionally disinfected with Zyklon B). (pp. 428 430)

That happened in 1988. Four years later, the Leuchter Report was confirmed by three other reports: first, that of the Krakow Forensic Institute; then, that of the German Germar Rudolf, and finally, that of the Austrian Walter Lüftl. The most stunning of these three reports is the one from Krakow. It had been pressed for by the authorities at the Auschwitz State Museum in the hope that it would disprove the Leuchter Report's conclusions. The opposite happened and despite embarrassed explanations to try to minimize the meaning of their own tests, the authors of the Krakow report indeed confirmed -- involuntarily -- that Fred Leuchter was right. As a result, the exterminationists prefer to treat the report of the Krakow Forensic Institute with silence.

In 1989, the pharmacist Jean-Claude Pressac published, under the aegis of New York's Beate Klarsfeld Foundation, an enormous book entitled *Auschwitz: Technique and Operation of the Gas Chambers*. I rendered an account of that exterminationist attempt in *The Journal of Historical Review* in 1991 [Spring 1991, pp. 25-66 and Summer, 1991, pp. 133-175]. I showed there that "the exterminationist mountain" in labour had brought forth "a revisionist mouse." The occasion gave me the opportunity to emphasize again what I call "one of the 20th century's great paradoxes": that millions of people, stupefied by incessant media propaganda, believe in the Nazi gas chambers without ever having seen one, without having the slightest idea of what this allegedly fantastic weapon was, without any ability to describe its shape and operation. The Nazi gas chamber is alleged to have physically existed; yet no one can provide us with a representation of it! This gas chamber is immaterial and magical. Nobody, and above all, not J.-C. Pressac in his work with the misleading title, has been able in a half-century to provide us with a photograph, a blueprint or a model. The rare attempts in that direction have ended in failure. In their works, such men as Poliakov, Wellers, Hilberg or Pressac have not dared -- and for a good reason -- to reproduce a complete photograph of the alleged "gas chambers" which tourists can visit in certain concentration camps. Nor do they reproduce the large mock-up which tourists can see at the Auschwitz Museum's Block 4, for they know that this is but a grotesque trick. Thus, the challenge I have made to the adepts of the "Holocaust" religion for decades remains the same: "I will be prepared to believe in the Nazi gas chamber, the central pillar of the 'Holocaust' religion, on the day you can describe 'a single one of those gas chambers' to me." Sometimes I add: "But you are unable to do so. Those chemical slaughterhouses where, according to you, one could have entered with impunity to retrieve millions of bodies out of an ocean of hydrocyanic acid were a physical and chemical impossibility. One cannot describe or draw the alleged homicidal gas chamber of Auschwitz as one cannot describe or draw a square circle or a circular square."

Our age believes itself to be skeptical, believing only that which it sees. It claims to be the age of television. Yet it believes in a material thing of which it does not have the least material representation and never has a book, a movie or the television provided us with an image of this material thing. The best way to deceive the masses is by suggestion which entails auto-suggestion. Television cannot show or describe a Nazi gas chamber but it suggests the idea; for example, it shows a building and the commentary asserts: "Building containing a gas chamber"; or it settles for showing us a simple shower sprinkler and like Pavlovian dogs we are conditioned, lo and behold, "to see" a "gas chamber." Other times, our pity will be aroused over some "hair of the

gassed", "suitcases of the gassed", "baby carriages of the gassed infants." Thus do we go from suggestion to auto-suggestion.

The myth of the gassing of civilians in enclosed places dates back to 1916; already, at that time, the Germans, Austrians or the Bulgarians were accused of gassing Serbian men, women and children. After the war, this myth was quickly overshadowed by the myth of the Belgian children having their hands crushed by uhlans; it vanished only to reappear twenty years later. This time the victims were no longer Serbs but Jews. And it is this myth, absurd and painful, that at the end of the 20th century is persistently imposed upon us.

In centuries past, people believed, likewise, in the devil, in his physical shape, in his pales and tenterhooks, in his shouts and in his smells. Tribunals, chaired by judges who reckoned themselves intelligent and enlightened, posited in principle (judicial notice!) that such was true, so obviously true that demonstrating it was unwarranted. Yet it was false. Smack in the middle of the 20th century, devilry came back and judges who thought themselves more intelligent and more enlightened than their predecessors of centuries past, posited in principle (judicial notice anew!) that the devilish Nazi gas chambers had indeed existed. In Toronto in 1988, Judge Ron Thomas took "judicial notice" of the "Holocaust" notwithstanding that this was the very issue at the core of the trial where the matter was one of determining whether Ernst Zündel was spreading false news or not when he distributed a piece of revisionist literature entitled *Did Six Million Really Die?*.

I was a witness to Ernst Zündel's judicial and extra-judicial calvary. This man is a heroic figure of our time. He honours the German people of whom he was born. He honours Canada where he came to settle. But Germany and Canada, without reason, work against him at the instigation of the leaders of the world Jewish community. It is a disgrace. As historian David Irving said so well: "The Jewish community have to examine their consciences. They have been propagating something that isn't true." (The Jewish Chronicle, London, 23 June 1989).

Under a simple exterior, Ernst Zündel has a visionary's depth. This peasant of Swabian origin, this artist, this businessman, casts a penetrating gaze on history, society, politics, institutions and men. In my article on his trials which I have already referred to, my conclusion had been the following:

Ernst Zündel had promised that his trial would be "the trial of the Nuremberg Trial" or "the Stalingrad of the Exterminationists." The unfolding of those two long trials proved him right, even though the jury, "instructed" by the judge to consider the Holocaust as an established fact "which no reasonable person can doubt," finally found him guilty. Zündel has already won. It remains for him to make it known to Canada and to the entire world. The media blackout of the 1988 trial was almost complete. Jewish organizations campaigned vigorously for such a blackout, and even went so far as to say that they did not want an impartial account of the trial. They did not want any account of it at all. The paradox is that the only publication which reported relatively honestly about the trial was the *Canadian Jewish News*.

Ernst Zündel and the Leuchter report have left a profound mark on history; both will be remembered for many years to come.

Today I would add that to me Ernst Zündel's fate appears both more tragic and more enviable than in 1988. It is even more tragic because I fear that the leaders of the world Jewish community will not leave any respite to a man of this breadth, able not only to discern what he calls truth, freedom and justice but also to struggle with so much skill and courage for that truth, that freedom and that justice. In a general way, I am pessimistic for the future of revisionists. But I am optimistic for the future of revisionism: the work initiated by Paul Rassinier and crowned by the brilliant work of the American Arthur Robert Butz, *The Hoax of the Twentieth Century*, has known, thanks to Ernst Zündel, such a great expansion that no obstacle will be able to impede its course. And it is in this sense that, notwithstanding everything, one can envy the fate of Ernst Zündel.

Robert Faurisson
August, 1992

Criminal Prosecution of 'Holocaust Denial'

by Barbara Kulaszka

In recent years, more and more attention has been devoted to the supposed danger of "Holocaust denial." Politicians, newspapers and television warn about the growing influence of those who reject the Holocaust story that some six million European Jews were systematically exterminated during the Second World War, most of them in gas chambers.

In several countries, including Israel, France, Germany and Austria, "Holocaust denial" is against the law, and "deniers" have been punished with stiff fines and prison sentences. Some frantic Jewish community leaders are calling for similar government measures in North America against so-called "deniers." In Canada, David Matas, Senior Counsel for the "League for Human Rights" of the Zionist B'nai B'rith organization, says: (note 1)

The Holocaust was the murder of six million Jews, including two million children. Holocaust denial is a second murder of those same six million. First their lives were extinguished; then their deaths. A person who denies the Holocaust becomes part of the crime of the Holocaust itself.

Often overlooked in this controversy is the crucial question: Just what constitutes "Holocaust denial"?

Six Million?

Should someone be considered a "Holocaust denier" because he does not believe -- as Matas and others insist -- that six million Jews were killed during World War II? This figure was cited by the International Military Tribunal at Nuremberg in 1945-1946. It found that "the policy pursued [by the German government] resulted in the killing of six million Jews, of which four million were killed in the extermination institutions." (note 2)

Yet if that is so, then several of the most prominent Holocaust historians could be regarded as "deniers." Professor Raul Hilberg, author of the standard reference work, *The Destruction of the European Jews*, does not accept that six million Jews died. He puts the total of deaths (from all causes) at 5.1 million. Gerald Reitlinger, author of *The Final Solution*, likewise did not accept the six million figure. He estimated the figure of Jewish wartime dead might be as high as 4.6 million, but admitted that this was conjectural due to a lack of reliable information.

Human Soap?

Is someone a "Holocaust denier" if he says that the Nazis didn't use Jewish fat to make soap? After examining all the evidence (including an actual bar of soap supplied by the Soviets), the Nuremberg Tribunal declared in its Judgment that "in some instances attempts were made to utilize the fat from the bodies of the victims in the commercial manufacture of soap." (note 3)

In 1990, though, Israel's official "Yad Vashem" Holocaust memorial agency "rewrote history" by admitting that the soap story was not true. "Historians have concluded that soap was not made from human fat. When so many people deny the Holocaust ever happened, why give them something to use against the truth?," said Yad Vashem official Shmuel Krakowski. (note 4)

Wannsee Conference?

Is someone a "Holocaust denier" if he does not accept that the January 1942 "Wannsee conference" of German bureaucrats was held to set or coordinate a program of systematic mass murder of Europe's Jews? If so, Israeli Holocaust historian Yehuda Bauer must be wrong -- and a "Holocaust denier" -- because he recently declared: "The public still repeats, time after time, the silly story that at Wannsee the extermination of the Jews was arrived at." In Bauer's opinion, Wannsee was a meeting but "hardly a conference" and "little of what was said there was executed in detail." (note 5)

Extermination Policy?

Is someone a "Holocaust denier" if he says that there was no order by Hitler to exterminate Europe's Jews? There was a time when the answer would have been yes. Holocaust historian Raul Hilberg, for example, wrote in the 1961 edition of his study, *The Destruction of the European Jews*, that there were two Hitler orders for the destruction of Europe's Jews: the first given in the spring of 1941, and the second shortly thereafter. But Hilberg removed mention of any such order from the revised, three-volume edition of his book published in 1985. (note 6) As Holocaust historian Christopher Browning has noted: (note 7)

In the new edition, all references in the text to a Hitler decision or Hitler order for the "Final Solution" have been systematically excised. Buried at the bottom of a single footnote stands the solitary reference: "Chronology and circumstances point to a Hitler decision before the summer ended." In the new edition, decisions were not made and orders were not given.

A lack of hard evidence for an extermination order by Hitler has contributed to a controversy that divides Holocaust historians into "intentionalists" and "functionalists." The former contend that there was a premeditated extermination policy ordered by Hitler, while the latter hold that Germany's wartime "final solution" Jewish policy evolved at lower levels in response to circumstances. But the crucial point here is this: notwithstanding the capture of literally tons of German documents after the war, no one can point to documentary evidence of a wartime extermination

order, plan or program. This was admitted by Professor Hilberg during his testimony in the 1985 trial in Toronto of German-Canadian publisher Ernst Zündel. (note 8)

Auschwitz

So just what constitutes "Holocaust denial"? Surely a claim that most Auschwitz inmates died from disease and not systematic extermination in gas chambers would be "denial." But perhaps not. Jewish historian Arno J. Mayer, a Princeton University professor, wrote in his 1988 study *Why Did the Heavens Not Darken?: The 'Final Solution' in History*: "... From 1942 to 1945, certainly at Auschwitz, but probably overall, more Jews were killed by so-called 'natural' causes than by 'unnatural' ones." (note 9)

Even estimates of the number of people who died at Auschwitz -- allegedly the main extermination center -- are no longer clear cut. At the postwar Nuremberg Tribunal, the Allies charged that the Germans exterminated four million people at Auschwitz. (note 10) Until 1990, a memorial plaque at Auschwitz read: "Four Million People Suffered and Died Here at the Hands of the Nazi Murderers Between the Years 1940 and 1945." (note 11) During a 1979 visit to the camp, Pope John Paul II stood before this memorial and blessed the four million victims.

Is it "Holocaust denial" to dispute these four million deaths? Not today. In July 1990, the Polish government's Auschwitz State Museum, along with Israel's Yad Vashem Holocaust center, conceded that the four million figure was a gross exaggeration, and references to it were accordingly removed from the Auschwitz monument. Israeli and Polish officials announced a tentative revised toll of 1.1 million Auschwitz dead. (note 12) In 1993, French Holocaust researcher Jean-Claude Pressac, in a much-discussed book about Auschwitz, estimated that altogether about 775,000 died there during the war years. (note 13)

Professor Mayer acknowledges that the question of how many really died in Auschwitz remains open. In *Why Did the Heavens Not Darken?* he wrote (p. 366):

... Many questions remain open ... All in all, how many bodies were cremated in Auschwitz? How many died there all told? What was the national, religious, and ethnic breakdown in this commonwealth of victims? How many of them were condemned to die a 'natural' death and how many were deliberately slaughtered? And what was the proportion of Jews among those murdered in cold blood among these gassed? We have simply no answers to these questions at this time.

Gas Chambers

What about denying the existence of extermination "gas chambers"? Here too, Mayer makes a startling statement (on page 362 of his book): "Sources for the study of the gas chambers are at once rare and unreliable." While Mayer believes that such chambers did exist at Auschwitz, he points out that

most of what is known is based on the depositions of Nazi officials and executioners at postwar trials and on the memory of survivors and bystanders. This testimony must

be screened carefully, since it can be influenced by subjective factors of great complexity.

Höss' Testimony

One example of this might be the testimony of Rudolf Höss, an SS officer who served as commandant of Auschwitz. In its Judgment, the Nuremberg International Military Tribunal quoted at length from his testimony to support its findings of extermination. (note 14)

It is now well established that Höss' crucial testimony, as well as his so-called "confession" (which was also cited by the Nuremberg Tribunal), are not only false, but were obtained by beating the former commandant nearly to death. (note 15) Höss' wife and children were also threatened with death and deportation to Siberia. In his statement -- which would not be admissible today in any United States court of law -- Höss claimed the existence of an extermination camp called "Wolzek." In fact, no such camp ever existed. He further claimed that during the time that he was commandant of Auschwitz, two and a half million people were exterminated there, and that a further half million died of disease. (note 16) Today no reputable historian upholds these figures. Höss was obviously willing to say anything, sign anything and do anything to stop the torture, and to try to save himself and his family.

Forensic Investigations

In his 1988 book, Professor Mayer calls for "excavations at the killing sites and in their immediate environs" to determine more about the gas chambers. In fact, such forensic studies have been made. The first was conducted in 1988 by American execution equipment consultant, Fred A. Leuchter, Jr. He carried out an on-site forensic examination of the alleged gas chambers at Auschwitz, Birkenau and Majdanek to determine if they could have been used to kill people as claimed. After a careful study of the alleged killing facilities, Leuchter concluded that the sites were not used, and could not have been used, as homicidal gas chambers. Furthermore, an analysis of samples taken by Leuchter from the walls and floors of the alleged gas chambers showed either no or minuscule traces of cyanide compound, from the active ingredient of Zyklon B, the pesticide allegedly used to murder Jews at Auschwitz. (note 17)

A confidential forensic examination (and subsequent report) commissioned by the Auschwitz State Museum and conducted by Institute of Forensic Research in Krakow has confirmed Leuchter's finding that minimal or no traces of cyanide compound can be found in the sites alleged to have been gas chambers. (note 18)

The significance of this is evident when the results of the forensic examination of the alleged homicidal gas chambers are compared with the results of the examination of the Auschwitz disinfestation facilities, where Zyklon B was used to delouse mattresses and clothing. Whereas no or only trace amounts of cyanide were found in the alleged homicidal gas chambers, massive traces of cyanide were found in the walls and floor in the camp's disinfestation delousing chambers.

Another forensic study has been carried out by German chemist Germar Rudolf. On the basis of his on-site examination and analysis of samples, the certified chemist and doctoral candidate concluded: "For chemical-technical reasons, the claimed mass gassings with hydrocyanic acid in the alleged 'gas chambers' in Auschwitz did not take place ... The supposed facilities for mass killing in Auschwitz and Birkenau were not suitable for this purpose ..." (note 19)

Finally, there is the study of Austrian engineer Walter Lüftl, a respected expert witness in numerous court cases, and former president of Austria's professional association of engineers. In a 1992 report he called the alleged mass extermination of Jews in gas chambers "technically impossible." (note 20)

Discredited Perspective

So just what constitutes "Holocaust denial"? Those who advocate criminal persecution of "Holocaust deniers" seem to be still living in the world of 1946 where the Allied officials of the Nuremberg Tribunal have just pronounced their verdict. But the Tribunal's findings can no longer be assumed to be valid. Because it relied so heavily on such untrustworthy evidence as the Höss testimony, some of its most critical findings are now discredited.

For purposes of their own, powerful special interest groups desperately seek to keep substantive discussion of the Holocaust story taboo. One of the ways they do this is by purposely mischaracterizing revisionist scholars as "deniers." But the truth can't be suppressed forever: There is a very real and growing controversy about what actually happened to Europe's Jews during World War II.

Let this issue be settled as all great historical controversies are resolved: through free inquiry and open debate in our journals, newspapers and classrooms.

Notes

1. *Globe and Mail* (Toronto), Jan. 22, 1992.
2. *Trial of the Major War Criminals Before the International Military Tribunal* (IMT "blue series"), Vol. 22, p. 496.
3. IMT "blue series," Vol. 22, p. 496.
4. *Globe and Mail* (Toronto), April 25, 1990; See also: M. Weber, "Jewish Soap," *The Journal of Historical Review*, Summer 1991.
5. *Canadian Jewish News* (Toronto), Jan. 30, 1992.
6. See: Barbara Kulaszka, ed., *Did Six Million Really Die: Report of the Evidence in the Canadian 'False News' Trial of Ernst Zundel* (Toronto: Samisdat, 1992), pp. 192, 300, 349.
7. "The Revised Hilberg," *Simon Wiesenthal Annual*, Vol. 3, 1986, p. 294.
8. B. Kulaszka, ed., *Did Six Million Really Die* (Toronto: 1992), pp. 24-25.
9. A. Mayer, *Why Did the Heavens Not Darken?: The 'Final Solution' in History* (Pantheon, 1988), p. 365.
10. Nuremberg document 008-USSR.; IMT "blue series," Vol. 39, pp. 241, 261.
11. B. Kulaszka, ed., *Did Six Million Really Die* (Toronto: 1992), p. 441.
12. Y. Bauer, "Fighting the Distortions," *Jerusalem Post* (Israel), Sept. 22, 1989; Auschwitz Deaths Reduced to a Million," *Daily Telegraph* (London), July 17,

- 1990; "Poland Reduces Auschwitz Death Toll Estimate to 1 Million," *The Washington Times*, July 17, 1990.
13. J.-C. Pressac, *Les Crématoires d'Auschwitz: La machinerie du meurtre de masse* (Paris: CNRS, 1993). See also: R. Faurisson, "Jean-Claude Pressac's New Auschwitz Book," *The Journal of Historical Review*, Jan.-Feb. 1994, p. 24.
 14. IMT "blue series," Vol. 22, p. 485; Nuremberg document 3868-PS (USA-819), in IMT "blue series," Vol. 33, pp. 275-279.
 15. Rupert Butler, *Legions of Death* (England: 1983), pp. 235-237; C. Hitchens, "Whose History is it?," *Vanity Fair* (New York), Dec. 1993, p. 117.
 16. See: R. Faurisson, "How the British Obtained the Confession of Rudolf Höss," *The Journal of Historical Review*, Winter 1986-87, pp. 389-403.
 17. A deluxe edition of *The Leuchter Report* is available from the IHR for \$20.00, plus \$2.00 shipping.
 18. The complete text of this report was published in English in *The Journal of Historical Review*, Summer 1991.
 19. G. Rudolf, *Gutachten ueber die Bildung und Nachweisbarkeit von Cyanidverbindungen in den 'Gaskammern' von Auschwitz* (London: 1993). See: *The Journal of Historical Review*, Nov.-Dec. 1993, pp. 25-26.
 20. "The 'Lüftl Report'," *The Journal of Historical Review*, Winter 1992-93.

The Charge

Ernst Zündel was charged on 18 November 1983 under section 177 of the Criminal Code of Canada which provides:

Every one who willfully publishes a statement, tale or news that he knows is false and that causes or is likely to cause injury or mischief to a public interest is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

The charge was originally laid under a private complaint by Canadian Holocaust Remembrance Association founder Sabina Citron. The carriage of the charge was later assumed by the Crown, however, under an indictment dated 26 July 1984 which read as follows:

1. Ernst Zündel stands charged that he, during the year 1981, at the Municipality of Metropolitan Toronto in the Judicial District of York, did publish a statement or tale that he knows is false, namely the article "The West, War, and Islam", and the said article is likely to cause mischief to the public interest in social and racial tolerance, contrary to the Criminal Code.
2. Ernst Zündel stands further charged that he, in or about the year 1981, at the Municipality of Metropolitan Toronto in the Judicial District of York, did publish a statement or tale, namely "Did Six Million Really Die?" that he knows is false and that is likely to cause mischief to the public interest in social and racial tolerance, contrary to the Criminal Code.

On 28 February 1985, after a thirty-nine day trial, Zündel was acquitted on the charge concerning The West, War and Islam but convicted on the charge concerning Did Six Million Really Die?. The conviction was overturned on appeal to the Ontario Court of Appeal on 23 January 1987 and a new trial was ordered.

The second trial of Zündel, which concerned only the booklet Did Six Million Really Die?, commenced on 18 January 1988. This book summarizes the evidence that was heard at the second trial over a period of three months. The last witness appeared on 26 April 1988.

The case was heard before District Court Judge Ron Thomas. Appearing for the Crown were attorneys John Pearson and Catherine White. Acting for the accused, Ernst Zündel, was defence attorney Douglas H. Christie.

District Court Judge Ron Thomas

Prior to the commencement of the trial, Crown Attorney John Pearson requested presiding Judge Ron Thomas to take judicial notice of the historical fact that during the Second World War, the National Socialist regime of Adolf Hitler pursued a policy which had as its goal the extermination of the Jews of Europe. Thomas granted the application in the following terms:

It is my respectful view that the court should take judicial notice of the Holocaust having regard to all of the circumstances. The mass murder and extermination of Jews of Europe by the Nazi regime during the Second World War is so notorious as not to be the subject of dispute among reasonable persons. Furthermore, it is my view that the Holocaust is capable of immediate accurate demonstration by resort to readily accessible sources of indisputable accuracy. But I emphasize the ground upon which I hold that the court should take judicial notice of the Holocaust is that it is so notorious as to be not the subject of dispute among reasonable persons ... The Holocaust is the mass murder and extermination of Jews by the Nazi regime during the Second World War, and the jury will be told to take judicial notice of that.

As a result, the jury in the Zündel trial was directed that it was required to accept as a fact that the "Holocaust", as defined by Thomas, actually occurred.

Sgt. John Luby and Sgt. Ronald F. Williams

[Police officers Luby and Williams were the first and second witnesses called by the Crown. They testified on February 3 and 4, 1988.]

Luby was a sergeant with the Metropolitan Toronto Police Force with 27 years' experience. In 1984, Luby had been assigned to provide investigative assistance to the Crown in the case of Ernst Zündel. Zündel had initially been charged by a private citizen but the charge was later taken over by a Crown Attorney, Peter Griffiths. Williams was also a sergeant with the Metropolitan Toronto Police Force and had been with the Force for 26 years.

Sgt. Luby testified that he attended at Zündel's house at 206 Carlton St., Toronto, on May 29, 1984, at about 7:10 p.m., together with his partner Sgt. Williams. They were sent there by the Crown to ask Zündel specific questions and record the answers. Luby knew that a charge had been laid against Zündel. (Luby, 8-1534 to 1537)

The questions requested by Crown counsel Griffiths to be asked were: (1) whether or not Mr. Zündel was the person who had signed two publications which Sgt. Luby had in his possession during the visit, namely, *Did Six Million Really Die?* and *The West, War and Islam*; and (2) whether he was the same person (Christof Friedrich) named as one of the authors of the book *The Hitler We Loved and Why*. (Luby, 8 1535, 1536)

The officers were welcomed into the rear side door of the house by Zündel, who said to Sgt. Luby: "I've been expecting you. My lawyer called me." (Luby, 8-1574; Williams, 8-1580) Luby stated he knew Zündel's lawyer was contacted, although he could not recall who actually contacted her. (Luby, 8-1576)

After being taken into the front room, Sgt. Luby asked Zündel whether or not he would mind answering a few questions that the Crown Attorney wanted answered to clear up a few matters. Zündel replied that his lawyer had told him not to give a statement to the police or to sign one, but that he would be glad to talk with the officers. Sgt. Luby held up the pamphlet *Did Six Million Really Die?* and asked: "Are you the publisher of this pamphlet?" and Zündel answered: "Yes, I published it, but it's the work of a professor from England. I did the opening and closing pages, but this is being distributed all over the world." He spoke extensively on its distribution. (Williams, 8-1580, 1581)

Luby put another question to him: "Are you the same person named on the publication *The Hitler We Loved and Why*, Christof Friedrich'?", and Zündel replied: "Yes, they are my middle names, but everybody knows that. I've been writing these things for twenty-five years." Zündel said he was the president of Samisdat Publishers Ltd. and had signed both publications. Luby said, "That's all the questions I have," and the officers had some casual, light, jovial conversation with Zündel. Zündel

mentioned that he had requested guidelines on 'hate' literature from the Attorney General's office but had not received any. (Williams, 8-1581 to 1585)

Williams stated that only two publications were shown to Zündel, *Did Six Million Really Die?* and *The West, War and Islam*. Luby testified that he "believed" he had *The Hitler We Loved and Why* in his briefcase but did not know whether he took the book out of the briefcase or not. (Luby, 8-1535, 1536) Zündel was not asked whether he wrote the text of *The Hitler We Loved and Why*, or whether he was the publisher. (Luby, 8-1542; Williams, 8-1584 to 1586)

Although Luby could remember Zündel telling him that he had sent the publication *Did Six Million Really Die?* to Attorneys General, lawyers and Members of Parliament, he could remember very little else about the visit with certainty, except that he and Zündel had a friendly conversation, talking and laughing about flying saucers. (8-1542, 1543) Zündel spoke about his theories concerning flying saucers being developed toward the end of the Second World War by the Germans and that they were flying out of South America. (Luby, 7-1220)

Luby admitted that in speaking with Zündel he may have surrounded the questions with casual conversation that made it appear he was there for no particular reason. (Luby, 8-1538) In his notes concerning the visit, Luby recorded the answers to the particular questions he had been sent to ask, while the rest of the conversation with Zündel he summarized as being general, friendly conversation. (8-1540, 1541)

The Hitler We Loved and Why dealt with the reasons people had loved and admired Adolf Hitler. It contained no information on the issues raised by *Did Six Million Really Die?* concerning the Holocaust. Nevertheless, over objections of defence counsel (7-1231 to 8-1438) the entire book was shown page by page to the jury on an overhead projector and read by Crown attorney John Pearson and witness Luby. (7-1231 to 8-1438) (note 1)

"As It Happens"

Luby testified that as a result of information received, he attended at the CBC radio archives at 90 Sumach St. on the 6th floor on January 4, 1988 and there listened to a master tape of the programme "As It Happens" aired on February 27, 1975, tape number 750227-2 which featured an interview between hostess Barbara Frum and a male person referred to as "Christof Friedrich." (8-1439 to 1446).

Luby returned on January 7, 1988 and obtained, pursuant to a search warrant, two duplicate copies of the "As It Happens" programme he had earlier listened to. (8-1441)

Luby was not aware of any previous conversation Barbara Frum may have had with Zündel prior to the programme indicating what she might like in the way of response or entertainment. Nor was he aware of whether or not the interview as broadcast had been edited down. In a conversation with Barbara Frum, Luby did not ask how long the original interview with Zündel had been or whether the CBC edited the interview by picking the most sensational parts for broadcast. (8-1529 to 1534)

The tape, which dealt with the subject of UFO's developed by the Nazis, was played in full to the jury as part of the Crown's case. Luby identified the voice on the tape as that of Ernst Zündel (8-1445, 1446).

UFO's: Nazi Secret Weapon?

Sergeant Luby testified that Samisdat Publishers Ltd., the publisher of the book UFO's: Nazi Secret Weapon?, was owned by Zündel. Using the overhead projector, Luby and Crown counsel John Pearson projected and read to the jury the first 16 pages of the book as well as its front and back covers. These portions of the book dealt with the National Socialist party programme. (8-1447 to 1489)

Judge Thomas reminded the jury that, as with the book The Hitler We Loved and Why, Zündel was not on trial for publishing the book UFO's: Nazi Secret Weapon?, but that they could use the books and the As It Happens tape as "evidence with respect to the issue of knowledge of alleged falsity of the publication." (8-1489, 1490)

On cross-examination, Luby testified that he could not remember whether or not Zündel had shown him any other books or materials, including a letter dated November 10, 1983 from Zündel to Roy McMurtry [then Attorney General for Ontario] in which he asked for guidelines on hate literature. (8-1559-1541)

Christie pointed out to Luby that the title UFO's: Nazi Secret Weapon? ended with a question mark. Luby agreed that a question mark in a title suggested that it was not a statement of fact. Luby also agreed that the UFO book specifically stated that the authors had distributed their findings "as a basis for discussion and further study" and agreed that it was "possible" that this indicated that the book was meant to put forward a tentative opinion for consideration. (8- 1544-45)

Christie asked Luby to read the remaining part of the Introduction from Did Six Million Really Die? which was not previously read to the jury. Asked if this purported to be a historical opinion, Luby replied that it "purports to be a historical opinion under the signature of Richard E. Harwood." (8-1552)

Christie read out the introductory and closing pages of Did Six Million Really Die? which Zündel himself had written. (Luby, 8, 1556-1575)

In these pages, Zündel had written as follows:

TO ALL CANADIAN LAWYERS AND MEDIA REPRESENTATIVES:

This booklet is the type of material that the Attorney General of British Columbia considers 'racist'. The Attorney General of Ontario, at the behest of his B.C. colleague, is purportedly conducting an investigation of Samisdat Publishers preparatory to the laying of a criminal charge of "promoting hatred against an identifiable group."

Samisdat intends to use this opportunity, however unwelcome, to test the definition and hence, the validity of the so-called 'Hate Law' section of the Canadian Criminal Code. What is now becoming clear to all of us, even to those who enacted the so

called 'Hate Law', is that we enacted not so much an instrument against hate as an instrument against truth.

Canada was a civilised country before the passage of the 'Hate Law'. We already had laws against the incitement to riot, to murder, to arson, to the commission of assault and bodily harm. Our laws protected and still protect every citizen from libel, slander and defamation. But the outlawing of 'hate' does not thereby abolish feelings of hate, as we all know. To prohibit expressions of hatred may even cause such feelings to go unvented until they become explosive and take the form of violence. Prior to the 'Hate Law', we Canadians behaved with mature composure when encountering hateful expressions. We simply shunned the haters and left them to spew out their ire, unsupported and alone. In most cases, a cold dose of healthy public ridicule would quench the more volcanic vituperators and reason would be restored. But something happened to us, for as we have grown older as a country, we have become less mature and less secure. Our passage of the 'Hate Law' was a grave reflection upon ourselves. It revealed a sudden loss of confidence in our own wisdom and judgment and in the wisdom and judgment of the great majority of Canadian voters and citizens. Suddenly, we had to be protected from ourselves and just as suddenly, we became refugees from freedom. No democracy that so distrusts the majority can long remain a democracy; it becomes a police state in the worst tradition of police states.

Unfortunately, only a few clear-sighted and courageous individuals protested the enactment of the 'Hate Law'. So thick were the clouds of hysteria and half-truth over the matter that only these few perceived the dangers inherent in a statute which could be used at the discretion of a public official to suppress the freedom of enquiry and discussion in regard to relevant public issues. Among these few protesters, I proudly number myself, for I spoke out then and I speak out now, on behalf of our basic freedom to act as thinking human beings.

As we stumble along the road to the 1984 of George Orwell, we sometimes receive a taste of his dismal future-fantasy well ahead of schedule. Pernicious 'thought-crime' legislation like the 'Hate Law' has brought us 1984 already. It has not outlawed hate, but it has outlawed truth on behalf of those predatory vested interests whose arch-enemy is truth!

This booklet has been sent to you free of charge as a public service. After reading it, you are perfectly free to agree or to disagree with its content. You may even ignore it and leave it unread. Truth has no need of coercion. Those who choose to ignore the truth are not punished by law -- they punish themselves. We of Samisdat Publishers do not believe that you should be forced to read something, any more than we believe that you should be forced not to read something. Obviously, we have much more faith in your soundness of mind and good judgment than do the enactors and enforcers of the 'Hate Law'! Whether you agree or disagree with the facts presented in this booklet, we invite you to assist us in reclaiming and safeguarding the freedoms we have all so long enjoyed, until now, in Canada.

Help us remove this shameful stain of tyranny from our otherwise bright and shining land. Help us strike the terrible sword of censorship from the hands of those who would slay truth in pursuit of their dubious aims. Without freedom of enquiry and freedom of access to information we cannot have freedom of thought and without

freedom of thought, we cannot be a free people. The matter is urgent. Can you help us restore and protect the freedom of all Canadians?

You can help decisively by sending your contribution to the Samisdat Legal Defense Fund. Legal fees are costly in the extreme. We anticipate daily expenditures of \$1,000.00 in attorneys' fees and in the reimbursement of witnesses who must be flown in from Australia, Israel, Europe and from both American continents. Whatever help you can provide will make 1984 a much better year for your children and grandchildren -- a year in which freedom of thought will not be a memory, but a beautiful reality!

(Signature) Ernst Zündel, Publisher SAMISDAT PUBLISHERS LTD.

On the back two pages of *Did Six Million Really Die?*, Zündel had reproduced the following newspaper article from the Toronto Sun newspaper:

Firm 'aiding race hatred'

British Columbia Attorney-General Garde Gardom is asking Roy McMurtry, his Ontario counterpart, to consider laying charges under the Criminal Code against a Toronto publishing company.

The complaint concerns pamphlets stating that "Hitler was the fairest, most honorable arbiter of boundaries in the history of Europe," that the television movie Holocaust was "a Zionist hoax" and that Auschwitz was "a clean and happy agricultural work camp," a spokesman for Gardom said yesterday.

"Ontario has been asked to consider charges of promoting hatred against an identifiable group," the spokesman said.

The request comes after Gardom received material published by Samisdat Publishers Ltd., of Toronto.

A spokesman for McMurtry told the Sun yesterday the attorney-general had not yet received Gardom's request and knew nothing of the details of Gardom's complaints.

Zündel had written the following concerning the article:

ATTORNEY GENERAL ATTEMPTS COVER-UP AND CENSORSHIP
Prejudice and Bigotry in Power?
SAMISDAT FIGHTS BACK!

An Appeal to the People of Canada

The above article which casts aspersions on my publishing firm of Samisdat appeared in the Toronto Sun on November 22, 1979. Similar articles appeared in other major daily newspapers across Canada. The article attributes statements allegedly made by Mr. Garde Gardom, Attorney General of British Columbia, to the effect that literature, pamphlets or other material was received from Samisdat Publishers which promoted "hatred against an identifiable group". The only material which Mr. Gardom could

have received from Samisdat was sent to all Attorney Generals in Canada, all members of Federal and Provincial Parliaments, all media representatives, all clergymen and to some 8000 Canadians in all walks of life. The result of this mailing has been worthwhile in terms of fruitful correspondence with numerous members of Parliament of the three major parties as well as several newsmedia interviews. If thousands of responsible Canadian citizens, clergymen, media representatives and members of Parliament have not objected to my materials, I would like to know what Mr. Gardom has found to be so objectionable and 'hateful' in the enclosed material. In the interests of Freedom of Speech and Human Rights, I now ask you to evaluate this information for yourself, before your right to be informed is denied you through official action.

HAVE WE GERMANS NO RIGHT TO DEFEND OURSELVES?

My name is Ernst Zündel. I am a Toronto businessman of German descent and I earn my living as a commercial artist. By avocation I write books and give lectures on general topics of historical interest. In the political field I have been involved with the issues of civil and human rights on behalf of German-Canadians for over 20 years. In 1968, on this basis, I ran for the post of Leader of the Liberal Party of Canada (which meant the post of Prime Minister) as the youngest candidate and only immigrant ever to attempt such a feat.

Since that time I have devoted increasing research, study and effort into illuminating the events of German and world history, particularly in the 1933-1945 period, with the view toward defending Germans and German-Canadians against the hateful lies surrounding the alleged gassing of six million Jews by the Nazi Government of Germany. In order to satisfy my own curiosity and to resolve my own doubts on the subject, I have travelled throughout the world, interviewed surviving inmates, guards, officials, etc. in connection with the 'six million' story. I have studied the many relevant documents, books, eyewitness accounts of both sides. My conclusion, after I had originally believed the dogma of the 'holocaust', is that no such extermination programme ever existed and that it is war time hate propaganda masquerading as history. This viewpoint is shared by such notable experts, historians and researchers from around the world as:

Prof. Faurisson, an expert historical analyst of ancient documents and artifacts at Lyon University in France. His 4-year study at the Jewish Documentation Centre in Paris drew him to conclude thusly;

J. G. Burg, a German-Jewish author and former inmate of several German concentration camps;

Dr. Bernhard Kautsky, the noted Austrian-Jewish man of letters;

Dr. W. Stäglich, retired judge and author of several books on the subject. Dr. Stäglich is a German of Hamburg;

Mr. David Irving, English historian and author of many well-known books about the 2nd World War. He offers a sizable reward for any document signed by Hitler which orders the extermination of Jews;

Dr. David Hoggan, American professor of history and author of several extensive volumes on World War II history;

Prof. Arthur Butz, American researcher and author of the controversial book, *The Hoax of the 20th Century*;

Prof. A. J. App of the U.S., a well-known writer and lecturer on the topic of Hitler and the Jews;

Prof. Rassinier, former inmate of several German concentration camps and member of the French National Assembly, the author of several books about the Jews in wartime Europe;

Prof. Udo Walendy, German political science lecturer and historian;

Thies Christophersen, German poet and journalist who worked at Auschwitz and who has written several books and articles about Auschwitz and the gas chamber myth;

Felderer of Sweden who personally visited postwar Auschwitz in order to prove that 'gas chambers' had been constructed by the Communists after the war;

Attorney Bennett of Australia whose research was prompted by his work in the Civil Rights Section of the Australian Attorney General's Office.

There are hundreds of names of authorities on this topic, all of whom I have met, interviewed, corresponded with or whose works I have read. Most of these persons are willing to attend any trial or court proceedings on this subject in the capacity of witnesses.

ZIONISTS DOMINATE MEDIA. GERMANS ARE DENIED EQUAL TIME!

As I see it, this matter is one of Freedom of Thought and Expression on the one hand and the Suppression of Freedom and Enquiry on the other. To seek officially to quell legitimate controversy through the use of smear-words like 'hate' and 'racism' is neither just nor relevant to the issue. Zionism is a political movement, not a racial movement. Zionists like Elisabeth Taylor, Sammy Davis Jr., Pat Boone, Billy Graham and Attorney General of Ontario McMurtry are not Jews nor Semites; therefore any criticism of Zionist policy cannot be 'racism'. When Jews disagree as I do with the official Zionist version of Auschwitz, are they accused of 'racism' or 'hate'?

Many Jews are totally opposed to political, that is worldly, Zionism and I am proud to number such outstanding figures as these among my friends and supporters: Rabbi Elmer Berger, former president of the American Council for Judaism; Haviv Schieber, former mayor of Beer Scheeba and comrade-in-arms of Menachem Begin and Moise Dayan who is now living as a refugee from Israeli persecution in Washington D.C.; Benjamin Freedman, former secretary to Henry Morgenthau Sr. who witnessed at firsthand the Zionist machinations of the First and Second World Wars. In addition to these individual Jewish authorities, there are the thousands of Hasidic Jews who protest against Zionism and the State of Israel as being "the work of the Devil". There are the Jews who demonstrated against Menachem Begin as a

leading proponent of Zionism. In brief, not all Zionists are Jews and not all Jews are Zionists. Once again, how can any criticism of Zionist tenets be construed as 'racism'? Because no Zionist is "a member of an identifiable group" under the Criminal Code, any more than Liberals or Conservatives, can such criticism constitute 'hate' under the Criminal Code?

I believe that Zionists and their sympathisers are using the letter of the law to defy the spirit of the law; that they are using words like "hate" and "racism" to conceal their very real attempt to suppress the truth. I do not believe that the so-called 'Hate Law' section of the Criminal Code was intended to be an instrument for the suppression of free enquiry and discussion. The 'Hate Law' was adopted by the Canadian Parliament as a result of almost exclusively Jewish-Zionist agitation. Now it appears that it is being invoked to prevent the exposure of the biggest money raising racket of all time, namely the Holocaust Lie. The real issues in this matter are not 'anti-semitism', 'racism' or 'hate', but Truth, Freedom of Speech and Press, Freedom of Enquiry and ultimately, Justice. Help us safeguard these precious freedoms now!

EXERCISE YOUR RIGHTS AND DUTIES AS FREE CITIZENS WHILE THERE IS STILL TIME BY GIVING THIS ISSUE MAXIMUM ATTENTION AND PUBLICITY! CONTACT ME FOR FURTHER INFORMATION, INTERVIEWS AND ARRANGEMENTS FOR PUBLIC SPEAKING APPEARANCES:

(signature) Ernst Zündel, 206 Carlton Street Toronto, Ontario M5A 2L1 Tel. (416) 922-9850

Luby agreed that what Zündel had written appeared to be his opinion. (Luby, 8, 1556-1575)

Notes

1. In a voir dire to determine the admissibility of *The Hitler We Loved and Why* Zündel had testified that he had no connection with the book other than providing some of the photographs. He wrote none of the text (some of which he disagreed with) and never published it. The name "Christof Friedrich" had been used without his permission. Thomas nevertheless admitted the book into evidence. He later instructed the jury that if they concluded on the basis of the "As It Happens" interview, *UFO's: Nazi Secret Weapon?* and *The Hitler We Loved and Why* that Zündel was a believer in National Socialism, they could infer that he would knowingly publish falsehoods (i.e. *Did Six Million Really Die?*) "to foster and protect those beliefs."

Witnesses for the Prosecution

Diana Mendl

[Diana Mendl was the third witness called by the Crown. She testified on February 4, 1988.]

Diana Mendl was a supervisor of the radio program archives and music library for the Canadian Broadcasting Corporation (CBC). The archive maintained tapes of programs which went on the air, firstly, as a record for the history of Canada as portrayed by the CBC and, secondly, as a resource for reuse in other programs such as current affairs news programming. (8-1615-16)

On January 7, 1988, in response to a search warrant, Mendl provided Sgt. John Luby with two duplicate tapes of the Christof Friedrich item broadcast on "As It Happens" on February 27, 1975. The cassette copies were taken from the archives master tape number 750227-2 recorded during the broadcast. (8-1617)

On cross-examination, Mendl stated that the CBC was very reluctant to give up master tapes. The tape segment introduced in court was a tape of the broadcast itself and not necessarily a tape of the entire interview which took place. She admitted that it was "possible" that the interview had been edited and cut for the radio program. The only persons who would be privy to the circumstances of that particular interview would be Barbara Frum, the interviewee, any technicians present and the likely producer of the show, Mark Starowicz. (8-1619, 1620; tape of the "As It Happens" segment filed as Exhibit 5.)

Raul Hilberg

[Raul Hilberg testified at the first trial of Ernst Zündel in 1985. Prior to the second trial in 1988, Hilberg was asked by Crown Attorney John Pearson to reattend in Canada to give expert historical testimony on the Holocaust. Hilberg refused. In a letter to Pearson dated 5 October, 1987 Hilberg wrote:

"I have grave doubts about testifying in the Zündel case again. Last time, I testified for a day under direct examination and for three days under cross-examination. Were I to be in the witness box for a second time, the defense would be asking not merely the relevant and irrelevant questions put to me during the first trial, but it would also make every attempt to entrap me by pointing to any seeming contradiction, however trivial the subject might be, between my earlier testimony and an answer that I might give in 1988. The time and energy required to ward off such an assault would be great, and I am afraid that the investment of time alone would be too much, given all the commitments and deadlines I am facing now."

As a result, Crown Attorney Pearson applied to the court to have Hilberg's 1985 testimony read to the jury. Defence attorney Christie objected to the reading in of the testimony, alleging that Hilberg had perjured himself in 1985 with respect to his views on the existence of a Hitler order or orders, and that this was the real reason he was refusing to reattend in Canada. Christie pointed out that in 1985 Hilberg had testified that he believed a Hitler order existed; within weeks of that testimony, however, Hilberg's second edition of his book *The Destruction of the European Jews* had been published, in which he excised all mention of a Hitler order in the main body of the work. Christie argued it would be gravely prejudicial to Zündel and an insult to the administration of justice to allow the evidence to go to the jury without benefit of cross-examination in person of Hilberg.

The application was nevertheless granted by Judge Ron Thomas and Pearson read Hilberg's previous testimony into the record over a four day period on February 4, 5, 8 and 9, 1988. What follows is the 1985 Hilberg testimony. All references are to the 1985 transcript.

Raul Hilberg was born in Vienna, Austria, in 1926. He emigrated to the United States in 1939. He came alone, without his family. In 1944, Hilberg started service with the United States Army doing intelligence work. (4-680)

After the war, Hilberg obtained a B.A. degree in political science from Brooklyn College and M.A. and Ph.D. degrees from Columbia University in public law and government. His doctorate was obtained in 1955. Hilberg subsequently took up a teaching post at the University of Vermont which he still held. A full professor,

Hilberg taught international relations, American foreign policy, and the Holocaust. (4-681, 682)

Hilberg commenced his study of the Holocaust in 1948. For a year (from 1951 to 1952) Hilberg worked at the Federal Records Centre at Alexandria, Virginia, in a project for the United States government, exploring captured German documents. His main work with respect to the Holocaust, said Hilberg, was "writing, sometimes consulting with publishers that send me books, or manuscripts, to be reviewed, and things of this sort." (4-682)

Hilberg had written a major work on the Holocaust entitled *The Destruction of the European Jews*, "...which was first published in 1961, and has been re-printed a number of times. An enlarged edition came out in Germany two years ago, and a somewhat larger one that will come out in three months in three volumes in the United States. That will be a revised, expanded edition, but in between I have published other works, both articles and books." *The Destruction of the European Jews* was about 800 pages long with double columns of text and about 3,000 footnotes. The forthcoming second edition, said Hilberg, "will be larger. Some condensation of material, but much that's been added. It's hard to transfer percentages, because the format is a little different. It's not double columned anymore, but it is 30, 40 percent longer than the first, even though it comes out in three volumes." (4-683, 686, 687)

Articles which Hilberg had written included ones for the *Encyclopedia Americana* and *Funk and Wagnalls Encyclopedia*: "On the Americana, on concentration camps, as well as the entry in Dachau and Buchenwald, and in Funk and Wagnalls on the Holocaust as such." Almost everything that he had written, said Hilberg, pertained to the destruction of the Jews. (4-683, 684)

Hilberg was a member of the United States Holocaust Memorial Council by appointment of the President of the United States. He had also been a member of the President's Commission on the Holocaust by appointment of President Carter. His other memberships included the American Society of International Law and the Jewish Studies Association as well as being a sinecure on some editorial boards. (4-684)

Hilberg defined the "Holocaust" to mean "the annihilation by physical means of the Jews of Europe during the Nazi regime between the years 1933 and 1945." (4-686)

In carrying out his research, Hilberg testified, "My main research strategy is to look at documents, to rely primarily on documents, and secondarily on the statements of witnesses, all kinds of witnesses who have knowledge of or direct observation of any part of the subject matter that I am interested in... When I speak of documents, I mean primarily public documents. That is to say, records of the German Nazi regime, kept primarily during the years 1933 to 1945. The United States government in particular captured a large part of these records during the war and kept them physically in Alexandria, Virginia. I looked at some of them while they were located in that area. In addition, of course, I looked at the so-called Nuremberg documents which are, essentially, taken from this pile, for purposes of introducing evidence in the war crimes trials in Nuremberg -- namely, 1946, 7, 8, 9. In addition to that, I have been to

archives in foreign countries where smaller collections are available and looked at those, quite a few in the original... In the pre-Xerox age, one had to copy the documents by hand, and that is what I did for years." Hilberg believed he copied "a few thousand" by hand over the years. (4-685, 686)

In his methodology as a historian, Hilberg said, "I would describe myself as an empiricist, looking at the materials, particularly the small details, and trying to come to conclusions from these details about the larger processes and the larger issues." As an example, he would "look at railway transports from specific areas to death camps with a view to establishing the pattern of deportations and killings in Europe, or I would look at the manner in which clothing, or the lost belongings of the gassed would be collected and distributed to find out some, in some way, as to how thorough the process was, what the mentality behind it was, and how, indeed, it was financed." (4-687, 688)

What perspective did he take in his work? "I was mainly curious from the beginning," said Hilberg, "and I am still curious now about the details, about how this process was implemented from stage one to the last. I did not view it as a simple, massive, amorphous undertaking. I wanted to see it in its step-by-step procedure. Trained as a political scientist, I was interested in who made these decisions and in what order they were made. And on the whole, that is a perspective of a political scientist approaching a historical probe." (4-688)

Hilberg had seen *Did Six Million Really Die?: Truth At Last Exposed* and had had an opportunity to read it. Crown Attorney Peter Griffiths asked Hilberg to comment on the historical methodology used in the pamphlet, considered as a whole. Hilberg replied, "It's a bit hard to use the word 'methodology' in connection with such a pamphlet. Methodology presupposes some honest look at material and conclusions drawn honestly from it. What I find here is concoction, contradiction, untruth mixed with half-truths as some ordinary statements which anyone can accept in order that it's hard for me to comprehend. It seems, at first glance, and also upon re-reading, to be a highly biased statement." (4-690, 691)

Griffiths directed Hilberg's attention to page 7 of the pamphlet where Harwood had written:

In the first place, this claim cannot remotely be upheld on examination of the European Jewish population figures. According to Chambers Encyclopaedia the total number of Jews living in pre-war Europe was 6,500,000. Quite clearly, this would mean that almost the entire number were exterminated.

Hilberg testified that in the course of his studies he had tried to determine the total number of Jews in pre-war Europe and described his methodology: "In the first instance I would consult census statistics. In some countries there is a breakdown in the census by religion, and those areas, one must look at the date of the census and, obviously, one must, in certain instances, account for the difference of years, if it is a 1930 census to 1939 or to 1940, given the birth rates in the population as estimated. In those countries in which there was no census figure, and there are some like that, the data are a little bit more nebulous. They are based upon estimates made on the whole Jewish communities, but there are estimates made as well by the Gestapo and by

German statisticians, and one can look at all of these, and I have done that. Not one which I would describe as highly precise, but one which, nevertheless, gives me a ballpark figure...About 9-1/2 million pre-war... There is quite a percentage of error in that figure because, however one wishes to define Europe, I look at the Jewish population of Poland for which there is a census figure for 1930, and a Polish estimate for 1935, and the figure is 3,350,000 just for one country, Polish. One looks at the census of the Soviet Union and sees in 1939, January 1939 census, a figure of 3,020,000. So here are two countries with 6 million and, roughly, 400,000 people. And that does not encompass Germany, France, Britain, and also other European countries, Hungary and Romania, which may be added." (4-692, 693)

Do you have any difficulty with defining what a Jew is in pre-war Europe?, asked Griffiths. Said Hilberg, "Basically, the census statistics take the definition to be religion. Anyone belonging to the Jewish religion at the time was considered to be Jewish. Needless to say, Nazi Germany wrote its own definitions of the term "Jew," so did satellite states such as Hungary, where the term "Jew" was defined in terms of grandparentage -- in short, an individual with four Jewish grandparents, even though born into the Christian religion, was considered Jewish, under the Nazi definition. Thus, there is a difference, depending upon the country involved, of several percentage points, based upon which definition is adopted." (4-693, 694) In summary, Hilberg indicated that his calculation was 9-1/2 million Jews in pre-war Europe, but that if one introduced different criteria of the definition of "Jew" as those belonging to the Christian religion, the numbers were slightly higher. "So these are ballpark figures," he concluded. (4-705)

Griffiths produced a copy of page 99 of the 1973 edition of Chambers Encyclopedia, a portion of which Hilberg read to the court:

On the continent of Europe apart from Russia, whose western provinces also suffered terribly, only a handful of numerically unimportant communities in neutral countries escaped and of the 6,500,000 Jews who lived in the Nazi dominated lands in 1939, barely 1,500,000 remained alive when the war ended six years later.

Hilberg testified that in this excerpt from Chambers, Russia was excluded from the calculation. "It refers to 6,500,000 Jews in Nazi-dominated lands in 1939... leaving aside the accuracy of this figure about which I wouldn't comment, the fact is that Nazi-dominated Europe widened as German armies marched into France, Belgium, Holland, and above all, the eastern regions of Poland and the Soviet Union... in 1940 and 1941..." (4-695, 696)

Griffiths returned to Did Six Million Really Die? and read from page 10:

It should be emphasized straight away that there is not a single document in existence which proves that the Germans intended to, or carried out, the deliberate murder of Jews.

"Leaving aside what the authors meant by the term 'document'," said Hilberg, "my interpretation of German records is that there are, indeed, many hundreds of documents dealing with death-dealing operations directly, and reporting upon them, and giving figures and details... for example, when the German armies crossed the

border into the Soviet Union on June 22nd, 1941, they were accompanied by battalion-size units of Security Police and Security Service. These units called Einsatzgruppen reported back on a daily basis all their operations, above all, of course, the killings of people, and that is 90, 95 percent Jews, according to those reports, in various localities of the vast regions of the USSR from the Baltic to the Black Sea. That is just one example of direct reportage in the German documents." (4-697) These documents existed today, said Hilberg and he had seen them. "These documents were Nuremberg documents. They come from the pile of records that the United States captured, or they are photostatic copies, microfilm copies available from the National Archives of the United States. I would not describe them as rare." (4-698)

Griffiths returned to Did Six Million Really Die? and read from page 13:

The Wisliceny statement deals at some length with the activities of the Einsatzgruppen or Action Groups used in the Russian campaign. These must merit a detailed consideration in a survey of Nuremberg because the picture presented of them at the Trials represents a kind of "Six Million" in miniature, i.e. has been proved since to be the most enormous exaggeration and falsification.

Hilberg testified that "of course" did not agree with this statement. Hilberg denied that he had seen anything in the documentation he had gone through that would prove that the evidence presented at Nuremberg dealing with the Einsatzgruppen was an enormous exaggeration and falsification. "I have seen repeated documentation, some of it in the original documents that I have seen in Alexandria, Virginia, which do indicate much larger figures for these mobile operations which involve shootings on a mass scale. They were not at all limited to the so-called commissars attached to the Red Army. There were extremely few of those. Indeed, there were not 34,000, as stated here." (4-699)

Griffiths returned to the pamphlet and continued reading:

The Einsatzgruppen were four special units drawn from the Gestapo and the S.D. (S.S. Security Service) whose task was to wipe out partisans and Communist commissars in the wake of the advancing German armies in Russia. As early as 1939, there had been 34,000 of these political commissars attached to the Red Army. The activities of the Einsatzgruppen were the particular concern of the Soviet Prosecutor Rudenko at the Nuremberg Trials. The 1947 indictment of the four groups alleged that in the course of their operations they had killed not less than one million Jews in Russia merely because they were Jews.

These allegations have since been elaborated; it is now claimed that the murder of Soviet Jews by the Einsatzgruppen constituted Phase One in the plan to exterminate the Jews, Phase Two being the transportation of European Jews to Poland. Reitlinger admits that the original term "final solution" referred to emigration and had nothing to do with the liquidation of Jews, but he then claims that an extermination policy began at the time of the invasion of Russia in 1941.

"What is correct in the statement," said Hilberg, "is that there were four Einsatzgruppen composed, as stated here. It is also correct that I, myself, have stated

that the killings of the Jews in the path of the Einsatzgruppen was phase one, and that the deportations was phase two. I, myself, have stated this in my own work. Also it is true, not only Reitlinger has stated that, that the usage of the term 'final solution' is an old usage, and it did mean emigration or some other disappearance of Jewry from the scene in the early days, and it did not mean killing until 1941. The phrase was not altered. The meaning given to the phrase was, however, entirely different once it was used in connection with either Einsatzgruppen operations or deportations to Poland." (4-701, 702)

Hilberg testified that he was familiar with Gerald Reitlinger's book *The Final Solution*. "It appeared in the early fifties. It is one of the first studies made on the basis of what I would consider not an overwhelming number of evidentiary materials, but nevertheless, enough to sketch the large picture. It is actually a rather conservative work. It's written by an Englishman, Reitlinger, who tended to be skeptical, and especially with regard to numbers, tended to downgrade them rather than move them up." (4-702)

Griffiths continued reading from the pamphlet:

He considers Hitler's order of July 1941 for the liquidation of the Communist commissars, and he concludes that this was accompanied by a verbal order from Hitler for the Einsatzgruppen to liquidate all Soviet Jews (*Die Endlösung*, p. 91). If this assumption is based on anything at all, it is probably the worthless Wisliceny statement, which alleges that the Einsatzgruppen were soon receiving orders to extend their task of crushing Communists and partisans to a "general massacre" of Russian Jews.

Hilberg testified that he based his opinion on more than the Wisliceny opinion. "There are statements made by various commanders, not only of, but in these Einsatzgruppen, some of them testifying at Nuremberg. Their affidavits are on record. There are statements made by members of the armed forces. There are records, including one which mentions the Chief of Operational Staff... in the High Command of the armed forces. Now, these are short, very concise, almost cryptic statements, but they do refer to a Hitler order. As far as the written material is concerned, it only refers to commissars and Jewish Bolshevik chieftains, as Hitler referred to them, but so far as the comments and statements of the commanders of Einsatzgruppen who, after all, were in the field and who carried out these operations, were concerned, yes, there was a Hitler order. Surely they didn't want the impression to be created that they were doing all this on their own without the Hitler order." (4-703, 704)

Griffiths turned to the subject of the Nuremberg trials. Hilberg testified that he had read the Nuremberg transcript volumes and explained what the trials had entailed. "There was a trial of the so-called major war criminals headed by Göring. This was a trial under a Charter, actually a treaty, but it is called a Charter of the International Military Tribunal, to which some twenty-odd countries were a party. The judges at the trial were American, U.S., British, French and Soviet. The prosecution also was drawn from these four powers, and the defendants were the top leadership apprehended after the war, with some exceptions -- a few lower-ranking individuals as well. This record produced twenty volumes of testimony and additional volumes of documentation. There were so-called subsequent trials which were conducted as U.S.

military tribunal proceedings, but these proceedings were, although called 'military', and although deemed 'international' because under a Control Council which was passed by all four occupying council, these particular trials were headed by American judges drawn from the highest state courts and consequently proceeded along lines customary and usual in these courts. There were twelve subsequent trials involving Field-Marschals, top corporation executives, top ministerial bureaucracy representatives, and the like, also the high SS people. And these twelve subsequent trials produced yet another much larger record of documentation and testimony... Only one trial had a single accused, Milch. The others had several accused, up to more than a dozen." (4-705- 707)

Griffiths read from page 11 of Did Six Million Really Die? concerning the Nuremberg trials:

The Rules of Evidence, developed by British jurisprudence over the centuries in order to arrive at the truth of a charge with as much certainty as possible, were entirely disregarded at Nuremberg. It was decreed that "the Tribunal should not be bound by technical rules of evidence" but could admit "any evidence which it deemed to have probative value," that is, would support a conviction. In practise, this meant the admittance of hearsay evidence and documents, which in a normal judicial trial are always rejected as untrustworthy. That such evidence was allowed is of profound significance, because it was one of the principal methods by which the extermination legend was fabricated through fraudulent "written affidavits". Although only 240 witnesses were called in the course of the Trials, no less than 300,000 of these "written affidavits" were accepted by the Court as supporting the charges, without this evidence being heard under oath.

With respect to this passage, Hilberg said, "The system of keeping records at Nuremberg was to give each document an accession number -- that is, regardless of content, as a document is received, it would receive a consecutive number within a so-called document series. So we have a pretty good figure of the number of documents that there were. These documents were given numbers regardless of whether they were German correspondence or affidavits. It made no difference. They would just get a number. And if the previous number was 599, then the next number was 600. From this I could tell you that the prosecution documents at the first Nuremberg trial were approximately 4,500, 5,000, including affidavits, that the prosecution documents in all the subsequent trials which I have mentioned aggregated roughly 40,000 documents, including affidavits, but in addition, there were many defence documents... In fact, I would, without being able to give you exact figures, say that I have seen enormous quantities of defence affidavits which were received. Indeed, I used some of them, and they are in the footnotes of my work. But in no case can we speak of 300,000 affidavits. That would be, even if you include all of the defence affidavits, which are more than the prosecution affidavits, that would be excessive." (4-711, 712)

Griffiths continued reading from the pamphlet:

Under these circumstances, any Jewish deportee or camp inmate could make any revengeful allegation that he pleased. Most incredible of all, perhaps, was the fact that defence lawyers at Nuremberg were not permitted to cross-examine prosecution witnesses....Moreover, the majority of witnesses were also Jews.

Hilberg testified that in the subsequent trials at Nuremberg, "there were state judges quite used to the rules of evidence and the usual business of what is and is not a legitimate question... one could not make a statement in any way at all in whatever way one pleased. There had to be some relevance. That is not to say that the statement was necessarily correct or that it was given any great weight, any more than my testimony is to be given quite a lot of weight, but it was a statement, and it had to have some relevance."

It was "strictly falsehood" that defence lawyers were not permitted to cross-examine prosecution witnesses, said Hilberg. He had seen such testimony and used it. "I have gone through the trial testimony of these twelve subsequent trials and I can only state that defence lawyers used a lot of opportunities given to them, and they had these opportunities to cross-examine prosecution witnesses. They may, at some time, have elected not to do so because the testimony was too damaging and they just didn't want to cross-examine." (4-712, 713)

Hilberg also disputed that the majority of witnesses were Jews. "I can't give you numbers, but there was a fair percentage of Jewish witnesses, but there was a very large number of non-Jewish witnesses. Some were victims, and a very large number of witnesses from the defence side. People were testifying about their superiors on trial, or their friend on trial. And moreover, there were prosecution witnesses drawn from the German bureaucracy as well. Some of these were called turncoats, but nevertheless there were people testifying for the prosecution, even though they, themselves, may have been in the SS or some other capacity involved in acts of destruction. So as far as that goes, as far as the statement about witnesses is concerned, yes, there were Jewish witnesses. Of course there were Jewish witnesses. But in no sense do they stand out in my mind as being a majority. Not at all." (4-714, 715)

Griffiths referred to page 12 of Did Six Million Really Die?:

Altogether more disturbing, however, were the methods employed to extract statements and "confessions" at Nuremberg, particularly those from S.S. officers which were used to support the extermination charge. The American Senator, Joseph McCarthy, in a statement given to the American Press on May 20th, 1949, drew attention to the following cases of torture to secure such confessions. In the prison of the Swabisch Hall, he stated, officers of the S.S. Leibstandarte Adolf Hitler were flogged until they were soaked in blood, after which their sexual organs were trampled on as they lay prostrate on the ground. As in the notorious Malmedy Trials of private soldiers, the prisoners were hoisted in the air and beaten until they signed the confessions demanded of them. On the basis of such "confessions" extorted from S.S. Generals Sepp Dietrich and Joachim Paiper, the Leibstandarte was convicted as a "guilty organisation". S.S. General Oswald Pohl, the economic administrator of the concentration camp system, had his face smeared with faeces and was subsequently beaten until he supplied his confession.

Hilberg had heard of Senator Joseph McCarthy and indicated he was not a historian. "I think the reference here," said Hilberg, "was to a trial, so-called Malmédy trial. This, by the way, was not a Holocaust trial, but concerned a trial of SS people charged with shooting American prisoners of war... It concerns prisoners of war, wanton

shooting of American prisoners of war. That is what this is all about... And in any case, the facts alleged here are so mixed up and so -- it is hard to comment on it." (4-715, 716)

Griffiths continued on to page 13 of *Did Six Million Really Die?* where Harwood alleged that Otto Ohlendorf, the commander of Einsatzgruppe D in the Ukraine during the war, was tortured by the Allies. With respect to this section of the pamphlet, Hilberg said, "...I know nothing about such torture and really find it a bit incredible... It is, to me, a little bit inconceivable that by 1947 or 8 prisoners in a war crimes trial under American custody, American military police, would have been tortured in a physical sense. I am not talking about whether they conceived the questioning as torture, but whether they would be tortured in a physical sense -- I speak here as an ordinary person, not an expert -- it is a matter of being an American and having lived amongst Americans and looking at what is and isn't plausible, and I have never seen any document connected with this trial in which the defence alleged that there was torture." (4-717, 718)

Griffiths referred Hilberg next to the portion of *Did Six Million Really Die?* dealing with Oswald Pohl. Hilberg testified that Pohl was "a high-ranking SS officer in charge of the so-called Economic Administrative Main Office of the SS and police mechanism. In his jurisdiction, among other things, was the management of concentration camps -- not all camps, but those labelled as concentration camps. He also managed so-called SS enterprises, utilizing prisoners for labour. He also dealt with purely financial matters pertaining to the organization known as the SS and Security Police. That was his job." (4-718)

Griffiths read a portion of the pamphlet's section on Pohl at page 14:

A peak point of hypocrisy was reached at the trial when the prosecution said to Pohl that "had Germany rested content with the exclusion of Jews from her own territory, with denying them German citizenship, with excluding them from public office, or any like domestic regulation, no other nation could have been heard to complain." The truth is that Germany was bombarded with insults and economic sanctions for doing precisely these things, and her internal measures against the Jews were certainly a major cause of the declaration of war against Germany by the democracies.

Oswald Pohl was an extremely sensitive and intellectual individual who was reduced to a broken man in the course of his trial. As Senator McCarthy pointed out, Pohl had signed some incriminating statements after being subjected to severe torture, including a bogus admission that he had seen a gas chamber at Auschwitz in the summer of 1944.

With respect to the allegation that Germany's treatment of the Jews was a major cause of the war, Hilberg commented that "it is common knowledge that Germany attacked Poland on September 1st, 1939, and that two days later Great Britain and France declared war on Germany." (4-719)

Hilberg continued: "The correspondence that I have seen conducted by Pohl, and I now speak of documents with his signature, his handwritten signature, deals with such matters as the construction budgets for concentration camps -- where to finance the

money, be it for barracks or other installations, where to finance the ammunition for the guards. He dealt with the death rates in the concentration camps. He dealt with Auschwitz to a very considerable extent, because that was one camp under his jurisdiction -- not all of them were, but Auschwitz was. So his duties, if we may call them that, encompassed the management of the concentration camp system, roughly twenty full-fledged concentration camps and the numerous satellite camps around them which contained hundreds of thousands of people at any one time, in which death at Auschwitz and in other localities reached seven digits. And that was the man, Pohl. Now, by background, he was an accountant. He might have been mild mannered, although his correspondence is not mild- mannered." (4-720, 721)

Griffiths asked if there was anything, from Hilberg's examination of the documents, that indicated Oswald Pohl was tortured. Hilberg said, "No. I must make a comment here about Pohl that I made earlier about Ohlendorf or anybody else. I haven't seen any allegations of torture by the defence. The defence had every opportunity to raise such a statement, make such questions. I haven't seen any in the record. I have been through all the record. I am not even sure just what Senator McCarthy, even considering what he was and who he was, made a footnote in any of this material." (4-722)

Griffiths drew Hilberg's attention to a passage in the pamphlet at page 11:

Should anyone be misled into believing that the extermination of the Jews was "proved" at Nuremberg by "evidence," he should consider the nature of the Trials themselves, based as they were on a total disregard of sound legal principles of any kind. The accusers acted as prosecutors, judges and executioners; "guilt" was assumed from the outset.

Griffiths indicated that what interested him was the phrase "guilt was assumed from the outset." Were all the people that were tried in the various Nuremberg trials convicted?, asked Griffiths.

"Oh, no," said Hilberg. "Not all. Some were exonerated. Some were convicted on some count, but not other counts." There was no uniform penalty for those who were convicted. "There were short prison sentences, some long ones, some life, a few death sentences. I could spot no uniformity. There was, perhaps, a tendency to impose more severe penalties on the members of the SS engaged in shootings, and lesser penalties on diplomats or white-collar people generally. That was the only distinction I could find in the sentencing procedure." (4-723, 724)

Griffiths turned to the next chapter in *Did Six Million Really Die?* which dealt more specifically with Auschwitz and read the following sentence at page 16:

However, no living, authentic eye-witness of these "gassings" has ever been produced and validated.

"Well, there is certainly such witnesses," said Hilberg, "and some who retrieved the bodies -- they would be Jewish workers, inmates - from the gas chambers. Here and there an SS person who said that he would look through the peephole in the door and witnessed gassings in that fashion. In Russia, where there were gas vans, occupied

Russia, where gas vans were used, there were many witnesses because it was an outdoor undertaking, as the bodies, particularly, were being unloaded. So I would say that there were a fair number of witnesses. Not a huge number, a fair number." (4-724, 725)

These witnesses had testified in the past in trial proceedings, said Hilberg. "Most recently I suppose, in the West German trials conducted in the course of 1960 against death camps located in Poland, not Auschwitz, but other camps." Hilberg had read the transcripts and the statements that were taken in these trials. Hilberg had also read the book *Eyewitness Auschwitz* by Filip Müller. "He was a person deported from Slovakia in 1942 and remained in Auschwitz through 1944." Hilberg had not read any testimony given by Müller in court proceedings but was familiar only with his book. (4-725)

Griffiths asked Hilberg to comment on a map on page 17 of the pamphlet which made a distinction between concentration camps and death camps. Hilberg said, "I would characterize a death camp as one which was set up for the specific purpose of killing people, one in which there was an ongoing operation designed to kill as many people as possible upon arrival. Under my definition, such camps were in Auschwitz. Not the whole of the Auschwitz camp, but in Auschwitz. Chelmno is indicated here [as a death camp]. Treblinka is indicated here. Sobibor is indicated here. Belzec is indicated here. And to a limited extent, Majdanek, which the Germans simply referred to as Lublin. I would not include Stutthof, although it is on this map, also as a death camp. There were shootings going on, but one must remember that the definition of 'death camp' versus 'concentration camp' is sometimes semantic. In Stutthof, too, there were systematic shootings. I would look for systematic killings in the numbers of tens of thousands, or hundreds of thousands or more before I would personally characterize the facility as a 'death camp'." (4-726, 727)

Griffiths returned to *Did Six Million Really Die?* and read from page 18:

In terms of numbers, Polish Jewry is supposed to have suffered most of all from extermination, not only at Auschwitz, but at an endless list of newly-discovered "death camps" such as Treblinka, Sobibor, Belzec, Majdanek, Chelmno and at many more obscure places which seem suddenly to have gained prominence. At the centre of the alleged extermination of the Polish Jews is the dramatic uprising in April 1943 of the Warsaw Ghetto. This is often represented as a revolt against being deported to gas ovens; presumably the alleged subject of Hitler and Himmler's "secret discussions" had leaked out and gained wide publicity in Warsaw. The case of the Warsaw Ghetto is an instructive insight into the creation of the extermination legend itself. Indeed, its evacuation by the Germans in 1943 is often referred to as the "extermination of the Polish Jews" although it was nothing of the kind, and layers of mythology have tended to surround it after the publication of sensational novels like John Hersey's *The Wall* and Leon Uris' *Exodus*.

Griffiths asked Hilberg to comment on the phraseology "an endless list of newly-discovered death camps" used in this passage. Hilberg replied, "Well, I would simply state that it is not an endless list, and it is not a case of newly-discovered death camps. Some of these camps were mentioned in the war. They were discovered to have existed by Polish underground personnel. One can find them mentioned in the New

York Times during the war. So they are not as mysterious as is indicated here. That is not to say that much knowledge existed about these camps, because of the jurisdictional nature -- that is to say, the reporting system from them. Not as many records have survived and, indeed, there have not been many people who survived these camps and, hence, also the testimony is less, and was not systematically gathered before the 1960s when the West German authorities conducted trials. Now, to the extent that the discoveries are 'new', yes, they were made in pursuance of several trials conducted by the West Germans against personnel of Treblinka, Sobibor, Belzec, Chelmno and, most recently, Majdanek." None of these trials, said Hilberg, were mentioned in the pamphlet. (4-729)

Griffiths turned to page 18 of *Did Six Million Really Die?* and read a long passage:

It has been established already that the 1931 Jewish population census for Poland placed the number of Jews at 2,732,600, and that after emigration and flight to the Soviet Union, no more than 1,100,000 were under German control. These incontrovertible facts, however, do not prevent Manvell and Frankl asserting that "there had been over three million Jews in Poland when Germany began the invasion" and that in 1942 "some two million still awaited death" (ibid, p. 140). In reality, of the million or so Jews in Poland, almost half, about 400,000 were eventually concentrated in the ghetto of Warsaw, an area of about two and a half square miles around the old mediaeval ghetto. The remainder had already been moved to the Polish Government-General by September 1940. In the summer of 1942, Himmler ordered the resettlement of all Polish Jews in detention camps in order to obtain their labour, part of the system of general concentration for labour assignment in the Government-General. Thus between July and October 1942, over three quarters of the Warsaw Ghetto's inhabitants were peacefully evacuated and transported, supervised by the Jewish police themselves. As we have seen, transportation to camps is alleged to have ended in "extermination", but there is absolutely no doubt from the evidence available that it involved only the effective procurement of labour and the prevention of unrest. In the first place, Himmler discovered on a surprise visit to Warsaw in January 1943 that 24,000 Jews registered as armaments workers were in fact working illegally as tailors and furriers (Manvell and Frankl, ibid, p. 140); the Ghetto was also being used as a base for subversive forays into the main area of Warsaw.

"Now, of course," said Hilberg, "this paragraph perhaps stands out for containing more errors, misstatements and some outright preposterous nonsensical matter. You know, it's hard to comment, but I'll try. The census of 1931 is incorrectly reproduced here. It was not 2,732,600. It was over 3 million. The error here is in attributing 2,732,600 to 1931 instead of to an earlier census in the 1920s. So we start out with an error that may have been an honest error, but it is incorrect. There is a statement that, 'after the emigration and flight to the Soviet Union, no more than 1,100,000 were under German control.' I have no idea where that number, 1,100,000, came from in this passage. All I could tell you is that there is a report that indicates, to a considerable degree of accuracy, how many Jews were located under German control at various times. We know that this number was approximately 2 million after Poland was divided -- that is to say, in the western portion of Poland in 1939, and we know that, except for a quarter of a million that succeeded either in escaping to the Soviet Union or in being in the Red Army or in having been deported by Soviet authorities, except for that, roughly a quarter of a million, almost the entire Jewish population of

Poland aggregating over 3 million, was caught between 1939 and 1941 under German control. So in short, not 1,100,000, but somewhat over 3 million." (4-732, 733)

Griffiths asked Hilberg to explain why he believed only 250,000 Jews escaped into the Soviet Union. Hilberg replied, "There is a report, and this is just one of several, by a statistician employed by the SS whose name was Korherr. This report was made with all the statistics gathered to the end of 1942, and a supplement for three more months to the period March 31st, 1943. In this report are detailed the figures of Jews under German control by region. And we know, therefore, how many of these people were under German control at given periods of time. But in addition there are detailed figures where specific districts, and where specific cities, some of them actually published in print by German authorities, others contained in German documents, that enable us to pretty accurately determine how many Jews were, indeed, under German control. And these are the figures that I just gave you. Now, how do we know how many people did escape to the Soviet Union? We do not know this directly. We have no figures from the USSR. We have only the data gathered after the war of those of the Jews who were able to escape who made it back. Since all these Jews were Polish citizens, they were given the opportunity to go back. They did not, of course, stay in Poland, but became displaced persons, and they were roughly 180,000 of them. I said perhaps a quarter of a million succeeded in escaping. I am attributing deaths to some of them. After all, they were fighting in the Red Army to some extent, or they perished while escaping, but the figures are within limits roughly a quarter of a million escapees. We know that, after the war, the number of Jews under German control in Poland, those that have been in Poland, was extremely few. The Korherr report, fewer than 300,000 Jews remaining in the so-called Government General, plus 80,000 that remained in the ghetto of Lodz, plus a certain number, not very many, sometimes thousands, in Bialystok, plus a handful in the eastern districts of Volhynia. By March 1943 a census was made by the Germans, and only 202,000 Jews were left in the General Government, indicating a further decline. Subsequent detailed reports indicate that this decline continued. Why 300,000, then 200,000, then fewer? Because the Germans were trying to retain Jewish labour, skilled labour, for as long as possible, with the proviso that also Jewish skilled labour had to disappear one day. Thus, as soon as there were Polish or Ukrainian or other replacements for this labour, Jewish labour was killed and replaced by non-Jewish labour. Thus we see a controlled process of reduction by shooting and by gassing in Poland with the result that of the pre-war population of roughly 3,350,000 as of September 1939, the death toll attributable to the Holocaust is close to 3 million, Poland alone, pre-war boundaries." (4-734 to 736)

Hilberg explained the make-up of the Government General of Poland during the war. "...the Government General consisted of five districts -- the district of Warsaw, the district of Radom, the district of Lublin, the district of Cracow, and the district of Galicia. It didn't include territories of Poland included into the German Reich, and it didn't include certain other eastern territories inhabited by population attached to the Ukraine or, in the case of Russian population attached to the so called Ostland. But the so-called Government General did contain roughly two-thirds of the Polish Jews. Indeed, it contained perhaps two-thirds, or close to two thirds of the population of pre-war Poland." (4-736)

Griffiths asked whether there was any documentation indicating whether there were factories or someplace where Jewish labour could be used in the death camps of Treblinka, Sobibor, Belzec and Chelmno. Hilberg replied, "Belzec was a pure killing facility without any production of any kind whatsoever. Treblinka was a pure killing facility. There was a neighbouring camp by the same name which was much smaller which did have a very small SS- operated granite works. Sobibor was a pure death camp which did establish, late in 1943, a facility for making ammunition, or rehabilitating ammunition, very small. Chelmno had absolutely no facilities for production of any kind. These were extremely small camps in diameter. They were used exclusively for killing." (4-737)

Griffiths referred Hilberg to page 19 of *Did Six Million Really Die?* where Harwood dealt with the Warsaw ghetto uprising:

After six months of peaceful evacuation, when only about 60,000 Jews remained in the residential ghetto, the Germans met with an armed rebellion on 18th January, 1943. Manvell and Frankl admit that "The Jews involved in planned resistance had for a long time been engaged in smuggling arms from the outside world, and combat groups fired on and killed S.S. men and militia in charge of a column of deportees." The terrorists in the Ghetto uprising were also assisted by the Polish Home Army and the PPR -- Polska Partia Robotnicza, the Communist Polish Workers Party. It was under these circumstances of a revolt aided by partisans and communists that the occupying forces, as any army would in a similar situation, moved in to suppress the terrorists, if necessary by destroying the residential area itself. It should be remembered that the whole process of evacuation would have continued peacefully had not extremists among the inhabitants planned an armed rebellion which in the end was bound to fail. When S.S. Lieutenant-General Stroop entered the Ghetto with armoured cars on 19th April, he immediately came under fire and lost twelve men; German and Polish casualties in the battle, which lasted four weeks, totalled 101 men killed and wounded. Stubborn resistance by the Jewish Combat Organisation in the face of impossible odds led to an estimated 12,000 Jewish casualties, the majority by remaining in burning buildings and dug outs. A total, however, of 56,065 inhabitants were captured and peacefully resettled in the area of the Government-General. Many Jews within the Ghetto had resented the terror imposed on them by the Combat Organisation, and had attempted to inform on their headquarters to the German authorities.

Griffiths asked Hilberg whether any reports existed with respect to this event. Hilberg said, "Yes. There is a report by the highest SS and police officer in the area whose name was Stroop. He was in charge in 1943. He made a long report indicating clearly, in writing, where the Jews went in 1942. He said 310,000 were transported to Treblinka, which is a death camp. Now, of the population in this ghetto in 1942, sixty or seventy thousand were left over after that deportation, half of them registered, the other half more or less in hiding. The registered inmates were used in production. So in January yet another six or seven thousand were deported, and following that deportation yet another action began to liquidate the ghetto in its entirety, but that was the liquidation of a remnant." (4-738)

Griffiths asked whether Hilberg remembered Stroop giving a figure of 56,065 in his report. Hilberg replied, "Yes, he does. That's his figure of Jewish dead." (4-741)

So when Harwood spoke of peacefully re-settling that number from the Government General, what was he talking about?, asked Griffiths. Hilberg said, "Well, of course, this whole passage is a complete falsehood in that it converts figures of dead into figures of presumably living people. And the only correct statement in the entire passage is that the assault began on the 19th of April, and Stroop did report 101 casualties, 16 killed and 85 wounded. Everything else here is pretty wrong." (4-741)

Hilberg testified that he had checked other documents which indicated where Jews from the Warsaw ghetto were taken. "In Germany, as I mentioned... there was a trial of Treblinka personnel -- that is to say, people who served in the German guard forces and its commanders -- and there is, of course, a good deal of testimony in the trial record as to the arrival of the Jews of the Warsaw ghetto in Treblinka." (4-742)

Hilberg had also studied railroad schedules. These had become a particular interest of his and played a "very important role" in his study of the Holocaust, "because although there aren't very many of these railroad schedules, they indicate a great deal about the strategy of the German deporting agencies -- for example, why the camps were located where they were located in Poland. The answer is that the Germans -- that is, the Gestapo, as the shipping agents, the Security Police which is the larger element of Gestapo and police, had to pay the German railways for each transport of Jews, the one-way fare per person, third class, per track kilometre. The longer the trip, the heavier the bill. It was thus in the financial interests of the deporting agencies to make those trips as short as possible and to locate the death camps where Jewish population was most heavily, most densely found. The trip, for example, in kilometres from Warsaw to Treblinka is relatively short. That is to say, the bill could be met. It was met, as reported by an SS officer, by selling old clothes, belongings, the currency of those of the gassed, and thus the bill was paid with the belongings of the dead Jews. This is clearly stated in a final report... by a man in charge of collecting and distributing the final belongings of the dead, the personal belongings that were collected in the death camps. Everything was salvaged. Everything was routed to some final purpose and final route, and insofar as any money was to be gotten from it, the expenses of the death operations, including transport costs and the cost of the camps were defrayed. The rest of the money became part of the Reich budget. It was an income to the Reich. That is the way it was done. Now, these railway schedules make clear that the transportees, the deportees, had to be counted for the simple reason that payment had to be made for each one. The counting was necessary for financial purposes. This tells me a great deal about everything that transpired here. We see lots of trains going to a few small places like Treblinka and Sobibor which, on the map, are villages, which on the map are found to be places with a few hundred inhabitants nearby, and all of a sudden you find hundreds of thousands of people going to these places on one-way trips, and the trains returning empty... That is what the documents indicate." (4-743 to 745)

Griffiths turned Hilberg's attention next to page 28 and the pamphlet's treatment of Paul Rassinier:

Without doubt the most important contribution to a truthful study of the extermination question has been the work of the French historian, Professor Paul Rassinier. The pre-eminent value of this work lies firstly in the fact that Rassinier actually experienced life in the German concentration camps, and also that, as a Socialist intellectual and

anti-Nazi, nobody could be less inclined to defend Hitler and National Socialism. Yet, for the sake of justice and historical truth, Rassinier spent the remainder of his post-war years until his death in 1966 pursuing research which utterly refuted the Myth of the Six Million and the legend of Nazi diabolism.

Hilberg had read the German translation of Rassinier's book but had never met Rassinier or corresponded with him. Griffiths asked Hilberg to comment on the methodology used by Rassinier in his work. "I would characterize it in one word," said Hilberg, "as fabrication... Simply because Mr. Rassinier will say thus and thus must have happened, and attach figures to his opinion which come out of thin air. Thus and thus, notwithstanding any evidence, did not happen, and thereby attach figures to justify what he says." (4-746, 747)

Griffiths read from page 29 of the pamphlet:

With the help of one hundred pages of cross-checked statistics, Professor Rassinier concludes in *Le Drame des Juifs européens* that the number of Jewish casualties during the Second World War could not have exceeded 1,200,000, and he notes that this has finally been accepted as valid by the World Centre of Contemporary Jewish Documentation at Paris. However, he regards such a figure as a maximum limit, and refers to the lower estimate of 896,892 casualties in a study of the same problem by the Jewish statistician Raul Hilberg. Rassinier points out that the State of Israel nevertheless continues to claim compensation for six million dead, each one representing an indemnity of 5,000 marks.

Hilberg testified that "the only correct statement in the paragraph" was that his name was Raul Hilberg. Hilberg said he was "actually not" a statistician. He never gave an estimate of 896,892: "not in my book, not in any of my published work, not in any of my unpublished statements that I ever made, not of any kind." Hilberg believed the figure came from "a calculation, if we may call it a calculation, made by [Rassinier] in which he took two columns. Before and after columns, Jewish population in 1939, Jewish population in 1945, adjusted for anything such as migrations or war casualties. He did not subtract the last column from the first. He subtracted one column from the other, which gave him a number such as 5.4 million... And then he decided that he would have to proceed in this number in order to render it into something proper, so he deducted from it various figments of his imagination, numbers that he concocted, and came up with a bottom line, his, not my bottom line, of 896,892. Here the figure is attributed to me." (4-748, 749)

Hilberg indicated that his calculation of the Jewish death toll in the Holocaust was in fact over 5 million. "I have broken it down, particularly in the second edition. I can break it down by cause. I can break it down by locality, and now I could even break it down by time, by year... I would say that of this 5.1 million rounded figure in which the term 'Jew' is taken as the one adopted by the Germans, roughly up to 3 million were deaths in camps. The vast majority of them, of course, were gassed, but several hundred thousands in these camps were shot or dying of privation, starvation, disease and so forth; that a 1.3 million or a 1.4 million were shot in systematic operations... such as those of the Einsatzgruppen, but not limited to Einsatzgruppen operations, shot in primarily the occupied USSR, Galicia, but also Serbia and other localities, and that the remainder, deaths from conditions in the ghettos, which can also be calculated

because the Korherr reports has numbers about such deaths, and because individual ghettos, Jewish councils in these ghettos sent reports to German agencies. We have these reports indicating the monthly death tolls in such places as Warsaw, which was the largest ghetto, and Lodz, which was the second largest ghetto. We also have data about Lvov, which was the third largest ghetto. Thus we do have a pretty good idea of the death rate in the ghettos which, at the peak, in 1941, was one percent of the population per month." (4-749 to 751)

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Griffiths referred Hilberg to page 30 of the pamphlet and asked him to comment on the following paragraph:

Contrary to the figure of over 9 million Jews in German- occupied territory put forward at the Nuremberg and Eichmann trials, it has already been established that after extensive emigration, approximately 3 million were living in Europe, excluding the Soviet Union. Even when the Jews of German- occupied Russia are included (the majority of Russian Jews were evacuated beyond German control), the overall number probably does not exceed four million. Himmler's statistician, Dr. Richard Korherr and the World Centre of Contemporary Jewish Documentation put the number respectively at 5,550,000 and 5,294,000 when German- occupied territory was at its widest, but both these figures include the two million Jews of the Baltic and western Russia without paying any attention to the large number of these who were evacuated.

Hilberg testified that the Richard Korherr referred to in the passage was the chief statistician of the SS and police. Korherr's report, said Hilberg, "runs for something like ten, twelve pages, plus appendixes. It's a report packed with figures." In Hilberg's opinion, the figures quoted by Harwood bore "no resemblance to what is in the Korherr report. Obviously they are totally out of context and inaccurate." (4 755, 756)

Griffiths read from the top of the next column in the pamphlet:

It is very significant, therefore, that the World Centre of Contemporary Jewish Documentation in Paris now states that only 1,485,292 Jews died from all causes during the Second World War, and although this figure is certainly too high, at least it bears no resemblance at all to the legendary Six Million.

Hilberg was not familiar with any organization by the name of the World Centre of Contemporary Jewish Documentation in Paris and he doubted that it existed, "but possibly reference is made to a centre in Paris which has a similar name, but that centre has not published, to my knowledge, any figure resembling 1,485,292 as the total number of Jews that died from all causes during the Second World War." The centre in Paris was the Centre for Documentation of Contemporary Jewry. "It's not a world centre in any sense of the word," said Hilberg, "It's a small research organization, and from my knowledge of its publications, it's never published any figure in the vicinity of 1,485,000 as the Jewish toll." (4-756, 757)

Griffiths returned to Did Six Million Really Die? and read from page 30:

Doubtless, several thousand Jewish persons did die in the course of the Second World War, but this must be seen in the context of a war that cost many millions of innocent victims on all sides. To put the matter in perspective, for example, we may point out that 700,000 Russian civilians died during the siege of Leningrad, and a total of 2,050,000 German civilians were killed in Allied air raids and forced repatriation after the war. In 1955, another neutral Swiss source, *Die Tat* of Zurich (January 19th, 1955), in a survey of all Second World War casualties based on figures of the International Red Cross, put the "Loss of victims of persecution because of politics, race or religion who died in prisons and concentration camps between 1939 and 1945" at 300,000, not all of whom were Jews, and this figure seems the most accurate assessment.

With respect to this passage Hilberg said, "I am not familiar with any such statistics by the International Red Cross or, for that matter, any other organization, and I could not give you the source of it. I don't know whether it's an invented datum here or taken from some publication which I have never heard of." (4-758, 759)

Griffiths asked Hilberg how extensive the academic body studying the Holocaust was. Hilberg testified, "There are, no doubt, several... highly trained researchers still alive or, in fact, young, working in this area within the United States, here in Canada, in western Germany, in Israel, in other countries. It's not a very large group, but there are several dozen... I can give you some names without trying to say that these are the top researchers... In western Germany there is probably, by now, the largest single group researching the Holocaust. A young person, [Uwe Dietrich] Adam, an older person, Helmut Krausnick, who, incidentally, was in the German Foreign Office during World War II, but a very capable and objective historian of the Holocaust. He wrote, as co-author, a book numbering many hundreds of pages about the Einsatzgruppen and the Holocaust in print. In France the leading researcher is Leon Poliakov. In the United States, on the west coast, Christopher Browning. In Canada, at the University of Toronto, Professor Marrus in the Department of History. On the west coast in British Columbia, Professor Conway in the Department of History. In Israel, naturally, there are several historians -- a Professor Bauer, Professor Gutman. I am not giving you all of the names. I am trying to pick names from several countries... They are all published, and this publication goes on, and one can pick up the newspapers and see reviews of books coming out concurrently. The most recent review is of that of an English researcher, Gerald Fleming." (4-759, 760)

Griffiths asked Hilberg whether any of these researchers denied that millions and millions -- 5 to 6 million -- Jews were annihilated as a result of Nazi German policy during World War II. "No," said Hilberg, "There is no such denial." (4-761)

When he began his research in 1948, there were not many people working in the field. "In fact, I believed myself to be alone. As it happened, Professor Poliakov was working in Paris, and Mr. Reitlinger was working in England, but I wasn't aware of the fact, and I did not know them." (4-762)

Griffiths concluded his examination of Hilberg by asking him whether he was a member of any conspiracy or hoax or fraud to falsify the scope and tragic proportions of the annihilation of the Jews. Hilberg replied, "I understand the question. I am not a member of a conspiracy or agreement, nor any of the combination of persons

dedicated to finding conclusions in advance of research, and certainly no hoaxes." (4-764)

Defence attorney Douglas Christie rose to cross-examine Hilberg and commenced by asking him if he had criticized *Did Six Million Really Die?* for not having footnotes. Hilberg said, "Well, of course, I do not mean to say that every single publication must have footnotes, but when there is an allegation of purported facts such as appear in this pamphlet, which are so much at variance with the accepted knowledge, one is entitled to ask for a source in the form of a footnote, so that one may, as a reader, check the information." (4-764)

I simply put it to you, said Christie, that you have criticized the booklet for not having footnotes, sir. Correct or incorrect?

Hilberg replied, "Subject to my answer just before, you are correct in assessing my answer." (4-765)

And isn't it true, asked Christie, that in your entire evidence, today and yesterday, in your broad, sweeping statements of fact, you have not yourself produced one single document to support anything you have said?

"I have made verbal, oral references to documents. The matter of introducing documents in the form of pieces of papers I need hardly tell you, as an attorney, is a matter for the government to decide. I am not the person introducing documents at any time in any court whatsoever. I am simply a witness trying to explain what I know," said Hilberg.

Then you would agree, said Christie, that the simple answer is 'no', and the reason is because the Crown hasn't introduced them through you. Is that your evidence?

"Well, as you just restated the matter, I could accept it broadly, but I wish to remain with my words." (4-765)

I want to understand your words, said Christie. Very simply, that you have yourself, whether it's through the Crown's decision or yours, not produced one single document to support what you have said. Isn't that true?

Hilberg replied, "I have not presented pieces of paper, nor do I deem it my function to do so, but I have orally referred to pieces of paper."

Yes, said Christie, you have mentioned the existence of hundreds of orders and hundreds of train railway schedules and special trains but you have not produced one single example, sir. Have you?

"I have given you oral examples, with leaving out only the document numbers. And if you wish, you can check them in a book I have written. Quite a few are in there."

Hilberg confirmed that he had testified that his methodology was that of an empiricist and that he tried to find out how, but not why, the 6 million were killed. Christie put

to Hilberg that at no time did he ever inquire as to whether the 6 million did in fact die.

Hilberg replied, "The empirical method is one in which one must make certain initial determinations of what happened. In my case, these initial determinations were based upon a cursory examination of documentation pertaining to this event. By 'cursory', I don't mean one or two documents, but I mean a study, after some months, of the then available documentation. Without saying a word in the public or without printing anything, without writing anything, I then said to myself, 'Let us take this initial source pile and ask, what exactly happened here.' Now, the what and the how are the same, and it is in this method, and by these means, that I proceeded to construct the picture, step by step, detail by detail. That is not to say that my initial thoughts or findings were in all respects one hundred percent correct, but the fact of the Holocaust was certainly confirmed over and over." (4-768)

Christie indicated that he wanted a simple answer to his question so that he as a simple person might understand it. I asked you if your method was to find out how it happened, said Christie, not why it happened. Do you agree?

"That's correct," said Hilberg.

I asked you if you ever made an effort to determine if 6 million really died and your answer was you made an initial determination of what happened on the basis of a cursory examination of the available data. Right?, asked Christie.

"That, in order to decide for myself, and myself only, whether to invest my time, and as it turns out my life, in this project...Who would want to spend a lifetime in the study of something that did not happen?, " said Hilberg. He confirmed that he "made an initial determination" that 6 million died: "It would be called a presumption. That is rather rebuttable. It could be destroyed. It could be abandoned upon the finding of contrary evidence." (4-769)

Hilberg agreed that he had given his opinion on a wide range of subjects involving the concentration camps and what he called the death camps: "I have formed opinions," he said. (4- 770)

Have you ever visited Bergen-Belsen?, asked Christie.

"No," said Hilberg.

Have you visited Buchenwald?, asked Christie.

"No."

Have you visited Dachau?, asked Christie.

"No, I have not visited -- I can tell you, to save your questions," said Hilberg, "I have visited only two camps... Auschwitz and Treblinka." (4-771)

Hilberg testified that there were three parts to Auschwitz, the first called Auschwitz, the second called Birkenau and the third called Monowitz. They were also sometimes called Auschwitz I, II and III. Hilberg had visited Auschwitz and Birkenau but not Monowitz. (4-771)

Hilberg had visited Auschwitz and Birkenau once and Treblinka once in 1979 after he wrote his first book. (4-772)

So you wrote a book about a place before you went there, suggested Christie.

"I wrote a book on the basis of the documents," said Hilberg, "...I did not write a book about the place. I wrote a book about an event in which a place is mentioned, albeit repeatedly."

Hilberg agreed that he had written about what happened in a place before he went there on the basis of what he had seen in documents. (4-773)

So we agree, said Christie, that you wrote the book before you ever went to the place you were writing about?

"That's correct," said Hilberg.

When you went to Auschwitz once in 1979, how long did you stay there?, asked Christie.

"One day," said Hilberg.

And to Birkenau?, asked Christie.

"That was the same day."

And to Treblinka?

"That was another day," said Hilberg.

Hilberg agreed that he had spent "something like" one day in Treblinka, and perhaps a half day in Auschwitz and a half day in Birkenau. (4-774)

Hilberg found "one gas chamber, in good condition, but partially reconstructed, in Auschwitz I... In Auschwitz I there is only one gas chamber. There was never more than one, to my knowledge, in Auschwitz I." (4-774)

This knowledge was based on "documents," said Hilberg. "I have studied the documents... Including those pertaining to construction and, thus, was aware, many years before I ever set foot in Auschwitz, that there was a gas chamber in Auschwitz in the first old part of the camp which was in use prior to the establishment of additional gas chambers in Auschwitz II, known as Birkenau." (4-775)

In Birkenau, two gas chambers were established in 1942, said Hilberg. He knew this "on the basis of documents, not observation... Two so-called huts, bunkers, were

established in Birkenau. They were temporary structures. There were no crematoria in these buildings. The bodies were first buried, subsequently disinterred, and burned... Not until 1943, after extensive building lasting many months, were four massive structures created in Birkenau. Those are labelled 1, 2, 3, 4 in a new enumeration... The structures contained gas chambers and crematoria." (4-776, 777)

So did you see them on the day you were there?, asked Christie.

"What I saw were the ruins," said Hilberg.

Christie produced a map and asked Hilberg if it was a map of Auschwitz I.

"Well, it does bear the resemblance to what I recall as Auschwitz I," said Hilberg. "Nothing seems to be labelled here."

Christie agreed nothing was labelled. Is there anything there that you can see that is in any way different from what you saw?, he asked.

"Well, you are showing me a building plan and what's around in a place when one does not walk with a building plan, but there is no discernible difference from what I recall seeing there today and what's on this building plan, or this outline."

Have you ever seen a building plan of Auschwitz I before?, asked Christie.

"Oh, yes."

Does it look different than that?, asked Christie.

"No. It bears a resemblance. It may be exactly the same as what I have seen before, but I would have to have the two documents in front of me to be utterly precise. I mean, there are documents and there are documents. If you are going to show me building plans, photographs, diagrams, I do not have the same competence as I would with documents expressed in words." (4-777, 778)

Hilberg testified that he would accept the document as an accurate layout of the camp "within the limits that I have just stated, that is to say, I cannot be quite as confident as I would be with a document in words. It does, certainly, reveal the features that I recall having seen before." (4-778; Plan of Auschwitz I entered as Exhibit F)

Christie asked whether Hilberg recalled testifying the previous day that the figure of 56,065 in the Stroop Report was Stroop's figure "of Jewish dead" and whether he wanted to change that evidence in any way.

"That is a figure of Jewish dead," said Hilberg.

Christie produced the Stroop Report as reported in the transcript of the International Military Tribunal (IMT), Document 1061-PS and suggested to Hilberg that the figure of 56,065 did not say "killed" at all.

"They say annihilated, vernichten," said Hilberg.

It means "annihilate" to you, does it?, asked Christie.

"I dare say it means 'annihilate' to anyone familiar with the German language, and it is so written in any dictionary," said Hilberg. (4-779 to 781)

Christie put to Hilberg that the judgment of the International Military Tribunal did not agree with Hilberg's interpretation. Christie read from page 494 of the judgment:

Stroop recorded that his action at Warsaw eliminated "a proved total of 56,065 people. To that we have to add the number of those killed through blasting, fire, etc., which cannot be counted."

Christie put to Hilberg that the judgment used the word "eliminate" not "annihilate."

"My only answer is that in the judgment, the term 'eliminated' may have been used as a synonym for 'annihilated', because the German word vernichten leaves no doubt. It is not an ambiguous word. It means 'annihilate,'" said Hilberg. (4-781 to 784)

Christie asked Hilberg whether he was familiar with the historian, Hugh Trevor Roper. Hilberg testified that he did not know Trevor-Roper personally but knew he was a British historian who had published many books on this subject. (4-784) Trevor-Roper had provided the Introduction to a book entitled A Pictorial History of the SS, 1923-1945 by Andrew Mollo in which the author had written:

Jewish losses amounted to many thousands buried in the rubble, 57,000 taken prisoner, 22,000 were sent to various concentration camps, and between 5,000 and 6,000 escaped. German losses were sixteen dead and eighty-five wounded.

"That is not the account or the summary that I would give," said Hilberg. "It leaves ambiguities and holes. The figures don't quite add up, and I am somewhat hesitant to endorse this description, since we do have the original document and we can do better than that." (4-785, 786)

Hilberg denied that the word "eliminated" was a more accurate translation of the German word vernichten. He said, "People were taken and shot upon being taken prisoners, and this means annihilation, or they were...sent to Treblinka, where they were gassed, which means 'annihilation'... they were sent to Lublin to be annihilated." (4-786)

You have now interpreted the words as being annihilated, not at this time, but somewhere else now. Is that right?, asked Christie.

"Partially at this time, and partially in subsequent killings," said Hilberg.

Christie pointed out that his previous testimony was that the 56,065 were reported as "Jewish dead" in the Stroop report itself, but now he seemed to be interpreting that to mean some of them were killed later at Treblinka.

Hilberg denied this. "It wasn't my evidence today or yesterday. In the pamphlet -- and this was what the question was about -- the number was cited as people who were

alive then, later, and presumably after the war... that is my interpretation of the pamphlet, and that is the nature and the thrust of what was said there." (4-787)

Christie suggested they return to *Did Six Million Really Die?* to see exactly what was said. Hilberg admitted it was true, as alleged in the pamphlet, that people in the ghetto opened fire on the armed forces under SS Lieutenant-General Stroop when they entered the Warsaw ghetto on April 19. (4-788, 789)

Are you familiar with the British and American rules of land warfare?, asked Christie.

"I'm familiar with the international law respecting land warfare," said Hilberg. "If you are going to be specific about British and American, I am not sure how familiar you wish me to be... I can say that I am somewhat familiar. I can't say that I am totally familiar, or totally unfamiliar." (4-789)

Hilberg admitted that he was familiar with the British and American rules of land warfare justifying reprisals against partisans or those in occupied territory who opened fire on armed soldiers. (4-790)

Is it not true, asked Christie, that after the capitulation of Germany, the same process of taking reprisals was used by the British and Americans?

"I have no knowledge of any such event as you describe," said Hilberg.

You are unaware of threats to shoot fifty Germans for every American soldier shot?, asked Christie.

"Pardon me," said Hilberg, "but that is the first time I heard of it."

Hilberg admitted it was true, as stated in the pamphlet, that Stroop came immediately came under fire and that in the ensuing battle which lasted four weeks, German and Polish casualties totalled 101 men killed and wounded. (4-791)

Christie read a further statement from the pamphlet at page 19:

Stubborn resistance by the Jewish Combat Organisation in the face of impossible odds led to an estimated 12,000 Jewish casualties...

"The term 'casualties' here is a bit ambiguous," said Hilberg. "In other words, take the simple matter at face value of 101 dead and wounded on the German side, and then, whether you wish to say 12,000, 56,000 or 70,000, what kind of ratio is that?... 'Casualty' implies being wounded or killed in combat."

You don't think there was combat going on in the Warsaw ghetto at that time?, asked Christie.

"What I believe is that in no sense, [were there] 12,000 or 15,000 or 50,000 combatants on the Jewish side... I am well aware of the sources, and I have, indeed, spoken to members of those that survived in this battle in hiding and so on, and the estimates, my estimate was 1,500 combatants on the Jewish side, which was a high

estimate, a very high estimate. I have since seen, in Gutman's book, an estimate of 750. He is a very well informed researcher who happened to have been there." (4-792, 793)

So you are trying to explain why there aren't 12,000 casualties. Is that right?, asked Christie.

"I am saying that it is mislabelling to say that someone gunned down an old woman, a child, without arms in his hands, as a 'casualty', because 'casualty' presumes in this context combat, that the person has been fired on because he fired," said Hilberg.

Hilberg agreed that guerrilla warfare involved people shooting from buildings without announcing their presence: "Yes, I am familiar with that. I was a soldier."

If 1,500 armed partisans are in a massive building structure then, asked Christie, can you decide who is a guerrilla and who is not? How do you figure that one out?

"It is not a simple matter to decide," agreed Hilberg, "but I would say to you, sir, that the entire enterprise of so-called 'clearing the ghetto' had been decided by German authorities prior to the commencement, with a view to liquidating this ghetto in its entirety... That is partially in the Stroop report. It is partially in other documents..."

Christie put to Hilberg that nowhere in the Stroop report did it say anything about liquidating the entire population of the Warsaw ghetto.

"Well, I can only read the report in its entirety," said Hilberg. (4-793, 794)

Christie pointed out that the report was in front of him and requested that he find the part that spoke of liquidating the members of the ghetto.

"On page 635," said Hilberg, "...There is mention made of a major action which was to last three days to forcibly, as they say, relocate the enterprises that were then in the ghetto, and then it goes on to describe how this Grossaktion, this major action, began on the morning of the nineteenth. The intention was, in short, to liquidate the ghetto."

So "relocate" to you means "liquidate"?, asked Christie.

"Absolutely. By 'liquidate' I mean the physical removal of everything in this ghetto. Not just people, but the enterprises, the machinery of these enterprises. Everything."

So relocating everything is what you mean by "liquidating the ghetto"?, asked Christie.

"Now, now, relocating," said Hilberg. "Machines were to be saved. Skilled labourers, to some extent, were initially to be saved. Everybody else was to be annihilated."

Christie pointed out that the word Hilberg had read out from the report was "relocated."

"That's correct. Yes, that is the correct..."

That doesn't indicated an intention to annihilate to me, said Christie. Does it to you?

"Yes," said Hilberg. "That is the difference between us, you see, because I have read thousands of German documents and you haven't."

In Hilberg's view, the word "relocate" meant "to relocate in certain contexts...I am not alone in knowing the context. I have mentioned colleagues and fellow workers who know the context also." In this case, the word "relocate" meant "liquidation...To encompass both people and goods and machinery... initially there was the view and the attempt and the purpose of saving some skilled labourers. This plan was not to come to fruition." (4-794 to 797)

Christie said he was not interested in Hilberg's interpretation of the plan but in what the Stroop report said about the plan and so far it was clear it said "relocate the ghetto."

"Well, actually the relocation refers specifically to the enterprises," said Hilberg.

Hilberg agreed again that the Germans were fired upon when they entered the ghetto by, in his opinion based on what he had read, "at most 1,500" partisans. (4 798)

Did they have guns?, asked Christie.

"To the best of my knowledge, judging from what the Stroop report itself states, they may have had three automatic weapons, one light machine gun, and possibly two other grease guns... Stroop mentioned something like fifty-nine rifles captured. There were not many more. The armament consisted of pistols, home-made explosive devices, things of that sort. Anyone with any military experience knows that the total armament of the ghetto did not total then what was in the infantry company."

Christie suggested that it would be hard for a person in the street to know what was inside a building.

"Well, they had some idea," said Hilberg. But he agreed that he "would have to say that their intelligence wasn't very great in those days." (4-799)

Hilberg agreed that what occurred was a battle although he considered it a very uneven battle. In his opinion, the 12,000 were victims of, "If I may use a simple word, murder."

Christie put to Hilberg that people who shoot on soldiers from civilian hiding places were in breach of the rules of warfare and did not have the rights of prisoners of war.

"It is my understanding," agreed Hilberg. "Given as a soldier, going all the way back, that one uses necessary force. Now, necessary force is limited."

Christie pointed out that these people were shooting from inside buildings which collapsed when they were fired upon, and people were buried in the buildings.

"People also surrendered and were shot upon surrender, in large numbers," said Hilberg. (4-800)

Is that right?, asked Christie. Did you have something in the Stroop report to indicate that?

"Oh, I think the figures and the numbers and, may I add, the photographs, since they are abundant... indicate what happened. They show people surrendering," said Hilberg.

Christie pointed out that Did Six Million Really Die? alleged there were 12,000 casualties. Did Hilberg dispute that? Was it his evidence that more than 12,000 were killed?

"You are now mixing up several things," said Hilberg. "The figure 12,000 comes from your sources, and not the document. It comes from the one I am not familiar with... I would suggest to you, sir, that as I said before, the term 'casualty' has certain connotations... To me in the context of battle a 'casualty' is a person who falls in battle." Hilberg did not agree that "casualties" meant only dead people. (4-801) In Hilberg's view, "there was a battle, but I think that there was a much greater slaughter."

You feel, suggested Christie, that more force than was necessary was used.

"Excuse me, sir. You are trying again to put words into my mouth... Let me answer with the following qualifications, which... are very, very serious, because the term as you used it suggests a mode to this whole problem whereby the liquidation of the ghetto of Warsaw was 'necessary' as something I would accept as necessary, that the impartial observer would accept as necessary. And I would have to reject that, the notion, the idea, without going into the motivations whatsoever, that the Holocaust or any part of it was 'necessary.'" (4-802)

Was the statement in the pamphlet that there were 12,000 casualties true or false?, asked Christie.

"I would not accept the figure 12,000 out of context," said Hilberg, "nor do I accept the terminology 'casualty' for the occurrences in the ghetto of Warsaw during the spring of 1943 insofar as they appear to be attached to such large numbers."

Christie indicated that with the greatest of respect he did not understand this answer but would move to another question on the Warsaw ghetto. Christie referred to the following sentence at page 19 in Did Six Million Really Die?:

A total, however, of 56,065 inhabitants were captured and peacefully resettled in the area of the Government-General.

Hilberg testified that this was "absolutely" false.

Christie asked if Hilberg would not agree that other sources, such as the book *A Pictorial History of the SS: 1923-1945* suggested that this number was indeed captured?

After indicating that he had "never heard of" Andrew Mollo, the book's author, Hilberg agreed that, "That's what it says on this paper." (4-804, 805)

Hilberg also agreed that the International Military Tribunal in its judgment used the word "eliminated" instead of the word "annihilated" to describe what happened to the 56,065 people. (4-807)

"The word 'eliminated', in the ordinary sense," agreed Hilberg, "does have ambiguity. One can eliminate people by killing them or one can eliminate them by other means."

Christie suggested that one could eliminate those in guerrilla actions by capturing them.

"One can eliminate by various means," repeated Hilberg. He believed that his translation of the Stroop report in this respect was more accurate than the translation used by the International Military Tribunal in its judgment. He "would have preferred a more accurate translation, but we get what we get." (4-808)

Christie put to Hilberg again that he chose to define the word "relocate" as "liquidate."

"No, no," said Hilberg. "Not the word. The entire description... because the word 'relocate' in the report is attached to the enterprises and I was referring to the entire liquidation of the entire ghetto."

Does that mean the killing of all the people in it?, asked Christie.

"It means the killing of the largest number of people in it, yes," said Hilberg. "...It does not mean every last one. We do know of several thousand survivors." (4-809)

In Hilberg's opinion, "a lot of people who didn't" resist were killed including "quite a few" who were shot when they surrendered with their hands up. He admitted he himself was never in the ghetto. (4-810)

How many were shot?, asked Christie.

"The Stroop report mentions in some detail the final figures, and they are here in this report in front of me, and if you prefer, I will read them to you."

I asked you a specific question, said Christie. Did the Stroop report say how many people were shot after they held their hands up?

"The Stroop report did indicate how many people were shot," said Hilberg. "It did not make the distinction you are trying to make - those that had their hands up and those that didn't have their hands up."

Christie pointed out that he had not made the distinction. The distinction was made by Hilberg, although he was never in the Warsaw ghetto, and the Stroop report didn't make reference to people being shot who had their hands up.

"At the beginning of this section, answering your questions, I made reference to the disparity of 101 casualties included dead and wounded on the German side, and the five digit figures of Jewish dead on the other side," said Hilberg.

You said very clearly that 56,065 were all dead, didn't you?, said Christie. (4-811)

"I was saying to you, sir, in answer to the original peaceful evacuation as is mentioned in the pamphlet, that it was the contrary matter, that these people were all dead. Perhaps not all last single one of them, but many thousands were shot immediately, several thousand were sent to Treblinka, several thousand were sent to Lublin. By 1943, by the end of the year all but a handful were all dead," said Hilberg.

Oh, said Christie, so now you say that the figure 56,065 means Jewish dead, you mean that within a year they were Jewish dead. Is that right?

"Well, you have to remember that the Stroop report makes reference to precisely this phenomenon. In other words, Stroop, when he says people were transported to Treblinka, is well aware that at Treblinka people are gassed... I would say to you, sir, that when Stroop made his report in which he used 'capture' and 'annihilation,' he used the word vernichten, annihilation, with respect to this 56,000, that his meaning was opposite of the one in the pamphlet, and that is the only thing I was trying to point out yesterday."

Christie pointed out again that Hilberg had said the figure was Stroop's figure of Jewish dead. He did not say that the figure represented people who were captured and then sent to Treblinka whom Stroop knew were going to die.

"Well," said Hilberg, "had additional questions been asked, I would have made these additional answers."

Your simple answer given at the time, said Christie, very clearly indicated that that was Stroop's figure of Jewish dead and not a year later, but at the time.

"We are not talking about a year later. We are talking about 1943... I did not break down the figure of 56,000," said Hilberg.

You left a very clear impression with me, with the jury, with reasonable people, that that figure was dead people, said Christie.

"That figure meant that these people were either shot on the spot or sent to gas chambers or to death camps, to the two of them, Treblinka and Lublin. So that way we are discussing where they were shot -"

Christie interrupted. No, we are not discussing where they were shot. We are discussing what you said yesterday, and the simple meaning of what you said yesterday. How many of the 56,000 do you say were shot at the time?, he asked.

"Well, I would say that the number was somewhat over 12,000," said Hilberg. (4-813, 814)

Why do you use the figure 12,000?, asked Christie.

"I didn't," said Hilberg, "You used it."

A surprised Christie said, Oh, I see. I used it, did I?

"Well, you quoted from the Pictorial History that I was not familiar with," said Hilberg. At any rate, added Hilberg, the 12,000 was "not my figure... we are talking a few thousand this way or that way."

Hilberg continued: "A certain number of people were killed by the fire, including the artillery fire of German, SS and army forces in action in the Warsaw ghetto. A much larger number of people were killed after, in particular districts or particular houses. Resistance ceased, people came out with their hands up. Very many of them were shot on the spot as Stroop himself states." (4-815, 816)

Christie asked whether there was any reference in the Stroop report to the number of people shot with their hands up.

"There are references to people shot, and unfortunately, in the document you gave me, the parts in which these references are made are not included. You have given me a fragment," said Hilberg.

You mean to say, asked Christie, that in other parts of the Stroop report you recall that there were figures for people shot with their hands up?

"There were figures for people that were shot," said Hilberg. "...the clear meaning is that they were shot upon capture... Since there was no counting, as he himself states, the people who were buried in the rubble of the buildings." (4-817, 818; Stroop report filed as Exhibit G)

Christie next moved to the subject of Birkenau and showed Hilberg a plan of the camp. Hilberg agreed that the document seemed to be the 1944 depiction of Birkenau. Hilberg agreed with Christie that the markings on the plan of "K2" and "K3" meant Crematorium II and Crematorium III and that the other two crematoriums, IV and V, were also marked. Christie suggested that the area immediately to the left of Crematoriums III, IV, and V was the area known as "Kanada."

"I don't quite recall," said Hilberg, "It could be correct."

"F" was the bathhouse; was that correct?, asked Christie.

"I could not give you any recollection of what 'F' means. This plan is not equipped with any legends," said Hilberg.

Christie agreed there was no legend on it but indicated he understood Hilberg had been there.

"I had been there," agreed Hilberg, "but not with a plan in my hands. That was not the purpose." (4-819)

So you are not familiar with the plan of Birkenau?, asked Christie.

"I am familiar with it, but you are not asking me to describe the buildings in it other than the crematoria, which are clear, and the railway tracks, which are clear."

I thought perhaps you might be familiar, from your expertise, with the layout of the camp, suggested Christie.

"I am sufficiently familiar with the layout for the purposes, and if I need the use of any plans, I have them in front of me, but they are not reproduced in any of my works, in my books, and so if I do make reference to these particular building plans, I have them with the German legends," said Hilberg.

Christie pointed out that without the legends, Hilberg didn't seem able to identify the area.

"Well, I do seem to be able to identify substantial and necessary portions of it," said Hilberg. "You are asking me about an adjacent building, and I don't wish, under oath, to state for sure what is possible. It may not be." (4-820)

Christie pointed to an area to the left of the railroad tracks. Was this the women's camp?

"Now you're giving me a quiz about the individual blocks of this particular camp," said Hilberg. "...I believe so, but I cannot be entirely certain of that from sheer memory."

Christie suggested that the "A" block on the map was a quarantine block.

"There was a quarantine block, yes," agreed Hilberg.

Do you know where it was?, asked Christie.

"No," admitted Hilberg. "That again, I can tell you that there was a block for women. There was a quarantine block. There was a so-called gypsy camp here. I know the designations, but I must also say to you that when it comes to north, east, south, west and building plans, that is not my field. When I use these things, I use them very carefully with legends and clear-cut -- "

Christie suggested that the circular objects on the map to the right of Crematorium III was a filtration plant for water. Did Hilberg agree?

"I cannot testify to that," replied Hilberg. (4-821, 822; Plan of Birkenau filed as Exhibit H)

Christie suggested to Hilberg that when he visited Auschwitz in 1979 he was actually there as part of a trip made by the President's Commission on the Holocaust.

"That's correct," said Hilberg, "...I was a member of a group consisting of not all but some of the members of the Commission, certainly." (4-822)

Hilberg testified that he was a member of the Commission, of which Elie Wiesel was the chairman. Other members included a Mr. Lautenberg (a U.S. Senator from New Jersey) and Mr. Bookbinder from Washington D.C. All three went on the same trip with Hilberg. (4-823)

You were guests of the Polish government, I understand?, asked Christie.

"We were not guests, if you mean by that any payment by the Polish government," said Hilberg.

Christie indicated he meant guest in the sense that they led you around and explained to you what the areas were all about.

"I need not be led around by the hand -," said Hilberg.

Did you know the area without the plans?, asked Christie.

"No. I asked, as did other members of the group, to be shown certain parts of Auschwitz, in particular the gas chambers... We saw, not ruined, but a partly reconstructed gas chamber in Auschwitz I, and we saw the facilities in this plan [of Birkenau]... Which are demolished, that's correct. They are ruins. They are untouched ruins, I should say. They are left as the Germans left them." (4-824)

Hilberg admitted that he "was not present when these buildings were blown" but believed the Germans blew them up on the basis of "some evidence of what happened in January 1945."

Hilberg testified that he had looked at the plans of Crematoriums II, III, IV and V in Birkenau which plans were available from the Auschwitz Museum. "One can obtain copies, and there are copies published in various books." (4-825)

Hilberg had also seen the monument at Birkenau. "Yeah, it says something like, 'Four million victims'... I cannot recollect what is said on that particular gravestone there."1

How many do you say died at Auschwitz?, asked Christie.

"My own figures are, Jewish, a shade over one million. Non-Jewish dead, perhaps 300,000 plus," said Hilberg.

So the monument, pointed out Christie, was more than twice that number.

"I did not, frankly, look at the monument closely enough to notice what it said," said Hilberg, "but any figure in multiple millions is off the mark." He agreed that this type of information was available from the Polish government. (4-826)

Isn't it true that you are familiar with the fact that the Warsaw ghetto survivors frequently meet as a group at times to celebrate their reunion?

"Well, I really don't know what they do to celebrate their reunions," said Hilberg. "I have no information on what they do."

Christie turned to the subject of the alleged Hitler order to exterminate the Jews. Hilberg agreed that in May of 1984 in Stuttgart, West Germany, he attended a conference on this subject attended by Holocaust researchers. "I am talking about people, all of whom present, to my knowledge, had done extensive research over a period of years and have published work."

In your opinion, asked Christie, was there an order of Adolf Hitler for the extermination of the Jews?

"That is my opinion, my conclusion," said Hilberg.

Well, yesterday, I think you told us you were very sure there was an order, suggested Christie.

"Yes."

Okay. Is that an important order?, asked Christie.

"I would say so."

Is it a specific order?, asked Christie.

"Well, that was, of course, another matter. How specific it was, and in what form it was given, to how many people it was relayed was, in fact, a considerable subject of discussion at Stuttgart," said Hilberg. (4-828)

Christie produced Hilberg's book *The Destruction of the European Jews* published in 1961 and turned to page 177:

How was the killing phase brought about? Basically, we are dealing with two of Hitler's decisions. One order was given in the spring of 1941...

Is there a footnote there?, asked Christie.

"No. This is an introductory passage to a chapter... This is an introductory passage to an eighty page chapter," said Hilberg.

I didn't ask you what it was, said Christie. I asked you if there is a footnote.

"No, there is no footnote there," admitted Hilberg. (4-829)

What order were you referring to?, asked Christie.

"In this particular case I have elaborated, in my second edition, since there is so much discussion and controversy over the nature of this order. So I could tell you not solely on the basis of what was published here in 1961, if you wish to hear it, but on the basis of all my knowledge to this date, to what I am referring to."

What was the order?, repeated Christie.

"Within the high command of the armed forces a plan was made for 'treatment of populations' inside the territories that were to be occupied following the invasion of the USSR. That order was submitted through channels to Adolf Hitler for his approval. He indicated that he wanted certain editions and changes made in this directive. We have, and I have quoted here, the directive dated March 1941. Excuse me, I am speaking of a directive, not a Hitler order," said Hilberg.

Christie repeated that what he was interested in was the one order referred to by Hilberg in his book. (4-830)

"If you allow me," said Hilberg, "I will explain the changes in the directive... I know what you are interested in, but you are raising a question, a question complicated enough to have caused a distinguished historian in Germany to invite people from all over the world to pool their knowledge in order to figure out what happened."

Judge Hugh Locke interjected: "Let's get on with the answer. What is the answer to counsel's question?"

"The question was about the Hitler order," said Hilberg. "There was a draft directive. Hitler wanted changes made in it. The changes were subsequently made in April and were then resubmitted to Adolf Hitler's approval."

Okay, said Christie. So there is a Hitler order you say that was approved by Adolf Hitler in 1941 in April?

"By April, yes," said Hilberg.

By April, or in April?, asked Christie.

"Now you want the exact date."

No, I don't, said Christie. I want to know whether it was in April.

"We are talking about several weeks at the end of March when these discussions took place," said Hilberg. (4-831)

What were the words in the order?, asked Christie.

"According to General Jodl, who wrote this document I am now citing, the words were -- ...Adolf Hitler said that he wanted the Jewish-Bolshevik commissars to be liquidated... that was the first part of it... He said that for this task he wanted organs of the SS and police to be directly involved and responsible. He then pointed out that for this purpose the military should discuss with the SS and police the details. Now, that was the content of the order as described by General Jodl." (4-832)

So we don't have the order?, asked Christie.

"The order was oral," said Hilberg, "and all we have are the reflections of Adolf Hitler's words as described by Jodl. We have, however, the words also of other people who were talking to Adolf Hitler which were more direct and more specific, but those words occurred in different contexts, such as Henry Himmler's words, and words spoken by other people. In any case, the order was oral."

The order was oral, and you don't know what the exact words were?, asked Christie.

"You are quite correct. No one knows the exact wording... When I say that we do not know the words, I do not mean the general content. I meant the specific words." (4-833) In Hilberg's opinion, the order referred to "Jewish dash Bolshevik commissars... because there was a document and I am quoting Jodl." This document was in the West German National Archives but Hilberg admitted that he had not included it in his book, Documents of Destruction, published in 1971: "No. It is a small book and it contains a variety of documents, but not this one."

Christie pointed out that the book appeared to contain the documents Hilberg thought were important.

"No," said Hilberg. "As I explained in my preface, it is a mixture of some important and some, shall we say, descriptive items of what went on locally."

Can you think of a more important order?, asked Christie. (4-834)

"You see, sir," said Hilberg, "in preparing a very small book such as this one, which is a collection of documents aggregating a couple of hundred pages, one must make some choices. And even if the topic is very important, if it requires, since no document is really self-explanatory, a group of documents with additional explanations, I might have had to use a rather substantial portion of space for this one point."

Is this a long order?, asked Christie.

"It is not that the words are that long, but that the explanation, the history, the... nature of the directive, the explanation of who originally drafted the directive, what the channels were -- this is not a simple matter."

So, said Christie, really we don't have an order in existence in any written form. We have from you an interpretation of what Mr. Jodl is supposed to have said Adolf Hitler is supposed to have said, which you say was in the archives in West Germany, and which you say has a dash between Jewish and Bolshevik. (4-835)

"That is my best recollection," said Hilberg.

So it wasn't just Jewish-Bolshevik commissars that had to be killed. It was Jewish people, was it?, asked Christie.

"Well, this particular problem is the one that caused a lot of discussion," said Hilberg. "There is no precise, clear answer as to what the exact wording was. We could only deduce from subsequent explanations by lower ranking individuals who passed on

this particular command, particularly to the Einsatzgruppen, what it was that was being ordered."

This was the commissars order to the Einsatzgruppen, was it?, asked Christie.

"Ultimately it was the order not only to the Einsatzgruppen, it was to the armed forces as well."

I want to understand clearly, said Christie. This order says, 'Annihilate Jewish Bolshevik commissars', right?

"Mm-hmmm," said Hilberg. (4-836)

And you interpret that to mean 'Annihilate Jewish people and Bolshevik commissars', right?

"Correct."

But it doesn't say 'Jewish people and Bolshevik commissars', said Christie.

"No, it does not," said Hilberg. "And obviously, one would not call a conference and one would not discuss in great detail, and one would not have extensive articles if the matter were clear-cut. There is such a thing as a gap in knowledge of history, and we are dealing here with one of the more complex problems of what the Germans called decision-making in this case." (4- 837)

Christie pointed out that from Hilberg's brief and unfootnoted statement on page 177 of his book it did not appear to be a very complex subject. He reread it to the jury:

Basically, we are dealing with two of Hitler's decisions. One order was given in the spring of 1941, during the planning of the invasion of the USSR; it provided that small units of the SS and Police be dispatched to Soviet territory, where they were to move from town to town to kill all Jewish inhabitants on the spot.

"Yes, these are introductory words to a chapter," said Hilberg. "And in the subsequent pages you will find in the footnotes that you are looking for reference to particular sources, including the directive that I mentioned by General Warlimont and other commanders, including above all the commanders of Einsatzgruppen who, to the extent that they were around in Nuremberg, made statements about what it is they were told to do."

What they were told, pointed out Christie, even according to you, was not to kill all Jewish inhabitants but to kill Jewish-Bolshevik commissars. Correct?

"What I am saying is that the original wording justifying the establishment of special units called organs in this particular language of the SS and police was the killing of Jewish- Bolshevik commissars. This was the justification. The units to be established for this purpose belonged to the SS and police, which was deemed to be the type of organization to carry out such a political task, rather than the armed forces. This, of course, does not exhaust the problem. One would not set up four units aggregating

three thousand men to kill a small handful of people, Bolshevik commissars, who were extremely few, and who were not often captured since they tried to avoid capture, naturally, and there would be little point in establishing, with high-ranking personnel, three thousand men, such, you know, for such a single small purpose, relatively small purpose."

There is no order from Adolf Hitler to the Einsatzgruppen or anybody else to kill all Jewish inhabitants on the spot, right?, asked Christie.

"Now, I would say that the order, as for example Himmler pointed out, was given to him. He was invested with the responsibility to solve this problem. So in other words, one must put -- "

What problem?, asked Christie.

"The Jewish problem," said Hilberg, "as they called it." (4-839)

I thought, said Christie, that we were referring to the Jewish-Bolshevik commissars order. That is not the Jewish problem, is it?

"This is the problem," said Hilberg, "of teaching complex history in such a small setting, but what I am telling you is that the initial problem was administrative. One had to establish battalions of SS and police that had to move with the armies that exercised military jurisdiction, military territorial jurisdiction within their sphere of operations. A justification had to be given for the establishment of such units. Adolf Hitler said this was a war unlike any other war. This was a war in which there would be a showdown, and the Jewish-Bolshevik commissars, as the bearers -"

Showdown of who?, asked Christie.

"Two world views -- Nazism and Communism."

So there was a war between Communism and Nazism, according to Adolf Hitler?, asked Christie.

"Yes. And commissars, as the carrier of this system, would have to be shot. This was not a task for the army. For this reason they were going to establish this Einsatzgruppen. So -" (4-840)

Christie interrupted him and indicated he wanted him to get back to the question. Christie put it to Hilberg that what he was really saying was that it was his interpretation of the commissar order to mean that Jewish inhabitants were to be killed on the spot, even though there was nothing in writing to that effect and, in fact, that was not what it was reported to have said.

"Well, I am saying a little bit more than that," said Hilberg. "I am saying, and I will say that this is a matter which one can dispute honestly, that it was the intention from the beginning, that is to say, the months prior to June 22 1941, to annihilate the Jews in the territories that were about to be overrun. The difference of opinion, the

difference of view that was expressed in Stuttgart was whether that particular decision was made in March, in April or at the latest in August." (4-841)

Christie asked whether Hilberg had been quoted to say that there was no order, no plan, no budget.

"Well, I don't know out of what context you are reading these words," said Hilberg. "... Do you have a tape recording?... it doesn't seem like how I would put it. I am very careful in my words, even when I speak extemporaneously."

Christie produced the French edition of Leon Poliakov's book *Harvest of Hate*. Hilberg testified that Poliakov "is an authority. He is certainly one of the first researchers. He was working with limited source material, limited in today's term. I would regard that what he says is generally reliable." (4-842) When Christie later referred to Poliakov as Hilberg's confrere and associate, Hilberg protested, "He is not a confrere, and he is not an associate... He is one of the people who I regard as a competent researcher and an expert and he is one of the very first." (4- 845)

Hilberg refused to translate a portion of the book as requested by Christie. "I must say that I am not a qualified translator from the French into English." Christie, reading from a translation, asked whether the paragraph said, generally:

Certain details will be forever, however, unknown as far as total extermination is concerned. The three or four principal actors committed suicide in 1945. No document was left behind, as perhaps none ever existed. Such is the [secrecy] with which the masters of the Third Reich, however boastful and cynical on other occasions, surrounded their major crime.

Hilberg agreed this was "an adequate translation" of what the paragraph said, but that "here again, you see, you are taking an introductory paragraph to a chapter." (4 843 to 845)

Christie pointed out that Poliakov did not seem to think there was any document.

"I think that he meant -- now you are asking me what I think he meant, but I think that he meant that there was no written document signed by Adolf Hitler, that in short, we do not have a written order. And he said that if we wanted to ask questions after the war of men like Himmler, we can't, because Himmler committed suicide immediately after capture, and because Heydrich was assassinated in 1942, and so that means that some of the principal figures could not be questioned," said Hilberg. (4-845)

Christie produced an article entitled "The Holocaust in Perspective" by George DeWan; beneath a photograph of Hilberg, the caption read: "Panelist Raul Hilberg, a Vermont University political science professor, ponders a question on the Holocaust."

Hilberg said, "It is a question asked by the audience. I was listening."

Christie read out a portion of the article in which it quoted Hilberg:

"If one looks at origins, one may go back through the centuries into antiquity to discover the building blocks of the destruction of the European Jews," Hilberg said. "But what began in 1941 was a process of destruction not planned in advance, not organized centrally by any agency. There was no blueprint and there was no budget for destructive measures. They were taken step by step, one step at a time. Thus came about not so much a plan being carried out, but an incredible meeting of minds, a consensus - mind reading by a far-flung bureaucracy."

"I said that," admitted Hilberg. "I said nothing about any order not existing."

No, said Christie, nothing there about any order. Right.

"Well, you had previously said that I had, at that meeting, in conjunction with these other phrases, also indicated that there was no order, and I said I recall no such word and, indeed, what you showed me does not indicate that I said anything about an order."

I agree you didn't say anything about an order, said Christie. In fact, you said it was an incredible meeting of minds.

"Yes."

Does that imply the existence of an order?, asked Christie.

"It does not exclude the existence of an order," said Hilberg. "... If an order is given orally and passed on, and especially if wording is couched in such a way that the order giver relies on the understanding of the subordinate, then it does become important for those subordinates to understand, indeed, and to have the same understanding of what was expected. And this is what I said."

Was there an order or wasn't there?, asked Christie.

"I believe that there was a Hitler order," said Hilberg. "... Professor Krausnick believes this. Others believe that there was not." (4-846 to 849)

So it's an article of faith based upon your opinion?, asked Christie.

"No, it is not an article of faith at all. It is a conclusion. One can come down one way on it or the other."

Because there is no evidence to prove one side or the other, right?, asked Christie.

"There may be evidence, but there is a question in this case of what is sufficient evidence," said Hilberg.

One order was given in the spring of 1941 is what you said in your book, said Christie.

"That is one man's opinion -- mine."

It doesn't say it is an opinion, said Christie. It states it as a fact, sir, I suggest.

"Look," said Hilberg, "how often must I reiterate that wording? It is in the beginning of a chapter. It is in the nature of saying, here is what I am laying out. Now, keep reading. You don't have to agree with what I say after you have seen the footnotes, after you have seen the evidence."

The same is true about Did Six Million Really Die?, said Christie. You don't have to believe it. You don't have to accept it without verifying it. (4-850)

"Oh, no. Oh, no, that's not the same thing. I'm sorry, very sorry," said Hilberg.

Christie returned to page 177 of Hilberg's book where he had written:

This method may be called the "mobile killing operations." Shortly after the mobile operations had begun in the occupied Soviet territories, Hitler handed down his second order. That decision doomed the rest of European Jewry.

Where is this second order?, asked Christie.

"The problem," said Hilberg, "with that particular order is the same as it is with the first. It is oral... And there are people who say, no, it was not one order at all. It was a series of orders that were given to various people at various times... This is a matter for dispute and for argument among historians, and for this purpose one has meetings and second editions of books, too." (4- 851)

I see, said Christie. So you have to correct that statement in your second edition. Right?

"No," said Hilberg, "I am not saying that I have to correct this statement, but there are corrections in the second edition, of course."

Christie pointed out there were no qualifying words in the text such as the ones Hilberg had added in his testimony which indicated it was a matter of opinion subject to dispute.

"No, there is no qualifying word there," said Hilberg. "...I agree with you that in this introductory statement I stated my conclusions ahead of the treatment to follow."

I see, said Christie. So if Mr. Harwood had been able to write a book and give you more evidence, he would have been able to follow up his statements with more information, too?

"That would be a tall order, wouldn't it?," asked Hilberg. (4-852)

I wonder, sir, said Christie. Can you show me where the second Hitler order is?

"That is not the question."

It is now, said Christie.

"But the major question as I understood it all along is whether there was a Holocaust, not -- "

That is not the question from me, interrupted Christie. The question from me is whether or not you can verify, as you say one ought to, as -

Hilberg interrupted, "One certainly ought to, I completely agree, but certain matters can be shown up to a point and not beyond."

Can you show any evidence of the existence of a second Hitler order at all?, asked Christie. And if so, what is it?

"I indicated to you," said Hilberg, "although I have revised my judgments, but if you want to look, I don't say that everything I expressed in this book I retain. I am entitled to change my mind about something I do."

And is Mr. Harwood also entitled to change his mind?, asked Christie. (4-853)

"He may change his mind, but I am talking about what I thought then to have been a pivotal Hitler directive as stated by Göring to Heydrich on July 31, 1941... it was the letter that set in motion the train of events that eventuated in the Wannsee Conference."

I put to you, said Christie, that the letter from Göring to Heydrich talked about resettlement in the east of Jewish people, didn't it?

"Well, the term 'resettlement' became the word used throughout the correspondence in World War II in German records to refer to the process of deporting people to killing centres. In short, this was to be distinguished from bringing the killers to the victims. Here the victims are being brought to the killers... That was my interpretation, and it still is now." (4-854)

But it wasn't an order or a letter from Hitler at all, suggested Christie.

"No, it is not," agreed Hilberg.

Christie returned to Hilberg's book and pointed out that Hilberg had written; "Hitler handed down his second order..." Correct?

"That is correct."

That could be a little misleading, couldn't it, asked Christie.

"Yes, it could be misleading, and for that reason we write second editions," said Hilberg. "...The belief I had then was that the order written by Göring was written at the behest of Adolf Hitler, since Göring was the number two man and could speak on any matter whatsoever. It is not a belief I hold as firmly right now, because I have since discovered additional information to indicate the draftsmanship of this order, who drafted it, and the circumstances under which it was given, and this leads me to the conclusion that the order was initiated by Heydrich."

Christie returned to the meaning of "resettlement in the East"; did this mean an order to kill all Jewish persons? Was that Hilberg's interpretation? (4-855)

"It was then and it is now my opinion that resettlement was the synonym used for deporting Jews to death camps," said Hilberg.

Was there not a Madagascar plan to deport Jews to Madagascar?, asked Christie.

"There was such a plan and it was popular for a while in 1940, and to the best of my knowledge it was considered at the highest level, as late as but no later than February 2, 1941."

Was there not a plan also to deport Jews out of Europe into the area of Latvia?, asked Christie.

"Now, this is a different matter," said Hilberg. "...When you are referring to deportations of Jews to Riga from Berlin and from other German cities, in the late fall of 1941, following the operation of the Einsatzgruppen, the idea was, to the best of my reconstruction of events, that these Jews were to be shipped there in order to be shot upon arrival by Einsatzgruppen personnel stationed in Riga. This was not colonization... we do know what happened to these transports [to Riga]." (4-856)

I suggest to you, sir, said Christie, that there is no evidence whatsoever that 'resettlement in the east' referred to in Göring's letter had any other meaning than what it said on the paper.

"No, no," said Hilberg. "In a way there are some conclusions one may come to and there are other conclusions one may not come to, because there is such a thing as a body of evidence... And the fact of the matter is that orders went out to no longer permit the emigration of individual Jews. The fact of the matter is that the whole number of Jews under German control was now so great that emigration, other than to Madagascar, which was being considered up to but not beyond February 1941, was considered a manifest impossibility in the middle of a war." (4-857)

And the second Hitler order we don't really believe any more existed, right?, asked Christie.

"No, I didn't say that. Quite the opposite. I said there was a divided opinion on whether there was one or whether there were several orders. I might say to you, just to make the point in your favour, there is a minority opinion that states -- two German historians -- that there was no need for a Hitler order... That the process went on without it, but this is a minority opinion and very much in dispute." (4-858)

Christie asked Hilberg if he knew the definition between exterminationists and revisionists. Hilberg indicated that "This vocabulary is something else." He denied ever having used this vocabulary and did not use the word "exterminationist" to define those people who believed in the Holocaust. "No. I don't know the source of your statement, but that is pretty well off the mark... I don't write about this whole school of thought as defined by the defendant."

They are beneath your dignity?, asked Christie.

"Not beneath my dignity, but I do not devote my efforts in discussions such as we have here," said Hilberg. (4-860)

Christie returned to The Destruction of the European Jews at page 631 where Hilberg had written:

In November, 1944, Himmler decided that for all practical purposes the Jewish question had been solved. On the twenty-fifth of that month he ordered the dismantling of the killing installations. (Affidavit by Kurt Becher, March 8, 1946, PS 3762)

How do you explain the fact, asked Christie, that the affidavit of Kurt Becher provides no basis for your statement, neither as to the date or any mention of killing installations?

"Again," said Hilberg, "this is a question of treating statements in context. Look, no document is self-explanatory, and every rendition of it involves some interpretation, unless the text is reprinted in its entirety."

Christie produced a copy of the Becher affidavit (3762-PS) dated March 8, 1946. Hilberg agreed that he recognized it. Christie read a prepared translation:

I, former SS-Standartenführer Kurt Becher, born on 12 September, 1909, in Hamburg, wish to make the following statement in lieu of another:

1. Approximately between mid-September and mid-October 1944 I induced the Reichsführer-SS Himmler to give the following order which I then received in two original copies, one for the SS- Obergruppenführer Kaltenbrunner and Pohl, and one copy for myself:

"Effective immediately, I forbid any extermination of Jews and order to the contrary that care be taken of the feeble and sick. I hold you [Kaltenbrunner and Pohl] personally responsible for this, even if this order should not be strictly complied with by my subordinate quarters."

I personally took the copy destined for Pohl to his office in Berlin and handed up one meant for Kaltenbrunner into his secretary's office in Berlin.

I feel that after this date Kaltenbrunner and Pohl should, therefore, be held personally responsible for any killings of Jews that took place afterwards.

2. On the occasion of my visit to the concentration camps of Mauthausen, 27 April, 1945, at nine o'clock in the morning, the camp commander, SS-Standartenführer Ziereis informed me in strict confidence as follows:

"Kaltenbrunner has instructed me that at least 1,000 people still have to die in Mauthausen every day."

The facts mentioned above are in conformity with the truth. These statements are submitted by me of my own free will and without any duress. I have read them through, signed and affirmed them with my oath.

[signed] Kurt Becher Subscribed to and sworn before us at Oberursel, Germany this 8th day of March, 1946. [signed] Richard A. Gutman, 1st Lt., AUS

Is that what you say justifies your statement that in November 1944, Himmler decided that for all practical purposes the Jewish question had been solved and ordered the dismantling of the killing installations?

"Yes," said Hilberg. "...I am not going to say that the document speaks for itself because it is a complicated thing..." He agreed that the document was not an order from Himmler; it was an allegation by Becher that there was an order by Himmler. (4-861 to 864) "He [Becher] produces it, presumably from memory, in this affidavit. It need not, may not have been the exact language used by Himmler, but the substance of it, to me, seemed plausible and believable," said Hilberg.

So your statement on page 631 of your book, said Christie, is false as to date and false as to the existence of an order; the document in fact was an affidavit that said that an order existed, was that right?

"Not necessarily," said Hilberg, "because Becher does not recollect precisely when he acted. He said that sometime between the middle of September and the middle of October he approached Himmler. He was successful in convincing Himmler. That doesn't mean that Himmler carried out the order, gave the order the next day."

With the greatest respect, said Christie, it doesn't say "approached Himmler." It says, "induced Himmler."

"Induced, fine. Induced Himmler... it doesn't mean he got the order on the precise date."

So you know when the precise order was?

"No, I wouldn't say that I know very precisely. I would say that it is November, because I do believe, knowing how long it takes for orders to be written, to be filtered down and to be carried out, that the great likelihood was for the order to have been given in November -- not September or October, particularly because gassings were going on in Auschwitz in October. And here we would be implying gassings going on despite specific orders already having been received," said Hilberg. (4-865)

You say that Himmler decided that "the Jewish question had been solved." But this affidavit, said Christie, seems to indicate that the author made a decision and induced Himmler to sign the order, right?

"Fine," said Hilberg.

That certainly puts a little different light on it, do you think?, asked Christie.

"Not really, because don't you see, this was an SS colonel. He was trying, in making this affidavit, as so often happens with SS colonels who were prospective witnesses in war crimes trials, to put the best face on himself. Here is something he could claim credit for, so he came forward with this affidavit. The question is, was he the only one to have made this suggestion? Perhaps not. Was he making it precisely in the form in which he said? Perhaps not. But that the order was given, I do believe."

You have explained that these types of affidavits were often false, but you choose to believe this one, right?, asked Christie.

"No, no, no. Here again you are trying to put words in my mouth," said Hilberg. (4 866)

That's right, said Christie. I am trying to suggest to you that there is a short, simple answer to this convoluted explanation you gave, and it is this, that some SS colonel doesn't force someone by the rank of Mr. Himmler to make an order, and that this affidavit was an exaggeration for self-defence purposes by Kurt Becher, and you should know that as an expert. I'm suggesting to you, sir, that this affidavit was highly dubious as a source.

"But you see," said Hilberg, "we know when the last gassings took place. We know, you see, the sequence of events pretty well. Of course, when one does not have, as I explained at the outset, the proper documentation, that is to say, the original correspondence, one must have recourse to testimony. One must have recourse to statements made by people who made assertions. One must weigh these assertions. In this case, the historian is not different from a jury, is no different from a judge. One must weigh. Now, I weighed, to the best of my ability, and I would still weigh it much in the way in which it is described here in the book published in 1961."

In this 1961 book, said Christie, you didn't say that we don't have a Himmler order. You said we have an affidavit from a colonel in the SS who says he managed to convince Himmler to make an order. Did you? (4-867)

"Well, I have given a footnote stating plainly, 'Affidavit by Kurt Becher'... In this affidavit is the purported text of Himmler's order," said Hilberg.

Christie suggested again that the affidavit was dubious in its contents.

"Well, I don't agree with you," said Hilberg. "...I seem to have to repeat it fifty times."

Christie produced an interview which Hilberg had given to *Le Nouvel Observateur* published on 9 July 1982. Hilberg recalled the interview and article. He denied that he spoke French in the interview: "No, no. As a matter of fact I was speaking in English. This is a translation of my remarks." (4-868)

Hilberg agreed that in the interview he had made the following comment:

I would say that, in a certain way, Faurisson and others, without having wanted to do so in the first place, have rendered us a good service. They have come up with questions which have the effect of engaging the historians in fresh research work. The

historians are obliged to come forward with more information, to scrutinize the documents once again, and to go much further in the understanding of what has really happened.

Hilberg agreed that he was referring to Professor Robert Faurisson of France. "I know him only through some of his publications. I don't know him personally. He once wrote me a very nice letter. We have not met."

Christie put to Hilberg that the article showed that due to questions asked by people like Faurisson, Hilberg had had to do some fresh research work. (4-869)

"No, no," said Hilberg. "I think you are somewhat overstating the matter."

I thought it was a pretty clear quote, said Christie.

"Yes, but here again, please keep in mind the context. The question was supposed to be from a journalist for a French publication who wanted to have my opinion, particularly, I suppose, with regard to my personal feelings and reactions towards people who deny the Holocaust -- and incidentally, in the process several of them use insulting language about me personally. Now, given this insulting language, one might think that I might be very angry or something of this sort, but I am not. Quite the opposite."

Well, said Christie, you are not accusing Dr. Faurisson of -

"I am not accusing him, but the question was a broader one. It included this whole group of people who say that the Holocaust did not happen, or Butz, or people of that sort, and of course, Rassinier and Butz are quite insulting in their language about me... Well, I said that, nevertheless, I will consider what anyone says about anything in such a way as to re-think something. Just because I believe that something happened does not mean that I have explained it adequately. I am a classroom teacher for three decades, and I have learned the hard way that one must explain everything, that nothing is obvious, that one may take certain things for granted as being understood immediately; they are not. So in this rather peculiar roundabout way I have said, fine, I will be willing to look at anything said by anybody, no matter what his motivation may be, and if this leads me to re-state anything, to substantiate anything, to look for anything, that's fine." (4-870)

So it does cause you to do fresh research work, as you said here?, asked Christie.

"Well, I think -- please don't exaggerate," said Hilberg, "I am always doing research. I am always doing research, of course."

These are your words, sir, said Christie.

"Absolutely. If there is something requiring more substantiation, I will, necessarily, have to go and find it."

I put it to you, sir, said Christie, that as far as researching the scene of Auschwitz, Treblinka, Sobibor, Chelmno, Stutthof, you didn't do any firsthand, on-site research whatsoever until after you wrote your book.

"What I did in the case of Sobibor, Belzec, Chelmno and Treblinka was to look at the German, West German court records. I have testified repeatedly that I learned about these camps from documentation and from testimony. I am not a person who will take in a particular scene and be able to describe it in such a way that a professional policeman does. I am not that kind of individual, and this is not my research method. In short, I have, in the 1960s and '70s, looked for and at documentation, [testimony] about these particular camps. It was not necessary for me to go there because going there would not have helped me substantially."

It might, in fact, have disproved your theory sir, said Christie.

Christie returned to page 631 of Hilberg's book:

In November, 1944, Himmler decided that for all practical purposes the Jewish question had been solved. On the twenty-fifth of that month he ordered the dismantling of the killing installations. (Affidavit by Kurt Becher, March 8, 1946, PS 3762)

How did you come to the conclusion, asked Christie, that on November twenty fifth, Himmler ordered the dismantling of the killing installations?

"That is, perhaps -- I should perhaps include one or two other sources," said Hilberg. "It is sometimes difficult to present all of them when they happen to be testimony... There were several other sources, and one of these was from a man who also talked to Becher and got that information." Hilberg agreed that the other source didn't talk to Himmler but talked to Becher and that this source was not referred to in his book. (4-873)

Christie returned to the subject of the alleged first Hitler order to shoot the Jewish-Bolshevik commissars. Would you agree, he asked, that there was a belief in Germany at that time that Bolshevism had Jewish origins and all commissars would be Jewish?

"No. That is not something that I would assume," said Hilberg. "...I am familiar with the theories of the day. I am also familiar with the manner in which these theories were received by the population, including even the SS people. I don't think they are unsophisticated people."

I am suggesting, said Christie, that a prevalent theory of the Nazis was that Communism and Bolshevism were Jewish.

"That was propaganda."

But they claimed it was their belief at the time?, asked Christie.

"They claim."

They said that Trotsky was Jewish and Zinoviev was Jewish and Karl Liebknecht was Jewish?

"There are all kinds of people labelled as Jews, whether they are or not."

Hilberg had to agree, however, that both Trotsky and Zinoviev were Jews and were both very important in the Communist movement. (4-874)

So they had this belief and assumed the commissars were Jewish, right?, asked Christie.

"Well, I would not go so far as to say that. Not even Hitler had that thought. I don't think even Hitler may have thought that."

Oh, it's hard for us to perceive what Hitler thought, isn't it?, asked Christie.

"Yes, indeed it is," said Hilberg.

Hilberg agreed that in his previous testimony from the morning before he said there were about 40,000 affidavits and documents in the Nuremberg trials. Hilberg agreed that he had testified at Zündel's preliminary hearing and that Professor John H. E. Fried from New York City had been called at the same hearing as an expert witness on the Nuremberg proceedings. (4-876)

Christie read out a portion of Fried's testimony given at the preliminary hearing on June 20, 1984 and asked Hilberg to comment on its truth or falsity:

MR. GRIFFITHS: What comment, if any, do you have on that proposition, Mr. Fried, about fraudulent affidavits. Can you tell us how the affidavits were obtained? A. Altogether? Q. Yes, sir. A. I think there were well more than a hundred thousand by the defence alone. Q. By the defence? A. By the defence. There was very, very much smaller number, incomparably smaller number by the prosecution and these affidavits, insofar as they turned out to be important for the deliberation of the Court, were never used without the affiant testifying in open Court.

"I think," said Hilberg, "that seems to be what a man recollects as having happened, and I see nothing especially wrong with that." Hilberg agreed that Fried was at Nuremberg while he wasn't.

You say forty thousand, said Christie. He says one hundred thousand.

Griffiths objected, saying that Fried said one hundred thousand defence documents, while Hilberg said 4,500 prosecution documents.

"Yes," said Hilberg, "And many more defence. That is what I said... the numbers are accession numbers so one could easily add them up, and I did that years ago." (4 877)

Christie turned to the subject of Paul Rassinier. Hilberg agreed that in the French edition of Rassinier's book, Rassinier had referred to Hilberg's statistics as a "fog" and had attributed the figure of 896,892 Jewish dead to Hilberg. This was the figure which

Harwood, citing Rassinier's book, had erroneously attributed directly to Hilberg. (4-879)

Christie suggested that Harwood had accurately reported what Rassinier said in his book, although Rassinier was wrong.

Hilberg agreed: "Well, I will say this much. You have found the French edition, and in my German edition it is different. And it is not attributed to me in the German edition... It seems to be in this one... We can leave it at that, sure." (4-880, 881)

But apparently Rassinier altered the edition later to reflect that he was just analyzing your statistics, correct?, asked Christie.

"That seems to be the case."

Christie suggested that what Rassinier had done was subtract the number of survivors in 1945 from the number of Jews who existed (according to Hilberg) in 1931 and subtracted further from the resulting figure a number that Rassinier called "recovered immigrants." Hilberg agreed this was what Rassinier had done. In his opinion, "error" was "a mild word" to describe Rassinier's calculations. Hilberg believed it was deliberate and had been done for the purpose of distortion. "Error sometimes refers to some misinterpretation of some document," he said, "and this is a lot more than a misrepresentation. This is sort of an invention of figures." (4-882, 883)

Christie suggested that during the war and shortly thereafter there were masses of Jewish immigrants from Europe who entered the United States and were not counted as being of Jewish origin. Did Hilberg agree that there was no census of the religion of immigrants to the United States in those years?

"The commission did count the Jews," said Hilberg, "particularly among the displaced persons, and very, very few people entered [the United States] prior to then because of the quota in the United States then in effect." (4-883)

Christie turned to page 670 of *The Destruction of the European Jews* where in Table 89: *The Jewish Population Loss 1939-45*, Hilberg showed Poland having a Jewish population of 3,350,000 in 1939 and a Jewish population of 50,000 in 1945. In Table 96: *Postwar Jewish Population Changes in Eastern Europe*, on page 737, Hilberg showed Poland having 225,000 "survivors and returnees" in the years 1945-46.

Where did these extra 175,000 Polish Jewish survivors come from?, asked Christie.

"From the Soviet Union. These are repatriates. These are part of the 200,000 people or so that fled or otherwise located in the Soviet Union. That is the reason that we got returnees as well as survivors. These are not all survivors, and the year here is 1946, rather than 1945. So these are two different counts, two different groups of people... In other words, if you subtract that 50,000 from the 225,000 you get the approximate number of people who returned from the Soviet Union who are technically not survivors, but have fled." (4-885)

Are you relying on Soviet statistics to say what people stayed in the Soviet Union?, asked Christie.

"We have to rely on something in life," said Hilberg, "and in this particular I have relied not only on the statistics of the Soviet Union, but post-war Poland, and Poles did record the number of survivors or returnees. We have this data. Virtually the entire post-war population of Poland has since emigrated, so we have a further check in knowing where the Jewish population of Poland went, roughly, at least, since the vast majority went to Israel; thus we have a ballpark figure, or a good idea of the correctness of this data... That is about 175,000 returnees. There may be a few more, because the boundary changes took place, and there were, in Eastern Poland, a few thousand more in the territory of Poland that is now part of the Soviet Union." (4-886)

This figure then, suggested Christie, is based upon an estimate from Polish authorities as to the number who returned in 1946.

"No. This is not simply an estimate, because the repatriation took place after an agreement had been made between Poland and the Soviet Union, and these people returned in trains that had definite numbers of passengers, special trains; and so that is actually a count; this is not a simple matter of individuals crossing frontiers and so forth."

How do you know that all the Polish Jews returned to Poland?, asked Christie.

"We do know something about the Jewish population in the Soviet Union from subsequent census data of the Soviet Union."

Do all Soviet Jews announce themselves to be Jews?, asked Christie.

"Well, that's an interesting question and much debated," said Hilberg. "There is some speculation in this matter, if you want to call it that, in the initial post-war census that it may have understated the number of Jews in the Soviet Union in the sense that, perhaps, not all of them identified themselves as Jewish; but the subsequent two census are rather different in the sense that now people do identify themselves as Jewish, given the possibility, at least, of emigration, and in matters pertaining to half-Jews, that makes some difference inasmuch as I understand the Soviet procedure, a 16-year-old can choose whether he wishes to be Jewish for nationality purposes in the census, or Russian-Ukrainian, as the case may be." (4 887)

Hilberg agreed that the matter was "not simple," that the boundary of Poland was "certainly moved westward" after the war and that in these circumstances it was difficult to give accurate figures: "I have spent many hours' research in the matter, so it is certainly not easy." In making the estimates, he had relied upon the census figure for Poland for 1931 and the extrapolation to 1939, and the census figure for the Soviet Union for January, 1939. (4-888)

Christie turned to Appendix III / Statistics on Jewish Dead in Hilberg's book at page 767, where Hilberg gave the figure for Jewish losses in France and Italy as 70,000. Yet in Table 89 on page 670, Hilberg had given a figure for losses for France and Italy of 87,000.

"In the first place," said Hilberg, "my figure as represented in the second table for France and Italy combined, I now recognize to be too low. I was a bit too conservative. The number of losses from France alone is in the vicinity of 75,000, and to that one must add the Italian losses of roughly 7,000." (4-889)

Hilberg was familiar with the book by Serge Klarsfeld regarding the deportations from France in which Klarsfeld listed all the deportees by name and date. 2

Are you aware, asked Christie, that the figure you give for the total losses is very close to the figure he gives for the total deportees?

Hilberg agreed: "That's true. There were very few returnees from Auschwitz or wherever."

Christie returned to Appendix III/Statistics on Jewish Dead on page 767 where Hilberg gave the figure of 5,100,000 as the total Jewish losses. In Table 89 on page 670, however, the total loss, if added up, was 5,407,500.

Hilberg protested that he had "deliberately" not totalled the losses listed in Table 89. "Mr. Rassinier totalled the losses, but not I. Now, please excuse me a minute. These figures are not comparable. One cannot subtract one from the other, because, as I clearly stated, the boundaries are different." (4-890)

Christie noted that in Appendix III, the loss listed for Romania was 270,000 while in Table 89 it was 370,000. This was a difference of 100,000.

"Yes," said Hilberg, "It is a substantial difference within the boundaries of Romania... There are post-war data that are used. In other words, post-war boundaries are used from 1945, as are clearly indicated in the table on page 670... However, pre-war boundaries are used in the other tables, so these, again, are not comparable figures."

Are we to take it, asked Christie, that Romania grew in size during the war?

"No... If you were to adjust the boundaries to reflect the territories lost to the Soviet Union, then the number 430,000 would be increased so as to account for people alive in the areas ceded to the Soviet Union, and then you would see that the two figures would be comparable, or roughly comparable since 800,000 is very rounded." (4 891)

Hilberg testified that it was indicated very clearly in the book that, "...The statistics for 1939 refer to pre-war borders and post-war frontiers have been used for 1945... That is a signal and announces to anyone with an ounce of competence not to subtract figures from the left, because they are not comparable figures. And this is just what Rassinier did."

Christie moved to the figures of Jewish losses for Yugoslavia. In Table 89 the figure was 63,000; in Appendix III, the figure was 60,000. Hilberg did not rely on boundary changes to justify the difference. "I must make some allowance for the fact that Yugoslavia was a theatre of war; some Jews were in the Yugoslavian army, some were killed in action. In wartime birthrates dropped. Adjustments have to be made, and we are talking about 3,000... On page 767 we have the Holocaust dead. I didn't

use the term 'Holocaust', but that is precisely what it is. What we have on the other chart, it is totally unadjusted, before and after figures, not even aligned for boundaries. So this table should not be used, the one on page 670 -- which for some unaccountable reason Rassinier used; he should have used the other one -- should not be used except to find out what is going on and what is to be done with this data." (4-893)

Did you say you were a statistician?, asked Christie.

"Absolutely not," said Hilberg. "... Because a statistician is a person with, at the very least, an undergraduate, and hopefully a graduate degree in mathematical statistics. I am not that person. I add and I subtract." (4-894)

The difference between the two tables in the figures for Greece of 2,000 people was due to "the fact that there were Jewish soldiers who were killed, the fact that there were Jewish war casualties; and in the statistics of Jewish dead I am referring to Holocaust dead." The major difference in the totals of Polish losses between the two tables of 300,000 was due both to a major shift in the boundaries of Poland and the returnees.

In Hilberg's opinion, "comparatively few" Jews were killed in the course of the war. He considered any Jew who starved to death in the camps and any Jew who died from typhus in the camps to be a "Holocaust victim." (4-895)

"... A Jewish person in a camp was there because he was a Jew. So he is a Holocaust victim."

So that it doesn't mean, said Christie, you are saying these people were gassed.

"No. If I say they were dying in certain camps, that means they died in those camps, be it as a result of gassing, or because of privation. Now, when I speak of certain camps, virtually 100 percent of the victims were gassed, but in other camps, that's a difference."

Christie moved to the subject of the gas chambers. Hilberg testified that, in his opinion, there were no homicidal gas chambers in Bergen-Belsen, Buchenwald and Theresienstadt.

Natzweiler and Mauthausen "had very small gas chambers in which people were gassed... There's been very -- most recent scholarship in Germany has gone in very great detail about the gassings in Mauthausen of Soviet prisoners." (4-896, 900)

Dachau: "That is a maybe, but I would not make the statement -- you see, here it's a factual question of whether certain people were gassed or were not gassed, and this is a difficult problem to determine whether they were or weren't. Small numbers." (4-897)

Flossenbürg: "Probably not, except for a very small handful... Handfuls. Individual people -- too weak to work, things like that." (4-897) So, said Christie, you think there was a gas chamber but it wasn't used much? "Not necessarily," said Hilberg. "I am not

familiar with all of the camps and their layout because my specialization is the gassing of Jews." (4-897)

Neuengamme: "I don't believe there was a gas chamber there, but again, you refer to a particular kind, one which was used in order to kill people... it is a maybe..." (4 897, 898)

Oranienburg: "Same thing... I am not aware of any gassings of people there at all. I have not even heard anything...It is an open question. If somebody comes along and says, yes, there was, I will listen; otherwise I can't make the statement that there was. In other words, I do not know whether there was or whether there wasn't a gassing of individuals in particular camps." (4-898)

Sachsenhausen: "Same thing [a maybe]." (4-898)

Ravensbrück: "Same thing [a maybe]." (4-898)

Stutthof: "As for Stutthof, there is some testimony to that effect, but I would not give it the weight that would make it, in my opinion, a certainty... In Stutthof there were shootings." Hilberg agreed it was a maybe as to gassings. (4-899)

Struthof: : "That is a maybe." (4-899)

Hartheim: "...this is a different matter. There were, altogether, six facilities designed exclusively for gassing people -- of which Hartheim is one. It is not a camp." (4-900)

Majdanek: "Yes... In Majdanek, which the Germans called Lublin, there were three gas chambers, and one or two -- I am not sure, offhand, which -- were equipped interchangeably for the use of the carbon monoxide or hydrogen cyanide. Both were used." (4-900)

Belzec: "Initially, in all probability, three. Upon the expansion of the gas chambers in the summer of 1942, six... the initial three were also in 1942, but after some months, because of the heavy volume of traffic into the camp, the rebuilding took place and six gas chambers were erected in lieu of the earlier three." In Hilberg's opinion, carbon monoxide alone was used at Belzec. "I might add, however, that the German court leaves open the possibility, based only on testimony, that initially hydrogen cyanide may have been tried experimentally." (4-900, 901)

Chelmno: "Chelmno was equipped with gas vans. Carbon monoxide." (4-901)

Sobibor: "Those had gas chamber," said Hilberg, using carbon monoxide. (4-901)

Treblinka: "Carbon monoxide gas chambers, yes." (4-901)

Hilberg agreed that in his book he had indicated that the carbon monoxide gas chambers used old Russian diesel tank engines.

I put it to you, sir, said Christie, that diesel engines don't produce sufficient quantities of carbon monoxide, but they actually produce mostly carbon dioxide. What do you say to that? (4- 901)

"I can't really comment about it, " said Hilberg, "because afterwards, when I had more interest in the technical details, my understanding was -- and it was left at that in the German trial -- that what came out was a mixture of carbon monoxide and carbon dioxide... And the outflow was a mixture, but the proportions were not indicated, and when you mentioned Hartheim before, which was a totally different facility for mentally impaired people that were gassed there, that was chemically pure carbon monoxide, to distinguish it from the kind of mixtures that emanated there. I did call it carbon monoxide. I still call it that for short, but it's a mixture... Hartheim is pure bottled, chemically pure carbon monoxide gas."

At Auschwitz, Hilberg testified that first two huts were used for gassing, then four gas chambers were built. He agreed that on the plan of the camp, they were identified as crematoria.

Christie suggested to Hilberg that the source of his belief in this respect was a man named Kurt Gerstein.

"Well, that's one source, yes," said Hilberg. (4-902)

Christie pointed out that Gerstein was an important source to Hilberg because he referred to him ten times in his book.

"Right. I wouldn't doubt it," said Hilberg.

Hilberg thought Gerstein's statement, 1553-PS, was used at the Nuremberg Military Tribunal but he could not swear to it. Hilberg had used parts of this statement in his book.

Isn't it true, asked Christie, that Kurt Gerstein had, by that time, hanged himself in a French jail?

"Well, whatever the circumstances of his death were, he was dead." (4-903, 904)

Isn't it true, asked Christie, that Kurt Gerstein made a long, detailed statement in French on 26 April 1945 which I suggest to you was some of the most incredible nonsense that you or I have ever looked at?

"... I would be very, very careful in the use of certain statements, that I would put Gerstein's statement as one that one must be most careful about. Parts are corroborated; others are pure nonsense," said Hilberg. He agreed that he took parts which in his view were credible and left out parts that in his view were incredible: "That's a fair assessment, yeah." (4-904)

When someone swears a statement, said Christie, don't you think it reflects on the author that some of the statement is totally ridiculous?

"It certainly reflects on him," agreed Hilberg, "and the only answer I can give you here is that I am not a court of law... And I am at liberty to take -- "

Christie interrupted and put to Hilberg that, as a common sense principle, if someone told him that between 28 and 32 people could be packed into one square metre, 1.8 metres high, that that person was either a fool or a liar?

"Well, on this particular datum I would be very careful," said Hilberg, "because Gerstein, apparently, was a very excitable person. He was capable of all kinds of statements which he, indeed, made not only in the affidavit but its context."

He wasn't totally sane, suggested Christie.

"I am not a judge of sanity, but I would be careful about what he said," said Hilberg. (4- 906)

Christie produced the Gerstein statement and proceeded to ask Hilberg whether certain statements appeared in the statement. Hilberg agreed that in his statement, Gerstein alleged that 700-800 persons were crushed together in 25 square metres in 45 cubic metres; he also agreed that he had ignored this part of Gerstein's statement in his book.

So did you think that was just a mistake, that he had said that in error?, asked Christie.

"It's very hard to characterize the man, because he was capable, in his excitement, of adding imagination to fact. There is no question of that." (4-906)

And he refers to Hitler and Himmler witnessing gassings, right?, asked Christie.

Hilberg agreed that Gerstein had made this statement and that it was "absolutely" and "totally false... He attributed to someone else the statement that Hitler was there. And Hitler wasn't, because Germans researched that subject." (4-907)

And he said twice, suggested Christie, that 700-800 people were crushed together in 25 square metres in 45 cubic metres?

"He may have said it three times as far as I know, but I didn't use that statement."

Would you agree, asked Christie, that 700-800 persons in 25 square metres means between 28 and 32 people in one square metre? Would you like to just calculate that?

"Well, look, I won't go through the arithmetic," said Hilberg, "I trust yours." (4-907)

Christie stated that he understood from reading Hilberg's testimony at the preliminary hearing that he had actually made a calculation that supported that proposition. Christie produced Hilberg's testimony from Zündel's preliminary hearing given in Toronto on June 21, 1984:

Q. ...Now I submit to you that just logically or mathematically it would be physically impossible to put 800 people into 25 square metres at any one time. Would it seem to

you that that might be an exaggeration? A. Well, I have made calculations and it is quite amazing how many people can be squeezed in...

Hilberg agreed he was asked that question and gave that answer at the preliminary hearing. (4-908)

Christie suggested that when a witness gave this type of information, he was not someone to be relied upon as an authority ten times in his book.

"Well, let me say that the camps Belzec, Sobibor and Treblinka were with the undocumented camps in which I was interested. Gerstein was an SS officer in charge of delivering poison gasses, hydrogen cyanide, and in that capacity he made his trip, which is verified, he did make the trip in the company of other people to Belzec, and also to another camp; and also verified is the fact that he made statements on the way back on the Warsaw-Berlin express train to a Swedish diplomat at the time, in fact confirmed by the Swedish Foreign Ministry. To me, the important thing was that an SS officer had seen the procedures... this is a corroborated story."

How is this story corroborated, asked Christie, in view of the fact that no action was taken by any Swedish diplomat whatsoever? They totally thought the man was nuts.

"I have no doubt," said Hilberg, "that this could very well have been the impression, and here you have to keep in mind, it is 1942, someone who is very excitable tells an absolutely incredible story, something that had never been heard before, something utterly unimaginable and unprecedented -- well, here is a careful diplomat; he is not going to immediately credit everything he hears." (4-909) Hilberg testified that he would not dispute that he referred to Kurt Gerstein twenty-three times in his book as an authority. (4-910, 911)

Christie asked what calculations Hilberg had done to see if 28 to 32 people would fit in the given square metreage.

"Oh, it's a very simple matter," said Hilberg, "because we worked with feet. When one lays out the number of feet, roughly -- ...And that gives one an approximate notion of the size of such a chamber, and one tries to figure out how many people may be squeezed into it, and it is a surprisingly large number." [Note: At this point in the cross-examination, Christie attempted to place a one square metre on the floor and ask some people to come and stand in it. Judge Hugh Locke immediately stopped Christie and asked the jury to leave. After extensive submissions, in which Christie argued the demonstration would show to the jury that the figures in the Gerstein statement were preposterous, Locke ruled, inter alia, that the proposed demonstration was "a type of sideshow" which he would not allow in his courtroom. During the submissions in the absence of the jury, Hilberg testified as follows with respect to the Gerstein statement: "Square metres will do, because they are not crouching down... What may be surprising is that the order of magnitude, the number of people one can push in such places, is in the hundreds. It may not be 800; it may be 300. Moreover, this particular witness may not have estimated the area quite correctly. We don't know what size of gas chambers he is referring to, so I would not characterize the statement as totally preposterous, but neither did I accept it and I wouldn't use it." (4-911 to 918)]

After the return of the jury, Christie put it to Hilberg that the only person he referred to in his book more than Gerstein was a man named Rudolf Höss.

"No. I totally disagree," said Hilberg. "The index is ample evidence of who is quoted how many times."

Christie suggested again that Gerstein was an important witness for his belief as expressed in his book.

"He is an important witness for the fact of the existence of these camps, particularly Belzec, in 1942, the gassings that took place there with carbon monoxide. The fact that he, as a disinfection officer, as a dispenser of poison gasses, was present is significant. Beyond that I realized, of course, clearly, what sort of person this was from the context of the language he used, and did not rely upon any statements that appeared to me either imaginative or exaggerated. I did not use them," said Hilberg.

In fact, said Christie, in your book you eliminated all such ridiculous parts in your use of his statement.

"Well, I eliminated anything that seemed not to be plausible or credible, certainly."

You consider that it was credible, asked Christie, that 800 people could be crushed together in 25 square metres?

"Well, as I indicated, the actual number who can be crushed in such a place may be in the hundreds. I wouldn't say that many." Hilberg agreed that Gerstein had made this statement twice: "But the question of whether two or 300 people may be squeezed in such a place, or 700, becomes of interest when one looks at the gas chamber, the number of people gassed, and the calculations that may be made therefrom. It suffices for this particular SS officer that there were gas chambers." (4 921)

Hilberg testified that Leon Poliakov, whom he regarded "as a capable researcher" had used the Gerstein statement "more than I do."

Christie pointed to page 294 of Poliakov's book [Harvest of Hate] where Poliakov, in referring to the Gerstein statement, changed the number of square metres. Hilberg refused to comment: "I don't know whether he changed the figure, or as I said, if there is another version of the affidavit that he may have made use. I really can't answer that." (4-922)

Christie asked Hilberg whether he considered Gerstein's statement -- that at Belzec and Treblinka nobody bothered to make a count and that in fact about 25 million people, not only Jews, were actually killed -- was credible?

"Well, parts of it are true, and other parts of it are sheer exaggeration, manifest and obvious exaggeration. To me, the important point made in this statement is that there were no counting at the point at which people entered the gas chamber," said Hilberg.

So you take the obviously exaggerated part out and use the part that you thought was credible, that there was no counting. Right?, asked Christie.

"Yes."

I see. That's the process of your research.

"Well, in certain situations, when affidavits are at stake, when long statements are involved and they do touch upon important matters, one must be judgmental," said Hilberg. "Now, there are some things I would not use at all; there are some things I would use in part."

Hilberg testified he "absolutely" and "obviously" would not use the part about 25 million persons being killed as it was "rhetoric." (4-923)

Do you deny that is exactly what he said in his statement?, asked Christie.

"Well, you know something, it is immaterial to me," said Hilberg. "... I would not deny anything. I don't even recall this, to tell you the truth."

It wasn't something so unusual that it would stick out in your mind?, asked Christie.

"No, because of the fact that one tends to exaggerate numbers sometimes, and one does so, obviously, without basis in fact. Any competent researcher can see that and pay no further attention."

Do you think that someone who swears that 'I am ready to swear the absolute truth of all my statements' and then says that, is a credible person?, asked Christie.

"Well, counsel," said Hilberg, "at the risk of offending every lawyer in this room, I don't go by whether a statement is sworn to or not. Certain people may make truthful statements not sworn to; others may make statements that are not based upon fact, even though sworn to; some people are not aware of the fact that they make misstatements. There are all kinds of possibilities here... I think that Gerstein was somewhat given to great excitability... I would not characterize it a lie, because a lie is a deliberate falsehood. I don't know whether, in his mind, this was a deliberate falsehood. The fact that you characterized him, yourself, as not quite with it, what can you say about his motivations?" (4-924)

Would you say that somebody who would say 25 million people were killed at Treblinka and Belzec was a rational person?, asked Christie.

"I would not characterize him as totally rational, no, but that is of no value, because I am not the expert on rationality," said Hilberg.

Hilberg agreed that in his statement Gerstein said there were eight gas chambers and whole mountains of clothes and underwear, 35 or 40 metres high. Was that a rational, credible statement?, asked Christie.

"Well, the 30 or 40 metres is a very interesting number, because how does one estimate the height of anything unless you are trained to do that? And on the other hand, if he says eight gas chambers, is that a more important dictum? Although I,

myself, believe it was six, I could see how somebody thought it was eight, given the number of doors and things of this sort." (4-925)

How do you know the number of doors, having never been there?, asked Christie.

"Well, the question as to how many gas chambers there were at Belzec at any given time is a matter entirely of the persons who were there... But there were a number of people who did not merely visit there, but who were stationed there, and who testified, repeatedly, as to the number of gas chambers."

You don't refer to them ten times, sir, said Christie.

"No," said Hilberg, "because this book was a 1961 book, and the testimony to which I refer occurred after the publication for this book. That is the reason for second editions."

I suggest to you, said Christie, that Gerstein said 275 milligrams of Zyklon B was enough to kill 8 million people. Did he say that?

"I don't recall that. I honestly don't," said Hilberg.

Christie put to Hilberg that Gerstein also alleged that millions disappeared at Auschwitz and Mauthausen in gas chamber-like cars, the method of killing the children being to hold a tampon and press the gas under their noses. Was that true or false news?, asked Christie. (4-926)

"Well, there were massive gassings at Auschwitz. I would not characterize it as millions, but certainly a million... I don't know about the tampons. I have heard repeatedly from witnesses about such killings. I have not cited them in the book because when it comes to certain matters of this kind, I am super careful."

Not so super careful about your sources, though, said Christie, because this source says that was done and swears it to be as credible as the rest of his statement.

"Yes," said Hilberg, "but I quoted only those portions of his statement that seem to be credible, and I made no use of those that were not."

Isn't that taking out of context?, asked Christie.

"No, I do not think that that is taking out of context. Where a number of statements are made on separate points and separate matters, and so long as the intent and the meaning of what a person said is not tampered with, then I don't regard it as taking out of context. If a statement contains ten points, be they numbered or not, and I decide that two or three of them are credible, are correct, are plausible, I will make use of them. If I decide others are not so, I will not make use of them." (4-927) Hilberg agreed that he had left out those portions of Gerstein's statement that showed a very strange mind prone to exaggeration because they were not plausible.

So the impression you leave when you quote Gerstein as your authority, suggested Christie, is that he is a plausible man.

"No," said Hilberg. "It merely means that he has made certain plausible statements, and that is another matter for being a plausible man. You could go into an institution for mentally ill people and get some rather plausible statements, and then total nonsense as well... You don't have to reject everything as a human being. You don't have to reject everything that he says." (4- 928)

I agree, said Christie, but if I get a book describing a situation, and in it the author quotes a madman but he quotes the rational parts of the madman's statement and he ignores the fact that he is a madman and the fact that things he said are impossible, do you think I have an accurate picture, the truth, from that book? Hilberg replied that he could not answer this question "because I deem it a rhetorical question."

Gerstein was obviously incredible, suggested Christie.

"He was incredible for many people, and nevertheless, one may take people of that nature and discover that they have made certain statements that have certain value."

Hilberg agreed that before his death Gerstein made another statement on 6 May 1945 [PS- 2170] which Hilberg had never used.

Because it casts grave doubts, said Christie, greater doubts on the credibility of Gerstein.

"Look, it is entirely possible," said Hilberg, "that a man's condition can deteriorate. You, yourself, suggested that he committed suicide." (4-929)

So you are suggesting that the second statement was the result of a deteriorated condition but not the first?, asked Christie.

"I have never met the man, and I am not competent to make a diagnosis," said Hilberg. "...Again, I am not a physician. I can only look at the statement that he made. I find nothing in it that I need, nothing that is persuasive or indispensable, so I don't use it."

Indispensable to your theory, suggested Christie.

"No. To the elucidation of what happened," said Hilberg.

Christie produced PS-2170, introduced before the Nuremberg Military Tribunal on 26 October 1945, a statement by Gerstein taken on 6 May 1945, about ten days after the first statement which Hilberg referred to in his book. Hilberg recognized the document. (4-930)

Hilberg agreed that Gerstein was responsible for the concentration camp administration delivery and shipping of Zyklon B. He distributed Zyklon B to Auschwitz, Birkenau and Lublin. Sobibor and Treblinka, however, were not part of the concentration camp system, said Hilberg. (4-931)

Christie put to Hilberg that PS-1553 was a document filed at Nuremberg that showed distribution of Zyklon B to both Auschwitz-Birkenau and Oranienburg was made on

exactly the same dates in exactly the same amounts. Hilberg testified that he knew of this document.

May I point out to you, suggested Christie, that if Zyklon B was used for killing people in Birkenau, then there was no reason for it to go to Oranienburg.

"You see," said Hilberg, "Oranienburg was the headquarters of the Economic Administrative Main Office from where it is entirely possible gas was distributed. I have no way of knowing that. I have no way of knowing what happened. The gas may not have been used at Oranienburg at all. It may simply have been stored there for shipments to another concentration camp. Oranienburg was the head of all concentration camp facilities." (4-932)

May I suggest, said Christie, that the real reason is that Zyklon B was used for delousing in both places in the same way?

"Well, you are entitled to your suggestion, but please don't impose it upon me."

Judge Hugh Locke instructed Hilberg to answer the question.

"Well, I cannot agree," said Hilberg, "It is not a plausible explanation at all."

Hilberg agreed that his testimony with respect to Oranienburg "was that I had absolutely no information about people being killed in gas chambers and Oranienburg." (4-933)

Christie returned to the second Gerstein statement, 2170-PS, where Gerstein had sworn:

Likewise tests were carried out with compressed air. People were put in boilers into which compressed air was forced, using the conventional blacktop road compressors.

It is a pretty ridiculous statement, isn't it?, asked Christie.

"I cannot explain that one at all," said Hilberg. "...It is a far-out statement, and even taking into consideration that there were some far-out people in some of these camps, I would not credit it, and I have not used it."

Christie referred to the another portion of the Gerstein statement where he had sworn:

An approved method of killing human beings in Poland is that these people were made to climb the circular staircase of blast furnaces, they were then finished off with a pistol shot and disappeared in the blast furnaces. Many people are said to have suffocated in brick kilns due to flue gases, and then subsequently incinerated in the same work pass. However, in this respect my source of information is not 100 percent reliable.

Christie suggested this was another rather incredible statement from Mr. Gerstein.

"Well, he himself says it is not entirely reliable," said Hilberg. "... I have testified before and will again that in the use of such affidavits, one must be extraordinarily careful." (4-934)

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Hilberg confirmed to the court that he was not a statistician: "I am not a statistician as that term is understood and defined today, and I confine my operations to numbers with additions and multiplications and very simple things." (5-938)

And statistics, suggested Christie, as far as enumeration and census figures are concerned, is a technical field of endeavour, isn't it?

"Well, it depends upon what one wishes to do with this data. I am qualified, I believe, to look at census data insofar as the question arises as to what they refer to. On the other hand, if one wishes to engage in very complicated projections, then I'd stay away from such mathematical operations."

Christie suggested that with respect to statistics, Hilberg was no more qualified than Paul Rassinier.

"Oh, no, not at all," said Hilberg. "My ability to see statistics in a context and understand what numbers refer to is, I believe, superior to that of the gentleman you've just mentioned."

In terms of any academic qualifications, however, you are not any better qualified than Rassinier was, Christie reiterated.

"Oh, yes, I am more academically qualified for the simple reason that statistics, numbers that are embedded in documents referring to specific events and occurrences, involve complicated issues, such as boundaries and the like, and in this regard I am more qualified."

What academic qualifications do you have, asked Christie, in the area of statistics that is greater than that of Mr. Rassinier?

"I was not calling myself a statistician," said Hilberg. "I am called a statistician in the booklet. I have tried to correct the impression that it's possible, from the statement 'statistician' in that booklet, by limiting my competence in this matter so as to involve only the numbers insofar as are referred to and are embedded in historical data, sometimes very complicated situations, and on that regard my training as a political scientist does entitle me to look at statistics with more understanding; and my preoccupation with this subject over the years has given me some ability to see what the statistics mean and what they don't mean."

So the answer, suggested Christie, is that you have no academic qualification in respect to statistics except you are qualified in political science.

"That does give me some competence in looking at numbers and understanding them, yes."

Isn't it true that Rassinier was an inmate of a German concentration camp during the war?, asked Christie.

"That seems to be his statement," said Hilberg. (5-940)

Do you deny that?, asked Christie.

"I deny nothing... It is simply a matter of what he states. I have not checked upon where he was. I was not interested."

He claims to have had firsthand experience of concentration camps, suggested Christie.

"He is entitled to that claim. He has made that claim. He has checked upon it. I have no comment to make."

In his publications, and you have read them, suggested Christie, he was by no means a Nazi sympathizer but a Communist elected member of the legislative -

"Whatever his past and whatever his reason for his incarceration," said Hilberg, "I can only look at the book he wrote afterwards, and that's the limit of my knowledge about him... Whatever he was in the past, that is indicated. I have no comment to make upon it."

Tell me whether it says that in the book or not, said Christie.

"I recall that it says that in his book," said Hilberg. (4-941)

You are aware he was an elected member of the Parliament in France?, asked Christie.

"All I can say is what I said before. I can only agree about what he said about himself. I have not checked on anything... I don't recall all the details of what he said. I am quite willing to accept what you are saying. It is close enough as far as you are concerned."

Do you recall how long he claimed to have been in the concentration camp in Germany?, asked Christie.

"I don't recall the number of years. I simply can't remember that."

But he, to you, was not credible, said Christie.

"Not credible," said Hilberg. (4-942)

Christie returned to Gerstein, to whom, Christie pointed out, Hilberg attached some credibility, and quoted further from his statement:

Missions of so-called doctors, actually nothing but young SS men in white coats, rode around in limousines throughout the towns and villages of Poland and Czechoslovakia selecting the old and tuberculous people, shortly afterwards sent to the gas chambers.

Did Hilberg attribute credibility to that statement?, asked Christie.

"Well, I have not used it," said Hilberg, "of course, and it is a complicated statement involving a great many separate events some of which, indeed, did occur... There was a certain attempt to gas Polish people who were tubercular, on a large scale... The matter was put by a Gauleiter Greiser. He wanted to gas some 30,000 Poles who had tuberculosis, and his reason was that they might infect Germans. In fact, that particular project was vetoed, but it was proposed... I tell you that there are elements of what appears in this global statement that are true, but I would not - " (4-943)

This is a global statement?, asked Christie.

"Well, because it does involve several regions, multiple events, and long periods of time."

I suggest to you, said Christie, that the statement is utterly fantastic, that young men in white coats did not ride around in limousines in Poland, Czechoslovakia or anywhere in the Third Reich picking up people for gassing. Do you maintain that to be true?

"I have never said that this is true," said Hilberg. "I would not say that people in white coats pretending to be doctors rode around in vehicles or limousines. No, I don't think that this particular detail is sufficiently credible to be used by a scholar, nor have I used it."

That's one of the parts of the Gerstein statement that you chose to ignore?, asked Christie.

"Yes, I did ignore it," said Hilberg. (5-944)

Christie alleged again that what Hilberg had done was attribute credibility to Gerstein by taking things out of context.

"No," said Hilberg, "I disagreed with you when you made that statement yesterday, and I have to disagree with it today. Nothing has changed... I explained to you what I mean by 'out of context'. 'Out of context' means the use of words by an author in such a way as to render the meaning he intended differently from the way that he intended it to be. That, to me, means 'out of context'. It means to leave out qualifications. It means to leave out ifs, buts, however; but if a person makes a statement which can easily be segmented into ten different assertions or twelve different assertions or twenty different assertions and I find that ten are credible and ten are not credible, or that five are credible and fifteen are not credible, if I happen to choose those, which I find to be confirmed by others, which I find to be plausible in the light of events as I know them, then I'm not taking these statements out of context, of what he is saying... I am taking them in order to create a larger canvas of the facts; if that happens to support my thesis, fine; if the thesis is not supported, the thesis will be modified." (5-

945) Hilberg agreed that he decided "absolutely" to leave out the dubious portions of the Gerstein statement.

Christie asked whether Hilberg would give someone looking at the Gerstein statement the right to call the whole statement dubious.

"I would give any right to anybody who was honest, who was cautious, who wishes to look at things cautiously. I am myself that way. I permitted myself the use of portions of this manuscript because I was familiar with other material that enabled me to use that particular statement. I also told you that I have seen documents signed by Gerstein at the time, so that it is not the only statement, not the only Gerstein documentation... there are letters, correspondence by Gerstein, too. When I keep using Gerstein, I have used correspondence by Gerstein, 1944 correspondence by Gerstein... There are letters written by Gerstein which I used. These are documents. These happen to be correspondence. These were written at the time of the events. Now, if you wish to confuse the issue, please go ahead and confuse it; but I wish to remain clear about things."

Christie put to Hilberg that he was confusing things in people's minds by referring to a statement that had totally incredible parts to it.

"I don't see why anybody should be confused unless they wish to be," said Hilberg. (5- 947) He continued: "...the reason that there are people like me who write books is that we develop a certain amount of expertise in the use of these materials... There is no need for anybody to trust my research. You can check any document you wish. You can come to any conclusion that you wish."

My question, said Christie, was whether you would accept that honest people, looking at PS-1553 -- the Gerstein statement -- could honestly take the position that it is totally incredible?

"They could certainly take that position," said Hilberg, "if they know nothing except that particular document."

They could also, Christie suggested, take that position if they didn't believe you, right?

"Well, if they did not believe me after reading 800 pages, I don't know what to say, because that signifies the failure of a lifetime... That would be my failure." (5-948)

Christie put to Hilberg again that he must concede that some people might decide things differently from him and they should be free to do so; if they looked at the Gerstein statement and decided it was incredible, they must be free to do so. Was that Hilberg's view of the matter?

"I must qualify what I am about to say; I'm sorry, but I must qualify... I do believe in academic freedom... If deliberate misconstruction and malice are not involved, I certainly believe that they should have that freedom." Hilberg agreed "absolutely" that people should be free to publish their opinion about the Gerstein statement: "Such a statement, such an article did appear in a rather prestigious German publication."

Is it true, asked Christie, that the Gerstein statement is an important part of your book because you rely on it to prove the number of deaths at Treblinka and Belzec?

"No," said Hilberg. "... In my book, the first edition, I do not give precise figures for Treblinka or Belzec because, at the time, I did not feel that I could give a figure for each of these counts. What I had in my possession was a figure that applied totally, combined, to Treblinka, to Belzec and to Sobibor. That came from a German document. Back in the 1950s I was not able to break down that figure for those three camps. I am better able to do this now, but I did not do it then and I did not rely on Gerstein or anyone else." (5-949)

Christie referred to a portion of the Gerstein statement and asked Hilberg whether or not he had relied on it:

Belzec, on the Lublin-Lemberg road, in the sector of the Russian demarcation line. Maximum 15,000 persons a day (Seen!).

Sobibor, I do not know exactly where it is located. Not seen. 20,000 persons per day.

Treblinka, 120 km NNE of Warsaw. 25,000 persons per day. Seen!

"What I relied upon in the statement," said Hilberg, "was the fact that he had been there, that he had seen the two facts to which he referred. I did not take from that statement his estimate of maximum capacity in the camps."

So that part, too, was incredible, was it?, asked Christie.

"I did not say that. Just a moment, please. You keep on putting words to my mouth," said Hilberg. "... The point is that I had no basis, in those days, for making an estimate of the capacity, the daily capacity, or the total toll in each of these camps. I only knew the global figure to December 31, 1942." (5-950)

Isn't it true, asked Christie, that the judgment of the Nuremberg Military Tribunal in the Pohl case, specifically that of Judge Michael Musmanno, quoted extensively from the Gerstein statement, PS-1553, ignoring parts of it as you did?

"Well, I would say that Judge Musmanno had good cause to do what he did, that he was a capable judge."

Another case of selected editing for the reasons of the judgment, right?, asked Christie.

"Now you are accusing a judge of the same thing you are accusing me of... Fine... I don't quarrel with it."

Hilberg agreed that his estimate of gassed victims at Auschwitz in his book was roughly 1 million: "That was my estimate then. That is the recalculated estimate, roughly the same now." (5-951)

Hilberg agreed that in the concurring judgment of Judge Michael A. Musmanno in the Pohl case before the Nuremberg Military Tribunal (NMT "Green Series," vol. V, p. 1131), Musmanno quoted from the affidavit of Rudolf Höss, former commandant at Auschwitz:

Rudolf Höss declared under oath that he personally supervised the executions at Auschwitz until 1 December 1943, and he estimated that up to that time, 2,500,000 prisoners were, "executed and exterminated there in the gas chambers and crematories."

Christie pointed out to Hilberg that the figure of 2.5 million victims at Auschwitz was twice what Hilberg claimed. (5-951 to 954)

"It's twice the figure that I give in my book in 1961," said Hilberg. He believed his own figure to be the truth.

Would you say then, asked Christie, that the Nuremberg judgment was false on that point?

"It's an error in my opinion," said Hilberg. "... The court quoted Höss to that effect."

It would appear, suggested Christie, that Höss is another important part of the belief in the 6 million.

"No," said Hilberg. "He was the commander of Auschwitz from the time it was founded until November 1943. He then was present in Auschwitz again during the summer of 1944. He was absent for some times from the camp on other duties. He does, however, have important information about Auschwitz."

He was captured by whom, sir?, asked Christie.

"He was -- I am trying to recall whether it was the British army of occupation. I think it was in the north of Germany where the British were."

He wrote a book in which he said he was beaten and tortured by the British, right?, asked Christie.

"I am not aware of his having said that in his book," said Hilberg. "I would be pleased to look at it." (5-955)

Christie produced the book *Commandant of Auschwitz: The Autobiography of Rudolf Höss* and quoted from page 174:

At my first interrogation, evidence was obtained by beating me. I do not know what is in the record, although I signed it. [Footnote: A typewritten document of eight pages, which Höss signed at 2:30 am on 14 March, 1946. It does not differ substantially from what he later said or wrote in Nuremberg or Cracow.]

"I am not familiar with this edition," said Hilberg. "I have the German edition... It may well be that I kept no immediate recollection of this particular passage in the

German edition. I don't dispute what is stated here. It is his allegation. He said he was being beaten and that he signed a record." (5-956)

Christie referred back to the book:

Alcohol and the whip were too much for me. The whip was my own, which by chance had got into my wife's luggage. It had hardly ever touched my horse, far less the prisoners. Nevertheless, one of my interrogators was convinced that I had perpetually used it for flogging the prisoners.

After some days I was taken to Minden-on-the-Weser, the main interrogation centre in the British Zone. There I received further rough treatment at the hands of the English public prosecutor, a major.

"It appears from what you read that he did consider himself to have been beaten with his own whip," said Hilberg.

Right, said Christie. And he didn't understand what he was signing but he signed it anyway.

"That appears what appears to be said there, yes," said Hilberg.

Christie moved to the subject of Franz Ziereis. Hilberg agreed he had quoted Ziereis earlier. Was he kept in custody too?, asked Christie.

"Well, I don't know the precise circumstances inasmuch as they are somewhat complicated," said Hilberg. (5-957)

Christie put to Hilberg that Ziereis was the commandant of Mauthausen in Austria, that he was tortured in that he was seriously wounded by three bullet-wounds in the course of his interrogation or immediately prior, that he knew he would die shortly, that he was interrogated for a period of six to eight hours during the night of May 22 and 23, and that he died that morning.

Hilberg agreed that Ziereis was the commandant of Mauthausen, but to nothing else. "No, I can't say that. I've had and read about two or three versions of his wounds and his subsequent death... He certainly died shortly after the end of the war as a result of wounds he received. According to one version he had tried to escape; according to another version, angry inmates inflicted the injuries upon him. You have just read yet another version. Unfortunately, I cannot choose between these versions. I can only confirm that he had wounds, that he did make the statement, and he subsequently died." (5-958)

Christie produced the affidavit of Hans Marsalek, which was the translation into English of Nuremberg document 3870-PS [Nazi Conspiracy and Aggression, vol. VI, p. 790]. Marsalek swore:

Franz Ziereis was interrogated by me in the presence of the Commander of the 11th Armored Division (American Armored Division) Seibel; the former prisoner and physician, Dr. Koszeinski;, and in the presence of another Polish citizen, name

unknown, for a period of six to eight hours. The interrogation was effected in the night from 22 May to 23 May 1945. Franz Ziereis was seriously wounded -- his body had been penetrated by three bullets -- and knew that he would die shortly and told me the following: ...

Hilberg agreed that this document was Marsalek's recollection of what Ziereis said before he died and that it was used as a prosecution document at Nuremberg. Hilberg indicated that the Marsalek affidavit claimed that Ziereis was shot by American soldiers after trying to escape and was interrogated in the presence of a representative of the 11th Armoured Division. Hilberg testified that he would not quarrel that the document was before the court. (5-961, 962)

"I might add," said Hilberg, "that the fact of a number such as 3870-PS does not mean that the document was introduced in evidence... This is not ipso facto evidence of the document having been used in evidence. It merely means that it was collected by the prosecution, given a document number. It might then have been used; but not all of the prosecution documents have been used as evidence... " (5-962)

Christie asked whether, as an ordinary human being, Hilberg saw anything wrong with introducing into evidence, not the statement of Ziereis with his signature on it, but an affidavit by a different man who simply quoted what Ziereis allegedly said before he died.

"I would say the following," said Hilberg, "When a man has been the commander of a concentration camp and is wounded, the question of whether he may or may not be interrogated is essentially a medical question. Whether the physicians were consulted or not, I have no way of knowing. When I look at the document -- and I did look at it - - I could use it or not use it, depending, once again, as to whether or not the information contained in it seems to be credible, plausible, corroborated, confirmed or not." (5-963)

Christie put to Hilberg that Marsalek claimed in the affidavit that Ziereis said that 1 million or 1.5 million people were killed at Castle Hartheim. Was that true?

"There were people gassed at Hartheim," said Hilberg, "certainly not the number that you have just quoted, no... all I can say is, I did not use that particular datum. Indeed, in the first edition, I don't even believe that I have mentioned Hartheim, which was a facility for gassing incurable persons... the fact of Hartheim existing as a euthanasia station for gassing incurably ill persons with mental or neurological disorders, and also for gassing concentration camp inmates that were either obstreperous or at the end of their physical strength has been confirmed over and over and over." Hilberg indicated, however, that this was not his area of research. Hilberg agreed that the numbers included in the Marsalek affidavit regarding Hartheim were "manifestly out of the question" and were "absolutely" false. (5-964, 965)

Christie suggested to Hilberg that these types of documents were not rare and that torture was common; that people such as Franz Ziereis, Rudolf Höss, Hoettl, Konrad Morgen, Josef Kramer and Erich von Manstein were tortured.

"All the names you have mentioned are familiar to me. The allegation of torture, in most of the cases that you have just indicated, are not familiar to me," said Hilberg.

You haven't looked into just what degree of voluntariness was involved in these statements, correct?, asked Christie.

"No, no. I am, of course, interested in how much a particular affidavit can be trusted. At the very outset I pointed out that my principal reliance was on documents, that my secondary reliance, where the documents do not speak for themselves or sufficiently so, is upon statements. I handle all such statements, whether [delivered] under the freest circumstances or under constraint, with the utmost of care." (5-966)

Hilberg agreed that he had referred to himself as an empiricist. Would you agree, asked Christie, that empiricism is the process of looking at experience and conducting experiments with real things?

"Well, I am not going to extend the definition of 'empiricism' to include experiments as a matter of necessary consequence. There are all kinds of manipulations, some of which is simulation, some of which are experiments, and some of which are not either... my description of what I am doing, is the procedure of looking at facts as they are contained in documents, and then coming to a larger picture, going from the small to the big, and that I call the empirical approach to the subject. There are, and could be, other approaches, but that happens to be mine. 'Experiment', to me, suggests a repetitive element that can be manipulated in a laboratory. This I don't do." (5-967)

May I suggest, said Christie, that experiments can mean going to the scene of an event and conducting scientific tests?

"One may conduct scientific tests. I don't exclude that."

Have you done it?, asked Christie.

"I do not. I have repeatedly said that I am not a chemist. I am not a geologist. I am not a photo interpreter. I do not do these things."

I am asking you, said Christie, if you have done any physical experiments in respect to the research we are dealing with here.

"No. No."

Do you know of one scientific report that substantiates that any single place was used as a gas chamber? If so, please name it, said Christie.

"What do you mean by a scientific report?," asked Hilberg.

I don't usually have to define simple words, said Christie, but by "scientific report" I mean a report conducted by anyone who purported to be a scientist and who examined physical evidence. Name one report of such a kind that showed the existence of gas chambers anywhere in Nazi-occupied territory. (5-968)

"I still don't quite understand the import of your question," said Hilberg. "Are you referring to a German, or a post-war -"

I don't care who -- German, post-war, Allied, Soviet -- any source at all. Name one, said Christie.

"To prove what?," asked Hilberg.

To conclude that they have physically seen a gas chamber. One scientific report, repeated Christie.

"I am really at a loss. I am very seldom at such a loss, but ... Again, I can only state that there have been aerial photographs that were analysed. Perhaps that is not in your definition of science. There have been contemporaneous documents about the lethality of the gas that was employed. Perhaps this is not important to you. There are documents -- " (5-969)

Excuse me, said Christie, I want to understand clearly. You say the second thing is evidence about what?

"The lethality, the toxicity of the gas, the nature of the poison and what it does... Signed by scientific personnel within the German chemical industry."

Hilberg agreed that the cans of Zyklon B were labelled as poison: "That's correct. None of these examples will satisfy you because you want the proverbial connection to be made so close... The additional, how shall I say, scientific evidence is contained in such subject matter as filters for gas masks and the like, again indicating the caution with which one must approach this gas. Now, these are all connected with gas chambers."

Is that the end of your answer?, asked Christie.

"Well, for the moment, it's a couple of examples that at the spur of the moment I can bring up. If you want me to reflect on the matter, I can certainly conjure up from my recollection other examples, but I am still at a loss to really understand your question." (5-970)

In your book, *The Destruction of the European Jews*, if you had a scientific report proving the existence of only one gas chamber, wouldn't you have used it?, asked Christie.

"Oh, well, there is no single report, as you say, proving scientifically the existence of a gas chamber, unless you mean by this the chamber. Now, if you mean a scientific report as to what happened to people inside a gas chamber after they have inhaled gas, that's a separate matter ..."

I didn't ask you that, said Christie.

"Well, that's the reason I am saying I am not quite sure as to the nature of your question. What scientist would make a report about a couple of hundred people

squeezed into a gas chamber, and what exactly happens physiologically to them all, when you've got, from German sources, the exact description of what this gas will do once it is inhaled by human beings?" (5-979)

I suggest to you, said Christie, that it is quite possible to determine if hydrocyanic acid in gas has come in contact with stone or brick or mortar on walls. Do you know of a single scientific examination of any of those objects to determine, in 1945, the existence of hydrocyanic acid inside the walls of any buildings in Europe?

"Well, we have numerous structures described in German documents for utilization of gas for a variety of purposes. The particular gas to which you refer was delivered in various strength, and some of the structures were sealed off more securely, others less so, depending upon the purpose. Obviously, to me, from the existence of the industry, the reported quantities of gas used in the majority for fumigation purposes... Of buildings, of ships... Not necessarily lice. It could be cockroaches."

Bugs were disinfected with Zyklon B, right?, asked Christie.

"The bugs were disinfected? The building was disinfected. The bugs were killed," said Hilberg, "... Pardon me for giving you a long answer again, but that 'B' stands for the strength of the gas. There was Zyklon C and B at the beginning, at least, and depending upon the purpose, these particular strengths were used in the strengths indicated for the purpose." (5-980)

I want you to tell me, repeated Christie, if you know of one scientific report of the analysis of gas chambers that was used in conjunction with Zyklon B (hydrocyanic acid) for the killing of people?

"No, I don't know of any such report unless it is, you know, somewhere in the records of the Soviet Polish Investigation Commission of Lublin, Majdanek, because you have to remember that aside from the Lublin chambers, otherwise known as Majdanek, and the one Auschwitz chamber still in existence, there wouldn't be any -"

Judge Locke interrupted: "Doctor ... do you know of such a report?"

"No," replied Hilberg.

Isn't it true, sir, asked Christie, that Professor René Fabre, toxicologist, was asked in 1945 to examine the corpses of people allegedly gassed at Struthof-Natzweiler, 5 kilometres from Strasbourg in Alsace and scraped things from the van and the alleged chambers where Kramer was supposed to have gassed people, and that the results of that report were that there was no poison evident in his analysis?

"I am not at all familiar with this report," said Hilberg. (5-981)

Was there, in your knowledge, the existence of a single autopsy report to indicate that the cause of death of one person was from the ingestion of hydrocyanic acid or Zyklon B?, asked Christie.

"Unless you are referring to the report of Professor August Hirt, who caused Jews to be gassed in a chamber at Natzweiler for the purpose of investigating their skulls in an anatomical investigation, that would be it... I do believe that I've seen that in a document, but it does not give a detailed medical description of what transpired in the course of gassing, since that was not his purpose... He caused them to be gassed in order to sever their heads for anatomical studies... You will find it in the Nuremberg documents. I regret I can't give you the number."

Your evidence, said Christie, is that that report exists and that it does say that people died from prussic acid, hydrocyanic acid or Zyklon B?

"I am saying," said Hilberg, "that this man caused several individuals to be gassed for the purpose of conducting an anatomical study of their heads. He caused them to be gassed first and then he severed their heads in order to conduct anatomical studies. He made sure that they would die with the proper dosage of Zyklon in a gas chamber."
(5-982)

You say, asked Christie, there was some sort of command to perform gassings?

"There was correspondence there. There was a request for the delivery of the individuals."

Ahh, said Christie, this is what we have, then, a correspondence, that is, a request for the delivery of the individuals.

"Perhaps I should simply state that -"

No such report exists, suggested Christie. That would be the simple answer.

"I would not go so far as to say that no such report exists, but what you want -"

I want the report, said Christie.

"All right," said Hilberg. "If you want a detailed medical study of what happens to an individual after he has been gassed, I have not seen that, and that's it."

I don't want a detailed study of what happens to a person after having been gassed, said Christie. I want reports after the war, before the war or during the war to show that between 1939 and 1945 someone was killed by the use of those substances.

"Well, there are plenty of such reports, but you want a scientific report by a physician," said Hilberg.

An autopsy, said Christie.

"No, no. Unless we are talking about this August Hirt document series, which I would not exclude the possibility here of something autopsal in his report, but I cannot now testify to that." (5-983)

Would you mind telling me, asked Christie, if you recall seeing any document that proves that someone died from the use of prussic acid?

"I don't really wish to answer that so quickly," said Hilberg, "because it's possible that I have seen such things... But my mind is simply not structured towards these, towards these details."

Christie had Hilberg confirm that he had earlier testified that there were many documents to prove the killing of Jews in existence. Christie then produced an article entitled "Confronting the Moral Implications of the Holocaust" published in the April, 1978 issue of Social Education and asked Hilberg if he was the author.

"I'm sorry that I can't give a yes or no answer even to that," said Hilberg. "The footnote will indicate -- "

Christie read from the footnote that the article was by Raul Hilberg, professor at Vermont University, and that the article was a transcript of an address Hilberg delivered at a National Invitational Conference sponsored by the Anti-Defamation League of B'nai B'rith in New York on October 9-11, 1977. Hilberg testified that he recalled those occasions. "The transcript is a transcript with numerous errors of a lecture that I did not have time to edit." (5-985)

Christie read from the article and asked Hilberg whether he said the following or not:

There were peculiar uses of language, the very language that people like Butz, who deny the Holocaust ever took place, now say was to be read literally. Resettlement, for example, and other such words, which were euphemisms for killings. I have kept looking for one single document, any document, which contains the actual word "killing." After going through tens of thousands of documents, I found the word just two weeks ago in a report of an actual killing action, but for real four legged dogs. The word "killing" was used for dogs. Human beings were specially treated: they were "resettled", or "the Jewish problem was solved."

"That reflects it accurately enough," said Hilberg. "... All I said there was that the word 'killing', töten in German, was not used with reference to the annihilation of the population of Europe."

But you would have us believe, asked Christie, that all the German people and soldiers and SS who are familiar with taking orders would somehow learn a new language where 'killing' was meant in 'resettling' and the Jewish problem 'solved' meant 'killing'?

"I would not have you believe it," said Hilberg. "I state, as a fact, with all the expertise at my disposal which may or may not be sufficient, that in correspondence there were strictly understood customary rules as to how the killing process was to be referred to. As a matter of fact, even some of the euphemisms, after having been used repeatedly, were proscribed, forbidden, when, for example, Korherr, the aforementioned statistician in the SS, used the word 'special treatment', which was a euphemism for killing. It had been used so much it was understood so well, that

Himmler said he no longer wanted this word used in the report and wanted the report changed and another word substituted... durchgeschleusst."

Christie put to Hilberg that Richard Korherr wrote a letter to the newspapers in Germany in 1977 to explain that he had tried to find out at the time what the word sonderbehandlung (special treatment) meant.³

"I have no fewer than four affidavits by Korherr about his report. I don't know any of his letters to newspapers in 1977," said Hilberg. (5-986, 987) He would be surprised if Korherr was still alive. "He must be getting on in years... More than that, because Dr. Richard Korherr has made several statements, all of which I have seen, before German prosecutors. He was asked in 1960 to make another statement and he said he was no longer capable to do so, and that was that. That is in 1960. That is why I am surprised to see a letter purported to have been written by him in 1977, if he could no longer make a statement in the 1960s... A German prosecutor attempted to get a statement from Dr. Korherr, and he could not do so because of the alleged incompetence of Dr. Korherr to make statements." (5-989)

In Hilberg's view, Korherr's allegation in 1977 that "special treatment" meant resettlement in the District of Lublin, was "not accurate." (5-990)

Christie turned to the subject of Simone Veil and asked Hilberg whether he knew that she was alleged to have been killed in the gas chambers.

"...I am in no way really capable of telling you anything about her," said Hilberg, "her life or anything, because it has interest to some people, but not really to me." Hilberg could not say whether Veil was dead or alive. (5-991)

Christie next turned to the topic of Jewish responsibility for causing the Second World War. Hilberg testified that *Did Six Million Really Die?* seemed "to indicate that the Jews had a large, or perhaps even predominant role in causing the war to have been fought." Christie agreed and indicated he would be putting certain historical events to Hilberg and asking him if those did not support the very point made in the booklet.

Wasn't it true, asked Christie, that in 1933 Samuel Untermyer made a statement that indicated that war must be waged on Germany?

"I may have seen it," said Hilberg, "but there were a number of speeches, and that's one of them. I don't recall it."

Hilberg refused to characterize Untermyer as a fairly important person although he could not remember what his position was. "I don't even remember, but I do remember he was not an important personage."

Hilberg had not read the front page story on Untermyer in the New York Times from August 7, 1933. "I have not read this particular article. I probably have seen a headline, but I have never read the entire text of this particular speech. I have testified before that there were numerous speeches. It is humanly impossible and fruitless to

read all of the speeches of personages of importance or less important as they react to persecution in 1933. There were lots of speeches." (5-992 to 994)

You are not familiar with that speech at all?, asked Christie.

"No. I have never read it."

Does it come as a surprise to you, asked Christie, that speeches reported on the front page of the New York Times were saying that there was a campaign to exterminate Jews in 1933?

"...The New York Times, I must say, especially in those days -- and this I can testify to -- printed a lot of things," said Hilberg. "... It is common knowledge and it is obvious that there was no campaign to annihilate the Jews -- I have said this before -- in 1933. I have testified to and written about the evolution of this process. People were killed as Jews because they were Jews in 1933, but there was not in 1933 an immediate threat of total, physical annihilation of the Jewish population of Germany." (5-994)

So, asked Christie, if anybody said in 1933 that the Hitler regime originated to fiendishly exterminate the Jews by placarding Jewish shops, warning Germans against dealing with them, by imprisoning Jewish shopkeepers, that would be false news?

"It is a form of rhetoric, since it was common knowledge to anybody what was happening. It was widely reported. People knew what was and what was not occurring, because it was at that moment a time of peace and there were correspondents in Germany reporting daily on the events there."

Christie turned next to the subject of the Nuremberg trials and their treatment by the booklet. Hilberg repeated that *Did Six Million Really Die?* was a "basically biased" statement. "There is so much misrepresentation here that I said it was a lot of concoction, untruth, mixed with half-truths, occasional truths, a sentence may be half a sentence."

Hilberg considered to be "largely false" the allegations of the booklet that the Nuremberg trials were the result of torture and were based on pre-conceived notions of guilt.

You wouldn't consider the Nuremberg trials as a high-grade lynching party?, asked Christie.

"Absolutely not," said Hilberg. (5-995, 996)

Christie produced the book, Harlan Fiske Stone: Pillar of the Law, by Alpheus Thomas Mason and read from page 716:

Yet irritation growing out of the accumulated inconvenience he attributed to Justice Jackson's absence provoked even more intemperate comments. "Jackson is away conducting his high-grade lynching party in Nuremberg," he remarked. "I don't mind what he does to the Nazis, but I hate to see the pretense that he is running a court and

proceeding according to common law. This is a little too sanctimonious a fraud to meet my old-fashioned ideas."

Hilberg testified that Harlan Fiske Stone was the Chief Justice of the Supreme Court of the United States; Mr. Justice Robert Jackson was one of the members of the same court and served as the American prosecutor at Nuremberg.

"He was a prosecutor at Nuremberg of the United States of America," said Hilberg. "Prior to being in the Supreme Court of the United States, he was the Attorney General of the United States." (5-997)

Christie suggested to Hilberg that Harlan Fiske Stone was referring to the Nuremberg trials when he stated Jackson was on a "high-grade lynching party."

Said Hilberg, "Well, Mr. Thomas Mason, who wrote this biography, on page 716, may have quoted, for all I know, an intemperate remark made at a lunch table by the Chief Justice who was annoyed because one member of the court was taking a prolonged leave of absence to Nuremberg. He was, as he correctly described him, old-fashioned. Now, he may have used his intemperate language -- I don't challenge the accuracy of the quotation, but you must put it into the context of the book, of the remark, of the circumstances, and of everything else... I cannot probe the mind of every jurist, and there were, no doubt about it, difficult legal questions connected with the indictment, particularly the notion of a crime against peace, which is nothing to do with the Holocaust, and about which a great deal has been written. There is no doubt that this particular trial caused, in the legal community, much discussion, be it in the matter of evidence, or in the matter of substance, particularly as it pertains to crimes against peace. I said before that Mr. Justice Jackson had been Attorney General of the United States. As Attorney General he was asked whether it was in conformity with the Constitution of the United States to permit the transfer of fifty destroyers to Great Britain, and at a time when Britain stood alone. He advised them that it was in accordance with the Constitution and of international law to do so. He felt the obligation to reinforce the point that one could take measures short of war in sending fifty destroyers to another country in need that was defending itself and other countries against aggression. He wanted to nail the point against aggression. He stated this clearly in the conference in London, establishing the Charter of the International Military Tribunal. That has caused controversy." (5-998, 999)

Christie returned to the book and asked Hilberg if he agreed with what was written on page 715:

When President Truman named former Attorney General Francis Biddle American representative on the panel of judges to try the war criminals, the Chief Justice expressed his disapproval of the entire proceedings by refusing Biddle's personal request to swear him in. "I did not wish," he explained, "to appear, even in that remote way, to give my blessing or that of the Court on the proposed Nuremberg trials."

Hilberg agreed there was "no question" that Chief Justice Stone was indicating disapproval of the Nuremberg proceedings. Hilberg stated this was only a quote, however: "I don't know what he actually said." Hilberg himself did not agree with Stone's comments. (5-1000, 1001)

Christie referred to the book at page 715, where Chief Justice Stone was quoted as stating in a letter to the editor of Fortune magazine:

"For your information, but not for publication as coming from me, I would like to advise you that the Supreme Court had nothing to do, either directly or indirectly, with the Nuremberg Trials, or the governmental action which authorized them. I was not advised of Justice Jackson's participation until his appointment by the Executive was announced in the newspapers."

"So far as the Nuremberg trial is an attempt to justify the application of the power of the victor to the vanquished because the vanquished made aggressive war," he explained, "I dislike extremely to see it dressed up with a false facade of legality. The best that can be said for it is that it is a political act of the victorious States which may be morally right, as was the sequestration of Napoleon about 1815. But the allies in that day did not feel it necessary to justify it by an appeal to nonexistent legal principles."

"There is no question of it," said Hilberg, "that here was a slight conflict, shall we say, between the judicial and executive branches... as I've testified, the issue... was the count of aggression." (5-1001)

Asked if he agreed that the Nuremberg trials were dressed up in a false facade of legality, Hilberg replied, "No, I do not agree." He admitted, however, that he had no training in international law.

Do you agree, asked Christie, that the principles of Nuremberg were non-existent legal principles?

"I certainly do not agree," said Hilberg. He continued, "...you are quoting statements by the Chief Justice evidently made privately in which he even said, 'I don't want to be quoted'. This man was expressing private opinions which are printed, and I don't agree with them." (5-1002, 1003)

Hilberg agreed "absolutely" that Chief Justice Stone had this opinion but disagreed whether he was entitled to hold such an opinion: "Well, the entitlement is a difficult question. He, himself, did not feel that he should make his opinion a public statement."

So, asked Christie, because *Did Six Million Really Die?* makes similar statements publicly to what the Chief Justice of the United States said privately, you condemn this booklet.

"No," said Hilberg. "These are two separate issues. The concern of the Chief Justice, apart from the fact that he was annoyed by the prolonged absence of one of the nine brethren in Nuremberg, was the count of aggression, the fact that heretofore there had not been criminal international law, as he saw it, making criminal an aggressive act. He did not like the retroactivity of this count, as he saw it. He made no comment whatsoever about war crimes. He made no comment here whatsoever about prosecuting criminals or killing masses of people. He confined the comment, as you read it to me, to the count of aggression. The booklet, on the other hand, deals with

whether 6 million really died and raises the question of whether the prosecutions at Nuremberg were condemned by the Chief Justice for that reason." (5-1003)]

Hilberg saw "no reason" to make the assumption that Stone was criticizing the whole procedure at Nuremberg: "...it was obvious that he was in a state of discomfiture, to say the least, about the presence of Mr. Justice Jackson, first at the London conference in which the counts were debated and drawn up, and secondly as prosecutor representing the United States. The point about which he was most discomfited was the count of aggression. I said this before. You even showed me the passage... And that, in my opinion, is a different matter from the well-recognized, well-precedented action of crimes being prosecuted if they have happened to be war crimes. War crimes are an established part of customary international law. You certainly know that, sir. You are the lawyer." (5-1004)

Christie suggested to Hilberg that what Chief Justice Stone had said was -- "I don't mind what he does to the Nazis, but I hate to see the pretense that he is running a court and proceeding according to common law" - and that this was a criticism of the constitution of the whole court, not just the indictment.

"The Chief Justice of the United States," said Hilberg, "was born and lived with a system of a written constitution in which all crimes, to my understanding of it, are spelled out in statute, laws passed by legislatures. International law is a different proposition, but it, too, defines well- understood crimes that may result in prosecutions; that called war crimes is a well-established branch of international law, as is piracy; but counts of aggression is something new and did not appear prior to the organization of the charter and the tribunal in 1945."

Can you name me one criminal court, asked Christie, that was set up by one or more nations to try the nationals of another nation in war for anything called the crime against humanity previous to Nuremberg?

"The crime against humanity was not a crime so generous. The crime against humanity was considered only if it happened also to have been a war crime. There was no such thing as trying a person, a German, let us say, for having killed Jews prior to the outbreak of the war on German soil. Such an event could not be prosecuted at Nuremberg. The only way in which so- called crimes against humanity could be introduced, and the record is very clear on that, is if it happened to have been a war crime. To be a war crime, the victim had to belong, by nationality, to one of the nations at war with Germany or, if the victim did not belong to one of these nations, he had to be killed on the soil of one of the nations at war with Germany. Other than that, one could not find a count of guilt in the case of so-called crimes against humanity." (5-1005, 1006)

Christie repeated Stone's comment that he hated to see the pretense that Jackson was running a court and proceeding according to common law.

"Of course Mr. Justice Jackson didn't run the court," said Hilberg. "He was one of the prosecutors and, obviously, the entire comment from which you are reading is off the cuff, perhaps interview-type of deliberation, not something that a jurist with the experience and training of Mr. Justice Stone would be writing if he wanted his words

to be weighed carefully." Hilberg did not deny, however, that this information was published in Stone's name and was publicly available. (5-1006)

Christie moved to a new topic and asked Hilberg if he had specifically criticized *Did Six Million Really Die?* for saying that the relationship of the German government to the Jews was the cause of the war. Hilberg confirmed he had.

Christie produced *The Forrestal Diaries* which Hilberg recognized. Forrestal was the Secretary of the Navy of the United States during World War II, said Hilberg, and was later the first Secretary of Defence of the United States. On page 122 of the book, Forrestal had written:

Chamberlain, he says, stated that America and the world Jews had forced England into the war.

After an adjournment, Christie went back to the affidavit of Hans Marsalek, where Marsalek swore that Franz Ziereis, the commandant of Mauthausen, stated the following as he was dying:

A gas plant was built in a concentration camp in Mauthausen by order of the former garrison doctor camouflaged as a bathroom. Prisoners were gassed in these camouflaged bathrooms ...

Hilberg agreed these words were allegedly spoken by Ziereis after he was shot three times trying to escape and was dying. Hilberg agreed Ziereis was confessing to gas chambers at Mauthausen.

Christie produced the book *A History of the Holocaust* by Yehuda Bauer, where at page 209 Bauer wrote:

Although no gassings took place at Mauthausen many Jews, as well as non-Jews, died there in a process the Nazis called "extermination through labor."

Hilberg commented that this book was a "small history written by a graduate student" and that Bauer had "a knowledge, of course, of what transpired inside Nazi Europe, but his specialty in Holocaust studies is the outside reaction to the Holocaust." (5-1009)

Christie put to Hilberg that Bauer, a reputable scholar, stated that there were no gassings at Mauthausen.

"Well, he is a reputable scholar, and in this basic text he stated his best belief, since he had no other information, that there were no such gassings. That is what he stated."

Is that false news?, asked Christie.

"Yes, it is, as it turns out," said Hilberg, "because more recent research published by Alfred Streim in a book about the fate of Soviet prisoners of war in German hands does refer to gassings of Soviet prisoners in a Mauthausen camp. I have not

personally done this research. I am, however, familiar with the book and know Mr. Streim to be a very careful researcher."

Was he relying on Soviet information?, asked Christie.

"No, because the camp Mauthausen is in Austria, and he was relying on a variety of sources, including statements made by people who observed and were witness to these events, as well as other material that he had at his disposal, and he has a lot of material at his disposal."

Would you consider the statement of Yehuda Bauer to be a false statement?, asked Christie.

"Well, I would consider that it is not a correct statement in the light of more recent research. I think that he thought there were no gassings going on, and there were. Now, I am not suggesting that these were large-scale gassings, but there were periodic gassings of Soviet prisoners according to Streim, who in this matter is probably the best authority," said Hilberg. (5- 1010)

Streim's book, said Hilberg, was published about two years before. Christie pointed out that the Bauer book was published about the same time.

"Well, you know the publication process of any manuscript takes at least a year. This was what we call in the trade a 'quickie'. It was a rapidly produced book with a graduate student -- "

Christie suggested to Hilberg that Bauer, a reputable scholar, said there were no gassings at Mauthausen. It therefore seemed that Ziereis had confessed to something Bauer said didn't happen.

"And it turns out, according to Mr. Streim, it did happen," said Hilberg.

So we have conflicting views from reputable authorities on the matter; is that right?, asked Christie.

"Well, you see -- you do have conflicting views, but one man, namely Streim, he was the German author I referred to, did rather thorough research. The other Professor Bauer assumed from the lack of evidence at his disposal that there were no gassings." (5-1011)

Is it your evidence, asked Christie, that the statements about torture at Nuremberg in *Did Six Million Really Die?* are false?

"I think 'torture' is a rather broad word, especially when used by prospective defendants who said they were tortured. I don't exclude the possibility of someone having been mishandled by captors, especially immediately after capture. One must take these things realistically into account. They could have happened and, probably in a number of cases, did happen. And if Höss made a statement, signed a statement late in the evening after having been as he says, whipped with his own whip, and in the statement were words written by somebody else that he's signed, particularly with

regard to a number -- well, even without having realized that this may have been a statement which he signed, prepared by somebody else, I would not use this number, and I did not use it," said Hilberg.

He continued, "I don't think -- well, I don't exclude the possibility of one or another person having been mishandled. Actual torture, that is a broad word, but I do not think it is a broad practice and not, particularly, after the initial period of capture, confusion and the various people, military police and everything else, handling prisoners." (5-1012)

Hilberg testified that he was not familiar with the Simpson-van Roden Commission mentioned in *Did Six Million Really Die?*, nor even with the allegations against the Allied forces that Simpson and van Roden were asked to investigate.

Christie put to Hilberg that the commission investigated allegations of abuse committed by Allied forces in their handling of prisoners at Schwäbisch Hall, which included beatings, brutal kickings, the knocking out of teeth and breaking of jaws, mock trials, solitary confinement, posturing as priests, limited rations as deprivation, proposals of acquittal. Had Hilberg heard of such complaints with respect to the investigation at Dachau?, asked Christie.

"Well, I can't say that I haven't heard anything," said Hilberg, "because one does hear things, but I am not aware of anything that is confirmed in the nature of an official finding, and I am not familiar with the particular document you have in your hand." (5-1013)

Christie produced an article in *The Progressive* written by Judge Edward L. Van Roden in February of 1949 entitled "American Atrocities in Germany" where van Roden had written:

American investigators at the U.S. Court in Dachau, Germany, used the following methods to obtain confessions:

Beatings and brutal kickings. Knocking out teeth and breaking jaws. Mock trials. Solitary confinement. Posturing as priests. Very limited rations. Spiritual deprivation. Promises of acquittal.

Complaints concerning these third degree methods were received by Secretary of the Army Kenneth Royall last Spring.

Was that a false statement?, asked Christie.

"I could not confirm or deny it," said Hilberg, "because it's the first time I am looking at it, and I have no independent knowledge of what happened."

Christie pointed out that the pamphlet, which he believed Hilberg said he read, referred to the floggings of these prisoners after which their sexual organs were trampled on as they lay prostrate on the ground. Did Hilberg consider these to be false statements?

"Well, I consider that a bit fanciful because I have never seen it corroborated, mentioned anywhere, the particular detail that you have just read," said Hilberg.

Okay, said Christie, I am going to read on from the same article in *The Progressive* where Judge van Roden wrote:

Our investigators would put a black hood over the accused's head and then punch him in the face with brass knuckles, kick him, and beat him with rubber hose. Many of the German defendants had teeth knocked out. Some had their jaws broken.

All but two of the Germans, in the 139 cases we investigated, had been kicked in the testicles beyond repair.

Are you aware of those statements having been made sometime in 1949?, asked Christie.

"I am certainly not," said Hilberg, "and if this is an official report, I would certainly like to have been referred to see an official report, rather than an article in a magazine called *The Progressive*, which I could then read... I have no independent knowledge of the events alleged there." (5-1015)

Christie produced the book *Manstein: His Campaigns and His Trial* written by Field-Marshal Erich von Manstein's defence lawyer R.T. Paget, K.C., M.P. At page 109, Paget wrote:

This commission, consisting of Judges Simpson and Van Roden, and Colonel Laurenzen had reported among other things that of the 139 cases they had investigated 137 had had their testicles permanently destroyed by kicks received from the American War Crimes Investigation team.

Hilberg testified that he had not read this particular book and did not know Manstein's defence lawyer. (5-1015, 1016)

Would you agree, asked Christie, that this book tends to provide confirmation of the statement in *Did Six Million Really Die?* that they were flogged and their sexual organs were trampled?

"All I can tell you," said Hilberg, "is that you are reading words that re-appear in the pamphlet. The name Paget as the author of, or counsel of Manstein, he is known to me in an entirely different context, about comments made in the House of Commons about black people. That is the context in which the name is known to me." (5-1017)

Christie asked Hilberg how he would describe the chapter in *Did Six Million Really Die?* which concerned confessions given under torture.

"All I can say about this column and some additional material on the next page is that it refers to a situation involving several individuals. These are not, in the case of the matters we discussed earlier in Malmédy, Holocaust matters, and so far as the matter regarding the Dachau trial is concerned, I have no independent knowledge of what this particular information alleged here seems to indicate. I still have not seen from

you or anyone else the official report, whether it was accepted or not accepted. I know about the Dachau trial, but that is all I can say. It involves personnel in the main, at Dachau. It was an early trial. It was not one of the Nuremberg trials, and what else can I say?" (5-1018)

Maybe you can say whether that column is true or false, said Christie. That is what I asked you.

"It is," said Hilberg, "at the very least, misleading, and the statement is, to my way of thinking, an adequate description of the judicial process that took place in the multitude of trials, particularly important ones at Nuremberg. I never included the possibility of manhandling or of torture, even; but as a description of a general procedure, it's false... If they are by one means to characterize the prosecution of war criminals generally under American, or, for that matter, British jurisdiction, I would not accept it as true."

Well, what about it is false?, asked Christie. What statement there is false on that column?

"If you mean the specific statement regarding this and that particular individual or this and that particular event, I will not comment upon truth or falsity, because I do not have the independent knowledge necessary to make such a comment," said Hilberg.

I put it to you, said Christie, that every single statement on that page is true. Do you deny that?

"Maybe. Maybe not."

Previously you said it was fanciful, said Christie. (5-1019)

"It seems to me to be fanciful still," said Hilberg. "... I would have to be convinced by something better than what you have shown me. You have not shown me a single official document. You have shown me The Progressive magazine and a book by Paget."

So you still maintain it's fanciful, asked Christie.

"That is the description of what is in my mind when I look at it. I do not exclude the possibility of elements of truth in this allegation... I have no independent knowledge of what transpired. One is hard-put, ever, to say something did not happen. You should know this in this trial."

Hilberg testified that he was aware that there were accusations of the use of physical violence against the accused at the Malmédy trial. (5-1020) He was not familiar, however, with a speech made by Congressman Lawrence H. Smith in the United States House of Representatives which appeared in the Congressional Record of March 10, 1949.

Would you consider remarks made in there which, in fact, repeat the accusations that I've raised as still being fanciful?, asked Christie.

"All I could tell you, sir," said Hilberg, "is that as a sometime reader of the Congressional Record, most anything will be included at the Congressional Record, including the raising of radishes."

So you consider these accusations in the category of such ludicrous things as the raising of radishes?, asked Christie.

"All I am telling you, sir, is that if you wish to convince me of something, show me at least an official document, and not the allegations repeated and repeated and repeated, which are included in various publications. The Congressional Record is not one which one looks for any final authoritative statement in regard to certain matters, because members of Congress are given free rein to publish anything they wish there."

So you consider the suggestion that there was a Simpson-van Roden Commission to be just a fanciful figment of my imagination?, asked Christie.

"I am not saying to you that there was no such commission," said Hilberg. "I testified that I didn't know about it. I would like to see, if you want me to take a stand on something or other, its official report and the way it was received or not, approved of or not. I have no independent knowledge of the matter." (5-1021)

Christie asked Hilberg what he would consider authoritative. Would he consider an article in the New York Times of that date to be authoritative?

"I am a document man," said Hilberg, "... And I would look at documents also if they describe American actions or British actions in preference to anything in a newspaper, even the New York Times, because so long as one can look at and have access to official, reliable information, why not use it?"

Well, this was common knowledge at the time sir, suggested Christie. Would you disagree?

"Well, to some extent the Malmédy trial, which involved the prosecution of German personnel who have alleged to have gunned down American prisoners of war, was certainly a matter of common knowledge, and the manner in which these prisoners were treated and the allegations is also a matter of common knowledge. There was great anger in the United States about the shooting of American prisoners, and it is not impossible, in my mind, that the Germans, once caught, were not treated appropriately in accordance with the judicial processes necessary." (5-1022)

Isn't the thesis of this pamphlet, asked Christie, that in view of the fact that there was torture involved in regard to the Dachau and Malmédy trials, that it is reasonable to believe that the same atmosphere existed in relation to the International Military Tribunal?

"Well, that is the crux of the matter," said Hilberg. "I am glad you raised the question, because, you see, the International Military Tribunal and the subsequent trials were conducted in an entirely different atmosphere. They were not immediate post-war events. They were not localized events. They involved carefully monitored and

carefully -- procedures in every respect with highly-trained police making sure that prisoners were not maltreated."

Christie asked whether Hilberg considered books such as *Crossroads of Death: The Story of the Malmédy Massacre and Trial* by James J. Weingartner to be authoritative.

"Counsel, if you are going to empty the Library of Congress, its books, you will discover that I haven't read most of them. This is one," said Hilberg.

You set yourself up as an expert, said Christie, to say that articles that the accused is alleged to have published are fanciful, and then when I come forward with books, newspaper clippings, you just say, 'I don't know'. Now, how do you justify that?

Judge Locke interjected and instructed Hilberg he did not have to answer the question.

Christie produced *Crossroads of Death* by Weingartner and asked Hilberg if he took issue with the following passage in the book at page 192:

Simpson, van Roden, and Lawrence expressed the by now customary reservations concerning certain of the "tricks and ruses" employed by the American investigators, in particular, the so-called "mock trials." Nevertheless, they professed to be satisfied that the twelve death sentences which had been confirmed had been assigned to men whose guilt had been adequately demonstrated. They doubted, however, that an American court martial would have imposed sentences sterner than life imprisonment upon Americans convicted of similar crimes. In view of what appeared to be improper investigative methods and an absence of even handed objectivity in sentencing, therefore, the report recommended that all death sentences be commuted to life imprisonment.

Judge Locke disallowed the question on the grounds that Hilberg had not read the book.

Do you maintain, asked Christie, that it isn't true that the 139 prisoners were beaten in the way described in this booklet?

"May I repeat for the fourth time," said Hilberg, "that I have no independent knowledge of the treatment of the 139 prisoners and the events in the Dachau trial."

Then why do you say it's fanciful?, asked Christie.

"Because I was asked how this particular passage struck me. This is how it struck me. This is how it still strikes me. I am, of course, willing to look at something that contradicts what my impression is."

It has to be a document, is that right?, asked Christie. (5-1025)

"It had better be something that is a little more authoritative than you have shown me," said Hilberg.

Christie asked whether Hilberg would agree that Samuel Untermyer was the president of the World Jewish Economic Federation.

"There are lots and lots of Jewish organizations," said Hilberg, "some of which last a very short time. I am not familiar with this one, and what it did or didn't do, at the moment." (5-1026)

Would you agree, asked Christie, that many of the famous people of the era of the Nuremberg trials regarded them as a travesty of justice?

"Many famous people?... How many is many -- two, three?," said Hilberg.

Forrestal, suggested Christie, who was somewhat prominent, regarded them as very unfair. Would you agree?

"Mr. Forrestal, who was Secretary of the Navy and subsequently Secretary of Defence, and whose business was military, may well have had this opinion; but of course, as I pointed out, his area of responsibility was defence."

Hilberg denied that he took the view that it was not quite right to derive information from sources other than documents. Nevertheless, he indicated that what had been produced by Christie did not satisfy him. (5-1027) "And most especially it doesn't satisfy me as to the whole trend of the argument which you implied in one of your questions, or actually stated that what happened before the Malmédy trial, or before the Dachau trial, is also indicative of the atmosphere of Nuremberg, and I could not agree with that."

Are you familiar, asked Christie, with the book Review of the War Crimes Trials? by Dr. Rudolf Aschenauer?

"Yes, I have perused that book once," said Hilberg. "I have not read it thoroughly...I could not comment about all of it because, although I perused through it, reading it was worthwhile and my decision was contrary."

Because it does not agree with your belief?, asked Christie.

"Not at all. I welcome, I welcome, look for, search for materials that do not agree with my conclusions or my assumptions, provided that they contain a basis upon which I can look," said Hilberg.

Christie asked whether President Kennedy was someone to whom Hilberg might look.

"The President as President, or the President long before he was President?," replied Hilberg. (5-1028)

The President who wrote the book Profiles in Courage, said Christie.

"Yes," said Hilberg. "And how old was he when he wrote that?"

Well, I don't really know, said Christie.

"Well, quite young."

That makes a difference, does it?, asked Christie.

"It makes some difference."

He was complimentary to Senator Robert Taft in the book, said Christie.

"That's right."

Because he had taken issue with the Nuremberg war trial even though it was [popular] at the time; isn't that true?, asked Christie.

"That's correct," said Hilberg. "The President of the United States, Mr. Kennedy, had one favourite word, it was 'courage', that he used frequently. He sought out and wrote about figures that, in his eyes, were worthy of emulation. Senator Taft was not the most popular figure in the United States. He was a presidential candidate, but Senator Taft was a person who spoke his mind, and he spoke his mind in regard to Nuremberg. He didn't like it, particularly, once again, with respect to the charge of aggression. With Kennedy, what I take to have admired in Taft, was Taft's willingness to stand up and voice an unpopular and unaccepted opinion." (5-1029)

Are you familiar with what Senator Taft said about the Nuremberg trials?, asked Christie.

"I can't quote verbatim what he may or may not have said, but he did utter some statements which were critical of the trial, the first trial," said Hilberg.

Would you agree, asked Christie, that Taft said the following: 'My objections to the Nuremberg trial was that while clothed in the form of justice, they were, in fact, an instrument of government policy determined once before at Tehran and Yalta.'

"Well, he said that," said Hilberg. "He wasn't entirely accurate in this matter, but he said that."

You, of course, know when the objectives of the Nuremberg trials were established, suggested Christie.

"Well, in fact I do. I don't wish to appear to be the all-knowing witness who knows better than U.S. Senators, but I have devoted a great deal of time to studying the documents leading up to the Nuremberg trials. The decision to hold the trial was a late decision of much debate," said Hilberg.

It is my understanding, said Christie, that you are familiar with the learned author, Nahum Goldmann?

"I would not describe him as you just did," said Hilberg.

Are you aware of the fact, asked Christie, that Goldmann attributes the concept of Nuremberg to jurists Jacob and Nehemiah Robinson?

"One of these gentlemen, to my knowledge, was a lawyer," said Hilberg. (5-1030)

Christie produced the book *The Jewish Paradox* by Nahum Goldmann and read from page 122:

During the war the WJC [World Jewish Congress] had created an Institute of Jewish Affairs in New York (its headquarters are now in London). The directors were two great Lithuanian Jewish jurists, Jacob and Nehemiah Robinson. Thanks to them, the Institute worked out two completely revolutionary ideas: the Nuremberg tribunal and German reparations.

The importance of the tribunal which sat at Nuremberg has not been reckoned at its true worth. According to international law it was in fact impossible to punish soldiers who had been obeying orders. It was Jacob Robinson who had this extravagant, sensational idea. When he began to canvass it among the jurists of the American Supreme Court they took him for a fool. 'What did these Nazi officers do that was so unprecedented?' they asked. 'You can imagine Hitler standing trial, or maybe even Göring, but these are simple soldiers who carried out their orders and behaved as loyal soldiers.' We therefore had the utmost trouble in persuading the Allies; the British were fairly opposed, the French barely interested, and although they took part later they did not play any great part. The success came from Robinson managing to convince the Supreme Court judge, Robert Jackson.

Do you believe that to be a statement of the true origin of the establishment of the International Military Tribunal?, asked Christie. (5-1031)

"It is obviously untrue, preposterous, and were it not for the age of the person who wrote the book, I would have said naive," said Hilberg.

Well, he's a fairly important person, isn't he, sir?, asked Christie.

"Indeed he is important in the political realm, and he is given to all kinds of statements. I do not credit him with being an authority in matters of history. He is an axe man -- in other words, a politician."

Hilberg testified that he was familiar with Mr. Justice William O. Douglas of the Supreme Court of the United States and considered him an honourable man with moral judgment. (5-1032) Christie produced the book *Dönitz at Nuremberg: A Reappraisal* and read a statement made by Douglas concerning the trials:

I thought at the time and still think that the Nuremberg trials were unprincipled. Law was created ex post facto to suit the passion and clamour of the time. The concept of ex post facto law is not congenial to the Anglo-American viewpoint on law.

Do you agree with those statements?, asked Christie.

"I agree that the American concept of law in matters of criminal behaviour is such that it is considered an injustice if something is made a crime after the act alleged to have been committed had already occurred, but these particular concepts are confined to American constitutional law; they are not incorporated in the international criminal

law; and in this case, as well as the many other comments, the question of retroactivity pertains to the count of aggression," said Hilberg.

Christie asked whether Hilberg agreed with the following statement by Justice Douglas:

Scholars have searched frantically for little pieces of evidence of whether there was ever an International law and have pieced together fragments that in their minds justify the conclusion that aggressive war is an international crime -- but the reasoning in those cases is shaped to the urgent necessity to find an ex post facto justification for what was done.

"I agree," said Hilberg. "Let me put it this way. I agree that the count of aggression caused anguish, anxiety and trouble in the legal community, and with that I agree. And I was going to say, although I am not a member of the legal community other than a member of the American Society of International Law, which is not the same thing, that I, personally, would have been just as happy without this count in the indictment about which we are talking so much this afternoon." (5-1035)

Hilberg agreed that the count was part of the Nuremberg proceedings and that it was criticized in *Did Six Million Really Die?* in that Nuremberg was referred to as a totally unjustified exercise. "But," he continued, "there were several counts in the indictment... And the count of aggression is one thing, and the count of war crimes is something else... I cannot agree with the statement that the Nuremberg trial was unjustified."

Did he consider the statement in the pamphlet that the Nuremberg trials were unjustified to be totally wrong?, asked Christie.

"I consider it wrong insofar as the crimes committed, so-called war crimes, and the sub- category of crimes against humanity is concerned. Either we do have a judicial system that can punish crimes, or we don't," said Hilberg. (5-1037)

Was there ever before Nuremberg an International Military Tribunal set up of the victor nations to judge the nationals of the defeated nations?, asked Christie.

"I am not aware of an international tribunal... In the criminal sphere," said Hilberg.

I put it to you, said Christie, that it wasn't international; it was of the Allies, in fact.

"Well, 'international' is a definition of any two or more nations," said Hilberg. He had "no quarrel" that to a layman, Nuremberg might appear to be a tribunal of the victors. Hilberg agreed that Richard Harwood "apparently" didn't have the expertise and knowledge that he himself had. (5-1037, 1038)

Christie suggested to Hilberg that affidavits such as that of Hans Marsalek appeared to be a very suspect kind of evidence.

"Well, suspect to whom?," asked Hilberg. "In other words, to me it was a document to be used very carefully, and I am not entirely sure that I used it more than once with

reference to a minor matter, but -- it's rather obvious that a layman confronted with a fragment of history in the form of a document should be careful in using it, because the document does not explain itself."

That's your view of the document, sir, said Christie. But a layman looking at it would form the opinion, first of all, the man was dying; second, they interrogated him for six to eight hours after he had been shot; and thirdly, they take the statement and they kind of put it in the policeman's handwriting and he swears the guy said it, right?

"Yes," said Hilberg.

It looks suspicious, doesn't it?, asked Christie.

"You mean as a forgery, or as an unfair thing to do to a wounded man?, " asked Hilberg.

Unfair thing to do, said Christie.

"Well, as I said, I have difficulty reconstructing what is fair or unfair in these circumstances. I don't know how badly wounded he was, what kind of care he had, whether physicians were consulted. It is hard to say this. I, personally, would be reluctant to say the least question of anybody who was in a state of discomfort, but that is, you know..." (5-1039)

In respect of the major trial, the International Military Tribunal, you maintain that there was no suggestion there was torture there?, asked Christie.

"I don't believe that there was torture in the course of the Nuremberg trials," said Hilberg.

Was there an allegation of torture in the course of the Nuremberg trials?, asked Christie.

"Now you are asking me who alleged what. I can't answer that, because there could be all sorts of allegations."

In the tribunal proceedings, suggested Christie, there was a major accused by the name of Streicher who certainly alleged that he had been tortured.

"I don't recall the allegation," said Hilberg. "I am not saying it wasn't there, but there are twenty-two volumes and I don't remember every single word." (5-1040)

Christie produced an article from the Times of London, Saturday, April 27, 1946:

Raising his voice to a shrill cry, he declared that after he found himself in allied captivity he was kept for four days in a cell without clothes. "I was made to kiss negroes' feet. I was whipped. I had to drink saliva," he declared.

He paused for breath, and then screamed: "My mouth was forced open with a piece of wood, and then I was spat on. When I asked for a drink of water I was taken to a latrine and told, 'Drink'. These are the sort of things the Gestapo has been blamed for."

Do you recall those allegations being made in the course of the trial?, asked Christie.

"No."

Would you be prepared to deny that they were made?, asked Christie. (5-1041)

"I cannot deny," said Hilberg, "because as I said, I might overlook something that -- if that allegation had been made, and if anything were to it, I dare say I would have found that particular passage and discussion of it, but I don't know -- I certainly do not recall any such passage in the transcript of the trial, and I do believe I read every word, and if the allegation was made out of court, if it was made out of some context that is outside Nuremberg after his capture by unknown assailants and captors, I cannot comment."

Christie suggested that the allegation was made during the course of the trial. Was it possible, asked Christie, that Hilberg had overlooked it?

"It is conceivable that I overlooked it, but I do wish that you could show me the trial record, if it was, indeed, an allegation made before competent judges," said Hilberg. (5-1042)

Christie produced the transcript of the International Military Tribunal referable to Fritz Sauckel from 13 December, 1945, where there was an allegation of torture in respect to the obtaining of a document with the result that the prosecutor Dodd withdrew the document.

"No," said Hilberg. "The word used is 'coerced', not 'tortured'... And inasmuch as there was a question about the nature of this coercion and what it was, Mr. Dodd simply, in all fairness, wasn't going to use the document... But there is no allegation of torture, here. None whatsoever... 'Coercion' could be all kinds of things."

Was it, in your knowledge, true that if certain people did not say certain things to the interrogators at Nuremberg, they could be turned over to the Russians?, asked Christie.

"I have read a number of interrogations, since these are matters of record. I have not run across that particular type of threat. It might have occurred. It's an open question whether this is a permissible or impermissible technique. It's common knowledge that many of the witnesses, the German witnesses, were given what was in their mind a choice of testifying for the prosecution or, in the case of refusal to testify for the prosecution, being turned over to the Russians for crimes they committed inside Russian territory. Now, whether this was pointed out to them in some way, whether this was the nature of coercion which factored their decision to co-operate or not, I can't say, but I can conceive of it." (5-1043)

That, to me, is a rather unclear answer, said Christie. Do you mean yes or no?

"Well, you are a criminal lawyer. There is a witness that you want. You want someone to testify for the prosecution, let us say, and this person would, perhaps, not like to do that for a variety of reasons. You point out to him the consequences of not co-operating. It might be extradition; it might be that he, himself, was betrayed right here; it might mean a number of consequences. I don't know that I would characterize that as coercion, certainly not torture, although a person might be tortured by having to make a choice, as I was tortured yesterday as to whether to continue testifying or go home and meet my classes; but surely I was not coerced."

So you define the choices by this witness in Nuremberg to your difficulty of having to testify or not?, asked Christie.

"Surely my dilemma was much smaller," said Hilberg, "but all the same, real."

Christie produced the transcript of the International Military Tribunal proceedings from 30 May, 1946 where Sauckel, one of the major accused, testified as follows:

SAUCKEL: I confirm that my signature is appended to this document. I ask the Tribunal's permission to state how that signature came about.

This document was presented to me in its finished form. I asked to be allowed to read and study this document in my cell in Oberursel and decide whether I could sign it. That was denied me. During the conversation an officer was consulted who, I was told, belonged to the Polish or Russian army; and it was made clear to me that if I hesitated too long in signing this document I would be handed over to the Russian authorities. Then this Polish or Russian officer entered and asked, "Where is Sauckel's family? We know Sauckel, of course we will take him with us; but his family will have to be taken into Russian territory as well." I am the father of 10 children. I did not stop to consider; and thinking of my family, I signed this document.

When I returned to my cell, I sent a written message to the commandant of the camp and asked permission to talk with him alone on this matter. But that was not possible, because shortly afterwards I was brought to Nuremberg.

"Well, he made that statement, yes," said Hilberg. "...He was alleging that if he would -- evidently, somebody talked to him, being a member of the Polish or Soviet army, that if he were too long, he would be extradited." (5-1046)

Hilberg denied that any person had been sent to the Soviet Union following denaturalization proceedings in the United States and "certainly none involved in the proceedings that I have been involved in... I have not been informed of anyone going to any Communist country at any other proceedings I was involved in."

Are you aware, asked Christie, of what would happen to a German officer such as Sauckel if he was sent to the Soviet Union, as Höss was?

"Well, you see, Höss was accused of multiple murder and multiple hangings at Auschwitz, meaning the recruitment of forced labour in Russia and Europe and all over Europe with many deaths occurring might very well have suffered, in anyone's custody, the penalty of death; on the other hand, many people convicted in the Soviet

Union of war crimes were released and returned to Germany in the 1950s. So not everybody was executed... I would say that for certain individuals, the expected penalty, given the fact that the death penalty was in use, would have been death by hanging or something like it, no matter where they had been tried, because the evidence was so overwhelming."

Because the public opinion was so overwhelming, sir, suggested Christie.

"Well, I am still of the view, which is strange for me, to express to you that a judge is a judge and resists public opinion. I speak, at least, for American and British and French judges."

Christie asked whether Hilberg took the same complimentary view of Mr. Justice Wennerstrum of the Nuremberg Military Tribunal.

"I'm sure that he did his job as he saw fit. Remarks have been attributed to him... I am familiar with the attributions, yes, which, not of a judicial temperament -- " (5-1047 to 1049)

Christie produced the Chicago Tribune of February 23, 1948, where Wennerstrum was quoted in an interview as saying:

"Obviously," he said, "the victor in any war is not the best judge of the war crime guilt. Try as you will it is impossible to convey to the defense, their counsel, and their people that the court is trying to represent all mankind rather than the country which appointed its members."

The initial war crimes trial here was judged and prosecuted by Americans, Russians, British, and French with much of the time, effort and high expenses devoted to whitewashing the allies and placing the sole blame for World War II upon Germany.

"What I have said of the nationalist character of the tribunals," the judge continued, "applies to the prosecution. The high ideals announced as the motives for creating these tribunals has not been evident.

"The prosecution has failed to maintain objectivity aloof from vindictiveness, aloof from personal ambitions for convictions. It has failed to strive to lay down precedents which might help the world to avoid future wars. Germans Not Convinced

"The entire atmosphere here is unwholesome. Linguists were needed. The Americans are notably poor linguists. Lawyers, clerks, interpreters, and researchers were employed who became Americans only in recent years, whose backgrounds were imbedded in Europe's hatreds and prejudices."

Christie suggested that in this last remark Wennerstrum was implying that there were a large number of Jewish persons on the prosecution.

"Absolutely," said Hilberg. "That was the implication and the attribution, and it was, in fact, somewhat largely false." (5-1050, 1051)

Largely false in your opinion, said Christie, but he was making these remarks?

"Yes, but he was assuming things of people being Jewish by things of this kind. People do not go around in the United States, and people do not go around in the armed forces, and people do not go around in the prosecution with yellow stars identifying them," said Hilberg.

But it was his opinion, repeated Christie, and he expressed it publicly that he felt that a large number of Jewish persons were involved in the prosecution?

"That was his wrong opinion," said Hilberg.

Christie continued reading from the Chicago Tribune article which quoted Wennerstrum as saying:

"The trials were to have convinced the Germans of the guilt of their leaders. They convinced the Germans merely that their leaders lost the war to tough conquerors."

Hilberg did not remember this passage but agreed it was "certainly in keeping with the man."

Christie continued reading:

"Most of the evidence in the trials was documentary, selected from the large tonnage of captured records. The selection was made by the prosecution. The defense had access only to those documents which the prosecution considered material to the case."

"Our tribunal introduced a rule of procedure that when the prosecution introduced an excerpt from a document, the entire document should be made available to the defense for presentation as evidence. The prosecution protested vigorously."

Hilberg testified that the captured records referred to by Wennerstrum were not from Alexandria, Virginia. "Long before those documents were at Alexandria, Virginia, they were in other depositories -- London, Paris, Berlin -- and the documents were there. It was later that they were shipped to Alexandria."

He agreed that the selection of documents was made by the prosecution and that the defence could not have access without permission from the prosecution. "Surely. But they had permission... there always are complaints. I've heard them in courts often enough during the process of discovery." (5-1052, 1053)

"He was assailed for making several of these remarks," said Hilberg. "I would not assail him for all of the remarks, especially the last one. If I am being shown a document which is truncated, I would like to see the whole document. You showed me a truncated Strop report. Well, I would like to see the whole report, and I completely sympathize with this criticism; but the business of imputing the prosecution, saying that they are Jews -- Schrer, who was not Jewish, was thought of as a Jew, and things like this -- does not speak of judicious temperament, even though these remarks were made out of court to a variety of people."

Christie pointed out that Wennerstrum's remarks were quoted in *Did Six Million Really Die?*.

"I don't, offhand, recall. If you say they are, I would accept that," said Hilberg. (5-1054)

Christie read from page 12 of the pamphlet:

€ The real background of the Nuremberg Trials was exposed by the American judge, Justice Wenersturm, President of one of Tribunals. He was so disgusted by the proceedings that he resigned his appointment and flew home to America, leaving behind a statement to the Chicago Tribune which enumerated point by point his objections to the Trials.

Hilberg testified that he had "no disagreement" that Wennerstrum in fact made the comments attributed to him in *Did Six Million Really Die?* by Harwood.

Christie turned again to Hilberg's research methods. Hilberg confirmed that his general procedure was to enquire how there was an extermination programme for Jews.

Have you, asked Christie, in the course of finding out how, ever visited an American gas chamber where they use hydrocyanide gas for executions in some states to find out how difficult it is, how time-consuming, how dangerous?

"I've seen one of these," said Hilberg, "but I have made no enquiries. I have made no studies of either the difficulties or the preparations or the chemistry that is involved." (5-1056)

Christie asked Hilberg to read the portion of his book *The Destruction of the European Jews* which described a gassing Hilberg had referred to earlier in his testimony. Hilberg read the following passage from page 642 of his book:

One year later, on May 1, 1942, Gauleiter Greiser of the incorporated Wartheland reported to Himmler that the "special treatment" of 100,000 Jews in his Gau would be completed in another two or three months. Greiser then proceeded in the same paragraph to request Himmler's permission for the use of the experienced (eingearbeiteten) Sonderkommando at Kulmhof in order to liberate the Gau from still another danger which threatened "with each passing week to assume catastrophic proportions." Greiser had in his province 35,000 tubercular Poles. He wanted to kill them.

Hilberg indicated that his footnote for this passage referred to Nuremberg document NO-246, a letter from Greiser to Himmler dated May 1, 1942. (5-1057)

Christie suggested there was nothing in this document about killing or gassing anyone.

"What it indicates is that at the moment, when Greiser wrote his letter, there was a Kommando... which is simply a detachment, working in Kulmhof, a killing centre, a death camp -- ," said Hilberg.

Did he say that, asked Christie, or is that your word?

"I am trying," said Hilberg, "to describe the document. I am trying to differentiate between his interpretations and his words. Now, I am trying to explain what he meant. He had a Kommando at that very moment killing Jews, and he had -- while he had the gas masks, he had another problem on his hands -- not only Jews, but 35,000 tubercular Poles who might infect the German resident population. At this point, because of the fortuitous point of having the killing centre at hand, he asked for permission to kill these 35,000 Poles."

With the greatest respect, said Christie, I don't see any reference to the killing of 35,000 Poles or the killing of anyone from the document itself. Would you agree?

"Well, of course, this particular item appears at a late stage of the book in the context of a description of everything that transpired there, and all I could say to you is that one cannot, in such a book, repeat the basics on every page," said Hilberg. (5-1058)

If you could quote the document at all to say where this was an order to kill anyone, or a suggestion that there was an intention to kill anyone, why not do it?, asked Christie.

"I am not speaking of orders. I am saying that Greiser makes reference to a Kommando, an experienced group of people. Now, at the moment of his writing this letter they are working in Kulmhof, and while they were still there, because they weren't going to be there forever -- there wasn't an inexhaustible supply of Jews in this town -- he wanted Himmler's permission to also subject to the same treatment, meaning of course gassing, 35,000 tubercular Poles. This was not a hospital."

I gather you are giving us your interpretation of the document?, asked Christie.

"Yes. And it's my further statement to you, sir, that Kulmhof, a little village, does not have a major hospital accommodating 35,000 patients," said Hilberg.

Where in the document, asked Christie, did it say anything at all about taking 35,000 tubercular Poles to Kulmhof?

Hilberg asked to see the document again.

"He was making reference to his 'experienced Sonderkommando in Kulmhof in order to liberate the Gau from still another danger', and that danger was that of infection by 35,000 tubercular Poles. He wanted this danger to be eliminated," said Hilberg. (5-1059)

Christie asked Hilberg to state exactly what the document itself said.

"The document said he was completing the 'special treatment', in German sonderbehandlung, of 100,000 Jews," said Hilberg. "He expected that this particular operation would be completed two or three months from the moment of his writing the letter... In the same paragraph, he suggests that while this Kommando was there, his experienced Kommando, the 35,000 tubercular Poles should also be conveyed there.... that's my summary from memory of the verbatim text." (5-1060)

Hilberg agreed that he interpreted the phrase sonderbehandlung (special treatment) to mean "killing."

"It was used in German correspondence as a synonym for killing, not only for Jews, but also for certain other categories of persons who, in the context, within the meaning of the communications that were sent, were intended to be killed. It was a euphemism," said Hilberg.

Was the word sonderbehandlung always to be defined as "killing"?, asked Christie.

"No, of course not. One could go to a hospital and get special treatment. One could go to a hotel and get special treatment. It is a word," said Hilberg. He continued, "All meanings are from the context, of course... the words 'special treatment' recur and recur in documentation. I have already made reference to the use of it by Korherr in his report, and the fact of the matter is that Himmler thought it was used too much. It had lost its utility as a euphemism and he didn't want it used anymore."

Christie produced the transcript of the Nuremberg trial for April 12, 1945 where Kaltenbrunner, one of the accused, was asked the meaning of sonderbehandlung. Christie suggested to Hilberg that Kaltenbrunner gave an answer which did not agree with Hilberg's.

"I am quite sure he didn't," said Hilberg. (5-1061, 1062)

The answer Kaltenbrunner gave, suggested Christie, didn't indicate sonderbehandlung had anything to do with killing.

"No. He is certainly trying, in this answer, to deflect all possible imputations to be drawn from this expression about his own role and responsibilities... This was not, in fact, in the context of the Jews. This was a different matter which was here being discussed. It was not the Jewish Holocaust. The word, as I said, was used repeatedly, 'special treatment' -- Poles, commissars, anybody including even mental patients, could be conveyed to special treatment. He said it was a humorous expression, or something of this sort. I don't really want to summarize it. If you want me to read it, I'll be glad. The man was on trial for his life because he was the chief of the Reich Security Main Office." (5-1063)

Dr. Richard Korherr wasn't in the same category as Kaltenbrunner, was he?, asked Christie.

"No. Korherr was not tried, and certainly was not of that high rank," said Hilberg.

Christie suggested to Hilberg that Korherr had endeavoured to find the meaning of sonderbehandlung and it was explained to him by those in authority who were helping to prepare the report that it meant "resettlement."

"You are referring, no doubt, to the letter that he wrote to the newspaper in the 1970s?... And I indicated to you before that I had seen four statements that Korherr had made much earlier describing in detail the exact usage of terminology in his report," said Hilberg.

Could you show us one of those?, asked Christie.

"Well, I did not bring them with me. I would have been very happy if I had known that you wanted to see them," said Hilberg.

You didn't think at the outset that it would be necessary for you to back up anything you said with a document?, asked Christie.

"The problem of document selection is not mine," said Hilberg. "It is for the Crown to decide. I could not bring a railroad car full of documents with me, nor would I have had the time to invest a half year or a year to explain them all... I was not asked to bring any documents, sir." (5-1064)

Hilberg agreed that one of the four Nuremberg judges was I. Nikitchenko, who had been one of the judges in the purge trials in Moscow in the 1930s.

Doesn't that fact lead you to think that the process at Nuremberg was questionable?, asked Christie.

"No," said Hilberg. "When we read the judgment we find out very clearly that, whereas Nikitchenko had altogether different conceptions of the law, he also dissented when the majority, meaning the British, American and French judges, decided not to convict one of the defendants, or not to impose a death sentence. He and he alone felt that just going to trial meant that these people were convicted anyway. I suppose that this is a Soviet view. I don't mean to be disrespectful here, even to the Soviet Union, but fact is fact. This is not the sort of judge that we like to see judging people if we can help it, but the Soviet Union was a party to the treaty. He had one out of four votes, and his vote did not prevail." (5-1065)

Would you say that anywhere in the Korherr report there is any reference to killing anyone?, asked Christie.

"As I said before, there was no such use of the word 'kill'. It would not have been accepted. It would have been proscribed. If even 'special treatment' was not acceptable, how could the man use the word 'kill'? There is, however, no ambiguity to what happened to certain numbers of people as specified in the Korherr report. When he says 'dragged through'... there is no question as to what that means...Not transit camps. Certain camps in the Government General... There is no usage there of the transit camps." The German word for "transit camps," said Hilberg, was Durchgangslager or Dulag for short. (5-1066)

Hilberg agreed that he was familiar with a book entitled Six Million Did Die published in South Africa.

Do you agree, asked Christie, with the depiction on page 74 of the camps which they depicted as concentration camps on one hand and extermination camps on the other?

"By and large I would not include Stutthof as a death camp," said Hilberg, "although one may do so. This is a matter of definition."

Christie pointed out that the same map also appeared on page 17 of Did Six Million Really Die?. He suggested that Hilberg didn't think there was anything false about the map because it was in a book he agreed with.

"I may have testified about this before," said Hilberg. "Now, my recollection is no longer so firm as it might be, and I said then that the map as depicted here is, by and large, subject to certain amendments I would make in it, more or less a correct depiction. I would not involve Stutthof ... other than that I wouldn't argue with it substantially, no." (5-1067)

Christie suggested to Hilberg that the map portrayed the position of exterminationists today, but that, at one time, such a map would have included death camps in Germany also.

"Well, of course, there have been all kinds of maps and all kinds of depiction's and all kinds of errors," said Hilberg. "You know, I have seen labellings this way and that. I have made my own definition of a death camp as a facility the primary purpose of which is conveying people to their deaths. There were camps in which this happened, but that may not have been the primary purpose of the camp. One can still argue whether this or that camp did have this or that primary purpose. One can also argue as to whether some small camp with such a purpose should or should not be included. I have simplified the matter somewhat as one must, and I have said I shall concentrate on certain camps. I concentrated on six. I would not include Stutthof."

I suggest to you, said Christie, the difference between the camps on the right in that map and the camps on the left is the existence in the ones on the right of what are called gas chambers for killing people. Would you agree?

"Gas chambers or gas vans," said Hilberg. (5-1068)

So the allegation that you accept and maintain here, said Christie, is that the camps on the right exist as a different kind of camp from the camps on the left?

"Yes."

And the camps on the left are in what we now know as West Germany, or Germany proper?, asked Christie.

"Well, yes, more or less. One in French territory, one in Dutch territory, one in Austrian territory," said Hilberg. He agreed that "most" of these camps were liberated by the Allies, while all of the camps on the right were captured by the Soviets.

Do you agree, asked Christie, that the Soviet Union was more capable of atrocity propaganda than were the Allies?

"What do you mean by atrocity propaganda?," asked Hilberg.

I suggest to you, said Christie, that the Polish government chose to put a monument at Auschwitz --

"Oh, that sort of thing. Yes... I have seen this monument, and... As to number it is certainly not correct," said Hilberg. (5-1069)

The Soviet government and those governments with Communist sympathies, suggested Christie, tended to have a deeper and more violent anger and hatred towards the Nazis than, apparently, the Allies seemed to have.

"Well, you know," said Hilberg, "that is for everyone a matter of conjecture. I would say this much. The occupation forces, military and civilian, in the occupied territories of the Soviet Union, did a frightful amount of damage and caused many deaths. They did not invade the United States or Canada. They did not even invade Britain, and although they bombed it, and it is natural to expect that people who suffered acutely from loss of many deaths in ways that there seemed to be wanton and unnecessary brutality should develop feelings towards the occupation forces of the enemy that had been there, to that extent I can readily agree that there was at the bottom a different feeling and a more violent one against the Germans; and yet I would not say that the number in Auschwitz or the other numbers that have been stated, such as still is being stated by the Soviet Union about the total losses is a propagandistic number. It could be incompetence. It could be that they could not understand the circumstances at the beginning, or did not count adequately, and they evidently didn't." (5-1070)

I suggest to you, said Christie, that the thing that makes the eastern camps attributed to be extermination camps and the western camps attributed to be simple concentration camps was that the objective observers that observed the western camps at the time could not go into Auschwitz, Treblinka, Sobibor and Stutthof.

"Well, that's -- no, I can't agree with that because obviously it is the west rather than the Soviet Union that captured the bulk of the German records, even though the Soviet Union and its satellites does have a substantial number of interesting and even indispensable documents. I do believe that much that was known from the beginning about at least some of these camps derives from Western sources. Moreover, I think most of what we know about Treblinka, Belzec and Sobibor at this stage of the game derives from West German sources, that is to say, the findings and trials conducted in West Germany in the 1960s. So I would not say that we rely upon what Soviet propaganda may have said or issued in order to make the determination as to where the killings took place."

I suggest to you, said Christie, that the documentary evidence surrounding the camps and in the camps was captured by the Soviet Union and nobody else. Do you agree?

"No. No. A certain number of documents were captured by the West, and a certain number of documents, as I said, were captured by the Soviet Union. It's not a matter of one country having everything."

Christie repeated that he had asked regarding the documents inside the camps, and all the people in the place and whether they were captured by the Russians.

"Well, I would not say it about the people, because, of course, the personnel were evacuated and they were not captured by the Soviet Union. I mean the personnel of the camps... I am talking about, well, Treblinka, Belzec and Sobibor, were obliterated before the Soviets got there, but the other, Lublin, only a small portion were captured; but in the case of Auschwitz, to my knowledge, the Soviet Union did not capture any German personnel - they all went west," said Hilberg.

The whole site, suggested Christie, was within the Soviet sphere of control, and nobody from the west was allowed into those camps to investigate, isn't that right?

"Well, I don't know of any requests made to investigate... When you say no one was allowed, it implies some request," said Hilberg. "... All I could say is, I know of no Western investigators early on in Auschwitz, or any of -- " (5-1072)

Treblinka?, asked Christie.

"Well, there was no more Treblinka in 1945."

Sobibor?

"That was no more."

Majdanek?

"Majdanek is another matter."

Was there anybody from the West that went to Majdanek?, asked Christie.

"Not to my knowledge."

Belzec?

"Belzec was the first camp to have been obliterated."

Chelmno or Stutthof?

"No, sir."

Auschwitz or Birkenau?

"No."

So isn't it the case, asked Christie, that all the physical objects in those camps were in the control of the Soviet Union and nobody else for some time after the war?

"Poland, yes," said Hilberg.

Would you agree that the Soviets have indicated in their publications that 60,000 people a day were exterminated in Birkenau?, asked Christie.

"Well, I don't recall any publication with that particular number," said Hilberg. "It is not impossible that they said that... I mean, since they came to the conclusion that there was something like 2.5 million dead in Auschwitz, that would easily lead them to the supposition that there were 60,000 a day; but there was no such capacity, and that could not have happened." (5- 1073)

Would you agree with me, asked Christie, that all of the Allied observations of concentration camps in the west could not produce the evidence of a single gas chamber as such at all?

"Well, I do think I excepted Natzweiler and another camp, since they were both in Allied hands, and they used very small chambers with which to eliminate, kill small numbers of people -- these are not part of the Holocaust complex -- and they were, indeed, in the custody of the Allies, and I have already testified, so I would be repeating myself, about findings in them."

It's quite obvious, said Christie, that what you or I could see in any of those camps would not indicate the existence of any gassings such as you might consider existed in Auschwitz or Birkenau.

"I do not, myself, rely upon on-site visits to make determinations about what happened in particular localities," said Hilberg. "... I don't deny the possibility that somebody with a different kind of training might engage in such an endeavour, but I am not that person. I am, as I testified repeatedly, looking at documents. I am looking at testimony to the extent that the documents are not self-explanatory, and upon this ground primarily I have to make my conclusions of what transpired." (5 1074, 1075)

How can you explain to me, asked Christie, that the Höss confession, which was tendered in evidence at Nuremberg, was written in the English language when there was no evidence Höss understood English?

"Well, you know, the man made quite a few statements," said Hilberg, "and the one to which I believe you refer, which may be the very same one in which there was an allegation that he did not quite know what he was doing or signing because he may have been beaten... but that particular one I would put aside. I would not rely upon that for the information of numbers or things of that sort, because there are so very many statements by Höss. That is not to say that even this statement is false in its entirety."

Could we identify that as the one made on 15 April 1945?, asked Christie.

"Well, I do not know from memory on what date it was made."

Christie put to Hilberg that the statement which was introduced at Nuremberg was, in fact, the same wording as that document. (5-1075)

"Yes. I don't dispute what you are saying. I am talking about my utilization of sources and my reliance on them," said Hilberg.

How do you explain to me, asked Christie, that Höss repeatedly mentioned a camp Wolzek, which didn't exist?

"Yes, I have seen that garbled reference," said Hilberg. "It may have been Belzec. It's very hard, if the man did not write anything, if he said things, if he was tired, if he was misunderstood, if he misspoke himself ..."

Christie pointed out that Höss referred to Belzec as well as Wolzek.

I suggest to you, he said to Hilberg, that there is a reason to believe that this man was not only being obliged to sign a confession in a language he didn't understand, but things were being put into a statement for him that were patently absurd, like Gerstein.

"There was obvious confusion in this one statement," said Hilberg.

Christie produced Nuremberg document 3868-PS, the Höss affidavit. Hilberg agreed he had seen the document before and agreed he had seen the Wolzek reference. "Yes, I've seen that reference. It's terrible." (5-1076)

It's obvious that something wasn't quite right about that individual, would you agree?, asked Christie.

"No, I wouldn't say that something wasn't quite right about the individual," said Hilberg. "I would say that something wasn't quite right about the circumstances under which this was made as an affidavit. The individual, Höss, subsequently made any number of statements, some of them as a witness in open court at Nuremberg, some of them in the form of depositions, and last but not least the memoir. So we have a lot of verbiage from Mr. Höss."

Christie put to Hilberg that when Höss testified at Nuremberg it was obvious he had been burned on the face.

"No, I'm sorry," said Hilberg. "Where do you get this idea?... That is something that is new to me." (5-1077)

January 18, 1985

Christie commenced his cross-examination on this day by suggesting to Hilberg that he had quoted Rudolf Höss forty-two times in his book.

"Well, here we go with the numbers, which I have not counted, of course," said Hilberg, "since I do not carry in my head the numbers of citations of thousands of people mentioned by name in the book. So when I am disputing the precise number, I

would say that he was mentioned repeatedly, and especially in one chapter; and the sources are repeatedly not only his statements, but also correspondence that involves him."

Hilberg agreed he was familiar with Höss's autobiography, *Commandant of Auschwitz*, which he had read in German. Christie asked if Hilberg thought there was anything inaccurate about the following statement from the Höss memoir (page 174):

At my first interrogation, evidence was obtained by beating me. I do not know what is in the record, although I signed it. Alcohol and the whip were too much for me. The whip was my own, which by chance had got into my wife's luggage. It had hardly ever touched my horse, far less the prisoners. Nevertheless, one of my interrogators was convinced that I had perpetually used it for flogging the prisoners.

"Well, you are quoting it," said Hilberg, "and the translation, as far as I remember, is adequate enough. There is no clarity in my mind or, for that matter, in the context of the book, as to when or where this occurred. It was clearly not in the Nuremberg prison." (5-1078, 1079)

I suggest to you, said Christie, that Höss said he was maltreated by the Field Security Police upon his capture.

"Well, the United States does not have anything like 'Field Security Police'," said Hilberg.

No, he was captured by the British, sir; didn't you know that?, asked Christie.

"Yes, but I don't know what the British have by way of field security police. You are now asking me to comment about situations I am not familiar with," said Hilberg.

You are the expert. You have read this book and you are familiar with what he said, stated Christie.

"Yes."

Hilberg agreed that Höss was captured by the British, turned over to the Americans, testified at Nuremberg and was thereafter turned over to the Poles. He wrote his book when he was in Polish custody and was later hanged. (5-1080)

Christie read further from *Commandant of Auschwitz*:

After some days I was taken to Minden-on-the-Weser, the main interrogation centre in the British Zone. There I received further rough treatment at the hands of the English public prosecutor, a major.

The conditions in the prison accorded with this behaviour.

After three weeks, to my surprise, I was shaved and had my hair cut and I was allowed to wash. My handcuffs had not previously been removed since my arrest.

On the next day I was taken by lorry to Nuremberg, together with a prisoner of war who had been brought over from London as a witness in Fritsche's defence. My imprisonment by the International Military Tribunal was a rest-cure compared to what I had been through before... Although the conditions in prison were, in every respect, good -- I read whenever I had the time, and there was a well stocked library available, the interrogations were extremely unpleasant, not so much physically, but far more because of their strong psychological effect. I cannot really blame the interrogators -- they were all Jews.

Psychologically I was almost cut in pieces. They wanted to know all about everything, and this was also done by Jews. They left me in no doubt whatever as to the fate that was in store for me.

Hilberg agreed that Höss had written this after testifying at Nuremberg.

In the forty-two times you mention Höss in your book, suggested Christie, not once do you raise the issue of torture. Do you agree?

"Of Höss?," asked Hilberg.

Of Höss, said Christie.

"No."

It is never mentioned, said Christie.

"Not at all."

So reading your book, said Christie, one would never get any indication that Höss was tortured, or suggestion that he was tortured.

"I did not consider relevant the question of torture in any matter, if it was torture. All we have is his statement, his allegation. That's all we have. Just as he says he was interrogated by Jews. He just assumed everybody was Jewish, as did that American judge," said Hilberg. (5-1080 to 1082)

Are you telling me what he assumed?, asked Christie.

"Obviously he assumed. Did he ask the interrogator, 'Are you a Jew?'," said Hilberg.

He might have, said Christie.

"Oh, please."

He was there, pointed out Christie, in the interrogation and you were not.

"No, but I have been an interrogator and I was never asked what I was," said Hilberg.

But you are Jewish, said Christie.

"Now you are asking."

Yes.

"Do you want the answer?"

Yes, please, said Christie.

"Yes," said Hilberg, "... The Germans did not ask me that question. You are asking me."

But you think that Commandant Höss was ignorant, mistaken or lying when he said that?, asked Christie.

"He certainly made assumptions about interrogators, and anyone speaking the German language without an accent in German was presumed to have been a Jew who emigrated from Germany and thus, in the uniform of the American armed forces or some other armed force, was asking the questions. That was the basic presumption, notwithstanding the fact that there were non-Jewish immigrants as well, notwithstanding the fact that some Americans speak good German, notwithstanding the fact that there were professors and teachers of German who were also interrogators," said Hilberg. (5-1083)

Hilberg agreed that in his initial statement taken at 2:30 a.m., Höss made statements about numbers which were totally false. "Yes. He signed -- now, please, let me underscore that I did not use this number... I only used Höss information obtained under the nice conditions, relatively nice as he describes them, at Nuremberg. His testimony or the correspondence prior to the end of the war -- in other words, if I were to have used information that was obtained under torture that he alleged to have been tortured, then I would be under some obligation to explain by way of qualification; but I didn't use it," said Hilberg. He reiterated that he only used the "Nuremberg testimony, statements made under conditions free of torture, and above all, correspondence by Höss."

That is where he referred to the military imprisonment at the International Military Tribunal as a rest cure compared to what he had been through, suggested Christie.

"That's correct. Yes. The rest cure statements I did use." (5-1084)

You used the rest cure statements, said Christie, but you didn't use the part about what had happened before in his interrogation.

"No, I didn't use the number, did I?," asked Hilberg.

No, because the number was ridiculous, wasn't it?, asked Christie.

"Of course."

So the part that is ridiculous you leave out of your book, right?, asked Christie.

"Wouldn't you?," asked Hilberg.

Christie replied that he would not if he was trying to present the whole picture and tell the world what actually happened. He suggested to Hilberg that was the right thing to do given the fact that Höss gave an absolutely ridiculous figure, the fact that his statement was taken at 2:30 in the morning, he invented a concentration camp called Wolzek that didn't exist which couldn't have been Belzec since he mentioned that camp in the same statement.

Judge Locke interjected to admonish Christie for giving a speech and to instruct Hilberg not to ask defence counsel questions. (5-1085)

I put it to you, continued Christie, that Höss invented the name Wolzek in a statement taken at 2:30 in the morning.

"No, I don't really think that he invented it," said Hilberg. "I can only state my general knowledge of that situation, which is that he was being interrogated; he may have been given a drink... It was late in the day... He was under psychological pressure; the whip may have been taken out, whether it touched his body or not I cannot say. He says it did. A statement based, presumably, on what he was saying, and he may not have articulated things very well. It was written down, presented to him for signature. He signed it. I never used any of that statement."

Christie suggested that the statement was put to Höss at Nuremberg at which time portions were read to him by the prosecutor who would ask him, "Isn't that right?" and Höss would answer, "Yes, sir." More of the statement would be read by the prosecutor who would then ask, "Is that right?" and Höss would answer, "Yes, sir." That's the way it was, wasn't it?, asked Christie.

"Yes," said Hilberg. "... That's the way it was." (5-1086)

Hilberg agreed that Höss described a camp named Wolzek which never existed.

And it also appeared in the statement, suggested Christie, that was given in the circumstances he described where the whip and alcohol were used, right?

"Yes. That's the one, yes."

He also gave that information in a statement that you used part of, but you eliminated that information in your book, said Christie.

"No. I eliminated an obviously unverified, totally exaggerated number, one which may well have been known or circulated as a result of some faulty initial findings by a Soviet-Polish investigation commission in Auschwitz," said Hilberg.

Thank you, said Christie. You have made an important admission that some of the statements of Höss may have come from the Soviet authorities and been incorporated into his statement, haven't you?

"Please don't characterize what I say as an admission," said Hilberg. "... I am simply speculating that the number may have come from an initial faulty finding of a Soviet Polish investigation commission." (5-1087)

May I suggest to you that there is no reason why a Soviet finding should end up in Höss's statement unless there was some pressure on Höss to incorporate it, said Christie.

"I quite agree," said Hilberg, "and I have not used that number."

Is that your explanation for the incorporation of the mythical name Wolzek?, asked Christie.

"I have no idea how that particular word entered into the statement, and I have not made use of it." (5-1088)

Hilberg testified that he did not believe Höss was captured before May of 1945 but believed the date to be immaterial. (5-1090)

Christie suggested to Hilberg that the statement signed by Höss and referred to by him in his book was in English.

"...That's the first time I heard of that," said Hilberg. "Maybe it is a misreading of what he said... he doesn't say it was in English, does he?"

That's true, said Christie, he doesn't say it was in English. Do you know whether it was or not?

"No," said Hilberg. "I can only make assumptions, and that is, that one would not present, even in a broken state, an affidavit to be signed by somebody in a language that one knows the signer is not familiar with."

So you don't know whether the statement was in English or German, but you assume it was in German?, asked Christie.

"I would assume so. He certainly doesn't say it was in English," said Hilberg. (5-1091)

Did you suggest in your book that some of what Höss said was obviously fabricated?, asked Christie.

"Well, let me simply say that if I state something that I doubt whether it's fabricated, I would certainly indicate that my belief is that the particular statement herein recorded may be fabricated, or is fabricated, but I made no use of that statement. My book wasn't about Höss; it was about the destruction of European Jews," said Hilberg.

But, sir, said Christie, the belief that in Auschwitz, 2.5 million Jews were gassed comes from the Höss statement.

"That may have been the belief in Nuremberg, but it is not my belief, it is not my statement," said Hilberg.

But you quoted extensively from Höss in your book, suggested Christie, about forty-two times.

"Well, you keep on saying forty-two times. I doubt I quoted from Höss at Nuremberg forty-two times."

Would you like to go through your book?, asked Christie.

"Oh, in any case, the quotations are a compound of correspondence signed by Höss in 1942, in 1943, in 1944, of his testimony, of his various statements made at various times, and some in testimony," said Hilberg. (5-1092)

Christie put to Hilberg that at no time did Höss make publicly the statements that Hilberg attributed to him in his book before Höss gave his testimony at Nuremberg.

"That's probably correct, yes," said Hilberg.

So when you refer to all sorts of wartime correspondence, you are not referring to 2.5 million Jews gassed at Auschwitz --

"No, I never referred to that," agreed Hilberg. (5-1093)

Hilberg agreed that he attributed to Höss a confession at Nuremberg for the gassing of Jews at Auschwitz but left out the figure of 2.5 million. Hilberg believed the figure to be "roughly" one million: "A little bit over, perhaps, but that's the range." He agreed that other figures existed: "Lots of people have said different things, true."

Christie pointed out that in his book, Hilberg had referred to the Polish judge Sehn, who had said 60,000 people a day were killed.

"No doubt," said Hilberg, "... He was making his statements on the basis of the Polish-Soviet Investigation Commission which I've already described as faulty findings of numbers." (5- 1094)

They were the occupation force at Auschwitz, Christie pointed out.

"They made their best efforts at estimating very early in the game, and they were not correct," said Hilberg.

So in respect of Höss, asked Christie, you haven't at any time in your book indicated any accusation of torture, is that correct?

"I can only repeat that I have not discussed the treatment of prisoners with regard to statements made that I did not use."

I suggest, said Christie, that what happened at Nuremberg was clearly just the repetition of his earlier statement in testimony?

"I did not use the repetition."

Hilberg agreed that he did not include Höss's figure of 2.5 million victims because it was a ridiculous figure; and agreed that he left out parts of the Gerstein statement about Hitler being in the camps. (5-1095)

So, Christie suggested, you leave out parts of testimony that you consider ridiculous, and you keep what you consider credible, right?

"I plead guilty," said Hilberg.

That process of selective perception, said Christie, was inclined to convince your readers that Höss was a credible witness, wasn't it?

"He was credible in some respects," said Hilberg. "In fact, in most respects, under most circumstances in which he made statements." (5-1096)

Christie produced the cross-examination of Höss on April 15, 1946, at which time Höss was called as a defence witness. To Christie's suggestion that world headlines were made on that day because Höss was the most important witness to testify at Nuremberg, Hilberg replied: "Well, when the world headlines were made, I was still in uniform, so I cannot confirm that." (5- 1097)

Do you agree, asked Christie, that he was considered, and do you consider him the most important witness at Nuremberg?

"No," said Hilberg, "I would not consider him the most important witness at Nuremberg, but I would say that he was the most important witness at Nuremberg with respect to happenings in Auschwitz."

Hilberg agreed that during his cross-examination by one Colonel Amen, the affidavit which Höss had made in the circumstances described in his autobiography was put to him.

Christie referred to portions of the Nuremberg trial transcript [Monday, 15 April 1946] where Höss was cross-examined by the prosecution:

COL. AMEN: This, if the Tribunal please, we have in four languages.

[Turning to the witness.] Some of the matters covered in this affidavit you have already told us about in part, so I will omit some parts of the affidavit. If you will follow along with me as I read, please. Do you have a copy of the affidavit before you?

Höss: Yes.

COL. AMEN: I will omit the first paragraph and start with Paragraph 2:

"I have been constantly associated with the administration of concentration camps since 1934, serving at Dachau until 1938..."

That is all true, Witness?

Höss: Yes, it is.

COL. AMEN: Now I omit the first few lines of Paragraph 3 and start in the middle of Paragraph 3:

"...prior to establishment of the RSHA, the Secret State Police Office (Gestapo)..."

THE PRESIDENT: Just for the sake of accuracy, the last date in Paragraph 2, is that 1943 or 1944?

COL. AMEN: 1944, I believe. Is that date correct, Witness, at the close of Paragraph 2, namely, that the 400,000 Hungarian Jews alone at Auschwitz in the summer of 1944 were executed? Is that 1944 or 1943?

Höss: 1944. Part of that figure also goes back to 1943; only a part. I cannot give the exact figure; the end was 1944, autumn of 1944.

COL. AMEN: Right.

"4. Mass executions by gassing commenced..."

Are those statements true and correct, Witness?

Höss: Yes, they are.

COL. AMEN: "5. On 1 December 1943 I became..."

Is that all true and correct, Witness?

Höss: Yes.

COL. AMEN: Incidentally, what was done with the gold which was taken from the teeth of the corpses, do you know?

Höss: Yes.

COL. AMEN: Will you tell the Tribunal?

Höss: This gold was melted down and brought to the Chief Medical Office of the SS at Berlin.

COL. AMEN:

"7. Another improvement..."

Is that all true and correct, Witness?

Höss: Yes.

COL. AMEN: Now, I will omit Paragraphs 8 and 9, which have to do with the medical experiments as to which you have already testified.

"10. Rudolf Mildner was..."

Now I ask you, Witness, is everything which I have read to you true to your own knowledge?

Höss: Yes.

COL. AMEN: That concludes my cross-examination, except for one exhibit that our British allies would like to have in, which is a summary sheet of the exhibits which I introduced at the commencement of the cross-examination...

Christie summarized the end of Höss's cross-examination. Hilberg agreed that it was a fair summary of what happened "especially the last comment where he couldn't give exact figures." (5-1097 to 1101)

Was it not the case, asked Christie, that there was a psychiatric examination of the Nuremberg accused by a psychiatrist whose name was Gilbert?

"I think that Gilbert was not a psychiatrist, that he was a psychologist and, well, there is some distinction in the mind of some people, and that he was not making, as I understand it, a psychiatric examination for the purpose of determining whether these people were able to stand trial, but that he was allowed to talk to them at length for other purposes," said Hilberg. "... That is what I gathered from his book."⁴

Christie asked if Hilberg was familiar with Gilbert's opinion of the mental condition of Höss.

"I don't offhand recall it," said Hilberg.

May I suggest, said Christie, that Gilbert said Höss was suffering from what is known as schizoid apathy, insensitivity and lack of empathy that could hardly be more extreme. Would you agree with that?

"That he said that?... Yes."

Have you referred to that in your book anywhere?, asked Christie.

"No, because number one, as I pointed out, Mr. Gilbert is a psychologist not a medical doctor; number two, if he says a man lacks empathy, which has been said about him not only by Gilbert but by Eichmann and other people, then what is there to refer to? It merely means that he cannot feel for other people. He cannot put himself into the place of the victim." (5-1102)

Did you consider the meaning of the word schizoid apathy?, asked Christie.

"As far as apathy is concerned, it is a rather general word. As far as schizophrenia or schizoid is concerned, I asked my psychiatric friends, and they sort of look at me and

say, 'You don't understand. You are not a doctor.' Now, here is a word used as an adjective by someone who is not a medical doctor, and you are asking me about it."

Hilberg agreed he was aware of what Gilbert said about Höss but did not include it in his book. "No. I don't consider that what a particular psychologist may say in adjective form, next to some noun, is necessarily a matter for inclusion in an account of what happened to the Jews. Höss was my source with certain facts. Insofar as these facts were confirmed, insofar as they came from contemporaneous correspondence, insofar as they were totally credible, I used them."

Insofar as they confirmed what you believed, said Christie.

"No. Insofar as they confirmed other information or were confirmed by other information," said Hilberg. (5-1103) "Obviously" he did not "think it was necessary" to include Gilbert's assessment of Höss in his own book. He agreed that Gilbert might well have been the only person with psychological qualifications allowed to speak to the accused at Nuremberg.

So he becomes more than just some other person, suggested Christie, he is an eyewitness to their mental state, isn't he?

"Well, he talked to them, and he could certainly ascertain their 'mental state' in the same way, I suppose, as other people could who were observant and knowledgeable," said Hilberg. (5-1104)

So with Höss, suggested Christie, torture is not mentioned in your book or any evidence to indicate that there was doubt about his mental state?

"No, I do not indicate some doubt. Pressed by someone in regard to a matter which does not seem to me sufficiently material and necessary, I used Höss's statement for his upbringing, for his career, and for other factors and, you know, persons who are, if they really are, mentally afflicted, may give statements as far as some matters, as far as I am concerned."

Did you, asked Christie, in reading Commandant of Auschwitz and other material from Höss, ever consider that some of the things he said about the operation of the supposed gas chambers were nonsense?

"I'm sorry, I do not have the vaguest idea what you may be referring to," said Hilberg.

Höss does say that very shortly after these alleged gassings occurred people went in to haul out the bodies, eating and smoking, doesn't he?, asked Christie.

"Well, obviously they were not eating and smoking inside the gas chamber, while they had their gas masks on," said Hilberg. "... I don't recall him saying that they were in there eating food and smoking." (5-1105)

Christie produced the book Commandant of Auschwitz and read from page 198, where Höss described the gas chambers:

The door was opened half an hour after the induction of the gas, and the ventilation switched on. Work was immediately begun on removing the corpses.

Are you familiar with that?, asked Christie.

"Absolutely," said Hilberg.

You maintain that is possible?, asked Christie.

"Well, of course."

You are saying they were wearing gas masks?, asked Christie.

"Yes, of course."

Christie continued reading from page 152:

Then the bodies had to be taken from the gas-chambers, and after the gold teeth had been extracted, and the hair cut off, they had to be dragged to the pits or to the crematoria. Then the fires in the pits had to be stoked, the surplus fat drained off, and the mountain of burning corpses constantly turned over so that the draught might fan the flames.

Did you consider that?, asked Christie.

"Yes."

Christie continued reading:

They carried out all these tasks with a callous indifference as though it were all part of an ordinary day's work. While they dragged the corpses about, they ate or they smoked.

"While they were dragging the corpses to the pits," said Hilberg.

He doesn't say that, said Christie.

"It is rather obvious, isn't it?," asked Hilberg.

You are adding words, said Christie.

"No, no. Look at the sequence, please," said Hilberg.

It doesn't say anything about dragging corpses to the pits, does it?, asked Christie.

"Well, look," said Hilberg. "In the preceding paragraph there is mention of the corpses being taken from the gas chambers. Then the gold teeth had to be extracted, the hair had to be cut off, and then they had to be dragged to the pits. Your statement as to what people did while they were dragging refers to dragging to the pits. It's in proper sequence." (5-1107)

Judge Locke interjected and asked Hilberg if the words "pits" and "dragging" appeared anywhere on the page.

"No, they don't, not together. They appear on the page, but not together," said Hilberg.

Locke instructed Christie to read the whole page to the jury. Christie complied:

They carried out all these tasks with a callous indifference as though it were all part of an ordinary day's work. While they dragged the corpses about, they ate or they smoked. They did not stop eating even when engaged on the grisly job of burning corpses which had been lying for some time in mass graves.

Now, sir, are you familiar with the gas Zyklon B?, asked Christie.

"I have handled it myself," said Hilberg. "... I read all the correspondence about it, and there was quite a bit of it."

Do you agree, asked Christie, that the gas Zyklon B clings to bodies and wet surfaces?

"Well, the gas, as I understand it, is produced when a canister of pellets in the solid state are introduced into a chamber, and when, at high temperature inside that chamber, the gas pellets are released, they turn by a process that the chemist refers to as sublimation into a gas, without passing through the liquid stage. However, if there is much humidity, then gas pellets may remain on the floor. There may be some liquid there and things of this sort. Now, what I am testifying to is not the testimony of a chemist. It is simply the description supplied by chemists and by witnesses who have handled these things," said Hilberg. (5-1108, 1109)

That's in the same category as a lot of your evidence, said Christie, it comes from other sources.

"I do not say it is in the same category," said Hilberg. "I qualify my statements here as secondhand. If you were to ask the question of a chemist, he might most certainly, I am sure he would be able to give a more precise and satisfactory answer."

Hilberg confirmed that in a footnote in his book on page 571 he had referred to Exhibit NI-036, which he "of course" had read.

Christie produced NI-036 from the office of the U.S. Chief Counsel for War Crimes [Interrogation of Rudolf Höss, 14 May 1946] which Hilberg testified he recognized. In answer to question 25, Höss had answered:

At the time when the gassing began, it was on supply in large quantities, and namely it was on supply for gassing of vermin, protection against vermin etc., in buildings and barracks which formerly were Polish artillery barracks. There were two employees of the firm TESCH and STABENOW, Hamburg, who operated the gassing in the premises. Important security measures which were taken there every time, everything was secluded, and nobody was allowed to approach and during two days nobody was allowed to enter the buildings. In the same way, everything was ventilated to prevent casualties.

Hilberg agreed he was familiar with the document and that it was referring to Zyklon B. (5-1110 to 1112)

Christie suggested that the document clearly indicated the important security measures necessary for Zyklon B when it was used for exterminating vermin -- the building had to be ventilated for two days to prevent casualties.

"Yes," said Hilberg, "it may well have been that, because, again, if clothing were being disinfected, this being the clothing of inmates that was distributed to others, it had to be disinfected, and if there were no people with gas masks to take out the clothing, one would have to ventilate for two days... Especially if -- you must remember that there is nothing here about special powerful ventilators being installed. You know, it's just technical." (5-1112)

Do you have some knowledge of special, powerful ventilators being installed in the crematoria of Birkenau?, asked Christie.

"Yeah. For the four installations very powerful ventilators were installed... They are not in this work. I did not then have that information," said Hilberg.

I suggest to you, said Christie, that the only information that you could have then or now would come from the plans that are in Auschwitz.

"No, no," said Hilberg. "There is correspondence. There is correspondence about that."

You mean there is correspondence which contradicts the plans that are displayed in Birkenau?, asked Christie.

"No, there is no contradiction."

Will you then say, asked Christie, that the plans in Birkenau are the plans for what you call the gas chambers?

"Yes, but the plans don't show ventilators."

I know, said Christie. But did you say that the correspondence contradicted the plans?

"Not at all," said Hilberg. "Not at all.... Any more than, you know, the plans don't show hooks for hanging up clothing. Plans don't show everything. It is not a contradiction to say that there was a hook."

No, I'm sure, said Christie. But you say there were some four full ventilators not shown on the plan.

"That's right. That is the motor, and I am not competent to discuss -- motors would not, of course, be on a building plan." (5-1113)

Now, said Christie, you were saying earlier that these people who were dragging the bodies out of the gas chambers were wearing gas masks, is that right?

"As they entered the gas chambers to drag out the bodies, yes."

And then, did they take the gas masks off to drag the bodies while they were eating and smoking?, asked Christie.

"Now, now," said Hilberg. "You just read the passage. So let me repeat, because I need not go any further than the passage you, yourself, brought up. People wearing gas masks went into the gas chamber to drag out the bodies. The teeth were extracted. The gold teeth were extracted for the purpose of melting them down so that it could be budgeted to the Reich, to the German government. Hair, insofar as necessary, may have also been shorn at this point, although there were different procedures at different times with regard to that... Different people were cutting the hair, and different people were taking the teeth. Thereafter, when people were being burned in pits, they were being dragged out. They were not being dragged out from the gas chambers, but an area near the gas chambers where the teeth were being extracted. They were dragged to the pits and the pits were obviously in the open. So there were no gas masks in the open." (5-1114)

What I am asking you, repeated Christie, were they dragging the bodies out of the gas chambers with gas masks on?

"Surely," said Hilberg.

Then they take the gas masks off and they drag them to the pits, is that it?, asked Christie.

"Yes. On the outside they don't wear the gas masks."

So when they take them to the crematorium they wear the gas masks?, asked Christie.

"No. There were two methods of body disposal. One was by burning in crematoria; since the capacity of the crematoria was limited on days and at times when transports were coming in with numbers to be gassed in excess of the capacity of the crematoria, at that point pits were dug. In fact, pits were dug at the arrival of the Hungarian Jewish transports, and then people were simply burned in pits, outside, not inside the building."

How do you explain, asked Christie, that from the time they leave the gas chamber to the time they get to the pits, or to the crematoria, Höss is saying they are cutting off hair, taking gold teeth, and then they are also eating and smoking?

"He is referring," said Hilberg, "to one element of disposal. I just said to you that there were two kinds of body disposal. One was in the crematoria, the other in the pits. He is obviously talking about the pits. He has two very short paragraphs. In the first paragraph he talks about dragging into the pits. In the second paragraph he describes people who were doing this nonchalantly or whatever phraseology he used in the original German, while even smoking and eating." (5-1115)

Do you know that Zyklon B is explosive and burns?, asked Christie.

"Under what conditions?," asked Hilberg.

When it comes in contact with an open flame, said Christie.

"Well, are we talking about open flames in gas chambers? Are we talking about people smoking in gas chambers?," asked Hilberg.

We are talking, said Christie, about smoking when people are brought out of the gas chamber.

"These people were hosed down," said Hilberg.

Hosed down?, asked Christie.

"Yes, obviously."

Who hosed them down?, asked Christie.

"The same kommando who dragged out the bodies was required to hose down the entire gas chamber," said Hilberg.

And the bodies?, asked Christie.

"Yes."

Is hydrocyanic acid known as HCN?, asked Christie.

"I believe so from my very limited knowledge of chemistry, yes," said Hilberg.

Christie produced and showed to Hilberg a document that referred to HCN made by DEGESCH. Hilberg agreed that DEGESCH was involved in the "making and distribution of the gas." (5-1116) Christie suggested that DEGESCH was still in business, making HCN products, which they sold as an insecticide.

"Why not if they make money," said Hilberg.

Do you disagree, asked Christie, that even today, with the sale of hydrocyanic acid products, that they are indicated to be extremely flammable?

"I have no doubt that they may so be indicated by any company making them for any purpose whatsoever." (5-1117)

Can you explain to me, asked Christie, why in the very document you quoted, NI 036, it says that it takes two days to ventilate a building before you can enter without casualties, and you are telling me that people can haul bodies -- - let me put it this way. Höss, in the part I've quoted, said they hauled the bodies out in half an hour, and then they are pulling teeth out of these bodies that have been in close contact in lethal amounts with the same hydrocyanic acid.

"But he is saying nothing about gas masks," said Hilberg. "He is saying nothing about ventilators."

No, he doesn't say anything about gas masks or ventilators, Christie agreed.

"He is talking about the same buildings."

But he would have to be talking about the same substance, Zyklon B?, asked Christie.

"Yes."

And about the kind of bodies we all have, said Christie.

"Yes, but there is a reference to clothing and bodies."

So there is a difference whether hydrocyanic acid may cling to bodies or clothing, in your opinion?, asked Christie.

"I am not saying what hydrocyanic acid may cling to," said Hilberg. "I am saying that from the passage you showed me, which obviously deals with clothing, lots and lots of clothing which was being collected from the victims and which was subject to disinfection -- ... In the document NI-036. This is the passage that I make mention. Now, in here, in this one passage he speaks of two days. He does not say who entered the gas chamber, whether they were wearing gas masks or there was obviously no hurry in removing the clothing from the building. It was not the same building in which the human bodies were gassed. It was a different structure. And so all he is saying is, it took two days, and they had to be very careful. He is not referring to when this process was taking place." (5-1118)

Now, how do you explain the stories that say these gas chambers held how many people -- how many people?, asked Christie.

"I must really say they are not simply stories," said Hilberg.

All right, said Christie. Tell me how many people they held.

"Well, there were different gas chambers, as I testified before, with different capacities."

Let's deal with one, said Christie. We will call it Krema II, which you understand, you know what I mean.

"Well, unfortunately, because these numbers changed," said Hilberg, "I can't be certain, but I could simply say that there were two large ones, two not so large, two small ones, in addition to the one in Auschwitz I which was a smaller one." (5-1119)

We will go through that again then, said Christie. There is Auschwitz I, which is a small one.

"Yes."

Then we go to Birkenau, which is a different camp than Auschwitz. There's four there, said Christie.

"First we have two huts. Then they are being discontinued. Then, by 1943, four large, massive structures are erected. Two of them were larger gas chambers, two others were what might be called medium gas chambers," said Hilberg.

Tell me how many, then, would you say would be gassed at a time in Krema II?, asked Christie.

"Are you referring to the larger one there? Because you see, the numbers changed."

Christie referred to a map of Birkenau already filed as an exhibit so there would be no confusion.

"Yes. Okay," said Hilberg. "So that is one of the larger ones. Okay." (5-1120)

Krema II and Krema III are identical, aren't they, sir?, asked Christie.

"That's correct."

All right. So that's the one we are talking about, said Christie.

"Okay."

How many do you say were gassed in that at a time?, asked Christie.

"You are referring to theoretical capacity, or actual gassings, or --," asked Hilberg.

Whichever you prefer. At one time, actually. What do you say?, asked Christie.

"I have to think," said Hilberg. "because that is -- there is a number of theoretical capacity that is mentioned in Höss's book, and I am trying to remember what he said... Maybe around 1,400. It may be, but I don't want to be pinned down to that precise number, because it is --"

You are saying that 1,400 people were gassed in there at one time?, asked Christie.

"If I remember correctly, he made mention of some theoretical capacity to that extent," said Hilberg.

And this is all part of the 60,000 a day that Sehn refers to, and your figure is what, sir?, asked Christie.

"Now, wait a minute --"

For the daily capacity of the whole camp of Birkenau?, asked Christie. (5-1121)

"The daily capacity is not 60,000, that is obvious," said Hilberg. "The daily maximum capacity was probably under 20,000, but even that is an arguable figure, because one could not run these gas chambers 24-hours a day."

Could I refresh your memory from your book, said Christie, at page 629 where you said 12,000 bodies a day? Would that be more accurate?

"Well, that is a high figure," said Hilberg.

Christie referred to a passage on the page which read as follows:

By 1942-43, the liquidation of graves in all killing centers was in progress. Auschwitz transferred the corpses to the five new crematoriums, which could burn about 12,000 bodies a day.

Were you referring to Auschwitz II, Birkenau?, asked Christie.

"Yes... Of course, August 1944 was a time when more than these four gas chambers were used," said Hilberg.

Well, you refer to five gas chambers in Birkenau, said Christie.

"Yes, but they opened yet another emergency gas chamber. We were talking about August 1944, and this is a peak period. And you are referring to a peak period, but 20,000 is obviously a rounded figure, which is a maximum for one time-frame, namely, August 1944, which was the peak," said Hilberg. (5-1122)

Now, can you explain to me how, asked Christie, with Zyklon B, defined in NI-036, it required two days of ventilation in an ordinary building, which was referred to there as a barracks -- right? That's what that was about, wasn't it?

"Yes."

And you can tell me that you could, in an installation like you described, deal with 12,000 bodies which are imbued with lethal quantities of Zyklon B, they can be handled so rapidly by those who at one point take off gas masks and smoke and eat? Can you explain all that to me?, asked Christie.

"No. You are referring to what was called in the vernacular of the camp, in the ordinary language, a Sonderkommando. This was mostly Jewish. These people worked in shifts. The maximum number in the middle of 1944, in this Sonderkommando, was around six hundred. So they were not all working all of the time. There were those that dragged the bodies out. There were those that dragged the bodies to the pits. There were those -- "

You misunderstand me, sir, said Christie. I am not concerned with whether six hundred people were Jewish or whether they weren't, whether they could handle the corpses. I am interested in whether you can explain to me -- unless Jewish people have an immunity to Zyklon B -- how they could handle those corpses that so soon

came into contact with Zyklon B, put them into pits, smoking and eating, without having gas masks on.

"No," said Hilberg. "They had gas masks on as they took the corpses to the gas chamber. As to smoking and eating, which is Höss's characterization, I have not found that statement confirmed by anyone whatsoever." (5-1123)

So it is incredible?, asked Christie.

"It is one of Höss's contentions of the type of people that did this kind of work. Now, he may have seen somebody smoking at one time; he may have seen somebody eating at one time while carrying corpses; that is possible, and his observation may have been accurate; but I have not seen it repeated anywhere."

It creates a somewhat unusual situation, doesn't it?, asked Christie.

"No, it does not. People live amongst corpses and eat," said Hilberg.

I am sure what people do within the physical realm is something else, but I suggest to you, said Christie, that it is not physically possible for an ordinary person to handle any corpse that's coming up with that close a contact with Zyklon B within half an hour and eat and drink or smoke; would you agree?

"In the same half hour, certainly not," said Hilberg. "I am not even saying that these were the same people. I just said that there were several shifts. These were working parties. There were people that dragged people out of the gas chambers, and there were people that dragged those bodies, after processing for gold and what not, into the pits."

Now, you seem to have indicated earlier that there was a distinction between Zyklon and Zyklon B, said Christie.

"Zyklon is the generic trade name," said Hilberg. (5-1124)

Zyklon B was used for disinfection, said Christie.

"No. There may be a misunderstanding. Höss states that they had quantities of Zyklon on hand for disinfection purposes, and it is these quantities that were tapped when the first experiment was made, he said. As it happened, people who wanted to find out what would happen, how long they would take to die and the like -- obviously, these quantities were not used for mass gassings of Jews; they were deliveries for a special purpose."

Let me understand you, said Christie. So the Zyklon is not used for -- Zyklon is used for insects, and the Zyklon B is used for humans; is that right?

"No," said Hilberg. "He said he had Zyklon on hand. Now, it may be that what he had on hand was Zyklon B. It is generally assumed that it was Zyklon B. When you look at photographs of these cans they do not, in actual fact, have 'B' on them. It just says,

'Zyklon'. Now, that's just a trade name. As it happened, there were various strengths. 'B' was a low strength."

And was it for killing people?, asked Christie.

"Yes."

We now have it from you that Zyklon B is for killing people, said Christie.

"Yes. Zyklon B was the agent used in Auschwitz to kill people," said Hilberg. "...No doubt about it." (5-1125)

And it was not used for other purposes?, asked Christie.

"I am not saying it was not used for other purposes," said Hilberg, "because Höss states that he had some quantities on hand, obviously for disinfection. That's back in 1941. But there was such a thing as Zyklon C and Zyklon D and even Zyklon E."

Were they for killing people?, asked Christie.

"No."

So Zyklon B is only for killing people?, asked Christie.

"Well, they certainly would not use Zyklon D or E, which was much more expensive," said Hilberg.

But Zyklon B, you say, was used not only for killing people but also for insects?, asked Christie.

"It may very well have been used for insects, although it was not recommended. I have seen a letter from Dr. Tesch of the firm Tesch and Stabenow, which you have mentioned, indicating the strengths and the purposes for which these various strengths were intended."

Christie produced and showed to Hilberg a copy of Nuremberg document NI-9098 [A 1942 pamphlet comprising eight lectures on aspects of DEGESCH's field of operation] which Hilberg admitted he had referred to in his book on page 567. (5 1126)

Christie put to Hilberg that under the word "Properties," the document said:

Ventilation difficult, and long to ventilate since it adheres strongly to surfaces.

Would you agree?, asked Christie.

"You say that the gas -- yes, the description of the quality of this particular gas is that. As for other properties listed here, one is that there are certain adhesive qualities to it," said Hilberg.

Am I right, asked Christie, in understanding that it says, ventilation is difficult and it adheres strongly to surfaces?

"That's correct," said Hilberg.

So that's the property of Zyklon?, asked Christie.

"Yes."

And you are aware of that because you referred to that document, said Christie.

"Yes. It even recommends five hours... Under normal circumstances," said Hilberg. (5- 1127)

Five hours of ventilation?, asked Christie.

"Under normal circumstances."

The other document referred to 24-hours of ventilation, didn't it?, asked Christie.

"Or even two days. You see, everything depends on a variety of factors - humidity, how well sealed the building was, how much gas was used. All of these factors matter. Now, of course, if one has strong ventilating systems and the like, the process takes less time."

But we have agreed, said Christie, that on the plans of the crematorium at Auschwitz-Birkenau, there is no indication of any high-powered ventilation fans.

"Well, it's your plan, and there is no indication on it," said Hilberg.

Well, you've seen the plan, haven't you, sir?, asked Christie.

"Yes."

Have you ever seen any indication of high-powered ventilation on it?, asked Christie.

"Not on it."

So would you agree, asked Christie, that Oranienburg was not a concentration camp where people were executed?

"I said Oranienburg was a concentration camp," said Hilberg. "It was also the headquarters of the Economic Administrative Main Office of the SS, which administered twenty camps, including Auschwitz." (5-1128)

You have told us, said Christie, that in order to explain the ability to deal with the bodies in question within some half-hour or so after gassing, they were hosed down. Is that your evidence?

"Yes," said Hilberg, "that is the evidence, yes."

I suggest to you in your book you don't refer to any such statement, said Christie.

"No. No, I do not; but as I indicated, I do credit Mr. Faurisson and other critics with making me include evidence that, at first, I considered so self-evident as not to require notation in my second edition, and it will be in my second edition. Indeed, you may look forward to it there."

So from your first to your second edition, Dr. Faurisson has pointed out that you cannot touch a human body until several hours later without hosing it down, because even touching a body is poisonous; is that correct?, asked Christie.

"I can't tell you how much a person would be poisoned if he touched the bodies," said Hilberg, "but to my knowledge, these bodies were hosed down and dragged with hooks. I am not sure how much touching was necessary or took place. I would, however, point out that the handlers of these corpses were Jews, and one or the other of them became ill and died. That did not matter to the German camp administration." (5-1129)

I suggest to you, said Christie, if each or any of them was handling ten bodies a day that would have come in close contact with hydrocyanic acid, they would die unless they handled them with rubber masks -- wore rubber masks, and covered the moist parts of their body; would you agree?

"Well, I am not a chemist, but all I could tell you is, to the best of my knowledge, they were always wearing gas masks, and they dragged out bodies with hooks, at least until they were out in the open."

And I think you will acknowledge, said Christie, that Dr. Faurisson raised this question and made it known to you in some way.

"Oh, other people have," said Hilberg, "and it was just a matter of whether certain details should or should not be included; and you know, one deals with publishing 800 pages, and I said, 'Well, all right. We must stop sometime. We must cut it off here. We must cut it off there.'"

Christie referred Hilberg to page 570 of his book, *The Destruction of the European Jews*, where it read as follows:

From the Dessau Works, which produced the gas, shipments were sent directly to Auschwitz Extermination and Fumigation Division (Abteilung Entwesung und Entseuchung).

What is the translation for entwesung?, asked Christie.

"To deprive something of life," said Hilberg, "that is, extermination. There is no very accurate translation which doesn't carry connotations, but I think you will find that that's an acceptable translation of the German term."

I put it to you, said Christie, that it means 'delousing' and it refers specifically to vermin.

"No... No. The term wesen is a live thing, anything alive. The prefix ent is to negate life, to deprive it of life. The suffix ung in entwesung, and having been deprived of life, or depriving something of life."

Christie produced and showed to Hilberg an English-German dictionary (with which Hilberg said he was not familiar). Christie put to Hilberg that the dictionary referred to wesen to mean disinfect, to sterilize, to exterminate vermin, to delouse, extermination of vermin, delousing, disinfection. Right?, asked Christie.

"Yes," said Hilberg. "... What is the date of this dictionary, sir?"

I don't know, said Christie. Do the meaning of the words change that much?

"Well, actually, they do, but without going into that, I would simply say that in ordinary circumstances, including Germany today, extermination is confined to vermin. When we say 'extermination' in Canada or in the United States, we generally mean that it is not human beings who are exterminated by commonly styled extermination terms," said Hilberg. (5-1132)

So you agree that entwesung is a term meaning to use just disinsecticidization?, asked Christie.

"It refers to any killing," said Hilberg, "any deprivation of the quality of life of something that is alive... [And wesen] is anything that walks, anything that has life."

Christie produced the photocopy of the front page of a scientific journal printed in Berlin in 1943. Hilberg agreed that the translation of the title was "Sterilization" (Entkeimen), "Disinfection" (Entwesung) and "Delousing." Hilberg agreed that the journal indicated that Kurt Gerstein, who was a disinfection officer, was given credit in the book for his input.

What I am suggesting, said Christie, is that the subject of sterilization and disinfection is what Gerstein was responsible for in his job.

"Obviously, yes, that was his job," said Hilberg. (5-1133)

Christie produced Nuremberg document 1553-PS, which Hilberg agreed was an invoice indicating that the same amount of Zyklon B was shipped to Oranienburg as to Auschwitz on the same day. Hilberg indicated that Oranienburg was "a concentration camp and an administrative centre" and that no one was gassed there to his knowledge.

Hilberg testified that he was familiar with the War Refugee Board Report which was tendered into evidence at Nuremberg.

I'd like to ask you, said Christie, whether you are familiar with the fact that that document alleged that there was over one million people killed at Auschwitz. In fact, I think, 1.7 million.

"There is some such figure there, yes," said Hilberg.

It was obviously, according to you, it was a false figure, suggested Christie.

"Well, not quite as false or inaccurate as the one that the Polish-Soviet investigation commission produced, but it's still a little high, yeah," said Hilberg.

They produced the 4 million figure, said Christie.

"Yeah. This one is within reason."

Höss produced the 2.5 million figure, said Christie.

"Yes."

The War Refugee Board produced the 1.7 million figure, said Christie.

"Yeah. I think that was written while the camp was still in existence. I am not sure whether -- "

It was towards the end of the war, said Christie, but that figure is correct?

"No," said Hilberg. "The figure is a little high, I said. One million seven is too high."

That's the figure they produced?, asked Christie.

"I'm sorry, yes," said Hilberg. (5-1135)

They said this is a careful account, said Christie.

"Careful, surely," said Hilberg, "in terms of the best they could do."

And you produced a million, said Christie.

"Oh, yes, but with much more information than was at their disposal."

These reports, pointed out Christie, were produced by people who claimed to have been there. The War Refugee Board Report, which gave the 1.7 million figure, was prepared in conjunction with Mr. Vrba? Correct?

"No, no. I asked you for the precise date of it because it is important. But you see, this report, which was in the nature of a preliminary description -- ... I am saying that it is based upon information obtained in part based upon information, but in large and important part obtained on the basis of information which was brought by two escapees from Auschwitz to Slovakia, which was then under German control, and which was relayed by those escapees to the remnant Jewish community. There was still a remnant Jewish community... you said in conjunction, and I could not agree there."

I'm sorry, said Christie, it was prepared by two escapees, Wetzler and Vrba.

"Right." (5-1136)

They went to Slovakia, suggested Christie, and ended up giving their information in New York.

"No," said Hilberg, "They gave their information in Slovakia, who then related it to a variety of channels until it reached the United States, until it reached Washington."

So that report, said Christie, gave what you now know to be a figure out by 700,000.

"Oh, at least, yes, because that report was made at a time before the gassings were completed."

The War Refugee Board Report referred to 1.7 million and some people, not just Jews?, asked Christie.

"Even if it said people, the figure would be a bit high." (5-1137)

And if it said Jews, it is obviously that much more high and erroneous, said Christie.

"Yes, it certainly is," agreed Hilberg.

Christie turned next to the eyewitness account of Filip Müller given in his book *Eyewitness Auschwitz: Three Years in the Gas Chambers*. Hilberg testified he was familiar with the book.

Do you regard this as a serious historical work?, asked Christie.

"No, it is not a historical work," said Hilberg. "It is a recollection of a person, his own recollection and his own experiences."

Do you regard it as accurate?, asked Christie.

"I regard it as rather accurate, yes. I have been through this book page by page, and I am hard-put to find any error, any material significant error in this book. It is remarkable," said Hilberg.

I put it to you, said Christie, that it is more of a novel than a book; would you agree?

"No, I do not agree at all."

You consider this an accurate historical account of an eyewitness?, asked Christie.

"Yes."

Christie referred to page 87 of the book, and the following passage:

It was obvious that the SS felt themselves once more to be masters of the situation. Quackernack and Schillinger were strutting back and forth in front of the humiliated crowd with a self-important swagger. Suddenly they stopped in their tracks, attracted by a strikingly handsome woman with blue-black hair who was taking off her right shoe. The woman, as soon as she noticed that the two men were ogling her, launched

into what appeared to be a titillating and seductive strip-tease act. She lifted her skirt to allow a glimpse of thigh and suspender. Slowly she undid her stocking and peeled it off her foot. From out of the corner of her eye she carefully observed what was going on round her. The two SS men were fascinated by her performance and paid no attention to anything else. They were standing there with arms akimbo, their whips dangling from their wrists, and their eyes firmly glued on the woman.

Do you consider this an accurate historical account?, asked Christie. (5-1139)

"I consider this more seriously than other accounts about the same incident. There are several accounts of the manner in which, at the time when the victims were being prepared for gassing, a woman seized a weapon and was able to mortally wound an SS man who was stabbed, and whose name was Schillinger. The Schillinger episode is recorded in a number of accounts. The only -- and I said this is a very accurate description of what transpired - the only question one might have is whether the detail as described here is exactly the same as might have occurred; but I would say that there are other accounts that are substantially in accord with what this account has to state," said Hilberg.

The short answer, said Christie, is that you regard this as a serious historical account.

"Moreover, this passage is substantially correct," said Hilberg.

Christie turned to page 110 of the book where Müller described a scene in the gas chamber :

Suddenly a voice began to sing. Others joined in, and the sound swelled into a mighty choir. They sang first the Czechoslovak national anthem and then the Hebrew song 'Hatikvah'. And all this time the SS men never stopped their brutal beatings. It was as if they regarded the singing as a last kind of protest which they were determined to stifle if they could. To be allowed to die together was the only comfort left to these people. Singing their national anthem they were saying a last farewell to their brief but flourishing past, a past which had enabled them to live for twenty years in a democratic state, a respected minority enjoying equal rights. And when they sang 'Hatikvah', now the national anthem of the state of Israel, they were glancing into the future, but it was a future which they would not be allowed to see.

Christie suggested that this was a description of what Müller alleged occurred inside the gas chamber.

"Well, in this area, yes...My recollection is that this is in the process of preparation...In the same building. I am not quite sure about the room. Okay. All right," said Hilberg. (5-1141)

Do you consider that an accurate historical account?, asked Christie.

"I cannot, on my own, confirm the particular incident," said Hilberg. "That's why we read books. But it is a matter of record that on more than one occasion -- there is another occasion when French deportees were conveyed to the gas chamber, who were Jewish, who sang the Marseillaise. So the act of singing in a moment of

anticipated death is a protest, a gesture, the only gesture possible... That happened, and this is a plausible account."

Judge Hugh Locke interjected to ask, "What is the Marseillaise?" and was told by Hilberg that it was the national anthem of France.

Christie suggested to Hilberg that books published before Müller's also gave similar singing incidents.

"Well, I don't doubt that," said Hilberg. "I said I don't recall another account of the singing of the Czechoslovakian national anthem, but I do recall something about the French national anthem -- obviously a different episode." (5-1142)

Christie produced a book entitled *Verbrechens Handschriften* which Hilberg testified he had seen in an English edition. Hilberg agreed that it was published in 1972 by the Auschwitz Museum. He also agreed that Filip Müller's book *Eyewitness Auschwitz* was published in its German and English editions in 1979. (5-1143, 1144)

Christie referred Hilberg to page 121 of *Verbrechens Handschriften* and read an English translation of the passage which appeared there:

Inside the gas chamber a certain young Polish woman made a short fiery speech in front of all persons present who were stripped naked in which she stigmatized the Nazi crimes, and the impression which she concluded with the following words: 'We shall not die. Now the history of our people will make us eternal. Our desire and our people will live and come into bloom. The German people will pay so dearly for our blood as a form of barbarism with Nazi Germany. Long live Poland... of the Sonderkommando. Be aware that the holy obligation of vengeance for us innocents rests upon you. Tell our people that we face death consciously and full of pride.'

Thereupon the Poles kneeled down on the floor and solemnly said a prayer in...which made a tremendous impression. They then got back to their feet and sang in a choir the Polish national anthem. The Jews sang the Hatikvah. The common brutal fate blended at this out of the way cursed place. The lyrics sound of various hymns into one entity. The deeply heart-moving cordiality they expressed in this manner, their last sentiments and their hope. They finished by jointly singing The International. While they were singing the Red Cross arrived. The gas was thrown in the chamber and all gave up their ghost in song and ecstasy and improvement of this world.

Would you agree, asked Christie, that it seems as if Müller recounts a strikingly similar situation in the anteroom with the exception of the elimination of the word "The International"?

"Why elimination?," said Hilberg. "I don't understand, sir, what you are asking me, because these are two separate incidents. Here is a selection process going on. There are Communists involved. There are Jews involved. The Communists sing the International. The Jews don't sing the International; the Jews are not Communists. Why should Jews about to go into the gas chamber sing the International?"

What I am suggesting, said Christie, is that, very clearly, Müller seems to have plagiarized an incident from that book.

"No," said Hilberg. "You seem to assume, sir, that anything that seems to be a similar event that strikes people similarly is plagiarism. If I held this view, sir, I would be in court twenty times accusing people of plagiarizing from my work. They can have an independent idea of my own. They can describe the same thing in words similar to mine."

You are saying that this is one event that two different people described from their own observation, is that it?, asked Christie.

"It appears that way to me." (5-1146)

May I suggest, said Christie, that if we look at the context, we don't find the surrounding circumstances in any way the same.

"No. The surrounding circumstances are not the same. I said so. They are two victims."

Are you suggesting, asked Christie, that two different groups of victims sang the Hatikvah and the International, or alternatively, say the Polish national anthem and the Hatikvah?

"It is absolutely likely," said Hilberg, "because there are repeated accounts of people singing a national anthem. I said to you that I remember an account of someone singing the French national anthem. Now here we have an account of someone singing the Polish national anthem. We also have an account of someone in this group, the Jews only, singing the Hatikvah, which turned out to be the national anthem of Israel but which was not, obviously, then. Now, in addition to that they are singing the International, so all we are saying is that there was some singing."

Could you explain to me how, asked Christie, on these two separate occasions, people would get out of the anteroom to the gas chamber to recount what had happened?

"Well," said Hilberg, "I think such a -- if there is a survivor -- incidentally, these are not necessarily survivors. These particular accounts were written, some of them, in a clandestine way by people who did not survive. I want to emphasize that from the book that you are reading, but in any case, such an event, such a sight -- I was not there; I am not the person who could properly state things about it, but I can imagine how impressive it would be." (5-1147)

Judge Locke interjected: "Don't imagine, witness, please."

I suggest that is what the author did, is imagine those events, said Christie.

"I cannot share that suggestion, because the authors, unlike me, were there," said Hilberg.

I suggest, said Christie, that the authors created literary exercises and alleged that they were fact and you regard those authors as factual history.

"I said that I do not regard them as historians," said Hilberg, "employing the style that the historian or a political scientist or, for that matter, a lawyer would use. These are people who record what they see and what they feel."

How could either of the authors, asked Christie, see or hear the things he alleged he saw or heard without being in the gas chambers himself?

"Or be in the anteroom," said Hilberg. He added that "of course" there was an anteroom to the gas chamber. (5-1148)

Christie suggested again that these were not historical accounts but were novelistic interpretations. Would you agree?, he asked Hilberg.

"No, I don't agree," said Hilberg.

Christie referred back to Eyewitness Auschwitz: Three Years in the Gas Chambers by Filip Müller at page 113:

The atmosphere in the dimly lit gas chamber was tense and depressing. Death had come menacingly close. It was only minutes away. No memory, no trace of any of us would remain. Once more people embraced. Parents were hugging their children so violently that it almost broke my heart. Suddenly a few girls, naked and in the full bloom of youth, came up to me. They stood in front of me without a word, gazing at me deep in thought and shaking their heads uncomprehendingly. At last one of them plucked up courage and spoke to me: 'We understand that you have chosen to die with us of your own free will, and we have come to tell you that we think your decision pointless: for it helps no one.' She went on: 'We must die, but you still have a chance to save your life. You have to return to the camp and tell everybody about our last hours,' she commanded. 'You have to explain to them that they must free themselves from any illusions. They ought to fight, that's better than dying here helplessly. It'll be easier for them, since they have no children. As for you, perhaps you'll survive this terrible tragedy and then you must tell everybody what happened to you. One more thing,' she went on, 'you can do me one last favour: this gold chain round my neck: when I'm dead, take it off and give it to my boyfriend Sasha. He works in the bakery. Remember me to him. Say "love from Yana". When it's all over, you'll find me here.' She pointed at a place next to the concrete pillar where I was standing. Those were her last words.

I was surprised and strangely moved by her cool and calm detachment in the face of death, and also by her sweetness. Before I could make an answer to her spirited speech, the girls took hold of me and dragged me protesting to the door of the gas chamber. There they gave me a last push which made me land bang in the middle of the group of SS men. Kurschuss was the first to recognize me and at once set about me with his truncheon. I fell to the floor, stood up and was knocked down by a blow from his fist. As I stood up on my feet for the third or fourth time, Kurschuss yelled at me: 'You bloody shit, get it into your stupid head: we decide how long you stay alive

and when you die, and not you. Now piss off, to the ovens!" Then he socked me viciously in the face so that I reeled against the lift door.

Do you regard that as an accurate eyewitness account of a plausible event?, asked Christie.

"This is probably one of the most moving passages in the book," said Hilberg, "and when I read it I paused. Obviously, it is incredible, but not incredible in the sense that one uses the word to describe something that is unlikely to have happened. It is incredible that a man who worked dragging out corpses was shoving people in, should want to die in his early twenties. He was talked out of it by a young woman about to die." (5-111149 to 1151)

Inside the gas chamber, right?, asked Christie.

"Near the door."

And she pushed him out of the gas chamber through the door?, asked Christie.

"That is his description. I think the passage is substantially correct ... I cannot imagine such a passage being invented," said Hilberg.

Because you think it couldn't be invented, suggested Christie, you can't imagine it being invented.

"No."

You therefore believe it to be true?, asked Christie.

"I believe it to be true in substance," said Hilberg.

Is there a difference between it being true in substance and true in fact?, asked Christie.

"There is a difference if two feet matters, if a gesture matters. The man is writing years afterwards."

Do you believe, asked Christie, that people in the gas chamber, if that is described here, could push people out and the SS would be standing there and the door would fly open?

"It would be possible that when the gassing took place, as in this case, not of an entire transport having come in from the outside but people selected from the inside, that this large room was not filled, that indeed it was possible for room to be inside the gas chamber to stand around and, indeed, for space to exist between a person there and the door." (5-1152)

Christie turned back to Müller's book and read from a passage which appeared on page 161:

Suddenly from out of the ranks of doomed prisoners stepped the young Rabbinical student who had worked in the hair-drying team. He turned to Oberscharführer Muhsfeld and with sublime courage told him to be quiet. Then he began to speak to the crowd: 'Brothers!' he cried, 'it is God's unfathomable will that we are to lay down our lives. A cruel and accursed fate has compelled us to take part in the extermination of our people, and now we are ourselves to become dust and ashes. No miracle has happened. Heaven has sent no avenging bolts of lightning. No rain has fallen strong enough to extinguish the funeral pyres built by the hand of man. We must submit to the inevitable with Jewish resignation. It will be the last trial sent to us by heaven. It is not for us to question the reasons, for we are as nothing before Almighty God. Be not afraid of death! Even if we could, by some chance, save our lives, what use would that be to us now? In vain we would search for our murdered relatives. We should be alone, without a family, without relatives, without friends, without a place we might call our own, condemned to roam the world aimlessly. For us there would be neither rest nor peace of mind until one day we would die in some corner, lonely and forsaken. Therefore, brothers, let us now go to meet death bravely and with dignity!'

Christie next produced the book *Auschwitz: A Doctor's Eyewitness Account* by Dr. Miklos Nyiszli and referred to a passage on page 143, which he suggested to Hilberg was plagiarized by Müller:

This was where the "Dayen" worked, or rather, where he did not work, for all he did was watch the fires burn. Even so he was dissatisfied, for his religious beliefs forbade him from participating in the burning of prayer books or holy objects. I felt sorry for him, but could do nothing further to help him. It was impossible to obtain an easier job, for we were, after all, only members of the kommando of the living dead.

This then was the man who began to speak:

"Fellow Jews... An inscrutable Will has sent our people to its death; fate has allotted us the cruelest of tasks, that of participating in our own destruction, of witnessing our own disappearance, down to the very ashes to which we are reduced. In no instance have the heavens opened to send showers and put out the funeral pyre flames.

"We must accept, resignedly, as Sons of Israel should, that this is the way things must be. God has so ordained it. Why? It is not for us, miserable humans, to seek the answer.

"This is the fate that has befallen us. Do not be afraid of death. What is life worth, even if, by some strange miracle, we should manage to remain alive? We would return to our cities and towns to find cold and pillaged homes. In every room, in every corner, the memory of those who have disappeared would lurk, haunting our tear-filled eyes. Stripped of family and relatives, we would wander like the restless, shuffling shadows of our former selves, of our completed pasts, finding nowhere any peace or rest."

Hilberg agreed that a "Dayen" was a rabbinical student.

Do you see any similarity with the words?, asked Christie.

"Very similar." (5-1156)

In the case of Müller, said Christie, he is saying that it was the rabbinical student; in the case of Nyiszli it was a "dayen" which I suggest was a rabbinical student, right?

"Well, go ahead," said Hilberg.

In the case of Müller the man is inside the anteroom or gas chamber; in the case of Nyiszli, the words are attributed to him as part of the Kommando, right?, asked Christie.

"Yes. It is not clear what Kommando," said Hilberg.

Do you consider, asked Christie, that it is possible that these emotionally-filled parts of one book might find themselves, by accident, into Filip Müller's book?

"No, I don't think there are accidents in this life," said Hilberg, "but I do think that it is possible for two people to have heard the same thing. It is also possible for someone to have heard a repetition of it... It is even possible for two people to have made substantially the same statements, because the nature of the language employed is rather typical of what religious Jews would say in these circumstances, the language of resignation."

How do you explain the fact that both these eyewitnesses describe the situation to which they say the other eyewitness is not present?, asked Christie.

"Of course, I don't know who was present and who was not present. I cannot rule out, if you are suggesting that years after the event, when a book is being written of accounts, a person may mix something he recollects with something that he had read about, the same thing, of course this is possible," said Hilberg. (5-1157)

I suggest, said Christie, that Nyiszli published his book in 1960 and that the substance of that event was published by Müller and attributed to a totally different situation in 1979.

"I don't know whether it is a totally different situation at all," said Hilberg, "nor would I jump to the conclusion that it is any more than a very similar language of a very similar account. I do not rule out the fact that someone writing decades after the event about something, having in the meantime read about an event or the same event somewhere else, will resort to language -- he may think that he had heard it; he may, indeed, have read it instead. That is not to be ruled out. I don't think that a particular speech was not made. I don't think that it didn't occur at some point because it is common enough."

It's common in the literature of the eyewitnesses in different situations, is that right?, asked Christie.

"It is common enough in different situations, and even in different camps, for religious Jews to have made speeches of resignation much, if not exactly, with

language such as that which you have read," said Hilberg. "...I would be speculating as to the reason for the similarity of the language in the two accounts." (5-1158)

Would you agree, asked Christie, that they do appear to be rather elaborate literary accounts of events?

"Well, I don't want to qualify myself as a person in literature, but no, I don't think this is what I would call literary."

Would you agree with me that your quoting selectively from Gerstein and Höss was similar in kind to the sort of selection of stories prepared by Filip Müller in his book?, asked Christie.

"Well, I'd say that Filip Müller as a witness, is a remarkable, accurate, reliable person; not one who is learned, so far as I know -- an ordinary individual. I think that in any account written many years after an event, with intervening years, with other books having been published, there is always the possibility that somebody is influenced, not only by what he recollects but by what he may have read in the meantime. I would not deprive Müller of his honesty... Plagiarism is a strong word," said Hilberg.

I suggest to you, said Christie, that there is no other explanation for finding the same words in exactly the same form in two different books in different circumstances, unless there is something fishy.

"Well, I don't know whether the particular rendition in Müller's book owes something or does not owe something to the Nyiszli description. It may very well owe something to it; but to say that he sat down and simply copied is something else." (5-1159)

Christie turned to page 626 of Hilberg's book, *The Destruction of the European Jews*, and the following passage:

Most of the Birkenau arrivals saw great flames belching from the chimneys...

Do you believe that is true?, asked Christie.

"Yes. As a matter of fact, in my second edition -- ," said Hilberg.

I suggest to you, said Christie, that it cannot reasonably be true, in that crematorium chimneys do not belch flames. In fact, no chimney can belch flames without burning up very quickly. Did you consider that?

"Let me simply say," said Hilberg, "that there are many accounts of substantially similar nature of the same phenomenon, not only by survivors, but by persons in and in the vicinity of Auschwitz... I cannot characterize the nature of what they saw myself, because I have not seen it myself."

Do you believe those accounts?, asked Christie.

"They are mentioned by several survivors. They were mentioned by railway personnel. They were mentioned by German personnel associated with the industrial complex not very close to Birkenau," said Hilberg.

Could you name the names, please?, asked Christie.

"Well, today Wiesel is another survivor, making a similar description in his book," said Hilberg. (5-1160) Hilberg agreed that Elie Wiesel was the president of the Holocaust Memorial Council by appointment of the President of the United States.

Do you want to name any others who saw the flames belching from the chimneys?, asked Christie.

"Well, there are a number of people. Now I would be hard-put to give you their names, but there are a number of people, as I said, belonging to the railway organization," said Hilberg.

I am interested in the name, said Christie. Generalities are of no value to me.

"Yes. But I did not come prepared with all of the names, there being thousands of them."

Yes, thousands, said Christie.

"Some of which, however, are in print. If you have the German edition of my work, I will show them to you."

Christie indicated he would make an attempt to get the German edition of the book. He next referred Hilberg to page 623 of his book and the following passage:

According to Morgen... young Jewesses [were murdered] ... Immediately after that the corpses were cut into small pieces, mixed with horsemeat, and boiled into soap.

Do you believe that to be the truth, the soap story?, asked Christie.

"No. As a matter of fact the rumour -- ," said Hilberg.

I really would appreciate a short answer, said Christie. (5-1161)

"The answer is no," said Hilberg.

Judge Locke interjected, instructing Hilberg to answer the question.

"The short answer," said Hilberg, "is that I do not believe that, on a regular basis, soap was made from human fat, but that the rumour of such soap was so widespread within German-occupied Europe during the war that I attempted to discover the origin of this rumour. How did it come about? Why is it mentioned in Slovakia, why is it mentioned in the German railway organization, why is it mentioned in so many different places?...My answer is that I regarded the soap story as a rumour. I was interested in its origin. The passage to which you refer is in the nature of an attempt to

find out the origin, there being several possible reasons why the rumour may have been circulated," said Hilberg. (5-1162)

So you were interested in rumours circulating to determine their origin?, asked Christie.

"Well, I was interested in this particular rumour."

Did you ever find any evidence of its reality or truth?, asked Christie.

"No. I do not believe that, on a regular basis, in Auschwitz or someplace other than Auschwitz where human beings were killed, as it were, on an assembly line, soap was made from the fat of the corpses. I said that and I want to underscore it. I don't believe it," said Hilberg.

Do you have any evidence of the making of soap?, asked Christie.

"No. I do not believe it. The problem is in a very tiny forum such as yours of proving it didn't happen."

Because there were rumours, asked Christie, you tried to find if there were facts behind them?

"Yes. I tried to find if there was an origin, something, anything." (5-1163)

And you found out there was no proof for the origin of this rumour, said Christie.

"No. I do say that there were reported occurrences, and I do speculate that these may well have been the reason for the circulation of the rumour, but a rumour it remains in my book, not a fact," said Hilberg.

Are you familiar, asked Christie, with other occasions upon which inmates of these camps have made ridiculous statements under oath in a court of law in West Germany, for example?

"Well, I am not able to produce a ridiculous statement and characterize it as a statement," said Hilberg.

Christie asked whether Hilberg would consider as a credible statement that camp inmates regularly carried out bicycle races around gas chambers in the concentration camp Auschwitz-Birkenau to keep themselves physically fit during breaks in the murders.

"No," said Hilberg. (5-1164)

Christie produced a copy of the Nuremberg newspaper for 11 September 1978 which he suggested showed that a former concentration camp inmate had testified to such occurrences.

"All I can say," said Hilberg, "is that you have shown me a newspaper report which I see for the first time of what is alleged to have been said by a former political prisoner who was a German, not a Jew."

Christie asked to file the newspaper as an exhibit. This was refused by Locke who stated: "We are not going to have this court cluttered with newspaper reports third hand." (5-1165)

Christie turned next to the subject of the Luther Memorandum. Hilberg testified that Luther was in charge within the German Foreign Office of a division labelled Division Germany and that the memorandum he wrote was written after the time gassings on a massive scale had already begun in Auschwitz. (6-1167)

Christie read the last page of the Luther memorandum to the court:

The intended deportations are a further step forward on the way of the total solution and are in respect to other countries (Hungary) very important. The deportation to the Government General is a temporary measure. The Jews will be moved on further to the Occupied Eastern Territories as soon as the technical conditions for it are given.

I therefore request approval for the continuation of the negotiations and measures under these terms and according to the arrangement made. (Signed) LUTHER.

Hilberg agreed that the occupied eastern territories were in the area of Latvia, Lithuania, Estonia and the Ukraine. Auschwitz was not in the eastern territories, but in "an incorporated territory of Germany." (6-1169)

Would you agree, asked Christie, that this memorandum clearly indicates that the intention was to deport the Jews further into the occupied eastern territories?

"No," said Hilberg. "There are several aspects to this particular document which do require some explanations. First of all, it is a history. It's not a memorandum of a situation at a given date but, rather, a recapitulation of policy from 1939 to 1942. That's the first important qualification one must make... There was a phase in which Jews were deported from Germany to the so-called Government General, into ghettos, prior to the establishment of killing centres, prior to the establishment of death camps. Now, as he is writing this memorandum, these death camps had begun operation, in the case of one of them a month earlier, in the case of the other two, several months earlier; but he is writing a memorandum -- we don't know the exact date on which it was drafted -- in which he is recapitulating history. One aspect of this history was the temporary lodging of Jews from Germany in ghettos of Poland until such time as gas chambers were erected in order to receive them for gassing." (6-1170)

I suggest, said Christie, that the memorandum is dated 21 August 1942 at Berlin and is marked "Most Urgent"; that although it does give historicity and refers to the previous Madagascar plan, as far as the portion I have read, it deals with what further steps and future intentions were, at least, expressed by this author.

"No," said Hilberg. "The author, as you pointed out, was in the Foreign Office. As such, his information, at times, was a couple of times behind the information available

to the SS... He did take part in the 'final solution' conference of January 20, 1942. His information was reasonably up-to-date up to that point."

The Wannsee Conference, suggested Christie.

"That's correct. But there are several respects in which the information may have reached him late, and as I say, this is a think-piece. This is a memorandum... It's simply one of these documents that are not self-explanatory. As you stated, it is several pages long. As I stated, it is a recapitulation, and it utilizes a certain number of euphemisms, as do most of these documents. It turns out that relocation across the border, meaning the border of the Government General and the eastern territories was a euphemism for Belzec and Treblinka, which were on that border." (6- 1171, 1172)

Hilberg testified that he was familiar with the book, Hitler's Table-Talk, which was the result of two stenographers who took down everything Hitler said at his meals. "...This is a peculiar document," said Hilberg, "because the German original is no longer extant. We only have the English translation in what appears to be in the German title in the retranslation of the English."

Would you doubt its authenticity?, asked Christie.

"Well, subject to the qualification I just mentioned, it does appear to me to be reasonably authentic. Obviously, in a retranslation, one must be careful, because one cannot be certain, this being recorded table-talk and then translated and retranslated, whether these were the actual words or just the approximate words of Adolf Hitler."

Christie produced page 471 of the book and referred to an English translation of the following entry from 24 July 1942:

After the war he would be rigorously holding the point of view that he would destroy one town after the other unless the filthy Jews get out and wander off to Madagascar or some other Jewish national state, Hitler said...

Hilberg did not agree with this translation.

"I will give you my free translation," he said. "After the war he was going to be representing rigorously the point of view that he is going to demolish city after city if these lousy Jews don't get out, either to Madagascar or some Jewish national state. That is what he is quoted here as saying." (6-1174)

If Hitler ordered the extermination of the Jews in 1941, asked Christie, why did he speak about Jewish emigration after the war?

"You have to ask yourself to whom he was speaking at the table," said Hilberg.

Well, did he forget, asked Christie, or was he making up some pretense for those at the table?

"I don't believe that Adolf Hitler forgot. I do believe, however, that he spoke differently to different people. And he obviously knew that it was important to keep

secret what was happening. Here I present a conclusion, but one which I think is reasonable. Thus, what he was quoted at the table-talk with unknown persons present in translation, retranslation and back and forward, may have been just a comment which one need not take terribly seriously," said Hilberg. (6-1175)

Christie turned to the testimony of Hans Lammers, the chief of the Reich Chancellery, at Nuremberg. Hilberg agreed that Lammers testified at the trial that he had no knowledge of any plan to exterminate the Jews and never knew of any word of Hitler to that effect. (6-1176, 1177)

Christie produced a document which Hilberg agreed was the survey results of a questionnaire sent to 26,674 political leaders in Germany after the war.

"Well, it's a defence document for political leaders of the Nazi party, essentially," said Hilberg. (6-1177)

Are you aware, asked Christie, that this document has indicated that they had, until after the war, no knowledge of any extermination camps?

"That is, indeed, what they said on this questionnaire," agreed Hilberg. "...I would say that a good many of them would choose to say that they had no knowledge, even if they had varying degrees of knowledge, because obviously, they were on the spot, and having knowledge might be the first step towards some prosecution."

But isn't it also true, suggested Christie, that many of the Nazis who were at various times accused were very useful witnesses for the prosecution in order to get them out of trouble?

"True," said Hilberg.

Christie next produced the Staff Evidence Analysis attached to Nuremberg document 4055-PS. Hilberg explained that the Staff Evidence Analysis "simply means that somebody on the staff of the prosecution was briefing the correspondence contained in the document, sometimes adding certain identifying information about the people who were involved in this correspondence." (6-1178)

Christie pointed out to Hilberg that the Staff Evidence Analysis showed that one of the documents attached to it was a note stating that Hitler intended to postpone the solution of the Jewish problem until after the war.

"That is the Staff Evidence Analysis," said Hilberg, "but I would have to see the document."

Yes, that's the problem, said Christie. Have you looked in the archives for this particular document?

"I recall seeing no note, and I don't know to which note, let me put it this way. It says here, 'Note', undated note. There is a date with every other item here, or next to every other item save one. This is an undated note, and it's not identified who wrote the note."

Have you looked to see if that note exists?, repeated Christie.

"I have not found it," said Hilberg.

"Have you looked, though?, asked Christie again.

"I have looked wherever I could look," said Hilberg, "I have not found it."

That would be an important piece of evidence in this type of question, would it not?, asked Christie.

"Not necessarily," said Hilberg. "It depends on who wrote the note, when and what his impression was, and obviously, if an important person said this, let's say, in 1942, that would be important; but if it were said earlier by someone not in the direct possession, or someone not recording hearsay, it might not be important." (6 1180)

Wasn't Luther an important person?, asked Christie.

"Luther was, of course, important."

Well, he said it in 1942, didn't he?, asked Christie.

"Well, he said it in something of this kind, but in a recapitulation which must be read in its entirety to get the context."

Would it make it somewhat significant if it was dated March or April, 1942?, asked Christie.

"Well, it would be, absolutely," said Hilberg.

Were you aware of the existence of this Staff Evidence Analysis?, asked Christie.

"Well, I tried to read the document rather than the Staff Evidence Analysis, since Staff Evidence Analysis is just a way of finding the document and a way of telling the casual reader whether he wants to go on reading," said Hilberg.

I suggest to you, said Christie, that that document, even though it is referred to and identified in the Staff Evidence Analysis, has disappeared from the archives. Is that a possibility to you?

"Yes, it is, although the question should really be put to an archivist, because documents were sometimes pulled out of their context and may not have been replaced. The so-called disappearance may be a so-called misplacement of the document, and until all of them are microfilmed and the computer goes through all the names, which may take another twenty years, a missing document may, in fact, not be located," said Hilberg. (6-1180)

It appears, then, said Christie, that even today some of the relevant documents to give us a clear understanding of this massive situation are still missing. Would you agree?

"Oh, yes."

And some of them might very clearly contradict some of our firmly-held views, said Christie.

"I can never exclude the possibility of contradiction. After all, there are people who maintain at Stuttgart that Hitler did not give any orders," said Hilberg.

So in fact, suggested Christie, people questioning these types of situations can be of use to you and to others in stimulating further research.

"Obviously," said Hilberg. "And if I could live another fifty years, I think I might invest another thirty-six of them in further research."

Because this is a very important question, isn't it?, asked Christie.

"No doubt it is."

And we are all learning in this life, even yourself, sir, suggested Christie.

"We never stop," agreed Hilberg.

Was it possible, asked Christie, that when defendants made complaints at the Nuremberg trials, they wiped it out of the record?

"Are you suggesting that complaints were wiped out of the record if they were made in open court?," asked Hilberg.

Yes, said Christie. (6-1181)

"No. I have never heard of anything like it," said Hilberg.

Christie produced and showed to Hilberg a document dated 30 April 1946.

"Oh, expunged from the record?," said Hilberg.

I was going to suggest, said Christie, that the reason why Streicher's complaint about mistreatment didn't appear was because it was expunged, wiped out of the record.

"Well, I have been in court a dozen times, and I have heard judge's directions, 'That particular comment should not appear on the record.' I suppose this is not unheard of," said Hilberg.

Judge Locke interjected to point out to Hilberg that this did not happen in Canadian courts.

"I'm sorry," said Hilberg, "it does happen in American courts."

And it happened in Nuremberg, sir?, asked Christie.

"It might have."

In respect to allegations from Streicher at least, it happened, sir?, asked Christie.

"Undoubtedly, but I have no way of knowing what was expunged," said Hilberg.

I suggest, said Christie, that it was reported in the newspapers at the time, and that is why, when I brought out the newspaper yesterday, you said, 'Show me the record.' (6-1182)

"Well, all that I see on this record is that the president of the tribunal expunged the comments because they were 'entirely irrelevant'. That is what it says right here," said Hilberg.

Yes, said Christie. So we do agree that parts of the Nuremberg transcript were expunged?

"If, at the request of the president of the tribunal, they were deemed to be entirely irrelevant...", said Hilberg.

Hilberg agreed with Christie's summary of the following passage in the Nuremberg transcript from April 30, 1946:

MR. JUSTICE JACKSON: May it please the Tribunal, I should like to make a motion to the case of Streicher. I desire to move that Streicher's testimony found on Pages 8495, and 8496 of April 26th be expunged from the Record, and on Page 8549 of yesterday's testimony.

THE PRESIDENT: Dr. Marx, do you wish to say anything about that?

DR. MARX: Excuse me, Mr. President. Unfortunately, I did not completely understand the motions made by the Chief Prosecutor, Mr. Justice Jackson, because at that moment I was busy with something else. As far as I understood, he dealt with the deletion.

THE PRESIDENT: I can tell you what the motion was. The motion was that passages on Pages 8494, 8495, and 8496, and on Page 8549 be expunged from the record.

DR. MARX: I understand. I would like to say, from the point of view of the Defense, that I agree that these passages be expunged from the record, because I am of the opinion that they are in no way relevant for the defense of the defendant.

THE PRESIDENT: The passages to which Mr. Justice Jackson has drawn our attention are, in the opinion of the Tribunal, highly improper statements made by the Defendant Streicher. They are, in the opinion of the Tribunal, entirely irrelevant, and they have been admitted by counsel for the Defendant Streicher to be entirely irrelevant, and they will, therefore, be expunged from the record.

Christie put to Hilberg that so far as the Nuremberg transcript was concerned, the fact that allegations of torture were not found there did not mean they were not made.

"Well, I don't know whether I can jump to that conclusion," said Hilberg, "because I would concede that most anything is possible in this world, but I merely testified to the unlikelihood that there would be real torture inside Nuremberg." (6-1184)

Christie turned next to the booklet, *Did Six Million Really Die?* and referred Hilberg to page 4 and the following passage:

To date, the staggering figure of six thousand million pounds has been paid out in compensation by the Federal Government of West Germany, mostly to the State of Israel (which did not even exist during the Second World War), as well as to individual Jewish claimants.

In answer to an objection from the Crown prosecutor, Mr. Griffiths, that Hilberg was not qualified to give evidence on this topic, Christie asked Hilberg whether he had not dealt extensively with the subject of reparations at pages 748 and 749 of his book.

"Let me look at the page," said Hilberg, "... This is technically indemnification, not to be confused with reparations.... In other words, there is one term you mentioned before, but technically there are three provinces -- one is restitution, that is restitution of property insofar as it is identifiable to the rightful owner; the second is indemnification - that is different and it includes payment for loss of freedom and health to survivors; the third is reparations -- that is an agreement between the West German government and Israel in the Claims Conference, which is a private organization; and pursuant to the reparations agreement, money was set forward in the agreement, but made good in the form of payments in goods to Israel to compensate Israel for the absorption of survivors. So there are three different programmes under three agues, under different auspices." (6-1185, 1186)

Christie produced and showed to Hilberg a document from the West German Federal Ministry of Finance. Although Hilberg had never seen this particular document, he testified that he had seen substantially the same information from the same sources concerning payments made by West Germany. Hilberg indicated to the court that the document was a recapitulation of payments made as of January 1, 1983 which showed that the total compensation paid by West Germany and its provinces was 86 billion DM. In terms of Canadian dollars, Hilberg agreed this was the equivalent of about \$40 billion. Of this, 3.45 billion DM were payable to the state of Israel; the other payments were made to individual Holocaust survivors. (6-1187 to 1189)

"... The bulk is to individuals," said Hilberg, "because you see at the top a figure of 54 billion, and this is a payment made to individuals under the law which is already referred to as the Indemnification Law. These individuals are Jews as well as non Jews, and that's the total cumulatively."

Would you agree, asked Christie, that that figure has gone up in time?

"It has gone up because of a variety of reasons. One is that the West German government widened the law to recognize more claimants than before, because built into the pension payments, particularly, was an escalator clause to take care of inflation. And since some of these payments are still being made, one must remember

that they reflect the inflation. Payments made over a period of decades reflect different values over the years." (6-1189)

Christie asked whether large amounts of reparations and compensation had been paid by West Germany by 1974.

"Well, 'large' is... a relative term," said Hilberg. "because the payments may represent half a percent or less than a third of the percent of the gross produce of West Germany in any given year, and because they reflect injuries to different individuals, they have received them over a period of time, it is obvious that if someone is hurt, even in an automobile accident, and gets recognition of his claim, it is going to involve a rather large sum of money, even one individual." (6-1191)

Christie referred back to Did Six Million Really Die? at page 6:

The detention of Jews in the occupied territories of Europe served two essential purposes from the German viewpoint. The first was to prevent unrest and subversion; Himmler had informed Mussolini on October 11th, 1942, that German policy towards the Jews had altered during wartime entirely for reasons of military security. He complained that thousands of Jews in the occupied regions were conducting partisan warfare, sabotage and espionage...

Would it be an accurate statement, asked Christie, to say that by October 11, 1942, Himmler had formed the view that Jews were involved in sabotage in the area of western Russia? (6-1192)

"No," said Hilberg. "It does not mean that at all. I have, although I have not said it in my book, I have seen, on microfilm, the record of this particular conference... there is a record of it in the National Archives of the United States."

When you were asked to read this booklet, asked Christie, did you have the record of that conference, or did you check it in any way?

"It's one of the very many documents I have at home. Surely," said Hilberg. He confirmed that he had checked it.

And is that statement that Himmler indicated at that time, that Jews were involved in partisan warfare, an accurate statement of what he indicated at the time?, asked Christie.

"Well, as I recall the particular memorandum, there was a discussion between Himmler and Mussolini on that date in which the subject of discussion was wide ranging -- the nature of the war and everything else."

Are you suggesting that topics as situated there did not come up?, repeated Christie.

"It did come up, and in the course of the paragraph so devoted to Jews, in this conversation, Himmler said that the Jews were working, building streets and so on and so forth, and those that were obstreperous or had joined the partisans would have

to be shot; and it's true he said there were large numbers of them that had to be shot," said Hilberg. (6-1193)

He continued, "I thought you asked me whether I believed him in what he was saying."

So that statement, asked Christie, whether Himmler believed or not being aside, that statement is accurate about that meeting?

"He was saying something of that sort. It's close enough," said Hilberg.

Christie moved to page 7 of *Did Six Million Really Die?* and referred Hilberg to the following passage:

This is acknowledged by the World Jewish Congress in its publication *Unity in Dispersion* (p. 377), which states that: "The majority of the German Jews succeeded in leaving Germany before the war broke out."

Hilberg indicated that "the publication and the figures are substantially correct... I said substantially correct, because as in everything else, there are qualifications. It is true that if you measure the number of emigrants from Germany prior to September 1, 1939, the majority of the original 500,000 Jews in Germany had left. This leaves out the question of where they went to and what subsequently happened to them."

I am trying to check the quote, said Christie. Did you check that quote at all, sir?

"Oh, yes, I have no problem with it," said Hilberg.

Christie produced the publication *Unity in Dispersion: A History of the World Jewish Congress*, which Hilberg indicated he was familiar with. At page 377 the following passage appeared:

The majority of German Jews succeeded in leaving Germany before the war broke out and a substantial number of them settled in Latin American countries.

"It is not accurate that a substantial number of them settled in South American countries," said Hilberg, "because a lot of them went to Latin American countries to settle; but other than that it is correct." (6-1195)

Christie referred Hilberg next to the following passage on page 8 of *Did Six Million Really Die?*:

In *Colliers* magazine, June 9th, 1945, Freiling Foster, writing of the Jews in Russia, explained that "2,200,000 have migrated to the Soviet Union since 1939 to escape from the Nazis..."

Did you check that at all to find out if that was true?, asked Christie.

"No. Collier's magazine is a defunct magazine. I have not checked that... I can't confirm or deny whether it was accurately reported, but obviously, the figure, to my mind, is out of the question," said Hilberg. (6-1197)

Christie returned to Did Six Million Really Die? at page 9:

The reason for this high figure is underlined by Albert Maisal in his article "Our Newest Americans" (Readers Digest, January, 1957), for he reveals that "Soon after World War II, by Presidential decree, 90 per cent of all quota visas for central and eastern Europe were issued to the uprooted."

Christie produced the Reader's Digest from January of 1957 and the Maisel article, where it said:

Soon after World War II, by Presidential directive, 90 percent of all quota visas for central and eastern Europe were issued to the uprooted who dared not return to their homes behind the Iron Curtain.

Hilberg agreed that what appeared in Did Six Million Really Die? was a direct quote of the Reader's Digest article. (6-1198, 1199)

Christie noted that earlier in Hilberg's testimony a question had arisen as to whether the first affidavit of Rudolf Höss, dated 5 April, 1946, was in English or not. Hilberg agreed that "there was confusion left on the matter."

Christie produced a document dated 24 April 1946 and asked Hilberg to look at it.

"Yes," said Hilberg. (6-1199)

At the back, said Christie, is a photocopy of the document. That's what I would particularly like to ask you about.

"Mm-hmmm."

And can you tell me what it is, sir?, asked Christie.

"The photocopy? Well, on the third page, written in English as stated above," said Hilberg.

Yes, in English, said Christie.

"It is typed in English."

So I assume from your answer, said Christie, you say that you identify the document as the affidavit of Höss filed on the 24 of April, 1946, and it is typed in English and signed by him; would you agree?

"Well, the signature, obviously, is hard for me to identify this from. It appears to be something like a signature," said Hilberg.

Do you have any better knowledge of the document, asked Christie, or is that the Höss affidavit referred to in the Nuremberg Military Tribunal?

"You mean an earlier one, or -- "

Do you have any knowledge of an earlier affidavit?, asked Christie.

"No. Offhand I couldn't say an earlier one. Lots of later ones."

That is, I suggest to you, the affidavit of Rudolf Höss, said Christie.

"That could quite be the case, yes."

Have you ever seen it before?, asked Christie.

"Oh, yes," said Hilberg, "I've seen it."

Is it any different from any other time that you have seen that document?, asked Christie. (6-1200)

"No."

So could you say that this is the document that I suggest it is?, asked Christie.

"Yes," said Hilberg.

Christie returned back to Did Six Million Really Die? and a passage on page 10:

According to Manvell and Frankl (Heinrich Himmler, London, 1965), the policy of genocide "seems to have been arrived at" after "secret discussions" between Hitler and Himmler (p. 118), though they fail to prove it.

Hilberg testified he was familiar with the book Himmler by Manvell and Frankel which was published in 1965 and agreed, further, that on page 118 of the book it indicated that the decision to practise mass extermination as a national policy of genocide seemed to have been arrived at only after secret discussions which were inevitably dominated by Hitler.

Would you agree, asked Christie, that appears to be an accurate summary of the present situation, namely, that any discussions seem to have been arrived at in secret, according to that book, and maybe according to you, too?

"Oh, yes," said Hilberg, "It is obviously not a public discussion of the matter."

Christie referred next to a passage on page 10 of Did Six Million Really Die?:

William Shirer, in his generally wild and irresponsible book The Rise and Fall of the Third Reich, is similarly muted on the subject of documentary proof.

Leaving aside the judgmental words 'wild and irresponsible', would you agree that Shirer is silent on the subject of documentary proof?, asked Christie. (6-1201, 1202)

"It's a journalistic book, frankly," said Hilberg, "based mostly on secondary sources. It is aimed at the general public. It does not pretend to be scholarly. It is not such, and it would not, at least by me, be included for reference."

Do you agree, repeated Christie, that the book, as many others, is silent on the subject of documentary proof?

"Well, that book is silent on a lot of things," said Hilberg.

Well, even we today, sir, yourself as an expert and looking at other experts, would agree as late as the Stuttgart Conference last spring, that there really doesn't seem to be any documentary order, said Christie.

"Documented in the sense of a written order," said Hilberg.

Yes, agreed Christie, documentary proof. And I suppose could you agree that that might mean the same thing?

"Well, not necessarily, because you see there is mention of a Hitler order in documents," said Hilberg. "... It's not the Hitler order that exists in the form of a document, because that appears to have been oral, but there are documents that state that there was a Hitler order."

Yeah, there are testimonies of people, suggested Christie.

"No, no, no. There are documents. I repeat, there are documents. Even in the Wannsee Conference you will find reference to that," said Hilberg. (6-1203)

None of those documents that state there was a document are quoted in your book Documents of Destruction, suggested Christie.

"Well, in fact I, myself, translated the Wannsee Conference, and it is in there."

And we have gone through that before, but having gone through it, it does not include a reference to extermination at all, said Christie.

"It includes a reference insofar as Heydrich speaks of the evolution of the policy arriving at the 'final solution' and makes specific reference to Hitler in that connection," said Hilberg.

So the reference to Hitler and the 'final solution' is what you mean?, asked Christie.

"Well, of course, but in this book... since you asked a question, if I may say, I have appended Eichmann's testimony from the Eichmann trial elucidating the Wannsee Conference."

I just asked you, said Christie, if in the Wannsee Conference you mean, by talking of an order, they talk about the 'final solution.'

"I mean by it the annihilation of the Jews of Europe," said Hilberg.

But even in the Wannsee Conference did it have a memorandum or anything before it -- , began Christie.

"You mean the words 'final solution'?", asked Hilberg. "It was not used; except in the Stroop Report where it does appear." (6-1204)

But it was not a deep, dark secret that there was reference to a 'final solution', pointed out Christie, because it was referred to by Luther and it was defined in terms other than you would define it; would you agree?

"Well, the Luther Memorandum, as I testified before, is a long summary and one which is not, in all respects, complete to August 1942," said Hilberg.

But it talks of a 'final solution' and does not talk about extermination, said Christie.

"There was, assuredly, in the month of January, February, even March, in the mind of some people, a good deal of haziness as to what was to be done with the Jews, and in some cases one finds this haziness existing even after March 1942, and it is sometimes hard to decide whether or not the author is fully familiar with the detail, or is sometimes writing in vague language what he is familiar with," said Hilberg.

Christie produced page 964 of *The Rise and Fall of the Third Reich* by William Shirer and the following passage:

What became known in high Nazi circles as the "Führer Order on the Final Solution" apparently was never committed to paper -- at least no copy of it has yet been unearthed in the captured Nazi documents. All the evidence shows that it was most probably given verbally to Göring, Himmler and Heydrich, who passed it down during the summer and fall of 1941. A number of witnesses testified at Nuremberg that they had "heard" of it but none admitted ever seeing it. Thus Hans Lammers, the bullheaded chief of the Reich Chancellery, when pressed on the witness stand replied:

"I knew that a Führer order was transmitted by Göring to Heydrich... This order was called 'Final Solution of the Jewish Problem.'"

But Lammers claimed, as did so many others on the stand, that he did not really know what it was all about until Allied counsel revealed it at Nuremberg.

Hilberg agreed that *Did Six Million Really Die?* had correctly and accurately quoted from *The Rise and Fall of the Third Reich*. (6-1206)

Would you agree with what Shirer published as being true?, asked Christie.

"Well, it is not entirely so," said Hilberg. "He was not really a specialist on these matters. He wrote rather early in the 1950s and he made certain conclusions, most of

which I would say would be shared, but if I had to put it into my own words, I would have to give it a slightly different description of these events."

Would Shirer's description be false?, asked Christie.

"It would be correct insofar as he states that there is no written order by Hitler that has ever been found, and if by 'verbal' you mean 'oral', then he is correct in sharing the supposition that other researchers have that these utterances were oral if, indeed, orders were given," said Hilberg. He disagreed with *Did Six Million Really Die?*'s position that the policy itself did not exist.

Christie referred Hilberg next to the following passage on page 11 of the booklet regarding the Nuremberg trials:

Among the judges, of course, were the Russians, whose numberless crimes included the massacre of 15,000 Polish officers, a proportion of whose bodies were discovered by the Germans at Katyn Forest, near Smolensk.

Is it true, asked Christie, that the indictment at Nuremberg against the major war criminals included the accusation that they had murdered the Polish officers at Katyn?

"Yes, there was such a point in the indictment... If I remember correctly, yes," said Hilberg. (6-1208)

I suggest to you, said Christie, that most authorities would hold that the Russians were probably guilty of that crime?

"I am not the specialist on the Russians, but it is my own belief that, you know -- ... the Germans did not do it...," said Hilberg.

Judge Locke instructed Hilberg not to answer if he was not a specialist on the Russians.

If the Germans were not guilty, suggested Christie, one of the judges on the tribunal represented a country that pretty well had to be the other culprit, right?

"Yes," agreed Hilberg. (6-1209)

Would you say that it was true that most authorities now, today, would agree that the Russians were sitting in judgment on a charge, one of the elements of which, they themselves were guilty of?

"I don't know whether I should answer it within the confines of what I am qualified to answer at all, but I think that is the prevailing view," said Hilberg.

Christie referred Hilberg to the chapter in *Did Six Million Really Die?* entitled "Confessions Under Torture."

Would you agree, asked Christie, that all of the statements on that page are probably true?

"No. I have repeatedly testified to something entirely different. I characterized this in all sorts of ways over the days. I don't know that it is necessary for me to repeat all this testimony. It's in the record," said Hilberg.

Let me be more precise then, said Christie. Could you identify one statement on that column, on page 12, under "Confessions Under Torture," that you say is false?

"I do not state that something is false because I said before that I had no independent knowledge of some of the allegations pertaining to the Malmédy trial which was not a Holocaust trial or, for that matter, to the Dachau trial," said Hilberg.

Does this article say that the Malmédy trial is a Holocaust trial, anywhere?, asked Christie.

"The pamphlet is one pertaining to the 6 million," said Hilberg. "Not one of the 6 million was involved in the Malmédy trial; not one." (6-1212)

Nor does the pamphlet say they were, sir, I suggest, said Christie.

"All right."

I suggest the reason for referring to torture in the Malmédy trial, said Christie, is to analogize that probably the same situation prevailed in other trials. Do you agree?

"Well, there may be that insinuation or implication that was intended by the author. That I do not dispute," said Hilberg.

Christie asked again that Hilberg point out a single statement in the column under "Confessions Under Torture" which was false.

"Well, the statement -- are you now asking me whether the attributions are false, or whether, for example, Justice Wennerstrum, as quoted, was incorrect?," asked Hilberg. He then referred to *Did Six Million Really Die?* at page 12:

The "American" investigators responsible (and who later functioned as the prosecution in the trials) were: Lt.-Col. Burton F. Ellis (chief of the War Crimes Committee) and his assistants, Capt. Raphael Shumacker, Lt. Robert E. Byrne, Lt. William R. Perl, Mr. Morris Elowitz, Mr. Harry Thon, and Mr. Kirschbaum. The legal adviser of the court was Col. A.H. Rosenfeld. The reader will immediately appreciate from their names that the majority of these people were "biased on racial grounds" in the words of Justice Wenersturm -- that is, were Jewish, and therefore should never had been involved in any such investigation.

Hilberg testified that this was a "false statement." He agreed that Wennerstrum had made such a statement but disputed the truth of his remarks. (6-1214)

So, asked Christie, you'd say that Wennerstrum is wrong and you shouldn't quote Wennerstrum when he is wrong; is that right?

"I would say that Wennerstrum is wrong and, therefore, I cannot agree that this is correct in content," said Hilberg.

But there is no doubt about the fact that Wennerstrum said that?, asked Christie.

"No doubt."

Christie put to Hilberg that this was where one entered into matters of opinion.

"Oh, no," said Hilberg. "I don't think this is simply a matter of opinion. It is a factual question as to whether these people were or were not Jews... These were Americans. These were American citizens and American prosecutors."

Are you saying, asked Christie, that the majority of the American prosecution staff were not Jewish?

"I say that the majority of the American prosecution staff were not Jewish," said Hilberg. (6-1216)

Christie pointed to the statement Hilberg had read from the pamphlet and asked if the names listed there were not Jewish.

"Why don't I concede your point?," said Hilberg.

What point?, asked Christie.

"The point that this is completely correct, in every respect," said Hilberg.

Thank you, said Christie. You may not agree with what it says, but you cannot say it is wrong.

"Conceded."

Can you see anything else on that page that is false at all?, asked Christie.

"No. I don't wish to repeat myself one more time, if I may be excused," said Hilberg. (6- 1217)

Christie next referred to page 17 of the pamphlet:

Although Reitlinger's 6,000 a day would mean a total by October 1944 of over 5 million, all such estimates pale before the wild fantasies of Olga Lengyel in her book *Five Chimneys* (London, 1959). Claiming to be a former inmate of Auschwitz, she asserts that the camp cremated no less than "720 per hour, or 17,280 corpses per twenty-four hour shift." She also alleges that, in addition, 8,000 people were burned every day in the "death-pits", and that therefore "In round numbers, about 24,000 corpses were handled every day" (p. 80- 1).

Hilberg agreed that he had quoted Lengyel in his book a number of times. (6-1217)

"Well, I do quote her about certain matters because she was an inmate and reported, in some respects, what she saw, in other respects reported hearsay."

Christie asked whether *Did Six Million Really Die?* had quoted her incorrectly.

"No," said Hilberg. "She did include, obviously, hearsay, and reports that she heard some of these things and printed them in her memoir... She does not claim to have made this count. She reports that she heard it."

Christie produced the book *Five Chimneys: The Story of Auschwitz* by Olga Lengyel and quoted from page 69:

Three hundred and sixty corpses every half hour, which was all the time it took to reduce human flesh to ashes, made 720 per hour, or 17,280 corpses per twenty-four hour shift. And the ovens, with murderous efficiency, functioned day and night.

However, one must also reckon the death pits, which could destroy another 8,000 cadavers a day. In round numbers, about 24,000 corpses were handled each day. An admirable production record -- one that speaks well for German industry.

Hilberg agreed that this was what Lengyel had said in her book. (6-1218)

So far as that quote is concerned, asked Christie, you say that it was only hearsay to her.

"Yes, because she clearly indicates in the very next sentence that she obtained details, statistics of convoys arriving and all of these things from which somebody made a calculation... Now, the Polish underground in Auschwitz kept a record of arriving trains, and inasmuch as there were varying numbers of people on them calculations were made. Sometimes these calculations were wide off the mark, but these are the statistics to which she refers," said Hilberg.

Inasmuch as you seem to indicate that I was reading it out of context, said Christie, I should read further:

Even while in camp I obtained very detailed statistics on the number of convoys which arrived at Auschwitz-Birkenau in 1942 and 1943.

Doesn't that seem to indicate, asked Christie, that she obtained very detailed statistics?

"Well, I don't think she was there in 1942 or '43, and she obtained these statistics, quite obviously, in ways that we would characterize as hearsay, but based on a record that was kept at Auschwitz and which is available," said Hilberg. (6-1219)

There is a record to substantiate these numbers?, asked Christie.

"No, I would not say that there is a record substantiating these numbers," said Hilberg. "There is a record which makes possible a calculation or a miscalculation of that nature."

Then, to the extent that this article quotes those things that are described here as "wild fantasies," this booklet *Did Six Million Really Die?* accurately quotes her verbatim, doesn't it?, asked Christie.

"Well, I don't think it's a fantasy," said Hilberg.

We may disagree on how we view it, said Christie, but that's what she said, isn't it?

"That is what she said, again with the proviso that she didn't claim this to be her personal calculation or observation. It was based in the context you said on a certain amount of hearsay," said Hilberg.

Christie produced Hilberg's book, *The Destruction of the European Jews*, and turned to page 629 where Hilberg had written:

By 1942-43, the liquidation of graves in all killing centers was in progress. Auschwitz transferred the corpses to the five new crematoriums, which could burn about 12,000 bodies a day.

The footnote to this text read:

63. Sehn, "Oswiecim," p, 87. Lengyel, *Five Chimneys*, pp. 68-69, figures the theoretical daily maximum capacity at 17,280.

Were you quoting her with approval?, asked Christie. (6-1220)

"No, obviously not, because I chose the figure 12,000, and then I added -- in the stage of my research there was some haziness as to maximum capacity -- that one source, not necessarily the most reliable, attributable to Lengyel, the figuring of the daily capacity. That is all it says. It is a footnote," said Hilberg.

Do you cite footnotes that you don't agree with?, asked Christie.

"Why not?," said Hilberg. "If there is some possibility that the number was higher than 12,000, I put it down as the possible avenue for further research... But I didn't accept it."

You don't believe it is a credible number, then?, asked Christie.

"Well, I think it's on the high side. What I've got in the text is 'about 12,000.'"

Hilberg agreed that on the same page of his book, he stated that in August of 1944 20,000 corpses had to be burned on some days. (6-1221)

Hilberg testified that he was aware of the book *Six Million Did Die*, published in South Africa by the Board of Jewish Deputies.

So this was a publication to refute *Did Six Million Really Die?*, right?, asked Christie.

"In part."

And to provide evidence for its prosecution in South Africa?

"Yes."

Would you agree with me there were gas chambers in Dachau?, asked Christie.

"You mean a gas chamber for gassing people?," asked Hilberg. (6-1222)

In Dachau, said Christie.

"Well, did I answer that as a maybe or a possibility?"

I would like your answer, said Christie.

"That is my answer."

What is it?, asked Christie.

"It is a maybe. To my information it's not a case of a large number of people having been gassed at Dachau; a handful might have been, but even that is not confirmed," said Hilberg.

I point out to you, said Christie, that the book *Six Million Did Die* purports to say that a whole roomful of victims of the Dachau gas chamber lay piled to the ceiling in the crematorium. Am I quoting it correctly?

"Yes. It's possible."

Would that be false news?, asked Christie.

"I didn't say it was false. I said it was a maybe; it was possible. I, myself, did not investigate this matter and I didn't write this booklet."

Hilberg agreed that Martin Broszat, whom he regarded as a credible historian, had stated that there were no gas chambers at all in the Reich. (6-1223)

"I am saying," said Hilberg, "of the various gas chambers in the west, as you put it, the two, as I said, some researchers established as having had gas chambers with some continuous, although not large, volumes of gassings were Natzweiler and Mauthausen. Both these are within the boundaries of the old Reich. Broszat's statement refers to the old Reich. One has to know what he means by that. He means the German boundaries as of [1937]."

Christie returned to *Did Six Million Really Die?* at page 19:

In the first place, Himmler discovered on a surprise visit to Warsaw in January 1943 that 24,000 Jews registered as armaments workers were in fact working illegally as tailors and furriers (Manvell and Frankl, *ibid*, p. 140)...

Do you consider that statement true?, asked Christie.

"Well, you know, I can confirm, number one, that Himmler did go to Warsaw in January," said Hilberg. "That he talked to an army colonel named Freter. He then discovered, rather than some thirty or 35,000 registered inmates of this ghetto, there was a substantially larger number who were unregistered, working illegally. He was incensed with the fact that there were so many people there. That's my best recollection from the documents. Now, to the extent that this reflects my recollection, I will agree with it." (6-1224)

Christie produced the book Himmler by Manvell and Frankel and read from page 140:

Himmler discovered that 24,000 Jews registered as armaments workers were in fact working illegally as tailors and furriers.

"That is what the two journalists are saying," said Hilberg, "but I am citing documents -- - As far as the booklet is concerned, what is true is that they took a statement which is a little bit sloppy from two journalists who wrote a book."

Do you believe, asked Christie, that there is some question about the authenticity of parts and in fact all of Anne Frank's diary?

"There is some question as to parts of it, yes," said Hilberg.

Is it correct, asked Christie, that there are some parts that appear to be written in ball-point pen which wasn't invented until 1952?

"My understanding, which is based on newspaper accounts, is that the Anne Frank diary which, incidentally, I haven't used or cited in my context whatsoever, is an accurate diary except for amendments or corrections made by her father after the war. It may be that, as sometimes happens with a diary of deceased people, that that was his daughter, that he felt they had to make certain changes in it, or corrections in it, which seems to be, from newspaper accounts, it's stated fact."

Christie returned to Did Six Million Really Die? at page 30:

By 1965, the number of these claimants registered with the West German Government had tripled in ten years and reached 3,375,000 (Aufbau, June 30th, 1965).

Would you dispute that?, asked Christie.

"Well, I really do not know in what sense the word 'claimants' is quoted here," said Hilberg. "Aufbau is a German language newspaper. Let me explain what a claimant may mean. It is a person putting forward a claim. The claim may or may not be recognized. The number of those who put forward claims versus the number of those whose claims are recognized is much larger. There have been many, many claimants, most of them, incidentally, Germans not Jews, whose claims, some of them, were not recognized, claims that they were persecuted. So they could have well made over 3 million of those who made claims; but the recognition of a claim meaning payment to these people is another matter." (6-1226)

Do you dispute the number of claimants in that year as it states?, asked Christie.

"What I am stating to you is that 3,375,000 may be the total number of people, Jews and non-Jews, who asserted that they had a claim. It does not mean that this is the number of people who received money, let alone the number of Jews who received money."

Do you dispute the figures there?, repeated Christie.

"I cannot confirm it, but to me, with all due respect, it's a meaningless figure out of context," said Hilberg. "... As I said before, most of the disallowed claims were not from Jewish people. There were many people asserting persecution in Germany who were not Jewish. Even among the recipients of money, under the indemnification law, approximately a third were not Jewish, and that is a much smaller number than those who asserted claims." (6-1229)

So that the majority who were disallowed were not Jewish?, asked Christie.

"That is my opinion."

Would the majority who were allowed be Jewish?, asked Christie.

"Yes. About two-thirds," said Hilberg.

Two-thirds of the claims allowed were Jewish?, asked Christie.

"Yes."

How many of the claims made were allowed?, asked Christie.

"Oh, that is a difficult figure to give, because we are talking thirty years and changes in rules and type of claims. If the reference is to 1965, which is a watershed because of the widening of claims -- before 1965 I would have said some 300,000 to which were added some tens of thousands of new claimants. So we are talking about hundreds of thousands, but in no sense millions," said Hilberg.

Christie returned to the Höss affidavit and quoted from paragraph 6 to the court:

The "final solution" of the Jewish question meant the complete extermination of all Jews in Europe. I was ordered to establish extermination facilities at Auschwitz in June 1941. At that time, there were already in the general government three other extermination camps; Belzek, Treblinka and Wolzek.

Were Belzec, Treblinka and Wolzek established by June 1941?, asked Christie.

"No. No."

So here is a man, said Christie, making a statement in a language other than his own, that you know is a totally impossible statement, as far as statements of that nature are concerned.

"I will, without any question, state that this particular document, for that kind of information and a lot of other, is evidently not -- it is a very short thing, a page, that is correct. It cannot be supported by the kind of fact that seems to have been a summary of things he said or may have said or may have thought he said by someone who shoved a summary in front of him and he signed it, which is unfortunate," said Hilberg. (6-1230)

This ended the cross-examination of Hilberg by defence counsel Doug Christie. Crown counsel Griffiths rose to commence his re-examination of the witness.

Griffiths asked if Hilberg had stated in the interview with *Le Nouvel Observateur* that he was quite willing to keep an open mind academically and look into things if any new evidence came forward.

"Yes," said Hilberg.

Have you ever seen any German document or any other document to make you change your opinion as to the fact of the Holocaust?, asked Griffiths.

"None whatsoever."

Griffiths asked Hilberg what the contents were of the letter he received from Dr. Robert Faurisson.

"I think he was complimentary. He said I was a nice fellow, but other people were not," said Hilberg.

You mentioned in cross-examination, said Griffiths, that the last reference you have seen to a document attributable to Hitler with a reference to Madagascar, you have given a date of February 2...

"1941," said Hilberg, "... a diary kept by an adjutant of Hitler's called Engel. This diary I value highly as an authentic source because it was kept by an army officer who was in Hitler's entourage for something like five years. Although this is not a daily diary, he recorded many interesting, salient comments Hitler made. The discussion that is under the date of February 2, 1941 -- and I recall the date because it does seem to me significant, was to the effect that Bormann, one of the top Nazis, brought up the Jewish question, as frequently happened, and they were then discussing some way of trying to solve it. Hitler then brought up Madagascar. Then someone questioned about how could the Jews ever go to Madagascar in the middle of a war. Hitler then said, 'You're right. We cannot send them over there because I will certainly not risk the German merchant fleet to transport Jews, which might then even be torpedoed by Jewish warships or submarines.' Anyway, he said he was now thinking less friendly thoughts about the Jews. That's all he said at that point on February 2nd. It seems to me that that more or less closed the chapter of Madagascar, that although reference to Madagascar appeared in German documentation thereafter, it has, at that point, ceased to be a feasible project."

You were asked, said Griffiths, quite a number of questions about Rudolf Höss, and allegations of torture, complaints of torture before the International Military Tribunal.

"Not to my knowledge," said Hilberg.

Any allegations that you can recall that the record was asked to be expunged during the recording of his testimony?, asked Griffiths.

"No." (6-1231, 1232)

Griffiths referred Hilberg to page 198 of the book, Commandant of Auschwitz, where it was written in a description of a gassing:

The door was opened half an hour after the induction of the gas, and the ventilation switched on.

You have seen documents as to the ventilation of Birkenau?, asked Griffiths.

"I have seen some documents in which the installation of the gas chambers was discussed, and in which the late delivery of the ventilators prevented the starting up of the gas chambers, the projected time," said Hilberg.

That is the nature of the documents you have seen about the ventilators?, asked Griffiths.

"Yes."

You used, asked Griffiths, only those portions of the affidavit of Kurt Gerstein that were corroborated?

"Right."

Can you tell us what corroboration you had for those parts of the affidavit you used?, asked Griffiths.

"Yes. There was, with Gerstein, another person who also made an affidavit, at least one. There are accounts based on the report of a Swedish diplomat; he may or may not have believed the contents, but he made a record of what Gerstein told him on the express train in the summer of 1942 about these death camps. The Swedish government has the record of the Swedish diplomat's entry and memorandum of that conversation. So the important thing is that Gerstein, indeed, was at these gas chambers, did see them, two of the camps, reported these matters, and I believe that this is confirmed in a variety of words," said Hilberg. (6-1233)

Leaving aside Gerstein's statistics and numbers and concentrating more on the fact of the gas chamber, asked Griffiths, is there anything, since your first edition in 1961, that has offered any further corroboration?

"Oh, yes. Because since then, especially in the 1960s, the West German government attempted to find every single surviving member of the German guard forces in these camps, these three camps particularly -- Treblinka, Belzec and Sobibor -- and each one of these people was questioned. A record was made of what they said, and I have been through all of these records," said Hilberg. (6-1234)

Griffiths produced the book *I Cannot Forgive* by Rudolf Vrba, published in 1964. Hilberg confirmed that he had read the book. Griffiths referred to the following passage:

I did not answer him. I scarcely heard him. The lorries began to snarl again and move towards the gate, like an armoured division. The noise of the engines seemed to fill the camp, to drown my ears.

Then suddenly, over this harsh, imperative note, I heard a new, sweet sound. The sound of a thousand women singing. And the song was the Czechoslovak National Anthem -- "Where is my Home... "

...Philip Müller had been working all night. His face was grimy and his eyes were tired. With careful indifference, I said to him: "How did it go?"

"Quietly, Rudi," he said. "Very quietly. They sang the Czech and Jewish National Anthems all the time and they just walked straight into the chambers."

Hilberg agreed that Griffiths had read the passage correctly. (6-1236, 1236a)

Griffiths produced Cassell's English/German Dictionary, 1957 edition up-dated to the twelfth edition of 1968, which Hilberg testified was "the most widely used one on this side of the ocean." Hilberg confirmed that the definition of the word vernichten (which had been used in SS General Stroop's report) as given in the dictionary was "annihilate, destroy, demolish, exterminate, overthrow, disappoint" with secondary meanings of "annul, cancel, nullify, declare null and void, revoke, abolish, quash, abrogate in law." (6-1236a)

Hilberg confirmed that the definition of the word wesen given in the dictionary was "reality, substance, essence, being, creature, living thing, organism, state, condition, nature, character, property, intrinsic virtue, conduct, demeanour, air, way, bearing."

Any vermin or insects mentioned there?, asked Griffiths.

"No," said Hilberg. (6-1237)

Griffiths referred Hilberg to *Five Chimneys* and asked if Lengyel said that such numbers were cremated or whether they could be cremated.

"Okay," said Hilberg. "The passage which he underlined is simply an enumeration of a capacity -- 360 corpses every half hour, which is all the time it took to reduce human flesh to ashes, made 720 corpses per hour or 17,280 corpses per 24-hour shift... This is without the death pits. This is simply the capacity of the crematories, and does not include the pits in which bodies were burned... This is the theoretical capacities of the crematories as she relates it, and it does not include the pits." (6 1238)

Hilberg read the entire passage on page 68 from *Five Chimneys*:

In the beginning, those who were condemned to death at Birkenau were either shot in the forest of Braezinsky or gassed at the infamous white house in the camp. The corpses were incinerated in a "deathpit." After 1941 four crematory ovens were put into service and the "output" of this immense extermination plant was augmented vastly.

At first, Jews and non-Jews were sent to the crematory equally, without favor. After June, 1943, the gas chamber and the crematory ovens were reserved exclusively for Jews and Gypsies. Except for reprisal or by error, Aryans were not sent there. But generally, Aryans were executed by shooting, hanging, or by poison injections.

Of the four crematory units at Birkenau, two were huge and consumed enormous numbers of bodies. The other two were smaller. Each unit consisted of an oven, a vast hall, and a gas chamber.

Above each rose a high chimney, which was usually fed by nine fires. The four ovens of Birkenau were heated by a total of thirty fires. Each oven had large openings. That is, there were 120 openings, into each of which three corpses could be placed at one time. That meant they could dispose of 360 corpses per operation. That was only the beginning of the Nazi "Production Schedule."

Three hundred and sixty corpses every half hour, which was all the time it took to reduce human flesh to ashes, made 720 per hour, or 17,280 corpses per twenty-four hour shift. And the ovens, with murderous efficiency, functioned day and night.

However, one must also reckon the death pits, which could destroy another 8,000 cadavers a day. In round numbers, about 24,000 corpses were handled each day. An admirable production record -- one that speaks well for German industry.

Was Höss ever called for the prosecution?, asked Griffiths.

"I am not aware of that," said Hilberg. (6-1239)

Only as a defence witness?, asked Griffiths.

"That is what I recall."

And you were asked, said Griffiths, about whether you had any knowledge of scientific reports of what happened in the gas chambers, and my recollection is that you replied that from German sources you have reports of what happened. They were not scientific reports.

"That's correct," said Hilberg.

What German sources do you have describing what happened?, asked Griffiths.

"German documents pertaining to operations in the death camps are numerous, and they include various railway materials indicating the one-way traffic to these camps," said Hilberg. "... In addition, there is correspondence pertaining to the construction of gas chambers. Furthermore - and again I speak of documentation -- there is an

extensive correspondence about the delivery of gas, sometimes labelled 'materials for handling the Jewish problem', and this is just a sample of the materials on which one relies on forming the total picture of what happened."

This ended the examination of Raul Hilberg.

Notes

1. At the time of Hilberg's testimony in 1985, the monument at Birkenau read as follows: "Four Million People Suffered and Died Here at the Hands of the Nazi Murderers Between the Years 1940 and 1945". These words were removed from the monument in 1990 while international controversy raged over the correct number of victims.



2. Serge Klarsfeld. *Le mémorial de la déportation des Juifs de France* (Paris: Klarsfeld, 1978).

3. The 1977 letter from Dr. Richard Korherr to *Der Spiegel* is reproduced in the testimony of Udo Walendy *infra*.

4. G. M. Gilbert. *Nuremberg Diary* (New York: Farrar, Straus, 1947)

Charles Biedermann

[Charles Biedermann was the fifth witness called by the Crown. He testified on February 9, 10, 11 and 12, 1988.]

Charles Biedermann was appointed a delegate of the International Committee of the Red Cross (ICRC) in 1981 and appointed Director of the International Tracing Service (ITS) in 1985. (11-2493, 2495)

The management and administration of the ITS was taken over by the ICRC in 1955. Biedermann was employed by the ICRC in Geneva and was required under the Bonn Agreement of 1955 to be a delegate of the ICRC. He spoke as its authorized representative. (10- 2403, 11-2495, 2496)

The mandate of the ICRC was to ensure the fulfillment of the Geneva Conventions. There were four Geneva Conventions and two Protocols, all of which dealt with the protection of persons during war. (11-2493, 2494)

The ITS had four mandates: (1) the assembling; (2) classification; (3) administration; and (4) evaluation of documents of former civilian persecutees of the National Socialist regime for the purpose of enabling these people to obtain pension benefits. (11-2496, 2499) The documents were centralized in one main data file, containing about 44 million pieces of information regarding about 14 million former persecutees. (10-2406; 12-2708).

The ITS had processed just over 1.7 million applications since its inception. Payment of compensation and pensions by West Germany currently totaled between 82 and 88 billion marks. West Germany also paid the cost of running the ITS; approximately 10.5 million marks, or \$7-8 million Canadian. (12-2715 to 2719)

The actual ownership of the documents rested with the ten Allied governments which composed the supervisory body (International Commission) of the ITS. These ten governments included the United Kingdom, the United States, the Federal Republic of West Germany and Israel. (11-2496, 2497) All documents were archived in the headquarters of the ITS in Arolsen, West Germany. (10-2405)

Access to the documents was limited by the Bonn Agreements of 1955 to former persecutees and their legal successors on the grounds that the documents were all person-related and therefore not open to the public. (11-2497, 2498). The wording used in the Bonn Agreement was that the archives were "only to be evaluated in the interests of the former persecutees themselves or their successors." (12-2676). The only exception to this rule, as provided for under the agreements, was that representatives of any of the ten Allied governments of the supervisory body had the right to inspect the documents. (11-2497) Any application by one of the ten

governments for access was reviewed by the Director of the ITS; if the Director felt it was not justified, he could submit the application to the International Commission for the final decision. He could not remember any request by Israel being denied. (12-2711)

The definition of "former persecutee" was set out in the Bonn Agreements of 1955. (12-2716) If a person had been placed in a Nazi concentration camp because he was a common criminal, he could still make application to the ITS for documentation for a pension. The ITS made no distinction in the reasons why persons were detained in the camps. Whether the former criminal received a pension or not, however, depended on the country in which he resided today and what nationality he was. Next-of-kin of former inmates killed by Allied bombing raids could likewise apply for pensions as "persecutees." (12-2718)

The ITS published a three-part annual report. Since 1979, the second and third parts, dealing with the administration of the archives and the inventory of newly acquired documents, were no longer available to the public and were seen only by the International Commission. (12-2720, 2723)

The Special Registry Office was an agency of the Federal Republic of Germany, responsible directly to the Ministry of the Interior of the Province of Hesse and whose mandate was to certify deaths which occurred in concentration camps. (10 2407) The Special Registry Office consisted of two divisions: the preliminary investigation registry and the regular registry. The ICRC and the Special Registry Office were two separate institutions. (11-2498)

If dependents of former persecutees who had died during the war requested a death certificate, the ICRC passed the request together with any evidence it had concerning the individual to the Special Registry Office. Such death certificates were required in order to make restitution or pension claims. (11-2498, 2499) The latter organization decided whether the information was sufficient to certify a death. (10-2407, 2408)

Biedermann confirmed that as of December 31, 1983, the total number of deaths registered with the Special Registry Office and various other registry offices was 373,468. (11-2515) This figure represented death certificates issued pursuant to received applications and was based, with respect to the Special Registry Office, on camp records kept by the Nazis during the war. (11-2516, 2517)

Biedermann agreed that at an international conference held by the International Committee of the Camps in Vienna in 1977, the then director of the ITS, Albert de Cocatrix, gave a speech which indicated that as of December 31, 1976 a total of 357,190 names of persons who died in concentration camps had been registered at the Special Registry Office. Biedermann confirmed that these numbers actually came from the ITS. (12-2640 to 2646) He pointed out, however, that these figures resulted from applications. If an entire family had died, there was no one to make an application for a death certificate. Secondly, the ITS had complete documentation for only two of the twenty-two concentration camps. For the remainder, it had either partial or no documentation. Therefore, if an application was made for a person who had allegedly died in one of these camps, the ITS would not have the records to justify a request to the Special Registry Office for a death certificate. (12-2647)

Biedermann agreed with a statement in the de Cocatrix speech that "persons destined for extermination were brought to the gas chamber without being registered." He gave as an example a Paris-Drancy transport of 1,000 people, where only a part were registered in Auschwitz. Although this did not prove gassings, it proved to Biedermann that they disappeared without coming back again to be liberated. (12-2649; speech entered as Exhibit 26)

To determine whether a deportee obtained a number at Auschwitz, the ITS compared transport lists and arrival dates with the number lists prepared by the Auschwitz Museum in Poland. It also checked other sources which might prove that a deportee was registered, such as an effects card, a sick card or a registration card. (12-2655, 2556) Biedermann believed the ITS had all of the registration particulars from Auschwitz in copy form (12-2661) but admitted that it did not have all of the Auschwitz records "by far." (12-2656, 2657) He later stated that the ITS had the registration camp numbers for every day of the period only "as far as they could be reconstructed" by the Auschwitz State Museum. (12-2663) Other records which the ITS obtained from Auschwitz included copies of death books, cremation lists, death records from the camp doctor and a list about the death books. (12-2661)

Biedermann agreed that in the nineteen instances *Did Six Million Really Die?* quoted from the Report of the International Committee of the Red Cross on its Activities during the Second World War and *Inter Arma Caritas*, it did so accurately. He felt, however, that the quotations from the three Red Cross volumes should not have been combined. (11-2530, 2592)

In February, 1978, the ICRC published in its monthly Bulletin No. 25 an article to make it clear, after the publication *Did Six Million Really Die?* came to its attention, that it did not compile the statistics being attributed to it. He denied it was done pursuant to political pressure. (12-2910, 2921)

Biedermann testified that while records of the ICRC demonstrated that Nazi prisoner of war camps were inspected regularly and found to be well-administered during the war, the records did not show concentration camps to be well administered. (11-2504, 2505)

The ICRC made a distinction between "concentration camps" and "extermination camps." It had records concerning the former, no records concerning the latter, specifically, Treblinka, Sobibor, Chelmno, or Belzec, except for records relating to railway transports. (11-2505, 2506) Biedermann testified that the organization did have records for Majdanek and Auschwitz, as these doubled as both "extermination" and "concentration" camps. (11-2506)

Biedermann testified that the parcel programme to concentration camp inmates was available only to those detainees whose names and places of detention were known to the ICRC. It was therefore available to Nazi prisoners of war from the beginning of the war because their names were known, while the civilian detainees were not known and therefore could not obtain parcels. Supervision by the ICRC relating to people who were interned for security reasons was possible only from March or April of 1945. (11- 2508, 2509)

Biedermann testified that the article from Die Tat of Zurich, January 19, 1955, cited by Harwood at page 30 of the pamphlet did not mention the ICRC as alleged by Harwood. (11-2513)

He confirmed several other statements in Did Six Million Really Die?, such as the fact that the ICRC never succeeded in sending any relief supplies to prisoners in Soviet camps and that the ICRC received a number of acknowledgments of receipt from inmates at Auschwitz before the Soviets overtook the camp in January, 1945. (11- 2569, 2570) Thereafter, the camp was "liberated" according to the Geneva Conventions and any persons interned there by the Soviets were under the mandate of any national Red Cross organization. (11- 2570)

The Crown quoted to Biedermann that part of Did Six Million Really Die? at page 18 in which Harwood quoted from Thies Christophersen's book Die Auschwitz Lüge, in which Christophersen claimed that:

€ "...In September 1944 a commission of the International Red Cross came to the camp for an inspection. They were particularly interested in the camp at Birkenau, though we also had many inspections at Raisko."

Biedermann testified that if an inspection by the ICRC of the camp had taken place, the ITS would have the documents, but they did not. While records of the ICRC did refer to a visit to the camp in September of 1944, the delegates did not enter the camp, but were allowed only to see the camp commandant in order to discuss the effectiveness of the current system of distributing parcels to the inmates. The delegates were not able to establish direct contact with the inmates, but were able to meet with several representatives of different nationalities. (11-2501 to 2503)

Biedermann testified that in 1987, the ICRC had given the rector of a university in Geneva, as a neutral third party, the mandate to revise the history of the ICRC from 1933 to 1945 as there were uncertainties in some areas, such as the parcel distribution system. (11-2530) The ICRC had been attacked on numerous occasions for not having done enough, specifically for the civilian persecutees in the concentration camps, and one of the reasons for the rewriting was to show that the ICRC had done all that it could do at the time. He could not exclude the possibility that the ICRC was under more pressure in 1988 than in 1948 to emphasize the Holocaust. (12-2744, 2745)

Asked if the ICRC was becoming revisionist in their history, Biedermann replied: "We're human beings like everybody else. If something isn't clear and we become aware of it, we're obliged to correct it." (11-2531) He stated: "The writing of history does not always take place immediately after the events. So the ICRC goes according to the principle, after the completion of a programme, to only 25 years after that completion to draw up a final report, to intentionally gain certain historical distance." (12-2745)

Biedermann was shown a large, two volume work entitled Gedenkbuch, which had been prepared by the State Archive in Koblenz with the assistance of the ITS as a gift from the Federal Republic of Germany to the state of Israel. It was published in 1962 and took the place of a monument stone. The book consisted of pages of names, many

of which had beside them the words verschollen meaning "missing," and another German word meaning "unknown." (11-2596 to 2598)

In the preparation of Gedenkbuch, the ITS had been asked to check some 498,000 names that had been collected by the Federal Archive. In the final book itself, there were some 129,000 names. Biedermann could not say what steps the Federal Archive or other archives had taken to see if those persons were alive; for example, by checking the names with Soviet authorities or with the Departments of Vital Statistics in such countries as Canada. (11-2597, 2598)

While the ITS itself did not search records of deceased persons with registries in other countries, many of the applications it handled came via national Red Cross Societies which had tracing service departments making such searches. Biedermann had no personal knowledge, however, of what the Canadian Red Cross, for example, did to check with the Departments of Vital Statistics of various provinces. (11-2599, 2600)

Biedermann could not recall any document from Nazi authorities from between 1939 and 1945 which used the word Vernichtungslager, meaning "extermination camp." He did not know the origin of the word but understood it to mean a camp where people were not registered and were never released. (11-2600, 2601)

He acknowledged that in a map contained in the Report of the International Tracing Service, 1986, (Exhibit 25), both Auschwitz and Majdanek were referred to only as "concentration camps" while two other camps, near Riga and Minsk, were referred to as "extermination camps." He did not know whether these camps had ever before been listed as "extermination camps." (11-2602)

It was decided by ITS to classify Auschwitz and Majdanek as "concentration camps" only because the use of both symbols to indicate their double function "would cause further questions in the minds of people [which] would remain unanswered in that case." (12- 2632) The only documents which they had for "extermination camps" such as Riga were transport lists to that destination or an order for such a transport. (12-2706)

Under present German law, twenty-two of the camps which existed in Nazi Germany must be called "concentration camps"; these twenty-two camps had together over one thousand sub-Kommandos of different sizes which depended for administration on one of the main "concentration camps." Statistics were reported daily from the sub-Kommandos to the main camps. (11-2603).

The ITS had complete original records for only two of the "concentration camps," Buchenwald and Dachau. Although he knew the ITS had transport records to various camps, he did not know to which camps or transports the records pertained. The transport lists in the possession of the ITS were deemed to be incomplete as the agency had to assume, based on the literature or general documents, that there were more. An example of this was a transport from Drancy, France, of 1,000 Jews, a segment of whom were registered in Auschwitz two days later. The rest of the transport was not registered. Biedermann was aware that prisoners went from Auschwitz to other camps, but did not believe they did so without first being registered. (11-2603 to 2607)

Biedermann knew that the ITS had at least one transport list for Treblinka but did not know how many names were on it. He mentioned that in the Düsseldorf trial regarding the Treblinka camp in the 1960s the court, by expert testimony, set the death figure at 900,000. He did not know whether the ITS provided any records for this trial. (12-2632, 2633)

There were thirty-nine or forty death books from Auschwitz. Of these, the ITS had copies of only three of the books. The remainder were in Moscow (11-2609, 2610) and Biedermann had last requested the authorities in January 1988 for copies. (12-2675) The books were in loose-leaf form and gave the name, date and cause of death for each inmate, together with other data such as detainee numbers. (12-2622)

Although ITS had the complete original Nazi documents from Buchenwald and Dachau, including death lists, it had not made a count of deaths. Asked why, Biedermann said the documents from Dachau alone "would fill a whole hall," and it would exceed the capacity and financial means of ITS to undertake such work. (12-2672, 2673) He later admitted, however, that the ICRC had given the definite instruction to the ITS not to establish or draw up statistics. He stated: "I have the clear order not to draw up statistics, so all the statistics that you might show me now must come from a different source than from our source. The same refers to general historical research and camp records.." (12-2701, 2702)

Shown the chart of deaths in Dachau from 1940 to 1945, Biedermann stated that Dachau had been liberated by the Americans who therefore had large numbers of records concerning the camp in copy form. However, he personally did not have knowledge of the statistics for the reasons given. (12-2701) Biedermann agreed that the German authorities kept meticulous camp records at Dachau and Buchenwald. (12-2674) Biedermann believed that all "extermination camps" were the ones captured by the Soviet forces. (12-2675)

Documents only became part of the ITS inventory after being authenticated. The documents were either copied or filmed on microfiche. ITS was obliged, in the event of a legal dispute, to know the location of the original document and also that access to that original document was guaranteed. (12-2693, 2694)

The ICRC had official camp records of executions in the camps by hanging or shooting. These documents were not marked secret. It was suggested to Biedermann that if exterminations were going on of unregistered inmates in the camps the ICRC had many contacts in Europe to find out about it. Biedermann replied that they had always tried to do so but had never received any confirmations at the time. He agreed there was never any indication by the Red Cross from all its reports that gas chambers were being used during the war. (12-2624, 2625)

He was not aware of any request by the Allies to investigate the accusations of alleged homicidal gas chambers in any of the camps after the war but he knew "for sure" that the ICRC never made any such investigation. (12-2735)

The ITS did not have any records of visits to Auschwitz other than the September, 1944 visit report. Biedermann acknowledged that the 1944 report by Dr. Rossel spoke of a "rumour" of a very modern shower being used as a gas chamber, but that the

detainees said nothing about it. He stated that it was definitely possible that the delegate could have spoken to inmates outside of the camp and agreed that the report said nothing about smoke. (11-2613 to 2618) He knew that the commandant's house was very close to the alleged gas chamber in Auschwitz I. (12-2667)

Biedermann agreed that the sentence, "In its relief work for civilian populations, the ICRC paid special attention to the Jews," appeared in volume three of the Report of the ICRC, and explained that this special protection was required especially by civilians persecuted for racial or religious reasons. He agreed that the Joint Relief Committee received large sums from Jews in countries either neutral or at war with Germany, particularly America and Switzerland. He agreed further that at the beginning of the war, the ICRC had considerable contacts with Jews in Europe. He did not agree that this contact extended into 1943 or 1944, except for the parcel distribution programme. He agreed parcels were sent to Auschwitz during the war to Jews. (12-2627 to 2630)

Biedermann stated that the ICRC's parcel distribution programme to the German concentration camps was negatively affected by the Allied blockade and the destruction of roads and railways by Allied saturation bombing. (12-2637).

Biedermann felt the ICRC was impartial during the war and attempted from the beginning of the war to obtain confirmation of rumours of atrocities. He did not know, however, why the ICRC refused the invitation of the German Red Cross to investigate the Katyn Forest massacre. (12-2638) Nor was he aware that the ICRC was invited to witness the exhumation of the bodies at that place. (12- 2639) He knew that for many years after the war thousands of German prisoners of war were used as forced labour for the Allied countries, but was unaware of any ICRC report on this matter (12-2727) or of any condemnation by the ICRC of the use of compulsory German labour. (12-2733) Although he was aware of the displacement of large numbers of Germans from their ancestral homes, he believed they were not under the protection of the Geneva Convention. (12-2733, 2734) He did not know anything about the murder of 560 guards at Dachau concentration camp upon its liberation or the fact that photographs existed which showed the presence of an ICRC representative during the massacre committed by American troops. No mention was made of the massacre in the official ICRC report on Dachau. (12-2736 to 2741)

Biedermann was not aware of the ICRC or any delegate ever testifying before in a criminal proceeding for the prosecution of the publisher of a book. (12-2726)

René de Grace

[René de Grace was the sixth witness called by the Crown. He testified on Monday, February 15, 1988.]

René de Grace was the National Director, International Services, of the Canadian Red Cross at headquarters located at 1800 Alta Vista Dr., Ottawa, Ontario. In 1978, the headquarters of the Canadian Red Cross was located at 95 Wellesley St. E. in Toronto. De Grace worked there as the Administrative Assistant to the National Director of Administration. (13-3004, 3005)

The International Committee of the Red Cross (ICRC) was born in 1859 and had as its goal the establishment of national societies in as many nations as possible, all having the common mission of alleviating suffering in times of conflict. There were 145 national Red Cross Societies around the world today, all of which belonged to the League of Red Cross and Red Crescent Societies based in Geneva, Switzerland. (13 3005, 3006)

Since 1976, the Canadian Red Cross Society had received monthly copies of the bulletin published by the ICRC. Specifically, the Canadian Red Cross Society received Bulletin No. 25, published by the ICRC in February of 1978. The bulletins were kept in the headquarters library and copies were also distributed to a mailing list. The library was open at all times to members of the public. (13-3006, 3007) Bulletin No. 25 made clear that the ICRC did not compile the statistics being attributed to it in Did Six Million Really Die?. (13-3007)

On cross-examination, de Grace testified that a person coming to the Canadian Red Cross headquarters would have been met in the entrance by a receptionist. To obtain access to the library, the person would first have to ask whether there was a library, then would have to be directed to it by the receptionist. There was no public advertising of the library. It was a small library, reserved for Red Cross people, volunteer staff and the public that was inquiring about certain areas of Red Cross activity. (13-3008)

He agreed that Did Six Million Really Die? clearly listed Zündel's name, publishing company, address and telephone number and that it would not have been difficult for anyone at the local Red Cross office to have contacted him in 1981. (13-3010)

Christopher R. Browning

[Dr. Christopher R. Browning was the seventh witness called by the Crown. He testified from Monday, February 15 to Friday, February 19, 1988.]

Christopher R. Browning was permitted to give opinion evidence as an expert witness in the area of the policy of the National Socialist regime to Jews of Europe during the Second World War. (13-3029)

Browning, a citizen of the United States, was 43 years of age and lived with his family in Tacoma, state of Washington where he taught history at Pacific Lutheran University. He had obtained his Bachelor of Arts from Oberlin College in Ohio in 1967, winning the Comfort Starr Prize in history. In 1968, he obtained a Master of Arts degree in history from the University of Wisconsin and then spent two years teaching Modern European History at Allegheny College. In 1975, Browning was awarded a Ph.D. by the University of Wisconsin. (13-3013 to 3015)

He was the recipient of two German academic awards and had been invited to be a Fellow at the Institute for Advanced Studies at the Hebrew University of Jerusalem. (13-3014, 3015)

Browning's research specialty was the treatment of the Jews by the National Socialist government which he had been studying for the past 17 years. In the United States, he had looked through the records of some of the Nuremberg trials, microfilms in the United States National Archives and various books available in university library collections. The microfilms were of German documents captured at the end of the Second World War, brought to the United States, catalogued, microfilmed and returned to Germany in 1958. (13-3016)

He had also conducted research in Germany at the archives of the German Foreign Office in Bonn, the Federal Archives in Koblenz, the Military Branch of the Federal Archives in Freiburg, the Berlin Document Centre, the Nuremberg State Archives, in the Central Agency for the State Administration of Justice in Ludwigsburg and in various state courts in Germany where they had conducted important court cases. In Yugoslavia, Browning conducted research in the Military Archives and in the archives of a Jewish History Museum, both in Belgrade. (13-3017, 3018)

Browning spent a full year and some shorter trips in Israel, studying at the archives library at Yad Vashem, the Holocaust Remembrance Authority in that country. (13-3018)

He was the author of two books, *The Final Solution and the German Foreign Office: A Study of Referat DIII of Abteilung Deutschland 1940-43*, published in 1978, and

Fateful Months: Essays on the Emergence of the Final Solution, published in 1985. By "final solution," Browning meant the Nazi plan or policy to exterminate the Jews of Europe. In addition, he had contributed numerous articles to scholarly journals such as the Simon Wiesenthal Center Annual and Yad Vashem Studies. (13-3019 3028)

Browning was on the editorial boards of Holocaust and Genocide Studies and the Encyclopedia of the Holocaust and the International Scholars Advisory Board of the Simon Wiesenthal Center. He had also contracted to be the editor and primary author of The Final Solution, a forthcoming book on Nazi Jewish policy which was to be part of Yad Vashem's 24- volume history of the Holocaust. (13-3027, 3028)

Crown attorney John Pearson asked Browning to comment on the following passage from Did Six Million Really Die? at page 5:

It is no part of the discussion here to argue whether the German attitude to the Jews was right or not, or to judge whether its legislative measures against them were just or unjust. Our concern is simply with the fact that, believing of the Jews as they did, the Nazis' solution to the problem was to deprive them of their influence within the nation by various legislative acts, and most important of all, to encourage their emigration from the country altogether. By 1939, the great majority of German Jews had emigrated, all of them with a sizeable proportion of their assets. Never at any time had the Nazi leadership even contemplated a policy of genocide towards them.

Browning saw two problems with this paragraph: "A 'great majority' would be an exaggeration because it would be slightly over half, but not a great majority. The serious problem, I think, comes with the statement 'all of them with a sizeable proportion of their assets'. I do not believe that statement is true." (13-3030)

In Browning's opinion, there were a whole series of measures taken against Jews by the Nazis to deprive Jews of their property. In Germany, Jews were banned from certain professions and economic activity and were forced to register all of their property. As a result, if Jews wanted to sell their property they had to sell quickly at far below the market value. The contracts for sale had to be approved by local economic authorities and as a standard rule they would not even allow a contract that gave a Jew more than two-thirds or three-quarters of the market value.

"What that meant then," said Browning, "was that the Jews living in Germany by the end of, say, 1938 were living off whatever they had received in reduced market value for their goods, or not engaged in ongoing businesses or professions any longer so they were living off assets that were rapidly shrinking. Those assets were attacked yet again when the Nazis put upon them a 25 percent property tax in the fall of 1938, which would take even more." (13-3031, 3032)

In 1941 the Nazis passed a law that any Jew leaving Germany as of that date would automatically forfeit any remaining property he had. For the Jews who left Germany before 1941, it was very difficult to take property with them. There was the "flight" tax, which applied to all leaving Germany, not just Jews, which required the surrender of 25 percent of all property in order to be allowed out of the country. Strict currency controls made it difficult to take the remaining property out of the country. (13-3032, 3033)

In Browning's opinion, it was "an entirely false statement to say that a great majority of German Jews had emigrated, all of them with a sizable proportion of their assets." (13-3033)

Pearson asked Browning to comment on the following passage from the pamphlet on page 6:

Had Hitler cherished any intention of exterminating the Jews, it is inconceivable that he would have allowed more than 800,000 to leave Reich territory with the bulk of their wealth...

Browning testified that it was an exaggeration to say that 800,000 Jews left the Reich by 1939. Even by 1941, the total of Jews who had left Germany, Austria and the so called Protectorates was 530,000. The statement with respect to "the bulk of their wealth" was also inaccurate. (13-3035)

Browning turned to a passage on page 5 of the pamphlet:

The Nazi view of Jewish emigration was not limited to a negative policy of simple expulsion, but was formulated along the lines of modern Zionism. The founder of political Zionism in the 19th century, Theodore Herzl, in his work *The Jewish State*, had originally conceived of Madagascar as a national homeland for the Jews, and this possibility was seriously studied by the Nazis. It had been a main plank of the National Socialist party platform before 1933 and was published by the party in pamphlet form.

Browning testified that it was not a plank of the National Socialist platform before 1933 that the Jews go to Madagascar as a national homeland. There was no reference to Madagascar at all in their platform before 1933. "The first time in which a Nazi leader mentioned Madagascar is 1938. The first point at which there is a plan for Madagascar is 1940, and it is not referred to ever...as a national homeland. It is referred to as a super-ghetto that will be under the SS...They studied it as a place to expel the Jews to and keep them in a kind of extra-large concentration camp." (13 3036, 3037)

Browning turned to page 7:

It is a remarkable fact, however, that well into the war period, the Germans continued to implement the policy of Jewish emigration. The fall of France in 1940 enabled the German Government to open serious negotiations with the French for the transfer of European Jews to Madagascar. A memorandum of August, 1942 from Luther, Secretary-of-State in the German Foreign Office, reveals that he had conducted these negotiations between July and December 1940, when they were terminated by the French.

Browning testified that there were no such negotiations with the French. "This was going to be imposed upon the French when a time for a final peace treaty with France occurred." Browning felt that the pamphlet was trying to leave the impression that the failure of the Madagascar plan was caused by the French and that was not the case. In coming to this opinion, Browning relied on the document referred to by Harwood, the

Luther Memorandum of 1942. This memo originated from Luther and his Jewish expert Franz Rademacher and was directed to German Foreign Minister Ribbentrop. (13-3038)

On an overhead projector, Browning read the jury portions of the Luther Memorandum of August, 1942, which dealt with the Madagascar plan:

The present war gives Germany the possibility and also the obligation to solve the Jewish question in Europe. In view of the advantageous course of the war against France, DIII proposed in July 1940 as a solution: removing all Jews from Europe and demanding the Island of Madagascar from France as the territory for the reception of the Jews. The Reich Foreign Minister has in principle approved preliminary preparations for the expulsion of the Jews from Europe in close consultation with the agencies of the Reichsführer-SS.

The Madagascar Plan was enthusiastically taken up by the Reich Security Main Office, which in the opinion of the Foreign Office was the only agency with the experience and technical capacity to carry out a large-scale evacuation of the Jews and to guarantee the surveillance of the evacuees. The competent agency of the Reich Security Main Office then prepared an extremely detailed plan for the evacuation of the Jews to Madagascar and their resettlement there, that was approved by the Reichsführer-SS. Gruppenführer Heydrich submitted this plan directly to the Reich Foreign Minister in August 1940.

The Madagascar Plan itself was made obsolete by political developments.

Ambassador Abetz told me already in August 1940, after a meeting with the Führer, that he intended to evacuate all Jews from Europe.

The basic instructions of the Reich Foreign Minister to pursue the evacuation of the Jews in closest consultation with the agencies of the Reichsführer-SS therefore remain in effect for DIII. (Luther Memo filed as Exhibit 36A,B and C, 13-3045)

Browning testified that other parts of the Madagascar plan indicated that the Nazis intended to ship the Jews to Madagascar after Britain was defeated and they had the British navy and merchant marine at their disposal. It was not negotiations with the French which rendered the plan obsolete, but rather the fact that Britain remained in the war. (13-3043)

Browning turned to page 6 of the pamphlet:

As the war proceeded, the policy developed of using Jewish detainees for labour in the war- effort. The question of labour is fundamental when considering the alleged plan of genocide against the Jews, for on grounds of logic alone the latter would entail the most senseless waste of manpower, time and energy while prosecuting a war of survival on two fronts. Certainly after the attack on Russia, the idea of compulsory labour had taken precedence over German plans for Jewish emigration. The protocol of a conversation between Hitler and the Hungarian regent Horthy on April 17th, 1943, reveals that the German leader personally requested Horthy to release 100,000 Hungarian Jews for work in the "pursuit-plane programme" of the Luftwaffe at a time

when the aerial bombardment of Germany was increasing (Reitlinger, *Die Endlösung*, Berlin, 1956, p. 478). This took place at a time when, supposedly, the Germans were already seeking to exterminate the Jews, but Hitler's request clearly demonstrates the priority aim of expanding his labour force.

Browning was familiar with the Hitler-Horthy Protocol of 17 April 1943 and had prepared an English translation of the excerpt dealing with the Jews which he read to the jury:

Discussion of Rationing:

Horthy observed that this problem was very difficult for Hungary. He had not yet been able to control the black market. The Führer replied that that is the fault of the Jews, who even in a world war consider hoarding and profiteering as their main field of activity, exactly as now in England convictions for ration violations and the like chiefly concern Jews. To Horthy's counter-question as to what he should do with the Jews, now that he had deprived them of almost all possibilities of livelihood -- he could not kill them off -- the Reich Foreign Minister declared that the Jews must either be exterminated or taken to concentration camps. There was no other possibility. To the observation of Horthy that Germany has it easier in this regard, because it does not have so many Jews, the Führer gave figures revealing the extraordinarily strong Jewification of certain professions. Horthy replied that he had not known that at all.

In this connection the Führer began to speak about the city of Nüremberg, that for 400 years had not tolerated any Jews there, while Fürth had accepted Jews. The result had been a great flourishing of Nüremberg and a complete decline of Fürth. The Jews never even had any organizational value. Contrary to the fears that he (the Führer) had repeatedly had to bear in Germany, everything continued even without the Jews. Where the Jews were left to themselves, for example in Poland, the most cruel misery and dilapidation prevailed. They are nothing but pure parasites. This state of affairs has been completely cleaned up in Poland. If the Jews there didn't want to work, they were shot. If they could not work, they had to perish. They had to be treated like tuberculosis bacilli, from which a healthy body can be infected. That was not cruel, if one considered that even innocent creatures of nature like rabbits and deer had to be killed, so that no harm arises. Why should one spare the beasts who wanted to bring us Bolshevism? People who did not ward off the Jews would go to the dogs. One of the most famous examples for this was the decline of that once so proud people, the Persians, who now lead a pitiful existence as Armenians. (13-3048 to 3050a; Hitler-Horthy Protocol, Nüremberg Document 736-D, filed as Exhibit 37A,B)

In Browning's opinion, the plan for Jewish emigration had indeed come to an end and it was replaced with a plan to murder the Jews of Europe. Although some would be used as labourers first, labour was not the new precedent. (13-3053)

Browning turned to page 7 of the pamphlet:

Reitlinger and Poliakov both make the entirely unfounded supposition that because the Madagascar Plan had been shelved, the Germans must necessarily have been thinking of "extermination". Only a month later, however, on March 7th, 1942,

Goebbels wrote a memorandum in favour of the Madagascar Plan as a "final solution" of the Jewish question (Manvell and Frankl, Dr. Goebbels, London, 1960, p. 165). In the meantime he approved of the Jews being "concentrated in the East". Later Goebbels memoranda also stress deportation to the East (i.e. the Government General of Poland) and lay emphasis on the need for compulsory labour there...

Browning explained to the jury that Reitlinger and Poliakov, the authors referred to by Harwood, were both early authors of books on the "final solution." Reitlinger had relied mainly on Nuremberg documentation as his source material. Browning also explained to the jury that the reference to the "Government-General of Poland" meant central Poland. While western Poland had been annexed to Germany by the Nazis, central Poland had become a German colony under a German colonial regime called the General Government. Eastern Poland, between 1939 and 1941, was taken over by the Soviet Union as part of the Nazi-Soviet Non-Aggression Pact. After that territory was invaded by the Germans in 1941, the part known as Galicia became part of the German Government General. (13-3054)

Browning testified that he was familiar with the March 7, 1942 Goebbels memoranda referred to in *Did Six Million Really Die?*. It was a reference by Goebbels in his diary to the Madagascar plan on that date. Goebbels had written:

To begin with, they will have to be concentrated in the East; possibly an island, such as Madagascar, can be assigned to them after the war. In any case there can be no peace in Europe until every Jew has been eliminated from the continent.

"It isn't a memorandum in which he speaks in favour of it," said Browning. "It is that he still has not heard that it isn't in operation any longer, that he has been given some information and preparation for a conference apparently in which that mention is still made." (13-3055) *Did Six Million Really Die?* was inaccurate in saying it was a memorandum in favour of the Madagascar plan. "It would be correct to say that Goebbels mentioned the Madagascar plan in a diary entry. It is not a memorandum." (13-3061)

In Browning's opinion, later entries in the Goebbels diary did not lay emphasis on the need for compulsory labour, as claimed by *Did Six Million Really Die?*, but in fact said exactly the opposite. Browning read the entry from Goebbels's diary from March 27, 1942:

Beginning with Lublin, the Jews in the General Government are now being evacuated eastward. The procedure is a pretty barbaric one and not to be described here more definitely. Not much will remain of the Jews. On the whole it can be said that about 60 per cent of them will have to be liquidated whereas only about 40 per cent can be used for forced labour.

The former Gauleiter of Vienna, who is to carry this measure through, is doing it with considerable circumspection and according to a method that does not attract too much attention. A judgment is being visited upon the Jews that, while barbaric, is fully deserved by them. The prophesy which the Führer made about them for having brought on a new world war is beginning to come true in a most terrible manner. One must not be sentimental in these matters. If we did not fight the Jews, they would

destroy us. It's a life- and-death struggle between the Aryan race and the Jewish bacillus. No other government and no other regime would have the strength for such a global solution of this question. Here, too, the Führer is the undismayed champion of a radical solution necessitated by conditions and therefore inexorable. Fortunately a whole series of possibilities presents itself for us in wartime that would be denied us in peacetime. We shall have to profit by this.

The ghettos that will be emptied in the cities of the General Government will now be refilled with Jews thrown out of the Reich. This process is to be repeated from time to time. There is nothing funny in it for the Jews, and the fact that Jewry's representatives in England and America are today organizing and sponsoring the war against Germany must be paid for dearly by its representatives in Europe -- and that's only right.

Another diary entry by Goebbels stated:

Finally we talked about the Jewish question. Here the Führer is as uncompromising as ever. The Jews must be got out of Europe, if necessary by applying most brutal methods. (Excerpt from Goebbels Diaries, Louis Lochner, editor, filed as Exhibit 38)

The prophesy of Hitler referred to by Goebbels in this passage, said Browning, was made in a speech by Hitler in January of 1939, where he stated that if world Jewry brought on another war, it would not lead to the destruction of Germany but to the destruction of the Jews in Europe. (13-3058)

Browning returned to page 7:

Statistics relating to Jewish populations are not everywhere known in precise detail, approximations for various countries differing widely, and it is also unknown exactly how many Jews were deported and interned at any one time between the years 1939-1945. In general, however, what reliable statistics there are, especially those relating to emigration, are sufficient to show that not a fraction of six million Jews could have been exterminated.

Browning testified that German statistical studies existed which supported the conclusion that there were enough Jews in Europe to exterminate at least 6 million of them. One such study was done by Professor Dr. Burgdörfer dated 17 July, 1940, the original of which was in the German Foreign Office where Browning had studied and handled it. The Burgdörfer study was commissioned by the German Foreign Office because they were "making plans for the so-called Madagascar plan and obviously they couldn't make adequate preparations for that unless they knew how many people they were dealing with." The study was found in the files of Franz Rademacher, who was the expert on the Jewish question under Secretary Luther. Burgdörfer estimated that the total number of Jews in Europe at that time was between 10.72 million and 9.8 million. (13-3069 to 3072; Burgdörfer Report filed as Exhibit 39A,B)

A second statistical study considered by Browning was a study prepared in the summer of 1940 in Germany and incorporated into the Madagascar plan. This study estimated the number of Jews in the German sphere of control in 1940 at about 4 million. It did not include the eastern section of Poland, Russia, Hungary, Romania,

Yugoslavia, Greece or Italy, countries which were not yet under German control. The number of Jews in Germany and Austria was 243,000. (13- 3072 to 3075; Madagascar Project study filed as Exhibit 40)

The third statistical study considered by Browning was that contained in the Wannsee Conference protocol of 20 January 1942. The conference, held under the chairmanship of Heydrich, was attended by the state secretaries or undersecretaries of the major ministries of the German government; for example, the Reich Ministry for the occupied eastern territories; Reich Minister of the Interior; Deputy of the Four Year Plan; Reich Justice Ministry; officer of the General Government Foreign Office; Party Chancellery; Reich Chancellery; and others. Adolf Eichmann was also a participant. The Wannsee Conference protocol listed their estimate of the number of Jews in each country or province of Europe as of 1942.

"The total they come to is 11 million," said Browning, "which is the highest estimate, and I think if one examines carefully, one can see there are some clear errors. For instance, unoccupied France they list at 700,000 and I think, [in] my opinion, there must have been some clerical error there because I know of no other historian or other source that believes there were that many Jews in southern France. That's why it's somewhat inflated over the other figures we've seen, but it is close to the 10 million or 9.8 million we had seen earlier." (13-3075 to 3079; Wannsee Conference protocol filed as Exhibit 41A,B)

Browning concluded by saying that the "Germans' figures indicate that there are in the area of 10 million Jews in Europe and therefore 6 million could have been exterminated," contrary to what had been written in *Did Six Million Really Die?*. (13-3079)

Browning turned to page 7 of the pamphlet:

In the first place, this claim cannot remotely be upheld on examination of the European Jewish population figures. According to Chambers Encyclopaedia the total number of Jews living in pre-war Europe was 6,500,000. Quite clearly, this would mean that almost the entire number were exterminated.

Crown counsel placed before Browning a copy of the Chambers Encyclopedia referred to by Harwood. It stated:

When in 1939 war broke out in Europe anti-semites acted as 'fifth columns' to help to secure German predominance, and the conquest of every country was succeeded by the disenfranchisement of the Jews and the introduction of legislation based on the Nuremberg code. As time passed so the enforcement became more and more severe. The 'Jewish badge' and in eastern Europe even the ghetto were generally reintroduced. The policy was formulated of rendering western Europe free of the Jews and deportations took place on a vast scale to the Jewish reservations which had been set up in Poland. Ultimately there was begun a systematic campaign of annihilation, in a series of death camps of which that of Oswiecim (Auschwitz), where 1,750,000 persons were killed, was the most notorious. On the continent of Europe apart from Russia, whose western provinces also suffered terribly, only a handful of numerically unimportant communities in neutral countries escaped and of the 6,500,000 Jews who

lived in the Nazi-dominated lands in 1939, barely 1,500,000 remained alive when the war ended six years later. In these six years the Jewish people lost one-third of its total numbers; in Europe as a whole over one-half and in central Europe, three-quarters.

In Browning's opinion, Chambers Encyclopedia did not purport to deal with the total number of Jews living in pre-war Europe, as stated by *Did Six Million Really Die?*, but referred only to the "continent of Europe apart from Russia." (13-3082 to 3084; Chambers Encyclopaedia, p. 99 filed as Exhibit 42)

Browning continued on page 7:

This is acknowledged by the World Jewish Congress in its publication *Unity in Dispersion* (p. 377), which states that: "The majority of the German Jews succeeded in leaving Germany before the war broke out." In addition to the German Jews, 220,000 of the total 280,000 Austrian Jews had emigrated by September, 1939, while from March 1939 onwards the Institute for Jewish Emigration in Prague had secured the emigration of 260,000 Jews from former Czechoslovakia. In all, only 360,000 Jews remained in Germany, Austria and Czechoslovakia after September 1939.

Browning testified that "the German documentation gives lower numbers for the number of people who have emigrated -- the German documentation would claim that fewer people emigrated by the fall of 1941 than the pamphlet alleges to have emigrated already by the fall of 1939."

Browning referred again to the Wannsee Conference protocol which indicated that extraordinary burdens had been placed on the efforts to facilitate Jewish emigration in the pre- war and early war years; these included financial difficulties, insufficient berths on ships and constantly increasing immigration restrictions and suspensions by the countries of destination. From 1933 to 1941, however, some 537,000 Jews had been moved out: from the Old Reich about 360,000; specifically, from 1938 out of Austria about 147,000, from 1939 out of the protectorate Bohemia and Moravia, about 30,000. (13-3085 to 3088)

A comparison of these statistics with those given in *Did Six Million Really Die?* showed that in each case the German statistics of Jewish emigration were considerably lower than those given in the pamphlet. Harwood stated that 400,000 Jews emigrated from Germany while the Wannsee statistics said 360,000; Harwood stated that 230,000 Jews emigrated from Austria while the Wannsee statistics said 147,000; Harwood stated that 260,000 Jews emigrated from former Czechoslovakia while the figure given in the Wannsee protocol was 30,000 for the protectorate. (13 3088; Wannsee Conference protocol filed as Exhibit 43 A,B)

Browning turned to page 8 of the pamphlet:

From Poland, an estimated 500,000 had emigrated prior to the outbreak of war. These figures mean that the number of Jewish emigrants from other European countries (France, the Netherlands, Italy, the countries of eastern Europe etc.) was approximately 120,000.

This exodus of Jews before and during hostilities, therefore, reduces the number of Jews in Europe to approximately 5,000,000.

Browning testified that since no sources were given for the figure of 500,000, it was difficult to evaluate it. Browning himself had never seen any source for such a figure. Nor could he make any sense of the figure of 120,000 without being provided with sources. In his opinion, the number of Jews in Europe would not have been reduced to anything like 5 million as claimed by the pamphlet. (13-3089, 3090)

Browning continued his criticism of the pamphlet at page 8:

In addition to these emigrants, we must also include the number of Jews who fled to the Soviet Union after 1939, and who were later evacuated beyond reach of the German invaders. It will be shown below that the majority of these, about 1,250,000, were migrants from Poland. But apart from Poland, Reitlinger admits that 300,000 other European Jews slipped into Soviet territory between 1939 and 1941. This brings the total of Jewish emigrants to the Soviet Union to about 1,550,000. In *Colliers* magazine, June 9th, 1945, Freiling Foster, writing of the Jews in Russia, explained that "2,200,000 have migrated to the Soviet Union since 1939 to escape from the Nazis," but our lower estimate is probably more accurate.

The pamphlet miscited Reitlinger because "the Reitlinger figure of 300,000 is Reitlinger's estimate of how many Polish Jews fled to Russia, not additional other European Jews on top of this 1,250,000 figure that he has given us without a source...Both Reitlinger and other sources take the estimate of about 300,000, so that [the figure of 1,250,000] is about five times too high...In my opinion." (13-3090 to 3091)

Browning read an extract from the book *The Final Solution* by Reitlinger:

According to an estimate made by the Polish Government in 1946, the voluntary emigrants from the General Government and incorporated provinces in 1939-41 numbered approximately 300,000, a figure which is consistent with Dr. Korherr's statistical returns... (13-3092; *The Final Solution*, p. 542 filed as Exhibit 44)

Crown counsel produced a copy of the *Collier's* Freling Foster column "Keep up with the world" which had been cited in the pamphlet. The column stated:

Russia has 5,800,000 Jews, 41 per cent of the present Jewish population of the world, of whom 2,200,000 have migrated to the Soviet Union since 1939 to escape the Nazis.

In Browning's opinion, this was not the type of source which he would use to collect his data. He noted that at the bottom of the column Foster offered ten dollars for each fact accepted for publication in the column. (13-3093, 3094; Freling Foster article filed as Exhibit 45)

Browning turned to page 8 of the pamphlet:

Jewish migration to the Soviet Union, therefore, reduces the number of Jews within the sphere of German occupation to around 3-1/2 million, approximately 3,450,000.

From these should be deducted those Jews living in neutral European countries who escaped the consequences of the war. According to the 1942 World Almanac (p. 594), the number of Jews living in Gibraltar, Britain, Portugal, Spain, Sweden, Switzerland, Ireland and Turkey was 413,128...When the Jewish populations of Holland (140,000), Belgium (40,000), Italy (50,000), Yugoslavia (55,000), Hungary (380,000) and Roumania (725,000) are included, the figure does not much exceed 3 million.

Browning commented that, in his opinion, Harwood continually overestimated the number of Jews who had emigrated. Other figures were also low. For example, the figure of 380,000 Jews for Hungary did not accord with the Nazi statistics for the number of Jews in Hungary which they listed at 550,000 in 1940 and in January of 1942 at 743,800. "There are also reports of Jews from other parts of Europe fleeing into Hungary and so it may develop within that the population of Hungary grew beyond that before 1944 when the deportations from Hungary began." In addition, the Germans kept track of how many Jews they deported from Hungary in 1944. By July of that year, the figure had already reached 437,000 excluding those who remained in Budapest. This figure was recorded in reports sent from Hungary to Berlin during the course of the deportations and such documentation was reproduced in the book *The Destruction of Hungarian Jewry* by Randolph L. Braham.

"In short," testified Browning, "even from part of Hungary they recorded deportations that far exceeded what the pamphlet alleges to be the total Jewish population in Hungary." (13- 3095 to 3099; *The Destruction of Hungarian Jewry*, p. 443, filed as Exhibit 46)

Browning turned to page 17 of the pamphlet:

This would have been almost the entire Hungarian Jewish population, which numbered some 380,000. But according to the Central Statistical Office of Budapest, there were 260,000 Jews in Hungary in 1945 (which roughly conforms with the Joint Distribution Committee figure of 220,000), so that only 120,000 were classed as no longer resident. Of these, 35,000 were emigrants from the new Communist regime, and a further 25,000 were still being held in Russia after having worked in German labour battalions there. This leaves only 60,000 Hungarian Jews unaccounted for, but M.E. Namenyi estimates that 60,000 Jews returned to Hungary from deportation in Germany, though Reitlinger says this figure is too high (*The Final Solution*, p. 497). Possibly it is, but bearing in mind the substantial emigration of Hungarian Jews during the war (cf. Report of the ICRC, Vol. I, p. 649), the number of Hungarian Jewish casualties must have been very low indeed.

Browning disagreed with Harwood's statement that there was substantial emigration of Hungarian Jews during the war. "There was a mere trickling of emigration from Hungary. The Germans did everything they could to shut it off." Secondly, if Harwood had subtracted his figures from much higher starting figures, "then you [would] have lots of missing Jews to account for." In Browning's opinion, the statement in the pamphlet that "the number of Hungarian Jewish casualties must have been very low indeed" was false because one had to start from a starting figure at many hundreds of thousands higher than Harwood's figure. (13-3100, 3101)

Browning turned to page 8 of the pamphlet:

Indisputable evidence is also provided by the post-war world Jewish population statistics. The World Almanac of 1938 gives the number of Jews in the world as 16,588,259. But after the war, the New York Times, February 22nd, 1948 placed the number of Jews in the world at a minimum of 15,600,000 and a maximum of 18,700,000. Quite obviously, these figures make it impossible for the number of Jewish war- time casualties to be measured in anything but thousands. 15-1/2 million in 1938 minus the alleged six million leaves nine million; the New York Times figures would mean, therefore, that the world's Jews produced seven million births, almost doubling their numbers, in the space of ten years. This is patently ridiculous.

Crown counsel said he appreciated that Browning was not a statistician, but nevertheless, asked him what he would compare the World Almanac pre-war 1938 statistics with if he was to make a comparison. Browning replied that he would compare them with the statistics of the same publication, the World Almanac, in the post-war period. Referring to a copy of page 431 of the 1938 World Almanac, Browning pointed out that the figure given for the number of Jews worldwide was 15,315,359, not the figure of 16,588,259 cited in the pamphlet. Referring next to a copy of the World Almanac for 1950, and a table of Jewish population on page 473, Browning testified that it showed that the American Jewish Committee had estimated the Jewish population of the world in 1939 to be 16,643,120 and the Jewish population of the world in 1948 to be 11,373,000. (13-3102 to 3105; Excerpt from the 1939 World Almanac filed as Exhibit 47A; Excerpt from the 1950 World Almanac filed as Exhibit 47B)

Browning turned to page 9:

So far as is known, the first accusation against the Germans of the mass murder of Jews in war- time Europe was made by the Polish Jew Rafael Lemkin in his book *Axis Rule in Occupied Europe*, published in New York in 1943. Somewhat coincidentally, Lemkin was later to draw up the U.N. Genocide Convention, which seeks to outlaw "racialism". His book claimed that the Nazis had destroyed millions of Jews, perhaps as many as six millions. This, by 1943, would have been remarkable indeed, since the action was allegedly started only in the summer of 1942. At such a rate, the entire world Jewish population would have been exterminated by 1945.

Browning testified that on page 89 of his book, Lemkin indicated that 1,702,500 Jews had been killed by organized murder. Lemkin had written:

The number of Jews who have been killed by organized murder in all the occupied countries, according to the Institute of Jewish Affairs of the American Jewish Congress in New York, amounts to 1,702,500.

No mention was made of 6 million as stated by Harwood. Browning did not know, however, whether the figure was given in any other part of the book. In citing this figure, Lemkin had relied on another book entitled *Hitler's Ten-Year War on the Jews* [published by the American Jewish Congress and the World Jewish Congress]. On page 307 of this 1943 work, a table indicated that 1,702,500 Jews had been killed by organized extermination. (13-3106 to 3112; 3116; *Axis Rule in Occupied Europe*, pp. 88-89 filed as Exhibit 48; *Hitler's Ten-Year War on the Jews*, p. 307 filed as Exhibit 49)

Browning testified that Harwood was not correct in saying that the "first accusation against the Germans of the mass murder of Jews in war-time Europe" was made by Lemkin. A previous accusation existed, that of the Joint Allied Declaration of December 17, 1942, in which the Allied nations together put on record that they were accusing the Germans of carrying out a genocide of the Jews. A reference to it was made in the Lemkin book itself. The declaration, which was made in different places and was read in the British House of Commons, stated as follows:

The attention of the Governments of Belgium, Czechoslovakia, Greece, Luxemburg, the Netherlands, Norway, Poland, the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and Yugoslavia, and of the French National Committee has been drawn to numerous reports from Europe that the German authorities, not content with denying to persons of Jewish race in all the territories over which their barbarous rule has been extended the most elementary human rights, are now carrying into effect Hitler's oft repeated intention to exterminate the Jewish people in Europe. From all the occupied countries Jews are being transported, in conditions of appalling horror and brutality, to Eastern Europe.

In Poland which has been made the principal Nazi slaughterhouse, the ghettos established by the German invaders are being systematically emptied of all Jews except a few highly skilled workers required for war industries. None of those taken away are ever heard of again. The able-bodied are slowly worked to death in labour camps. The infirm are left to die of exposure and starvation or are deliberately massacred in mass executions. The number of victims of these bloody cruelties is reckoned in many hundreds of thousands of entirely innocent men, women and children.

The above mentioned Governments and the French National Committee condemn in the strongest possible terms this bestial policy of cold-blooded extermination. They declare that such events can only strengthen the resolve of all freedom loving peoples to overthrow the barbarous Hitlerite tyranny. They re-affirm their solemn resolution to ensure that those responsible for these crimes shall not escape retribution and to press on with the necessary practical measures to this end. (13 3114 to 3116; Joint Allied Declaration of 1942 filed as Exhibit 50)

Crown counsel returned to *Did Six Million Really Die?* and asked Browning to comment on selected portions of the pamphlet dealing with Kurt Gerstein. Browning turned to the following passage on page 9:

Gerstein's sister was congenitally insane and died by euthanasia, which may well suggest a streak of mental instability in Gerstein himself... Gerstein's fantastic exaggerations have done little but discredit the whole notion of mass extermination. Indeed, Evangelical Bishop Wilhelm Dibelius of Berlin denounced his memoranda as "Untrustworthy" (H. Rothfels, "Augenzeugenbericht zu den Massenvergasungen" in *Vierteljahrshefte für Zeitgeschichte*, April 1953).

The relevance of Gerstein was that shortly before his death in 1945 he wrote several versions of a visit he had made to the extermination camps at Belzec and Treblinka, said Browning. These were generally referred to as the Gerstein report or reports. The

pamphlet's approach to Gerstein was an attempt to discredit him as a witness. However, the article referred to by the pamphlet, *Vierteljahrshefte für Zeitgeschichte*, did not say what Harwood said it did about Gerstein. The cited article [at p. 187] said that it was not Gerstein's sister, but his sister-in-law who was killed in the Nazi euthanasia programme at Hadamar. Regarding Evangelical Bishop Dibelius, the article actually stated that Dibelius was convinced of the political and human reliability or trustworthiness of Gerstein, the exact opposite of what Harwood said it stated. (13- 3116 to 3120; Excerpt from *Vierteljahrshefte für Zeitgeschichte* filed as Exhibit 51)

Browning continued his analysis of the pamphlet with the following passage from page 10:

It should be emphasised straight away that there is not a single document in existence which proves that the Germans intended to, or carried out, the deliberate murder of Jews. In Poliakov and Wulf's *Das Dritte Reich und die Juden: Dokumente und Aufsätze* (Berlin, 1955), the most that they can assemble are statements extracted after the war from people like Hoettl, Ohlendorf and Wisliceny, the latter under torture in a Soviet prison. In the absence of any evidence, therefore, Poliakov is forced to write: "The three or four people chiefly involved in drawing up the plan for total extermination are dead, and no documents survive." This seems very convenient. Quite obviously, both the plan and the "three or four" people are nothing but nebulous assumptions on the part of the writer, and are entirely unprovable.

Browning did not agree that there was not a "single document" to prove the deliberate murder of Jews and believed there were a number of documents which could be looked at to find such proof. The first was an excerpt from the daily record of Hans Frank, who held the position of governor of the General Government of Poland during the war. This record, which kept track of Frank's speeches, conferences and official activities, was published in 1975 as *Das Diensttagebuch des deutschen Generalgouverneurs in Polen 1939-1945*. It had been captured by the Americans after the war, microfilmed, then given to the Poles for various trials that were being conducted in Poland. Parts of it were also printed in the Nuremberg Military Tribunal records. Browning read to the court an excerpt from page 457 for December 16, 1941. On this date Frank spoke to a conference:

I want to say to you quite openly that we shall have to finish with the Jews, one way or another. The Führer once spoke these words: "If united Jewry should succeed once more in unleashing another world war, then the people who have been driven into this war will not be the only ones to shed their blood, because the Jew in Europe will also have found his end." I know that many measures taken in the Reich against the Jews are criticised. Reports on morale indicate that again and again there are attempts to speak of cruelty and harshness. Before I continue to speak, let me therefore ask you to agree with me upon the following: In principle we want to have compassion only for the German people, otherwise for no one in the whole world. The others have had no compassion for us. As an old National Socialist I must also say: If the pack of Jews were to survive the war while we have sacrificed our best blood for the preservation of Europe, then this war would still be only a partial success. Therefore in principle concerning the Jews I would only start from the expectation that they will disappear. They must go. I have initiated negotiation for the purpose of having them pushed off

to the east. In January a major conference will take place in Berlin on this question, to which I shall send State Secretary Dr. Bühler. This conference will be held in the Reich Security Main Office of SS Oberguppenführer Heydrich. A great Jewish migration will certainly begin.

But what is to happen to the Jews? Do you think they will actually be resettled in villages in the Ostland? In Berlin we were told: Why are you making all this trouble? We can't do anything with them in the Ostland or Reichskommissariat either; liquidate them yourselves! Gentlemen, I must ask you to arm yourselves against any feelings of compassion. We must destroy the Jews, wherever we find them and wherever it is at all possible, in order to maintain the entire structure of the Reich. That will obviously happen with methods that are different from those of which Dr. Hummel has spoken. Even the judges of special courts cannot be made responsible for matters which are outside the framework of legal proceedings. One cannot transfer previous perspectives to such a gigantic, unique undertaking. In any case we must find a path that leads to this goal, and I am thinking about it.

The Jews are also for us extremely harmful animalistic eaters. In the General Government we have approximately 2.5 million Jews, and perhaps with Jewish kin and all those connected with them, now 3.5 million. We cannot shoot those 3.5 million Jews, we cannot poison them, but we can take measures that somehow lead to a successful destruction, and indeed I am referring to the large-scale measures to be discussed in the Reich. The General Government must become just as free of Jews as the Reich. Where and how this is going to happen, is a matter for agencies that we must install and create, and about whose operations I will report to you when the time comes." (13-3122 to 3129; Excerpt from Das Diensttagebuch des deutschen Generalgouverneurs in Polen with English translation filed as Exhibit 52A,B)

Frank's reference to a major conference to take place in Berlin actually did take place, said Browning; it was the Wannsee Conference and Dr. Bühler did attend. With respect to "measures" that would be taken against the Jews, four extermination camps were located in the General Government: Treblinka, Belzec, Sobibor and Majdanek. (13-3129)

At the Wannsee Conference, Heydrich, second in command of the SS, first "reviewed previous policy and then explained that instead of sending the Jews to Madagascar, they would now be sent to the east and now he turns, at this point, to explain what does he mean by what is going to happen in the east and the course of the 'final solution.'" Browning read the translation of part of the Wannsee Conference protocol:

In the course of the final solution, the Jews should be brought under appropriate direction in a suitable manner to the east for labour utilization. Separated by sex, the Jews capable of work will be led into these areas in large labour columns to build roads, whereby doubtless a large part will fall away through natural reduction.

The inevitable final remainder which doubtless constitutes the toughest element will have to be dealt with appropriately, since it represents a natural selection which upon liberation is to be regarded as a germ cell of a new Jewish development. (See the lesson of history.)

Browning pointed out that Heydrich did not say what would happen to those who were not capable of working. Heydrich assumed a large number would die from labour and that the remainder, the "toughest element" would have to be dealt with "accordingly because they represent a germ cell of a new Jewish development." (13 3133)

Browning continued to read the portion of the Wannsee Conference protocol which dealt with Dr. Bühler:

Undersecretary Dr. Bühler stated that the General Government [of Poland] would welcome the start of the final solution of this question in its territory, since the transport problem was no overriding factor there and the course of the action would not be hindered by considerations of work utilization. Jews should be removed from the domain of the General Government as fast as possible, because it is precisely here that the Jew constitutes a substantial danger as carrier of epidemics and also because his continued black market activities create constant disorder in the economic structure of the country. Moreover, the majority of the 2-1/2 million Jews involved were not capable of work.

Undersecretary Dr. Bühler stated further that the Chief of the Security Police and Security Service was in charge of the final solution of the Jewish question in the General Government and that his work was being supported by the offices of the General Government. He only had one favour to ask: that the Jewish question in this territory be solved as rapidly as possible.

Finally there was a discussion of the various types of solution possibilities, with both Gauleiter Dr. Meyer and Undersecretary Dr. Bühler expressing the view that they could carry out certain preparatory measures in their territories on their own, provided, however, that any disturbance of the [non-Jewish] population had to be avoided.

The conference was closed with a plea of the Chief of Security Police and Security Service for the cooperation of all the participants in the implementation of the solution tasks. (Excerpt of Wannsee Conference Protocol and translation by Dr. Raul Hilberg filed as Exhibit 53A,B)

"In my opinion," said Browning, "the Wannsee Conference is the point at which the ministerial bureaucracy, the various parts of the German government in Berlin, were going to be brought into -- initiated into the plan for the physical extermination of the European Jews...By January of 1942, the plan to murder the European Jews had taken form. It had now been communicated to the Ministerial bureaucracy through their State Secretaries in Berlin, that a decision-making process, in effect, had reached its conclusion and that the Germans were now -- the Nazi government was now prepared to implement that plan." (13-3136, 3137; 14-3152)

In Browning's opinion, two extermination camps had already been constructed in the fall of 1941. "The first of those began gassing in fact on December 8, shortly before the Wannsee Conference. At least some experimental gassing was carried out at Auschwitz before the Wannsee Conference too. In the following year, the opening of the death camps at Belzec, Sobibor and Treblinka take place in March, May and July,

respectively. The gassing at Auschwitz on a larger scale is commenced, and continuing gassing in Chelmno, the first camp goes as well. By the end of 1942 most of Polish Jewry has been killed." (14-3152, 3153).

Browning referred to an excerpt from the Hans Frank diary from 9 December, 1942. At that time "the Nazi government realized it was now in for a long war and that they would have to intensify economic mobilization..." Increased use of Polish labour in Germany as well as Russian prisoners of war had resulted in labour shortages in Poland itself. (14-3153) Browning read his own translation of the Frank entry to the jury:

Not unimportant labor reserves have been taken from us when we lost our old trustworthy Jews. It is clear that the labor situation is aggravated when, in the middle of the war effort, the order comes, to leave all the Jews to destruction. The responsibility for this does not lie with the offices of the General Government. The directive for the destruction of the Jews comes from higher authorities. We must only deal with the consequences and can only communicate to the Reich authorities that the taking away of the Jews has led to most enormous difficulties in the labor field. I have recently been able to show State Secretary Ganzenmüller who complained that a large construction project in the General Government had come to a standstill, that that would not have happened if the many thousands of Jews employed there had not been taken away. Now the order stipulates that the Jews in the armaments industry are to be taken away. I hope that this order, if not already revoked, will yet be revoked, because otherwise the situation looks even worse. (Excerpt from Hans Frank diary and English translation filed as Exhibits 54A,B)

In Browning's opinion, the expression "taking away of the Jews" in this case meant deporting them out of the ghettos to the extermination camps. (14-3155)

Browning next referred to a speech given by Heinrich Himmler, the head of the SS, given to his SS leaders on 4 October, 1943 in the city of Posen and read a portion entitled "Jewish Evacuation" out loud to the jury:

I also want to talk to you, quite frankly, on a very grave matter. Among ourselves it should be mentioned quite frankly, and yet we will never speak of it publicly. Just as we did not hesitate on June 30th, 1934 to do the duty we were bidden, and stand comrades who had lapsed, up against the wall and shoot them, so we have never spoken about it and will never speak of it. It was that tact which is a matter of course and which I am glad to say, is inherent in us, that made us never discuss it among ourselves, never speak of it. It appalled everyone, and yet everyone was certain that he would do it the next time if such orders are issued and if it is necessary.

[Browning explained to the jury that this referred to an incident in which the SS provided a firing squad to execute the leader of the SA and some of his colleagues.]

I mean the clearing out of the Jews, the extermination of the Jewish race. It's one of those things it is easy to talk about -- "The Jewish race is being exterminated", says one party member, "that's quite clear, it's in our programme -- elimination of the Jews, and we're doing it, exterminating them." And then they come, 80 million worthy Germans, and each one has his decent Jew. Of course the others are vermin, but this

one is an A1 Jew. Not one of all those who talk this way has witnessed it, not one of them has been through it. Most of you must know what it means when 100 corpses are lying side by side, or 500 or 1000. To have stuck it out and at the same time -- apart from exceptions caused by human weakness -- to have remained decent fellows, that is what has made us hard. This is a page of glory in our history which has never been written and is never to be written, for we know how difficult we should have made it for ourselves, if -- with the bombing raids, the burdens and the deprivations of war -- we still had Jews today in every town as secret saboteurs, agitators and trouble-mongers. We would now probably have reached the 1916/17 stage when the Jews were still in the German national body.

We have taken from them what wealth they had. I have issued a strict order, which SS- Obergruppenführer Pohl has carried out, that this wealth should, as a matter of course, be handed over to the Reich without reserve. We have taken none of it for ourselves. Individual men who have lapsed will be punished in accordance with an order I issued at the beginning, which gave this warning: Whoever takes so much as a mark of it, is a dead man. A number of SS men -- there are not very many of them -- have fallen short, and they will die, without mercy. We had the moral right, we had the duty to our people, to destroy this people which wanted to destroy us. But we have not the right to enrich ourselves with so much as a fur, a watch, a mark, or a cigarette or anything else. Because we have exterminated a bacterium we do not want, in the end, to be infected by the bacterium and die of it. I will not see so much as a small area of sepsis appear here or gain a hold. Wherever it may form, we will cauterize it. Altogether, however, we can say, that we have fulfilled this most difficult duty for the love of our people. And our spirit, our soul, our character has not suffered injury from it.

Browning read to the jury that portion on page 11 of Did Six Million Really Die? which dealt with the Posen speech:

A review of the documentary situation is important, because it reveals the edifice of guesswork and baseless assumptions upon which the extermination legend is built. The Germans had an extraordinary propensity for recording everything on paper in the most careful detail, yet among the thousands of captured documents of the S.D. and Gestapo, the records of the Reich Security Head Office, the files of Himmler's headquarters and Hitler's own war directives there is not a single order for the extermination of Jews or anyone else. It will be seen later that this has, in fact, been admitted by the World Centre of Contemporary Jewish Documentation at Tel Aviv. Attempts to find "veiled allusions" to genocide in speeches like that of Himmler's to his S.S. Obergruppenführers at Posen in 1943 are likewise quite hopeless.

To Browning, the speech clearly showed that "the Jewish race is being exterminated" and "that's quite clear, it's in our programme - elimination of the Jews, and we're doing it, exterminating them." (14-3162, 3163) Browning himself had never seen the original of the Posen speech but he presumed the original was in the Bundesarchiv in Koblenz. There was a sound recording of the speech as well, a copy of which was kept in the National Archives in Washington. (14-3162; Posen speech and extracts filed as Exhibits 55A, B and C at 14-3163)

Browning added that he had never heard of the "World Centre of Contemporary Jewish Documentation" at Tel Aviv referred to in the pamphlet.

He continued his analysis on page 13:

The Wisliceny statement deals at some length with the activities of the Einsatzgruppen or Action Groups used in the Russian campaign. These must merit a detailed consideration in a survey of Nuremberg because the picture presented of them at the Trials represents a kind of "Six Million" in miniature, i.e. has been proved since to be the most enormous exaggeration and falsification. The Einsatzgruppen were four special units drawn from the Gestapo and the S.D. (S.S. Security Service) whose task was to wipe out partisans and Communist commissars in the wake of the advancing German armies in Russia. As early as 1939, there had been 34,000 of these political commissars attached to the Red Army. The activities of the Einsatzgruppen were the particular concern of the Soviet Prosecutor Rudenko at the Nuremberg Trials. The 1947 indictment of the four groups alleged that in the course of their operations they had killed not less than one million Jews in Russia merely because they were Jews.

Browning testified that the attempt to kill Russian Jews through firing squad methods and the numbers that had been killed, had not been proven to be an exaggeration as claimed by Harwood. Virtually all of the historians whose works Browning had read indicated that a minimum of one million Jews were killed and that the number was probably higher. (14-3166)

Browning continued on page 13:

These allegations have since been elaborated; it is now claimed that the murder of Soviet Jews by the Einsatzgruppen constituted Phase One in the plan to exterminate the Jews, Phase Two being the transportation of European Jews to Poland. Reitlinger admits that the original term "final solution" referred to emigration and had nothing to do with the liquidation of Jews, but he then claims that an extermination policy began at the time of the invasion of Russia in 1941.

Browning agreed with both statements attributed to Reitlinger, i.e., that the term "final solution" referred to something other than extermination originally and then became the code word for extermination. "The first phase of that extermination process," said Browning, "the policy, did begin with the invasion of Russia in June of 1941." (14-3167)

He [Reitlinger] considers Hitler's order of July 1941 for the liquidation of the Communist commissars, and he concludes that this was accompanied by a verbal order from Hitler for the Einsatzgruppen to liquidate all Soviet Jews (Die Endlösung, p. 91). If this assumption is based on anything at all, it is probably the worthless Wisliceny statement...

Browning had not consulted the German version of Reitlinger's book (Die Endlösung) cited by the pamphlet. In the English version the chapter and footnotes on Hitler and the decision to murder Russian Jews did not refer at any time to the Wisliceny statement. "In terms of the Einsatzgruppen," said Browning, "Reitlinger, like other

historians, relies on primarily a series of documents that we refer to as the Einsatzgruppen reports. These documents...came in...three kinds. There were a series of daily reports, almost daily with few exceptions, through the summer and fall of 1941, compiled by Heydrich, that was circulated with the SS. There were monthly reports that Heydrich circulated to other ministries in the German government, and then in 1942, there were another series of reports that came, I think, weekly." He regarded these reports as "very important" because they were reports of "what the Einsatzgruppen and other units were doing in Russia." (14-3168, 3169) There were four Einsatzgruppen: Groups A, B, C and D and they were assigned to the northern, central, southern and Romanian fronts. They moved forward with the armies. (14-3172)

Browning referred to document NO (Nazi Organization) 3146, dated 25 September, 1941 being Einsatzgruppen report no. 94. This report summarized the most recent information that Heydrich had received in Berlin and was circulated within the SS. This particular report was number 36 out of 48 copies. (14-3169 to 3171) Browning read a portion of the document to the jury:

Sonderkommando 4a by now had carried out more than 15,000 executions. Einsatzkommando 5 reports the liquidation of 90 political functionaries, 72 saboteurs and looters and 161 Jews during the period of 31 August to 6 September, 1941. Sonderkommando 4b shot 13 political functionaries and 290 Jews -- particularly intellectuals between the 6 and 12 September, 1941, while the Einsatzkommando 6 executed 60 persons between the 1 and 13 September, 1941. The Group staff could liquidate during the last days 4 functionaries and/or informers of the NKVD, 6 anti-social elements (gipsies) and 55 Jews. In the month of August, the formations of the Senior SS and Police leaders shot a total of 44, 125 persons, mostly Jews. (14- 3171, 3172)

As already mentioned, the procedure against the Jews has to be different in the various sectors according to the density of the settlement. Especially in the northern sector of the Einsatzgruppe C, very many escaped Jews turned up again in the villages and they now represent a heavy burden from the point of view of nourishment. They are neither billeted nor fed by the population. Partly they live in holes in the ground and partly packed together in old huts. Thus the danger of epidemics considerably increased so that for this reason alone the complete purging of the places in question became necessary. (14-3173; National Archives document NO-3146 and translations filed as Exhibit 56A, B and C)

Browning next referred to Nuremberg document L-180, which was used at the International Military Tribunal, the so-called "Stahlecker Report." This was a report by the commander of Einsatzgruppe A, a man named Franz Stahlecker, who wrote a summary report of his activities from the beginning of the invasion of Russia on 22 June, 1941 to 15 October, 1941. Einsatzgruppe A operated mainly in Lithuania, Latvia and Estonia. (14-3174, 3175) Browning read excerpts of the document to the jury:

Aside from those searching activities, a systematic search was made for Communist functionaries, Red Army soldiers, and persons more seriously suspected for their communist activities who had been left behind. In some places the Self-Protection

Units themselves had rendered harmless the most infamous Communists already spontaneously.

Using all available units of the Kommandos and Self-Protection Formations, and with the help of the ORPO, large scale actions were carried out in the larger towns resulting in many arrests and search actions...

From the beginning it was to be expected that the Jewish problem in the East could not be solved by pogroms alone. In accordance with the basic orders received, however, the clearing activities of the Security Police had to aim at a complete annihilation of the Jews, Sonderkommandos reinforced by selected units -- in Lithouania partisan detachments, in Latvia units of the Latvian auxiliary police -- therefore performed extensive executions both in the towns and in rural areas. The actions of the execution Kommandos were performed smoothly. When attaching Lithouanian and Latvian detachments to the execution squads, men whose relatives had been murdered or removed by the Russians.

Especially severe and extensive measures became necessary in Lithouania. In some places -- especially in Kowno -- the Jews had armed themselves and participated actively in franc-tireur war [partisan warfare] and committed arson. Besides these activities the Jews in Lithouania had collaborated most actively hand in glove with the Soviets.

The sum total of the Jews liquidated in Lithouania amounts to 71,105.

During the pogroms in Kowno 3,800 Jews were eliminated, in the smaller towns about 1,200 Jews.

In Latvia as well the Jews participated in acts of sabotage and arson after the invasion of the German Armed Forces. In Buonsburg so many fires were started by the Jews that a large part of the town was lost. The electric power station burnt down to a mere shell. The streets which were mainly inhabited by Jews remained unscathed.

In Latvia up to now 30,000 Jews were executed in all. 500 were made harmless by pogroms in Riga.

Most of the 4,500 Jews living in Esthonia at the beginning of the Eastern Campaign fled with the retreating Red Army. About 2,000 stayed behind. In Reval alone there lived about 1,000 Jews.

The arrest of all male Jews of over 16 years of age has been nearly finished. With the exception of the doctors and the Elders of the Jews who were appointed by the Sonderkommandos, they were executed by the Self-Protection Units under the control of the Sonderkommando 1a. Jewesses in Pernau and Reval of the age groups from 16 to 60 who are fit for work were arrested and put to peat-cutting or other labor.

At present a camp is being constructed in Harku, in which all Esthonian Jews are to be assembled, so that Esthonia will be free of Jews within a short while.

After the carrying out of the first larger executions in Lithuania and Latvia it became soon apparent that an annihilation of the Jews without leaving any traces could not be carried out, at least not at the present moment. Since a large part of the trades in Lithuania and Latvia are in Jewish hands and others carried on nearly exclusively by Jews (especially those of glaziers, plumbers, stovebuilders, cobblers) many Jewish partisans [Browning stated to the jury that he believed this was a mistake in the translation: it should read "artisans", not "partisans"] are indispensable at present for repairing installations of vital importance for the reconstruction of towns destroyed and for work of military importance. Although the employers aim at replacing Jewish labor with Lithuanian or Latvian labor, it is not yet possible to displace all employed Jews especially not in the larger towns. In co-operation with the labor exchange offices, however, all Jews who are no longer fit for work are being arrested and shall be executed in small batches. [Browning testified he believed this word should be "batches".]

In this connection it may be mentioned that some authorities of the Civil Administration offered resistance, at times even a strong one, against the carrying out of larger executions. This resistance was answered by calling attention to the fact that it was a matter of carrying out basic orders. (14-3175 to 3180; Report of Einsatzgruppe A (L-180) and translation filed as Exhibits 57A,B,C at 14-3181, 3183))

At the end of the document, Stahlecker attached a number of appendices. Appendix no. 8, statistics for Latvia, Estonia, Lithuania and part of White Ruthenia, showed that for a four month period a total of 118,430 Jews and 3,387 Communists had been killed for a total of 121,817. Stahlecker indicated in the report that if other killings were included, such as those of mentally-ill lunatics, the total was 135,567. (14-3180, 3181)

Browning indicated that the Einsatzgruppen reports had been captured by the Americans and filed in the National Archives. They were later returned to Germany. (14-3181)

In document NO-2825, dated 14 November, 1941, being Einsatzgruppen report no. 133, Browning testified that under the heading "Liquidations," it showed that as of that date Einsatzgruppe B had liquidated 45,467 persons in White Russia. (14-3183, 3184; Document NO- 2825 and translation filed as Exhibits 58A,B at 3185))

Browning read to the jury an excerpt from document NO-3157, dated 3 November, 1941, being Einsatzgruppen report no. 128. The report, the 51st copy of 55 copies circulated within the SS, summarized the activities of Einsatzgruppe C which operated in the Ukraine:

As to purely executive matters, approximately 80 000 persons were liquidated until now by the Kommandos of the Einsatzgruppe.

Among these are approximately 8000 persons through investigations convicted of anti-German or bolshevistic activities.

The remainder was liquidated as a retaliatory measure.

Several retaliatory measures were carried out as large scale actions. The largest of these actions took place immediately after the occupation of Kiev; it was carried out exclusively against Jews with their entire families.

The difficulties resulting from such a large scale action -- in particular concerning the seizure -- were overcome in Kiev by requesting the Jewish population through wall-posters to move. Although only a participation of approximately 5-6000 Jews had been expected at first, more than 30 000 Jews arrived who until the very moment of their execution still believed in their resettlement, thanks to an extremely clever organization.

Even though approximately 75 000 Jews have been liquidated in this manner, it is already at this time evident, that this cannot be a possible solution of the Jewish problem. Although we succeeded, in particular in smaller towns and also in villages in accomplishing a complete liquidation of the Jewish problem, again and again it is however observed in larger cities that after such an execution all Jews have indeed disappeared. But when after a certain period of time a Kommando returns again, the number of Jews still found in the city always considerably surpasses the number of the executed Jews. (14-3186 to 3189; Document NO-3157 and translation filed as Exhibit 59A,B)

Browning testified that while *Did Six Million Really Die?* maintained that the Jews were in fact resettled rather than executed, this document showed that "resettlement was in fact a clever organization of the Germans to assemble Jews and to keep them living in something else until the last moment." (14-3187, 3188)

Document NO-2828, dated 12 December, 1941, being Einsatzgruppen report no. 145, indicated with respect to the activities of Einsatzgruppe D, which operated on the Romanian front, that "2,910 more Jews and nineteen Communist officials were shot after summary proceedings. Thus the sum total of executions has risen to 54,696," said Browning. (14-3189, 3190; Document NO-2828 and Nuremberg translation filed as Exhibit 60A,B at 14-3191)

Browning next referred to document number 3257-PS, dated 2 December, 1941; "a document from the army's inspectorate in the Ukraine to the chief of the military armaments group of the higher command of the armed forces, a man named General Thomas." In Browning's opinion as a historian, the document was significant because it was a report from a person outside the Einsatzgruppen, one Professor Seraphim, who was looking at what was going on in the Ukraine from the perspective of someone involved with the question of labour and production. It stated:

The attitude of the Jewish population was anxious -- obliging from the beginning. They tried to avoid everything that might displease the German administration. That they hated the German administration and army inwardly goes without saying and cannot be surprising. However, there is no proof that Jewry as a whole or even to a greater part was implicated in acts of sabotage. Surely, there were some terrorists or saboteurs among them just as among the Ukrainians. But it cannot be said that the Jews as such represented a danger to the German armed forces. The output produced by Jews who, of course, were prompted by nothing but the feeling of fear, was satisfactory to the troops and the German administration.

The Jewish population remained temporarily unmolested shortly after the fighting. Only weeks, sometimes months later, specially detached formations of the police (Ordnungspolizei) executed a planned shooting of Jews. This action as a rule proceeded from east to west. It was done entirely in public with the use of the Ukrainian militia and unfortunately in many instances also with members of the armed forces taking part voluntarily. The way these actions which included men and old men, women and children of all ages were carried out was horrible. The great masses executed make this action more gigantic than any similar measure taken so far in the Soviet Union. So far about 150,000 to 20,000 [Browning testified that he believed this to be a misprint and that it should read "200,000"] Jews may have been executed in the part of the Ukraine belonging to the Reichskommissariat (RK); no consideration was given to the interests of economy.

Summarizing it can be said that the kind of solution of the Jewish problem applied in the Ukraine which obviously was based on the ideological theories as a matter of principle had the following results:

- a) Elimination of a part of partly superfluous eaters in the cities.
- b) Elimination of a part of the population which hated us undoubtedly.
- c) Elimination of badly needed tradesmen who were in many instances indispensable even in the interests of the armed forces.
- d) Consequences as to foreign policy -- propaganda which are obvious.
- e) Bad effects on the troops which in any case get indirect contact with the executions.
- f) Brutalizing effect on the formations which carry out the executions - regular police -- (Ordnungspolizei).

Scooping off the agricultural surplus in the Ukraine for the purpose of feeding the Reich is therefore only feasible if traffic in the interior of the Ukraine is diminished to a minimum. The attempt will be made to achieve this

1. by annihilation of superfluous eaters (Jews, population of the Ukrainian big cities, which like Kiev do not receive any supplies at all);
2. by extreme reduction of the rations allocated to the Ukrainians in the remaining cities;
3. by decrease of the food of the farming population.

It must be realized that in the Ukraine eventually only the Ukrainians can produce economic values by labor. If we shoot the Jews, let the prisoners of war perish, condemn considerable parts of the urban population to death by starvation and also lose a part of the farming population by hunger during the next year, the question remains unanswered: Who in all the world is then supposed to produce economic values here? (14-3191 to 3197; Document 3257-PS and translation filed as Exhibits 61 A,B,C at 14-3198)

Browning testified that *Did Six Million Really Die?* suggested in a number of places that the question of labour was fundamental: "that this was the true priority of the Nazi regime in regards to the Jews." (14-3193) But the Seraphim report indicated "that those responsible for trying to mobilize the occupied territories for the economic war efforts felt that in fact labour was not a rarity but was being ignored, or for sacrifice to the ideological goal of murdering all the Jews." (14-3197)

Browning next referred to document NO-511, comprising a covering letter and a copy of a report dated 20 December, 1942 from Himmler to Adolf Hitler concerning the combatting of "bands" (the German term for partisans) in South Russia, the Ukraine and Bialystok. (14-3199) In this report, Himmler compiled statistics from the results of combatting partisans from August to the first of December, 1942. These statistics showed that for the four months of August, September, October and November, the number of partisans killed in battle was 1,337; prisoners immediately executed, 737; prisoners executed after lengthy close examination, 7,828; accomplices of partisans and persons suspected of helping them, 16,546 arrested, 14,257 executed; Jews executed in August, 31,246; Jews executed in September, 165,282; Jews executed in October, 95,735; Jews executed in November, 70,948; for a total of 363,211. (14-3200, 3201; Document NO- 511 and translation filed as Exhibits 62 A,B at 14-3208)

Pearson asked Browning to comment on the following passage from the pamphlet at page 14:

The Soviet charge that the Action Groups had wantonly exterminated a million Jews during their operations has been shown subsequently to be a massive falsification... (These horrific distortions are the subject of six pages of William Shirer's *The Rise and Fall of the Third Reich*, pp. 1140-46). Here, then, is the legendary 6 million in miniature; not one million deaths, but one hundred thousand. Of course, only a small proportion of these could have been Jewish partisans and Communist functionaries. It is worth repeating that these casualties were inflicted during savage partisan warfare on the Eastern front, and that Soviet terrorists claim to have killed five times that number of German troops. It has nevertheless remained a popular myth that the extermination of the Jews began with the actions of the Einsatzgruppen in Russia.

Browning testified that the Himmler report to Hitler indicated that in a four-month period alone from August to December of 1942, there were recorded executions of Jews totalling 363,211 in the areas of South Russia, Ukraine and Bialystok. With respect to German losses, the same report indicated that "among the SS and Security Police involved in this operation in the four-month period, there was a total of 174 killed. Among the groups that were killed who worked with the so called 'protective squad', there were 285 [killed]. These are units that they organized among the local population." Browning indicated after objection by defence counsel that the German army itself was not included in the loss tally, but simply those SS and protective squad units involved in the anti-partisan campaign. (14-3203 to 3207)

Pearson turned Browning's attention next to page 18 of the pamphlet and the following passage:

In terms of numbers, Polish Jewry is supposed to have suffered most of all from extermination, not only at Auschwitz, but at an endless list of newly-discovered

"death camps" such as Treblinka, Sobibor, Belzec, Majdanek, Chelmno and at many more obscure places which seem suddenly to have gained prominence.

Browning testified that while phase one of the extermination of the Jews was the open-air firing squad executions in Russia, phase two was the deportation of the Jews from various parts of Europe to the extermination camps in Poland. He did not agree with the pamphlet that Treblinka, Sobibor, Belzec, Majdanek and Chelmno were "newly-discovered" death camps: "There are reports, even during the war, on the use of gas vans at Chelmno. At Treblinka, for instance, at the first Nuremberg trial, one of the escapees during the Treblinka uprising and breakout in fact testified that Majdanek, we'll see, was liberated in the summer of 1941, and that's well-known. Sobibor and Belzec were not unknown at the time but were not as well known, but I certainly do not characterize them as 'newly-discovered.'" (14-3210, 3211)

The Jews dealt with at these camps came from Poland itself where the camps were located and were also deported by train from the Netherlands, Belgium, France, Italy, Germany, Austria, Czechoslovakia, Hungary, Yugoslavia and Greece, "for the most part." (14-3211)

Browning turned to page 18 of the pamphlet:

It has been established already that the 1931 Jewish population census for Poland placed the number of Jews at 2,732,600, and that after emigration and flight to the Soviet Union, no more than 1,100,000 were under German control.

Browning admitted that he was not a demographic expert and stated: "There is so much population movement that at any one time it's still difficult to give exact figures...so I would refrain." Nevertheless, he thought the statistic given in the pamphlet was much too low: "[B]y the German records, they had about a half million or 500,000 in the incorporated territories. I think Frank's figures that he gave in his diary are inflated, but that they would have -- I don't know if I should say, they have two million in the General Government. That may be too high. I would have to analyze those reports before I can make an official, you know, statement in that regard, but 1.1 million is definitely much too low." (14-3212, 3213)

Browning turned next to the following passage in the pamphlet on pages 18-19:

These incontrovertible facts, however, do not prevent Manvell and Frankl asserting that "there had been over three million Jews in Poland when Germany began the invasion" and that in 1942 "some two million still awaited death" (*ibid.*, p. 140). In reality, of the million or so Jews in Poland, almost half, about 400,000 were eventually concentrated in the ghetto of Warsaw, an area of about two and a half square miles around the old mediaeval ghetto. The remainder had already been moved to the Polish Government- General by September 1940. In the summer of 1942, Himmler ordered the resettlement of all Polish Jews in detention camps in order to obtain their labour, part of the system of general concentration for labour assignment in the Government-General. Thus between July and October 1942, over three quarters of the Warsaw Ghetto's inhabitants were peacefully evacuated and transported, supervised by the Jewish police themselves. As we have seen, transportation to camps is alleged to have ended in "extermination", but there is absolutely no doubt from the

evidence available that it involved only the effective procurement of labour and the prevention of unrest. In the first place, Himmler discovered on a surprise visit to Warsaw in January 1943 that 24,000 Jews registered as armaments workers were in fact working illegally as tailors and furriers (Manvell and Frankl, *ibid*, p. 140); the Ghetto was also being used as a base for subversive forays into the main area of Warsaw.

After six months of peaceful evacuation, when only about 60,000 Jews remained in the residential ghetto, the Germans met with an armed rebellion on 18th January, 1943. Manvell and Frankl admit that "The Jews involved in planned resistance had for a long time been engaged in smuggling arms from the outside world, and combat groups fired on and killed S.S. men and militia in charge of a column of deportees." The terrorists in the Ghetto uprising were also assisted by the Polish Home Army and the PPR - Polska Partia Robotnicza, the Communist Polish Workers Party. It was under these circumstances of a revolt aided by partisans and communists that the occupying forces, as any army would in a similar situation, moved in to suppress the terrorists, if necessary by destroying the residential area itself. It should be remembered that the whole process of evacuation would have continued peacefully had not extremists among the inhabitants planned an armed rebellion which in the end was bound to fail. When S.S. Lieutenant-General Stroop entered the Ghetto with armoured cars on 19th April, he immediately came under fire and lost twelve men; German and Polish casualties in the battle, which lasted four weeks, totalled 101 men killed and wounded. Stubborn resistance by the Jewish Combat Organisation in the face of impossible odds led to an estimated 12,000 Jewish casualties, the majority by remaining in burning buildings and dug outs. A total, however, of 56,065 inhabitants were captured and peacefully resettled in the area of the Government-General.

Based on eyewitness accounts and documentary evidence, Browning believed the evacuation of the Warsaw ghetto could not be characterized as peaceful. "The eyewitness testimony comes from units that were involved in clearing the ghetto, and I have read a number of these testimonies in Ludwigsburg. The accounts of clearing the ghetto are among the most hair-raising documents that I have read from the Holocaust. The descriptions of driving people out of building, or beating them down the street, of shooting willfully and wildly on all occasions, can in no way be described as a peaceful resettlement...The head of the Jewish Council in Warsaw had to make a monthly report to the German authorities, and he had to report deaths in the ghetto every month. For the month of August, when the deportations were underway, he reports, among the deaths in the ghetto, 2,305 people dying from shooting wounds, and the following months of September, 3,158 deaths from shooting wounds. This, I think, confirms the eyewitness testimony that people were shot right and left and extraordinary brutality was used to force people onto trains, to take them to the extermination camps."

It troubled Browning greatly that the pamphlet claimed that the resettlement was only for the effective procurement of labour and that the portion dealing with the Warsaw ghetto not only denied the deaths of these people, but imputed that "the Jews were the aggressor and that the Nazis were, in effect, in self-defence, going to clear out the ghetto..." (14-3216, 3217)

Of the alleged peaceful resettlement of the remaining 56,000 Jews, Browning testified that a number were shot on the spot; a number were sent to Treblinka where he believed they were gassed; the rest were sent to the extermination camp at Majdanek where a high proportion of them were gassed on the spot. The remainder were distributed among the work camps in the Lublin area. Most of those were then shot on the following November 3 and 4 in the fall of 1943. (14-3218) In giving this testimony, Browning relied on the testimony of a large number of people. (17-3927)

Pearson asked Browning to comment on the following passage from the pamphlet at page 22:

In his recent book *Adolf Hitler* (London, 1973), Colin Cross, who brings more intelligence than is usual to many problems of this period, observes astutely that "The shuffling of millions of Jews around Europe and murdering them, in a time of desperate war emergency, was useless from any rational point of view" (p. 307). Quite so, and at this point we may well question the likelihood of this irrationalism, and whether it was even possible. Is it likely, that at the height of the war, when the Germans were fighting a desperate battle for survival on two fronts, they would have conveyed millions of Jews for miles to supposedly elaborate and costly slaughter houses? To have conveyed three or four million Jews to Auschwitz alone (even supposing that such an inflated number existed in Europe, which it did not), would have placed an insuperable burden upon German transportation facilities which were strained to the limit in supporting the farflung Russian front. To have transported the mythical six million Jews and countless numbers of other nationalities to internment camps, and to have housed, clothed and fed them there, would simply have paralysed their military operations. There is no reason to suppose that the efficient Germans would have put their military fortunes at such risk.

Browning was aware of some of the works of Colin Cross and described him as a "quite respectable" historian. Browning said he would be "surprised if Colin Cross in fact was supporting the conclusions that that paragraph draws or the propositions that argues for it." Referring to page 307 of Cross's book, Browning indicated that the pamphlet had correctly quoted the particular sentence from the book, but that other parts of the book indicated that Cross did not support the conclusions drawn by the pamphlet. The following passages from the Cross book were read to the jury:

Although always improvised and, by its own criteria inefficient, the extermination programme moved into its most horrific phase in December 1941 with the opening of a gassing centre at an isolated country house near Lodz, Poland. This made the killing more 'impersonal' and so more bearable to the perpetrators. (The psychology of this was somewhat similar to that of mass terroristic bombing: the airmen who started the Hamburg fire storms did so impersonally; they would have found it repugnant had they been required to throw men, women and children into fire with their bare hands.) Gassing and subsequent cremation were a success and the major centre became Auschwitz (Oswiecim), a complex of concentration camps at a rail junction thirty-two miles west of Cracow, Poland. Interestingly, there were no outright exterminations within Germany itself. Many concentration camp prisoners in Germany did die through maltreatment and overwork -- and in the closing phases of the war through starvation -- but 'the final solution of the Jewish problem', in terms of deliberate mass killing, was carried out in seclusion in Poland. How far this was Hitler's personal

decision is not clear. There was some feeling that the soil of Germany should not be polluted by mass killing and, also, some necessity to keep the German population in ignorance of what was going on... Hitler believed it was a 'cleansing' operation and an act of 'retribution'. In reality he showed how far superstition could still count in the high politics of the twentieth century. (14-3221 to 3223; Pages 306 and 307 of the book Adolf Hitler by Colin Cross filed as Exhibit 63 at 14-3223)

Crown counsel returned to the pamphlet and read from page 20:

Certainly the most bogus "memoirs" yet published are those of Adolf Eichmann. Before his illegal kidnapping by the Israelis in May, 1960 and the attendant blaze of international publicity, few people had ever heard of him. He was indeed a relatively unimportant person, the head of Office A4b in Department IV (the Gestapo) of the Reich Security Head Office. His office supervised the transportation to detention camps of a particular section of enemy aliens, the Jews...Strangely enough, the alleged "memoirs" of Adolf Eichmann suddenly appeared at the time of his abduction to Israel. They were uncritically published by the American Life magazine (November 28th, December 5th, 1960), and were supposed to have been given by Eichmann to a journalist in the Argentine shortly before his capture -- an amazing coincidence. Other sources, however, gave an entirely different account of their origin, claiming that they were a record based on Eichmann's comments to an "associate" in 1955, though no one even bothered to identify this person.

In fact, said Browning, Eichmann had given an interview to a journalist named Sassen who had been a member of the SS during the war. There was no coincidence because it was Sassen's attempts to peddle his material with publishers which alerted Israeli police to the fact that Eichmann was alive and thus helped lead to his capture. (14-3225)

Browning considered Eichmann's testimony to be "very, very important and very central. It is also the most extensive testimony of any one single individual involved in the Holocaust." This testimony included the interviews conducted with Sassen in Argentina (which were endorsed by Eichmann's widow as his true account), extensive police interrogations of Eichmann in Jerusalem and an approximately 100 page handwritten memoir written by Eichmann in his cell in Jerusalem. (14-3226) In every account he gave, Eichmann stated that he was called into the office of Reinhard Heydrich and was told "flat out it was the order of the Führer that all the Jews of Europe were to be physically exterminated." This was the same Heydrich who chaired the Wannsee Conference. Said Browning: "...Eichmann notes that Heydrich and one of Heydrich's officials, a man named Heinrich Müller, who is the head of the Gestapo and Eichmann's more direct boss, sent him on various trips to investigate what was happening in different parts of Europe or in Poland and Russia. To be exact, in the fall of 1941 when they are in that stage of trying to figure out 'how are we going to, in fact carry out Hitler's order', that they referred to the verbal order of Hitler for the extermination of the Jews. He tells about his first trip to a camp, the name of which he cannot remember...He tells us about his visit to Minsk where he witnessed Einsatzgruppen execution. He tells about his visit to Chelmno, the first camp that opened on December eighth, where the killing was done not in stationary gas chambers but in gas vans, and in one of his accounts he gave a very detailed description of how he visited the large villa in the town where the Jews were

undressed and then forced in the vans, that the driver invited him to look through the peephole which he said he couldn't stand, and he didn't. He followed the truck to the woods. He saw the door opened. He saw the bodies pile out and said it was one of the worst things he had ever experienced in his life, and that he was sufficiently traumatized that he didn't, in fact, even time the operation, and, thus, when he got back to report to Müller, the Gestapo chief, he couldn't, in fact, even tell him in fact what he had been sent to do, which was to figure out how fast this would operate." (14-3228)

Eichmann also testified to his being present at the Wannsee Conference, "that he in fact was in charge of the taking of the protocol; that he then checked with Heydrich a number of times; that the more vulgar language was cleaned up and expressed in more official euphemisms, and then he relates that he indeed had been to Auschwitz on a number of occasions." (14-3229)

"What really upset Eichmann," said Browning, "in terms of his interrogations and being on stand at the court in Jerusalem was the accusations made against him in the memoirs of Rudolf Höss, who was the commandant at Auschwitz, and that Höss had said that Eichmann had come to him very early, that Eichmann was to tell him what gas they were going to use, and that Eichmann had discussed with him shootings in the gas vans that were not efficient enough to accomplish this, and Eichmann was very incensed that he would be accused of, or saddled with, things that he hadn't, in fact, done. He was willing to take responsibility for his actions as the coordinator of deportations. He was only admitting events that he went to and witnessed, for which there was no documentary evidence. This he volunteered, but he was adamant that he was not the man who had decided on Zyklon B gas for Auschwitz; that he had not been involved in the decision to build gas chambers there; that Höss was falsely blaming him for those; and so he spent a long time with the interrogator and also a long time with himself in the cell, trying to make -- to straighten out in his own memory -- he is trying to recover his memory, and he is trying to get -- he has visual images of these different events, and he is trying to get them in sequence, and he, after working at this, comes firmly to the conclusion that he could not have been to Auschwitz until the spring of 1942, when the gassing and the use of Zyklon B was already in action."

Browning knew of Eichmann's struggle with his memory because he had read the 100- page memoirs of Eichmann as well as handwritten notes made by him which he gave to his attorney, Dr. Servatius, who in turn donated them to the Federal Archives in Koblenz. (14-3229 to 3231)

Eichmann, said Browning, wrote that "he had seen the farmsteads where the gas chambers were. He referred to the Zyklon B as the little pellets that are different from the carbon monoxide used elsewhere, and then he finally concludes: 'Why am I placing so much emphasis on this? Because I must prove Höss the arch liar, that I had nothing to do with him and his gas chambers and his death camps.'" (14-3231)

Eichmann stated that he had never seen a gassing operation at Auschwitz; he did not accept Höss's invitation to go to the gas chambers but they did drive past the pits where the bodies were being burned. In only one of his accounts, he said that at

Treblinka he saw the naked people standing between the two lines of barbed wire before the gas chamber. (14-3231, 3232)

"In none of the accounts," said Browning, "including the one that is endorsed by his widow as his official account, does he ever deny that there was a plan to exterminate the Jews, that he was informed of this plan to exterminate the Jews directly by Reinhard Heydrich, that Heydrich attributed this to a direct order from Adolf Hitler, and that Eichmann was the man responsible for organizing the deportations from all the countries, other than Poland and Russia, to the death camps." To Browning, Eichmann was probably the highest central figure in the plan that survived the war and testified. (14-3232, 3233)

Browning turned next to consider the following passage from the pamphlet at page 20:

A review of the Höss "memoirs" in all their horrid detail would be tedious. We may confine ourselves to those aspects of the extermination legend which are designed with the obvious purpose of forestalling any proof of its falsity. Such, for example, is the manner in which the alleged extermination of Jews is described. This was supposed to have been carried out by a "special detachment" of Jewish prisoners. They took charge of the newly arrived contingents at the camp, led them into the enormous "gas-chambers" and disposed of the bodies afterwards. The S.S., therefore, did very little, so that most of the S.S. personnel at the camp could be left in complete ignorance of the "extermination programme". Of course, no Jew would ever be found who claimed to have been a member of this gruesome "special detachment", so that the whole issue is left conveniently unprovable. It is worth repeating that no living, authentic eye-witness of these events has ever been produced.

Browning testified that in fact such memoirs did exist from members of the so called "special detachments," one of which was Filip Müller's book *Eyewitness Auschwitz*. Another account was that of a man named Rudolf Reder, who testified that he had taken bodies out of the gas chambers at Belzec as well as help dig the graves in which the bodies were placed. A third witness admitted to emptying the bodies out of the trucks at Chelmno and putting them into the graves. (14-3234, 3235)

Pearson read the following passage to the jury from the pamphlet at page 16:

However, no living, authentic eye-witness of these "gassings" has ever been produced and validated.

Browning stated that in his research into Chelmno and Belzec, he had run across "numerous testimonies of people who have witnessed the gassings....For Chelmno, in fact two of the people who drove the vans themselves are Gustav Laab and Walter Burmeister, and as well as the man who was in charge of the area in which the Jews were forced -- entered and undressed and then forced up the ramp into the van, a man named Kurt Möbius, as well as a number of guards who were both guards at that villa and also in the woods where the trucks were unloaded. At Belzec, again, we have testimony of a man who was Christian Wirth's adjutant, who was the man who was first commandant at Belzec and then later became the head of three camps: Belzec, Treblinka, Sobibor. His adjutant, a man named Josef Oberhauser, in fact testified

to...admitting that there were gassings there that he saw. Kurt Franz, who was there and also at Treblinka, admitted to the gassings. Again, Rudolf Reder, the survivor, witnessed those and has admitted it. Gerstein, we have already mentioned a long report about visiting there and testifying to that...in terms of Belzec, that part of the guard detachment -- these were Ukrainians that were -- that have been taken out of Russian prisoner-of-war camps. They were starving and asked, if they were allowed to be out, if they agreed to do behind the lines guard duties in Poland, assured that they would not have to fight Russian soldiers. These people were then used both for clearing ghettos and were used as concentration camp guards. A group of those who were sent to Belzec managed to escape as a group and joined the partisans and survived the war. They, too, testified to it. We have testimony, particularly from the villagers in Chelmno. Chelmno was a small town, and the camp, in fact, was in the town itself. The main villa in the town was surrounded by, first, barbed wire; later, they put a wooden fence up. The Jews were brought in and put through the villa and out on to the van. I have seen the testimony of two school children...who can remember standing at a distance watching the loading of the van and could hear the screams and see the van drive off." (14-3236 to 3238)

In response to defence counsel's observation that the pamphlet had said witnesses "validated" as well as "produced," Browning testified that the "way in which most of these were located were by extensive searches" of the Central Agency of the State Administration of Justice: "That is the agency of the West German government that was created in the late 1950s with the mandate to undertake these investigations [of the camps]. They went to very great lengths to track down the names and numbers of all the guard personnel they could find...They also sought out as many survivors as they could. They were doing this for the purpose of producing witnesses that would be heard in court." (14-3239)

Browning turned next to page 23 of the pamphlet:

It is true that in 1945, Allied propaganda did claim that all the concentration camps, particularly those in Germany itself, were "death camps", but not for long. On this question, the eminent American historian Harry Elmer Barnes wrote: "These camps were first presented as those in Germany, such as Dachau, Belsen, Buchenwald, Sachsenhausen and Dora, but it was soon demonstrated that there had been no systematic extermination in those camps. Attention was then moved to Auschwitz, Treblinka, Belzec, Chelmno, Jonowska, Tarnow, Ravensbrück, Mauthausen, Brezernia and Birkenau, which does not exhaust the list that appears to have been extended as needed" (Rampart Journal, Summer 1967). What had happened was that certain honest observers among the British and American occupation forces in Germany, while admitting that many inmates had died of disease and starvation in the final months of the war, had found no evidence after all of "gas chambers". As a result, eastern camps in the Russian zone of occupation such as Auschwitz and Treblinka gradually came to the fore as horrific centres of extermination (though no one was permitted to see them), and this tendency has lasted to the present day. Here in these camps it was all supposed to have happened, but with the Iron Curtain brought down firmly over them, no one has ever been able to verify such charges. The Communists claimed that four million people died at Auschwitz in gigantic gas chambers accommodating 2,000 people -- and no one could argue to the contrary.

Browning testified that four of these camps had ceased to exist by the time they were liberated. Treblinka, Sobibor and Belzec were closed in 1943 and "a great effort was made to, in effect, cover them over. We have a document, in fact, that refers to a farmstead that was settled on Treblinka where the man was to act as if he had been there for a long time." Chelmno was evacuated in 1943 and the villa blown up. It was briefly reopened in 1944 when gas vans were operated out of the church. "There wasn't any special camp there at that time, so there was very little to see since the gas vans then left before the Russians arrived." (14-3242)

With respect to Auschwitz and Majdanek, the gas chambers and crematoria in the former camp were blown up before the camp was liberated by the Russians in January of 1945; however, Majdanek was captured intact before the Germans could destroy the camp "so there was one camp intact to be seen in 1944, 1945 that we have been classifying as 'extermination camps.'" (14- 3242)

The statement in the pamphlet that no one was permitted to see the camps was false in Browning's opinion. In late August of 1944 a group of newsmen was allowed to visit Majdanek, which had been liberated in late July of 1944. One of these newsmen was Raymond Arthur Davies, who wrote the book *Odyssey Through Hell*, published in New York in 1946. *Did Six Million Really Die?* itself on page 8 cited the Davies book. (14-3243, 3244) An excerpt from page 55 of *Odyssey Through Hell* in which Davies related his visit to Majdanek was read to the jury:

And as we took off in our plane en route back to Moscow, William Lawrence of the *New York Times*, who was among the most skeptical of all correspondents in matters of German atrocities, exclaimed: "You know, I shall begin my story: 'I have just come from the most horrible place on earth.'"

And that is how his story of Majdanek began.

Yet events after Majdanek proved that Majdanek was not the most horrible place on earth. It was typical of half-a-dozen other German extermination camps. (14-3245; Excerpt from *Odyssey Through Hell* filed as Exhibit 64 at 14-3246))

Browning read the text of the story written by correspondent William H. Lawrence concerning Majdanek for the *New York Times*. The story was published on the front page on Wednesday, 30 August, 1944 under the headline "Nazi Mass Killing Laid Bare in Camp" and the sub-heading "Victims Put at 1,500,000 in Huge Death Factory of Gas Chambers and Crematories":

LUBLIN, Poland, Aug. 27 (Delayed) -- I have just seen the most terrible place on the face of the earth -- the German concentration camp at Majdanek, which was a veritable River Rouge for the production of death, in which it is estimated by Soviet and Polish authorities that as many as 1,500,000 persons from nearly every country in Europe were killed in the last three years.

I have been all through the camp, inspecting its hermetically sealed gas chambers, in which the victims were asphyxiated, and five furnaces in which the bodies were cremated and I have talked with German officers attached to the camp, who admitted

quite frankly that it was a highly systemized place for annihilation, although they, of course, denied any personal participation in the murders.

I have seen the skeletons of bodies the Germans did not have time to burn before the Red Army swept into Lublin on July 23, and I have seen such evidence as bone ash still in the furnaces and piled up beside them ready to be taken to near-by fields, on which it was scattered as fertilizer for cabbages. Ten Mass Graves Opened

I have been to Krempitski, ten miles to the east, where I saw three of ten opened mass graves and looked upon 368 partly decomposed bodies of men, women and children who had been executed individually in a variety of cruel and horrible means. In this forest alone, the authorities estimate, there are more than 300,000 bodies.

It is impossible for this correspondent to state with any certainty how many persons the Germans killed here. Many bodies unquestionably were burned and not nearly all the graves in this vicinity had been opened by the time I visited the scene.

But I have been in a wooden warehouse at the camp, approximately 150 feet long, in which I walked across literally tens of thousands of shoes spread across the floor like grain in a half-filled elevator. There I saw shoes of children as young as 1 year old. There were shoes of young and old men or women. Those I saw were all in bad shape -- since the Germans used this camp not only to exterminate their victims, but also as a means of obtaining clothing for the German people -- but some obviously had been quite expensive. At least one pair had come from America, for it bore a stamp, "Goodyear welt."

I have been through a warehouse in downtown Lublin in which I saw hundreds of suitcases and literally tens of thousands of pieces of clothing and personal effects of people who died here and I have had the opportunity of questioning a German officer, Herman Vogel, 42, of Millheim, who admitted that as head of the clothing barracks he had supervised the shipment of eighteen freightcar loads of clothing to Germany during a two month period and that he knew it came from the bodies of persons who had been killed at Majdanek. Evidence Found Convincing

This is a place that must be seen to be believed. I have been present at numerous atrocity investigations in the Soviet Union, but never have I been confronted with such complete evidence, clearly establishing every allegation made by those investigating German crimes.

After inspection of Majdanek, I am now prepared to believe any story of German atrocities, no matter how savage, cruel and depraved.

As one of a group of nearly thirty foreign correspondents brought to Poland on the invitation of the Polish Committee of National Liberation, I also had an opportunity to sit with the special mixed Soviet- Polish Atrocities Investigation Commission, headed by Vice-chairman Andrey Witos of the Polish Committee, and to question six witnesses, including three German officers -- Vogel, Theodore Shoelen and Tanton Earness -- who will probably face trial for their part in the administration of the death camp. Responsible Germans Listed

For the correspondents, the commission's prosecutor, a Pole, summed up the evidence taken. He said it had been decided that these Germans bore the main responsibility for the crimes committed at Majdanek and in the Krempitski Forest: General Globenik, Gestapo, and SS Chief of the Lublin district. Governor Wendler of the Lublin district, described as a distant relative of Heinrich Himmler. Former Governor Zoerner of the Lublin district. Lisske, who had charge of all the concentration camps in the Lublin district. General Weiss, who was in charge of the Majdanek camp. Company Commander Anton Tumann, who at one time had charge of Majdanek. Mussfeld, who was in charge of the crematorium. Klopmann, who was chief of the German political department in the Lublin district.

It is impossible in the space here available to relate details of all the evidence of crimes we saw and heard, but for the benefit of those who have not had the opportunity to see with their own eyes, here is the story as it came from the lips of a German who had been a prisoner in Majdanek and was left behind by the retreating Germans. He is Hans Staub, a 31-year-old, tall, husky man with close-cropped hair, who had been imprisoned for engaging in black market meat operations in Germany.

Despite German orders that prisoners were to keep out of the crematorium area, he managed to slip inside the brick fence one day and secrete himself about the time a truck loaded with about a dozen persons drove up. Among them was a Polish woman he estimated to have been 28 or 29 years old.

The prisoners were guarded by Tommy-guns, who ordered them to alight from the truck and undress. The woman refused and this enraged Mussfeld, who beat her. She screamed and Mussfeld lost his temper, shouting, "I'll burn you alive."

According to Staub, Mussfeld then directed two attendants to grab the woman and bind her arms and legs. They then threw her on an iron stretcher, still clothed, and pushed her body into the oven.

"I heard one loud scream, saw her hair flame and then she disappeared into the furnace," Staub said.

According to several witnesses, the peak death production day for Majdanek was November 3, 1943, when for some reason not made clear the Germans executed a total of 18,000 to 20,000 prisoners by a variety of means, including shooting, hanging and gassing. Camp Covers 670 Acres

This is Majdanek as I saw it. It is situated about a mile and a half from the middle of Lublin on the highroad between Chelm and Cracow. As one approaches he gets a view of the concentration camp almost identical with those pictured in American motion pictures. The first site is a twelve-foot-high double barbed-wire fence, which was charged with electricity.

Inside you see group after group of trim green buildings, not unlike the barracks in an Army camp in the United States. There were more than 200 such buildings. Outside the fence there were fourteen high machine-gun turrets and at one edge were kennels for more than 200 especially trained, savage man-tracking dogs used to pursue escaped prisoners. The whole camp covered an area of 670 acres.

As we entered the camp the first place at which we stopped obviously was the reception centre and it was near here that one entered the bath house. Here Jews, Poles, Russians and in fact representatives of a total of twenty-two nationalities entered and removed their clothing, after which they bathed at seventy-two showers and disinfectants were applied.

Sometimes they went directly into the next room, which was hermetically sealed with apertures in the roof down which the Germans threw opened cans of "Zyklon B", a poison gas consisting of prussic acid crystals, which were a light blue chalky substance. This produced death quickly. Other prisoners were kept for long periods; the average, we were told, was about six weeks.

Near the shower house were two other death chambers fitted for either Zyklon gas or carbon monoxide. One of them was seventeen meters square and there, we were told, the Germans executed 100 to 110 persons at once. Around the floor of the room ran a steel pipe with an opening for carbon monoxide to escape at every twenty-five centimeters. Victims' Death Watched

We were told the victims always received a bath in advance of execution because the hot water opened the pores and generally improved the speed with which the poison gas took effect. There were glass-covered openings in these death chambers so the Germans could watch the effect on their victims and determine when the time had come to remove their bodies. We saw opened and unopened cans of Zyklon gas that bore German labels.

About a mile from the gas chambers was the huge crematorium. Built of brick, it looked and was operated not unlike a small blast furnace for a steel mill, operating with coal as fuel fanned by an electrically operated blower. There were five openings on each side -- on one side the bodies were loaded in and on the other ashes were removed and the fire built up. Each furnace held five bodies at a time.

We were told it took fifteen minutes to fill each furnace and about ten to twelve minutes for the bodies to burn. It was estimated that the battery of furnaces had a capacity of 1,900 bodies a day.

Near the furnaces we saw a large number of partial and complete skeletons. Behind a brick enclosure near by were more than a score of bodies of persons who, we were told, had been killed by the Germans on the day the Red Army captured Lublin, which they did not have time to burn before fleeing.

Not far from the furnaces were a large number of earthenware urns, which investigating authorities said witnesses told them were used by the Germans for ashes of some of their victims, which they sold to families for prices ranging up to 2,500 marks.

We saw a concrete table near the furnace and asked its purpose. We were told the Germans laid the bodies of victims there just before cremation and knocked out gold teeth, which were salvaged. We were told that no bodies were accepted for cremation unless the chest bore a stamp certifying that it had been searched for gold teeth.

It is the purpose of the Polish Committee of National Liberation to keep the main parts of Majdanek just as it now exists as an exhibition of German brutality and cruelty for all posterity to see.

M. Witos struck the universal feeling of all who have seen the camp when he expressed regret that the section of American and British public opinion that favours a soft peace with the Germans will not have an opportunity in advance of the peace conference to look at this plain evidence of the brutality of the Germans practiced towards their victims.

Among the few Polish people whom we had an opportunity to talk there is a widespread sentiment for stronger means of vengeance against the Germans, and the belief that some of those directly responsible for Majdanek should be executed in the terrible death camp they themselves erected. (14-3274 to 3287; Article from New York Times, August 30, 1944, filed as Exhibit 65 at 14-3287)

Lawrence wrote the article just after he and a group of newsmen visited the camp. As far as Browning knew, these were the first newsmen into the camp. It was a brief visit. Browning stated that he would not use such an article to verify such things as numbers because it was obviously "such a preliminary stage, these things would have been estimates." However, Browning continued, "It is evidence in a sense of what impression this place made on someone that had been there and what he visually saw and what people told him." Browning acknowledged that regarding the allegation in the article that the people were given baths prior to being gassed to improve the killing time, "subsequently we know that Zyklon B in fact operates better in drier rather than wetter climate. I'm not a chemist, but I think that he is -- both the Russians and he are quite mistaken about the bathing of people who are going to be gassed." (14-3275, 3284)

This testimony ended Browning's examination by Crown counsel. Defence counsel Douglas Christie rose to commence the cross-examination.

Browning acknowledged under cross-examination that he had come voluntarily from the United States to testify against the publisher of a book: "I came here because I was asked, yes." (14-3287, 3288) He was being paid to testify at the hourly rate of \$150 Canadian, which his wife, who worked in a law office, told him was "approximately what her lawyers in her office get. That's considerably more than I make as an academic." Browning stated that he had been in Canada for more than a week. Asked if he would be paid for all that time as well as the time spent testifying, he replied: "I certainly hope so, sir." (14-3335)

It had crossed Browning's mind that what he was doing in this trial - testifying against the publisher of a book -- could not occur in his own country, but it did not trouble his conscience. "I know we have a First Amendment and it is possible that if such a law existed in the United States, it would be struck down, but I certainly am no expert in the constitutionality of that...If this [Canada] had been a country which had not been free to set its own rules about how they understood freedom of press, I would not have been willing to come. As far as I know, the Canadians operate a judicial system by due process, that they have chosen, through their own democratic system, to decide

how they will interpret freedom of speech and therefore I did not have a problem of conscience about coming and testifying in this case." (14-3288, 3289)

Browning was on the advisory board of the Simon Wiesenthal Center but did not consider it to be a historically authenticated or official body of any sort. Browning's only connection with the centre was acting as part of the advisory board to its journal, the Simon Wiesenthal Center Annual. He was confident of the academic integrity of its editor: "...I do not, by being a member of that board, endorse or even am aware of all the things that the Simon Wiesenthal Center does." (14-3290) He received no money from the centre. (14-3300) Later, however, Browning remembered that he had been paid a "moderate fee" for writing two articles. (14 3333, 3334) He was also being paid about \$30,000 by Yad Vashem for a 500 to 700 page book which he estimated would take ten years working part-time to complete. (14-3334)

Christie put to Browning that the Simon Wiesenthal organization was a politically active Zionist organization that produced a journal for a political purpose and that he, Browning, worked for it. Browning responded that he did not believe that the centre produced the journal for a political purpose. While the centre had a number of purposes, Browning was interested in the purpose of publishing an academic journal for the Holocaust: "It's an academic journal, not a political journal. It does not publish things about current events and doesn't publish things about Israel." (14-3292)

Browning denied that the centre published about the Holocaust for political purposes. Asked for a single historical accusation which had resulted in a larger financial benefit to a political cause than the Holocaust, Browning replied: "I don't know how many reparations have been paid to Israel. I don't know the figure of reparations that Germany paid after World War II. I don't know the exact figure of reparations that the French paid to Germany after the Franco- Prussian war, so no, I wouldn't feel comfortable making any judgment on that." (14-3292) However, he thought it was "very likely" that the restitution payments in the Franco-Prussian war were comparable to the restitution payments made by West Germany. (14-3294)

Browning acknowledged that he had been in court when Charles Biedermann [Director of the International Tracing Service] testified that about 88 billion dollars had been paid in reparations, but Browning did not know if that was a fact or not. Asked whether he knew that Dr. Raul Hilberg had said that Germany would be paying reparations to the year 2000, Browning testified he had never heard this statement. He had not heard that East Germany was now going to start making reparations to Israel in order to get accepted as a trading partner with the United States. "I do know that some reparations are made to the state of Israel. I know that some restitution is made to individuals who have filed for loss of property. But I do not know the details, I do not know how those agreements were reached. It is not a field of my own study and research." (14-3292, 3293)

Browning denied the suggestion that he was a propagandist for the state of Israel even though he was under contract to write a book for Yad Vashem, an Israeli organization. (14-3290, 3291) He also denied Christie's suggestion that he was involved in a scheme to rewrite history: "If you mean...that I am part of some organized group or conspiracy, certainly not. If you mean as a historian who is continuing to look for new

answers and to ask new questions, and thus is indeed looking to enhance how much we know and understand, I would say yes." (14-3295)

Christie put to Browning that before Dr. Hilberg's new edition of his book in 1985, it was generally believed there was a Hitler order. Browning testified that no one had said there was a written Hitler order, certainly not Hilberg. Christie pointed out he had not said "written."

"I will go on, thank you," said Browning, "There is a question of how we understand the word 'order' and this is a case where I think we have deepened our understanding, that we have tried to deal with the concept, what does it mean for there to be a Hitler order, a so-called Führer Befehl? And I have certainly looked into that question. I have, myself, proposed that we have to look at it in terms of a series of signals or incitements, that these are not necessarily explicit, exact, precise orders, but a conveying to subordinates of his hope that they will now move on to a newer stage or to do something more radical, that we are talking about in terms of a Hitler order, a rather amorphous process." (14-3295, 3296)

Christie put to Browning that Dr. Hilberg, before his new edition in 1985, spoke of a Hitler "order." When Browning asked to see the first edition of Hilberg's book to check to see whether Hilberg had said "order" or "decision," Christie suggested he was absolutely aware Hilberg referred to orders because he had written an article to comment on the fact that Hilberg no longer referred to orders. Browning admitted that he had written an article entitled "The Revised Hilberg" in which he compared Hilberg's first and second editions of his book. "That certainly Hilberg has changed the way in which he explains Hitler's role in this after twenty-five years of further research and thinking about it. That's why one issues revised and new editions. That's why the publisher puts on it 'this is a new and revised edition.' It is an academic practice that -- I mean, I think it's a good thing. I think we should be examining what we have said before; that we are attempting to refine and explain more fully what we meant and to not feel bound to accept some sort of particular phrase or word that we had used earlier that we felt no longer adequately expressed what we now felt." (14-3296-3298)

Browning admitted that he wrote in "The Revised Hilberg" that in the new Hilberg edition, all references in the text to a Hitler decision or order for the "final solution" had been systematically excised: "...certainly he did alter the way in which he explained or articulated Hitler's role and it was to downplay Hitler's role." Hilberg had removed the words "order" and "decision" from his new edition because "he had obviously, with considerable care, decided that that word or term no longer expressed exactly what he wanted to express and so he had removed them."

You mean cut out?, suggested Christie.

"Reworded," said Browning. "He had cut those words out that he felt, as I have tried to explain, that 'order' or 'decision' perhaps has too precise a connotation for what he was trying to express and that therefore he had to reword it." (14-3299)

Browning denied that he was motivated to now deny a Hitler order so that it would be easier to divide guilt more effectively among more Germans. (14-3299) Asked why

he attributed the realization of the "final solution" to the Germans, he replied: "Because it was the government of Germany that carried it out and through the institutions of Germany...I tend to feel that certainly in the carrying out of this, it was not limited to a small group of people at the top; that, in fact, the whole thing could not have been carried out without a fair amount of -- without widespread participation and without a lot of initiative, receptivity at the local level among local officials, so I certainly don't feel that we can look at this solely as Hitler or a small group of Nazis at the top, but that you cannot explain the reactions of many of the people lower down unless you look at the ethos of the German army, unless you look at the bureaucratic traditions of the German Foreign Office, so that I would say you cannot talk about the Holocaust unless you certainly are looking at Germany, and not just Nazis." (14-3301)

Christie, noting that it had been claimed for the last 45 years that the Jews of Europe were exterminated by the Germans, asked Browning for a definition of the word "extermination." Browning replied it meant: "Murdered. Killed. I should use the word killed because murder has a judicial connotation ... I have used in my writings mass murdered or murdered, but I don't want to get into a discussion of what legally do I mean by that term." Browning agreed that "extermination" could mean "a specific and systematic mass murder of an identifiable group." He agreed that in the case of the Holocaust, it was a specific and systematic mass murder that was planned and methodical. (14-3304 to 3306)

Browning would not agree that the Holocaust was a specific and systematic crime without precedent in history: "I would not use the term 'without precedent' because in some ways there were at least partial precedents. I think one is getting into metaphysical questions when you use such terms as totally or without precedent. I can think of the massacres of Armenians in Turkey as a kind of precedent. One can think of what's happened in Cambodia, a kind of auto- genocide, as opposed or as may be the opposite of a precedent, sort of what is followed after, so I...would be very reluctant to use a term like 'without precedent'." (14-3306)

Wasn't it true, asked Christie, that the usual understanding of the Holocaust was that it was a systematic murder in a way that had never been before undertaken, i.e., by the use of gas chambers?

"It was not the first use of gas chambers," said Browning. There had already been the use of gas chambers against the German mentally ill in the euthanasia programme. (14-3307)

Christie asked if the alleged extermination of the Jews was a criminal matter in which the Germans were accused of mass murder. Browning testified that some Germans had been accused of mass murder and that over 7,000 Germans had been tried. When Christie pointed out that reparations were, however, paid by all Germans, Browning replied that he presumed that reparations were paid out of tax revenues in West Germany. (14-3307)

Browning admitted he had visited no concentration camps in either Poland or Germany for the purposes of research. He had visited several in Austria, Germany and France "simply to see what kind of memorial they had there." (14-3300)

He had not conducted any scientific tests or looked at any scientific tests of a gas chamber. (14-3300) He admitted that he did not have and could not produce a document which ordered the commencement of gassings. Nor did he have a document that ordered the stopping of gassings. Nor could he produce a document that set out any organizational plan or blueprint to carry out gassings: " -- I would say one that mentions gassings as part of a large, overall document, implying that is coupled with a blanket plan, no, I cannot think of any." (14-3309)

Christie pointed out that Browning had no order and no plan for the alleged extermination. Is there any budget for the transportation or the execution of these people by gas and the disposal of their bodies?, he asked.

"There are some documents relating to expenses of deportation," said Browning. "There are documents relating to the property collected, that is being returned to the Reich. There is not a single overall budget report on the 'final solution'." (14 3310)

Did Browning have any expert reports which established the use of either a gas van or a gas chamber for the execution of a single person?, asked Christie.

There was witness testimony that such a report was made, said Browning: "Albert Widmann, the chemist of the...Criminal Technical Institute, the crime lab, said that he was asked in the fall of 1939 to make tests as to which gassing would be most effective, and that he reported that carbon monoxide would be the best way. This was in relation to the euthanasia programme." (14-3310)

Christie indicated the question was related to the so-called extermination camps, not euthanasia. Do you have any expert report which establishes the use of gas in either gas vans or gas chambers in any of the camps referred to by you as death camps?, he asked.

Browning answered that he did not have a written report on the gas vans: "We again have witnessed testimony that the gas van was driven to the Criminal Technical Institute, that a chemist with a gas mask and instruments went inside and measured the carbon monoxide levels. That the gas van was then driven to, I believe this is Sachsenhausen. It was loaded with approximately forty Russian prisoners of war, and the van was tested on them; that the chemists that were brought along or the scientists that were brought along from the crime lab were to look at the bodies to see if, from the pinkish appearance of the skin, they could establish that it was carbon monoxide poisoning and not simply suffocation, and they affirmed that, and that the gas van was then put into production. There was a scientific test. I have not seen a written report about that test." The witnesses who testified to such a test did so in court proceedings of the state Court at Hanover; Browning was prohibited by German law from publishing their last names, and so had merely identified them in his book as "Helmut H." and "Theodore L." Both men were present at the testing of the van at the Criminal Technical Institute and both had gone to Sachsenhausen where the test was made on the prisoners. However, Browning did not know whether the men actually testified in court in Hanover. He had looked only at "the pretrial statements that they made and were in the record. I did not see the court transcript. I don't know if they testified in court. I think that they did. I would have to check the court judgment to see if they referred to their testimony." (14-3311 to 3313)

The tested gas vans were to be sent to the Soviet Union for Jews and to Chelmno, the death camp that used gas vans. "Helmut H." and "Theodore L." were therefore giving eyewitness testimony in a German trial that commenced in 1965 about an event that happened in the fall of 1941. (14-3314)

Browning admitted he knew of "no autopsy report of someone killed by Zyklon B. It is my understanding from the various witnesses that the bodies were taken out and burned." Christie pointed out that Browning had read a newspaper article regarding Majdanek which stated the existence of a number of bodies. Browning replied that it was not clear how those people had been killed. He had "no idea" if any autopsy was ever attempted. (14-3315)

Browning agreed that there had been people who said they witnessed the gassing procedures, but he did not know if there were any testimonies by such witnesses as to how the gas exited the gas chamber. "The only time I know someone went in was the chemist who put on a gas mask and went inside the van to measure the carbon monoxide level. I know of no other reference to someone who went inside the chamber and after being gassed came out and reported what had happened in there." (14-3316)

He believed that some witnesses to these events had been cross-examined. He was "fairly certain" that Filip Müller, author of *Eyewitness Auschwitz*, was a witness at the Auschwitz trial; another survivor, Rudolf Reder, testified at the Eichmann trial in Israel where Eichmann's defence attorney would have had the opportunity to cross-examine him, although Browning did not know whether the lawyer did so or not. Professor Pfannenstiel, the man who accompanied Gerstein to Belzec, also testified in court. Browning considered Gerstein to be a credible witness "in some things." (14-3317, 3318)

In Browning's opinion, there were gas chambers or gas vans in Birkenau, Majdanek, Sobibor, Belzec and Treblinka, while gas vans were used at Chelmno, Belgrade and Maly Trostinec outside Minsk in Russia. Gas vans were used also with the Einsatzgruppen. He had no evidence that there were gas chambers at Bergen-Belsen, Gross-Rosen, Stutthof-Danzig or Ravensbrück. He knew of no gassings at Oranienburg-Sachsenhausen other than the gas van test to which he had already testified. He had seen evidence of a possibility of the experimental gassing of a small number of prisoners at Struthof-Natzweiler in France, but this was not his area of research. As to Hartheim, Browning had seen some evidence as to gas chambers at the euthanasia centres, of which Hartheim was one, but this again was not his area of research. (14- 3318 to 3321)

Regarding Dachau, Browning did not know "whether what is now labeled there as having been built as a gas chamber is. I certainly have seen no evidence to the effect that it was used."(14-3319) Browning had heard that claims of gassings at Dachau were made after the war, but he had done no research on the camp. He had not seen any affidavits by persons swearing that thousands of people had been gassed there, nor did he know in which camps the Germans were accused of using homicidal gas chambers at the Nuremberg trials. Browning was not familiar with the accusations made by the British prosecutor at Nuremberg that there were gassings at Dachau, Buchenwald and Oranienburg. (14-3322) He would not agree that any eyewitness

accounts that testified to gassings at Dachau would be totally false: "No, I said I don't have any evidence that it took place. I could not say that those would be totally false. I haven't seen the evidence. I wouldn't a priori declare them false." (14 3329)

Had Browning or anyone else undertaken any tests as to the authenticity of any of the documents he had referred to in his evidence?, asked Christie.

"Many of those documents that we have submitted I have held the originals in my hand," said Browning. "I do not know that in any particular case of those documents that somebody has subjected it to a scientific test in terms of dating the paper and whatever. However, I do have confidence in the German Foreign Office Archives where I've done my work on those documents, the National Archives and had them before that in Alexandria, but I have not seen particular scientific tests on the age of the paper or something of that sort." (14-3323, 3324)

Browning felt "fairly confidently," for example, that the Wannsee protocol existed during the war because he had seen other files in the Foreign Office by a man he had been studying in which he made reference to parts of the protocol in a manner which indicated that he must have had access to it. The Wannsee protocol was not signed, but "testimony that Eichmann gave was that he supervised the taking of the protocol, that he consulted on the version several times with Heydrich and that it was sent from the Reichssicherheitshauptamt." The cover letter that was found with the Wannsee protocol had Heydrich's signature on it. (14-3324, 3325)

Christie put to Browning that he was well aware that Eichmann went through a long period of incarceration in circumstances that he wouldn't like to go through. Browning replied that he "would not like to be imprisoned, no, sir."

Not just imprisoned, sir, said Christie. You know more about it than that.

"Okay," said Browning. "I would not like to be seized and put on an airplane and flown to another country and put in prison and be interrogated. No, I wouldn't." Browning had spoken with Avner Less, the man in charge of interrogating Eichmann, and knew that the interrogation had lasted "a long time"; for "many days." He was not aware of any reports, which Christie suggested existed, that during the lengthy interrogation, Eichmann eventually did not know where he was, what time it was, that the lights were always on, that he was always in the company of someone else. Browning only knew that Eichmann was brought into the room where Less was when he was interrogated. He did not know how many other people were there. (14- 3326, 3327) Browning was not aware of the fact that during his trial Eichmann testified that he could not remember whether he had read something or actually remembered it. (14-3328)

Christie asked whether Dr. Raul Hilberg, author of *The Destruction of the European Jews*, had a history degree. Browning was not sure what his degree was but knew that he was a professor of political science. (14-3329)

Browning regarded Leon Poliakov, another Holocaust historian, as an acceptable and credible historian "in general" but did not know whether or not he had a degree in history. An academic education was not an "absolute necessity" in determining

whether someone was a credible, acceptable historian, said Browning. Reitlinger, another Holocaust historian, did not have a degree either. (14-3330)

Browning believed that no single book had been more instrumental than Hilberg's *The Destruction of the European Jews* in making the Holocaust an acceptable historical event. In Browning's opinion, it was a "truly great book that comes the closest of any work in print to being the summa of Holocaust studies" because of the vast number of subjects it dealt with. (14-3330, 3331)

Browning knew that Hilberg had trouble getting the book published but he did not know who the 'generous benefactor' was who helped Hilberg eventually publish the book in the 1961. (14-3331)

Browning estimated that between 5 and 6 million Jews died in the Holocaust. He agreed that Raul Hilberg, in his 1985 edition, gave the figure of 5.1 million. (14-3331)

Christie asked Browning how many people were killed between 1933 and 1940. Browning thought "maybe there were individual cases of individual violence...at least sporadic killings...but I don't have that broken down into a particular number." (14-3332)

With respect to the number of Holocaust deaths in 1941, he said: "Again I wouldn't have a number but it would go up -- it would involve deaths in ghettos primarily in the spring and then it would be primarily due to the shootings in Russia between June and December of 1941." (14-3332)

Nor could Browning give any estimate of Holocaust deaths in 1942: "1942 would be, in my opinion, the highest year but I don't have a particular figure for it." (14-3333)

As for 1943, "There would be a bit of a lull and then I guess I would believe 1944 would be somewhat higher because of the Hungarian deportations." (14-3333)

Browning could not give any estimate for the low as he had never gone through the exercise of trying to establish it: "As far as I know, Hilberg is the first one who has tried to do that." (14-3333)

Browning had researched the Holocaust for seventeen years. While he had previously testified in the absence of the jury that only five or ten people knew as much as he did about euphemisms used in German documents, in the presence of the jury Browning testified that he didn't "know whether I would stand by that particular number. It's just what came into my head at the time." He believed his particular expertise was the evaluation of the meaning of German bureaucratic documents within the context of other documents and other events taking place at the time. The Holocaust was the area in which he had gained what professional reputation he had. While he was "known," he felt he was not "famous." (14-3344, 3345)

Christie asked Browning whether it had ever occurred to him that the Holocaust was very useful politically to the state of Israel.

"There are some people in the state of Israel that have, I think, attempted to make political use of it," Browning admitted. "I don't. I don't like to see it used that way. It is not the reason for which I am engaged in this research." (14-3346)

Would the United States make Israel its largest foreign aid recipient, asked Christie, if it were not for the Holocaust?

"I do not know what all the reasons are that policy-makers weigh there," said Browning. "I think their own perception of their national security interests, in some ways their perception of where their votes will come from in the next election, I think those are probably more important. I would, and again I don't speak as an expert on this, of the fact that I recall the U.S. didn't sell weapons or at least not high-grade weapons to Israel until the late sixties would indicate the Holocaust had not been a major factor in aid because at least in terms of Phantom Jets and whatever, as best as I can recall. It is not my field of expertise." (14-3346)

Browning testified that since the mid-1970s the Holocaust had become an area of greater awareness. He would not agree, however, that more movies and books were written on this subject than perhaps any other historical event. "There is certainly more written now than before. I would, in that connection, draw your attention to the fact that I got into this in 1971 before that movement occurred. The advice of my professor was you can certainly go and do that as a graduate student on a doctoral dissertation, but you should be aware there is no professional future in it." The professor had turned out to be wrong which was, Browning said, "my windfall, but it certainly was not my motivating force for why I got into this." (14-3347, 3348)

Christie suggested that the Holocaust and laying it at the feet of the Germans was a big business. Browning believed this was incorrect and indicated that he himself was half-German; his mother's name was Altringer. "I resent," he said, "your continual imputations I am doing this because I am anti-German. I have many German friends. I have lived there two years and I think your suggestion of my motives of anti-Germanist are untrue." (14-3348)

Christie produced Browning's article "The Revised Hilberg" in which he wrote at page 294:

In the summer of 1941 the Germans realized that the time had come to cross over the dividing-line to systematic mass murder.

Browning protested that this was a review article summarizing in brief form what Hilberg wrote. "And I use 'the Germans'...in a general way. That one often refers to 'the Americans' in terms of policy in Vietnam or elsewhere, this is a standard usage...[Hilberg] is arguing that ...there was a growing awareness in -- in Germany in terms of this bureaucracy staffed by many, many people who he is arguing were simultaneously becoming aware that the time had come for a radicalization of the policy. He's arguing that this is a kind of consensus among these middle- echelon and lower-echelon bureaucrats. Thus, what I was summarizing, I'm trying to convey to the reader there what is the way in which Hilberg is trying to articulate the beginning or a -- the launching of the 'final solution.'" (14-3348 to 3350)

Christie suggested to Browning that in fact Hilberg never attributed the "final solution" to the Germans in those words. Browning did not know the exact wording that Hilberg used, but indicated that he himself had used a shorthand: "It was not meant in terms of a juridical or judicial attribution of guilt to every German. That it was a reference, 'the Germans', in the same way that you would say 'the Americans' in Vietnam..." (14-3350)

Christie asked whether he would say that 'the Americans' decided on a specific act of mass murder or would he be more careful in his use of language to apply it to those who were specifically guilty. This question was interrupted by an intervention from Judge Thomas, and remained unanswered. (14-3351)

In his first edition, Browning acknowledged that Hilberg had spoken of two orders or two decisions for the extermination of the Jews. "Again, without the text I wouldn't want to say which of those two words he uses, but indeed he refers to two turning points as orders or decisions." Browning believed that Hilberg stated in his book that the first order was given in the spring of 1941 during the planning of the invasion of the Soviet Union and provided for the special mobile units that were to be sent into invaded territory with the specific purpose of killing all Jewish inhabitants on the spot. He did not claim it was a written order. (14-3352)

Browning himself believed that Hitler, in "the spring of 1941, there was what I would call signals or incitements to those around him that he wished to have prepared measures that would lead to the murder of Jews in Russia...One time he refers to 'we must kill the Jewish Bolshevik intelligentsia...'" This was contained in a document recording a conversation between Jodl and Hitler on March third. (14-3352, 3353)

Browning agreed that in his article "The Revised Hilberg" he had written that Hilberg's new edition provided a scenario in which "decisions were not made and orders were not given." Instead, Hilberg had "buried" the issue of a Hitler order "at the bottom of a single footnote..." in which he had simply written: "Chronology and circumstances point to a Hitler decision before the summer ended." (14-3353 to 3355)

What Hilberg was trying to do, said Browning, was "articulate in a different way how the decision-making process worked. This is because in the interim, there had been long historical discussion about what we understand about this historical decision-making process. This is part of the on-going project of history." (14-3356)

In Browning's view, Hilberg did not believe the extermination was a premeditated action, but rather that "thinking converged in 1941." He agreed that Hilberg did not refer "to a specific Hitler order." Hilberg instead wrote at page 55 in his new edition that:

In the final analysis, the destruction of the Jews was not so much a product of laws and commands as it was a matter of spirit, of shared comprehension, of consonance and synchronization.

There was a controversy on this subject between intentionalists and functionalists. Intentionalists were historians who saw the development of Nazi Jewish policy as the working out of a premeditated plan with greatest emphasis on Hitler at the top.

Functionalists were historians who saw Nazi Jewish policy evolving over a period of time in response to circumstances. (13-3025, 14-3358)

"All historians, I hope," said Browning, "are constantly engaged in revision. I think one of the problems with the present is it's one particular group is trying to take that as a particular name for them. Historians, as I said, as Hilberg between '61 and '85 are engaged in an on-going process of historical revision. If that wasn't the case, we would have been out of a job a long time ago. We would have no function. What we are trying to do is always learn more and that is a process of on-going revision." (14-3358, 3359)

Christie pointed out that Browning had attended a colloquia at the Sorbonne in France where Holocaust revisionism was advertised as the reason for the colloquia. Browning replied that nothing in the invitation he received said that; however, after he got there, he was "informed verbally that one of the reasons for holding it had been concern over revisionist historians in France...I didn't know about that until I got there. It didn't affect the paper that I had written and submitted before I got there. I was disappointed that it was not going to be -- let me see how I should phrase this very carefully -- I will just put it I was disappointed when I heard that that had been a factor in the conference." (14-3359)

Browning agreed that Hilberg felt there was "no single organization" that was behind the process of extermination. "No office directed the entire process but he [Hilberg] certainly has a not infinite but a large number of charts trying to show which offices directed which portions of it." (14-3360)

In Browning's view, Hilberg made a "significant change" in his second edition regarding the role of Adolf Hitler in the extermination process. "Yes, he did make a significant change in the sense that he completely -- not completely -- he reworded and rearticulated how we should talk about that. It didn't in the sense change the chronology. He still sees the 'final solution' as coming about in two phases, a decision-making process in the spring for Russia and another in the summer, but he most certainly does express it and articulate it in a very different way and he does not speak directly of Hitler decisions or commands or orders in the second edition...It is the -- compared with other changes which in terms of interpretation I think are much more minor, it is the biggest change he made in the book." Other changes included the bringing in of new documentation, the expansion of some sections of the book, and a change in the tone in which he spoke about Jewish councils and the question of the Jewish response to the process. (14-3360, 3361)

Browning himself did not agree with the changes Hilberg made in the new edition concerning Hitler's role in the extermination: "...I refer more explicitly to Hitler's role than he [Hilberg] did. That is a difference of interpretation between us." (14 3362)

With respect to the Colin Cross quote which Harwood had used in *Did Six Million Really Die?*, Christie asked Browning if he ever quoted an author to use his writings in an argument against him. Browning replied that that would be "quite standard" but added that he "would try not to cite him in a way that implied that he was arguing one thing when he was arguing another. I would certainly cite information that that historian himself had brought forward that I thought was evidence for a different

interpretation or I would attempt to work out or point out inconsistencies in the argument. I would not want to misrepresent what the other historian had said. That would be the thing I would be most on my guard against, would be to try to convey to the reader that the man in question thought one thing instead of what he actually, himself, was arguing for." (14-3363)

Christie pointed out that Harwood did not say that Colin Cross agreed with his thesis.

Browning disagreed: "...I thought he was. That's the impression I got, yes...The way in which the paragraph was constructed gave me the impression that he was hoping to convey to the reader that the sentence that followed was, in fact, a continuation of Colin Cross." (14-3364, 3365)

Christie indicated that Harwood had in fact used quotation marks around that portion of the paragraph in which he was actually quoting Cross and had ended the quote by referring to the page number of Cross's book. He suggested to Browning that it was obvious from the sentence that Harwood used the quote as a means of argument and a means of questioning.

"It wasn't obvious, but it may, indeed, be a proper point that you are making," said Browning. "Why I got the impression, why I think it is still possible to read it the way that I initially did, was because he sets up the sentence so that he implies that he agrees with Colin Cross. Then you have the particular point. He agrees with that point and goes on as you have noted to say; at this point we may well question the degree to which he identifies with the author would lead a person reading the book to think of the pamphlet to think that that identification continues further. On reading Colin Cross, we see that there isn't an identification further. In reading that the first time, my impression was that that was what the author was trying to create. If you read it quite literally and carefully as you say, it is possible to interpret it in the other manner." (14-3365, 3366)

How was it morally justifiable to take reparations from the German people today for the Holocaust?, asked Christie.

"I'm not sure if I'm in the business of talking about moral justification," said Browning. "I am not a moral philosopher." As a historian, he looked at historical explanations. (14-3368)

Christie suggested that the current trend in the field of Holocaust history of saying there was no particular order by Hitler was to widen the guilt to more people.

Browning replied that the two most ardent functionalists were German historians, Hans Mommsen and Martin Broszat, and that he himself had taken a position half way between the functionalists and intentionalists. He denied that he was writing in any way for the purpose of attributing guilt. (14-3369, 3370)

Browning was aware of the fraud of the Hitler diaries. He had read about them in the newspaper: "Other than that I don't know anything more about them than I think other people who read the news." (14-3370)

Did Browning consider David Irving to be on the outer fringe of acceptable historians?, asked Christie.

"I would," said Browning. "I wouldn't maybe choose those words but the sentiment that you express is not one I would sharply differ with." (14-3370)

Christie suggested to Browning that if there was a monetary interest in the Hitler diaries, how much more monetary interest would there be after the Second World War to fabricate documents such as the type Browning had put into evidence.

"How much interest in fabricating the documents after the Second World War is a very bizarre notion to me, sir," replied Browning. (14-3370, 3371)

He disagreed with the suggestion that in fact the purpose of the International Military Tribunal after the Second World War was the attribution of guilt to the whole German people. "As I understand it they put, I think it was twenty-some specific people in the dock and that they convicted all but three of them, who were acquitted. And they each were given particular sentences. What the purpose of it was, I think the Allied Joint Declaration of 1942 that we read here said that in the face of this policy of attempting to exterminate the Jews, they were going to try to hold accountable those responsible for it after the war, and they held a number of people in court. They did not bring the German people into the court." (14-3371)

Christie pointed out that the Allies had picked defendants from every category: industrialists, bureaucrats, party members, the judiciary and so on. Browning agreed that major figures from different organizations had been picked, but didn't know "whether the idea was to attribute collective guilt." (14-3371, 3372)

Was Browning aware that the idea of collective guilt came out of the Nuremberg judgment?, asked Christie.

"I would not use those words," replied Browning. "...there was the use of a conspiracy law in a sense to declare certain organizations as guilty. These were, at least in my memory, the Gestapo, the SS, I don't know which ones they were. The political leaders, I think. That was done...People who joined, who are, were parts of those organizations were not the entire German people." (14-3371, 3372)

Without the Holocaust, suggested Christie, it would be very difficult to justify the fact that the countries of the free world such as Canada, the United States and Great Britain, allied themselves with the Soviet Union, which later enslaved countries like Latvia, Estonia, Lithuania, Albania, Czechoslovakia and Hungary. Browning replied that he believed "we were allies because Hitler first attacked Poland which brought England into the war, he then attacked Russia and on December 10 he declared war on the United States...Why we were in war together was because Hitler was attacking different people...I believe we...gave support to the Soviet government during the war because they were fighting the same country we were at war with."

In Browning's opinion, the only thing that stopped Hitler from invading Britain was his failure to gain air control, without which he could not prevent the British navy from stopping his cross-Channel invasion. (14-3373, 3374)

Nor could Browning agree with the suggestion that the Holocaust was an after-the-fact justification for the continuation of the war in 1941 because Britain had no reason to continue the war: "Occupation of Poland, occupation of France, of Netherlands, of Belgium, of Norway, of Denmark. No reason to continue the war? Invasion of Yugoslavia, conquest of Greece. No reason to continue the war, sir?"

He saw no common grounds for a peace with Germany because there was no willingness on the German side to give up any of the things they had conquered. In Browning's opinion, the Holocaust "was not a factor in the decisions that were made at that time." (14-3375, 3376)

To Christie's suggestion that the propaganda of the Holocaust was useful to the Allies, to Israel and to people like himself, Browning replied: "I won't agree." (14 3376)

What was the purpose of the constant discussion of a Hitler order, asked Christie, if there was no evidence of a Hitler order?

"Because it becomes an avenue to explore how decisions were taken. It becomes the entry point into the wider historical analysis." (14-3377)

Christie asked Browning whether he agreed that if Raul Hilberg testified at the time when he had already written his book that he had not changed his position from his first to his second book, that that wouldn't be very honest.

"It would depend certainly in the context if you're referring to an overall change of interpretation," said Browning. "As I have said in the review article, the general overall structure and the way he approaches the issue has not been changed. He's -- he still refers to a machinery of destruction; he still refers us to the same phases in how the persecution develops. That if he is referring to that overall interpretation when he says there has not been a change and you interpret that to mean he has not changed the language by which he expresses the way in which he discusses the Hitler order, then I obviously can't comment on that sentence because we're talking about apples and oranges." (14-3377)

Browning agreed that *Did Six Million Really Die?* did not deny that measures were taken against the Jews in the form of deportations and concentration camps, or that Jews were forced into labour in those camps, or the existence of ghettos, or the existence of diseases like typhus in the camps or the existence of the Einsatzgruppen for anti-partisan and anti-Communist activity. (15-3381) Browning's differences with the pamphlet arose from several matters: firstly, it denied that 6 million Jews died and put the losses at less than 300,000; secondly, it denied that there was any planned extermination of the Jews; thirdly, it denied the existence of homicidal gas chambers for the purpose of killing the Jews; fourthly, it denied the taking of property from Jews in Germany; lastly, it denied the Holocaust by the way in which the Einsatzgruppen's activities were represented and the numbers of people they eliminated. (15-3382 to 3388)

Christie pointed out Browning made these claims without having authenticated any of the documents he had brought into court.

"The Einsatzgruppen documents are ones that I have not worked in, in the original copies that are now in the Bundesarchiv in Koblenz...I am relying on the documents that were collected by other judicial authorities, yes," said Browning. In his opinion, there were many testimonies of members of the Einsatzgruppen "at which these documents were used in trial, that their personal accounts accorded with the kind of activities that were going on." The Einsatzgruppen reports were not signed because they were circulated in numbered multiple copies on a daily basis. (15- 3390, 3391)

Browning did not know if the Bundesarchiv had subjected the documents to scientific tests or not. He did know that when the Bundesarchiv was presented with the 'Hitler diaries', it was able to substantiate their fakery almost instantaneously. (15-3391)

Christie pointed out that it was actually historian David Irving who first accused the 'Hitler diary' of being false. Browning was not aware of this. He believed, however, that the Bundesarchiv was "very good" at determining fakes although he did not know whether it had in fact ever done any tests on the documents. He believed that the documents had been "used in many court cases where people gave testimony that was not at variance and where attorneys could cross-examine and ask questions of that nature." (15-3392)

Browning admitted that he had not attended any of these trials. Nor had he read the transcripts of the Einsatzgruppen trials. He had seen many references in secondary sources, however, to the fact that they were held. He admitted that he had done no primary research in the area of the Einsatzgruppen. (15-3392, 3393)

With respect to Hitler's role in the alleged extermination, Browning testified that there was no proof of a written order from Hitler: "We have, I have argued, circumstantial evidence of at least incitements or initiative. That is an interpretive question, and I have argued that I'm persuaded." He agreed with Christie that he had adopted the nod theory which held that it only took a nod from Adolf Hitler: "I did indeed coin the phrase that it would have only taken a nod of the head, or it could have only taken yes."

In Browning's opinion, the Hans Frank diary and the Wannsee Conference protocol were the two most striking proofs of a plan of extermination. There was no budget that he knew of, but different channels and different organizations were involved. In terms of deportations from western and southeastern Europe, Eichmann was one control point; Heydrich as the head of the Einsatzgruppen, was another; the SS and police in Poland were others. (15-3393 to 3396)

Without explicit orders they are supposedly able to just exercise discretion according to some intuition, I suppose?, asked Christie.

"We do not know precisely how Himmler and Heydrich were met with or talked with Hitler, or if there was some other way in which the communication was made," said Browning. "I argued in what I've written that I infer -- this is a judgment on my part and a historical judgment -- that at some time in July they were indeed convinced of what Hitler wanted from them, that they then proceeded to act along a number of lines, and that the results of that, one can see at many different levels...In terms of when and how the decisions were taken, I have only stated there are different possible

interpretations, because the evidence is not precise and, indeed, reasonable people can differ on this."

Browning agreed that a reasonable person could also disagree as to whether or not such a decision was taken or communicated: "Indeed, Martin Broszat and Hans Mommsen have argued that there really wasn't a Hitler decision, that it was a matter of local initiatives that kind of snowballed into a major extermination programme." (15-3396 to 3398)

Would you allow reasonable men to differ then on whether there was any actual gassings or not?, asked Christie.

"If they had evidence that was brought forward that seemed persuasive, most people make their cases, and make their cases in such a way that the argument and the evidence upon which the argument is based can be seen by the reader, and to me, if I see an argument that simply denies the existence of evidence that I have seen, then I, indeed, wonder very gravely whether it is a serious or honest argument," said Browning. (15-3399)

He himself had only spoken to three persons who had been in Auschwitz during the war, two of whom were Yisrael Gutman and Henry Friedlander. All three were "survivors." He had never spoken to anyone who was involved in the administration of the camps; nor had he spoken to anyone who, on behalf of the German authorities, visited Birkenau during the war. (15-3399)

Browning had not seen any of the aerial photographs taken by the South African air force in overflights over Auschwitz-Birkenau from April 1944 to September 1944. He did not know anything about the South African air force but thought that he had seen a photo made by the United States Air Force. He understood that the CIA had released aerial photographs of Auschwitz-Birkenau in about 1979 and believed the photo he had seen came from that collection. (15-3400)

Auschwitz was not his area of research, but from what he had read, Browning believed that Crematorium I was a small crematorium in Auschwitz I and Crematories II, III, IV and V were built in Birkenau in 1943. There were also Bunkers 1 and 2 which had been converted from farmhouses. His understanding was that Crematorium I was not used after the fall of 1942 and was converted for some other use and that what was in Auschwitz today was remodelled or reconstructed after the war. (15-3401, 3403)

He had never seen a technical plan that purported to be a gas chamber. He had seen "only the ground plan printed in the back of a Filip Müller book...I have not seen plans of a gas chamber in Auschwitz. I have not looked into that. No, sir." (15-3401, 3402)

Christie referred to the New York Times article regarding Majdanek which Browning had read to the jury.

"I read that as an example," said Browning, "...to show the falsity of the statement in the book that had said no one had been to Majdanek, that no one had been allowed in. I read the statement as what was his witness of the gas chambers, yes." (15-3402)

Did he believe that article?, asked Christie.

"I have not been to Majdanek," replied Browning. "I do not know survivors were there. I have not worked through the court cases...at Majdanek, because that was not open when I was working in Ludwigsburg, because it was under appeal. In that sense I would not, as I have in the cases of Chelmno or Belzec, be able to cite the eyewitnesses and other things upon which I would base a statement, but if you ask my statement, yes, there were gas chambers in Majdanek." Browning admitted, however, that after seventeen years of research he had never seen a single gas chamber or what purported to be a gas chamber. (15-3403)

Christie suggested to Browning that he had previously described the alleged gas chamber at Auschwitz as a 'reconstruction.'

"I don't know," said Browning. "Did I say that?... It is my understanding that the crematoria -- Crematorium I in Auschwitz was not used after about the fall of '42; that was converted for something else, and that, therefore, what is there now was remodelled or reconstructed after the war, but, again, it's not an area in which I have done personal research." (15-3403)

Christie returned again to the subject of Raul Hilberg's previous testimony given at Zündel's first trial in 1985 regarding the alleged Hitler order and read out portions to the jury:

Page 828: Q. In your opinion, is there an order or was there an order of Adolf Hitler for the extermination of the Jews? A. That is my opinion, my conclusion. Q. Well, yesterday, I think you told us you were very sure there was an order. A. Yes. Q. Okay. Is that an important order? A. I would say so. Q. Is it a specific order? A. Well, that was, of course, another matter. How specific it was, and in what form it was given, to how many people it was relayed was, in fact, a considerable subject of discussion at Stuttgart.

Page 832: Q. So we don't have the order? A. The order was oral, and all we have are the reflections of Adolf Hitler's words as described by Jodl. We have, however, the words also of other people who were talking to Adolf Hitler, which were more direct and more specific, but those words occurred in different contexts, such as Henry Himmler's words, and words spoken by other people. In any case, the order was oral. Q. The order was oral, and you don't know what the exact words were, I suppose. A. You are quite correct. No one knows the exact wording.

Page 846: [Note: In the following questions to Hilberg in 1985, Christie was reading from an article entitled "The Holocaust in Perspective" in which Hilberg was quoted]

Q. "Hilberg said, but what began in 1941 was a process of destruction not planned to advance." Correct?

A. Correct.

Q. "Not organized centrally by any agency." Correct?

A. Correct.

Q. "There was no blueprint." Correct?

A. Correct.

Q. "There was no budget for destructive measures." Correct?

A. Correct.

Q. "They were taken step by step, one step at a time." Correct?

A. Correct.

Q. "Thus came about not so much a plan being carried out, but an incredible meeting of minds, a consensus, mind reading by a far-flung bureaucracy." Correct?

A. Yes.

Q. You said that, didn't you? A. I said that. I said nothing about any order not existing.

Q. No, nothing there about any order. Right.

Did Browning agree with Hilberg, asked Christie, that there was an 'incredible meeting of minds, a consensus, mind reading by a far-flung bureaucracy'?

Browning replied that he would have framed it somewhat differently: "... I think Hilberg's interpretation is a little bit too much focused on an almost autonomous bureaucratic process, that my own understand[ing] would emphasize greater the kind of initiatives and signals coming from Hitler that were understood by those under him to be orders, such as Heydrich's statement to Eichmann that the Führer has ordered the physical extermination of the Jews and various references to the task 'I have received' or 'the order I have received' in Himmler's speeches given in World War Two." (15-3408)

Did Browning consider Hilberg to be a reasonable historian?, asked Christie.

"As we have said," replied Browning, "I consider that this is an area in which there can be different interpretations by reasonable men." (15-3408)

Christie put it to Browning that reasonable men did not have to believe in the existence of "mind reading" at all. Browning disagreed: "I would suggest that that is a metaphor or a way of trying to articulate that a large number of people who had been involved in shaping and carrying out a process of discrimination against the Jews had reached the point where something had to be done or that would not be the way

something -- they had reached a point where they were receptive to signals." (15-3409)

Did this include 'nods' and 'winks'?, asked Christie.

"Himmler...if they were with him, it wouldn't have taken more than a kind of nod," said Browning, "why Himmler would know about the European Jews after the Einsatzgruppen had already been killing Jews in Russia. That, again, is a figure of speech to indicate that it didn't take a major conference; it didn't take an explicit written-out order. These were men who were seeking to understand what Hitler wanted, and were seeking to implement it." (15-3409, 3410)

Christie put the question to Browning again: did he think a reasonable man could disbelieve in the existence of "mind reading by a far-flung bureaucracy" or "an incredible meeting of minds"?

Browning replied that he had understood the question to mean, could a reasonable man in fact invoke such a metaphor. He believed a "reasonable person could disagree with his interpretation." (15-3410)

Could a reasonable man disbelieve this "incredible meeting of minds" that was supposed to be accomplished in the form of a plan to move 5 million Jews across Europe to their destruction?, asked Christie.

"If the person making the statement denied the very existence of some of the documents that were -- had been the basis of those that believed otherwise, if they misrepresented certain documents in trying to articulate their case, I don't know if I would consider it a reasonable response ... a historian trying to sort out a very complex phenomenon would certainly do his best to represent the documents. Some of the documents are complex. I would agree that documents can be read in different ways. The question is -- for instance, in the pamphlet, it simply doesn't even acknowledge the existence of any documents..." Browning pointed out that Harwood alleged Reitlinger used a source which did not in fact appear in Reitlinger's footnotes. In Browning's opinion, the distorting of documents, "particularly if there is a pattern of it, is evidence that he is not trying to reach a reasonable conclusion." (15-3411, 3412)

Would Browning agree, asked Christie, that even if there was no pattern of distortion but a very crucial distortion of a document was made, it would tend to imply an intent to deceive? Browning replied that it would be highly relative to the key document in question. (3412) He acknowledged that he himself had made the Wannsee protocol an important document. He agreed that his interpretation of the document was that no Jews were to survive and that he had written this on page 33 of his book *Fateful Months*:

Heydrich's Wannsee Conference invitation of November 29, 1941, contained a copy of Göring's July 31 authorization. At the conference Heydrich invoked not only it but also "previous approval through the Führer." All Jews, Heydrich announced, would be deported to the east for labor. Most would disappear through "natural diminution." The survivors, the hardiest, would be "treated accordingly," for no Jews were to

survive "as a germ cell of a new Jewish reconstruction." [15-3414, 3415; Fateful Months, p. 33 filed as Exhibit 66 at 15-3543]

Browning acknowledged that on page 78 of his book *The Final Solution and the German Foreign Office*, he had used the following direct translation of the Wannsee protocol:

The remnant that finally survives all this, because here it is undoubtedly a question of the part with the greatest resistance, will have to be treated accordingly, because this remnant, representing a natural selection, can be regarded as the germ cell of a new Jewish reconstruction if released. [15-3415; *The Final Solution and the German Foreign Office*, p. 78, filed as Exhibit 67 at 15-3545]

Christie suggested to Browning that in fact the proper translation of the last line was not "if released" but "upon release" or "upon liberation." He produced the English translation of the protocol published by Raul Hilberg in his book *Documents of Destruction*:

The inevitable final remainder which doubtless constitutes the toughest element will have to be dealt with appropriately, since it represents a natural selection which upon liberation is to be regarded as a germ cell of a new Jewish development. (See the lesson of history.) [*Documents of Destruction*, p. 94, filed as Exhibit 68 at 15-3546]

Browning acknowledged that his own translation said "if released" while Hilberg's translation said "upon liberation," but he did not know if it entailed a different meaning. After checking the original German document where the words *bei Freilassung* appeared, Browning stated that Hilberg's might be "a more accurate translation" but he did not think that either translation implied there was going to be a release when looked at within the context of the document. (15-3417 to 3421)

Because Browning believed the document proved an extermination, suggested Christie, he interpreted it in a manner consistent with that belief. Browning replied that he had interpreted it in the context of earlier documents such as the Frank diary. (15-3421, 3422)

Christie challenged Browning on his use of a small portion of the extremely large Frank diary and asked whether he was being fair in using that portion as evidence of Frank's understanding and intention.

"Frank's intentions and understanding changed back and forth a great deal," said Browning. "If you read through the diary, and I have read much of it in fact, you find he is a very vacillating character, that goes back and forth between what I would call a more pragmatic and rational - not rational, but a more pragmatic approach that is in line with what Göring, who he often worked with, emphasized in terms of, as he quotes Göring approvingly, at one point, 'We should use the Jews for labour and save racial policy till after the war', and when he, on the other hand, receives what I would call 'signals' from Hitler, he usually very radically changes. He is a volatile personality." Browning thought the evidence he had given on Frank was a fair representation of what Frank thought on December 16, 1941. (15-3423)

Although Browning knew that the diary had been used against Frank at the Nuremberg trials, he had not looked at the transcript of the evidence given by Frank at the trial nor specifically what Frank said about the 1941 diary passage which Browning relied upon for his own opinions. (15-3424)

In fact, Christie, suggested, Frank had clearly testified at the trial that he was not talking about a policy of mass murder at all.

"A man on trial for his life," replied Browning, "may well have done that...He at some times accepted responsibility in the most extravagant terms, and at other times, I believe, didn't, that, in fact, this is part of what I had said earlier, he was a very volatile personality." (15-3425)

Christie pointed out that Browning picked out part of Frank's testimony that supported his thesis and simply denied, ignored or didn't know other things Frank had said that provided clarification. Browning repeated that he didn't know "what he said at Nuremberg. I do know many of his other statements." (15-3425)

Christie produced and read an excerpt from Frank's testimony before the International Military Tribunal on 18 April 1946:

...when, on 30 April 1945, Adolf Hitler ended his life, I resolved to reveal that responsibility of mine to the world as clearly as possible.

I did not destroy the 43 volumes of my diary, which report on all these events and the share I had in them; but of my own accord I handed them voluntarily to the officers of the American Army who arrested me... To these accusations [in the Indictment], I can only say that I ask the Tribunal to decide upon the degree of my guilt at the end of my case. I myself, speaking from the very depths of my feelings and having lived through the 5 months of this trial, want to say that now after I have gained a full insight into all the horrible atrocities which have been committed, I am possessed by a deep sense of guilt.

Browning did not dispute that Frank handed his diary over to the Americans. He also knew that at Nuremberg, Frank had alternately acknowledged and denied his guilt. (15-3428, 3429) Asked if this passage indicated prior knowledge of the extermination programme, Browning testified: "I would say that in the diaries there is earlier knowledge of the extermination programme. To what detail, whether he knew the details of the camps and the actual technology of organization of the camps, I don't know. I know there was a great rivalry between him and Himmler, between the SS and the civil administration in Poland, and that while I think there is, in the diary, evidence that he knows in fact of the destruction taking place, I don't believe there is specific references that say he knows the details of the gas chambers." (15-3433)

Did he know anything about torture at Nuremberg?, asked Christie.

"I certainly have not seen any evidence about torture at Nuremberg."

I put it to you, said Christie, that some of the defendants alleged torture at Nuremberg and their testimony was stricken from the record, but we knew about them because they were reported in the press at the time.

"I have seen a reference to that," said Browning, "but I have seen no evidence in terms of anything to confirm that." He admitted, however, that he had never made any inquiries with press sources. (15-3429, 3430)

You tend to disregard anything that tends to show the innocence of these accused, isn't that right?, asked Christie.

"I tend to place a very great weight on the written documents at the time, and I tend, in evaluating evidence, to put greater weight on statements that...witnesses make about events that are not pertaining to their own guilt or innocence but are relating about other events, because in the person's own case, of course, they have a highly vested interest...If there is a document that I have that is in contradiction to the later denial of the defendant, I put much greater emphasis and weight on the written document of the time than I would on the subsequent verbal denial." (15- 3430, 3431)

He agreed that a document like the Wannsee Conference protocol was open to different interpretations. He translated the word *ausrotten* as "extermination." He did not think the interpretation "uprooting," as suggested by Christie, was a normal one and would want to see a German dictionary where it was listed as a regular interpretation. He had read Butz's book [The Hoax of the Twentieth Century] and remembered some discussion by Butz that such words could have a variety of meanings depending upon the inflection and the circumstances of the speech. He repeated, however, that he would want to consult a German dictionary. (15-3432)

Browning never looked for the Butz book in a library as he had his own copy. In Browning's opinion, Arthur Butz denied the Holocaust as Browning explained it. (16-3688)

Christie returned to the transcript of Frank's testimony where he was asked 'Did you ever participate in the annihilation of the Jews?'. Frank replied:

I say "yes;" and the reason why I say "yes" is because, having lived through the 5 months of this trial, and particularly after having heard the testimony of the witness Höss, my conscience does not allow me to throw the responsibility solely on these minor people. I myself have never installed an extermination camp for Jews, or promoted the existence of such camps; but if Adolf Hitler personally has laid that dreadful responsibility on his people, then, it is mine too, for we have fought against Jewry for years; and we have indulged in the most horrible utterances -- my own diary bears witness against me. Therefore, it is no more than my duty to answer your question in this connection with "yes." A thousand years will pass and still this guilt of Germany will not have been erased.

Browning believed this passage showed that Frank knew Jews were being destroyed in Poland: "The Polish Jews were being destroyed, and that he was not directly involved in the camps, and he is saying that the camps were in someone else's jurisdiction...He says 'I did not build them and I did not support them'. Globocnik

financed the camps out of his own labour camps." Although Frank was the Governor-General in Poland, and the passage did not refer to Globocnik, Himmler also carried on in Poland and in many ways quite independently from Frank. (15 3437)

Christie asked whether the words "but if Adolf Hitler has personally laid that dreadful responsibility on his people, then, it is mine too" implied that Frank knew of such an order. In Browning's opinion, "what he says earlier in the diary would indicate that, indeed, he knew that there was an intention to destroy the Jews." From those words of Frank, Browning derived that "he was accepting a responsibility at the end." Browning rejected Christie's suggestion that the passage indicated no knowledge on Frank's part of any Adolf Hitler decision: "I don't think he's referring to an order in there. I don't see any reference to an order." (15-3437, 3438)

You didn't tell the jury about this because you didn't know about this part of the record, I suppose?, asked Christie.

"I came to give evidence on the pamphlet," replied Browning. "The pamphlet stated there were no documents. I showed some documents that I believed were in contradiction...In cross-examination, one is open to questions...on many topics that I cannot come fully prepared for." (15-3439)

Did he really think, asked Christie, that the testimony of Hans Frank at the International Military Tribunal, where he denied supporting the existence of such camps, was an unimportant thing to consider or was he just telling the jury they didn't need to know that?

"I think the statements you read is not in contradiction, that indeed he did not build or directly support the camps, they were under the SS, and the SS, not always, but in many cases, quite often, were in conflict with one another, so I don't see that that is a contradiction," said Browning. He did not tell the jury about the Frank testimony at Nuremberg because he had not read it: "How can I refer to that if I have not read it?" (15-3440)

After suggesting that if Browning really was a qualified historian with respect to Frank that he would have read the Nuremberg transcript, Christie continued reading from the International Military Tribunal transcript for 18 April, 1946. In this testimony, Frank described a conversation he had with Hitler on 7 February, 1944:

In the presence of Bormann I put the question to him: "My Führer, rumors about the extermination of the Jews will not be silenced. They are heard everywhere. No one is allowed in anywhere. Once I paid a surprise visit to Auschwitz in order to see the camp, but I was told that there was an epidemic in the camp and my car was diverted before I got there. Tell me, My Führer, is there anything in it?" The Führer said, "You can very well imagine that there are executions going on -- of insurgents. Apart from that I do not know anything. Why don't you speak to Heinrich Himmler about it?" And I said, "Well, Himmler made a speech to us in Krakow and declared in front of all the people whom I had officially called to the meeting that these rumors about the systematic extermination of the Jews were false; the Jews were merely being brought to the East." Thereupon the Führer said: "Then you must believe that."

Was this conversation important historical evidence or a mere concoction by Frank? Would it be fair as a balanced historian to consider what Frank said?, asked Christie. Browning stated it was "post-war testimony" but agreed that he himself used a fair amount of such testimony in his own books. "If we were dealing with Frank as the defendant, yes, I would certainly go into it...If I were doing major work in that area, certainly, it's something that I should consider." (15-3443, 3444)

Well, I put to you, said Christie, that when you come to court and testify about the significance of the document, that's major work when, for example, one's liberty is at stake, or their future as a citizen is at stake, because they are charged with publishing falsehood. That's serious business, I suggest. Don't you agree?

"Okay," said Browning. (15-3445)

Christie continued: And if you are going to tell this court that Frank's diary should be taken as evidence of an extermination policy, don't you think it would be fair to consider, and proper to advise the jury about, the existence of denial such as this, if you had known of it?

"If I had known of them, I see that you are informing us of it," Browning agreed. (15-3445)

I suggest to you, as a properly informed historian, you should have researched into it to find out if he said anything about these diaries, under oath, at Nuremberg, because you knew well he was an accused, shouldn't you have?, asked Christie.

"There are many things that -- many documents I have not yet read, yes." (15-3445)

Browning admitted he had used the Nuremberg transcript before but denied that he had a habit of picking the parts that supported his theories: "I try to look at all areas. It is certainly possible that there are things that I have not seen. There are things I admitted that I have not seen." Before he made a decision on the importance of the Nuremberg passages of Frank's testimony, however, he would want to see more. (15-3446)

Christie continued reading from Frank's testimony before the International Military Tribunal on 18 April, 1946:

When in 1944 I got the first details from the foreign press about the things which were going on, my first question was to the SS Obergruppenführer Koppe, who had replaced Krüger. "Now we know," I said, "you cannot deny that." And he said that nothing was known to him about these things...

Browning said: "Frank there is claiming to have learned through the foreign press -- I presume he's referring to the details of a death camp. Is that the right context?" (15-3447)

Now I'm suggesting that it doesn't support your extermination thesis, that Frank's diary was evidence of his knowledge of that extermination on the date...in 1946, when

confronted with it, he indicates he learned about that from the foreign press in 1944. Those are conflicts, aren't they?, asked Christie.

"I think, again, we're confusing intimate knowledge of the death camps and a general policy of extermination," said Browning. He believed that Frank knew about a general policy of extermination: "...he is indicating he didn't, in 1946...that post-war statement does not seem to be borne out by the documentation in his own diary." (15-3448, 3449)

Browning acknowledged that Frank was hanged and that in his testimony he had made it clear that he did not expect anything but execution. Browning did not believe Frank, facing death, was concocting the explanations: "...I said that those explanations seem to refer to explicit knowledge of the death camps, not to a general question of exterminating the Jews, except the one where his story about talking to Hitler..." (15-3450)

Browning agreed that it was important to look at the documents and was "happy" to look at them: "I am glad that you have brought my attention to them...If I look through it with care, they may alter my view." (15-3450)

Christie returned to Frank's testimony before the International Military Tribunal on 18 April, 1946:

...I heard quite a lot through enemy broadcasts and enemy and neutral papers. In answer to my repeated questions as to what happened to the Jews who were deported, I was always told they were to be sent to the East, to be assembled, and put to work there. But, the stench seemed to penetrate the walls, and therefore I persisted in my investigations as to what was going on.

Do you think this implies a man who believed in extermination but actually is just lying here?, asked Christie.

"Those statements stand in contradiction to the contemporary -- the documentation of the war period," said Browning. He did not agree that the statement put a new light on Frank's earlier statements: "No, I think they stand in contradiction to it." (15 3451)

Christie suggested to Browning that nothing appeared to be able to change his mind about anyone who was an accused. Browning disagreed: "...when Eichmann denies the claim that he was responsible for delivering Zyklon B gas, when he denies that he was in Auschwitz before the spring of 1942, which the Israel courts were accusing him of, I do indeed accept Eichmann's explanation. I think he was telling the truth. I do not invariably always reject the statement of the man who is a defendant." (15 3452)

Christie returned to Frank's testimony:

DR. SEIDL: Witness, you have told us what you did for the welfare of the population of the Government General. The Prosecution, however, has charged you with a number of statements which they found in your own diary, and which seem to contradict that. How can you explain that contradiction? FRANK: One has to take the

diary as a whole. You can not go through 43 volumes and pick out single sentences and separate them from their context. I would like to say here that I do not want to argue or quibble about individual phrases. It was a wild and stormy period filled with terrible passions, and when a whole country is on fire and a life and death struggle is going on, such words may easily be used... Some of the words are terrible. I myself must admit that I was shocked at many of the words which I had used.

Did that explanation put a different light on the violent language Frank used in his diary?, asked Christie.

"As I have said earlier," said Browning, "I think he in fact had a volatile personality, that when you look through the diary there are changes of policy and mood and at many occasions, Frank stands for what might be called a moderate policy to try to enlist, for instance, aid, co- operation, of Poles; that at other times, when he believes that the opposite is expected of him, he goes into very radical policies and endorses them. It is not a clear record, but it is a pattern of volatility from moderation to radicalness and back, and in 1946, looking back, indeed, he would have some trouble figuring out himself what that pattern was." (15-3453, 3454)

May I suggest to you, said Christie, that he didn't have any trouble figuring out what motivated him in those passages, sir, and let me suggest to you that there was a partisan war going on, women and children were being slaughtered in his territory by partisans? Isn't that true?

Browning disagreed since, while there was partisan activity in the later part of the war, many of Frank's most extraordinary statements were made in the early part of the war, "for instance, the discussion of the meeting of late May of 1940 when he talked about the extermination of the intelligentsia. There is no reference to partisan warfare that had not begun yet...The Führer, he says, has told him that the Polish intelligentsia must be exterminated and it is an example then that he goes to radical action, that many of these radical actions have nothing to do with partisan warfare. They have to do with Frank's desire to serve his Führer." In Browning's opinion, Frank's radical expressions could not be explained in terms of a partisan resistance. (15- 3454, 3456) Browning later corrected this testimony, however, after re-reading Frank's diary. He acknowledged that Frank referred to an imminent outburst of partisan activity and that part of his motive was the partisan war. (16-3645)

Christie returned to Frank's testimony at Nuremberg:

DR. SEIDL: Is it correct that your actions as Governor General, and undoubtedly also many excesses by the police and the SD, were due to the guerrilla activities? FRANK: ...In fact, the resistance movement -- I will not call it guerrilla activity, because if a people has been conquered during a war and organizes an active resistance movement, that is something definitely to be respected -- but the methods of the resistance movement went far beyond the limits of an heroic revolt.

Were the partisans engaged in a heroic struggle of resistance?, asked Christie. Browning replied that "given what I now know about Nazi policy in Poland beginning in 1939, it would be very surprising if there were not resistance, and I, indeed, would be sympathetic to that resistance to National Socialist occupation in Poland. If you

were asking a value question of where my political sympathies lie, whether I am pro-Nazi or anti-Nazi, I think we can write history without being totally politically neutral...if the implication is history can't be written by people that didn't like Hitler, I would say no." He continued, "I would say that I do certainly sympathize with people who were resisting the Nazi occupation in Poland...on the basis of documents I've read about what the Germans were doing in Poland, yes...It has to do with the German documents about what they intended for Poles, such as their plans in this case, it was a resettlement plan, if we call it resettlement to move six or seven million Poles from incorporated territories that are dumped into the General-Government...Many on the local level noted that German policy was bound to lead to resistance. Frank later goes to Hitler in 1942 or '43, I don't remember the exact date, and complains that policies there are not in the best interests of Germany." (15-3461, 3462)

I put it to you, said Christie, that the methods of resistance used involved blowing up civilians, killing people who were not combatants, the slaughter of German women and children under the most atrocious circumstances, and the systematic undermining of all measures to bring about the recovery of the country.

"Undoubtedly, in that resistance, the distinction between combatant and [non]combatant had long ceased to exist," agreed Browning. "...I do not know, but I can imagine that the partisan resistance in Poland led to many of those things. I do not know how many women and children were slaughtered. I do not know the details of some of that. I think that, certainly, one area of research would be to go through the military papers of the occupation to look at that question, but I do believe that many of those things, the slaughter of civilians and whatever, had already been inflicted by Germans on Poland before after they had even surrendered and been beaten, and that it very likely produced a similar reaction from the Poles against the Germans..." Browning agreed that such things did happen, but in his opinion partisan warfare was not the motive or the shaping force behind what the Germans or Frank were doing when Frank wrote the first parts of his diary. (15-3463, 3464)

Browning testified that if he studied the Frank testimony "it may very well" result in a change to his earlier testimony regarding the Frank diaries but as of now he had not done so. (15- 3465, 3466)

Christie suggested that the Frank diary and the Wannsee Conference protocol were the major reasons Browning believed there was an extermination programme. Browning replied that the Frank diary was "one of the documents that contributes to that, yes" and that the Wannsee protocol was "certainly another." (15-3466)

Browning disagreed with the suggestion that the Wannsee protocol was actually a formula for exploiting Jewish labour in the east: "I do not think that is a proper interpretation of the document." (15-3466)

I put to you, said Christie, that the National Socialist government and the Nazis of the day, as everyone refers to them, frequently, in their public pronouncements, believed that only the best and the strongest should survive, and that was good for society; wasn't that their general theme?

"They certainly, in terms of the justification of Aryans over others, viewed themselves as a superior race," replied Browning, "that had the right to dominate over others. There is a strong social doministic element in their thinking." (15-3467)

The idea of the survival of the fittest didn't just apply to themselves, as you say, suggested Christie, dominating over others; it applied also in their views of various developments in other nations didn't it? Browning disagreed: "I have never seen any reference in any document that views the Jews in that manner." Browning rejected the suggestion that the Wannsee Conference protocol itself was such a document: "I don't believe that is a proper interpretation of the document." (15 3467)

Christie put to Browning that the Wannsee protocol could certainly be interpreted as being consistent with the idea of survival of the fittest and working the weak to a point where they could no longer survive.

"They are saying they are going to work the weak where they no longer can survive; a great part, it says, or the most part, would fall away," said Browning. He would translate the German word Aufbau [which Hilberg translated as "revival"] as "reconstruction." Christie pointed out that there was a Jewish newspaper called Aufbau and suggested that it could also mean "renaissance." Browning disagreed. In his opinion, the document said that the remainder of the surviving Jews must be "treated accordingly" and this meant they must be exterminated: "I believe that that is what the document means. I believe it is, because the man who is there, Eichmann, indeed has confirmed that when he was asked at Jerusalem, what did some of these phrases mean, such as...(German phrase), he replied 'killing solution'." (15-3470, 3471)

The Eichmann trial testimony was a major factor in his interpretation of the Wannsee protocol. In addition, "[t]he fact that...labour does not seem to be the major concern; the complaint of a number of the German officials that the labour is disappearing, the Jews are being sent to destruction, as Frank himself phrased it would make it very difficult to see this as a primacy of labour, that...this should be seen as not a matter of destruction." (15-3472)

Browning agreed that there was a scarcity of labour after 1942 and that there were many people who wanted to use Jewish labour. He did not agree that the scarcity and the multitude of demands for labour was an explanation for the disappearance of Jewish labour: "No, I think it was because the Jews were disappearing...5 to 6 million." (15-3473)

You are aware, asked Christie, that to accomplish this disappearance of 5 million Jews, leaving aside the Einsatzgruppen, there must be gas chambers and crematoriums?

"Most of the disposal of bodies did not take place in a crematorium. Often, the camps, according to the eyewitness testimony, used burning in pits," said Browning. (15-3474)

Are you aware, asked Christie, of how difficult it is to burn a human body?

"I have not burned one myself personally," replied Browning. Nor had he ever inquired about cremation processes or how much heat and time it took to cremate a human body: "...but I have seen countless testimony in terms of the -- countless may not be the right word, but very, very many testimony in terms of the burning of bodies." (15-3474)

Christie suggested to Browning that the reason why it was important to check the CIA photographs from April 1944 to September 1944 was because in not one photograph was there evidence of any smoke that had to exist either from the burning pits or the crematoriums that were supposed to be belching smoke. Browning replied that one "would have to look at the dates of the photos and would have to note the arrival of transports...I have not done that." (15-3475)

But didn't Browning know that between April 1944 and September 1944, approximately one million people were supposed to have been done to death in Auschwitz and cremated or burned in pits?, Christie asked.

"I know that there are major deportations into Auschwitz [from] Hungary from May into July," said Browning, "that there are deportations from Lodz and Slovakia in August, and that there are many witnesses, or there are witnesses, to the fact that they were gassed and cremated."

I suggest, said Christie, that if you go to the National Archives and do a search to look at those photographs, you won't find smoke on any of those days to indicate cremations that you are talking about. Would you consider it necessary to check your survivors' testimonies, to determine if what they say is really physically possible, in order to be an accurate historian?

"I would like to check the dates indeed," said Browning. (15-3476)

Christie returned to the subject of Raul Hilberg's previous testimony on the alleged Hitler order for extermination. He produced the 1985 testimony in which he questioned Hilberg on a quote from page 177 of his book *The Destruction of the European Jews*:

Page 851: Q. "Shortly after the mobile operations had begun in the occupied Soviet territories, Hitler handed down his second order."

Now, where is his second order? A. The problem with that particular order is the same as it is with the first. It is oral. Q. It is oral. A. And there are people who say, no, it was not one order at all. It was a series of orders that were given to various people at various times. Q. Mm-hmmm. A. This is a matter for dispute and for argument among historians, and for this purpose one has meetings and second editions of books, too. Q. I see. So you have to correct that statement in your second edition. Right? A. No, I am not saying that I have to correct this statement, but there are corrections in the second edition, of course.

Browning acknowledged that he had written a review of Hilberg's second edition in an article entitled "The Revised Hilberg" published in volume 3 of the Simon Wiesenthal Center Annual in 1986 (15-3493) where he wrote at page 292:

What is new in the revised edition? The changes are of four kinds. The first is an updating of bibliographical reference; the second an updating of content. The third is a significant change of interpretation concerning the decision-making process and the role of Adolf Hitler therein. The last is a moderate change of tone in how Hilberg speaks of the delicate and controversial issue of the Jewish response.

Browning agreed that in his second edition, Hilberg made a significant change of interpretation concerning the decision-making process and the role of Hitler:
"Particularly in the way in which he phrases and expresses or articulates the beginning of the second phase of the 'final solution'." (15-3494)

At page 294 of Browning's article he had written:

In the new edition, all references in the text to a Hitler decision or Hitler order for the "Final Solution" have been systematically excised. Buried at the bottom of a single footnote stands the solitary reference: "Chronology and circumstances point to a Hitler decision before the summer ended." In the new edition, decisions were not made and orders were not given.

Browning testified that this was his "summary, interpretation" of Hilberg; he agreed with Christie that he had honestly expressed what the second edition appeared to entail. (15-3495)

It was not correct, Christie suggested, to say that there was no correction on this very important point from the first edition to the second edition, was it?

"It would depend upon how Professor Hilberg understood the questions that you asked. If it is understood as a single explicit order, but I don't think he is saying that, then yes; if he is, as he expresses here, saying this is a problematic question and that there are series of orders or that it's being discussed among historians, it depends on if one takes a strict constructionist or a more liberal interpretation ... I think what he has done is changed the way in which he talks about what does he mean by a decision, what does he mean by an order; that I think the whole thrust of the second edition is to explain or to show in it that we don't have the same understanding of that concept anymore." (15-3496, 3497)

Wouldn't it, asked Christie, have been more honest for Hilberg in his testimony to say what you just said: that in the new edition all references in the text to a Hitler decision or order for the "final solution" had been systematically excised? Wouldn't that have been the truth?

"It would have been," Browning agreed. "If he had said such it would have agreed with what I said here. I don't know what was in his mind as he understood what you meant by what degree of change, whether it was -- that whether there should be a second phase or whether he was thinking that it's a question of did Hitler give the indication vis-a-vis the Broszat/Mommsen view that there was no decision. I think that is one way in which you could understand what he said here because it is following -- I'm not sure what -- I think that he has, in the same context, said there are many arguments among historians on that purpose." (15-3497)

But, Christie pointed out, I asked him not about arguments among historians but I asked him specifically whether he, Raul Hilberg, had to correct the statement about a Hitler order in his second edition.

"And he re-articulated that in the second edition," replied Browning.

He changed his position significantly from the first to the second edition, didn't he?, pressed Christie.

"He changed the way in which he articulated it. In terms of a first and second phase, that sort of thing, the fact that he thinks Hitler was still as -- if you read further in his book, he says still central to it. I don't have the quote. Hitler -- as I read on here, Führer professed, commented and wished and that, as he put it, at the centre of this -- I don't remember what the new Hilberg edition does say -- but he goes on to add after that that Hitler is very much at the centre of it and that his wishes, desires, comments in a sense help to crystallize this. So, if you are looking at this in terms of does he still feel that Hitler is the centre of it, it is not a change. It certainly is a change in which he articulates the problem...It is a significant change in terms of this -- it is -- significance is a relative term. I have called it a significant change in the sense that it is, I think, the biggest change that he has made in the book in comparison to what he has before...I have also said in the -- that the general structure and overall interpretation remains the same." (15-3498)

Browning believed the change was made by Hilberg in response to the debate that had taken place on the issue. He agreed that when Hilberg gave his testimony, three months before the release of the second edition, the book would certainly "have been in manuscript form, probably beyond that." (15-3499, 3500)

Christie suggested to Browning that one of the theses of *Did Six Million Really Die?*, the denial of the existence of a plan to exterminate the Jews, was supported by the fact that Browning could not point to a decision of Hitler, who was a dictator.

"Certainly the lack of a written order or an ability of historians to point to a particular conference or date has been evoked for that argument," replied Browning. "We cannot point to a particular meeting or particular words. We do not know those...There are gaps in the evidence. We do put together the evidence in as best a manner as we can. It will involve measuring probabilities, as I have said, in this question of a Hitler order. It is a question of probability. I don't know if I said that in here, but I did at Stuttgart, that this certainly is an issue where, because of the difficulty of the documentation, we do indeed deal with degrees of probability." (15-3501, 3502)

If then, Christie asked, we are dealing with a charge of mass murder against an entire nation, might a reasonable man ask you for proof beyond a reasonable doubt before they would believe that the extermination plan really existed?

"Well, you're now switching from a Hitler order to the issue of an extermination plan." (15-3502)

Christie pointed out that without a Hitler order in a country which operated under his absolute dictatorship, and without specifics of the decision, Browning could only speculate and attempt a reconstruction.

"We do attempt to reconstruct," Browning answered. "...We have several things here. One, you're saying, I forget the exact words, but attributing this to something about the guilt of the Germans again, and I have said I don't want to confuse issues of historical analysis with judicial or ethical decisions or attributions of guilt. In terms of the latter, again yes, in this area we are talking about questions of probability. I think that that is why there has been a great deal of dispute over the question of whether there is a Hitler decision and how that is transmitted down the bureaucracy. When we are arguing for whether, in fact, this then set in motion planning and the emergence of a plan for the extermination of the Jews, then the documentation becomes a much wider one. You have lots and lots of pieces and it is a question of whether, having put pieces together, as you put it beyond a reasonable doubt, or in fact all of these different activities were set in motion by a plan. Among those pieces of evidence, as we have said, are witness accounts such as Eichmann, from Heydrich. 'I have received -- the Führer has given the order for the extermination of the Jews.' It is in the removal of Jews from all parts of Europe, including women and children and old people that had very little to do with labour, and it is those kinds of wider context that one then argues about beyond reasonable doubt...the issue of the Hitler order or how it was initiated is very much a question of probabilities. In my opinion, the fact that there was a programme for extermination set in motion and that the degree to which this encompassed all of Europe, in my view establishes that beyond a reasonable doubt." (15-3502 to 3504)

In Browning's view, "The question of probability...referred to whether a Hitler order or initiation is taken in one way or another, or as Broszat and Mommsen argue, was or was not necessary. Some have said it wasn't even necessary. I don't particularly share that view, but the issue of whether, in fact, there were deportations from these different places and that the other events we've talked about in terms of what happened to these people when they got to these camps, I have reviewed this kind of evidence I use, documentary and eye-witness, and in my opinion, beyond a reasonable doubt, these people were murdered." The number in his opinion was between "5 and 6 million." (15-3504, 3505)

Christie returned to "The Revised Hilberg" at page 296 where Browning had written:

In Hilberg's view the "German administrators were driven to accomplishment." But the source of this drive was neither Hitler's ideology, which merely sanctioned what they wanted to do anyhow, nor frustration at the cul-de-sac into which they had haplessly maneuvered themselves. For the perpetrators the Final Solution was "an undertaking for its own sake, an event experienced as Erlebnis -- lived through by its participants... The German bureaucrats... all shared in this experience... They could sense the enormity of the operation from its smallest fragments...they understood each other." In short, they were driven by a kind of hubris, intoxicated by daring to do what had never been done before. The machinery of destruction was self-propelled.

Browning testified that this was his summary, which he believed to be accurate, of Hilberg's explanation of the motivation of the perpetrators and how they became involved. (15- 3506)

Was it credible beyond a reasonable doubt, asked Christie, when someone like Raul Hilberg says the machinery of destruction was self-propelled?

Browning replied that Hilberg, more than anyone else, had gone through the "countless activities of many different kinds of organizations." In Browning's view, "What he sees time and again is a capacity of officials to operate without an explicit order, knowing in a sense that something must be done to move in, to handle the kinds of problems that emerge -- what do you do with insurance accounts or pensions, these -- what do you do with gas bills...unpaid gas bills, that sort of thing. He looks at many of these very obscure kinds of documents and his attempt to explain how that all takes place since, in fact, many of those auxiliary activities that he finds essential to all of this are done really in -- with a kind of -- he calls it consensus or synchronization." (15-3508, 3509)

Let me suggest to you, said Christie, that you can't find an order, you can't find a budget, you can't find a plan so you call the machinery self-propelled.

"What you do find," replied Browning, "is lots of initiatives, lots of receptivity and one way to express that, in this case, is to -- the term I chose was self-propelled, to express Hilberg's study of those many kinds of activities auxiliary to the whole operation." (15-3509, 3510)

Do you expect people to have to believe that beyond a reasonable doubt as proof of an extermination plan for the European Jews?, asked Christie.

"That they would have to accept the expression that the bureaucracy was self propelled is a question of interpretation," replied Browning. He reiterated that Eichmann testified in Jerusalem and in other accounts made before going to Jerusalem that Heydrich, who died in June of 1942, told him of an order received from Hitler: "...Eichmann, on all the occasions in which he discussed it both in the written memoirs, his testimony in Jerusalem, and the earlier version that he gave before he was under arrest...says the same thing." (15-3510 to 3513)

Did he consider himself an expert in euphemism and, in fact, believe there were only five or ten people more qualified than himself?, asked Christie.

"I have said that in terms of the German bureaucratic language which we characterized as euphemisms, I don't know whether I initiated the term or you, that I thought I had looked at a large number of these documents and therefore that I was qualified in terms of a political and historical context to make judgments about what their meanings would be...[The figures of five to ten more qualified people] was a figure I just pulled off the top of my head. I wouldn't go counting. I don't know what the number would be...I don't stand by that particular number," said Browning. (15-3515, 3516) The people who worked with the documents and were familiar with the various terms were Raul Hilberg, Helmut Krausnick, Uwe Adam, Hans-Heinrich Wilhelm and Professor Marrus. (16-3798)

Browning had published articles in Yad Vashem Studies. Yad Vashem was known as the Heroes and Martyrs Remembrance Authority. While some used the Holocaust for a political agenda, he did not know "whether or not one would characterize the entire institution of the Yad Vashem that way..." In his experience, Yad Vashem had opened their records to him as a scholar and been very co-operative: "...they have never insinuated to me or told me that I have a particular political agenda to follow." (15-3516)

Christie inquired whether Yad Vashem would have the same attitude if he questioned the Holocaust the way some revisionists had.

"That would be speculation," said Browning. "I do know that when I have brought forward things that I don't think are particularly popular, such as the publication of the article on the Jewish informer, this is not a topic that is popular to talk about, the presence of Jewish informers, I was in no way discouraged from doing it." He agreed the topic did not entail a questioning of whether 6 million Jews died or whether gas chambers existed. (15-3516, 3517)

In his Yad Vashem article, Browning indicated that the term "final solution" meant, at one time, the deportation to a reservation in the Lublin area and not extermination. "There I use the term Endziel, and I said in my opinion, Endziel meant deportation to Lublin and...not extermination, and that is a view I still hold." Heydrich had exempted the eastern part of the Government General from the measures of concentration undertaken elsewhere. (15-3517)

Christie asked how the SS or people supposedly implementing this plan would be able to discern when the phrase meant deportation and when it meant extermination. Did they use a dictionary or did they receive an order?

"I don't believe that they got their meaning of those terms from a dictionary," said Browning. "I would think -- I would say that they would get their meaning from the political context." (15-3518)

Okay, said Christie, so these people are supposedly endowed with a political perception that doesn't require written explanations and at one time the word can mean just emigration and another time it supposedly means extermination?

"The term does change its meaning," replied Browning. "There is not a vocabulary code sheet sent out to say such-and-such now means something else." Browning believed many of them were experts in euphemisms like himself. As an example, Browning cited a case from the fall of 1941, when the question arose in Serbia of whether the Jews should be expelled elsewhere: "...the local military administration...wanted to get rid of the Jews and the response was no, there should be a 'local solution' and that at that point when there had already been shooting of Jews in Russia, when there had already been massive retaliations for the partisan war in Yugoslavia, people sensed that 'local solution' now meant, in fact, to shoot the Jews." (15-3519)

The retaliations for partisan warfare were not secret. In Serbia, retaliation was taken against small groups of Jews and Communists initially. As the partisan war increased,

the Germans asked for reinforcements. "They were told this was not possible, use draconic terror instead, and so the retaliation then becomes something to set an example that will deter anyone else and they begin shooting more people.[in ratios of] about a hundred to one." (15-3520, 3521)

The Germans paid a high price for the policy which resulted in more people fleeing to the partisans. When they could not fill the quotas with people who were ascertained Communists, Jews were shot instead "even though the Jews, in fact, had been incarcerated and clearly were not the ones who had been engaged in partisan war. This would be an example of people perceiving that the Jewish population...was totally expendable, that if you couldn't get rid of them by expelling them, it was now quite permissible, and didn't have any terrible local repercussions, that you could shoot them there." (15-3521, 3522)

The policy was an indication of the frustration felt by the Germans in the fall of 1941 that they were unable to pacify Serbia because of the thin forces stationed there. Browning did not feel the policy should be seen primarily as a response to the ferocity of the partisan war which got worse only later. (15-3522, 3533)

Christie pointed out that the British and American rules of land warfare at that time justified the taking of reprisals for shootings by guerrillas behind the lines. Browning began to answer, but then admitted that he did not know the specific conventions or treaties. (15-3523, 3524)

Christie next turned to an article written by Browning entitled "Referat Deutschland, Jewish Policy, and the German Foreign Office, 1933-40," where Browning recalled an incident in 1940 when a Dr. Emil Schumburg asked that deportation measures be carried out "in a noiseless and cautious way" in order not to excite attention abroad.

"[W]hen they evacuated Jews...to Poland," said Browning, "...this incited some comment in the foreign press and Schumburg then, on behalf of the Foreign Office, asked that these things be done in such a way that would not excite foreign comment." (15-3524 to 3526)

Did he agree, asked Christie, that the words 'noiseless' and 'cautious', used to refer to the deportation, did not import the meaning of extermination in 1940?

"It has to do with what they considered the difficult public relations abroad or they didn't want the foreign comment. It did not have to do with extermination," Browning agreed. He reiterated that "one has to look at the context" of the euphemism to determine whether it meant extermination or whether it meant deportation. Browning referred back to the Wannsee Conference protocol "...[i]n which you said there could be two interpretations here. Either we were separating the sexes and working most of the Jews to death and then sending the last remnant to be exterminated, or we were talking about shipping the Jews to the east and separating the sexes and working most of the Jews to death and then using the remnant of Jews as...part of a renaissance because of selective breeding theories of the Nazis...Social dominance, selectivity, theories of the Nazis, and I said there were several -- I started with at least one why that context - why I would interpret that document in one way, I referred to Eichmann. I also...referred to the fact that in...speeches made particularly by Hitler,

one does not see him refer to the Jews as a same kind of category as other peoples. I would point, in particular, to the document we had on the screen on Monday, that the Jews should be treated like a tuberculose bacillus, that they were a source of infection, that this kind of statement by Hitler does not coincide very well with an interpretation of the Wannsee Conference, for instance, which stipulates the suggestion that the alternative would be a selectivity for a Jewish renaissance. That is why I mean by a kind of context." (15-3527)

Browning agreed that he himself had written that a lot of the political and aggressive military talk of the day should not be taken literally: "I have suggested that in 1939, that Hitler's speech about the destruction, threatening the destruction should, in that context, not be taken literally. That, at least, I would say, others didn't, at the time, interpret it as that. That is true. I have said that some of these should not be taken literally." (15-3528, 3529)

Browning agreed that the term judenrein, which he interpreted as meaning "pure of Jews, Jew pure or cleansed of Jews," was used long before extermination was allegedly a policy: "Yes, they wished to make Germany judenrein through emigration...And then through expulsion." (15- 3529)

Christie suggested it was somewhat like one might try to make Israel free of Palestinians by throwing them out? Browning declined to answer the question: "It deals with a political evaluation in Israel or elsewhere." He continued: "I have said already that when they were trying to expel, that was not yet a conscious policy of systematic extermination, it was a policy to make the German sphere free of Jews. That that expulsion, at least by the stage of the deportations to Lublin, certainly involved...the deportations both of Poles and Jews; certainly at that point...involved a degree of attrition or high loss, but it was not a policy of systematic extermination, in my view, at that time." (15-3530)

Christie moved to the topic of Martin Luther. Browning testified that Luther was the head of Abteilung Deutschland, a bureau within the Foreign Office that handled the liaison to the various party organizations and handled questions arising from inside Germany that could have foreign complications. One of the bureaus of Abteilung Deutschland was D-3, the so-called Judenreferat - the Jewish desk. (15-3530, 3531)

Luther attended the Wannsee Conference in January of 1942 and was the author of the Luther Memorandum, a lengthy document written in August of 1942. Browning believed that Hitler's initiatives regarding extermination came in the summer of 1941 and that mass gassings commenced in Chelmno in December of 1941 and in Belzec in March of 1942 and in Treblinka in July of 1942. (15-3531, 3532)

The Luther Memorandum did not contain anything about extermination or gassings; it could be termed a "covering your tail" type of memo, said Browning. "There had been agreements between Ribbentrop and Himmler about the placing of SS men in the embassies around Europe and circumscribing the channels of report; that in the case of Romania in the summer of 1942, when the pressure was -- I don't remember this exactly -- but I believe there came a report from the ambassador or it was from the SS advisor that did not go through the Foreign Office, I think it was from the SS advisor that didn't go through the Foreign Office, but that Ribbentrop found out of it by some

way and he was furious at Luther and suspected him. Their relations were becoming strained of gallivanting outside his authorization. The report, therefore is constructed - the term we might use is covering your tail report to Ribbentrop and that therefore he cites the different authorizations he has. I do not believe that he was at this time intimate with Ribbentrop. My own opinion is that Ribbentrop himself did not know at this point of the exterminations though I believe that Luther did, and that it would, in fact -- Ribbentrop was sufficiently angry that he ordered the Foreign Office to cease to co-operate with the SS, that he then was at a conference or there was several meetings where Hitler and other foreign statesmen and the virulence with which Hitler expressed himself on the Jewish question calls Ribbentrop to scurry to the telephone to urge the Foreign Office to resume support of deportations. That, I think, and this is speculation on my part, at that point Ribbentrop realized what was going on. We have at least by the next spring his quote to Horthy as we have seen that when Horthy says, 'What can we do with the Jews? We cannot kill them.' He replies, 'Exterminate them or put them in concentration camps. There is no other way.' So I think at that time Luther is very cautious in the way he is writing to Ribbentrop. He is afraid that he will be seen as doing things without authorization and indeed he had been." (15-3533, 3534)

You're kind of a mind reader in some of your answers, aren't you?, asked Christie.

"That is a reconstruction," replied Browning, "in my view, of the events, that it is based on some of the statements that others made about the events surrounding the formation of that report. So that it is based on both a series of documents and Ribbentrop's reactions in that period, plus the testimony of various people who talked about the writing of that report." (15-3536, 3537)

Browning acknowledged again that the Luther Memorandum did not contain references to extermination or mass gassings, and indicated that in his answers he was "trying to explain why I do not believe that report would contain such references." (15-3535)

Prior to the war, Browning testified that Luther attempted to have a contact man with the party organizations in each region of Germany. (15-3535, 3536)

Christie referred Browning to his article "The Government Experts" at page 189 where Browning had written:

Decrees in 1942 prohibiting German Jews from having pets, getting their hair cut by Aryan barbers, or receiving the Reich sports badge appear utterly senseless in view of the extermination process that was taking place at that time...Jewish experts continued devising anti-Jewish measures even as the objects of their persecution vanished in the death camps in the East.

The decrees wouldn't be senseless if there wasn't an extermination process, would they?, asked Christie.

"In view of the fact that clearly the Germans or the government, the Nazi regime, was putting people on trains and sending them east, it would not make a great deal of

sense even then, but it wouldn't have the same meaning as this sentence does." (15-3537)

Christie suggested that Browning had no orders, no plan, no specific budget, no proof of the gas chamber, so when real things such as these types of decrees didn't fit, he simply said they were senseless.

Browning disagreed: "What we're referring to is behaviour of the government experts and what I was saying is lots of the earlier kinds of activities that they engaged in continued to be engaged in, even though given that, I believe, an extermination programme was then underway; it didn't make a great deal of sense to me...The process of deportation was a gradual one...I would presume someone drawing up a measure about having pets -- this is conjecture on my part -- probably does not know that the Jews are being exterminated in the east." (15-3538, 3539)

Christie returned to the article, page 194:

In September 1943 the Turkish government finally permitted the return of all Turkish Jews who so desired. Singlehandedly Wilhelm Melchers had thwarted the SS and Foreign Office Jewish experts, buying time until the Turkish government at last regained its conscience.

Why, asked Christie, would Wilhelm Melchers [the head of the Near East desk in the German Foreign Office] be protecting Turkish Jews if there was an extermination policy in existence?

"The German Foreign Office sent out inquiries to various governments whether they had an interest or giving them an option, would they take their Jews back or would they allow them to be deported," said Browning. "They could not remain in Germany. The initial reaction of many governments was first of all to delay, and then simply not answer, or to say they had no interest and then as a number of governments did, they changed their opinion and said we will accept the Jews. I would suggest it is a strong possibility, though I have not looked in the archives of the Turkish government, that they did indeed receive, through whatever channels governments do, at least, rumours of extermination in the east and that is why they changed their policy from not replying to the Germans to saying yes, we will allow Turkish Jews to come home." In his opinion, Wilhelm Melchers used his position to attempt to prevent the deportation of Turkish Jews which the Foreign Office was advocating. (15-3540 to 3542)

Christie referred Browning to his article "The Final Solution in Serbia" where Browning had written:

...and the gassing of Serbian Jews in the spring of 1942 was complete in early May before Sobibor and Treblinka were even in operation.

Christie asked Browning how he reconciled this with Auschwitz commandant Rudolf Höss's testimony at Nuremberg [IMT vol. 11, p. 416] where Höss agreed he signed a statement:

The 'final solution' of the Jewish question meant the complete extermination of all Jews in Europe. I was ordered to establish extermination facilities at Auschwitz in June 1941. At that time, there were already in the General Government three other extermination camps: Belzek, Treblinka and Wolzek.

How was it, asked Christie, that Höss did not even mention Semlin, which according to Browning was where the first gassings took place?

"Well, I don't imagine Höss heard of it and I also do not think that Höss's testimony in that regard is accurate. I think he often confused years. He ran several years together in his memory...I think his evidence, given that first time, mentioned June when he gives a specific date, is the first testimony he gave. He later, as I recall, said sometime in the summer; I cannot remember the date." (15-3548)

He got better with practice, did he?, asked Christie.

"I think," replied Browning, "as he was pulling his thoughts together and trying to sort out things, I don't know..." (15-3548)

Maybe they were being pulled together for him a little bit?, suggested Christie.

"I don't think things were being pulled together for him. I think as he was being asked questions, he probably was recalling things," replied Browning. Browning had read Höss's testimony and agreed that the camp Höss referred to, Wolzek, never existed. "There is no such camp that I know of. I don't think that that testimony is accurate. I don't think it's compatible with other testimony that we have." (15-3548, 3549)

Christie returned to Browning's article and read from page 76:

Given these facts it does not seem wildly hypothetical to speculate that the decision practically made itself.

Browning testified he was speculating about why, at that time, a gas van was sent to Semlin shortly after the Wannsee Conference. He believed the initiation for the vans to be built was the gassing of, particularly, Jewish women and children. (15-3550)

Do you have any knowledge of gas vans for delousing used by German troops and used in various ways in the times we are speaking about? Disinfection vans for clothing, to kill lice?, asked Christie.

"I presume there were such things for the army," said Browning. (15-3551)

Christie asked if he had ever seen plans for such vans. Browning had not: "I have not seen a plan of the gas van." Nor had he ever looked in the archives of the German army to ascertain if there were such vans. (15-3551)

Do you maintain, asked Christie, that every reference to gas or Zyklon B meant a killing?

"No," replied Browning. "Zyklon B was also used for defumigation." (15-3551)

And I understand this to mean, said Christie, that the same Zyklon B that is claimed to be used as the murder weapon for the Jews was used to disinfect clothing in sealed chambers?

"I don't know," said Browning, "what kind of chambers were used for it but presumably they would have to have had some seal." (15-3551)

Christie suggested that if Browning went to Dachau he could see chambers used for delousing, with a hot air vent system and a number of other things.

"That may be," said Browning. "I was in Dachau but I don't remember seeing whether there were vents or seals." (15-3552)

Did you look, asked Christie, to see just at the south end of the crematorium, the hangers for clothing are right there in the rooms with the sealed doors and they don't claim those are for people, do they?

"I don't believe they've said that there was gas in there." (15-3552)

No, but there are gas chambers there for clothes, right?, asked Christie.

"Well, I don't know if they were for clothes," said Browning. "They may have been." He did not recall seeing that. (15-3552)

Christie asked Browning whether he had done extensive research for his Serbian article in the Yugoslav military archives. Browning replied that he did work there and obtained some documentation, although most of the documentation came from other sources. Browning agreed that Marshal Tito, who became the government of Yugoslavia, had been the leader of the partisans during the war. (15-3553)

Did Browning suspect that Tito might have been biased in the way the records were kept and created in the archives? Browning did not believe so: "In terms of the records that I looked at, I doubt that Tito ever gave a thought to it." (15-3553)

Christie suggested that he was sure Tito didn't, but that people under his control made selections of documents and what Browning saw was what they had permitted to exist.

"Yes, I recall what I saw there were some copies of Nuremberg documents and some interrogations of some German personnel." He thought most of the interrogations were carried out by the Yugoslavs in Yugoslavia.

Browning agreed that near the end of the war, the fight between the Yugoslav partisans and the Germans had become increasingly vicious. However, he added, "...I don't know that any of the material I got in Belgrade was essential. It was supplementary." His conclusions about gas vans rested also on documents from the Bundesarchiv, the Hanover courts and the military archives at Freiburg. (15-3554)

Browning admitted that he had never seen a plan for one of the gas vans which he alleged were used for gassing the Jews. Nor had he ever seen a photo of an interior of

such a van. In his book, he included a photo of the exterior of a van: "That is...a photo the Poles, I believe, sent to Yad Vashem. I don't know for a fact it is a gas van. It is one they labeled as a gas van." He put it forward in the book as a gas van. (15 3555)

Christie returned to Browning's article, "The Final Solution in Serbia," and read from page 88:

The question of timing in Serbia is also important. The period from the spring of 1941, with the formation of the Einsatzgruppen, to the spring of 1942, with the opening of the death camp at Belzec in mid- March, is a confused time-span in the history of German Jewish policy. The decision-making process at the highest level of Nazi leadership is not revealed in documentation. Thus a wide variety of interpretations has flourished: Hitler knew from the beginning of his political career or from the mid-1920's that he was going to kill the Jews [Lucy Dawidowicz]; Hitler knew before or at the beginning of the war [Gerald Reitlinger]; Hitler decided in the spring of 1941 [Helmut Krausnick]; Hitler made not one but two decisions -- first in the spring of 1941 to kill the Russian Jews and subsequently in the summer of 1941 to kill the European Jews, though this latter decision could not be immediately implemented [Raul Hilberg]; Hitler decided to kill the Russian Jews in the summer [Christian Streit] and the European Jews in the fall of 1941 [Uwe Dietrich Adam]; Hitler made no decision and issued no comprehensive order but exerted the pressure that led to a gradual or incremental evolution toward the Final Solution [Martin Broszat]; Hitler made no decision and was unaware of the Final Solution being perpetrated by his underlings. [David Irving]

Christie asked whether he was summarizing in this passage the view of various people he would call reputable historians.

"They all represent different views on the Holocaust," replied Browning. He had quoted them as "historians who have been published in the area, yes." (15-3557)

They're not historians you'd be testifying against as to being purveyors of false news or anything, are they? asked Christie.

"I don't imagine I would be testifying against any of them," replied Browning. (15 3557)

He agreed that the passage set out eight different versions of how the decision was supposed to have occurred. (15-3559)

I suggest to you, said Christie, that a reasonable man might take the position that you so-called historians are a bunch of theologians who may debate and you do not know at all and a reasonable man could disbelieve every one of you.

Browning disagreed: "I don't think that on the basis of there being a number of different interpretations that that can be concluded simply from that fact. The question, of course, still comes back to what is the evidence we have not about the decision-making process at the top, which I said is made difficult by scanty documentation, but what about the documentation of the implementation, and there, I think that we have had much more to deal with and that is the latter thrust of the

question that you raised. I think we still -- you're still jumping from one to the other." (15-3559)

Christie accused Browning of jumping into a grey area in the middle because there was nothing at the top and Browning did not even look at the bottom - the concentration camps where these events were supposed to have occurred.

"I do not say they occurred in the concentration camps in Germany. I have never said they did," said Browning.

Christie pointed out he never said Germany.

"You said the concentration camps. Usually I refer to the other as or I would distinguish the other as the extermination camps in Poland and there is not much there to look at," said Browning. He admitted, however, that he had never been to either Auschwitz or Majdanek. (15- 3560)

I suggest to you, said Christie, that Auschwitz is where, according to some authorities, 4 million people were gassed and burned.

"Some authorities may say that. I certainly don't think the number is as large." (15 3560)

Christie pointed out that the monument in Auschwitz stated that 4 million people died there.

"The volume of the monument is not necessarily a scholarly work," replied Browning. (15-3560)

If, asked Christie, you wanted to find out whether the story of the disappearance of 5 million people was even possible, why wouldn't you go to places like Majdanek and Auschwitz to see if it was physically possible?

"Because I have -- one, I have never been to Poland and two, the testimonies with which I have worked have seemed eminently plausible to me." (15-3561)

Browning testified that his article "The Genesis of the Final Solution: A Reply to Martin Broszat" was not so much a review of Broszat as an argumentative reply to his work. He agreed that historians debate these points and respect each other's right to debate. (15-3562)

You also define the limits of those debates to exclude people like Harwood, right?, challenged Christie.

"If I look at the Harwood pamphlet," said Browning, "I see numerous examples of denial of certain documents or of misrepresentation of certain documents and so I do not include it." In Browning's view, historical debate was legitimate "as long as it was not an intended misrepresentation of the evidence." (15-3562)

Christie referred back to the eight different versions of the alleged decision to exterminate the Jews: were those eight historians with their eight different versions of this story deliberately misinterpreting the evidence?

"I do not believe they deliberately misinterpreted the evidence," said Browning. "The point on which we were looking was one in which, as I have said, it is exceedingly complex and lacking of documentation and open to different interpretations." (15-3562, 3563)

Your ability to find documentation, suggested Christie, was not drastically different from anybody else's.

"Ability to find the documentation? There are different areas and in a sense it is a matter often of time and focus. For instance, indeed other people could find the documentation I had worked on on the gas van. Other people have not looked at it yet. It is a wide field and people will focus on different things...Our time limits as to how much one can see in the number of years I've been looking at this," said Browning. (15-3563)

Browning agreed that after seventeen years of research, there were things he had not seen which other historians had. To Christie's suggestion that honest people might not know everything he knew, he stated: "They might not, but again, it's a relative question often as to what particular documents we are talking about and how those documents are represented and portrayed." (15-3563)

Christie returned to the article "The Genesis of the Final Solution: A Reply to Martin Broszat" where Browning had written:

Although he is undismayed by the absence of any document signed by Hitler explicitly ordering the extermination of the Jews (for such orders would have been given orally), Broszat is disturbed by the absence of any reference in postwar interrogations or surviving diaries by close associates like Göring, Ribbentrop, Frank, or Goebbels, to a specific verbal order by Hitler for total extermination.

Browning admitted that Broszat listed Goebbels as someone who did not refer to a specific verbal order. Christie pointed out that Broszat also listed Frank as someone who did not refer to a specific verbal order by Hitler for total extermination.

"Frank does not say in that speech a Hitler order has now been given," said Browning, "The speech is a reflection of what information or what he is expecting to happen at the Wannsee Conference....And what information he has been given when he asked about sending the Jews to the east." He agreed that Broszat was disturbed by the absence in Frank's diary to any reference of a specific Hitler verbal order and that "is what he cites as to why he came to the conclusion that there was not a central order, but it was a process that came from below, and I argued with him as to why I thought that he had not conceived the question properly." (15-3565)

Christie suggested to Browning that he should be as disturbed as Dr. Broszat was about the lack of evidence.

"Well," said Browning, "I tried to assemble some evidence to show that it wasn't quite as lacking as he had concluded." (15-3566)

I put it to you, said Christie, that Mr. Zündel could reasonably be disturbed by the lack of evidence as well.

"I don't know what Mr. Zündel would conclude, but I do know that the pamphlet, in referring to many of these things, does so in ways that misrepresent the documents or deny their existence." (15-3566)

Christie suggested that they get to some of those points, such as the passage on page 5 of *Did Six Million Really Die?*, which Christie suggested Browning had testified was false:

By 1939, the great majority of German Jews had emigrated, all of them with a sizeable proportion of their assets. Never at any time had the Nazi leadership even contemplated a policy of genocide towards them.

Browning stated that he had said "it was an exaggeration to say the great majority of the Germans had emigrated. I said it was false to say that all of them had gone with a sizeable proportion of their assets because it is not clear in the last sentence whether he is still referring to 1939. I did not comment." In Browning's opinion, the words "sizeable proportion" meant "more than some...I would look at that in connection with what is the next one, the bulk of their wealth, and when you put those two together, I would say you are implying that they left with most of their property." (15-3567)

Christie suggested that in fact Browning did not know how much money German Jews were able to get out of the country at the time.

"I know of the difficulties that they encountered in getting out property. I know the correspondence and declarations of at least people in the Foreign Office...their determination was that as little of that property as possible would be taken out." (15-3568)

Browning knew that Raul Hilberg mentioned twelve methods used by Jews to transfer money abroad, but believed that "most of them show that only very small portions would fit under those twelve methods." (15-3568)

Christie pointed out that Hilberg never calculated how many marks could have left in those days because nobody could know.

"Certainly there were people in the German government themselves that were arguing that the legislation they had concerning the taking out of property worked at cross-purposes with the goal of emigration, that nonetheless, they were determined to try to pursue both simultaneously of recovering as much property as possible and getting as many Jews out of the country as possible; that those who were advocating a greater leniency in terms of property did not succeed in the bureaucratic in-fighting," replied Browning. (15-3568, 3569)

As Browning could not recall all twelve methods by memory, Christie read out each method and asked Browning to comment. The first method was the free currency zone. Browning knew it was listed by Hilberg and presumed it was accurate.

The second method was use of the free goods zone. Browning did not know "how extensive that was because I don't have the text [Hilberg] there to see how it is described...[each emigrant] could take out personal belongings but I think it excluded precious valuables, but included furniture." (15-3570)

The third method was the purchase of railroad and ship accommodation in reichsmarks. Browning testified that "...you would buy the ticket with what property you had in Germany...that would be one way you could spend money that would otherwise have been left in a blocked account. You buy the ticket, you travel; the ticket is not refundable; you've used the passage." (15-3571) Browning agreed with Christie that the tickets might have been quite valuable as exchange items: "It was a way, I guess, yes." (15-3572, 3573)

The fourth method was the use of the general trusteeship office for Jewish emigration, which was an exchange office set up to convert reichsmarks into foreign currency, other than Palestine currency, at a 50 percent loss to the Jews. (15-3573)

The fifth method was the use of the Haavara Agreement which gave Jews emigrating to Palestine a special opportunity to remove their capital. Said Browning: "It was drastically decreased by 1937. It still could be used by very limited numbers of people to 1939." (15-3574)

The sixth method was the Aryanization payment in foreign currency. "That would have required a buyer that was willing to pay you with a foreign currency on the outside. That would have been a -- requiring very special kind of thing, where a friend would have been trying to -- to help you out, who had possession of currency. That would have been a very, very limited kind of circumstance...The Aryanization contracts, as I recall, usually had to be approved. I don't know whether foreign buyers were excluded. I think it is referring to a capacity of Jews to sell to a German who would have agreed, on the private, I believe, in this, to render them some foreign currency abroad. So it would have required both a person who had the foreign currency and a willingness to give up that scarce foreign currency. That, I think, would have been a very rare exception." (15-3574)

In view of what you say you don't know, suggested Christie, it would be fair to say you cannot determine what sizeable proportion or otherwise could be exchanged, would it not?

"I cannot give you a percent," said Browning, "but I know the extraordinary or I know the efforts made to prevent the property from getting out and by the methods that you have listed there, I think we can see they were fairly limited." (15-3575, 3576)

Christie pointed out that he had dealt with up to seven of the twelve methods and that Browning had been unable to say how the methods operated from his own expert knowledge with any degree of certainty. Browning agreed: "Not all of them, no." (15-3576)

Browning would have to honestly admit, suggested Christie, that the amount of money exchanged in those methods or the proportion of total Jewish assets would not be known to him in any accurate sense.

"Would not know any kind of precise figure...I could not give you a proportion," said Browning. (15-3576)

Christie went on with the next method of taking property out of Germany, that of smuggling. Browning agreed that in times of desperation people "may" smuggle; he had "no idea" if it was not as difficult to smuggle goods across the border then as it was today through the Iron Curtain: "I don't know how many goods were smuggled out, but I do know that many of the Jews did not want to leave before 1938 because it would have required a large sacrifice of property. The Economics Ministry and others lobbied against any relaxation of that, and that therefore other kinds of pressure, particularly I don't know -- I don't think this was planned for this purpose but the point at which many of the Jews in Germany decided, regardless of the sacrifice in property, they must leave, came after Kristallnacht and then by then, much of that property had been already registered." (15-3577)

Do you know the proportion of Jewish assets capable of being taken out of the country?, asked Christie.

"I do not know the proportion that could be taken out," said Browning. "I do know or from what I have seen I would conclude that it would could not have been a very sizeable proportion or a bulk...I do not know the proportions. I do know that there were great, great attempts to prevent it from being taken out and there was a great reluctance of Jews to leave because they could not take out much and that it required a traumatic event like the Kristallnacht to convince many German Jews that regardless of the property they would lose, they would have to leave." (15-3578)

Christie suggested that there were all sorts of other ways Jews might have gotten their property out that Browning did not know about, with the result that it was impossible to know with any degree of certainty whether it was a large proportion of assets or not.

"I would say we cannot ascertain the percentages, but that the kinds of things you listed that I think are very limited, combined with the kinds of measures and intent on the part of German government officials that I have seen...to block as much of a removal of property as possible, and the reluctance of many Jews to leave because of that, permits a conclusion that not a great deal of property could have been taken. I cannot give you a proportion." (15-3579)

Browning had "no idea how substantial smuggling was" at the time. He "would speculate -- this would be speculation -- that to engage in activities...of that sort would be undertaken only with the very, very greatest of fear." (15-3580)

So, asked Christie, was his speculation to be taken as truth beyond a reasonable doubt or just his best effort?

"That is my best effort." (15-3580)

Christie next moved to the question of the number of Jews in the pre-1938 frontiers of Germany. He put to Browning that Gerald Reitlinger, on page 535 of his book *The Final Solution* estimated that in 1933 there were 499,682 pure Jews and far less than 215,000 at the beginning of the war. Was Browning prepared as an expert to dispute those figures?

"Two things," said Browning. "One, I am not an expert in demographics. Secondly, Reitlinger, and again this is just a question of reputation, Reitlinger has a reputation of being low on figures. I don't know if that is relevant here...I cannot, particularly without the book in front of me, but just as I said earlier, I am not a demographic expert and I do not have those population figures in my mind." (15-3580, 3581; *The Final Solution*, pp. 534-537, filed as Exhibit 71 at 16-3717))

Christie suggested that one of the reasons given for the German invasion of Poland was the intense violence against the ethnic Germans living in Polish areas. Browning agreed, "That certainly was part of the German propaganda...We also know that Frank himself talks about the many shootings that he tried to get a grip on in which he tried to insist that there must be at least some court martial procedure. In fact that's the thread that runs through much of this, complaints that lots of things are going on there that make it impossible for him to stabilize the country, because as long as the Poles are under slave labour, as long as many people are being shot, it is going to be very difficult to create order in the General Government." (16-3646, 3647)

Browning had heard of the White Book and knew it was a series of documents relating to the outbreak of the war which explained with cases, names, dates and circumstances what the Germans alleged was done to ethnic Germans in Polish territories. He had never looked at the White Book as he regarded it as German propaganda on the basis of secondary literature. (16-3647, 3648)

Would you agree, asked Christie, that you should look at all evidence, even what you call "German propaganda" to determine if it might have a bearing on Frank's state of mind when he wrote what you say was a statement about exterminating the Jews?

"I am always engaged in the process of seeking new evidence. It is an ongoing process of collection," said Browning. In his opinion, however, the White Book was one document among many. He acknowledged that it was the official German reason for invading Poland, but indicated that he "would lay greater value on documents that deal with the decision-making process, that the government is not revealing to the public than what they would issue to justify what they had done." (16-3648, 3652, 3653)

Christie suggested that the whole of the Nuremberg trial process was an official position for the Allies, and therefore the propaganda label might apply to it as well?

Browning indicated in reply that he had "not looked into the behind-the-scenes decision-making to shape the Nuremberg process. I have not claimed to be an expert in that." (16-3653)

Christie returned again to *Did Six Million Really Die?* where Harwood claimed that the great majority of German Jews had emigrated by 1939, all of them with a sizeable

proportion of their assets. Christie asked Browning what percentage he was prepared to say constituted a "great majority"?

To Browning, a "great majority" would "be, say, over - would be 75 percent...You're asking for, you know, a subjective rule of thumb."

But you made a subjective judgment on that sentence, said Christie.

"I said I thought it was perhaps exaggerated," replied Browning. "I didn't say that it was false...But if we're looking at it, it does say 'all of them with a sizeable proportion of their assets', and that is what I said was wrong, and I don't think that one can make a statement 'all of them', every single one of them, 'with a sizeable proportion'. We admitted, yes, I could not give you percentages, but I don't think one looking at the sentence, and knowing what the German policy and intention was, can state that." For Browning, it was "simply inconceivable." (16-3654, 3655)

Christie produced Reitlinger's *The Final Solution*:

Shortly after Hitler's rise to power, in June, 1933, a census was taken of the pure Jews of Germany, and it showed 499,682. By the outbreak of war, emigration had reduced this number, according to the Reichsvereinigung, to 215,000 -- a rather problematic figure which must be our starting point.

Browning agreed it was about 3 out of 5 "[and] the same percentage is used when they talk about 400,000 out of 600,000, so they are using the same percentage...And if that strikes them as a great majority, I won't quibble with that choice of -." (16-3657)

Browning confirmed again that he was on the Academic Advisory Board of the Simon Wiesenthal Center. "It has very limited functions dealing with one aspect of what the Simon Wiesenthal Center does," he testified. "There is an Academic Advisory Board. It deals with academic questions, and the only thing that I have dealt with there, I had one meeting of that committee, and we dealt with the annual...It publishes an academic annual, a scholarly journal...It is not involved in other kinds of activities...I have never been consulted about any of the political activities the Simon Wiesenthal Center chooses to pursue." In Browning's view, the Center had never attempted to make any use of his writing. (16-3658, 3659)

Browning knew of the writer from France, Serge Klarsfeld, and was aware of the fact that he had made a study of the number of Jews deported from France during the war. He believed Klarsfeld's number was 75,000. (16-3659)

Christie asked Browning whether he was aware of the War Refugee Board Report, published in the fall of 1944, which purported to tell the world that 150,000 French Jews were gassed between April 1942 and April 1944. Browning was aware of the report, one of the authors of which was Rudolf Vrba, and realized that it "had a much higher percentage of French coming to Auschwitz." In Browning's opinion, however, "I think the calculation there that was wrong is that he was working from certain percentages of prisoners registered to assuming a certain number of prisoners gassed. I think a much higher percentage had been selected and not sent to the gas chambers, so that his calculations were wrong...Vrba of course was working under conditions

that were not conducive to a precise count." Browning had never interviewed Vrba. (16-3659 to 3661)

Browning assumed that Serge Klarsfeld, who had the transportation lists containing the numbers and names of people deported from France, had tried to be "as accurate as he could be." Klarsfeld had materials to work from that Vrba had not, although Browning did not know where those materials came from. (16-3662)

Did it alarm him, asked Christie, to find that an officially-sanctioned report such as the War Refugee Board Report, accepted and published by the American administration of the time, alleged twice as many Jews were gassed in two years as were later found to have been deported from France?

"Knowing the circumstances under which the Vrba report -- or given what the report states to be the circumstances under which it was written, I would find early attempts at numbers, just as the number that the newsman going into Majdanek speculates on or admits he has no way of knowing at the moment, are going to be superseded by future research. The fact that the report is published, I don't think, gives that halo of official stamp. It states it is publishing a report that was the best information they had at the time, and historians are searching always, to find more information, to become more precise, more accurate. [This] is one source that one would use." (16-3663)

Browning agreed that the War Refugee Board Report was a document used at Nuremberg. He did not know whether the Nuremberg estimate of deaths was based on the Vrba number of 150,000 French Jews or not. (16-3663, 3664)

Browning agreed with Christie that the War Refugee Board Report placed the number of Jews gassed at Auschwitz in a two year period at 1,765,000. And that, suggested Christie, we now know is a figure which was as accurate as his figure about gassed French Jews, wasn't that fair? In Browning's opinion, "...the figure for French Jews has been reduced by one-half. The estimate that people have made about Auschwitz, for instance -- Professor Hilberg would not reduce it quite by half but -- will be somewhat over a million." (16-3664, 3665)

Christie pointed out that Klarsfeld said the 75,721 Jews were those deported from France, not those gassed, killed or dead at all.

"Okay, deportees...I'll accept that," said Browning. He agreed there were some survivors. (16-3665)

Klarsfeld's research found that Simone Veil, who later became head of the European Parliament, was alleged to be among those who were gassed, suggested Christie. Browning did not know as he was not familiar with the details of Klarsfeld's research. (16-3666)

I suggest to you, said Christie, that you would have to admit you have a bias, as we all do.

"All historians write with a perspective that comes out of how they see events," agreed Browning. "A historian tries to, on the one hand, not hide his views; on the other hand, tries to be as impartial as he can." (16-3668)

Having read *Did Six Million Really Die?*, asked Christie, was it not fair to say that what the author put forward were his views, backed up with factual information?

"There are points where -- when he says it is his view, and there are points when he says it is a fact. I could not pick them all out at the moment." (16-3668)

Christie referred Browning to the first sentence of the pamphlet where Harwood had written:

In the following chapters the author has, he believes, brought together irrefutable evidence that the allegation that 6 million Jews died during the Second World War, as a direct result of official German policy of extermination, is utterly unfounded.

I suggest to you, said Christie, that he is telling you in plain English what he believes.

Browning agreed: "He is stating his opinion, yes...At that point he is saying that he is going to try to persuade us to, or give evidence for, an opinion." (16-3669)

Christie pointed out that Harwood was talking about the whole pamphlet, not just one or two chapters.

"He does say 'In the following chapters'. Plural," replied Browning. He agreed that Harwood's insertion of the words "...the author has, he believes...," indicating the making of arguments and propositions which the author believed, was an honest thing to do academically.

Christie suggested that what Browning himself wrote was basically opinions substantiated by pieces of evidence.

"We do try to reach conclusions and interpretations based upon evidence, and that evidence itself we try to evaluate and that we assert often different degrees of certainty to that evidence, and in places, as we pointed out yesterday, I've said the evidence can be unclear and that what one is arguing then is a case of probabilities...In other cases, for instance, a document says such and such, we look at the document and we say that is a fact, the document says this...sometimes -- certainly, there are some aspects of the documents which are a matter of interpretation. There are other aspects of the document that I don't think we could call interpretive. The document that I showed, for example, showed 430,000 Jews, I don't think we look at that and say that is a matter of interpretation if that number is there," said Browning. (16- 3669, 3670)

Didn't you just use the words 'I don't think'?, asked Christie, because you were again expressing an opinion?

"I was expressing my opinion." (16-3671)

Christie pointed out that unless Browning had personal experience of something, that what he stated as a fact in history was an opinion.

"I think that there are differing degrees of probability," said Browning, "and I had argued earlier there are those issues that are beyond a reasonable doubt and that there is a spectrum between what I often identify as conjecture, interpretation, analysis of a problematic aspect of a document, and what I would consider evidence that we would look at and say there really isn't much room for quibbling on it. For instance, that number I gave as an example." In doing so, Browning was giving his "best opinion, yes, but based upon varying degrees of various kinds of evidence that has varying degrees of certainty." (16-3672)

Christie put to Browning that in formulating his opinions on history, Browning himself ignored some of the evidence because he considered it propaganda.

"I would evaluate various kinds of evidence, and it may well be that in various cases I have not seen all the evidence; that, as I said, there is an ongoing process; there is never any way in my lifetime I will read all the relevant evidence, because every question leads to another." (16- 3672, 3673)

When you find that Höss's testimony supports your thesis of a planned extermination of the Jews by gas and other means you accept it and quote it, don't you?, asked Christie.

Browning replied that when he looked at the testimony of an individual, he asked a number of questions about it: "Is it corroborated by documentary evidence? Is it corroborated by eyewitness evidence? Is it internally consistent? Is it plausible? Is it self-interested? There is a whole range of questions that one asks about in reaching an evaluation about a testimony, and in that context in which you evaluate, you may come to conclusions that part of that testimony has much greater probabilities than other parts." (16-3673)

Christie pointed out he had asked Browning specifically about Höss and whether, in giving some of his opinions, he had not quoted, relied upon and used some of Höss's words.

"I have cited the Höss testimony," Browning agreed. "In doing so, I discussed the problematic nature of it and...argued why I thought much of it relevant to the particular issue at hand. There was -- not reliable, but that part of it, I said, nonetheless seems to coincide with other kinds of evidence offered and would have a higher degree of acceptability." (16-3674)

So you select the portions of the evidence you choose to believe?, asked Christie.

"I select the portions of evidence that, after looking at it and examining it, strikes me as the most reliable," said Browning. "If a witness is giving a great deal of testimony, in this case an entire autobiography, or in some cases an affidavit, if one is looking at the shorter document, I would not reject the whole document because parts of it seemed to be totally inconsistent with other documentation and other testimony. And in view of the other kind of considerations that I had already listed, I don't think that

there is a kind of litmus test in the witness, somebody who is telling an account is either red or blue; he is either totally beyond doubt and totally reliable, or he is totally without credibility. Usually, in these cases, these people are trying to figure out in their own mind events that happened in the past. It is very easy to confuse years, when I think back myself of what happened in certain events, if the location is the same, for instance, which school- year did I teach such a course? It becomes very difficult then to straighten that out in your mind, particularly if one asks you initially and one doesn't have time to think through and find pegs to put one's memory on to try to come to a clear memory of the sequence of events. I think that's quite different than someone having a vivid image and that they put down that it has stuck very firmly in their mind, even if they can't place it at a certain time, or a very vivid experience." (16- 3674 to 3676)

Had Browning ever been tortured? asked Christie.

"I have never been tortured."

Did he have any knowledge of whether Höss claimed to have been tortured? Browning replied that Höss had said, perhaps in his affidavit, that "he was struck with his strop or his whip." Browning did not know whether Höss had actually been tortured or not. (16-3676, 3677)

Browning knew that the Höss autobiography was written in Poland while he was in Polish captivity but did not know whether it was written in pencil, as suggested by Christie. He had never seen the original, handwritten copy: "I have heard Martin Broszat worked off photostats and then was allowed to see the original to check the original with his photostats." Browning had never spoken to Broszat about the autobiography, but he had read in the court judgment of the Auschwitz trial that Broszat testified to that effect and that that was the ground for admitting the evidence. (16-3677)

Browning met Broszat when both attended the Stuttgart conference in 1984, at which time they had breakfast together and were on the podium discussion together. (16 3678)

Would it raise doubts in your mind, asked Christie, to know that there were no corrections at all in the handwritten Höss autobiography?

Browning indicated there might have been another draft, but he didn't know: "It would be an item to consider." (16-3678)

Do you have any doubts about documents written in Communist captivity in your own historical assessment?, asked Christie.

"That would be another consideration to take into account," replied Browning, "conditions under which the documents were written." (16-3678)

With respect to the credibility of Rudolf Vrba, Browning stated: "I would say that their documents and testimony has to be evaluated, and I have already pointed out that I thought that there was questions about the conclusions he reached as to, for instance,

the number of French Jews at Auschwitz, but I wouldn't say that the whole document is discredited because of that." The "document" referred to by Browning was the War Refugee Board Report. Browning had never read Vrba's book, *I Cannot Forgive*. (16-3679, 3680)

Insofar as the eyewitness accounts in the War Refugee Board Report were corroborated by other kinds of eyewitness testimony, "namely, that there were gas chambers there, I do think they are credible," said Browning. He had seen the report's drawing of what purported to be a gas chamber: "There is a rough sketch. I don't think that it is pretending to be a very technical document in terms of the sketch." (16-3680)

Browning testified that he had seen one of the aerial photographs of Auschwitz taken during the war by the Allies on the wall at Yad Vashem Museum. He had never gone to the Washington archives to get the CIA report of 1979 to look at the photographs. (16-3681)

Browning used four sources in deriving his opinions: eyewitness testimony, documents, physical evidence and circumstantial evidence. To Browning, circumstantial evidence "...would be questions of the logicalities of drawing certain conclusions from other events or other documents, even if there was not an explicit document, there is for the particular event, and in effect much of what I have argued about the origins of the Hitler -- of the decision-making process that we were talking about yesterday, when I said we have gaps in the evidence and we do our best to create a plausible or most probable explanation of events, that you do have some documents in other areas, and you then argue that given this pattern here and there, one can put forward the hypothesis that such did take place, and in a sense it is the construction of that connection between those other documents that I would say is circumstantial evidence. We are arguing this happened because of the surrounding circumstances." (16-3681 to 3683)

Browning operated in the writing of history in the same way as a good prosecutor would, suggested Christie, arguing in favour of the extermination thesis by filling in the blanks.

"I wouldn't choose the word 'prosecutor'," answered Browning, "because the analogy is to a judicial proceeding in which you have two people, each doing their best to argue contrasting views...it's...an adversarial proceeding...I don't think of writing history as adversarial, in that nature." (16-3683)

But you write with an objective in mind, said Christie, you select the evidence that you find probative of that objective and then you publish it as an argument, was that not a fair statement?

Browning disagreed: "I don't start with the objective and then seek out the evidence. No, I don't believe that is the sequence." (16-3684)

Christie suggested to Browning that he in fact had done that, an example being that he had never once in all his research gone and talked to a defence counsel for any of the people charged to see what their side of the story might be.

"I never talked to a defence counsel," agreed Browning. He had, however, met with prosecutors in Germany and had derived documents from them. He had never asked defence counsel for any documents: "No, I have not." He had, however, consulted defence documents in books that had been compiled for some cases. (16 3684, 3685)

Christie pointed out that in much of his writing, Browning referred to court testimony. Had he examined the cross-examination of those witnesses to see if they maintained their stories under cross-examination?

"There are two factors," replied Browning. "One [must] take into account what I have available to me is not the transcript of the trial. Then I attempt to look at the judgment which will summarize the evidence given in the trial, and the evaluation of that, how it was -- in the sense that's where I find out if in fact that stood up in the court, but I do not have the transcripts of the trials." (16-3685)

Did Browning know, asked Christie, of the Frankfurt trials in Germany in the 1960s where witnesses who didn't give satisfactory testimony were arrested and charged themselves?

"I don't know that case, no, sir," replied Browning. "I do not know if anybody has been arrested for the kind of testimony they gave. Presumably Germany has laws of perjury..."

Christie indicated he was not suggesting perjury.

"I don't know that," said Browning. "In the cases I have studied in detail, I have seen no reference to such an event." (16-3686)

Christie asked Browning whether he knew of an author by the name of Stäglich. Browning knew of the name and knew he was a German judge, but had not read his works. He did not know that Stäglich claimed to have been stationed near Auschwitz; he had simply seen the name and the title of the book listed in the context of writings which questioned the extermination. (16-3687)

Did Browning think, asked Christie, whether physical evidence, such as photographs taken of the scene of an alleged mass murder at the time that it was supposed to be going on, were important pieces of evidence for a historian?

"That would be one piece of evidence," replied Browning. He did not know about the technology of aerial photography or how much information could be derived from it. He had heard that aerial photographs were taken of Auschwitz in the summer of 1944, but he did not know that for a fact. (16-3689)

Christie put to Browning that they were taken long before the so-called blowing up of the alleged gas chambers and were taken on over thirty occasions in 1944. Browning had "never heard a number near that high...I've seen one photograph on the wall of the museum of the Yad Vashem." (16-3689, 3690)

Did he look at it carefully at all?

"Not in great detail, no," said Browning. (16-3690)

Wasn't physical evidence one of the four categories of evidence he claimed to look at?

"I said this is one of the four categories one can look at...I have not in this case...looked at that. I haven't done specific research in Auschwitz. I have done detailed research in some other areas." (16-3690)

Are you aware, asked Christie, of the many survivor stories of smoke and flame shooting out from chimneys and crematoria?

"I've seen accounts that speak of the smoke and of flames," said Browning, but he admitted he did not note whether or not there was smoke and flames when he looked at the photograph of Auschwitz at Yad Vashem. (16-3690)

Did Browning know who first published the actual plans of the crematory at Auschwitz with the dimensions?

"No, I do not," replied Browning. "I did not know that there were plans published with dimensions. I have never seen that." (16-3691)

Did Browning know who the first person was to reveal the likelihood of the existence of aerial photographs in 1979 in the National Archives? Browning answered that the first time he had heard of them was in an article by Professor David Wyman, but he did not know who else may have gone and asked for them. In 1979, Browning knew that Robert Wolfe would have been the person in charge of captured German records at the National Archives, but he presumed such photographs would have come out of American military records. (16-3691, 3692)

From the Wyman article, Browning recalled that some of the photographs were taken from flights originating in southern Italy. (16-3693)

Did Browning realize, asked Christie, that those aerial photographs totally denied, by their existence, the stories of the people who alleged smoke and shooting flames from the crematoria chimneys?

"I do not know that," replied Browning. "...It would be another avenue to pursue." (16-3693)

It was true, wasn't it, asked Christie, that Browning's references to the Frank diary in his earlier testimony were a selection of a very, very small portion of all the available information about Hans Frank? Browning admitted that the "book is voluminous, and this is just the excerpt of the twelve reels of microfilm. Anybody who is writing about Hans Frank will be making selections." (16-3694, 3695)

Browning agreed that the prosecution at Nuremberg selected certain documents from a wider selection of German documents, but he did not know how much access the defence had to the captured German documents. "I would not be competent to state any opinion on that," he said. (16-3695)

Did he know that the German documents that were captured were taken to Alexandria, Virginia, where they were sorted for some time before being sent back to Germany and used by the prosecution?

"I don't know if the sorting took place before it was sent over or not," said Browning, "but there was obviously a selection from those documents that was used in the proceedings." (16- 3695)

Browning admitted that what he had selected for presentation at the trial in Toronto was a "very limited selection, yes...That which was pertinent to a statement in the pamphlet." He agreed that he did not include anything about Frank's last recorded words. (16-3696)

Christie produced the final statement made by Hans Frank before the International Military Tribunal on 31 August, 1946:

There is still one statement of mine which I must rectify. On the witness stand I said that a thousand years would not suffice to erase the guilt brought upon our people because of Hitler's conduct in this war. Every possible guilt incurred by our nation has already been completely wiped out today, not only by the conduct of our war time enemies towards our nation and its soldiers, which has been carefully kept out of this Trial, but also by the tremendous mass crimes of the most frightful sort which -- as I have now learned -- have been and still are being committed against Germans by Russians, Poles, and Czechs, especially in East Prussia...Who shall ever judge these crimes against the German people?

I end my final statement in the sure hope that from all the horrors of the war and all the threatening developments which are already appearing everywhere, a peace may perhaps still arise in whose blessings even our nation may be able to participate.

But it is God's eternal justice in which I hope our people will be secure and to which alone I trustfully submit. (16-3696, 3697; Excerpt from Hans Frank final statement filed as Exhibit 69 at 16-3702)

Had Browning known of this statement by Frank, would it have affected his view that Frank must have known of the extermination of the Jews?, asked Christie.

"What I got out of that," said Browning, "was that his sense of peace with himself, or what we want to call that word, seemed to have been altered by hearing of other atrocities which he now felt erased whatever guilt the Germans or the Nazi regime or he himself may have carried from previous events. That sounds indeed as if he felt that atrocities have been committed earlier, or what were they being balanced against?" (16-3697, 3698)

Browning agreed that Frank did not defend Adolf Hitler and accepted for himself "a very tremendous spiritual responsibility." At the end, however, Browning noted that Frank believed the crimes of the other nations were equal. (16-3703)

If he was being honest in his last statement, asked Christie, he certainly didn't indicate knowledge of the extermination programme that Browning said existed, was that fair?

"He does not mention death camps in here or extermination camps. He does refer to crimes or atrocities...He does not mention Jews in here. He talks about -- he isn't specific." (16- 3703, 3704)

Wouldn't he consider that a valuable piece of evidence?

Browning indicated that it "would be important for his state of mind at the end of his life, and that would relate to other things." (16-3704)

Christie and Browning returned to Frank's evidence given at Nuremberg on April 18, 1946 (IMT "Blue Series", vol. 12, pp. 18 and 19):

When in 1944 I got the first details from the foreign press about the things which were going on, my first question was to the SS Obergruppenführer Koppe, who had replaced Krüger. "Now we know," I said, "you cannot deny that." And he said that nothing was known to him about these things, and that apparently it was a matter directly between Heinrich Himmler and the camp authorities. "But," I said, "already in 1941 I heard of such plans, and I spoke about them." Then he said that was my business and he could not worry about it. (16-3705, 3706; Hans Frank testimony, IMT vol. 12, pp. 18 and 19, filed as Exhibit 70 at 16-3707)

In Browning's opinion, the passage did "not admit specific knowledge of the concentration camps or the extermination camps, but it says there were many, many rumours and that when he refers in general, he said '...already in 1941 I heard of such plans and I spoke about them.'" To Browning, this reflected Frank's position on extermination camps. (16-3706, 3707)

Christie turned to the subject of the Posen speech given by Himmler. Browning had not heard the sound recording of the Posen speech but had heard that the sound quality was not good. He did not know whether it was too difficult to understand. (16-3709, 3710)

Christie asked whether Browning now had a copy of the CIA report [regarding aerial photos of Auschwitz] of 1979.

"I believe that that was handed to me and it is under my coat," said Browning. "I have not looked at it yet." It had been handed to him by Professor Marrus: "I asked him if he had a copy since that was a topic which we had -- I had not been able to discuss in any way because I had not read it." (16-3710)

Browning admitted that he had never taken a course in text criticism. Nevertheless, one dealt with such things in graduate training, he said. (16-3711)

Christie returned to Did Six Million Really Die? and read from a portion on page 6 which Browning had disputed in his evidence:

By 1939, the consistent efforts of the German Government to secure the departure of Jews from the Reich had resulted in the emigration of 400,000 German Jews from a total population of about 600,000, and an additional 480,000 emigrants from Austria and Czechoslovakia, which constituted almost their entire Jewish populations.

"I said that that quote was inaccurate or that section was inaccurate," testified Browning. "The fact that later in the text he refers to Slovak Jews on several occasions would raise some question as to whether they - almost the entire Jewish population of Czechoslovakia had emigrated." (16-3712)

Browning admitted that statistics in this area "is a very complex question...The author here states and that was one sentence I would agree with fully, that it is a very complex question." One problem was the difficulty of defining who a Jew was at the time, given that there were different definitions; another "major problem" were the changing borders. He agreed there were "undoubtedly cases of illegal border crossings." (16-3712, 3713)

Browning worked from different definitions of who was a Jew; there was the Nazi definition and a religious definition. He did not know what definition was used in Poland. (16- 3713)

The figures used for Poland were from the 1931 census; Browning did not know of any later census taken for Jews in Poland. He agreed that in the eight years before the war, changes "could have occurred...There were certainly Jews moving." (16 3714)

Browning acknowledged that the Jewish population statistics could be complex and people working with them could make honest mistakes with them. (16-3718)

Christie put to Browning that it was mighty tough to be accurate about the number of Jews in Poland in 1939 after the Russians and Germans had divided up the country.

"The statistics we showed indeed showed variation in estimates; that all the people looking at it have acknowledged that they are making estimates." (16-3718)

Browning indicated that the statistics on Hungarian Jews was "one of the most problematic areas...statistically." Transylvania was transferred to Hungary. The Jews of this region were part of the deportation programme in 1944. Browning agreed that in speaking of Jews from this area, "It would be necessary...to stipulate are you speaking of 1938 Hungarian boundaries or 1944 Hungarian boundaries because as I pointed out they changed dramatically between the pre-war and 1942." (16-3718, 3719) Hungary, by virtue of her alliance with Germany, said Browning, acquired about 150,000 Transylvanian Jews, about 40,000 Slovakian Jews, about 100,000 Carpathian Ruthenia Jews and about 25,000 German Jews from Yugoslavia. (16-3720)

Christie suggested that if Harwood meant Hungarian Jews in a limited sense of Jews from Hungary previous to annexations, it would make an enormous difference to his figures. Browning agreed: "-well, I think it does make an enormous difference to his figures...The pamphlet does not reveal which boundaries encompassing which Jews he's talking about at which time. That is the source of the error, I believe." (16 3720)

Browning agreed that statistics could "certainly be deceptive, yes." (16-3721)

"I'm neither a demographer or a statistician," Browning admitted. He agreed that the quote which Christie had read from page 6 of *Did Six Million Really Die?* dealt with statistics. (16- 3721)

Christie returned to passage in the pamphlet at page 5 which Browning had disputed regarding Madagascar:

The founder of political Zionism in the 19th century, Theodore Herzl, in his work *The Jewish State*, had originally conceived of Madagascar as a national homeland for the Jews, and this possibility was seriously studied by the Nazis. It had been a main plank of the National Socialist party platform before 1933 and was published by the party in pamphlet form.

Browning testified that he defined "main plank" to mean "something that was part of the party programme...Published as such...When I see the reference 'main plank', I assume that it is or my interpretation was that it was meant to be that the author was implying with 'main plank' that indeed it was one of the main points of the initial Nazi programme that Hitler didn't like to change." He would not consider an obscure pamphlet published by someone who was not a major figure or authorized to speak on it to constitute a main plank. (16-3722, 3723)

Christie asked if Browning agreed that there certainly were publications that had the National Socialist Party name and logo on them that did advocate the Madagascar plan.

"I don't know if they had the party logo on it," said Browning. "I know there were several English pamphlets and there was a Dutch pamphlet, I believe. I don't know that there was a German one...I've seen the reference to a German pamphlet but I have never seen the pamphlet." In his opinion, this did not constitute a "main plank" of the National Socialist Party platform. He agreed that the word "main," like "great majority," was a relative term. (16-3724)

Did Browning agree, asked Christie, that Herzl did refer to a number of other places besides Madagascar, namely, Mozambique and Uganda, as a homeland for the Jews?

"He may have. I don't know," said Browning. (16-3732)

Christie returned to the pamphlet at page 6:

As the war proceeded, the policy developed of using Jewish detainees for labour in the war- effort. The question of labour is fundamental when considering the alleged plan of genocide against the Jews, for on grounds of logic alone the latter would entail the most senseless waste of manpower, time and energy while prosecuting a war of survival on two fronts. Certainly after the attack on Russia, the idea of compulsory labour had taken precedence over German plans for Jewish emigration.

Browning agreed that the first sentence in the paragraph was true and that the second sentence entailed a value judgment which constituted an argument. It was the third sentence which Browning disputed: "Jewish emigration is halted in the fall of 1941. I think that the precedence in German plans was for -- to exterminate Jews who could

not work and who used the labour of Jews that could, at least for the time being." As authority for this proposition, Browning relied "upon the many Einsatzgruppen reports...Hitler's words in this April 17th document that we're going to refer to; we rely upon many documents of negotiations or sometimes protests between the economic interests and Himmler over how much Jewish labour would be allowed; the pressure of the party to or of Himmler to have that Jewish labour replaced with non-Jewish labour as quickly as possible...It is, in fact, an on-going process in which there is a debate over how soon Jewish labour will end." Browning believed the Einsatzgruppen reports were valid documents. (16 3725, 3726)

Had he ever been able to produce any evidence that the Einsatzgruppen reports were shown to an author at any time during their trial or after the war to validate them?, asked Christie.

"I believe that many of them were shown to their author. I don't know. We don't know who wrote them. They were compiled and circulated from the Reichssicherheitshauptamt...I assume there was an author but they were compiled," said Browning. (16-3726)

Christie pointed out that attached to some of the documents introduced by Browning were documents called 'staff evidence analysis'. Browning testified that this referred to the prosecution staff and were briefs of what one could look for in the document. He himself had not seen the staff evidence analysis until the documents were already ordered; he had not used them in deciding which documents to order. (16-3727)

Was Browning's position then that the idea of using the available labour had not taken precedence over Jewish emigration, and that there was instead an extermination plan?

"I would say that it started in two phases," said Browning. "In the spring and summer, the extermination of the Russian Jews emerged and that we have documents that talk about by-passing certain areas, putting Jews to work or not killing artisans that are doing useful labour until they can be replaced that summer. Through fall, we have the development of the second phase and that...is reflected in such statements such as Goebbels when he says we would liquidate sixty percent and forty percent would be put to work. It, I think, is reflected in the Wannsee Conference protocol that talks about putting Jews to work in labour columns separated by sexes through which a bulk of them will fall away through natural reduction or whatever the exact term was." (16-3728)

Did Browning know how the Goebbels diaries were found?, asked Christie.

"I do not know the specifics behind that edition of the Goebbels diaries," replied Browning. "I do know that they have -- different sections have been found in different places, that there is work now in progress to try to create a comprehensive collection of the various Goebbels papers." Browning, however, did not have specific information on how the diaries got into the hands of Louis Lochner, the editor. (16-3729)

Christie put to Browning that it was no secret, and in fact was widely published, that what Lochner had published were typewritten pages found by a junk dealer after the war.

"I don't know...I have not enquired as to the origins of it." (16-3730)

Had he heard, asked Christie, that the reason why they were assumed to be Goebbels's diaries, apart from content, was the quality of the paper and a large, oversized type?

"I do not know that," said Browning. (16-3730)

Christie returned to Did Six Million Really Die? at page 6:

The protocol of a conversation between Hitler and the Hungarian regent Horthy on April 17th, 1943, reveals that the German leader personally requested Horthy to release 100,000 Hungarian Jews for work in the "pursuit-plane programme" of the Luftwaffe at a time when the aerial bombardment of Germany was increasing (Reitlinger, *Die Endlösung*, Berlin, 1956, p. 478).

Was that specific statement false?, asked Christie.

"The protocol of the...conversation on April 17, 1943," said Browning, "I did not see a request from Hitler to Horthy to release 100,000 Hungarian Jews who worked in a -- in a plane programme." He had read the protocol as printed by the Nuremberg Tribunal. He had notes on the original document but could not recall if they would indicate if there was more in the document or not. (16-3731, 3732)

Browning did not know whether Nuremberg document 736-D which he had introduced in court [Exhibit 37] was the only record of the proceedings. He did not look at the German edition of Reitlinger which Harwood cited in support of the allegation. He agreed that he therefore did not know whether the statement was correctly attributed to Reitlinger or not: "The protocol of the conference that I saw did not include what is attributed here. I do not know whether such an attribution is in the German edition of Reitlinger." (16-3732, 3733)

Did Browning agree that many of Hitler's statements were more figurative as symbols of struggle, to mobilize and incite his followers, than expressions of any intent?

"...I would say that indeed on occasions one should interpret Hitler's words in a more figurative manner," said Browning. "But they are the way often in which he sends the signals about the direction he wishes to go; that I would not classify them as some have as meaningless or empty words." (16-3733, 3734) Browning quoted from page 14 of his book, *Fateful Months*, where he had written on this subject:

The historian...can interpret many of Hitler's statements more figuratively, as "symbols of struggle" mobilizing and inciting his followers.

In this section of his article, said Browning, he was listing three ways in which one could treat Hitler's speeches. In the first, through hindsight, one could judge "certain of Hitler's statements to be literal and dismiss the rest as duplicity, thus assuring a

coherent ideology and a consistent, but all-too-clever pattern of behaviour on Hitler's part." Second, the historian could "interpret many of Hitler's statements more effectively as quote 'symbols of struggle', mobilizing and inciting his followers." Browning indicated that the words 'symbols of struggle' were a quote of Martin Broszat. Finally, the historian "can accept that Hitler experienced uncertainty and changes of mind and mood and that contradictory statements are evidence of his own confusion...Each of the above approaches is valid, at least in some cases, and thus the scope for possible interpretation is once again very wide." (16-3735)

Christie referred to Exhibit 37, the protocol of the meeting between Horthy and Hitler, in which Browning had alleged Ribbentrop said that the Jews must either be exterminated or taken to concentration camps. Christie pointed out that the German word used in the original document was vernichten.

Did this word mean annihilate or exterminate?, asked Christie.

"It can be translated as destroyed or exterminated or annihilated," replied Browning. (16- 3735, 3736)

When we speak of this in the context of military terms, asked Christie, could it not also mean displaced and extinguished and reduced to silence, or powerlessness, like you would annihilate a battalion, but you wouldn't necessarily kill everybody?

"If you, in a sense, destroyed its fighting capacity, you would refer to the destruction of the battalion without necessarily implying the destruction of every member of the battalion," replied Browning. He did not agree that in that context the word vernichten meant the neutralization of a fighting force. "I think it would imply something stronger than neutralized...It's not referring here to a military operation in a unit...It's referring to the Jews." Browning agreed, however, that at that time, people like Ribbentrop regarded the Jews as the enemy. (16-3737)

Much as we, in this country, suggested Christie, regarded the Japanese and we acted much the same way towards them, with the exception of extermination, as the Germans did to the Jews; we took their property, we put them in concentration camps and we eliminated them from public life.

"I have never seen that referred to as the destruction of the Japanese...That context, I think, would be most inappropriate," said Browning. "You can certainly say the Japanese were deprived of their freedom and property, but I've never seen that action referred to as the...destruction of the Japanese Americans." (16-3738)

Christie pointed out that Hitler and others frequently used language in a context that implied military struggle against their political enemies, one of whom they thought to be the Jews; that frequently Hitler spoke of the Jews as an enemy within Germany.

"He spoke of the Jews -- German Jews as part of a wider ideology and racial enemy," Browning agreed. Hitler referred to it as the international Jewish conspiracy. (16 3739)

And conspiracy theories are no doubt in your view ridiculous?, asked Christie.

"I am generally suspicious of conspiracy theories," replied Browning.

But, Christie pointed out, he was willing to accept a plan to exterminate the Jews of Europe which was really a form of conspiracy theory itself.

"Well, now you're placing words and I'm always reluctant to let you phrase my thoughts," replied Browning. It bothered him that Christie had equated the words "conspiracy" and "plan." (16-3739, 3740)

Christie put to Browning that if there was a secret plan for the extermination of the Jews, and it had to be secret because, given what Browning had been saying, there was nothing in writing and all kinds of euphemisms and nods, then that was a conspiracy theory.

"No, I don't think it is a conspiracy theory," said Browning. (16-3740, 3741)

Isn't it true, asked Christie, that without having any evidence of the actual existence of some concise plan for the moving of 5 million people, you relied on the occurrence of events to justify the belief in this, and that the occurrence of these events, namely the 5 or 6 million people you say disappeared, is, itself, speculation?

"I would not phrase it that way. I have talked about different degrees of our ability to assert something as an interpretation or a historical fact. I have talked in the examination-in-chief of the particular evidence for the parts of the Holocaust that I would claim are historical knowledge...I would view none of that in terms of the understanding of how it comes about as a matter of interpretation, and I had said there indeed could be different ways of interpreting the evidence." (16-3741)

Could Browning name any other event which had had so much effect, that didn't have the kind of evidence that we would expect to have for the disappearance of 5 million people?

"I think we know much less about, for instance, Stalin's purges than we do about the Holocaust," replied Browning. "That there are many areas we know less about what happened in Cambodia than we know about the Holocaust. That I think that there are a number of things that have happened that we do not know as much about as the Holocaust." (16-3742)

And none of those things, suggested Christie, were beyond doubt, were they?

"I think that parts of it we could accept as beyond reasonable doubt. Parts of it would be a matter of interpretation." (16-3742)

And I suggest, said Christie, that all of it would be a matter of opinion, wouldn't it?

"No, I don't," said Browning. "We were in the court room together a while back with Mr. Biedermann and you lifted up a book and said it is a known fact. You, yourself, speak of known facts. So, I think that we have both, at times, used expressions. That was about the 588 people killed at Dachau, when Mr. Biedermann said he did not know about it, you raised up the book in your left hand and said it is a known fact;

and I would invite the transcript to be studied if you don't remember it. Apparently there is evidence in that book which I haven't seen that leads you to make a conclusion that you can state something as a known fact." (16-3742, 3743)

I agree, said Christie, that even though I assert it as a fact, you acknowledge it as an opinion.

"No," said Browning, "I would like to see the book to know what the evidence is to make some judgment." (16-3743)

Browning believed there were degrees of certainty in history. "I would be hard put here as a non-expert in the field to prove the existence of the Roman Empire or that World War I took place, but I think that those...are accepted as historical facts...And I think they probably are accepted beyond a reasonable doubt." (16-3743)

Christie suggested that there was great debate about events, for example, the Holocaust, because the proof was not there.

"As I said," answered Browning, "the problems of the purges and I would add the famine in the Ukraine, we have a much smaller base of evidence than we do for the Holocaust." (16-3744)

Did Browning have any evidence of a million bodies?, asked Christie.

"No, I do not have a million bodies...If bodies are burned I cannot have a million bodies...That is what the eyewitness testimony tells us." (16-3744)

How much energy was required to burn a million bodies? Browning did not know. "I have not burned a million bodies. I am not a chemist. I cannot tell you that." (16-3744)

Did it ever cross your mind, asked Christie, why we don't find any evidence in the literature of the transportation of coal for burning these bodies?

"Most of the bodies were burned in pits," said Browning. "I have not seen documents referring to fuel." (16-3744, 3745)

I suggest to you, said Christie, that we don't have documents either which indicate how the large volumes of Zyklon B gas that would be required to exterminate millions of people were the same volumes that were sent to places like Oranienburg and other German concentration camps where no gas chambers existed.

Browning replied that this was an area where he had to rely upon secondary evidence, but what he could recall was that there were "shipments to Oranienburg...a kind of headquarters camp which clearly could have distributed to other camps in the concentration camp system. I also -- again, this is a case of secondary literature, that the shipments of Zyklon B to Auschwitz in April or May, or at least in the period preceding Hungarian deportation, increased significantly." (16-3745)

Christie produced Nuremberg document PS-1553, the report of Kurt Gerstein, who was the disinfection officer at some of the camps. Browning did not believe he had ever cited Gerstein in any of his work: "I think it is a document that is of considerable importance, but given what I know has transpired in the last while with -- Hilberg and you had a considerable discussion of the document -- if I used it I would be careful to qualify it, just as I did with the Höss document when I used that in my work." (16-3746)

Christie suggested that one of the reasons Höss and Gerstein were used at Nuremberg was because they were the available evidence, but that they were really very suspicious because of their exaggerations.

"I would say that parts of them have problems. I would not, in terms of Gerstein, obviously one of the problems is his ability to measure the volume and the area of the gas chamber and the number of people. That is a situation where he is presumably quite traumatized, I doubt very much that he stepped out to measure or that he sat there counting the people. That that would be a kind of recollection that one would be very reluctant to trust. Other parts of it, I would put much more credence in, particularly the ones that have been confirmed by other eyewitnesses." (16-3746, 3747)

Wasn't it intellectually dishonest, asked Christie, to accept the credible part of a witness' testimony when other parts of that person's testimony were completely insane?

"It would then be something that must be measured against other eyewitness testimony. It would impose a higher burden on the document," replied Browning. (16-3748)

Would you believe, asked Christie, somebody who told you 25 million people [were killed] and their clothes piled seven stories high?

"You would get into the problem of the state of mind both at the time he may have been writing that document or at the time in which he was witnessing a particular event, but depending again upon the situation, it might or it might not totally discredit the entire recollection or document." (16-3748, 3749)

But was it intellectually honest, asked Christie, to leave out those parts from a reader when presenting that so-called eyewitness to the public for their assessment?

"If, as in this case," said Browning, "it has become a matter of controversy, historians certainly should address the issue. I think that it would be understandable if not the most desirable that not every document is precluded with an evaluation of it. Then you would have longer footnotes than you would have text." (16-3749)

Christie returned to page 7 of Did Six Million Really Die?:

Reitlinger and Poliakov both make the entirely unfounded supposition that because the Madagascar Plan had been shelved, the Germans must necessarily have been thinking of "extermination". Only a month later, however, on March 7th, 1942,

Goebbels wrote a memorandum in favour of the Madagascar Plan as a "final solution" of the Jewish question (Manvell and Frankl, Dr. Goebbels, London, 1960, p. 165). In the meantime he approved of the Jews being "concentrated in the East"...

In Browning's opinion, Reitlinger's and Poliakov's supposition was not unfounded: "- I think the Madagascar plan for practical purposes had been shelved back in December 1940 and that did not immediately necessarily lead to thinking of extermination, though I think it was an important chain in the link." Browning admitted that the first sentence of the paragraph constituted "an interpretation which is a form of opinion." (16-3750, 3751)

Browning believed that Goebbels did not write a memorandum in favour of the Madagascar plan: "...he wrote a brief note in the diary...It is my interpretation, and this is, indeed, simply a conjecture based upon circumstantial evidence, that Goebbels had received a shortened or modified version of the [Wannsee] protocol...emphasizing the discussion about the mixed marriage and part-Jewish question that was the subject of the March 6th meeting. He would have needed to know what the proposals that had been put forward and discussed at Wannsee were in order for him to take part in that meeting, and the diary, that puts that at that point." To Browning, this spoke to the diary's authenticity. (16-3751, 3752)

Christie asked whether there was something wrong with the second sentence of the paragraph of Did Six Million Really Die?. Browning indicated that on March 7th, Goebbels had written an entry in his diary that mentioned the Madagascar plan. (16 3752)

So the problem with 'memorandum' is that it should be 'entry'?, asked Christie.

"Yes," said Browning. (16-3752, 3753)

With respect to the third sentence, Browning testified that he did not believe Harwood made an honest presentation of the diary entry because he failed to include other parts of the diary entry which referred to the intention to liquidate sixty percent of the Jews. To Browning, it was excluded deliberately. (16-3753)

Christie suggested that people who supported the extermination thesis did likewise by ignoring and sometimes excising references to the more ridiculous statements of Gerstein, for instance.

"Is the term liquidate sixty percent a ridiculous statement?" asked Browning. "That would be excised because it was ridiculous." (16-3754)

Christie pointed out he did not know the reason why it was excised, but was suggesting that Browning did the same thing in his writings to promote his arguments.

"We all have to make selections in which documents and we all make selections in which parts you may quote or summarize from documents," said Browning. "And then it becomes a question of the context. What he is arguing and in this case, he clearly has invoked something in the Goebbels diary which is situated, as we had seen, on the same page as a clear reference to liquidation."

Browning confirmed that Goebbels wrote that about sixty percent of the people involved would have to be liquidated whereas only forty percent could be used for forced labour. He spoke about barbaric measures and attributed the driving force behind this to Hitler. (16-3754, 3755) In Browning's opinion, the entry did not indicate the carrying out of a resettlement; the Jews were not being sent to the east for labour or they would not have sent the sixty percent. (16- 3759)

Christie produced *Harvest of Hate* by Leon Poliakov and read a translation of a portion of a speech made by Goebbels in March of 1943 regarding the Jewish question:

What will be the solution of the Jewish question? If one day a Jewish state is created on some territory we shall know this later on. But it is somewhat strange to state that those countries whose public opinion rises in favour of the Jews always refuse to receive them. They say that they are the pioneers of civilization, geniuses of philosophy and artistic creation, but if one wants to make them receive these geniuses, then they close their frontiers; 'no, no we don't want them'. It is, it seems to me, a unique example in world history that people refuse to receive geniuses. (16 3761)

If there was a public policy to exterminate the Jews, asked Christie, why would that statement have been made publicly by Goebbels a year after the diary entry?

"There was not -- people did not make public statements," said Browning. "Let me put it this way. What decision Goebbels would make about giving a speech would depend a great deal on whom he was addressing, the circumstances of it, that there are also in an article, for instance by a historian named Wilhelm a number of studies of a whole series of things he wrote in which he does address that question very more openly. But I do not remember the exact speeches, merely that I have seen a study that deals with Goebbels and his publications or statements about it and I would be therefore very careful about drawing a conclusion from that one document." (16-3761, 3762)

Why then, asked Christie, was Browning less careful about drawing a conclusion from somebody's alleged diary?

"As I have said, when we measure the diary, we look at the context, that we look at the internal consistency, we look at the circumstances in which it was written. We look at the way in which it may or may not be corroborated by others. We look at plausibility. We look at self-interest." (16-3762)

Do we look at authenticity?, asked Christie.

"That is another thing that we may look at," said Browning. He himself had accepted the printed version of the diary published by Lochner. He had read part of the Manvell and Frankl edition. (16-3762)

Christie produced Manvell and Fraenkel and read from it:

That these pages were rescued from the chaos of the fall of the Reich is due to chance. For his notes Goebbels used an unusually handsome and sturdy-laid paper such as the average consumer had hardly ever got to see in those war years after the capture of

Berlin in 1945. Some 11,000 sheets of this paper were lying around the courtyard of the propaganda Ministry. Russian soldiers were about to burn these heaps of paper when a junk dealer, impressed by the quality of the hand-laid paper, took the valuable and scarce commodity for himself and thus saved the wartime memoirs of the minister from the flames.

Later a great deal of effort was devoted to sorting and collating the scorched pages. In 1947-48, Louis P. Lochner edited this material and published those portions of it that are of interest to the historian. The original manuscript reposes in the Stanford University library in California along with a copy of the L. Berfeld diary; a copy of the entire manuscript is to be found in the Institute für Zeitgeschiten, Munich. In those years, Goebbels no longer made his own entries in the diaries, but dictated them to a co-worker Master Stenographer Ude. Goebbels, by the way, never took the time to revise...That explains why the text is repetitious and stylistically uneven.²

Browning had not read this portion of Manvell and Fraenkel before. Nor had he ever checked the Stanford University library to see if Louis Lochner had edited the diary correctly. He was aware that editing could produce some very serious problems of meaning and that very slight word changes could make big differences. He agreed that it would be a "very good" idea to check the original of the diary for the words which he relied upon the most, namely, "will have to be liquidated." (16 3764, 3765)

Christie produced *The Hoax of the Twentieth Century* by Dr. Arthur Butz and read from page 195 regarding the Goebbels diary:

Finally, there are a number of remarks in *The Goebbels Diaries* but, as the "Publisher's Note" explains, the "diaries were typed on fine water-marked paper" and then "passed through several hands, and eventually came into the possession of Mr. Frank E. Mason". Thus the authenticity of the complete manuscript is very much open to question, even if the authenticity of much of the material can be demonstrated somehow. Interpolation with a typewriter is simple. The original clothbound edition of the "Diaries" even contains a U.S. Government statement that it "neither warrants nor disclaims the authenticity of the manuscript".

Would that have a bearing on how seriously we should regard these diaries?, asked Christie.

"It would certainly be good to have an edition in the original German language. As I have said at least in -- in some passages where I am familiar, the context at least looks -- when I, for instance, as I said with the March 7th event, it made sense that he would be saying what he was saying at that time. But I have not seen the original. I have not tested the paper of the original...I have not seen a German original to check with this [translation]," said Browning. (16-3766)

Christie returned to page 7 of *Did Six Million Really Die?*:

Statistics relating to Jewish populations are not everywhere known in precise detail, approximations for various countries differing widely, and it is also unknown exactly how many Jews were deported and interned at any one time between the years 1939-1945. In general, however, what reliable statistics there are, especially those relating

to emigration, are sufficient to show that not a fraction of six million Jews could have been exterminated.

In the first place, this claim cannot remotely be upheld on examination of the European Jewish population figures. According to Chambers Encyclopaedia the total number of Jews living in pre-war Europe was 6,500,000.

Browning agreed with Christie that the first sentence was a true and accurate statement; it was the second sentence which he disagreed with. (16-3768, 3769) He also disagreed with the citing of Chambers Encyclopedia. (16-3775) Browning confirmed that with respect to this point, he had introduced three documents: the Burgdörfer Report, the Wannsee Conference protocol and [the Madagascar Report]. (16-3769) Browning agreed that at the beginning of his report, Burgdörfer had written as follows:

...[there are] considerable difficulties to make any statistics for the entire world...only Germany and (only since 1939) has tried to count Jews on a racial ground...Other countries count only the religious Jews...Other countries like France, Great Britain and U.S.A. do not even inquire about that...A number of other countries do not inquire about religious affiliation.

Browning did not dispute that what Burgdörfer wrote was true. He agreed that Burgdörfer built into his report qualifiers as to its accuracy. "I think all of them are estimates, yes. He is building in qualifiers. We presented three different ones that, in fact, all gave three different numbers to demonstrate that it is not an exact science." (16-3770, 3771)

It seemed, said Christie, that statistics was a very difficult thing even at that time for the people allegedly trying to count Jews.

"It is a difficult problem," Browning agreed.

He confirmed that the Wannsee Conference protocol contained a figure which was out of line, that of the number of Jews in unoccupied France. The number given was 700,000. (16-3771)

How were these statistics compiled?, asked Christie.

"Burgdörfer gives us his sources or at least two of them," said Browning, "and presumably did other inquiries. I know that the Jewish expert in the Foreign Office wrote each of the embassies in Europe and asked for whatever official statistics he could get. Some of them replied and some of them did not. I do not know the basis for the statistics of the...SS [in] 1940 and 1942." (16-3772)

With respect to accuracy then, suggested Christie, we are unable to identify the precise origin of the statistics or the rules by which people were put into those categories?

"They are imprecise, they are estimates because, among other things, you have different...definitions of Jews." (16-3772)

Browning agreed that the statistic for Estland which indicated it was judenfrei meant only that there were no Jews there. Browning believed that the Stahlecker Report indicated there were no Jews there as a result of emigration and shooting. (16-3773)

Did the whole of the Russian campaign involve a brutal partisan war?, asked Christie.

"As the war continued," said Browning, "the partisan war got worse but in the beginning, at least, we have the statement of Hitler welcoming Stalin's call for a partisan war because it gave them the opportunity to carry out pacification and I think he said to shoot anyone that so much looks askance at us." (16-3773, 3774)

There was the Jewish-Bolshevik commissars order, Browning agreed. Commissars were political officers attached to the units of the Red Army. Browning did not know whether their reputation, as suggested by Christie, could be summarized by the saying: either be shot by the Germans in front or by the commissars in the back. (16-3774)

Christie suggested that the last part of the paragraph of Did Six Million Really Die? to which Browning had taken exception dealt with statistics, an area where opinions differed, even at that time.

"Opinions differ but there are also degrees of difference," replied Browning. (16-3775)

Christie read from Chambers Encyclopedia which Harwood had cited:

On the continent of Europe apart from Russia, whose western provinces also suffered terribly, only a handful of numerically unimportant communities in neutral countries escaped and of the 6,500,000 Jews who lived in the Nazi dominated lands in 1939, barely 1,500,000 remained alive when the war ended six years later.

To Browning, the key figure was 6.5 million Jews in Nazi-dominated lands as of 1939, which was different from the claim made in the pamphlet that the total number of Jews living in pre-war Europe was 6.5 million. (16-3778)

Christie suggested that the sentence could have two other meanings: did it mean the people lived there in 1939 and the lands later became dominated by Nazis, or did it mean that the Nazis dominated the land in 1939 and there were 6.5 million Jews?

Browning agreed that the "sentence is constructed so it is not clear." However, to Browning, "Of the various meanings, the one that doesn't emerge, as I can tell by any construction, is that the total number of Jews living in pre-war Europe was 6.5 million." (16-3778, 3779)

Browning agreed that most of Europe came under Nazi domination, but that there was no fixed boundary for Europe: "...there is no fixed convention, but it would be from the Urals to the Atlantic is one view of it. Some would not include so much of Russia. There is, as far as I know, not a universally accepted notion of where Europe ends." (16-3780, 3781)

Christie returned to page 7 of *Did Six Million Really Die?*:

This is acknowledged by the World Jewish Congress in its publication *Unity in Dispersion* (p. 377), which states that: "The majority of the German Jews succeeded in leaving Germany before the war broke out." In addition to the German Jews, 220,000 of the total 280,000 Austrian Jews had emigrated by September, 1939...

Browning did not dispute the first sentence of the paragraph, but indicated that the statistics given in the second sentence were different from those in the Wannsee protocol. He acknowledged, however, that there was at least one clear error in the Wannsee protocol. (16-3781, 3782)

Christie returned to the pamphlet at page 8:

From Poland, an estimated 500,000 had emigrated prior to the outbreak of war. These figures mean that the number of Jewish emigrants from other European countries (France, the Netherlands, Italy, the countries of eastern Europe etc.) was approximately 120,000.

With respect to this passage, Browning testified that "what he has done there is taking the figures from 1939 to '45, or from 1948 and has then treated them as 1939 figures, when, in fact, there would have been migration of survivors in '45 after the war, and that is, I think, a problem in the calculations that he makes. Likewise, as I said I had no source for the emigration from Poland. Authorities using the 1931 [census] that I have seen have, in fact, always estimated a significant increase in Polish population due to the rapid birth rate, not a decrease." (16-3784)

Christie suggested that Browning's true argument was with Reitlinger, not Harwood, since Reitlinger, on page 543 of his book, stated:

It may, therefore, be reckoned that 250,000 Jews escaped from Polish White Russia and 120,000 from Eastern Galicia. In addition to these figures, there was a considerable reduction in the Jewish population of former Polish Vilna and its province, before the Germans arrived in 1941...It certainly exceeded 30,000. Thus the flight from the whole of pre-war Poland into Russia may have been in the neighbourhood of 700,000, when all these sources are considered.

In Browning's opinion, Reitlinger was referring to flight from the boundaries of all of pre-war Poland which would mean incorporated territories, the General Government and the Soviet zone, which took place during the war, but not before 1941. Browning referred to page 542 of Reitlinger:

According to an estimate made by the Polish Government in 1946, the voluntary emigrants from the General Government and incorporated provinces in 1939-41 numbered approximately 300,000...

Browning pointed out that on page 8 of *Did Six Million Really Die?*, Harwood had written: "Reitlinger admits that 300,000 other European Jews slipped into Soviet territory between 1939 and 1941." In Browning's opinion, it was a serious error to

attribute to other European Jews the figure that Reitlinger gave for migration from the General Government and the incorporated territories. (16-3787)

Christie asked Browning to identify precisely what he felt was wrong with Harwood's sentence: "From Poland, an estimated 500,000 had emigrated prior to the outbreak of war" when it said in Reitlinger that 700,000 had left pre-war Poland. Christie pointed out that Harwood's figure of 500,000 was low compared to Reitlinger's.

"Well, except that the pamphlet is saying emigrated prior to the outbreak of the war," said Browning. "In the context of this, I think it is clear that this is flight, not emigration, and you are referring to the whole of pre-war Poland in order to identify the boundaries in question." To Browning "pre-war Poland" was not the same as "prior to the outbreak of war": "Prior to the outbreak of war is a temporal term. Pre-war Poland is a geographical term to intend to indicate which boundaries we are speaking of." Browning agreed that statistics were complex and that, again, they were talking about the degree of differences. (16-3788, 3789)

Christie turned next to the subject of Collier's magazine, quoted by Harwood with respect to statistics. You implied, suggested Christie, that Collier's magazine was not really to be taken seriously?

"We hoped," said Browning, "to inject a bit of humour into the proceedings, that we had noted he had quoted it correctly and he had not relied upon it in his figures...That was not a source...of error...We were just demonstrating the kind of source he was referring to." Browning did not know where Freling Foster got the figure except that he offered ten dollars for any fact that he accepted for his column. In Browning's opinion, the New York Times was, in general, to be taken more seriously than Collier's regarding statistics during the war. (16-3790, 3791)

Christie suggested that war propaganda was part of all the news of the day in that period.

"I would not say all the news... There would be propagandistic considerations in every country but that would not mean all the news was propagandistic." (16-3791)

Wouldn't news about statistics of fleeing Jews be a very valuable propaganda weapon at the time?, asked Christie.

"It would not necessarily be propaganda," said Browning. "It might be." (16-3792)

Christie put to Browning that it was no more disreputable for Harwood to use Freling Foster than it was for many writers to quote Kurt Gerstein. Browning did not see that it was the same thing, "In the sense that Gerstein was there, I believe, and Freling Foster to the best of my knowledge was simply collecting things sent to him...That does not mean that Freling Foster could not be printing accurate facts but I don't see the analogy between them." (16-3792)

Was it true, asked Christie, that the social sciences were opinion?

"I do not think they're entirely opinion. As I have said, I think there are graduations between speculation...political science, for instance, you may have opinions, but you would also have the facts, that there are a Democratic and Republican Party in the United States. That would not be a matter of opinion," said Browning. (16-3792, 3793)

The existence of political parties per se was not debatable, said Christie, but whether they were parties or not was debatable?

"Then you are getting into a realm of interpretation," replied Browning. "What do you mean by a political party? In terms of the legal definitions for registering parties in each state, I think we could say that the party existed." (16-3793, 3794)

Christie referred to "Historians, Hitler and the Holocaust," a paper Browning delivered in March of 1987, in which he wrote:

History is probably the most inexact of all social sciences.

Browning testified that this statement was a statement of his opinion on the status of history vis-a-vis other social sciences. He did not agree that that made history largely a matter of opinion: "I would say that there are areas of interpretation, areas of conjecture, areas of fact in the same way as you earlier had indicated. Something as a known fact. That we work with some things that are accepted as known facts and that also we work with opinions and we work with differing interpretations of documents and that sort of thing." (16-3795)

Christie suggested that when dealing with something as complex as the subject of the Holocaust, one was dealing with inferences, suspicions, probabilities, estimates: in essence, opinion.

"History includes those but I would not say that is the total," said Browning. (16-3795)

Certainly the conclusions you draw, pointed out Christie, about the death of 5 million Jews at the hands of the National Socialists by some plan is an opinion.

"The interpretation I have given to that as to how it comes about and how we are to understand it is certainly an interpretation or an opinion," said Browning. "The exact number's certainly an estimate...The existence of a plan would again depend upon your interpretation of the term 'plan'." (16-3796)

To Browning, the process entailed "...marshalling evidence to make...arguments, with varying degrees of probability and that some of the evidence, I would call facts, and that they allow us to make judgments that can be more or less [probable] even to the degree of beyond reasonable doubt." (16-3796)

Wasn't it true, asked Christie, that in reading and publishing the evidence and in coming to his conclusions, Browning had indulged in many value judgments in selecting what he considered important?

"All historians make selections from the evidence," said Browning. "Otherwise all you could do is print everything that you had looked at." Browning testified that the vast majority of his writings were based upon original documentation and not a great deal of secondary sources. (16-3797)

Christie noted that Browning relied upon court testimony which he did not verify by looking at the trial record. That, suggested Christie, was not primary evidence but secondary evidence.

"No, I do not classify it as secondary evidence," said Browning. "I classified it as a study of an eyewitness account...you don't not look at autobiographies or something else because the man was not cross-examined. You are looking for their account of something." (16-3797, 3798)

When did Browning first read *Did Six Million Really Die?*, asked Christie. Browning believed he got a copy in the early 1980s. To the best of his knowledge, he had never written anything against the pamphlet prior to coming to Toronto to testify. "I don't think I have ever mentioned it before it became a subject or before I became involved with it." (16-3799)

Was it the practice of his group of historians, those he considered as qualified as himself, to first seek to bring matters to a court or did Browning feel it more appropriate as an academic to write about it and refute what he thought wrong about it?, asked Christie.

"I'm not a part of a group," said Browning. "You're implying some sort of concerted activity...I have brought no one to court." (16-3799, 3800)

Christie pointed out that Browning had voluntarily come to testify in Canada.

Said Browning: "In those terms, I did come to this court, yes. I thought you were referring to indicting someone else."

He wished he were a well-paid historian and acknowledged that "for this particular episode, I am being paid as I said more like a lawyer than a professor." (16-3800)

Christie produced the book *What is History?* by E.H. Carr, whom Browning acknowledged was a well-known historian. The book, Browning testified, was used both at the undergraduate and graduate levels. (17-3804, 3805) Christie read from page 23:

Study the historian before you begin to study the facts. This is, after all, not very abstruse. It is what is already done by the intelligent undergraduate who, when recommended to read a work by that great scholar Jones of St Jude's, goes round to a friend at St. Jude's to ask what sort of chap Jones is, and what bees he has in his bonnet.

Browning agreed that when "we read history we consider the historian as well as what he is writing." The "bees in the bonnet" meant the perspective through which they saw events. (17- 3806, 3807)

Applying this to Browning, Christie suggested that most, if not all of his writings were published by Jewish sources like the Simon Wiesenthal Center, sources that might have an axe to grind or strong views on the subject.

Browning disagreed: "Holmes and Meier I believe is owned by a Jewish publisher. (German phrase) certainly is not, Journal of Contemporary History is not, German Studies Review is not, Central European History is not...The two books are published with a publisher who is Jewish...There are a number of articles with Yad Vashem, but there are also papers given at Stuttgart, Paris -- those are not to my knowledge Jewish." Browning testified he would not use the terms 'axe to grind' or 'strong views' on the subject to describe his publishers. (17-3807, 3808)

Christie returned to What is History? at page 23:

When you read a work of history, always listen out for the buzzing. If you can detect none, either you are tone deaf or your historian is a dull dog. The facts are really not at all like fish on the fishmonger's slab. They are like fish swimming about in a vast and sometimes inaccessible ocean; and what the historian catches will depend, partly on chance, but mainly on what part of the ocean he chooses to fish in and what tackle he chooses to use -- these two factors being, of course, determined by the kind of fish he wants to catch. By and large, the historian will get the kind of facts he wants.

With respect to this passage, Browning agreed that "writing of history involves selection. I don't believe if you put historian's facts to the kinds of tests we have given that he can invent facts, but indeed, there is a selection process that goes on." The question posed by the historian would determine the selection of relevant facts. (17-3809)

And the questions that Hilberg and Browning posed, suggested Christie, were always these: How did the Holocaust happen? When did it happen? Where did it happen? But never do you ask if it happened, right?

"I would say we do not frame our work in that specific way but certainly the research that we do has a bearing on that question," replied Browning. (17-3809)

Christie returned to What is History? and read from page 29:

As any working historian knows, if he stops to reflect what he is doing as he thinks and writes, the historian is engaged on a continuous process of moulding his facts to his interpretation and his interpretation to his facts. It is impossible to assign primacy to one over the other. (What is History, E.H. Carr, filed as Exhibit 72 at 17 3810))

"I would not phrase it the way that he does when he says moulding facts to his interpretation," said Browning. "I think I would use the word selecting relevant facts. I wouldn't use the term mould." (17-3810)

Browning confirmed that he had read Raul Hilberg's previous testimony given at the first Zündel trial in 1985. Christie suggested that as a result, Browning realized there were serious problems with the statement of Kurt Gerstein. Browning answered that

he "certainly became much more highly sensitized to the Gerstein report through reading" the Hilberg testimony. (17- 3811)

Christie suggested that one of the major areas that Browning and Hilberg had not explored was the testing of the credibility of the eyewitness reports with the physical possibilities of accomplishing the events allegedly witnessed by an on-site inspection of the places where the crimes were alleged to have occurred.

"I have already said I have not done on-site inspection. I also noted that most of these places, there is no physical evidence left to inspect." (17-3811, 3812)

That is your statement without having looked?, asked Christie.

"There is, at least, the record in the documents that the Germans intended to leave no physical evidence," said Browning. But he acknowledged that he had not gone to the camps. (17- 3812)

Browning testified that he had read *The Hoax of the Twentieth Century* by Dr. Arthur Butz, some time before. "It is a book that is often referred to by the group that identifies themselves as the revisionists...I did not find it persuasive...It does set forward a different thesis. I would have to reread it very carefully and make some judgment as to whether I thought there had been a repetitive pattern of misuse of evidence and that sort of thing. I have not subjected it to the kind of analysis that we did for the pamphlet." (17-3812, 3815, 3816)

Would you agree, asked Christie, that, having read *The Hoax of the Twentieth Century*, the revisionist view of the subject looks more at the physical evidence, on on-site inspection of the camps, and tries to apply scientific analysis to the eyewitness testimony to see if those things were physically possible?

"It puts more attention on the physical evidence," Browning agreed. "I don't remember well enough to comment on the second part." (17-3817)

Browning reiterated that he had never heard of Dr. Kubovy or the World Centre of Contemporary Jewish Documentation in Tel Aviv, which Harwood referred to on page 29 of the pamphlet. (17-3817)

Christie asked Browning whether he had filed any documents, other than the Einsatzgruppen reports, which were made during the war and which specifically showed the number of executed Jews. Browning indicated that he could not recall any others. He agreed that the other documents, such as the Frank diary, the Wannsee Conference protocol, the Posen speech and the Goebbels diary did not articulate anything to do with specific dead Jewish people. (17-3819, 3820)

Christie returned to *Did Six Million Really Die?*, page 14:

The Soviet charge that the Action Groups had wantonly exterminated a million Jews during their operations has been shown subsequently to be a massive falsification... Here, then, is the legendary 6 million in miniature; not one million deaths, but one hundred thousand.

Browning testified that he thought both of these statements were false: "The essence [of the falsehood] is that he is dismissing as a popular myth the fact that many hundreds of thousands of Jews were shot in Russia." (17-3822)

Browning admitted that he had never read Harwood's source for this allegation, namely, the book *Manstein: His Campaigns and His Trial* written by the English lawyer, R.T. Paget. Browning indicated that it "would have been another book to consult." (17-3823)

Christie suggested that, as a good historian Browning really should have read the book; the Manstein trial was essential on this point because Manstein was accused of being responsible for an area of Russia where Einsatzgruppe D in the Ukraine had supposedly killed thousands and thousands of Jews. Browning replied that he believed "that Einsatzgruppe D was accused of killing thousands and thousands of Jews, yes." (173823)

The only place the Einsatzgruppen reports had ever been tested in a court of law, with vaguely similar rules to ours, where the victors were not the judges and German lawyers were not the defenders, suggested Christie, was in the case of Manstein, where Paget, his lawyer, was a Member of Parliament.

"There were Einsatzgruppen trials as part of the American military tribunal and there were many post-war German trials," said Browning. (17-3824)

But for the first time in history in the Manstein trial, Christie suggested, challenge and checking of the Einsatzgruppen reports was done; did he know that?

"I do not know in which way they were challenged at that trial." (17-3824)

If you had checked Harwood's source for his opinion, said Christie, you would have found that what Harwood said was probably a reasonable opinion based upon other facts you didn't consider.

"I think that the Einsatzgruppen reports are valid," replied Browning. "I think that because...they're real documents because we have a number of other summaries based upon them. I've seen a handwriting of people who have summarized them, that have seen them at the time."

Browning acknowledged he had never consulted Paget or any other defence lawyers. He agreed that he had never read any books written by defence counsel. (17-3824, 3825)

To get a good picture of a trial, suggested Christie, sometimes it helped to hear both sides?

"It would be something to consider," said Browning. (17-3826)

Christie produced the Manstein book and read from pages 169, 172 and 173:

The prosecution case was based on returns made by the central authority of the SD in Berlin. These returns stated that Einsatzgruppe D under the command of Ohlendorf had executed some 85,000 Jews in four and a half months. Certain figures in the SD reports as to numbers executed in particular towns appeared to be corroborated by reports made by the town majors, but on examination it appeared probable that the town majors merely repeated a figure given to them by the SD.

The first question which we had to consider was whether the SD figures bore any resemblance to the truth. The strength of Einsatzgruppe D was about 500 divided in five companies. At least 200 were clerks. Each company had about ten vehicles. According to Ohlendorf the procedure was first that the Jews were required to register, then they were assembled in some central building and informed that they were to be resettled, then they were taken to some convenient anti-tank ditch at least 10 kilometers from the nearest inhabited place, shot and buried in what Ohlendorf was pleased to describe as a humane manner. The fact that in town after town the Jews were prepared to register and assemble certainly establishes that the executions were extremely secret if they happened. Apart from these lethal activities the SD undoubtedly did a big police and intelligence job. They travelled some 1200 miles and they did a considerable amount of fighting against the guerillas.

It seemed to me that the SD claims were quite impossible. Single companies of about 100 with about 8 vehicles were reporting the killing of up to 10,000 and 12,000 Jews in two or three days. They could not have got more than about 20 or 30 Jews who, be it remembered, thought they were being resettled and had their traps with them, into a single truck. Loading, travelling at least 10 kilometers, unloading and returning trucks would have taken nearer two hours than one. The Russian winter day is short and there was no travelling by night. Killing 10,000 Jews would have taken at least three weeks.

In one instance we were able to check their figures. The SD claimed that they had killed 10,000 in Simferopol during November and in December they reported Simferopol clear of Jews. By a series of cross checks we were able to establish that the execution of the Jews in Simferopol had taken place on a single day, 16th November. Only one company of SD were in Simferopol. The place of execution was 15 kilometres from the town. The numbers involved could not have been more than about 300. These 300 were probably not exclusively Jews but a miscellaneous collection of people who were being held on suspicion of resistance activity. The Simferopol incident received a good deal of publicity because it was spoken of by the prosecution's only live witness, an Austrian corporal called Gaffa who said that he heard anti-Jewish activities mentioned in an engineers' mess when he was orderly and had passed the scene of the Simferopol execution. As a result we received a large number of letters, and were able to call several witnesses who had been billeted with Jewish families and also spoke of the functioning of a synagogue and of a Jewish market where they bought icons and similar bric-a-brac right up to the time that Manstein left the Crimea and after.

It was indeed clear that the Jewish community had continued to function quite openly in Simferopol and although several of our witnesses had heard rumours about an SD excess committed against Jews in Simferopol, it certainly appeared that this Jewish community was unaware of any special danger. ...

By the time we had finished with the figures and pointed out the repeated self contradiction in the SD reports, it became probable that at least one "0" would have to be knocked off the total claimed by the SD and we also established that only about one-third of Ohlendorf's activities had taken place in von Manstein's area. It is impossible to know even the approximate number of murdered Jews, for not only was Ohlendorf lying to his superiors but as we were able to show his company commanders were lying to him. ...

Now it is true that the resistance movement in the Ukrainian towns was largely Jewish and that in the German mind militant communism was to a considerable extent identified with Jewish rule, but none the less the note tends to show (and this was borne out by other wisps of evidence) both that the army was connecting SD activities with anti-semitism and that it was reacting in a very normal German way to something of which it disapproved, that is to say, disassociating itself from evil rather than seeking to stop it. (17-3827 to 3832; Manstein by R.T. Paget, M.P., filed as Exhibit 73 at 17-3871)

Browning agreed that the "returns" mentioned by Paget in the first quoted line referred to the Einsatzgruppen reports filed in Berlin. Browning did not believe the Russians captured the reports at the end of the war; he did not know if they had been moved out of Berlin. He had never inquired. (17-3826)

Browning agreed that since Manstein was tried in a British trial, he could look at the court record; however, he had not done so. "I have not done research in this particular area so I have not done the primary documentation there. I have done research in other areas in which shooting was done, such as in Belgrade, and there it did not take very many men to shoot thousands of Jews on a single day...I haven't done particular research in the Russian area. I have done it elsewhere and in terms of shootings in Yugoslavia, I certainly have looked at the trial records." (17-3830, 3831, 3834)

When it came to Auschwitz or the concentration camps, did he think, generally, that the accused got fair trials in Germany?, asked Christie.

"From the trials I have looked at, in fact, the courts leaned over backwards to acquit," said Browning. (17-3835)

He agreed that one million deaths were generally attributed to the Einsatzgruppen and the formations that worked with them and that in the Manstein book, Paget stated that they had succeeded by analysis and evidence at the trial in knocking off one zero. Browning agreed, further, that Harwood quoted the Manstein book as a source and authority for saying that the real number of casualties for which the Einsatzgruppen were responsible was one million with one zero knocked off, or 100,000. Browning agreed that "apparently" Harwood believed Paget and not the Einsatzgruppen reports which Browning had introduced. (17-3835, 3836)

You, for your knowledge, suggested Christie, never checked any primary source to see if those documents you brought to this court had ever been challenged or perhaps even proven to be exaggerated?

"Well, I think that we have other kinds of documents that would lend veracity to them," said Browning, "the fact that the military documents from other sources likewise referring -- refer to the massive executions and the Jewish labour. These come not from the Einsatzgruppen themselves, but from those who want to use the Jewish labour so that clearly to many, the Jews were being executed en masse and that those documents corroborate the intention and effort to carry out a massive murder of Jews in Russia." (17-3836)

You brought in the Einsatzgruppen reports, suggested Christie, because they are the only documents you could produce that would give people the right to say a million Jews were killed in that action, aren't they? Browning agreed that "there are some of those that do." He agreed that if he had checked Harwood's source, the Manstein book, it would have shown what Harwood based his statements on. (17 3837)

You can criticize it any way you like, pointed out Christie, but Harwood's figure of 100,000 came from Paget's book.

"It would show he extrapolated from Paget," responded Browning. "...I use the term extrapolate because what you show me here is the evidence from a town of Simferopol, and on the evidence of that, they then said they would probably -- that a zero could be knocked off of the number claimed by the SD." (17-3838)

Christie challenged Browning's use of the word "extrapolate" and suggested that Paget's writing was a summary of what took place in the trial and used a specific example of how the figures were exaggerated. Browning agreed that was what the book was claiming and that Harwood seemed to agree with it. The Manstein trial "would be one more trial to look at, yes." (17-3839)

It appears to be a rather different trial than the ones you have looked at, doesn't it?, suggested Christie.

Browning agreed: "It is. I would get -- I don't know from that, yes." (17-3840)

Would you think that in view of your need and desire to continue your research you will look into the matter?, asked Christie.

"As I looked into the Frank document yesterday," said Browning. (17-3840)

Christie asked Browning to list the extermination camps. In Browning's opinion, Auschwitz, Majdanek, Belzec, Sobibor, Treblinka and Chelmno were the major extermination camps: "If you define it strictly by where did gassing take place, then I have said there was a gas van sent to Semlin in Yugoslavia, there were gas vans sent to Maly Trostinec which we mentioned earlier; I have seen correspondence about sending gas vans to Riga..." (17-3840)

Did Browning agree, asked Christie, that it was a frequent and common occurrence to have disinfection vans for clothing both in the military and elsewhere in the German community at that time?

"I said it was a possibility. I didn't know of but I presume that they would have disinfectant vans. I also know that the correspondence relating to the gas vans produced in the SD motor garage give no basis for assuming these are for fumigation," replied Browning. (17- 3841)

From these plans, asked Christie, could Browning explain how the vans functioned?

Browning had looked at documents from the automotive division. "From the description in the reports which are talking about improvements, they discuss that the van perhaps should have a hole with a tap in the floor so that the fluids and filth that is emitted during operation can be cleaned out...They refer to the cargo moving and pressing against the back door...They refer ...to one of these as a letter in response to Mauthausen saying we do not have one of these vans available. Perhaps you can get bottled carbon monoxide from the...Führer's Chancellery in Berlin. I do not believe bottled carbon monoxide is a fumigant." Browning knew of Zyklon B being used as a fumigant to kill lice in clothing, but not carbon monoxide. (17-3842, 3843)

Christie suggested that Zyklon B was used widely in the German army and even outside the concentration camps.

"I do not know," said Browning. "I guess it was used by the German navy. I don't know the details of that." (17-3843)

Christie reiterated that he had asked for some technical drawing to explain how the gas van was used for gassing people.

"Okay, I also know that one of the letters refers to processing 97,000. I don't believe they were counting lice," said Browning. (17-3843)

Suits of clothing was a possibility, wasn't it?, suggested Christie.

"That in the course of the operation, pressed against the back door?," asked Browning. "...I don't believe that is a remote possibility in terms of interpreting that document...It would be a bizarre interpretation." (17-3844)

Christie stated that he assumed Browning knew that these vehicles were obliged to move during the fumigation process. Browning knew nothing about that, but "in terms of the trucks taking the people, I presume that yes, they moved while they were in operation. (17-3844)

Browning confirmed that in his article on Semlin, he wrote that the gas vans went through downtown Belgrade while people were being gassed in the back and that there was a Jewish doctor and a Jewish nurse with each trip: "That...is how the survivor at Semlin recorded the vans being loaded. There is also the testimony of the people that unloaded and buried the bodies." There was a repetition of this over a period from early March to May -- one trip each morning and three times a week a trip in the afternoon, until finally the whole camp was cleaned out. Roughly eighty people were put in the van. In Browning's opinion, the taking of the Jewish doctor and nurse indicated there were "attempts made to make the trip look like a resettlement." (17-3844 to 3846) Browning believed the eyewitnesses who reported that they

unloaded the bodies from the trucks were credible: "...they had variations in their stories as every case in which you have eyewitnesses, but in the general thrust I would say they were credible." (17-3847)

Christie suggested that Browning had to be aware that unless such eyewitnesses gave the stories they did, they themselves would have been charged. Browning disagreed, stating he did not know that. (17-3847)

In researching gas vans, Browning looked through the records on a number of criminal trials: the Hanover trial for gas vans and trials in Stuttgart and Constance. In all cases, the materials available to Browning were the volumes of pre-trial testimony and the judgments. The actual transcripts of the trial testimony itself, however, were not available. The pre-trial testimony came from a "series of interrogations or inquiries by the court; ...there is usually not just one but a number of these pre-trial dispositions. I don't know if that would be the term you would use for that are taken down." (17-3848)

Christie returned to the pamphlet, page 16, to the next point with which Browning had taken issue:

€ However, no living, authentic eye-witness of these "gassings" has ever been produced and validated.

"I said they had been produced and if we -- what we mean by validated, I am not aware of an institution that hands out a wall plaque that validates you as a particular witness, but that they had gone through various judicial proceedings and that they had testified to these events." (17- 3850)

Validated was a value judgment, wasn't it?, suggested Christie.

"Validated has a different connotation than that and it is a sentence in its thrust...I would presume that to mean someone much that or sort of had never come forward, had never been asked about things, had never been cross-examined in court [or] something of that nature or never had his testimony accepted," said Browning. (17-3850)

What trial did Filip Müller testify in?, asked Christie.

Browning believed that Müller testified at the Auschwitz trial in Frankfurt: "I was not in Frankfurt. I did not see him testify in person but I have seen quotations from testimony he gave there." Browning did not know whether the quotes he had seen were from pre-trial testimony or not, although his impression was that it was trial testimony. Nor did he know whether Müller had been cross-examined at the trial. (17-3851, 3852)

As a historian, asked Christie, could he say a witness had been validated if he had not been cross-examined on the point they were testifying about? Browning indicated that "...we...get many eyewitness accounts of things that don't go through court procedures and then the question is what do we mean by validation there." (17-3852) Christie suggested that validated meant that the witness had been validated by some process of

testing the veracity of their testimony. Browning agreed: "That their testimony has been examined and put to some scrutiny." (17 3853)

Browning did not know whether Eichmann's defence lawyer in Jerusalem, Dr. Servatius, ever cross-examined a surviving witness of a gassing. (17-3853)

Did Browning know of any witness anywhere in the world who claimed to have seen gassings who had been tested by a critical analysis of their evidence in a court proceeding?, asked Christie.

Browning replied that there had been "at least three trials for people from Treblinka, several trials from Sobibor, major trials -- one each of the other camps that they had both accused defendants -- defendants as well as other camp personnel who had not been indicted, as well as witnesses who were survivors. That there was no cross examination in all of that I would find inconceivable." (17-3853, 3854)

Christie indicated he was not interested in what Browning found inconceivable, he was asking if he knew of any witnesses who were cross-examined and if so, who, when and where. The question was disallowed by Judge Thomas, who ruled that the question had already been answered. (17-3854)

Christie suggested to Browning that at least in one instance a witness who was on the stand in one of these trials didn't give what was considered correct testimony. He was arrested and then when he corrected his testimony, he was released. Did Browning know of such an incident?

"No, I don't," responded Browning. If such an incident had ever occurred, it "would be one fact to consider" in assessing the credibility of the trial judgments. (17-3855)

Browning returned to the previous question and indicated that at the Demjanjuk trial in Israel, attorneys for Demjanjuk vigorously cross-examined the eyewitnesses from Treblinka on the question of whether he was the man who put people into the gas chamber at the camp. Christie pointed out to Browning that the defence of Demjanjuk was that he was never there, not that there were no gassings. Browning agreed, "That is the defence strategy at that trial." (17-3856)

Then it wouldn't be very wise, suggested Christie, to attack the whole of the sacred and obviously important belief that there were gassings in Treblinka when you're simply saying you weren't there? The question was disallowed by Thomas, on the grounds that it was "preposterous" to ask Browning to comment on what would be a wise tactic by defence counsel in a trial in another part of the world. Thomas indicated that the Demjanjuk trial had been going on for the last year and "defence counsel had an opportunity to cross-examine about gassings." (17- 3856, 3857)

Did Browning ever contact the defence counsel in the Eichmann trial to find out if he had cross-examined on the issue of the extermination itself?, asked Christie.

"I have never contacted Dr. Servatius," said Browning. (17-3858)

Christie referred Browning to the notes which Eichmann made during his trial and gave to his defence attorney, which were now filed in the Bundesarchiv in Koblenz. Eichmann wrote:

I must prove Höss the arch-liar, that I had nothing to do with him and his gas chambers and his death camp.

In Browning's opinion, that was "the position of Eichmann expressed at that time. He rejected one of the areas of the defence that he was trying to establish was that though he had been indeed the man who had organized deportations from the west, and south and east of Europe, that he had not been responsible for Zyklon B at Auschwitz or for building of gas chambers there...That was his reaction to the statement in the Höss memoirs about him coming at a very early time and that Eichmann had played a key role, then, in establishing the camp or the gas chambers at Birkenau and the use of Zyklon B...He said he was involved in the deportations and he knew that the deportations led to the murder of these people but that in a sense, his responsibility or job ended with the delivery of the people to the camp." Browning agreed that people could make their own interpretations of Eichmann's words. (17-3858 to 3860)

Christie produced the Israeli interrogation of Eichmann [Transcripts, J1-MJ at 02 RM] where Eichmann was asked the following question and gave the following answer:

THE COMMISSIONER: Did you talk with Höss about the number of Jews who were exterminated at Auschwitz?

EICHMANN: No, never. He told me that he had built new buildings and that he could put to death 10,000 Jews each day. I do remember something like that. I do not know whether I am only imagining that today, but I do not believe I am imagining it. I cannot recall exactly when and how he told me that and the location where he told me. Perhaps I read it and perhaps I am now imagining that what I had read I heard from him. That is also possible.

Browning testified that this was about a very specific incident, about "whether there was a conversation between him and Höss about the number of Jews exterminated at Auschwitz and Eichmann responded that his first response was that Höss had told him about new buildings and what their capacity would be." (17-3861)

Christie suggested that Eichmann's answer was that of an apparently confused man, as to whether he heard it or read it or imagined it?

"I think he is referring to -- he initially answers and then does not recall fully if he had read it or not but from the context, he is, I think, referring to the number of Jews that could be put to death in a day...He was trying to get straight in his mind the sequence of events. He had many very vivid memories and it was a question of recalling in what order those vivid memories came. He, at no time, had difficulty remembering the extraordinary conversation with Heydrich in which he recalls that Heydrich told him the Führer has exterminated the Jews. He at no time has difficulty recalling the incidents at Minsk, watching the Einsatzgruppen shooting or the gassing at Chelmno. These were very vivid memories. The question he had difficulty with was in what order did those events come," said Browning. (17-3866)

He agreed that this was his opinion on Eichmann's ability to remember, based on the various Eichmann documentation: "...I am indeed giving my opinion that he had no difficulty in remembering those kinds of events. He did have a little trouble -- more than a little trouble sorting it out into sequence." In this instance, he could not remember "the location, where he was, and if, in fact, the number was 10,000, and he read or had he read that elsewhere." (17-3867)

Was Browning aware, asked Christie, that Eichmann was interrogated in an unusual way?

"I'm not sure what you mean by the word unusual," said Browning. "...He was in a room with Avner Less, the policeman. I believe there were other people present but I'm not sure of that. It may have been that - that he was alone. What I do know is that he got the -- had to be a tape recorder because he got the transcript back and he could initial and make changes in it the following day." Browning did not know the exact time-span of the interrogation but knew "it was over a long period." (17-3869)

Are you aware, asked Christie, that he was kept in a room with the light on 24-hours a day?

"I do not know if the light was on all the time. Presumably they were wanting to be very careful that he would not commit suicide or something like that in the cell and then they would be held responsible for it, that someone would be watching him...I'm just conjecturing there, saying that it is a possible fact there was a light on and there was a reason for it." (17-3869)

With respect to Eichmann's interrogation, Browning indicated that he had spoken with Avner Less and read the interrogation transcript, and did not see "anything that was extraordinarily unusual." The interrogation was taken down on a tape recorder and then given to Eichmann in written form so that he could make corrections to it. Browning had seen a photostat of the interrogation transcript that showed Eichmann did make corrections and initialled the pages. He believed that the transcript was accurate. (17-3870, 3870a)

Are you aware, asked Christie, that Eichmann was told that if he co-operated, he would be given a fair trial and a defence lawyer?

"I do not know of any such statement to him," answered Browning.

Would you take the Jewish Chronicle newspaper as a reliable source?, asked Christie.

"I do know the paper the Jewish Chronicle." (17-3870)

Do you believe, asked Christie, that if the government affixes a stamp to a document that says they neither confirm nor deny the authenticity of the document, that a historian should take that document skeptically?

"A historian should look at the circumstances of the document," said Browning. "...there are many things in archives that the governments keep that they don't claim to be able to certify. For example, in the Bach-Zelewski archive box, Zelewski gave

them two of his diary books. The second was in the original version and they could tell it was and they said this is the original. The first volume was not, but [was] retyped, and they said we cannot certify this as a copy of the original because they didn't get the original so they alert the reader to the fact that it is not the original diary book of the man, so you can indeed be alerted to the fact that it...possibly had been changed." (17-3870a)

Browning admitted that he was unaware that the Goebbels diaries were so stamped. He indicated that he wanted to tell the jury as much as he knew about the origins of the documents, but that he had never claimed "to have seen or handled the original manuscript of the Goebbels diaries." (17-3870b, 3870c)

Christie asked whether Browning was familiar with the name Richard Baer. Browning knew that Baer was the last commandant of Auschwitz, and that he was arrested and charged [as part of the Auschwitz trial] but died before coming to trial. Browning had never investigated how Baer died. (17-3870d)

Were you aware, asked Christie, that he had adamantly refused to confirm the existence of gas chambers at Auschwitz, the camp he had once administered?

"I did not know what he said," replied Browning. "I have seen many testimonies of people who denied that events that other people gave testimony about that they had been there are not -- suddenly, mysteriously disappear or die as I have seen many cases in which witnesses did not give testimony, that the prosecution wanted and it did not result in repercussions of that sort." (17-3870d)

Are you aware, asked Christie, that an autopsy was performed at the Frankfurt-am Main University School of Medicine and it found that the ingestion of an odourless, non-corrosive poison could not be ruled out when Baer died in custody?

"No, I do not have the autopsy report on Baer." (17-3870e)

Were these factors that might have some effect on Browning's belief?

"Not having worked in original documentation on Auschwitz...except I worked in some of them for the very early period, before Baer was even there, I ...don't see that was particularly relevant to the ones I was working on. I was looking at the testimony about the earlier part in the start of gassing." (17-3870e)

Christie put to Browning that in the Auschwitz trial there was pressure upon those who were charged and those who weren't to testify in a particular way.

"I do not know," said Browning. "I have seen many trials in which -- from the police or from the pretrial depositions. I do not see any indication of pressure. That people could maintain their denials and this did not result in repercussions." (17-3870e, 3870f)

Christie suggested that at the Auschwitz trial, a German non-commissioned officer named [Bernhard] Walter who was supposedly in Auschwitz, was set free only after he made a correction to his testimony while in prison, and that this incident was

reported in the book *The Auschwitz Prozess*. Browning knew of the book but indicated that he "would certainly want to know the context and read the page before I made a judgment." (17-3870f)

Christie indicated that it also could be found in Dr. Stäglich's book. Browning had not read Stäglich: "I read the Butz [book] and I have read the pamphlet. I have not read others...I do not know how many there are." (17-3870f, 3870g)

Christie returned to page 9 of *Did Six Million Really Die?*:

So far as is known, the first accusation against the Germans of the mass murder of Jews in war-time Europe was made by the Polish Jew Rafael Lemkin in his book *Axis Rule in Occupied Europe*, published in New York in 1943.

Browning confirmed that with respect to this passage of the pamphlet, he had produced the Joint Allied Declaration of December 17, 1942 and indicated that the declaration had been mentioned in a footnote in the Lemkin book cited by Harwood. Browning produced the declaration to the jury to prove that there had been a mention, prior to Lemkin's book, of an extermination allegation and to show that the allegation did not come from the Polish Jew. (17- 3872)

Browning confirmed that the declaration spoke about exterminating the Jews in Europe, that Jews were being transported from all the occupied countries in conditions of appalling horror and brutality to Eastern Europe; he agreed it referred to Nazi slaughterhouses in the ghettos, that Poland was the principal Nazi slaughterhouse, that the ghettos were being systematically emptied of all but a few who were highly-skilled workers; that none of those taken away were ever heard of again, the able-bodied were slowly worked to death in labour camps, the infirm were left to die of exposure and starvation or were deliberately massacred in mass executions, and that the number of victims of these bloody cruelties and policy of cold-blooded extermination was reckoned in the many hundreds of thousands of innocent men, women and children. There was no mention of gas chambers in the declaration. (17-3874, 3875)

Christie pointed out that Browning himself had said that the Allies and Germans indulged in wild language in terms of propaganda.

"No," said Browning, "I think the Allies were very worried...were extremely worried about making allegations that would seem incredible, and that they were extraordinarily cautious in using anything to do with the Holocaust as part of propaganda. That is why it took a number of months between the summer and December of 1942 to reach an agreement even to make a declaration that...they shouldn't -- couldn't do this until they had what they were convinced was very firm information." (17-3875)

Was Browning aware, asked Christie, that British intelligence investigations between the declaration date and a later date of August 30, 1943 determined that there were no gas chambers? Browning did not know of that. He explained that he had not done original research into this area: "Research in the Holocaust involves a number of different areas. There are people who do original research into the area of the

responsibilities of the [bystanders], those that deal with victims, those that deal with German perpetration. Even within those there are vast sub-areas. There are limits to which one human being can consult all the documents that you may wish to pull out and to present to me. I am sure you can pull many documents I have not seen." (17-3876 to 3878)

Christie produced a telegram, published in Foreign Relations of the United States, 1943, sent from U.S. Secretary of State Hull to the Ambassador in the Soviet Union (Standley) on 30 August, 1943 at 5:00 p.m.:

767. Department's 758, August 27, 10 p.m. At the suggestion of the British Government which says there is insufficient evidence to justify the statement regarding execution in gas chambers, it has been agreed to eliminate the last phrase in paragraph 2 of the "Declaration on German Crimes in Poland" beginning "where" and ending "chambers" thus making the second paragraph end with "concentration camps". Please inform the Commissariat for Foreign Affairs of the change in text.

"Yes," said Browning, "what they are saying is that - what I know was a concern was they did not want to go on record as saying anything that they could not prove incontrovertibly, that they were very, very cautious about how much they claimed. They were very, very worried that anything they said would be categorized in the same category as World War I atrocity stories so that a statement that they decided they didn't have sufficient evidence to publish that in no way says they didn't strongly suspect it. It is that they didn't feel they could produce something in public at that time about events happening in Eastern Europe, far out of their control, and I do not read that document as a way of saying the Allies did not believe there were gas chambers...They are saying there is insufficient evidence to justify the statement. That means that they had put it in originally; that they had information; on the basis of that, the people who had drawn it up wanted to clear it, and then out of excessive caution or -- I wouldn't use the words excessive caution -- out of the decision that they had insufficient evidence, they decided not to put into the document something that they could not flatly and incontrovertibly prove, this at a time when the gas chambers in question were not under their control." (17-3879, 3880)

How do you know, asked Christie, that the British government hadn't actually made an investigation through overflights, through spies in Eastern Europe? How do you know that they weren't aware that their position was false?

"You are asking a question, and the way in which the question is framed is, I think, difficult to answer. How do I know that something didn't happen?" (17-3880, 3881)

When you find circumstantial evidence that doesn't prove your thesis, suggested Christie, you quickly find a way to explain it away, don't you?

"Certainly, the circumstances here would indicate that they had originally included gas chambers in the document. It indicates they therefore had considerable information, or they had information. I won't say how much," replied Browning. (17-3881)

Do you claim, asked Christie, to have more information than the British government knew even from its secret sources in 1943?

"No, I'm not an expert in this field," said Browning, "but in terms of the secondary reading there is considerable research that has been done. I don't know the details of it, but I do know that the researchers who had worked in it have reported that it was an area in which the Allies had the utmost reluctance to say anything that might later prove to be false or that they could be challenged on and not be able to present the proof of." (17-3881, 3882)

By August of 1943, the date of the telegram, how many people did Browning think had been done to death in gas chambers?, asked Christie. Browning believed an estimate would be in "the area of 2 million." (17-3882)

Are you asking us to believe, said Christie, that 2 million people in Eastern Europe disappeared in smoke but the British government didn't have sufficient evidence to believe it?

"I think it is an entirely credible statement," said Browning. "Indeed, they say people have disappeared." He agreed there were Polish Jews who were survivors but he had never counted them. (17-3882, 3883)

Do you mean to tell us, asked Christie, that 2 million were done to death by August of 1943 and the British intelligence, capable as they are, didn't know about it and urged the American government not to mention it because there was insufficient evidence?

Said Browning: "They, as I said, on the one hand, were very reluctant in any way to have even the slightest risk that something they might say would later -- would not -- couldn't be proved or would appear so incredible that they would diminish the credibility of their statements; that after World War I they had decided it was very essential that the policy of complete credibility be established in that they would refrain from saying anything that didn't sound believable, even if in this case they had some evidence but did not regard it as sufficient." (17-3884)

Browning testified that he had no evidence that there were gas chambers at Oranienburg, Sachsenhausen or Ravensbrück. He had not researched this subject. "They were not places to which Jews were deported." Browning was not aware whether anyone was accused of operating gas chambers at Ravensbrück. (17-3884, 3885)

Christie returned to the evidence of Kurt Gerstein. Browning testified that he had examined the Gerstein statement, Nuremberg document PS-1553. Browning understood the original statement was made in France. He did not know how many times Hilberg quoted Gerstein in his 1961 edition of *The Destruction of the European Jews*. He did not believe, however, that he himself had ever cited or quoted Gerstein. If someone referred to Gerstein twenty-three times, the question of whether the references were valid or invalid "would depend entirely on what the references said, what parts." (17-3890, 3891)

Was Browning aware that Gerstein alleged that 60,000 Jews per day were gassed in the three camps of Belzec, Sobibor and Treblinka?, asked Christie.

"I do not remember the exact number that he gives. I do know that many of the details he gives have been corroborated by others, that Professor Pfannenstiel said that he indeed went with him. He had different memories of how long the gassing took." (17-3891)

Was Browning aware that Gerstein alleged that all the people in those three camps were gassed with one old diesel motor in each camp?

"He had been at Belzec, in Treblinka, and he -- I remember at least he refers to the diesel motor at Belzec that had great difficulties starting." (17-3892)

Was Browning aware that diesel motors didn't produce carbon monoxide in sufficient portions to kill people?

"I believe that these motors," said Browning, "or at least the motors on the gas van -- trucks, were tested, as I related that incident in which that took place. I do not know. I'm not a chemist, and I do not have a scientific basis for replying to that." (17-3892)

Was Browning aware that Gerstein alleged that Hitler and Himmler visited Belzec on August 15, 1942 and that we know that it was totally impossible because we knew where Hitler and Himmler actually were on that date? Browning agreed that Gerstein alleged the visit occurred and agreed that it was impossible: "We know that [they] did not visit there." (17-3892, 3893)

Was Browning aware that Gerstein stated that in Belzec there were four gas chambers of 25 square metres and 45 cubic metres, and that in each 700 to 800 people were packed?

"He has dimensions that would not be realistic," agreed Browning. "I think we mentioned yesterday I don't believe he could have gone out and paced over the distance, nor could he have counted the people going in. I would not expect someone in that circumstance to be able to give reliable testimony in that regard, in that detail." (17-3893, 3894)

How do you explain it, asked Christie, when Gerstein gives these exact numbers?

"I don't know," said Browning. (17-3894)

Was Browning aware that Gerstein repeated twice '25 square metres and 45 cubic metres'?

Browning agreed: "He does repeat that figure." (17-3894)

Was Browning aware that Gerstein twice repeated the same number of people, 700 to 800 people? Browning knew he gave that number but did not know if he repeated it twice. (17-3894)

Did Gerstein say that in Belzec and Treblinka 25 million people had been killed?

"That is in an earlier report, I think...I think he did at one time refer to that figure and the figure goes down. It changes. He is not in a position to have a figure like that," said Browning. (17-3894)

In another version of his statement, asked Christie, did Gerstein allege 'a heap of shoes of 35 to 40 metres high', 'ten to twelve stories'?

Browning agreed: "Yes, he talks about 'very high'...I think we're talking about measurements or estimates that were made by a man in a highly traumatized situation." (17-3895)

Was Harwood right, asked Christie, when he talked about 'fantastic exaggerations'?

"There are fantastic exaggerations in Gerstein," agreed Browning. (17-3895) He nevertheless believed that Gerstein's testimony was corroborated by the testimony of Dr. Pfannenstiel, the testimony of Rudolf Reder, the only known survivor of Belzec, the testimony of Josef Oberhauser, and the testimony of a number of camp personnel. This testimony took place at trials in Munich in the 1960s. Browning did not attend and did not read the trial transcripts: "I do not have the trial transcript...I'm telling you what the pre-trial testimony is that I saw." (17-3896, 3897)

Another person who was corroborative of the story was Baron von Otter, who met with Gerstein on the train afterwards. Gerstein related his tale to him. (17-3897)

Browning had never read a book by Carlo Mattogno. (17-3897)

Was Browning aware, asked Christie, that Reder had published in his book a plagiarism of some of Gerstein's reports? Browning was not aware of this. The testimony of Reder which Browning had seen did not seem exaggerated. Reder said there were six gas chambers, but this was the number which other witnesses had given, except for Oberhauser, who said the first gas chamber was one instead of three. Everyone agreed that when it was rebuilt, it had six rooms. With respect to credibility, Browning believed "their testimony has to be measured against each other and against other information that one can get." (17-3898)

Was Browning aware that Reder himself said that 750 people were put in 16 square metres? Browning did "not know any measurement that Reder gave in testimony, that I saw." (17- 3899)

Was Browning aware that Reder also said that there was a pit 100 metres long and 25 metres large in November of 1942 and there were 30 pits with 3 million bodies? Browning had "seen nothing from Reder that talks about 3 million." (17-3899)

If that information was available to him, asked Christie, would it cause him to question and maybe doubt as fantastic exaggerations not only Gerstein but also the corroborative witness, Reder?

"It would be another fact to take into consideration...I would want to read the entire text," replied Browning. (17-3900)

Christie returned to Did Six Million Really Die? and the point with which Browning had taken issue on page 10:

It should be emphasised straight away that there is not a single document in existence which proves that the Germans intended to, or carried out, the deliberate murder of Jews.

To refute this passage, Browning testified that he had relied upon the Posen speech, the Wannsee Conference protocol and the Frank diaries: "...I believe that each of those documents...both the Frank diary and the Posen speech, talk about the Germans intending to -- or the Posen speech talks about a deliberate murder that had been carried out. 'Our policy' said it was extermination." (17-3901, 3902)

Browning agreed that this was his interpretation of the Posen speech. He had not heard the sound recording of the speech, but in this case, the document was proof enough for him. (17- 3902) Browning agreed there were limits on the authenticity and accuracy of any proofs he had tendered. In Browning's opinion, the Posen speech did not make "veiled" allusions but rather "explicit allusions" to genocide. He agreed that the word "genocide" did not appear in the Posen speech; it said "to exterminate the Jews." The word "genocide" was a word or concept that did not exist then. Lemkin was just in the process of formulating it. But in Browning's opinion, it was a generic term to describe what happened. (17-3903, 3904)

Must Harwood believe that one document proves this, or could he be honestly and accurately stating that no single document proves it?, asked Christie.

"That is certainly not the thrust that I got from the sentence," replied Browning. (17 3905) In his opinion, the three documents he had produced were proof enough for him.

But, pointed out Christie, they are not one document that is proof enough even for you, are they?

Browning disagreed: "Even several of the documents refer to and state an intention or deliberate murder of the Jews. Certainly, in what I am, as a historian trying to find as broad as documentation -- if you are saying is there one single piece alone, by itself -" (17-3905)

Christie indicated that was what the statement said to him. He put it to Browning that there was not one document in Browning's evidence that the Germans intended to, or carried out, the deliberate murder of Jews. If there was one document that proved it, what was it?, challenged Christie.

"The document that states it most explicitly is the Posen speech," said Browning. (17-3906)

And you and I are aware, continued Christie, that there are people who question the accuracy of the transcript and whether it even is a speech by Heinrich Himmler, aren't there?

"I've heard that the audio is a bit difficult to understand. I do not know to what extent recent technology has been applied to it," said Browning. (17-3906)

Christie suggested that if Browning wanted to be satisfied about a proof, in any historical sense, he should go to the actual sound recording and decide whether it proved it or not.

Browning agreed: "It would be a possibility to do...I did not do that." He indicated it was "possible" that he would do it in the future: "It would be another thing to look at. It is not an area -- the work in which I've done so far, as you know, in terms of original documentation, is mostly up through '41 or '42...It would be certainly something that would be on a future agenda. Again, you can find an infinite number of documents that I have not yet looked at that would be good to look at." (17-3906, 3907)

Browning did not know how the tape recording of the Posen speech was supposed to have gotten into Allied hands. Nor did he know who delivered it to the archives or where it came from. He believed someone had identified Himmler's voice on the tape but did not know who: "I do not remember the name, but I...remember some reference of that sort, but I do not know the details of it." (17-3908)

So, suggested Christie, if proof means some kind of certainty about authenticity, you wouldn't deny that Harwood could have a reasonable ground for questioning that such proof existed?

"I wouldn't call it -- in the way in which I read that sentence, I would not call it a reasonable ground...The sentence implies that there is no document, and we have it as if not a single document anywhere existed," said Browning. But he agreed with Christie that Harwood said not just 'no document' but 'not a single document.' (17 3910)

Christie returned to page 11 of the pamphlet:

A review of the documentary situation is important, because it reveals the edifice of guesswork and baseless assumptions upon which the extermination legend is built. The Germans had an extraordinary propensity for recording everything on paper in the most careful detail, yet among the thousands of captured documents of the S.D. and Gestapo, the records of the Reich Security Head Office, the files of Himmler's headquarters and Hitler's own war directives there is not a single order for the extermination of Jews or anyone else... Attempts to find "veiled allusions" to genocide in speeches like that of Himmler's to his S.S. Obergruppenführers at Posen in 1943 are likewise quite hopeless.

Browning agreed that the first sentence of the paragraph was the author's opinion, but he disagreed with the second sentence: "It says 'extermination of Jews or anyone else'. There are certainly orders to carry out individual operations...There are numbers of

orders for particular actions but not a single global document that says 'I order killing the Jews'." An example of an order for killing Jews, said Browning, "would be an order of the general in Serbia, ordering that Jews in a particular camp be taken out and shot. That's an order to kill Jews." Browning agreed these shootings took place under the framework of reprisals. The Jews were expendable. (17- 3912)

With respect to the sentence regarding the Posen speech, Browning testified: "Well, I think he is stating that the document is certainly trying to imply there are no allusions to a policy of genocide there. Literally it says there are no veiled allusions. Allusions are rather specific if you understand 'genocide' to mean the murder of a race. He says 'It is our policy to exterminate the Jews'." (17-3913)

You're saying that the allusions are not veiled, suggested Christie, because *ausrotten* is used to describe what is to happen to the Jews, right? Browning could not remember which word appeared in the German text. A number of words were used to refer to it, including *vernichten* and *ausrotten*. (17-3914)

Christie suggested that they had agreed that *vernichten*, in terms of military parlance, applied to a body of enemy troops, meant not the extermination by killing of each one but the breaking up of that group?

"If you were saying that you had destroyed an enemy army," agreed Browning, "it would mean you would have destroyed its fighting capacity. You haven't killed every single soldier in that army." But, he continued, if Himmler "was using *ausrotten* or *vernichten*, he's talking about the bodies lined up, it seems he is talking about killing individual people...It implies all Jews." Himmler did not say "every Jew," but he said "the Jews." (17-3914, 3915)

With respect to the subject of the *Einsatzgruppen*, Browning testified that he did know whether *Wisliceny*, who was in captivity in Czechoslovakia under the control of the Russian army, was tortured or not. (17-3915)

Browning testified that *Otto Ohlendorf*, the commander of *Einsatzgruppe D*, testified at Nuremberg that the figures of those killed by the *Einsatzgruppen* were approximate, but in 1948 he said that the figures were not as many as he had stated previously. (17-3917)

Christie returned to the pamphlet, page 16, where Harwood claimed that no living, authentic eyewitness to "gassings" had ever been produced and validated. How many eyewitnesses, asked Christie, did Browning say had been produced and validated?

"I do not have a particular number," said Browning. "I have not compiled that. I do know that the two court cases that I looked at with detail on camps were Belzec and Chelmno..." Browning listed several witnesses whose pre-trial testimony he had read and taken notes on. He had not witnessed any cross-examination of these eyewitnesses. (17-3918, 3919)

How did Browning define the word 'validate' in a historical sense?, asked Christie.

"[There] are many eyewitness reports that we do not, cannot, subject to cross-examination," said Browning, "but we examine it in terms of its plausibility and reliability by subjecting it often to other checks in terms of other factors, documentary evidence, other testimony and that sort of thing. I do not know if all of these individuals were cross-examined in the trial. I was not there and did not see it...I have looked at their testimony and I certainly was trying to get a general picture of what was happening at Chelmno from that, so, yes, I was doing that, and in the course of that I was comparing one with another." (17-3920)

Christie asked if he had examined the testimony to see if it was possible from any physical or common sense point of view.

"I have not conducted tests with a gas van, if that is what you mean by the physical...It certainly seemed plausible from a common sense point of view, to me," said Browning. He did not remember any of the eyewitnesses he had mentioned as being utterly ridiculous. He believed that the Oberhauser testimony was very cautious. Oberhauser was an accused who was convicted and given a short sentence. It was counted in terms of pre-trial arrest as having been served and he was released. In his testimony about Belzec, Oberhauser "talked very openly about some of the earlier events before, that would not have directly implicated him...I believe that he was minimizing and underplaying his testimony." (17-3921, 3922)

Was Oberhauser's testimony plausible?, asked Christie.

"That there would have been only one initial gas chamber when everyone else said three, no, I don't think that was plausible...That area is very inconsistent with the rest of the testimony." (17-3922)

So, asked Christie, when we get people who give inconsistent testimony, what you do as a historian is take the parts that suit you and throw away the inconsistent parts?

"If there had been a number of people testifying to one gas chamber," said Browning, "I would have certainly had to give it more weight...Oberhauser gives, I think, very detailed accounts of the construction of Belzec. I think he gives very minimizing evidence...considering the period in which he was actually a responsible figure there and for which he was standing trial." (17-3923)

So you say that he is honest when he incriminates himself and he is dishonest if he exculpates himself?, asked Christie.

"...the pattern that I saw," said Browning, "looking at it, was that he gave fairly detailed and open evidence in areas that did not directly incriminate him. It was not incriminating any other witness on the stand for the earlier period. He was very minimizing in his evidence concerning the events for which he was standing trial." (17-3924)

Christie suggested that other historians might legitimately regard that testimony as implausible because of the inconsistencies and the apparent dishonesty and motives involved in the testimony.

Browning agreed: "They could look at the testimony and evaluate it differently than I did." (17-3925)

Whether they regard it as plausible or not was a matter of opinion and judgment, was it not?, asked Christie.

"They would be able to evaluate different pieces of the evidence differently than I," Browning repeated.

Especially, pointed out Christie, if they researched the area from the point of view of the physical evidence, namely, the inconsistencies of the story with the physical evidence?

"That is a hypothetical," said Browning but he admitted that he did not know what results a physical investigation would have. (17-3925, 3926)

Christie turned to page 20 of Did Six Million Really Die?:

Of course, no Jew would ever be found who claimed to have been a member of this gruesome "special detachment", so that the whole issue is left conveniently unprovable. It is worth repeating that no living, authentic eye-witness of these events has ever been produced.

This section was false in Browning's opinion because there had been people who were members of the special detachments (Sonderkommando) that came forward. Examples were Filip Müller and Rudolf Reder. (17-3928)

Was Filip Müller the one that had the talk in the gas chamber with the naked Jewish lady?, asked Christie.

"The very same," replied Browning. "...I believe he is telling the truth there." (17-3928)

Christie produced the book Eyewitness Auschwitz by Filip Müller, and read from page 113:

The atmosphere in the dimly lit gas chamber was tense and depressing. Death had come menacingly close. It was only minutes away. No memory, no trace of any of us would remain. Once more people embraced. Parents were hugging their children so violently that it almost broke my heart. Suddenly a few girls, naked and in the full bloom of youth, came up to me. They stood in front of me without a word, gazing at me deep in thought and shaking their heads uncomprehendingly. At last one of them plucked up courage and spoke to me: 'We understand that you have chosen to die with us of your own free will, and we have come to tell you that we think your decision pointless: for it helps no one.' She went on: 'We must die, but you still have a chance to save your life. You have to return to the camp and tell everybody about our last hours,' she commanded. 'You have to explain to them that they must free themselves from any illusions. They ought to fight, that's better than dying here helplessly. It'll be easier for them, since they have no children. As for you, perhaps you'll survive this terrible tragedy and then you must tell everybody what happened to you. One more

thing', she went on, 'you can do me one last favour: this gold chain round my neck: when I'm dead, take it off and give it to my boyfriend Sasha. He works in the bakery. Remember me to him. Say "love from Yana". When it's all over, you'll find me here.' She pointed at a place next to the concrete pillar where I was standing. Those were her last words.

I was surprised and strangely moved by her cool and calm detachment in the face of death, and also by her sweetness. Before I could make an answer to her spirited speech, the girls took hold of me and dragged me protesting to the door of the gas chamber. There they gave me a last push which made me land bang in the middle of the group of SS men. Kurschuss was the first to recognize me and at once set about me with his truncheon. I fell to the floor, stood up and was knocked down by a blow from his fist. As I stood on my feet for the third or fourth time, Kurschuss yelled at me: 'You bloody shit, get it into your stupid head: we decide how long you stay alive and when you die, and not you. Now piss off, to the ovens!' Then he socked me viciously in the face so that I reeled against the lift door.

Did Browning believe that? asked Christie.

"I do not know whether every exact word happened," answered Browning. "Obviously he is recounting something later, that an incident of that kind occurred, and he is reporting it as best he can remember, yes." (17-3933)

Christie suggested it was open to reasonable people to disbelieve it.

"There is much about the Holocaust that boggles the imagination," said Browning. (17- 3933)

Let me suggest, said Christie, what not only boggles the imagination but boggles the mind is a suggestion that these conversations could go on in the gas chamber and the door be opened from the inside and the girls push Filip Müller out as they stand there naked in the full bloom of youth?

"I don't believe it said the door was closed, did it?" asked Browning. "I don't remember... Yes, my impression of it was they were still -- I mean I will speculate on the situation, but it seems as if there are some people in there initially. There are still others dressing, undressing, in the ante-room and that the door has not yet been sealed. I don't see anywhere where they said they pushed him against the door that opened. He was pushed against the lift door at the end. That's the only door I see referred to." (17-3933, 3934)

Let me suggest, said Christie, that if there was a room full of six or seven hundred people, and they knew they were going to be gassed, and these young ladies allegedly did that, there would be more than just one person pushing on a door, in the usual sense of the nature of humanity?

"There is nothing in there about a door being closed yet," said Browning. (17-3934, 3935)

Do you consider that rational?, asked Christie.

"I consider that a believable and rational account of an incident. Moreover, the general question of whether his testimony, in terms of being in a Sonderkommando and his three years at Auschwitz witnessing to the gassings, is, indeed, very credible...I find Müller a credible witness. I did not find that incident incredible. I found it moving," said Browning. (17-3937)

Christie returned to the Müller book and read from page 47:

When I had found out in which block he was housed I managed, with the help of dollars and diamonds I had organized, to bribe the Kapo...

Do you maintain there were dollars and diamonds in Auschwitz-Birkenau?, asked Christie.

Browning believed there were: "The accounts of the various kinds of money and valuables that came in and that were taken off the people indicates, yes, there were." (17-3938)

I suggest to you, said Christie, that he also alleges that muscles were cut from prisoners and thrown into buckets which made the buckets jump up. Did Browning believe that?

"I don't know to what extent he is speaking figuratively," said Browning. "What does he mean by the buckets jumping? How far does the bucket -- does the muscle have a spasm?" (17- 3938)

Christie handed the Müller book to Browning who read the account:

The muscles of those who had been shot were still working and contracting, making the bucket jump about.

Browning indicated that Christie had not read the passage correctly as it said not "jump" but "jump about". He continued: "'Jump' like that, to move sideways or rattle because there is something contracting is a very different quote." (17-3938)

Browning did not know whether human muscles in a bucket would cause it to jump about: "I don't know on that particular detail, sir. That is not something that I think is essential to the credibility of the overall accounts about Filip Müller having been in the Sonderkommando and having experienced that for a long time. That is certainly a movement of some bucket in that case and having him describe it as jumping about is certainly possible." (17-3939)

Well, sir, said Christie, I suggest that what you have is a predilection to believe these stories, and it wouldn't make much difference what they said, you'd believe it anyway?

"It would depend entirely upon the account in question...And its corroboration, yes. How closely did it, in fact, fit in with what other witnesses and other people have said, the various ways -- " (17-3939)

So, asked Christie, if there were enough people who said ridiculous things you'd believe them all?

"We have said there is one way in which you consider the eyewitness testimony," said Browning. "As I said before, you also consider plausibility; you consider the self-interest of the person that is giving the testimony, that you consider as many different angles to it as you can in evaluating it." (17-3940)

Browning did not know if there were testimonies of people describing gas chambers at Buchenwald. He had not looked for it. Like Sachsenhausen, it was not an area in which he did research. (17-3940)

Browning had met an author named Vidal-Naquet but had never read anything he had written. (17-3940)

Was Browning aware, asked Christie, that even famous survivors, such as the Nobel Prize-winning Elie Wiesel, had told stories that were incredible?

"There is famous survivors who may have made exaggerated statements," agreed Browning. (17-3940)

Don't you think that reasonable people might, therefore, disbelieve the allegations because of the nature of these witnesses?, asked Christie.

"Again," said Browning, "as Gerstein and other cases, it would be depend[ent] upon what the nature of these allegations were." (17-3941)

Christie put it to Browning that large newspapers such as Nürnberger Nachrichten had reported a witness testifying in a trial in Germany that inmates at Auschwitz Birkenau had ridden bicycles in the gas chambers. Browning knew nothing of this testimony. (17-3941)

I suggest, said Christie, that survivors give absolutely incredible stories like riding bicycles in the gas chamber in Auschwitz-Birkenau, like naked ladies giving necklaces inside the gas chamber. That happens all the time doesn't it?

"There may be some that are not plausible. That doesn't mean that all the testimony is tainted by that," said Browning. He did not agree with Christie's suggestion that after awhile one became skeptical because of things said by the so-called eyewitnesses: "I have read a number of accounts, and I have not gotten that impression on working through court records." (17-3942)

Browning reiterated that he found the account of Filip Müller credible: "I found his account of the incident -- I found it credible. I did not find, however, that that was relevant to whether he had been -- I mean - let me rephrase that. Yes, I believe that that incident happened to Filip Müller. He may have rephrased it in some way as he could remember it but the essential parts of Filip Müller's testimony, in terms of his activities in the Sonderkommando, is very believable." Browning did not believe that Müller was being novelistic or exaggerating: "He tries to write it quite factually." He agreed that it purported to be a factual account and not some kind of novel. (17-3943)

Are you aware that Rudolf Vrba is another famous survivor?, asked Christie.

"Rudolf Vrba has admitted that what he wrote had literary dimensions to it," said Browning. He had heard that Vrba made this admission in his testimony given at the first Zündel trial in 1985. Browning had not read the testimony transcript itself, nor had he read Vrba's book *I Cannot Forgive*. (17-3944)

Was Browning aware, asked Christie, that Vrba claimed in the book that it was the truth and a very accurate account?

"I haven't read it, as I said."(17-3944)

Was there anything in the nature of these incredible accounts that would cause Browning to change his mind?, asked Christie.

Judge Thomas interjected: "What 'incredible accounts'?" (17-3944)

Christie suggested he had read Browning some and asked if they affected his willingness to believe in the eyewitness testimony of Filip Müller?

"The particular accounts you read from Filip Müller do not change my mind about the credibility of Filip Müller as a witness." (17-3945)

Would you say that someone who didn't believe it would have to be dishonest?, asked Christie.

"...Someone could take disagreement with Müller," said Browning. "The implication I have and read here is that no one has ever come forward and claimed that and that he has never been produced, and in fact he did come forward. He was produced in the court...He was a witness at Frankfurt." Browning had read only a "short snippet" of Müller's testimony, but could not remember what he said. (17-3945)

How do you know that he claimed to have been in the Sonderkommando from that snippet that you can't remember?, asked Christie.

Replied Browning: "I do not know if in that -- I do not remember what the snippet said, so I cannot answer that." (17-3946)

Christie turned to page 20, *Did Six Million Really Die?*:

Certainly the most bogus "memoirs" yet published are those of Adolf Eichmann. Before his illegal kidnapping by the Israelis in May, 1960 and the attendant blaze of international publicity, few people had ever heard of him. He was indeed a relatively unimportant person, the head of Office A4b in Department IV (the Gestapo) of the Reich Security Head Office. His office supervised the transportation to detention camps of a particular section of enemy aliens, the Jews...Strangely enough, the alleged "memoirs" of Adolf Eichmann suddenly appeared at the time of his abduction to Israel. They were uncritically published by the *American Life* magazine (November 28th, December 5th, 1960), and were supposed to have been given by

Eichmann to a journalist in the Argentine shortly before his capture -- an amazing coincidence.

Browning took issue with Harwood's allegation that Eichmann was a relatively unimportant person. He agreed that Eichmann held the rank of a Lieutenant Colonel, and was not even a Colonel: "But he was not, in my opinion, a relatively unimportant person, and he certainly wasn't, for anyone who is looking at the Holocaust, an unimportant person." (17-3946)

Eichmann was in B4b, not the higher-level A4b, as written in the pamphlet. In the hierarchy of the Reich Security Main Office, Eichmann's office was "down the hierarchy," Browning admitted. At the top was the Gestapo, signified by the Roman numeral IV, "then I forget what the sub-division - it will be Security Police II, then go to the Gestapo within the Security Police, and then it would go to a branch dealing with ideological enemies, and then there would be a subdivisions of that, the Jews of which are one." Eichmann did not have an office under himself. He had a direct staff of about twelve or thirteen people. (17-3947, 3948)

So was it a fair statement, asked Christie, to say that from the point of view of the hierarchy, he was an unimportant person?

"If you are looking solely at rank and comparing him with a General, he is less important," said Browning. "...Lieutenant-Colonel would be two steps down." (17 3949)

Browning did not disagree with Harwood's statements that the Eichmann 'memoirs' appeared at the same time as his abduction to Israel, that they were uncritically published by Life magazine, or that they were supposed to have been given by Eichmann to a journalist shortly before his capture. However, Browning did not agree with the statement that this was an "amazing coincidence": "I did not believe it to be a coincidence because it was my understanding that the attempt to peddle the memoirs had been one of the factors that led to his arrest." Browning admitted that he had never investigated the background to the arrest of Adolf Eichmann: "I do not know how the manuscript or how that portion of it came into the hands of Life magazine." (17-3950)

Browning did not dispute that part of *Did Six Million Really Die?* which claimed that other sources gave an entirely different account of the Eichmann 'memoirs'. He agreed that some people claimed they were based on a record of Eichmann's comments to an associate in 1955, whom Browning believed to be Sassen. Browning, however, had never spoken to Sassen. (17- 3950, 3951)

Christie referred back to the pamphlet at page 8:

In *Colliers* magazine, June 9th, 1945, Freiling Foster, writing of the Jews in Russia, explained that "2,200,000 have migrated to the Soviet Union since 1939 to escape from the Nazis," but our lower estimate is probably more accurate.

"We did go through that earlier...And I said, if you read it quite literally, as you did, then one can -- I indicated that I thought he had attempted to, in fact, create the

impression of an identification between him and Cross so that one had the tendency to read on further, but you had pointed out to me that that was not a necessary conclusion to draw." (17-3951, 3952)

Christie read from page 23 of Harwood:

It is true that in 1945, Allied propaganda did claim that all the concentration camps, particularly those in Germany itself, were "death camps", but not for long. On this question, the eminent American historian Harry Elmer Barnes wrote: "These camps were first presented as those in Germany, such as Dachau, Belsen, Buchenwald, Sachsenhausen and Dora, but it was soon demonstrated that there had been no systematic extermination in those camps. Attention was then moved to Auschwitz, Treblinka, Belzec, Chelmno, Jonowska, Tarnow, Ravensbrück, Mauthausen, Brezernia and Birkenau, which does not exhaust the list that appears to have been extended as needed" (Rampart Journal, Summer 1967). What had happened was that certain honest observers among the British and American occupation forces in Germany, while admitting that many inmates had died of disease and starvation in the final months of the war, had found no evidence after all of "gas chambers". As a result, eastern camps in the Russian zone of occupation such as Auschwitz and Treblinka gradually came to the fore as horrific centres of extermination (though no one was permitted to see them), and this tendency has lasted to the present day. Here in these camps it was all supposed to have happened, but with the Iron Curtain brought down firmly over them, no one has ever been able to verify such charges. The Communists claimed that four million people died at Auschwitz in gigantic gas chambers accommodating 2,000 people -- and no one could argue to the contrary.

Browning believed he had not mentioned the Barnes quote in disputing the pamphlet. What he took issue with was the allegation that no one had been permitted to see the eastern camps. Browning disagreed with Christie that Harwood was referring only to Auschwitz and Treblinka: "...The subject of the sentence is eastern camps." (17-3953)

Christie suggested that there were published indications that no one was allowed to see those camps. One of these was a letter written by a lawyer, Stephen Pinter, who served in the U.S. War Department in Germany after the war, which Harwood quoted in the pamphlet:

What is the truth about so-called "gas chambers"? Stephen F. Pinter...made the following statement in the widely read Catholic magazine *Our Sunday Visitor*, June 14th, 1959:

"I was in Dachau for 17 months after the war, as a U.S. War Department Attorney, and can state that there was no gas chamber at Dachau. What was shown to visitors and sightseers there and erroneously described as a gas chamber was a crematory. Nor was there a gas chamber in any of the other concentration camps in Germany. We were told that there was a gas chamber at Auschwitz, but since that was in the Russian zone of occupation, we were not permitted to investigate since the Russians would not allow it. From what I was able to determine during six postwar years in Germany and Austria, there were a number of Jews killed, but the figure of a million was certainly never reached. I interviewed thousands of Jews, former inmates of concentration

camps in Germany and Austria, and consider myself as well qualified as any man on this subject."

Christie produced the letters to the editor section of the June 14, 1959 edition of Our Sunday Visitor and had Browning verify that Harwood gave an accurate quotation of the letter: "It is an accurate quote," agreed Browning. (17-3958)

Christie suggested to Browning that Harwood had chosen to believe someone who represented himself as an eyewitness and who indicated the eastern camps were not open, rather than the New York Times article that Browning had quoted. Browning answered that there was no indication that he was choosing between the two. Christie agreed, suggesting that it was apparent that Harwood did not even know about the New York Times article. Browning answered: "He certainly either is not aware, or he is not revealing that he is aware, but I, from reading this, could not tell which...He does not mention it." (17-3958)

The New York Times article indicated that Majdanek had been visited briefly; were the eastern camps open on other occasions?, asked Christie.

"I do not know," said Browning. "There was, as I gather from the text, a trip that was organized [by] the Russians with a political motive, that the reporter makes clear to his readers, so they can take that into consideration." (17-3961)

So this, suggested Christie, was at least one occasion upon the liberation of Majdanek when the Russians chose for publicity purposes to let the press in?

"That is what the article says, yes." (17-3961)

But what Stephen Pinter, who claimed to have been there at the time, said could also be true, that the Russians thereafter did not allow other people in?

Browning replied: "At least for Auschwitz is the example that he mentioned."

Christie pointed out that Pinter had indicated that it was the Russian zone of occupation which was off-limits to Allied soldiers. Browning agreed that this was what the letter was "trying to imply." (17-3962)

And wouldn't that be the truth?, asked Christie.

"I don't know if it was the truth," said Browning. Nor did he know if it was false: "No, I don't know if the policy is whether one would have been allowed to investigate or not." (17-3962)

Christie turned to the subject of the western concentration camps; did Browning say that the western camps, such as Dachau, Ravensbrück and Buchenwald, did not have Jews in them?

"They were not the deportation reception camps during the period up to 1945," said Browning. "They had -- Jews were among those evacuated from Poland to them. There were some Jews in the camps, those camps, since 1942, when Himmler ordered

that Jews in the German concentration camps be transferred to Auschwitz. They were not camps that were primarily intended for receiving large deportations of Jews and gassing them...There may well have been some Jews in those camps at different times, but they were not primary to the German policy. I don't know of the numbers of individual Jews in those camps...It was not central to the 'final solution'...They are not, in my opinion, extermination camps, though many people died there." (17-3963)

Browning confirmed that the New York Times article he had read from August 30, 1944 claimed that 1.5 million died at Majdanek. He acknowledged that Hilberg now estimated the dead at 50,000. He continued: "...I had said when we introduced this it was not evidence for how many died there, but it was simply the impressions of the newsman who went -- who declared at the very beginning he did not know how many died there." (17-3965)

But the headline of the article, pointed out Christie, said 'victims put at 1,500,000', right? Browning did not remember and stated he would have to see the article again. (17-3965)

Did Browning take seriously other information given in the article?, asked Christie.

"There are information -- for instance, he says they expect to uncover many more bodies in the forest," said Browning. "That's what he said they expected to find, and I do not know what subsequently anybody dug up, graves like that." (17-3966)

So, suggested Christie, the information of that day was grossly exaggerated? Browning agreed: "It was very sketchy and exaggerated because it was still [a] very preliminary stage of research, that he admitted that this is his first impression, that there was no claim that it could be more than that." (17-3966)

And he was there on a propaganda trip?

"He was there because the Soviets had an overt political purpose which he clarified to the readers and did not hide." (17-3966)

Do you realize, asked Christie, that the estimates of the daily death toll in Auschwitz ranged from 1,000 a day to 60,000 a day?

"In that at different periods the daily rate changed," said Browning, "I think there certainly are much exaggerated statements about it and that often that will depend upon what time, such as whether during Hungarian deportations or at some period with no one coming in, what the rate would have been on a particular day. What the pamphlet does is to take a maximum and then extrapolate it." Browning had seen a variety of estimates, but could not recall a particular source that said 60,000. Christie asked if he was aware of Jan Sehn, a judge in charge of investigating Auschwitz after the war, who published in 1961 the book *Le Camp de Concentration d'Oswiecim-Brezinka* in which Sehn gave the estimate of 60,000. Browning knew of Sehn but did not know if he gave such an estimate. (17-3967, 3968)

Christie produced a list of various written opinions on the daily death rates (which had been entered as Exhibit 129 on February 20, 1985 at the first Zündel trial) and asked Browning to comment on it.

"There is nothing here," said Browning, "to calculate whether they are referring to an average over a long period, or a peak, or a peak over a short period. There is a column of books on the one hand and numbers on the other hand, under the title 'Number of People Cremated Per Day', and it does reflect a variety, though from reading Hilberg, I'm sure that his reference is to a peak period, not over a prolonged period. I do not know or remember the other references." (17- 3970)

Browning believed that the estimate of 50,000 dead at Majdanek "came as a result of the judicial investigations of the German trial of Majdanek, that they did their best to find out which deportations actually went there. To their surprise, they found out that Majdanek had not had anything like the numbers of the other camps, that the number they came up with was much lower than the other camps, but that gassing had taken place, particularly the period from late fall of '42 into the spring of '43, that it had not been a period in which there were major deportations to the camp over a prolonged time." (17-3971)

Christie referred Browning to page 67 of his book *Fateful Months* where Browning had written, regarding gas vans, that after the war they were scarcely remembered or not at all. The few who admitted they even knew that gas vans had been produced in their garage and for what purpose claimed to have been horrified and shocked. Their only documents portrayed a different picture. What disturbed them was the criticism and complaints about their product.

Do you agree, asked Christie, that after the war the people who you allege to have made these gas vans, didn't appear to have any knowledge of any sinister purpose for them?

"The people working in the garage, the minor mechanics, remember very little. The chief mechanic and the head of the automotive section remembered a great deal more." Browning's source for this statement was, again, the testimony given in pre trial depositions in war crimes trials. (17-3972)

Did Browning ever consider, as a historian, that a lot of the allegations about the extermination was post-war propaganda?

"Did I consider the possibility?," replied Browning. "In the abstract way, having read Butz, and whatever I did indeed say, is this a plausible or possible kind of an interpretation? I suppose it's an intellectual question, yes." (17-3972)

Had Browning ever made a search to determine if there was an official policy to create atrocity propaganda at the end of the Second World War to justify the alliance with the Soviet Union and the obvious barbarity of the Red Army as it advanced into Eastern Europe? Browning had not: "As - no, I did not make a research into the question of whether there was a policy to invent propaganda. I did not think, and as I have said earlier, the alliance with the Soviet Union needed justification." (17-3973)

Christie produced and put to Browning an excerpt from the book Allied Wartime Diplomacy by Edward J. Rozek (Exhibit 124, February 20, 1985, in the first Zündel trial) in which the author quoted from a note sent from the British Ministry of Information to the BBC and the higher British clergy on February 29, 1944:

Sir,

I am directed by the Ministry to send you the following circular letter:

It is often the duty of the good citizens and of the pious Christians to turn a blind eye on the peculiarities of those associated with us.

But the time comes when such peculiarities, while still denied in public, must be taken into account when action by us is called for.

We know the methods of rule employed by the Bolshevik dictator in Russia itself from, for example, the writing and speeches of the Prime Minister himself during the last twenty years. We know how the Red Army behaved in Poland in 1920 and in Finland, Estonia, Latvia, Galicia and Bessarabia only recently.

We must, therefore, take into account how the Red Army will certainly behave when it overruns Central Europe. Unless precautions are taken, the obviously inevitable horrors which will result will throw an undue strain on public opinion in this country.

We cannot reform the Bolsheviks but we can do our best to save them -- and ourselves -- from the consequences of their acts. The disclosures of the past quarter of a century will render mere denials unconvincing. The only alternative to denial is to distract public attention from the whole subject.

Experience has shown that the best distraction is atrocity propaganda directed against the enemy. Unfortunately the public is no longer so susceptible as in the days of the "Corpse Factory," and the "Mutilated Belgian Babies," and the "Crucified Canadians."

Your cooperation is therefore earnestly sought to distract public attention from the doings of the Red Army by your wholehearted support of various charges against the Germans and Japanese which have been and will be put into circulation by the Ministry.

Your expression of belief in such may convince others.

I am, Sir, Your obedient servant,

(signed) H. HEWET, ASSISTANT SECRETARY

The Ministry can enter into no correspondence of any kind with regard to this communication which should only be disclosed to responsible persons.

Would it be important, asked Christie, for historians to assess such official pronouncements to determine the credibility of subsequent information out of eastern Europe?

"It would be one factor to take into account," said Browning. "Any of the things that I've said in my books I do not believe I have based anything on a statement to the British Ministry of Information...I would say that I do not see a policy such as this reflected in the work that I've done. There was, as is noted here, a concern for credibility, and we have talked about that earlier. It would be one more factor to take into consideration and to weigh in the balance with other things." (17-3976)

Browning did not see any connection between his work and the material contained in the circular: "I wonder how a study of a gas van killing of people in Belgrade in 1942 should include information about an international circulation in a British Ministry of Information in 1944?...There was a propaganda from all sides, and as I have pointed out, on the part of the British and the Americans, there was, for a long period, a great reticence, as we had seen in that telegram, to use or -- to use what they consider not totally confirmed information." (17-3977, 3978)

Are you incorporating that telegram, asked Christie, which you didn't know about until you took the stand, in your opinion now? Browning acknowledged he was: "I have, just as I incorporated the information...on Hans Frank yesterday that we discovered. Thanks for your reference...I have indicated that research in history is an ongoing business, that I am incorporating information when I get it." (17-3978)

In his research, Browning had used the Yugoslav archives but it was not the major source; most of his sources came from Germany. (17-3979)

And don't you think that the documents you saw in Germany are also part of the selection made by the Allies?, asked Christie.

Browning disagreed: "No, I do not. When I went through the documents for the German army in Serbia, they go down to the divisional level. I have no knowledge that anything was taken out...I worked in the Bundesarchiv in terms of the automotive department documents that were referred to before. It is very incomplete. I...therefore can't tell from the context whether something had been taken out. How can I know, you know? Some things, it is possible, by looking at them, to see fairly certainly that nothing has been removed. Some files, you could not tell from looking at them whether possibly someone had removed some document." (17-3979, 3980)

Christie indicated that Raul Hilberg had been quoted as stating that Holocaust revisionists such as Robert Faurisson had rendered a service in that they raised questions which had the effect of engaging historians in new research. Did Browning agree with that statement?

"Just as this whole court proceeding has raised some questions that I have continued to look into," said Browning, "such as the research into the Frank interview or interrogation you referred me to, yes, we do - it does raise questions that we continue to look into...Academic research develops in terms of confronting new ideas...I think that we did this at the beginning, talked about a line between misrepresentation and search...for new things. That line, at points, is going to be fairly hazy, and at other points I think it will be less hazy." (17-3981) Browning agreed that one "should be open to new research, new evidence." (17-3982)

Did Browning know who Dr. Robert Faurisson was?, asked Christie. Browning replied that he had seen him but had not met him. He indicated that he saw Faurisson was present in the courtroom. (17-3982)

Christie put it to Browning that Faurisson had come up to Browning in the Sorbonne on 13 December 1987 and tried to hand him a piece of paper?

"I had already received a copy of that piece of paper from someone else," replied Browning. (17-3982, 3983)

Christie suggested that Browning told Faurisson he did not want it.

"I walked past," said Browning, "I believe I walked past. I don't know that I said anything." Browning did not know at that time who Faurisson was: "I didn't know at that time. Somebody pointed him out afterwards. I'm not -- let me think. When I came there I did not know who he was. I do not remember at which point he was identified to me. I didn't know for sure whether he and another gentleman -- which one was which, so I don't believe I knew for sure that it was Dr. Faurisson." (17-3983)

Browning had heard of the Committee for the History of the Second World War and the Institute of France but did not know any details.

Are you aware, asked Christie, that there is now a public debate in France as to the existence or not of gas chambers and whether there was a genocide of the Jews?

"I was aware that that issue has been discussed in France," replied Browning. "When I went to the conference, I did not know that that was related to that discussion." (17-3984)

Browning indicated that at the Sorbonne conference questions were sent in written form to the chairman. He did not see the questions, which were relayed verbally to different people: "I did see that Mr. Faurisson had handed one to her, but the chairman did not read it." (17-3984)

You are saying 'Mr. Faurisson', noted Christie. Did Browning know Faurisson's academic background?

"I believe he is a professor of literature at the University of Lyon, but I don't know that for a fact." (17-3984)

Did Six Million Really Die? was one of the first revisionist publications Browning had seen and only one of two that he had read. He would not agree that the Butz book came later. (17-3985)

Did Browning agree that the Butz book was much more advanced in terms of research?, asked Christie.

"Certainly, the Butz book did not -- I did gain a different impression of the Butz book than the pamphlet," replied Browning. (17-3985)

He would not speculate on what the consequences would be for the state of Israel if it was ever admitted one day that there was no policy of extermination, no gas chambers and that the figure of 6 million was a gross exaggeration. (17-3985)

Browning did not read the front and back portions of the pamphlet written by its publisher, Ernst Zündel: "I remember scanning them but I read the pamphlet. I did not study the other portion...I was asked to study the pamphlet, to make comment on it. I did not subject the first part to the kind of examination that I did the rest." (17-3987)

Browning admitted that he had never written a paper to refute the pamphlet. Nor did he know of any publication by any other historian that had sought to point out publicly any errors in *Did Six Million Really Die?*: "...there may well be some. I just do not know." (17-3987)

The cross-examination of Browning by defence counsel Christie ended, and Crown Attorney Pearson commenced his re-examination of the witness. (17-3988)

Pearson referred Browning to the book *What is History?* by E.H. Carr, and asked him to read the following paragraph at page 27:

How then, in the middle of the twentieth century, are we to define the obligation of the historian to his facts? I trust that I have spent a sufficient number of hours in recent years chasing and perusing documents, and stuffing my historical narrative with properly footnoted facts, to escape the imputation of treating facts and documents too cavalierly. The duty of the historian to respect his facts is not exhausted by the obligation to see that his facts are accurate. He must seek to bring into the picture all known or knowable facts relevant, in one sense or another, to the theme on which he is engaged and to the interpretation proposed. If he seeks to depict the Victorian Englishman as a moral and rational being, he must not forget what happened at Stalybridge Wakes in 1850. But this, in turn, does not mean that he can eliminate interpretation, which is the life-blood of history.

Browning agreed that Carr drew a distinction between fact and interpretation, and "you must respect the facts." (17-3989)

There was a reference in your cross-examination to Kristallnacht, said Pearson. Could you please explain what it was?

"Yes, Kristallnacht was an event in November 9 to 10, 1938," said Browning. "Three days earlier, a Polish-Jewish refugee, who apparently had just been expelled from Germany but had not been admitted to Poland had been caught in 'no man's land', and he went into the German Embassy in Paris and shot an official of the German Embassy. The man died three days later, and then a riot took place in Germany, or a pogrom, in which most of the synagogues were burned down and Jewish stores were looted and vandalized...It was a point following that, in fact, that a very pluralistic approach, in which various agencies in the German government sort of went their own way, were more or less co-ordinated under Göring and Himmler, that Hitler empowered Göring to be in charge of overseeing Jewish policy, and Himmler worked very closely with him, so it created a greater centralization." (17 3989)

Were secondary sources something to which a competent historian made resort to?, asked Pearson.

"It is the only way in which he can possibly get to write anything. If one has to find the next documents that gave a background and a context to the area in which he is researching, he could never come to an end, so that basically you pose a research problem and you look into that. You do as much to get all the primary source as you can for that topic, and then you read the surrounding secondary literature so that you know in what context you are working on the particular area you are doing, primary or archival research," said Browning. Secondary sources were also subject to scrutiny: "You certainly look at how it was read and what kind of archives that its author visited, what kind of secondary sources that he consulted, so you look at its bibliography and you take a measure, as you read it, as to its credibility." Browning felt that he "certainly [had] some ability" in assessing the reliability of secondary sources in the area of Nazi policy towards the Jews. (17-3991)

Pearson asked Browning to explain the incident concerning the Hitler diaries. Browning testified that there was an attempt to sell what turned out to be a fraudulent diary. Stern magazine in Germany was going to release it in segments over many months. The document was eventually sent to the Bundesarchiv for certification, but was instead exposed as a forgery "in very rapid order...It was almost instantaneous ... inconsistencies have been found very quickly that could not have been in the original, and I think, I am not sure, I don't know what kind of scientific test, but they subjected it to both a scientific test and a contextual examination." (17- 3992, 3993)

Browning testified that the Hans Frank diary had been used by scholars since it was captured in 1945. He was not aware of any scholar casting any doubt on the authenticity or reliability of the diary in the intervening years. (17-3993)

With respect to the Goebbels diary, scholars had been using it since 1948. It had been widely cited, and Browning had seen no charge that it was a fabrication. (17-3994)

Pearson produced the book *Manstein: His Campaigns and His Trial* by R.T. Paget, M.P., and read from page 130:

Hitler had from the beginning of his career made speeches to the effect that if international Jewry or the elders of Sion succeeded in casting the world into war with Germany then that war would result in the total destruction of international Jewry, and the prosecution argued that the German generals must have realised as a result of these speeches that literal Jewish extermination was a German war objective. They then produced an order addressed by Himmler to the S.D., a copy of which had been sent to the army, to the effect that Jews were to be concentrated in the larger cities or in other words that a ghetto system was to be established pending the "final aim." No document stated what the final aim was. The prosecution said it was extermination. It certainly became extermination, but it is improbable that extermination was contemplated as early as 1939 or 1940.

Browning testified that this was the position he had argued for. Pearson turned to page 171 and had Browning indicate that Christie had stopped reading at the words "in

Simferopol, it certainly appeared that this Jewish community was unaware of any special danger." Pearson continued reading from that point on:

Ohlendorf had reported that not only Simferopol but the whole Crimea was cleared of Jews. He was clearly a man who was prepared to say anything that would please his employers. The Americans had found him the perfect witness.

Nobody ever will know what really happened. I think that Ohlendorf probably told the truth when he said that before the campaign he received verbal orders directly from Himmler to exterminate the Jews of the Ukraine and that it is probably also true that these orders were so secret that they were known only to a few officers of the Einsatz Kommando. I think that Ohlendorf probably started off with the intention of carrying out his orders but very soon realised that the task was enormously beyond the capacity of his command. I believe also that while it was relatively easy to order the murder of the Jews in the abstract it was psychologically difficult to murder women and children in practice. Even the S.D. thugs discovered a loathing for the task. One went mad in Simferopol and started moaning "The eyes, the awful eyes." This shook the others. At about this point Ohlendorf whose figures even before had been enormously exaggerated, reported that his area was clear of Jews.

The extermination policy worked in the extermination camps where every individual could be given a particular job. It broke down in the field where the same body of men had to be entrusted with the whole operation from capture to murder. Human beings were just not wicked enough to go on doing the whole job. The Nazi devil had nearly but not completely obliterated the Christian tradition of childhood.

If Browning had discussed this with Paget, a defence lawyer, would it have changed his perspective?, asked Pearson.

Browning replied: "No, I think we saw even in some of the Einsatzgruppen reports saying that it would be difficult to complete the job in this way, so that this would confirm what we had seen in the documents." The psychological difficulties of killing women and children was reported in discussions with Himmler and the development of the gas van was a way to reduce this burden. Browning concluded by stating that a discussion with Paget would not have changed his perspective "in terms of whether there had been a plan to murder the Jews of Russia [by] the Einsatzgruppen." (17-3998, 3999, 4002)

Notes

1 Documents released in 1989 under the Freedom of Information Act revealed that Browning was paid \$25,818.85 for research, testimony and expenses.

2 Not compared with original.

Witnesses for the Defense

Ditlieb Felderer

[Ditlieb Felderer was the first witness called by the defence. He testified on March 2, 3, 4 and 7, 1988.]

Ditlieb Felderer, 46, first met Zündel in 1979. Both had an interest in what Felderer defined as the "extermination theory," the belief that during the Second World War, in Poland, millions of people had been exterminated in gas chambers. (18-4225)

Felderer's interest in the subject had been aroused during his years as a researcher for the Jehovah's Witness publication *Awake!*, during which time he prepared a research paper for the Witnesses' governing body on the history of the Jehovah's Witnesses during World War II. Members of the sect were incarcerated in virtually every camp in Nazi Germany during the war and also in such countries as Canada because they refused to bear arms. (18-4225 to 4229) In the beginning, the Jehovah's Witnesses claimed that 60,000 of their members were killed in the Nazi concentration camps. Felderer's research on the question, which took him to the headquarters of the Jehovah's Witnesses in New York, as well as to archives in Toronto, Switzerland and Scandinavian countries, convinced him that the actual number was far lower, and that only about 200 Jehovah's Witnesses were killed. Felderer's research put him on a collision course with the sect; the leadership in New York warned members that they were not allowed to speak to him. In a subsequent Yearbook published by the Jehovah's Witnesses, however, they conceded that only 203 people were killed during the war. Felderer had told Zündel about this research. (18-4226 to 4229; 4645)

In 1976, Felderer received an English language edition of the booklet *Did Six Million Really Die?* by Richard Harwood from an anonymous sender. Felderer, who was Swedish, could also read Danish, Norwegian, German, French and English. As a result of reading the booklet, he decided to delve into the issue and visit all of the camps that he possibly could. (18-4230, 4231)

Felderer subsequently published a Swedish language edition of *Did Six Million Really Die?* in 1977. Under Swedish law, he was required to submit the booklet to the Attorney General's department, which had a special department where publications were scanned to determine whether they were lawful. No complaint or prosecution was ever brought against Felderer for the booklet. It was mailed to all major newspapers in Sweden and schools and was still available in Sweden today. (18-4233) In total, he distributed about 10,000 copies in Swedish. (19-4620; *Dog Verkligen Sex Miljoner?* entered as Exhibit 74, 18-4231)

Felderer had never found anything substantially wrong with *Did Six Million Really Die?*. He testified that, to the contrary, it had proven to be more true as the years progressed. In 1974, when the booklet was first published, it was believed there was a Hitler order. *Did Six Million Really Die?* was the first publication Felderer saw which claimed otherwise. The exterminationists had now moved to a position closer to that of the booklet. (19-4601)

After publishing the booklet, Felderer saw a book produced by a Jewish group in South Africa which he believed was the only book ever published to attempt to refute *Did Six Million Really Die?*. Felderer pointed out that he had mailed his material to historians in Sweden with the request that if they found any error in the material, they should let him know. He did not for a moment believe any book to be perfect. Each book had its faults and mistakes, but it was not for him, as a publisher, to start cutting out views and ideas. It was up to the purchaser of the material to find out the truth. (19-4618, 4619)

Asked if he was part of some conspiracy to rehabilitate Nazism and Hitler, Felderer stated that Nazism was dead and a past issue, and that it was pure fantasy for someone who even nurtured that viewpoint. He felt history should be a non political matter where each individual, without threat of having authorities stopping their research, could research freely and in that way come to the truth. (19 4620, 4621)

The first camp Felderer visited was Dachau in West Germany. He discussed this visit with Zündel, as he regarded Dachau as an essential element in understanding exterminationism. He pointed out that in exterminationist literature published between 1947 and the Frankfurt trial in 1964, the focus for the gas chamber allegation was Dachau. Later, the focus switched to Poland. (18-4234)

At Dachau, Felderer investigated the entire area, looking at the crematories and the alleged gas chamber. While claims were once made that over 200,000 people died at Dachau, the sign at the camp today indicated that no one was gassed there; they had been "sent away." Felderer questioned why the "stupid Germans" would ship people around in the midst of a war to be executed when they already had a place to execute them in Dachau. The Dachau authorities, when asked about this, replied that nobody had ever asked them that question before. (18-4235)

To prepare himself for his visits to the camps in Poland, Felderer interviewed people who had been in the camps, asking about smells, locations and buildings; he studied books such as those by Raul Hilberg and Gerald Reitlinger. (18-4236, 4237) Felderer made a special note of the people who wrote exterminationist literature and asked the guards at the camps in Poland whether any of them had done research there. He had pictures, for instance of Raul Hilberg, in order to ask guards if they recognized him and whether he had ever been there. The guards replied that they had never seen the man. For Felderer, it confirmed an essential point, that the exterminationists did not do any real research. (18-4238)

He corresponded with such people as German historians Wolfgang Scheffler, Martin Broszat and the staffs at Yad Vashem and the Encyclopaedia Judaica, the Red Cross, major academics in Poland, and historians in the Soviet Union. (18-4239, 4240)

In Poland, Felderer visited all of the alleged extermination camps: Chelmno, Belzec, Treblinka, Sobibor, Auschwitz, Birkenau, Gross-Rosen, Stutthof, and Majdanek. He took photographs of the camps and interviewed people who lived in the area. On the whole, he made at least thirty trips to Birkenau and Auschwitz. Felderer later showed to Zündel the photographs and tapes of interviews he had made with such people as Dr. Szymanski, the Director of Artifacts of Auschwitz. (18-4243, 4244, 4451)

Felderer got to be on speaking terms with the administration of the Auschwitz Museum. He believed that many doors were opened to him because the Polish officials believed his Filipino wife was Vietnamese. They invited him to see their libraries, archives and the special buildings where they kept artifacts which were not open to the public. (18-4243, 4245) These people included Dr. Szymanski, Kazimierz Smolen, then Director of Auschwitz, Piper, Director of Artifacts, and Madame Danuta Czech, the head historian of Auschwitz. (18-4246, 4247) The Auschwitz Museum also had an extensive library which included the revisionist writings of Dr. Arthur Butz, Thies Christophersen and Felderer himself. (18-4247)

The Auschwitz officials showed Felderer original material including what was alleged to be the handwritten material of former Auschwitz commandant Rudolf Höss. Felderer noted that this writing was in pencil with no errors or corrections. He asked one of the Auschwitz historians, Mr. Tadeusz Iwaszko, if the Museum had the original draft made by Höss with his corrections. Iwaszko checked with the Director of the Museum, who in turn had to check with Mr. Pilichowski, the person in charge of the General Commission for Investigating Nazi Crimes in Warsaw. Felderer discussed this incident with Zündel; it showed the necessity of obtaining original source material, since documents could easily be falsified or altered. (18 4247, 4248, 4249)

Felderer later published his book *Auschwitz Exit* (Exhibit 75), a book which he gave to Zündel in 1979 when Zündel and Felderer were planning to go to Poland together. (19-4515) He also made available to Zündel an extensive bibliography which he prepared on the subject. (19- 4519, Exhibit 76). Felderer and Zündel made both video and audio cassettes together on the subject, (18-4251) including the video *Genocide by Propaganda*. (19-4569)

Felderer showed to the jury a series of about 300 slides made in the Nazi concentration camps in Poland which he had shown to Zündel. The slides were taken using Nikon and Pentax cameras and primarily three types of film. Infrared film was also used in order to detect alterations that might have been made in buildings. Overall, Felderer took some 30,000 slides of the various camps he visited during the years 1978 to 1980. (18-4252 to 4254, 20-4633; slides entered as Exhibits 80 to 84, 19-4558).

Aerial photographs of Auschwitz:

Aerial photographs taken of Auschwitz by the Americans during the war were released by the CIA in 1979 in a book entitled *The Holocaust Revisited: A Retrospective Analysis of the Auschwitz-Birkenau Extermination Complex*. Using slides of these photographs, Felderer pointed out to the jury the main buildings in the camp, including the electrified fence, the alleged gas chamber, Commandant Höss's

house, the administration buildings, the swimming pool, the hospital block, the gynecological block (as children were born at Auschwitz), the SS hospital, blocks where inmates learned a trade such as sewing and the two largest buildings in the camp, the kitchen, and the theatre. (18-4255 to 4259) Close-up slides of the aerial photographs indicated that the alleged gas chamber in Auschwitz I was about 30 metres from the SS hospital building. (18-4260) Felderer was told by people in the town of Auschwitz that during the war people could obtain special permission to take tours of the camp on special days. (18-4323; The Holocaust Revisited entered as Exhibit 85, 19-4605)

Auschwitz I Map:

A map taken from a book by former Auschwitz inmate Maximilian Kobler was, to Felderer's knowledge, the only map of the camp to indicate the theatre as a theatre, and to label the alleged gas chamber, not as a gas chamber, but as a crematory, which, in Felderer's opinion, it actually was. (18-4263)

Auschwitz I Kitchen:

The kitchen in Auschwitz I, one of the largest buildings in the camp, had twelve chimneys and included a dietary section, a bakery and a butchery. The kitchen also had flush toilets which were unknown to that part of Europe at the time. Soviet soldiers who captured the camps thought they were places to wash their hands because they had never seen flush toilets before. Felderer told Zündel that it didn't make sense that one of the biggest buildings in an alleged extermination camp was a kitchen. (18-4267, 4268)

Auschwitz I Theatre and Orchestra:

The theatre in Auschwitz I was used by the inmates to put on plays and contained a stage and musical instruments. Felderer decided to investigate the large building after an Auschwitz tour guide told him the building was unimportant and was only used by the Germans to put garbage into. Museum officials Piper and Czech later confirmed to Felderer that the building was used as a theatre during the war. Survivor accounts such as Fania Fénelon's *Playing for Time* also spoke of the Auschwitz orchestra. A large blow-up of a photograph of the orchestra playing during the war was displayed at the Auschwitz Museum at the main entrance. Felderer also showed a slide of a Ukrainian choir singing in what Felderer believed was the theatre building. The photograph was taken from the Dürrfeld file of the United States Archives. Dürrfeld, who had worked at Monowitz, was later charged with war crimes and entered the photographs in his defence.¹ (18-4270 to 4273)

Auschwitz I Swimming Pool:

The swimming pool at Auschwitz I was located inside the electrified fence and measured 25 metres long, 6 metres wide, and 3 metres deep. Slides depicted the two starting blocks, the mount for the springboard and the showers. Piper told Felderer that the pool had been used to rehabilitate inmate patients and as recreation. There was never any denial by the Auschwitz Museum administration that the pool was there during the war and aerial photographs taken by the Allies confirmed its

existence. Felderer requested Auschwitz officials to provide him with the blueprints of the pool but without success. Some literature of Holocaust survivors referred to this swimming pool and how it was used for water polo. One such survivor who had written about the pool was a person named Kreuz. (18-4258, 4275 to 4278; 20-4713)

Inmates were sometimes also allowed to swim in the nearby Sola River. Felderer obtained this information from interviews with Jehovah's Witnesses who had been interned in the camp and from "survivor" accounts. (18-4264)

Auschwitz Cinema:

At Auschwitz today tourists were shown documentary films taken by the Soviets at the liberation of the camp in the same room where inmates had watched films during the war. Piper told Felderer that the seats in the cinema were identical to those used by the inmates. (19-4413)

Auschwitz I Brothel:

Just inside the main gate of Auschwitz was a building used during the war as a brothel for the inmates. It was not a secret that the camp had a brothel; it was mentioned in books and its existence was confirmed by the Auschwitz Museum officials. Felderer first heard about the brothel during his work for the Jehovah's Witnesses. Today, the building housed the museum's archives and library. Felderer joked with Piper, whose office was in the building, about how it felt to work in a brothel. Piper had blushed and laughed about it. (18-4266, 4267)

Auschwitz I Crematory and Alleged Gas Chamber:

Felderer was assured by museum officials that nothing had been altered in Auschwitz since its capture by the Soviets at the end of the war. (18-4280, 4281) Tourists on guided tours of the camp were also told that what they saw was exactly the way it had been at the time of liberation. (19-4474) However, comparisons of photographs of the gas chamber exterior taken after liberation and of the gas chamber as it appeared when Felderer was there indicated that alterations had been made. Piper explained that since many visitors to Auschwitz could not read, alterations were made to help them "understand" the crimes. (18-4280, 4281)

The alleged gas chamber was located next to the SS Hospital building and the Gestapo buildings. There were two entrances to the alleged gas chamber. (18-4279) The first door, which had a peephole in it, opened into a small vestibule. Anyone looking through the peephole did not see into the alleged gas chamber, but saw only a concrete wall approximately one and a half metres away. (18-4294, 4299) Felderer testified that the peephole had significance in exterminationist literature because the Nazis were supposed to have watched with great pleasure as the people died. (18-4295)

The doors to the alleged gas chamber were not iron or airtight as was also claimed in exterminationist literature. The doors were made of wood with simple handles and locks. One door had a pane of thin glass in it. (18-4295, 4296) Both doors opened inward. Felderer pointed out that the exterminationist literature described people

rushing to the doors in an attempt to escape death, and piling up to the ceiling. He questioned how the Nazis could have opened the doors after each gassing when they opened inward -- the pile of corpses would have prevented it. "It was to me not a very ingenious way of building and making a door," said Felderer. (18-4296, 4297)

Felderer asked Auschwitz Museum officials why people about to be gassed inside the room never broke the glass in the door to get out. The usual answer was that no one had ever asked them those types of questions before. To Felderer, these things indicated that the room was not one where millions of people were gassed. (18-4296)

Slides of the vents on the roof of the alleged gas chamber, through which the Zyklon B was allegedly thrown, showed them to be very shoddily made wooden contraptions. (18-4282) Photographs of these four vents from the inside of the alleged gas chamber indicated very rough workmanship; the reinforcement iron bars in the concrete roof were clearly visible in some slides. Felderer testified that this shoddiness flew in the face of exterminationist literature which insisted that these vents were scientifically devised airtight openings. When asked about the vents, Piper later conceded that they were made around 1947. (18-4290, 4291)

There were no shower heads in the alleged gas chamber at Auschwitz although it was claimed that the gas in most instances entered through shower heads. (18-4287) There were drainage openings, however, which seemed to indicate that two toilets were once located in the room. (18-4289) Infrared film showed that there were once several partitions in the room. (18- 4299, 4300) Felderer received blueprints from the Auschwitz officials which showed how the building looked at different stages. In the beginning, it had actually been a crematory with two furnaces and a morgue. After Birkenau was completed, cremations were carried out at the crematories in that camp while the crematory at Auschwitz I was converted into a hospital shelter in the case of an air raid. Partition walls were put up in the morgue (the alleged gas chamber) to create four small rooms, one of which was a surgery room. (19-4354, 4355)

In a room adjoining the alleged gas chamber was the crematory, which today contained two furnaces. There was no door in the doorway between the two rooms. (18-4288, 4302) Felderer discovered that the huge, free-standing chimney presently located beside the alleged gas chamber and the crematory was not connected by any smoke channel to the crematory. Mr. Szymanski later told Felderer that the fake chimney was placed there for symbolic reasons. (18-4283) Piper also admitted that the furnaces presently in the crematory were placed there in 1947, also for symbolic reasons. Felderer discovered that the location of the original furnaces and the real smoke channel was across the room. (18-4308)

Behind the room containing the furnaces were two rooms, one of which Felderer believed had been an autopsy room. Every crematory in Germany had an autopsy room and such a room was mentioned in survivor testimony such as that of Dr. Nyiszli in his book [Auschwitz: A Doctor's Eyewitness Account.] The officials at Auschwitz were still not willing, however, to reveal the location of this room. (18 4302, 4303)

A slide taken by Felderer of the crematory furnaces showed flowers which people placed on the ovens. Felderer told Zündel that the religious aura which surrounded the

whole place was one reason why people did not ask questions. Every day tourists would come with bouquets of flowers and candles which they placed in the room. Judge Thomas interjected at this point to tell Felderer that he really did not need to hear about "the flowers and the religion." (18-4304)

Felderer showed slides of the "dirty" side of the crematory ovens where the ashes were removed, placed in a special parcel and mailed to relatives if an address was available. Felderer later saw the tags and the special parcels in which the ashes were shipped in a private collection of artifacts kept at the Museum. (18-4307)

Museum officials eventually admitted to Felderer that the entire "gas chamber" at Auschwitz I was rebuilt in various stages to "help" tourists understand what occurred. (18-4298) Felderer concluded that there had never been any gas chamber at Auschwitz I and that the building had been nothing more than a crematory and morgue, later altered in 1943 to an air-raid shelter with a surgical room. Felderer advised Zündel of his conclusions. (19-4356)

The Auschwitz I Black Wall:

The Black Wall at Auschwitz I was allegedly where about 20,000 people were shot by the Nazis. Felderer checked the wall and discovered that it was constructed of one set of bricks with no indications of bullet holes. (18-4305, 4306)

The wall was located between Blocks 10 and 11 which were used during the war as special barracks for the criminals at Auschwitz. Felderer pointed out that there were many ordinary criminals in the camp as well as Jehovah's Witnesses and so on. (18 4310 to 4312)

At this place also, there was a religious aura. When tourists were taken to the Black Wall, the Museum guide asked them to be silent for one minute. Again, the tourists placed flowers at the wall which they could buy at the Auschwitz flower shop. (18 4312)

Standing Cells:

Felderer showed a series of slides of the so-called standing cells where the prisoners allegedly had to stand up in the cell. Tourists, who were asked to follow a certain path while looking into the standing cells, would find that the windows in the cells became smaller and smaller with less and less light. Felderer discovered by going outside the building and around the back that the windows had been patched over to make them consecutively smaller to provide for this more dramatic effect. (18 4315, 4316)

Auschwitz Museum Private Artifacts:

Felderer was allowed by Dr. Szymanski to view and photograph the private artifact collection located inside Block 25. (18-4316) This collection included crafts made by the inmates while they were recovering from sickness (18-4320); sheet music played by the orchestra (18- 4321); posters which were displayed in the barracks, warning the inmates that if they did not keep themselves clean, they would die. One poster illustrated a large louse with a caption in German and Polish warning inmates that

"One Louse Means Your Death." This referred to the louse which carried typhus. (18-4321, 4322)

Also included in the private collection were gas masks and filters used by the Germans while fumigating the camp with Zyklon B. Felderer indicated that Zyklon B was sold in Sweden prior to the Second World War as an insecticide to kill lice, rats and bugs. In Auschwitz, it was used for the same purpose. Piper told Felderer that the camp had copies of the special instructions which the exterminators followed during the fumigation process, such as how the gas mask was to be worn, the complications of the gas and the required airing of the room. Felderer was very curious as to why the gas masks and other related items were not in the main display at Auschwitz. His conclusion, which he related to Zündel, was that when one talked about gassing, one did not want the people to realize that there were technical problems involved with it. Instead, one wanted to portray to the people that there was really nothing much to it and that it could be done very quickly. (18 4317, 4318)

In this private collection, Felderer was astonished to discover that the cremations carried out at Auschwitz were done in a manner no different than was done in Sweden today. The body to be cremated was identified by a numbered tag placed on the body before cremation. After cremation, the ashes were placed in a plastic bag and the tag tied to the bag. The bag was then placed in an urn and either placed in a wooden casket or mailed to next-of-kin. Felderer showed slides of the bags, urns and tags held in the private collection. These were shown to Felderer and the procedure explained to him by Dr. Szymanski. (18-4318, 4319)

Inmate Sporting Activities:

Felderer showed a slide of inmates fencing. This photograph was another which came from the Dürrfeld records in the American archives. Dürrfeld believed that the camp had been a decent place where inmates could, in their free time, pursue sports such as fencing, boxing and swimming. To Felderer, the idea that Auschwitz was also a death camp, as well as a place where sporting events were carried on, was ludicrous. (19-4406, 4407)

Auschwitz Mass Grave:

Felderer showed a sign at the only mass grave at Auschwitz, that of 700 prisoners of the camp who died in the last days of the camp's existence and those who were beyond recovery and died after the liberation by the Soviets in 1945. (19-4360)

Monowitz:

Monowitz was located about 6 km. from Auschwitz and was the industrial complex where many of the inmates worked. Today, it was Poland's largest chemical factory and spewed pollution over the countryside. At times, Auschwitz was enveloped in this poison, said Felderer. He noted that Communist countries such as Poland had absolutely no pollution controls. (19- 4361, 4362)

Birkenau (Auschwitz II) Aerial Photographs:

Birkenau was located about 3 km. from the mother camp of Auschwitz I. Using slides of the CIA aerial photographs taken during the war and a map of the camp, Felderer pointed out Kremas II and III (which were the buildings claimed to be the gas chambers), the railway line into the camp, the ramp where prisoners disembarked, the delousing buildings, the male and female sections of the camp, the Sauna, the hospital section, the kitchens, the sports field, and the sewage plant. (19-4363 to 4369)

Using the aerial photographs, Felderer explained how the gassing procedure allegedly took place. Prisoners arriving by train disembarked at the ramp, and were then allegedly selected for either work or immediate gassing. Those selected for gassing were walked up to the crematory buildings where both men and women undressed in a large room below ground. The alleged gassings took place in an adjacent room. (19-4370 to 4372)

Felderer refused to speculate on how many prisoners were in the camp during the war. The number could only be known, he testified, if the authorities allowed access to camp records still kept secret in Moscow. (19-4447)

Birkenau Monuments:

As the tourist entered Birkenau, he went up a road which led to the main Birkenau monument. On several large stone tablets in front of the monument were written, in several languages, the words:

FOUR MILLION PEOPLE SUFFERED AND DIED HERE AT THE HANDS OF THE NAZI MURDERERS BETWEEN THE YEARS 1940 AND 1945.

Most tourists ended their visit to Birkenau by looking at this monument and without making any further inspection of the camp. For the tourist, the monuments were proof of the mass murders allegedly committed at the camp. (19-4403, 4404)

Birkenau Hospital Buildings:

Next to Krema III was the place where the hospital section at Birkenau had been located. The hospital buildings were no longer standing today because around the 1960s (Felderer had been unable to ascertain the exact date) the buildings burned down. (19-4405)

Birkenau Delousing Buildings:

Felderer discovered two delousing buildings in Birkenau, which he testified, were probably kept secret and off-limits to the public because they explained the so called "selection" procedure at the ramp by Dr. Mengele and other camp doctors. Males were sent to delouse in a separate building from the women and children. (19-4378 to 4381) The selection procedure also involved a visual determination of the health of incoming prisoners. It was in the interest of the camp authorities not to spread disease. If people were sick and needed to be treated, the camp had hospitals. (20-4765 to 4768)

The Auschwitz Museum today did not deny that incoming prisoners were deloused. Hair was cut off from both males and females because it harboured lice. It was also saved and used for various manufacturing needs during the war. (19-4381) Hair on display at Auschwitz today, however, was depicted as being the hair of gassed victims. (19-4381, 4382)

Felderer showed a slide of an outside wall of the delousing building in the women's camp which indicated a significant blue colour. Felderer was told by Auschwitz officials that the blue staining resulted from the use of Zyklon B. (19-4383) Felderer believed the colour got on the walls when mattresses which had been deloused inside the building were then taken outside for airing, leaned against a wall and beaten for a length of time to get any Zyklon B out of the material. The powder material which was the inert carrier of the Zyklon B would stick to the wall and produce the distinct blue colouration. Felderer noted that this blue colour was not found in the alleged gas chamber at Auschwitz at all. (19-4383, 4384)

The delousing buildings, which were not open to the public, contained autoclaves used to decontaminate materials using steam. (19-4384, 4385) Rooms inside the building also indicated blue staining, which Felderer concluded was authentic and not simply painted on afterwards. Felderer told Zündel that the discovery of the delousing buildings was a tremendous step in their investigation. The blue staining was the Zyklon B mark and it was astonishing that this colour was not found in the buildings where it was claimed people were gassed to death using Zyklon B. (19 4376, 4387, 4388)

Posters on the walls of the delousing building warned inmates that "One Louse Means Your Death" and "To be Clean is Your Duty." Felderer testified the Nazis were very fearful of lice because they brought great epidemics into the camps. (19 4392)

Birkenau Kitchens:

The kitchens were also buildings closed to the public. Auschwitz officials told Felderer the kitchens were not accessible to the public to prevent vandalism and to preserve the buildings. Slides indicated several extremely large cooking vats still inside the buildings. (19-4394)

Birkenau Wash Barracks:

One barrack in each of the women's and men's camps contained wash facilities, including running water, for personal hygiene. The walls were decorated with paintings of razors, paste and toothbrushes. Signs warned inmates that to make the drinking water impure would result in a stiff sentence. Drawings and sayings painted on the wall said: "Sun, Air, Water Maintains Your Health." Felderer told Zündel that the personal hygiene of the inmates was important not just for the inmates but also for the camp administration, since typhus struck both inmates and Nazi camp personnel alike. (19-4394, 4395, 4398)

Birkenau Barracks:

Inmates drew sayings and paintings on the walls, including ships, birds, windmills, a child underneath an umbrella, children playing, a boy going to school, a church nestled in a wooded countryside. Felderer testified that he never expected to find such drawings in a "death camp." Nobody wanted to be in prison; he himself had been in prison and knew what it meant. But the inmates, to cheer their life up, decorated the walls. It indicated to Felderer that their life was not as severe as they had made it out to be. (19-4400 to 4402)

Birkenau Crematoria (Kremas) and Alleged Gas Chambers:

Felderer was certain that the buildings marked on plans of Auschwitz as crematories (called Kremas) were indeed used as such. He did not believe they were used as gas chambers. (19- 4374) Auschwitz-Birkenau needed crematories because the camps were engulfed by extreme epidemics of typhus, caused primarily by lice. Epidemics were so severe that at times the authorities prohibited people from entering Auschwitz or the surrounding area for a radius of some 40 km. in efforts to contain the disease. For the same reason, it was necessary to dispose of the corpses by cremation. (19-4409, 4410) The crematories were built at the same end of the camps as the sewage plants and water purification plants. (19-4433, 4434)

Krema II at Birkenau contained five furnaces with three retorts each. The rooms below ground alleged to be gas chambers were shown as morgues on the original blueprints obtained by Felderer from Auschwitz officials. They required cool places to store the corpses, thus the rooms were below ground. (19-4409)

The Auschwitz Museum stated that the victims would go down the stairs into the undressing room, undress and wait their turn to be gassed. The actual gassings were alleged to have taken place in an adjoining room. The Zyklon B was said to have been discharged into the gas chamber through seven holes in the roof. After the gassing, the victims were allegedly taken up to the crematory and burned.

Felderer testified that he told Zündel there were two major problems with this account: first, the crematories at Auschwitz were not much different from those still used in Sweden which took an hour and a half to two hours to incinerate a body. This meant that the bodies of the allegedly gassed would have piled up considerably since the furnaces would not have been able to handle the volume. Secondly, since Zyklon B was so dangerous to handle, it would have meant that the entire staff of the building and those waiting to be gassed would have been gassed in any event. Felderer found the whole theory "ridiculous." (19-4421, 4422)

Felderer examined and measured the roof over the alleged gas chamber at Krema II. He found only a natural crack and two holes chiselled into the concrete with twisted reinforced steel sticking out. Neither hole was in the position on the roof that the Auschwitz authorities alleged they should have been. A heavy concrete lid lying by one of the holes did not fit. Felderer believed the holes were chiselled out after the war to support the gassing allegation. (19-4423, 4424) The alleged gas chamber was 70 metres long, 30 metres wide and 2 metres 20 cm. high. (19- 4479)

Inside the alleged gas chamber of Krema II, Felderer found and photographed drains on the floor. Extermination authors such as Reitlinger claimed that the gas chamber

had no drainage. (19-4425) There was no evidence on the inside of the alleged gas chamber of the bluish stain characteristic of Zyklon B. Nor was there any evidence of facilities for the shower heads which extermination literature also claimed were used for the discharge of the gas. The pillars in the room were of solid concrete; this contradicted extermination stories of hollow pillars down which the Zyklon B was allegedly thrown. (19-4426, 4427) Felderer found no evidence of an opening for ventilation to exhaust the gas. (19-4477) Neither Krema II nor III, upon examination by Felderer, showed any indication of the blue stain associated with Zyklon B. (19-4430)

Very little remained of Kremas IV and V, and Felderer was not convinced that these buildings had, in fact, been used as crematories. He speculated that, given the size of the camp, they might in fact have been garbage incinerators. He pointed out that, given the severe typhus epidemics at the camp, the Germans would not have taken the garbage out of the camp thereby risking the spread of the disease. Felderer showed a slide of a wagon he found beside Krema IV which looked very much like the wagons used in incinerators in Sweden to take away ashes. (19- 4445, 4448) Krema IV was allegedly destroyed during a mutiny of prisoners on October 7, 1944. (19-4447) As with many other things concerning the camp, the Auschwitz officials were not forthcoming with information concerning these buildings. (19-4446)

Felderer discussed with Zündel the problems which would have arisen in any attempt to gas people in underground rooms such as the alleged gas chamber at Krema II. There was the danger of explosion; the requirement of a tremendous ventilation to get the gas out so that a new batch of victims could be put into the room. He came to the conclusion that the building was never used as a gas chamber, but was used as a crematory and morgue, as indicated on the original German blueprints where the alleged gas chamber was labelled a Leichenkeller -- a place where corpses were stored. (19-4477 to 4480)

Birkenau Sports Field:

Close to the Kremas was a sports playing field which was used by the inmates to play soccer and other sports. One of the first people to tell Felderer that it was used as a sports ground was one of the guards of the artifacts, a Mr. Urbaniek. Felderer found it very peculiar that one would put a sports ground close to the very places where it was claimed that millions of people were gassed to death. Felderer showed a slide of a map in one of the main guidebooks of Auschwitz which indicated that the field had been a sports stadium. He believed it was the first map presented by Auschwitz authorities which identified the field as a sports field. (19-4375, 4376)

Birkenau Sewage Plant:

Also near the Kremas were the Birkenau sewage facilities where the toilet water and so on was purified and channelled into what was called the Kiesgruben for filtration. Felderer told Zündel this indicated that the camp was intended to last for many years and was not made "just for a twinkle of an eye." A great deal of engineering and planning was involved. Felderer pointed out that functions such as the sewage plants and the crematories were placed at the top part of the camp away from the barracks. (19-4433, 4434)

Birkenau Sauna:

The Sauna was built in 1943; this became the new place where delousing took place. Today it was not open to the public although it was the largest building in the Birkenau camp. Exterminationist literature also had very little to say about this building. (19-4434, 4435)

The Sauna contained defumigation chambers where either hot air or steam was used to defumigate clothing or other materials. Clothes were placed on wagons on the "dirty" side of the chamber and pushed into the chamber on rails. These chambers clearly had air-tight doors which were sealed by heavy sprockets. No allegation, however, had ever been made that this building was used to gas people. After defumigation, the clothes were pushed out the other end to the "clean" side of the chamber. (19-4436 to 4439)

The Sauna also contained a special room where hair was cut prior to the prisoners being deloused. The largest room in the Sauna was used on special occasions as a dance hall. Felderer assumed that this was the room referred to by Fania Fénelon. (19-4442, 4443) Smolen promised to provide Felderer with a blueprint of this building but never did so. (19-4436)

To Felderer, the building indicated that there was a kernel of truth to the extermination allegation: there were gas chambers but they were used for defumigation and cleansing purposes, not to exterminate people. (19-4439)

Birkenau Burning Pits:

Felderer examined the area where such former inmates as Filip Müller claimed that large pits were dug for the burning of corpses. Felderer found it to be very swampy and wet and close to a forested area. He told Zündel that such pits would have filled very quickly with water. (19- 4450, 4451)

Majdanek Crematory and Alleged Gas Chamber:

The crematory and alleged gas chamber at Majdanek were in separate buildings and were approximately 1 km. distant from each other. A monument, which was supposed to depict an urn, contained sand to symbolize the ashes of the people. These monuments were paid for by the West German government; they were maintained by Christian youth groups who were sorry about all the people allegedly gassed there. (19-4463, 4464)

Felderer believed the furnaces at Majdanek to be authentic. (19-4482) The crematory contained an autopsy room and a washroom. (19-4467, 4469) Like Auschwitz, Majdanek also suffered from epidemics of typhus. Felderer was shown the Majdanek death books by a camp official, which indicated that in May of 1942 about 1,500 people had died of the disease. (19-4468)

The delousing buildings at Majdanek were the places where the alleged gassings occurred. (19-4489) The gas was allegedly discharged through openings into the gas chamber by an SS man from an attic above the chamber. Felderer examined the attic

and found it extremely difficult to maneuver in because of the proximity of the roof and the number of nails. (19-4491, 4492) After the gassing, the bodies were allegedly taken 1 km. to the crematory for burning. (19- 4489) Since the gassings were supposed to be done in total secrecy, Felderer believed this claim was, even for exterminationists, far-fetched. (19-4496) Felderer believed the room could very well have been used as a fumigation chamber but not as a gas chamber to kill people. The walls had the distinctive blue staining of Zyklon B. (19-4495)

Guards at the camp showed Felderer a new gas chamber under construction in Disinfection Number 1, a building closed to the public. The room was to be a symbolic reproduction. (19-4499, 4500)

Majdanek had displays of shoes and several-sized cans (1-2 litre) of Zyklon B. (19 4484, 4485) The officials held that the Zyklon was used to gas people; Felderer believed it was used for the purpose it had long been used for, that of fumigation. (19-4486)

Treblinka:

Treblinka was claimed to be one of the death camps. Very little could be seen there, however, except for monuments and stones. (19-4502, 5403) Felderer conducted tests on the trees to determine when they were planted. Exterminationists claimed the trees were planted by the Nazis to camouflage the camp; Felderer found that the trees had been planted in about 1966 to 1968. (19-4505) While exterminationists claimed that prisoners were unloaded from the trains and taken very quickly to the gas chambers, Felderer pointed out that the area alleged to be the camp today was several kilometres from the railroad. (19-4506)

Belzec:

As with Treblinka, there were no authentic buildings remaining of this alleged death camp and it was located away from a railroad line, contrary to exterminationist accounts. (19- 4508)

Sobibor:

Felderer found no material evidence at Sobibor to support the death camp allegation. He again made tests of trees alleged to have been planted by the Nazis, and found them to have been planted in the late 1960s. This was later confirmed by a general who lived in the area. (19-4510)

Gross-Rosen:

Felderer showed the jury a photograph of the swimming pool at Gross-Rosen concentration camp. (19-4514)

This ended the show of slides which Felderer took on his investigations of the Nazi concentration camps. Felderer testified that he was arrested in Poland near Sobibor after distributing leaflets about the Katyn massacre of about 14,000 Polish officers during the war. While the official version claimed the officers were murdered by the

Nazis, the Poles interviewed by Felderer claimed that it was the Soviets who murdered them. (19-4523, 4524) He was warned that he could be liable to a prison sentence of up to 15 years for distributing such material. Felderer had not been back to Poland since that trip, but hoped that he would be allowed in if he returned. (19-4526)

Felderer was upset that people were being deliberately conned and fooled into believing the extermination story. He noted that the fact that one could be imprisoned for challenging the story did not make people very free to conduct investigations. It would make them fearful. This fear, said Felderer, was what the authorities wanted because without fear they could not control people. (19-4528)

Felderer believed he had done his homework; he had walked over these places, talked to the people, looked at the original documents to the extent that he could. He had gotten his feet dirty unlike the exterminationists who ran around with red ribbon documents like prima donnas², who looked down at the guards at the camps and said "You are just a guard here, but I am from the United States, I am a professor!" To Felderer, the exterminationists lacked the human touch and failed to do their research. They lived on their titles and tried to impress people with their titles but they didn't impress Felderer. He mocked his opponents, asking how they could write about this subject without ever having visited the camps. (19-4541, 4542)

Felderer published a book showing that the Anne Frank diary was a hoax³; his research included examining the building where the Anne Frank Museum was located today, samples of the girl's handwriting and the internal contradictions within the diary itself. Felderer wrote to Otto Frank, Anne Frank's father, requesting the opportunity to examine the actual handwritten diary. This request was denied. Felderer suggested in his book that an analysis of the diary ink should be made to determine authenticity; this was later done on part of the manuscript in a West German court proceeding. This analysis found that certain parts of the diary were written in ball-point pen and therefore must have been written after the war since ball-point pens were not sold during the war. Although Felderer was investigated in 1979 by the Swedish Attorney General concerning this book, no cause for any charge was found. Zündel was aware of the book and the investigation. (19-4529 to 4532)

In 1979, after the showing of the film Holocaust in Sweden, Felderer began receiving threatening telephone calls night and day. Stones were thrown through his windows and he was attacked and hit over the head with an iron bar outside his apartment. Felderer himself believed in non-violence as he believed truth could never be obtained through violence. (19-4579, 4580,4581)

Felderer was charged in 1983 (19-4537) as a result of publishing a flyer entitled "Please Accept This Hair of a Gassed Victim!." (19-4542; entered as Exhibit 78, 19-4552). The flyer was addressed to the Auschwitz Museum authorities, telling them that their exhibits of hair were as much proof of gassings as his own garbage at home. The flyer encouraged people to send their garbage to Auschwitz to enlarge the museum's collection of faked exhibits. (19-4537) The flyer was meant as satire, and reflected Felderer's disgust with the many faked aspects of the Auschwitz Museum. (19-4538) He intended to make people think about the exhibits and to question what exhibits of hair and snuff boxes had to do with the alleged murders of many people.

The flyer also emphasized the environmental problems in Poland. Auschwitz today, said Felderer, was a "veritable gas chamber" because Polish authorities would do absolutely nothing about pollution control at nearby Monowitz. (19-4539)

To penetrate the belief in the extermination theory, a theory which had so much state power and money behind it, it was necessary in Felderer's view to use satire. He pointed out that Zionists made many movies satirizing Adolf Hitler and made money out of it. (19-4548) Felderer believed that the state of Israel had, to a large extent, built itself upon this hoax and he communicated this view to Zündel. (19 4541)

Zündel had disapproved of the flyer, but Felderer felt that it was a serious thing to accuse the German people of having committed a terrible crime and then to use deceptive methods to prove it. Felderer thought the concentration camps were more humane than the prisons of today where the prisoners sat in concrete buildings staring at concrete walls with only a short period outside for exercise. At Birkenau, the prisoners could come out of the brick barracks and see the sky. (19 4546, 4547)

The second flyer which formed part of the charge against him in Sweden was "Dokumentationszentrum No. 468 -- The Call for Volunteers" (Exhibit 79, entered 19 4555)), in which Felderer reproduced a letter he had obtained anonymously. The letter, addressed from a Christian Zionist group (Gesellschaft für christlich-jüdische Zusammenarbeit Heidelberg) to a government Minister in Bonn, called for Felderer's political persecution in Sweden. To Felderer, it proved that freedom of speech was being suppressed through means no different from that of the Soviet Union. As a result of publishing these flyers, Felderer was convicted on the criminal charge of agitating against an ethnic group and received a ten month prison sentence. Felderer testified both pamphlets were not anti-Jewish but anti-Zionist. After three hunger strikes, Felderer was finally allowed to have a paper and pen in his cell. (19-4546, 4552 to 4556)

Felderer considered his writings to be true and correct, but was not dogmatic about it. He had mailed his material to persons such as Raul Hilberg, Simon Wiesenthal and others and requested such opponents to find errors in it. If they found any errors, Felderer said he would be the first one who would change them. "I am not like my opponents, rigidly sticking to a dogma and not change my views when I know I cannot hold on to them." (19-4550) He had attempted many times to get an open debate on the extermination going. (19-4613 to 4616)

Felderer believed the CIA booklet *The Holocaust Revisited* (Exhibit 85) to be one of the most important booklets published on the extermination theory because of the photographs. He did not agree at all with the text. (19-4605)

A tape of an interview between Zündel and Felderer which took place in Sweden in 1981 concerning the mass extermination and gas chambers was played to the jury. (19-4606, 4607, 4621; entered as Exhibit 86, 19-4632))

Felderer testified that during the war his family had lived in different places. His mother was more or less forcibly interned at various places. At the end of the war the family, with the help of smugglers, escaped into Italy after being accused of being

Jewish. The family had boarded in Munich with a Jewish family. The family lived in Italy until 1949 when they moved to Sweden. (19-4609 to 4611)

Felderer wanted the truth to be told because he loved Jews; he believed the truth benefited them and all others as well. It was through a proper understanding of history that racial harmony increased. If people were told, for instance, that the American Indians were the only bad people who did nothing but scalp White men, then people were not getting the truth. (19- 4612, 4619)

On cross-examination, Felderer testified that prior to publication, he did not know that "Richard Harwood" was not the real name of the author of *Did Six Million Really Die?*. He now understood the author's real name was Richard Verrall, although he had never met him. The pseudonym "Richard Harwood" was subsequently used by author David McCalden and by Felderer himself. Felderer testified he was not interested in the author, but in the contents of *Did Six Million Really Die?*. (20-4635 to 4638)

His book *Auschwitz Exit* was published under the pseudonym "Abraham Cohen" because he was doing research in Communist countries which required visas for entrance. He feared that if his real name was associated with the book, he would be denied entry. His fears proved to be entirely justified because in 1981 he was thrown into prison in Poland. (20-4641, 4642) Volume II of *Auschwitz Exit*, however, was published with his own name on the front cover. (20-4646)

Felderer testified that in 1979 Zündel knew perhaps more than many people about the extermination theory but he lacked knowledge about the geographical aspects of the camps. (20- 4646, 4647) Zündel was searching, trying to find an answer to the question of whether the Nazi regime exterminated millions of Jews. (20-4651)

Felderer first read about the Joint Allied Declaration of the Allies in Dr. Arthur Butz's book, *The Hoax of the Twentieth Century* in about 1976. (20-4652) He was aware that in a war there was propaganda. His interest was in getting at the central issue of the gas chambers by visiting the places where the crimes themselves were allegedly perpetrated. (20-4654)

Felderer was quite sure Zündel had read literature pertaining to the declarations regarding gas chambers made by prisoners who escaped in 1944 from Birkenau. (20 4655)

Felderer believed he was the person who brought to Zündel's attention the falsification of former Auschwitz commandant Rudolf Höss's memoirs, since Felderer had actually seen the material in Auschwitz allegedly written by Höss. This material was written in pencil with no corrections of any sort and was even underlined in areas which Felderer believed to be parts the Communists were interested in as propaganda. (20-4658) Many of the passages were so confused that the reader could not tell which buildings Höss was referring to. Felderer questioned how Höss, as the man in charge of the camp, could be so bewildered. Did he really write the memoirs? Was he drugged? (20-4667)

In the transcript of the Nuremberg trials, there was no statement by Höss that he was tortured, to Felderer's knowledge. He pointed out, however, that Höss's handwritten

memorandum, access to which was being denied, might mention torture. Felderer emphasized the importance of obtaining the original source material. He raised the question of whether Höss might in fact still be alive since there were no photographs or other confirmations of Höss's hanging. (20-4663, 4664)

Felderer was quite sure he had made reference, in discussions with Zündel, to the West German Auschwitz trials conducted in the 1960s, in which none of the SS officers denied that the gas chambers at Birkenau were used to exterminate Jews. He told Zündel that the SS men also testified that they bicycled inside the gas chamber in between gassings. The most ridiculous things were said in these trials, said Felderer; he compared them to the witch trials in Sweden, where people admitted they had sexual intercourse with the devil. Judges had accepted this as the truth and burned women at the stake for it. Felderer discussed with Zündel the secrecy of the Auschwitz trials, such as the refusal of the West German government to provide the addresses of the people who testified. He himself had been able to track some of the witnesses down and found their stories to be different from the stories presented in the newspapers. Felderer asked if we were supposed to believe stories such as the bicycles in the gas chamber or the claim that the firmness of female breasts was one of the criteria by which the Nazis decided which women would be gassed and which would not. (20-4668, 4669)

Felderer believed that the Auschwitz trials in West Germany in the 1960s were post war propaganda but did not believe they were part of a "Zionist conspiracy." The Jehovah's Witnesses had hidden the truth from the public and they were not Jews. He believed the Holocaust propaganda was the work of the victors of World War II and of different people who had a vested interest in hiding the truth. The Americans wanted to hide the fact that they were the first to use the atomic bomb at Hiroshima and Nagasaki. The Zionists used it as an effective way to deflect attention from their terrorization of the Palestinians and to get money. (20-4670, 4671, 4723)

Asked if the Eichmann trial in Jerusalem was part of a "Zionist conspiracy," Felderer pointed out that it was the Israelis who abducted him. (20-4674)

Felderer testified that both he and Zündel were aware of the Wannsee Conference in 1979 and both were asking questions about the conference protocol's authenticity and the accuracy of the translation. Felderer questioned why those relying on the Wannsee Conference protocol did not produce the original document. He himself no longer believed it. Asked if he did not accept documents from the National Archives, Felderer reiterated the importance of going to original source documents. (20-4677, 4678)

Felderer had watched Professor Christopher Browning's testimony in court but had never read Browning's book, *Fateful Months*, until recently. Browning had never been a big man on the issue, pointed out Felderer, but maybe he was the new star because the others were burned out and useless. Professor Raul Hilberg was afraid of coming to Canada to testify and was hiding somewhere in the United States. (19 4676)

Felderer stated both he and Zündel were aware of the Hans Frank diary as it was mentioned in *Did Six Million Really Die?*.(20-4678)

Felderer sold *Did Six Million Really Die?* for eight Swedish Crowns, which was less than the cost of production. Many he gave away free. When some people paid more he would reinvest the money into publishing. Primarily, however, he was supported by his wife. (20-4680, 4681)

Felderer had no formal education in architecture (20-4690); chemistry (20-4691); topography (20-4691); analysis of trees (20-4692); biology (20-4693); analysis of aerial photographs ((20-4693); or history ((20-4695). But he pointed out that most of the people who wrote on the "Holocaust" were not historians either, including Hilberg, Reitlinger and Wiesenthal. (20-4687) Felderer had often quoted specialists in his publications, however, and taught himself many skills, including dendrochronology. He assumed Zündel knew he did not have degrees in chemistry, history and the rest. (20-4691, 4692)

Asked if he was suggesting that the Nazi concentration camps were "holiday camps," Felderer replied that he would rather have been in Auschwitz than in Dresden or Hamburg which were destroyed with incendiary bombs. At least there was some chance of survival in the camps. Felderer did not believe in incarceration, and noted that Canada had incarcerated 3,000 Jehovah's Witnesses in camps during the war, and that the United States had incarcerated up to 170,000 Japanese. He didn't believe it was a holiday for those people either. (20-4720)

The Crown read extensively from the text from *The Holocaust Revisited*. (20-4752 to 4784)

Felderer's major publisher, besides his own firm, was the Institute for Historical Review (IHR) in the United States, founded by Willis Carto. Carto was also the founder of the Liberty Lobby. (20-4826)

Felderer agreed that the objective of *Did Six Million Really Die?* was to permit the discussion of the race problem. He did not agree with Harwood's opinion, but did not see that his purpose, as a publisher, was to direct people what to write. (20-4833, 4834) He himself had married a woman of another race. (20-4835)

Asked if David McCalden had the same view, Felderer testified that he had talked with McCalden a few times and he had not been entirely clear on the issue. Felderer pointed out that in the United States, a black man named Farrakhan wanted the black people to identify themselves. It was their choice and Felderer was not a judge of that. (20-4835)

Felderer was on the Editorial Advisory Committee of the Institute for Historical Review and was familiar with a Special Report published by it entitled *Nazi Gassings a Myth? A New Look at the Holocaust*. (20-4835, 4836; IHR Special Report filed as Exhibit 93 at 20-4897) The front page of the IHR Special Report made reference to an unclaimed \$50,000 reward offered by the IHR to anyone who could prove that gas chambers for the purpose of killing human beings existed at Auschwitz. Felderer testified that he was aware that a Mr. Mermelstein made a claim for the \$50,000 but stated that he also knew that the claim was not based on anything more than emotional stress simply for being challenged. Mermelstein filed an affidavit indicating that he was a survivor at Auschwitz, and that he was going to produce a

dead witness to testify. Felderer had written Mermelstein asking him how it was possible that for the first time in history he would be able to obtain a dead witness to testify as an expert. Felderer was not clear on what happened in the case. By that time, he was getting less and less interested in the exterminationists; he felt he had done his main work and was convinced it was not true. As far as he knew, Mermelstein never produced anything other than claiming that there were some showers inside Krema I. Felderer pointed out there were no showers in Krema I except as a figment of Mr. Mermelstein's imagination. (20-4837 to 4839)

Mermelstein sued Felderer in the United States; the trial proceeded in Felderer's absence when the United States refused him entry. Felderer found it mind-boggling that such things could go on. (20-4839)

Asked if the main objective of the Institute for Historical Review was to deny the Holocaust, Felderer testified that they had come to a consensus that there was a real problem involved with the extermination theory. He agreed it was an objective but was not its whole activity. (20-4842, 4843)

Felderer agreed that the "Bibliography of 'Holocaust' Revisionism" contained in the IHR Special Report included books by Butz, Christophersen, Faurisson, Rassinier, Walendy, Harwood and himself. (20-4843, 4844, 4845)

Felderer was sentenced to ten months in prison in Sweden for one of the RH Bulletins which dealt with sending garbage to Auschwitz. Felderer understood Mr. Wiesenthal was very disturbed at Felderer's offence, that of having thought for himself and not allowing somebody else to think for him. Wiesenthal, of course, did not like that because totalitarians always liked other people to think for you and not to have you thinking for yourself. (20-4847)

Asked if he had testified that he loved Jews, Felderer testified that his biggest problems had been with non-Jews. The extermination theory made Jews into Nazi collaborators and thieves and he believed he was showing love to them and liberating them by his work. (20-4847, 4848)

Upon request by the Crown, Felderer read in full RH305, "Please Accept This Hair of a Gassed Victim," the flyer for which he had been convicted in Sweden.

Please Accept This HAIR OF A GASSED VICTIM!

€ NEXT TIME YOU CUT YOUR HAIR, DO NOT DISCARD IT! NO, MAIL IT INSTEAD TO MR. SMOLEN AT THE AUSCHWITZ MUSEUM OR TO ANY OF THE ADDRESSES FOUND ON THE NEXT PAGE -- TO BE EXHIBITED IN THE DISPLAY OF HAIR OF GASSED VICTIMS. YOUR HAIR HAS A MUCH BETTER CLAIM TO BE EXHIBITED THERE THAN THE PHONY SAMPLES OF COMMERCIAL WIGS AND HAIR HITHERTO EXHIBITED. ALSO COLLECT TOGETHER THE HAIR OF ALL YOUR FRIENDS, DOGS, AND OTHER ANIMALS. SEND IT ALL IN A PLASTIC BAG TO MR. SMOLEN. HE WILL REMEMBER YOU FOR IT. IT CAN BE MAILED AS "PRINTED MATTER" BY PLACING THE TERM "SAMPLE" ON THE PRECIOUS DELIVERY.

TO: Mr. K. Smolen and Staff, Auschwitz Museum, Oswiecim, Poland

Dear Mr. Smolen,

In appreciation of your deep concern for gassed victims, I am hereby forwarding my personal trophy for your permanent Museum exhibits. I understand that you are intensely involved with the subject of gassing. Personally I feel rather miserable. Not even Zyklon B would cure me! This is much on account of the fact that I am getting gassed to death by a slow poison procedure. Our air is full of filth, poison, gasses, harmful chemicals and other disgusting elements. Matters are no better in your city. Your city is virtually saturated with deadly gasses emanating from your Monowitz chemical factory. In fact the place is not fit even for crows. I urge you to pay it a visit. Surely the Nazis never had a factory in such deplorable condition. But it is not necessary for you to go there as the factory's poison gasses reaches your very own office at Auschwitz which is situated close to the former Nazi brothel. In case of urgency I suggest you to put on a gas mask immediately. You may collect one at the private Museum displays in Block 24. Please be sure that it has the special "J" filter. The poison at Auschwitz is deadly. You need to take the upmost precautions.

My package of hair to you is a very personal proof of the fact that I am being gassed to death. Should you doubt it, I beg your experts to analyze it. I am therefore donating this private gift to you with the hope of that countless of your Museum's avid onlookers may gaze at it in wonder and give a solemn prayer in memory of a victim doomed to extinction due to environmental poison gassing.

With much respect for your stupendous task and your deep concern for gassed victims, I hereby solemnly, and prayerfully, deliver my hair to your loving and tender care. May it inspire you and all your visitors to a multitude of silent moments and intense meditations.

A VICTIM WHOSE DAYS ARE NUMBERED

(page 2)

INTERNATIONAL FRATERNITY OF GARBAGE COLLECTORS FOR A
POISON FREE WORLD

The below given, highly acclaimed museums and addresses are in permanent need of documentary evidence and museum exhibits. They would highly appreciate if you could send them any documentary garbage that you may possess so that they can complete and extend their princely exhibits. May we suggest the following items to be considered to be sent to the distinguished gentlemen at your speediest convenience:

Pulled teeth (exhibited as authentic samples from gassed victims), dust, dust from vacuum cleaners, scrap paper, broken spectacles (exhibited as proof of gassed and clobbered victims), cut nails (Nazi examples of pulling nails), used toothbrushes and toothpicks, dirty socks, cigarette butts, used chewing gum, used snuff (snuff cans are exhibited at Auschwitz), fish bones, meat bones, chicken bones and other bones, tin cans (exhibited as contained Zyklon B), old cloth (exhibited as being the cloths of former inmates), old shoes, soap rests (will be exhibited as "Pure Jewish Fat"), dead

lice (in memory of former friends or enemies -- depending on which side you were on), potato, orange, and apple peelings (as evidence for starved victims), worn-out bedpans (in memory of when Mr. Smolen used to chase around with them in the Hospital just by "gas chamber" No. 3 at Birkenau), additional bedpans (in memory of when Dr. Szymanski used to administer his loving and tender care to the patients in the "death camp"), bundles of swastikas (in appreciation of the fact that Czech, Smolen, Szymanski, Pilichowski, Filip Müller, S. Wiesenthal, J. Wiczorek, Kania and legions of others collaborated with the Nazis) -- and countless of other precious items: YOU NAME THEM -- THEY TAKE THEM!

[Cartoon of Smiling Woman holding a wrapped gift, saying: "Please send us all your junks. We need them for our authentic exhibits and documentation!"]

THE EXTERMINATION OUTLETS ARE IN CONSTANT NEED OF YOUR PRECIOUS GIFTS. DO NOT DISAPPOINT THEM. SEND YOUR GARBAGE TO THEM AT ONCE!. THEY WILL THANK YOU FOR IT.

Dear Gentlemen and Distinguished Members of the International Fraternity of Garbage Collectors:

€ My personal free gift to your museum and documentary depot. AS ONE OF THE MILLIONS OF GASED VICTIMS ON THIS EARTH DUE TO ENVIRONMENTAL POISONING, I WANT TO DONATE THIS SAMPLE TO BE DISPLAYED AT YOUR PERMANENT EXHIBITS. I ALSO FEEL THAT THEY SHOULD FULFILL YOUR MOST STRINGENT REQUIREMENTS AS DOCUMENTARY EVIDENCE. IN FACT, I KNOW OF NOTHING AS AUTHENTIC AS THIS AMIDST ALL YOUR PRESENT EXHIBITS AND DOCUMENTS.

I UNDERSTAND THAT YOU ARE IN THE HUMANITARIAN WORK OF COLLECTING PRICELESS MEMORIES OF UNFORTUNATE AND DESTITUTE VICTIMS. MAY THIS SMALL TOKEN ON MY PART SPUR YOU TO RENEWED EFFORTS IN THIS HONORABLE AND TIMELESS TASK. IT IS MY SINCERE HOPE THAT I IN THE FUTURE WILL BE ABLE TO MAKE ADDITIONAL CONTRIBUTIONS BY MEANS OF MY AUTHENTIC AND PRICELESS SAMPLES SO THAT YOU CAN USE THEM IN YOUR WORLD ACCLAIMED EXHIBITS.

SIGNED: A Person Who Does Not Regret To Share His Troubles and Precious Possessions With Those In Need.

[Cartoon of Clown saying: "I am an Exterminationist specialist. Kindly send your documents to all of our addresses. You will be remembered for it!"]

[List of names and addresses of exterminationist historians: Leon Poliakov, Simon Wiesenthal, Gideon Hausner, Martin Broszat, Anne Frank Huis, Czeslaw Pilichowski, Janusz Wiczorek] (RH Bulletin entered as Exhibit 78)

Felderer testified that the Bulletin was satire and it was clear by reading it that it was satire. (20-4855)

Upon request by the Crown, Felderer read the caption under the cartoon of a male crying crocodile tears which said:

"I Was Gassed 6 Times! No! Ten times, No!...and there are 5,999,999 others like me in Neu Jork!" The six million gassed Jews is a swindle! There never were any gas chambers! For information and literature send us US \$3 in an envelope or similar. Order: Anne Frank Diary A Hoax... Subscription to our Bulletins: US \$20. (Cartoon entered as Exhibit 91 at 20-4896)

Asked if he still maintained that he loved Jews, Felderer asked what that had to do with the question of the gas chambers. There were Jewish people who did not believe in the gas chambers. Did they hate themselves because they did not believe in it? It was not a question of Jews, but a question of the gas chambers. (20-4856)

The Crown next produced a flyer regarding the Anne Frank Museum with a condom attached. Felderer stated that the flyer and condom had been produced in the 1985 trial and that he had clearly testified then that he had nothing to do with the condom. He had published the actual flyer itself. (20-4857) Upon request by the Crown, Felderer read the flyer. He indicated that the cartoon came from Hustler magazine. (20-4861; re-ex. 20-4886; entered as Exhibit 88 at 20-4862)

Upon request by the Crown, Felderer read another of his flyers entitled "Three Jewish Contributions to Western Civilization." These contributions were the atomic bomb, developed by Robert Oppenheimer, the hydrogen bomb, developed by Edward Teller and the neutron bomb, developed by Samuel Cohen. All three men were Jews. Felderer testified the flyer said a lot about certain people who had developed these terrible weapons. (Flyer entered as Exhibit 89 at 20-4863)

Felderer was shown another flyer of which only one side reflected his own material. He did not know who produced the material on the other side. He had stated in his Bulletin that if people wanted to use his address they could do so; that was why he could not always know what some people might publish in his name. Upon request by the Crown, Felderer read the side of the bulletin he had identified as his own material. It dealt with the sending of garbage to Auschwitz for their displays. (20 4863, 4864, 4865)

Felderer was shown another flyer entitled "Invitation" which he again was requested to read. The flyer dealt with Felderer's incarceration for 6 months in Sweden. (20 4867, 4868; Flyer entered as Exhibit 90 at 20-4895)

Felderer testified that he had been put into custody in a two by three metre bunker where he was not allowed any form of writing or even allowed to keep his watch. He did not know whether it was night or day and was constantly kept awake by radio noises. When he complained, the noise only increased. There was no washroom in the cell. He was escorted to the toilet and locked inside. He was struck several times in prison. Felderer went on a hunger strike three times until he was finally allowed some sort of normal action. He stated that such treatment wasn't given to hard criminals. He had simply published things which were satire, but this apparently was more dangerous than if he had raped a thousand Swedish women. There was no proportion at all to the punishment, and he denounced such actions. (20-4868, 4869)

In the flyer, he had indicated that Sweden was using the same methods as the Soviet Union: if you could not get someone through arguments and reason, you put him in a mental institution and declared him insane. The author Roland Huntford had described [in *The New Totalitarians*] how Sweden was using its mental hospitals in order to combat their alleged detractors. This method was no different from the Soviet Union. (20-4870)

Felderer had discussions with the staff and doctors at the hospital and asked them how they could justify what they did. He pointed out to them that he had not raped or murdered anybody, but had simply written satire which even they laughed at and thought was funny. (20- 4870) Felderer reiterated that when people could not get you by reasonable arguments, they threw you in their prisons and thereby thought they had won the argument.

"Well, as you can see," said Felderer, "I'm still here. I'm still alive. I'm still kicking. So all their terror and acts of persecution, which they even admitted in their letters... sometimes it works, but many times it doesn't work, and I think I'm a living example that it doesn't work." (20- 4868)

The Crown suggested to Felderer that he couldn't accept the fact that the Swedish authorities thought he was sick and needed help. Felderer replied that he had gone through the tests and had been found perfectly fit and sane, which was more than the Crown attorney could prove regarding his sanity. (20-4871)

On re-examination, Felderer testified that these mental tests had been made during his trial in Sweden and that he had been found fit. (20-4868)

Felderer had not read Martin Gilbert's *The Holocaust* because in the last few years his interest in the subject had waned. He felt he had done his work. He had stated that if anyone found anything wrong with it, they should let him know. During all of these years nothing had happened. He no longer found the issue to be challenging. It had been confirmed for him that there were no gas chambers for human beings and that the buildings were faked. He wanted to go on to other things. Felderer didn't want to devote the rest of his life to this concocted trash. The earth was too beautiful for him for that. (20-4875)

Felderer testified that the photograph of fencing scenes from Auschwitz came from the Dürrfeld trial. It had been produced as evidence of prisoners having sports. (20 4875)

The CIA report *The Holocaust Revisited* did not give any indications of the qualifications of either of its authors, Poirier or Brugioni. One of the reasons Felderer wrote to the CIA was to attempt to determine what they were. In Felderer's opinion, the prisoners shown in photograph 4 of the CIA booklet were not going to the gas chambers, as indicated by the text, but were walking to the Sauna. Photograph 6 showed the alleged vents in the roof of the Leichenkeller of Krema II, but Felderer's examination showed there were no holes in those locations. He had written the authors of the report to ask them why these alleged vents could not be found in the roof today. (20-4877 to 4879)

Felderer testified that there were no photographs in the report which indicated that Leichenkeller II was blown up before the camp changed hands, although this was suggested by the text. The CIA was a secret organization with a vested interest in the gas chamber story, so he certainly did not believe they would deny it. (20-4880)

Felderer testified that politically he was totally aloof. He had never voted for a political party in his life and didn't intend to do so. (20-4882)

Felderer himself had received garbage and diapers at his own address before publishing the "Anne Frank Museum" flyer. He took it with a grain of salt and a smile on his face. (20-4886)

The medical examinations which he had undergone were involuntary. (20-4886)

During the past few years, Felderer testified, he had become an instructor of dancing, given music lessons and sold music which he had written. (20-4887)

1 During this testimony, defence counsel Doug Christie had to ask Judge Thomas to advise people in the court room to remain quiet. Thomas told the court room spectators that if they found the testimony "distasteful, unpleasant or emotionally draining", they were free to leave. 2 Documents introduced by Browning from the National Archives of the United States all bore red ribbons. 3 Ditlieb Felderer. Anne Frank Diary: A Hoax? (Taby: Bible Researcher, 1978)

Thies Christophersen

[Thies Christophersen was the second witness called by the defence. He testified on March 7 and 8, 1988.]

Thies Christophersen confirmed that he was the same Thies Christophersen referred to on page 17 of *Did Six Million Really Die?* and that what was written in the booklet was correct (20- 4933).

Christophersen testified that as a member of the German army he was in Auschwitz from January, 1944 to December, 1944 working at sub-camp Raisko growing Kok Sagis, a type of dandelion which produced a white latex used in the production of synthetic rubber. (20-4933, 4934, 4935)

As well as about two hundred women internees who lived at Raisko itself, the work was done by women inmates from Birkenau, located about 2 km. away, and men from the main camp of Auschwitz, located about 1 km. away. Christophersen supervised their work. There were civilian employees as well (20-4937, 4938) including Russian agronomists. (20-4942) Many of the internees were academics who spoke German. (20-4960) Workers at Raisko worked in a greenhouse, a laboratory, a garden and the fields. (20-4944, 4945)

The internees at Raisko were accommodated like soldiers in barracks. (20-4945) There were about 70 internees per barrack. (20-4967) There were bunk beds, a closet for each internee, running hot water and showers. Internees changed their laundry once a week and every second week changed their sheets and linens.

In Birkenau, the accommodation was not as good. There were three bunks on top of each other and internees did not each have a closet. (20-4945) He could not say how many internees were in each barrack. (20-4967) Birkenau was overcrowded and he felt sorry for the children of gypsies whom he saw playing there. (21-5008, 5009)

The inmates worked eight hours a day and after work walked back to Birkenau in lines of three. Four to six SS guards accompanied the women. They were counted when they arrived. (20- 4939) The women comprised many nationalities, including Poles, Russians, French, even Germans. (20-4939) Of the women that came from Birkenau, he could not tell how many were Jewish, but thought perhaps half. (20 4940) There were also Jewish internees at Raisko. (20-4968) He got on well with the Jewish workers. (20-4963, 4964)

While there was fraternization between the staff and internees at Raisko, which resulted in one marriage while he was there, Christophersen did not think this was possible at Birkenau. He did not know why, but stated that his superior at Raisko, Dr.

Caesar, was a very friendly and humane boss. Caesar was imprisoned by the Poles for two years after the war. (20-4969)

At Raisko, mail was delivered to the internees. Parcels were opened in the presence of the person who received them. Some things, such as money, drugs, chemicals or propaganda material, were not allowed to be received. (20-4946)

Christophersen attended concerts in Auschwitz on Sundays where there was a weekly concert held under the camp gate by internees who were professional musicians. Anyone could listen to the concert who was walking around. (20-4960)

Mistreatment of internees was not tolerated and was punished severely but it did, on occasion, happen. (20-4946) Christophersen himself saw an SS man kick a prisoner and reported it. (20-4968) An order originating with Commandant Höss provided that the internees could talk to the commandant and this order was posted. (20-4947) He never saw a prisoner die at Auschwitz-Birkenau, nor did he believe the Jews were treated any differently from the rest of the prisoners. He noted, however, that Jehovah's Witnesses were treated particularly well and were not guarded. (20-4965) Internees who were sick returned to their work after being away. (20-4966) Sports were played at all three camps by the internees. (20-4968) Christophersen himself had friendly relations with the internees (20-4938, 4965), and granted them permission at times to pick berries or mushrooms or to swim in the Sola River. (20-4945)

Christophersen was never under any prohibition not to discuss things at Birkenau with anyone in civilian life. (20-4965) Although he lived 500 metres from the railroad to Auschwitz- Birkenau, he never noticed anything with regard to the transports which struck him. (20-4964) His wife visited him frequently in Auschwitz and that his mother also came. (20-4941)

Christophersen went to Birkenau perhaps twenty times in the entire time he was at Auschwitz to get workers for Raisko or to fetch material from Kanada, the storage place for internees' property. It was very difficult to obtain any of this property and only pursuant to an authorization. (20-4945, 4946) Very often, he would obtain material such as tubes for radios from the airplane detachment division, which stored parts of crashed airplanes. (20-4948) On cross- examination, he agreed that in the first Zündel trial in 1985, he testified that he had been in Birkenau about seven times. He reiterated, however, that he went very frequently to the airplane disassembling plant, which was next to Birkenau. (21-5003) He could go anywhere in the camp, as he was wearing the uniform of an officer. During the times he visited the camp he would be there about an hour. (20-4948)

Christophersen knew Birkenau had crematories and had seen them from the outside. (20-4947) But he never saw smoke or flames shooting out of the chimneys nor did he ever smell the alleged stench of human bodies. (20-4948) He did not know the number of crematories. (21-5005) He only heard about the gas chamber allegation after the war. (20-4949)

He saw Red Cross vehicles at Raisko in September of 1944. He watched them driving toward Birkenau, but had no contact with them. (20-4966)

Although he was never informed of anything in the nature of atrocities to internees when he was at the camp, Christophersen testified that his maid, a Polish woman, once told his mother that there were corpses being burned at the camp. Christophersen called the maid and asked her about the story, but she couldn't give him any details. He got on his bicycle and toured around the entire camp and inspected every fire location but found nothing. Christophersen stated that today he knew that there were indeed corpses burned during the first while. The corpses had been buried in the ground but because of the high water level, it had to be discontinued. The corpses were dug up again and burned in the open. He stated there were incredible stories told about this incident. (20-4949, 4950)

Christophersen testified that the stories of six metre deep pits where corpses were buried were impossible because of the water level at Birkenau. Although it varied, depending on the water level of the Vistula and Sola Rivers, the water level ranged from one metre to two metres. (20-4951)

There was a typhoid epidemic at Auschwitz-Birkenau that he was aware of. His superior's wife died from typhus. (20-4949)

Horses were used almost exclusively in Raisko because of the scarcity of gasoline. (20- 4943)

Auschwitz was bombed once while he was still there, in perhaps September, 1944. (20- 4964)

After the war, Christophersen was never questioned about his activities in Auschwitz. He became a farmer in the area of Angeln. (20-4973, 4974)

He later wrote a book on his experiences, Die Auschwitz-Lüge (The Auschwitz Lie.) Prior to publishing the book in 1973, he talked to his superiors about it, including Dr. Caesar. They thought it was still too early and were afraid of repressions. The book was later published in Spanish, French, Dutch, Danish, Portuguese, English and German. ((20-4950, 4951, 4961, 4970, 4975)

Zündel visited Christophersen twice to speak with him of his experiences. (20-4961, 4979) On a visit by Zündel to Christophersen in around 1973, after the publication of the book, Zündel requested the copyright. Christophersen testified he gave the copyright to everybody, that he had made it publicly available. (20-4935, 4936)

Zündel changed the title of the English language edition of the book to Auschwitz: Truth or Lie. Christophersen did not add the parts of the book dealing with Rudolf Hess, appeals for donations, or advertisements for the book U.F.O's: Nazi Secret Weapon?. Christophersen thought Zündel published the book in 1973, but he didn't know for sure. (20-4976, 4980; Auschwitz: Truth or Lie entered as Exhibit 94, 20-4936) Other people had also published English language editions of Christophersen's book, although he did not think the Institute for Historical Review had ever done so. (20-4978)

The book was subsequently prohibited in Germany and Christophersen was convicted of defaming the German Federal Republic. (20-4952, 4953) The charge provided that

the denial of mass gassings was an insult to survivors. (20-4971) He was 67 years of age when he served one year of a one and a half year sentence in 1985. (20-4952, 4953) Notwithstanding its prohibition, the book continued to come into West Germany from Switzerland and Denmark and was available in bookstores. (20-4970) Because of a revision to the penal code in Germany, however, it was no longer possible for Christophersen to tell of his experiences. (20-4972) Christophersen had lived in Denmark for the past one and a half years because there were no prohibitions there against books. (20-4973, 4974)

Asked if he was part of a conspiracy to rehabilitate Adolf Hitler and re-establish National Socialism, Christophersen stated that he had absolutely no political ambitions, but he definitely wanted to express his opinion for persecutees and repressed people and minorities. In his opinion, today the Jews were no longer persecuted, but Ernst Zündel was. (20-4963)

He believed the first time he spoke to Zündel was in 1973. (20-4981) He visited Zündel in 1979 and at that time spoke to some people Zündel had invited about his experiences in Auschwitz. (20-4980, 5068) He thought it was possible that in 1973 Zündel found the gas chamber story to be unbelievable and that was why he wanted to publish Christophersen's book. He pointed out, however, that the book did not deal with gas chambers as such, but was a counter-representation to the atrocity stories. (20-4981) The only part which dealt with the gas chambers was a foreword written by Manfred Roeder. (20-4982)

Christophersen, asked if he denied there were gas chambers at Auschwitz, replied that he had not found anybody who could give him details about the gas chambers although he had made efforts to do so. (20-4982) He had read the book by Kogon, Langbein and Ruckerl, *Nationalsozialistische Massentötungen durch Giftgas* (National Socialist Mass Killings Through the Use of Poisonous Gas), a book which he saw as an attempt to bring many different statements or opinions into one line. (21-5091) He knew Kogon was a professor, and that Langbein had been interned at Auschwitz and spent his time there working in an office. Ruckerl was the head of an institute in Germany. (21-5092)

Christophersen had also distributed *Did Six Million Really Die?*. He saw the booklet as a counter-representation. On the one hand, he said, "we hear all these terrible lies, soap and lamp shades from human beings and those burnings in ditches," and on the other hand, there was the Harwood publication which, in his opinion, was more credible. (20-4962, 4963)

On cross-examination, Crown counsel pointed out that *Did Six Million Really Die?* quoted Christophersen as having written that:

"...In the vicinity of the main camp (Auschwitz I) was a large farrier's works, from which the smell of molten iron was naturally not pleasant."

Christophersen agreed this was incorrect. What he had written was that it was not molten iron that created the stench, but the horn of the horses' feet at a smithy's work.

The Crown quoted from page 5 *Auschwitz: Truth or Lie?*:

The leading Austrian Social Democrat, Dr. Benedikt Kautsky -- himself a Jew -- who spent the years from 1938 to 1945 in concentration camps, three of these in Auschwitz, said: "I was in the big concentration camps in Germany. I must truthfully state that in no camp have I ever seen anything that might have resembled gas chambers."

Christophersen agreed that the same quote appeared in *Did Six Million Really Die?*. (21- 5041) The Crown showed Christophersen the 1948 edition of the Kautsky book (it was the 1946 edition which was quoted in *Did Six Million Really Die?*), and read him the following quotation:

I would like to include here a short description of the gas chambers which I have, it is true, not seen myself, but which was described by me by so many different parties in a credible fashion that I am not afraid to render the description here.1

Christophersen stated he obtained the quote from a source known to him; he had tried very hard to get the Kautsky book but could not find it anywhere. Accused of printing a quote from a book he had never read, Christophersen replied that he had done so frequently, even quotes from the Bible. He agreed, that, "naturally," he had quoted it because it supported his position. (21-5045) Asked if he quoted half of the quote because the whole quote didn't support his position, Christophersen stated he did not know the other half. (21-5046)

Christophersen wrote the synopsis of the Red Cross Report which appeared on page 11 of his book. He received the information from a reliable source, Dr. Stäglich, but noticed after publication that the synopsis contained a small mistake. (21-5043, 5044, 5045) He agreed that it was very important to check sources before publication but pointed out that he had corrected it in later editions of his book. He had also published correspondence between Dr. Stäglich and the Red Cross. (21-5051)

Christophersen agreed that in his synopsis he stated that the Red Cross delegate made a "careful inspection" and that nowhere in the report of the delegate did it say a "careful inspection" was made. In Christophersen's opinion, the delegate's claim that he was only at the door of the commandant was not true; the delegation had been at Raisko and also in Birkenau. (21-5052 to 5059) He himself had seen the vehicles at Raisko and watched them drive in the direction of Birkenau. He had heard later in the officer's mess that they also visited that camp. (21-5082, 5083) The delegate did not have the courage to say the truth; perhaps he expected repressions and punishments. (21-5052 to 5059) Christophersen agreed that in the previous Zündel trial in 1985 he answered "no" when asked if he knew where the Red Cross went after they left Raisko. He saw no contradiction between the answers. (21-5083, 5084)

Christophersen agreed that on page 4 of his book he had written:

In 1938 there were supposed to be 15,688,259 Jews in the world. This figure is derived from the "World Almanac" of the American Jewish Committee. In 1948, according to an article in the New York Times by W. Baldwin, there were supposed to be 18,700,000 Jews in the world. Baldwin is a well-known population expert, entirely neutral, and even the most far-fetched imagination could not describe him as "anti-semitic."

Christophersen obtained this information from a Mr. Einar Aberg in Sweden, who informed Christophersen that he had published it for several years without the information being contested. On the basis of that, Christophersen believed he could do the same thing; that as a journalist, that was sufficient. Christophersen pointed out that the Crown had not read the sentence in the book which clearly stated that the information came from Aberg. (21-5061 to 5063) Christophersen had checked the figures in an encyclopedia. He agreed that the figures used were the same ones used in *Did Six Million Really Die?*. (21-5064)

Christophersen agreed that on page 4 of his book he had written:

The losses of the Jewish people during WW II, certainly regrettable, were not 6 million, but approximately 200,000, according to facts compiled by the UNO, which body surely has no reason to grant special protection to any one nation in particular.

This paragraph, said Christophersen, referred to a United Nations report he had received about 15 years before. He tried to have the figure confirmed by letter but received no reply. He took no answer as an answer. (21-5065)

Christophersen agreed his book contained the following statement:

A book published in Brazil contains the following statement: "...These facts were used by the Canadian Anti-Defamation Committee of Christian Laymen in ascertaining that 200,000 Jews died in the twelve years of Hitler's rule (1933-45), regardless of how they died, i.e. whether they were killed, sentenced and shot as guerillas or saboteurs, or in air raids on camps, or through other circumstances due to war, including sickness and old age."

Christophersen testified this quote came from a book by Juan Maler in Brazil. He did not know what the Canadian Anti-Defamation Committee of Christian Laymen was, and would have to ask Mr. Maler. He agreed he published a statement that he read in a book without checking it. (21-5067)

The Crown read the following passage from Christophersen's book at page 19:

The Jews were intelligent and so far as I got to know them in Auschwitz, quite nice too. In the summer my mother came for a visit and stayed several days. Of course, a fat friendship developed between her and Olga. One evening my mother asked about the crematorium where corpses were supposed to be burned. I knew nothing about this, so I asked Olga. She could not tell me anything definite either. She did intimate, however, that around Bielitz there always was what seemed to be a reflection against the sky, as if from a fire.

So I went in the direction of Bielitz and there found a mining camp in which some inmates also worked. I travelled around the entire camp and examined all fire grates and all smoke stacks, but found nothing. I asked my colleagues; the answer... a shrug of the shoulder and "don't pay any attention to those rumors."

Pearson suggested to Christophersen that he never went to Birkenau. Christophersen denied this, stating that this edition was written differently from his original German

edition. (21- 5105, 5106) On re-examination, he testified that where the excerpt spoke of "the whole camp," he was speaking of the entire camp complex, Auschwitz I with the surrounding plants, Birkenau, the aircraft disassembly plant, and an industrial plant. (re-ex., 21-5111, 5112)

Christophersen preferred the word "internees" rather than "prisoners" to describe the inmates of the camps. There was a difference: "prisoners" were jailed in a cell while the "internees" could move around freely and were able to work. (21-5085) The internees were paid in something like camp money. (21-5085)

When he went to Birkenau to get workers, Christophersen would ask who wanted to do the work. Mainly Polish people would volunteer for agricultural labour because they wanted to do that type of work. Asked if these people were used as slave labour, Christophersen pointed out that during the war, everybody had to work, to do their duty and in that way all were slaves. (21-5087)

The Jewish internees wore a yellow star. Other triangles worn by the internees included red for political prisoners, pink for homosexuals and violet for the Bible Researchers (Jehovah's Witnesses). (21-5089)

Asked if race was important to the Nazi regime, Christophersen stated that it was important not just for Adolf Hitler but also for Israel since the latter country, upon its establishment, took over the Nuremberg race laws. (21-5088) The Jews were internees in Germany, just as Germans were internees in Canada. International Jewry had declared war on Germany. It wasn't taken very seriously at the time because no state of Israel existed, but when the war grew hotter, the members of this enemy state, International Jewry, were interned. Christophersen knew they were innocent people but believed the internment was necessary. He could not say "justified" as the whole war was not just. (21-5089, 5090)

Christophersen met Adolf Hitler twice. The first time, as a young man, he had seen Hitler give a speech at Nuremberg and had thereafter gone to have his lunch outside under an apple tree. Three vehicles which were passing by came to a stop and out of one of the cars came Hitler. He and Christophersen had a conversation about Christophersen's farm and the type of cattle and pigs they were breeding. Christophersen was amazed at his knowledge of agriculture. Hitler wrote down his address and invited him to his birthday on the 20th of April. On this occasion, Christophersen met Hitler again. A year later, in 1938, he again went to Hitler's birthday celebrations to bring greetings from his area, Schleswig-Holstein. These meetings had a substantial impact on Christophersen and he was emotional talking about it. (21-5094) When Christophersen married, it was on the 20th of April. (21-5107)

Christophersen agreed that he told his audience in New York in 1979 that to him, Adolf Hitler had always been and still was the greatest person whom history had brought forth in the last 2,000 years and not only for the Germans. He saw Hitler as a saviour, not only for himself but also for six million other unemployed Germans. Hitler performed wonders and Germans loved him. The high point of Christophersen's life came in 1937 when he was able to hold a lengthy conversation with Hitler. (21-5107 to 5110)

On re-examination, Christophersen testified that sympathy for National Socialism was not a justification for lying. His motives for testifying were as follows: he had come to the conviction that the gas chamber stories were a hoax, a swindle. He admitted he was not a scientist or a historian, but he felt like the child in the fairy tale who pointed out that the emperor had no clothes. Professor Hilberg collected everything that served his thesis and Christophersen would collect and publish everything that served his. Every criminal had a right to defend himself, and he wanted the same right for his people who were represented as a criminal people. (21-5114, 5115)

Asked if he was so emotional about Hitler that he could not tell the truth, Christophersen replied that people who had been very enthusiastic about Hitler denied him from one day to the other. People were usually inclined to applaud the victor. He didn't do that. He could not say Hosanna one day for Adolf Hitler and crucify him the next. Those who lived through the Hitler times and experienced the enthusiasm of those years would never, if honest, forget those times. (21-5115) But he would not tell lies for Adolf Hitler. (21-5116)

When visiting North America in 1979, Christophersen gave speeches in various cities, Toronto, New York, Chicago, on a tour organized for him. He could not remember who organized it. (21-5095) He believed Matt Koehl was an organizer for something later, but he could also have helped organize the 1979 tour. (21-5096)

Christophersen was shown the newspaper White Power: The Revolutionary Voice of National Socialism, April 1979 edition, and stated that he saw the name "Matt Koehl," and assumed it was the same person, but pointed out there was no photograph of the man. (21-5096) Christophersen had seen the newspaper before. It was sent to him occasionally. (21-5098) He knew the newspaper advertised his book; the advertisement in this particular edition advertised the book as Auschwitz: Truth or Lie which Christophersen agreed was the title under which Zündel published the book. (21-5099) Christophersen did not think he asked for his book to be advertised there. The newspaper didn't get the books from him, it must have gotten it from either Mr. Deitz or Zündel. He could read enough English to make out the titles of the advertisements and his name. (21-5112, 5113) Also advertised in this edition were the books Six Million Lost and Found (formerly published as Did Six Million Really Die?), Drama of the European Jews by Paul Rassinier, The Hoax of the Twentieth Century by Prof. Arthur Butz, and Mein Kampf by Adolf Hitler. Christophersen also identified the title Auschwitz: Truth or Lie in the "Worldwide Bibliography of 'Holocaust' Revisionism" published in the IHR Special Report on the Holocaust. (21-5100, 5101)

Christophersen pointed out that his books were being advertised and spoken of positively in other media which were not National Socialist in viewpoint. (21-5100) White Power filed as Exhibit 96; 21-5104)

Notes

1 Not compared with original.

Dr. Russell Barton

[Dr. Russell Barton was the third witness called by the defence. He testified on Wednesday, March 9, 1988.]

Dr. Russell Barton testified that he was the same Russell Barton referred to in *Did Six Million Really Die?* and confirmed that the quotes from his article in Purnell's *History of the Second World War* (vol. 7, no. 15) dealing with his experiences as a medical student at Belsen camp after its liberation were correct and consistent with his recollections of the event. (21-5137 to 5141)

Barton testified that he arrived at Belsen concentration camp on May 2, 1945. He had the view of most people at the time regarding Belsen; that it was a camp in which people had been ruthlessly exterminated and deliberately starved to death. (21 5153) The impression of the camp he first gained was one of "horror"; some inmates were dead and piled up outside the huts, others were in various stages of dying, disease and dehydration. In one hut, the inmates were in relatively good condition, they could get up and walk. (21-5154) In other huts, there was the pervasive smell of feces, vomit and decay. People were crying for doctors. Many could not feed themselves. (21-5155)

The death rate when Barton first came was about 300 to 500 people a day. The inmates pushed dead people out of the huts because the lice which carried typhus left dead bodies and went to the living. Everybody was terrified of getting typhus, including the British. The bodies were in a state of severe malnutrition, and very few were clothed. A fire burned constantly at Belsen, upon which the clothes of the dead were thrown to burn the lice. Other garbage was also thrown into the fire, as there was no garbage collection. A dreadful smell permeated the camp which could be smelt about three miles away. (21-5156, 5157, 5158)

Barton testified that typhus was a febrile disease which was caused by the bite of the human louse. The louse bite the skin, which itched. When the individual then scratched the itch, he scratched into the spot the feces which the louse had defecated onto the area where it had bitten. It was like a bacteria, but not quite a bacteria. It then spread throughout the body. It was essentially a disease of the blood vessels. The bacteria ate away within the lining of the blood vessels, thereby causing symptoms. For example, they often hit the blood vessels in the brain, causing a very severe headache. It sometimes caused pneumonia and often, gangrene. Victims of typhus lost weight very rapidly because of nausea. The individual felt terribly tired and exhausted. Other symptoms were pneumonia and skin falling off. In 1945, there was no cure for typhus. Today, there was; chloramphenicol was fairly specific. (21 5171, 5172)

Typhoid was a different disease. It was caused by salmonella, an organism which affected the guts and the gall bladder, causing diarrhea, dysentery, and so forth, but it didn't interfere with the blood vessels in the way typhus did. (21-5172)

Many of the inmates died because the British soldiers gave them food and their stomachs burst; the medical students were giving them a mixture of glucose and flour and milk powder which made the inmates vomit. When they vomited, they often inhaled and died because they were so weak. (21-5158) Later they fed them a powdered milk gruel. (21-5159)

Although the vast majority of the inmates were emaciated, some were quite plump and well-fed, and this puzzled Barton from the first day. (21-5159) He asked questions to determine the reason for this and was told that if there were a majority of Poles or French or Russians in one hut, that group would command all the food which was left outside the door of the hut. They would take what they wanted and leave the rest for distribution among the rest of the inmates. There was no overseeing by the camp staff and there hadn't been since before Christmas of 1944. Before that time, the food had been distributed reasonably and everybody was getting a fair share. "It was a terrible internal tyranny that...developed," said Barton. (21-5160)

He got the impression that at least 50 percent of the inmates were Jewish because of the prayers and religious exercises they carried out. (21-5173)

Barton was made an unofficial dietitian and found the camp had a kitchen set up with 450-kilo vats that were steam heated. (21-5160) There were four in one room and four in another. He also found record books listing the food that had been cooked and distributed going back to about 1942. Each of the different hut's larders listed the amount of food that had been sent in the big churns for distribution. He mentioned to his colleagues that if there had been a deliberate policy of extermination, why should there be this elaborate kitchen equipment? This, however, was not a popular view. (21-5161)

Barton made inquiries with inmates, including Jewish doctors, who told him that Belsen had not been too bad until the autumn of 1944. Then, as the Russian armies were advancing, they said they had been given the choice of remaining in the camps about to be overrun by the Soviets or being repatriated back to Germany. Many chose to return to Germany. As a result, from the autumn of 1944 to early 1945, some 53,000 people were moved into Belsen, which had room for only 3,000 inmates. The overcrowding was gross and the staff at the camp resented it. Josef Kramer, the commandant of Belsen, felt he had a responsibility to his 3,000 inmates but was apparently angry about the 53,000 that were dumped into the camp. Dr. Klein, the medical doctor at the camp, didn't know what to do. (21-5162, 5163)

Barton spoke to his superior, Dr. Meiklejohn, about the way the camp had been run. Meiklejohn felt it was best not to look into these things too deeply, that in the time of "fervour and distress" Barton's views would not make him very popular. This proved to be correct. (21- 5163, 5164)

Barton testified that on May 21st, it was decided to burn the camp down and to have the scene filmed for the purpose of showing the British to be "white knights" coming

in to clear up the dreadful situation. Everything was arranged; work stopped for the whole of that morning. The flame throwers were ready in the tanks but the film makers hadn't got their cameras rolling yet. Suddenly, one of the tank commanders, in apparent enthusiasm, blew a flame into the hut that was to be burned, resulting in "tremendous consternation." They had to rush and put the flames out and start over again. That was but one example of what went on; there was the arranging of scenes that were pictured. (21-5164, 5165) Barton felt such artificial filming of the camp was the presentation of something which had no real purpose because the facts spoke for themselves; what worried him more, as he got towards the end of his stay at Belsen on June 1st, was the lack of integrity in dealing with the situation as it really was. (21-5165, 5166)

He believed the old view that Belsen was an "extermination camp" was now largely corrected, but it depended to whom one spoke. A.J.P Taylor, the English historian, realized it when Barton talked to him after the furor came with the Purnell article. (21-5167)

Barton was asked to contribute the article to Purnell's. He wasn't "keen" to do it, but it didn't seem to be a very big magazine so he did what he thought was the correct thing: to write without fear or favour. Having experienced the results of writing as he did on the subject, however, Barton testified that he would not do it again for publication in his lifetime. (21-5167)

He was dubbed "Belsen-Not-So-Bad Barton" by Scientology magazine, and this name continued to be quoted. The London Times used the inflammatory headline "Belsen Not So Bad, says Psychiatrist." (21-5168) There were letters to the Times criticising him. (21-5173) He wrote letters rebutting the more stupid and accusatory letters; there were television interrogations and other debates. The matter was "hot and furious." (21-5173, 5174)

Years later, when he was on a talk show in America, speaking on Scientology, one of the ministers of the church charged: "This man killed 15,000 Jews." It was an attempt to discredit what Barton was saying but it nevertheless had repercussions. Even today, when he gave evidence in murder trials, the lawyer on the opposing side would often attack him collaterally by bringing up the Purnell article or alleging that: "He agrees he killed 15,000 Jews." (21-5169) He agreed that nothing he had ever said or written had caused him as much injury as had the Purnell article. (21-5170)

His objective in writing the article was simply to give his evidence, not about the whole of Germany or people in Germany, not about all concentration camps, but about what he had actually seen and the conclusions he thought a reasonable person might come to. It was a terrible outbreak of typhus and the death of, he thought, some 30,000 people. He didn't think that it was going to be a public issue. (21-5179, 5180)

Barton was also qualified as an expert in the field of psychiatry, specifically brainwashing and mass hysteria. There was such a psychiatric phenomenon as brainwashing, said Barton; usually it was used for political purposes. He described the brainwashing process of small groups (21-5174) but stated that brainwashing could affect whole societies. He never thought the whole of Nazi Germany was brainwashed, although he thought some were brainwashed thoroughly such as the

poor, maladjusted people who hadn't got jobs and hadn't much prospect of getting jobs. These were brought into meetings characterized by songs and music and torch light parades and were rewarded by being given places to live; usually places taken from previous owners. That's why people were pushed into concentration camps, so that their houses could be given to people who really wouldn't have lived at that standard. There was the brainwashing that there was the Aryan race that was superior to all others and that the other races were of no consequence. He thought this was the minority of German people, although he really hadn't any idea, but he thought a "tremendous number" of Germans hated Hitler and the loss of their freedoms. (21-5176, 5177)

Barton believed he wasn't that suggestible, but noted that in the business of life one didn't really sit back and think. If a person was confronted with a convenient story in the newspaper, the tendency was to believe it. People only began to look into things when they themselves were threatened or when something seemed so grossly unfair and dreadful that the common decency of most people said: "This is wrong." Barton testified that this was what happened to him during the month he was at Belsen. (21-5177, 5178)

When he was in Germany, the fashionable belief among the British was that all Germans were bad people who bombed helpless civilians in cities and who exaggerated their personal problems into the most terrible crusades of murder and extermination of people they thought were inferior. This belief system affected their willingness to accept what Barton had said. When a dogma had been accepted, it was a rare man who would challenge it. (21-5180, 5181)

He stated that confessions could be obtained which were false by means of coercive measures and thought that the German people that were being examined after the war had to follow the new current line of thought. Barton believed that this was a tragedy for the German people. (21-5179) He thought the Germans were brainwashed after the war with respect to their guilt. The "pressures on them were tremendous." (21-5179)

On cross-examination, Barton testified that probably a substantial majority of people could resort to barbaric activities if the circumstances were right. He agreed it had nothing to do with nationality.

He believed the leaders of Nazi Germany, such as Adolf Hitler and Goebbels, were masters at propaganda and agreed that they elevated it to a new science. He agreed that part of the propaganda message was that the Jews were the cause of Germany's problems, that they used a variety of techniques to convince the populace that that was the case, that they used very graphic and insulting publications like *Der Stürmer* which parodied the archetypal Jew and had cartoons of Jewish people. He thought it was not parody, but an attempt to increase the hatred against one group by giving them qualities they didn't have, such as race. It was destruction of reputation, which in his opinion, was entirely unwarranted. It was easy to satisfy it in the minds of less intelligent people, the less critical people, because intelligence and criticism weren't in the same dimension. (21-5182, 5183, 5184)

Barton agreed that techniques of propagandists and politicians included the "Big Lie" that a group of people, because of nationality or race, all had an identifiable characteristic, such as greed. He agreed that prior to the Second World War in Germany popular newspapers painted a distorted picture of the Jews, followed by the preventing of Jews from following their professional callings such as medicine or law, and pushing them out of the civil service; he agreed that legislation was then passed confiscating their property and that such property was given to the party faithful. (21-5184, 5185)

Christie objected at this point in the cross-examination on the grounds that Barton had not been qualified as a historian, and asked whether Crown counsel was going to prove the allegations of fact made in his hypothetical questions. Judge Thomas overruled the objection: "This man served his country at the time of the Second World War. He experienced it. He lived it. He was involved in it. There are no hypothetical questions being asked here. The questions that are being asked are questions that this man indicates he has knowledge of, personal knowledge of. Proceed." (21-5186)

Barton was shown Exhibit 91, the cartoon published by Ditlieb Felderer, and agreed that the cartoon had the characteristics of the Nazi version of what a Jew looked like and attempted, by implication, to undermine his credibility. It was making fun of a great tragedy, he agreed. (21- 5187) He further agreed that this was the type of cartoon published in Der Stürmer to identify Jews as an inferior people without rights. (21-5187) He agreed that if people were conditioned to view people as sub human, it would give them an excuse not to treat them like humans, and that this technique worked with quite a number of people. (21-5188)

He agreed that the goal of the Nazi regime was to force the Jews out of Germany; that when the war began, Hitler was initially successful militarily; that the Nazi empire expanded at a great rate; that the number of Jews who fell under Nazi domination increased significantly; that while the Nazis were successful on land, militarily, the British navy still controlled the seas; that this prevented the shipment of Jews to Madagascar; that the Jews were then rounded up and put in concentration camps along with other races and nationalities; that Nazi racial theory wasn't concerned only with Jews; that the Slavs and Poles were considered sub-human by the Nazis along with anybody else that had any property they wanted, including Whites; that the Jews occupied the bottom rung, however, and were the main scapegoat at one time (although Barton pointed out, there were Jews such as Einstein who were exceptions); that the Jewish community in Germany, prior to 1943, was a very vibrant community; that it made great contributions to German culture; that it resulted in there being many people whom the Nazis needed who were Jews; and while the Nazis had a racial theory that placed the Jews on the bottom rung, they were quite prepared to use the genius of the Jewish race when it suited them; that these people were used by the Nazis (Barton added that some died rather than be used); that Jewish doctors, while they didn't like working for the Nazis, felt they had a professional obligation to stay even though in their hearts they may have wanted to leave; that there were German doctors who stayed and wanted to help the dying and the sick. (21-5188 to 5192)

He agreed that all he could really tell the court about was Bergen-Belsen; that it was the camp where the Nazis kept the people that they wanted to trade; that before the influx of 1945, the people who were captive at Bergen-Belsen were viewed by the

Nazis as a commodity; he agreed that they were hostages to be traded as a way of getting money, getting equipment to continue the war with; he agreed it made sense for the Nazis to keep people they were going to trade in relatively good condition; he agreed that could explain why the facilities in Bergen- Belsen were relatively good because if one was going to trade somebody, one had to keep them well-fed, although he thought, like everyone else when he was in Belsen, that they had been put there to be exterminated. (21-5192 to 5194)

He agreed that if these people were to be traded and they had arrived in the United States in an emaciated condition, it would have looked bad for the Nazis; he agreed that it was entirely in the interests of the Nazi regime to keep these people they were trading in good condition; he agreed that 53,000 people who had arrived in Belsen in 1945 came from the east as a result of evacuations of the Polish camps; he agreed the trip for these people from the eastern camps to Bergen-Belsen was horrendous and had been told that thousands died; he agreed these were, in effect, death marches, but he had never seen any of them arriving; the evacuations ended by the very beginning of 1945. Some marched, some were in cattle trucks that were sent out to the Eastern front. (21-5194 to 5196)

He stated that the inmates had told him they wanted to come west rather than be "liberated" by the Soviets. Most people were very worried about the way the Russian soldiers were behaving. He had no direct knowledge of what happened in the eastern camps such as Auschwitz, although he heard horror stories from the former inmates. (21-5196 to 5198)

Barton agreed that one of the functions of propaganda in the Nazi regime was to incite racial hatred; he agreed that a certain percentage of the population of any country would be susceptible to that type of propaganda; he agreed that many factors could have a bearing on the impact of such propaganda; he agreed that people who were not susceptible during good economic times could become susceptible during bad economic times; he agreed that the group picked as a target for propaganda would also affect how successful the propaganda was; that a group different from the mean would improve the chances of the propaganda succeeding; differences including colour, religion. (21-5198 to 5200)

He agreed that people under psychiatric care would not admit that they had a problem; that some people who underwent psychiatric care viewed the psychiatrist as being part of a conspiracy against them (although Barton added that sometimes such a view was justified.) He agreed that they would often point to external things as being the reason why they were in psychiatric care, such as the "Zionist conspiracy," through the use of projection, the attributing to other people of things that were denied in themselves. (21-5200 to 5202)

Barton had never read *Did Six Million Really Die?* right through, but he believed 6 million Jews did die. Nevertheless, he did not think it was pursuant to a policy of extermination. He thought there were many causes, including typhus and tuberculosis at Belsen. He admitted that on the topic of whether or not there was an official policy of extermination he could not give evidence as it was not his area of expertise. He himself saw thousands die. (21-5203 to 5207)

He did not know that his work was going to be published in *Did Six Million Really Die?*. Asked if it was misleading for the author to include Barton's observations in a booklet whose thesis was that millions of Jews didn't die, Barton replied that it was if "we're just discussing did they die or not." He believed each person was valuable, that the figure might have been 6 million or 5 million or 8 million; he didn't think anybody really knew the number and that there never would be any way of knowing. (21-5207, 5208)

He did not know enough to say whether the Holocaust was an invention to extort moneys from Germany. He accepted the figure of 6 million but did not know whether or not it was a deliberate policy. He knew it wasn't a deliberate policy of the German people. He didn't think he was brainwashed about the 6 million figure. He agreed that it was the generally accepted view that millions of Jews died during the Second World War under Nazi control and agreed he was not suggesting that everyone had been brainwashed into believing it. (21-5208, 5209)

He agreed that former inmates of Nazi concentration camps might well be outraged by *Did Six Million Really Die?*. He agreed it was possible that someone might conclude, from the inclusion of Barton's material in *Did Six Million Really Die?*, that he supported its thesis. When asked if it was unfortunate for him that Harwood chose to use his observations in his booklet, Barton replied that it was "unfortunate for me. It's brought me here again, but... I think what I said is honest, and I stand by it. That's why I'm appearing here." (21-5209, 5210)

Asked again if he thought it was misleading for Harwood to use his observations, Barton replied: "Well, it is misleading because I believe they did die. I believe 6 million, give or take, did die, but I don't necessarily connect in the causal chain of events that there was a policy of extermination. I don't know that all Germans were bad. I don't know. I don't think they were, and so on and so forth. So I have reservations, but when one makes a statement, I think one has to have it used against one." (21-5211)

He stated that if his observations were being used in *Did Six Million Really Die?* to make people take a second look at whether or not there was a deliberate policy of extermination by all German people, then it was a "good thing" it had gone in. He agreed he would have preferred if his views as expressed in the court had gone in instead and that it would have been less misleading. (21-5211, 5212)

He stated that people would not have gotten the typhus to the same extent if they had not been in the camp. It was the placing of people together with poor sanitary conditions which brought the lice. He testified there was a neutral area around the camp guarded by Hungarian soldiers, the idea being to contain the typhus from spreading all over Europe, possibly all over the world. The soldiers were not emaciated and Barton agreed that rations were probably issued on a scale of human worth. He didn't think the inmates were worthless to the Germans; they were a potential source of income. (21-5213, 5214)

Asked if the Holocaust was not the major indictment against Adolf Hitler and the Nazi regime, Barton replied that the Holocaust was really something that developed in the late 1950s and 1960s. People didn't talk of the Holocaust in the 1940s and 1950s.

He thought it had become trivialized and sensationalized, that a dogma had developed, which was unfortunate since it did not get to the real cause of why one group could suddenly behave so viciously and thoughtlessly to another. (21-5215)

Barton was asked if it was fair to say that A.J.P. Taylor, the eminent British historian, believed that historical study required that one look very objectively at events and attempt to denude them of nationalistic overtones; to look at history as objectively as possible. Barton replied that what Taylor stated was: Don't try and fit the facts into a preconceived hypothesis but try and look at the facts and from them abstract the cause or hypothesis. Asked if he would ever suggest that A.J.P. Taylor would falsify history, Barton replied that he wouldn't suggest it, but would never trust anybody 100 percent either. Said Barton: "Judicious distrust and benign skepticism are the sinews of understanding." Barton felt that unless we doubt we begin the slippery slopes of getting lost. (21-5216, 5217)

He agreed that the researcher must be honest with the facts and approach matters objectively with no hidden agenda. He pointed out, however, that it was usually the victors who wrote history and the vanquished who had to accept whatever views the victors put across. He therefore liked the attempt of revisionism to look at historical events from all sides. Asked if none of that involved falsifying history or denying the facts, Barton replied that he had to say yes and no, that people reinterpret facts, and when they play down one fact and play up another they were making their thesis rather than dealing with what had actually happened. To some extent, one always had to be suspicious if facts were being falsified to put a point of view across. (21- 5214, 5217, 5218)

Barton testified he didn't think Hitler was right but didn't know if he exterminated millions of Jews either. It happened but was it Hitler? Was it the thugs in the SS? Was it Himmler, a man who was a beast of the first order? How in the name of God could it ever happen?, asked Barton. Who decided that large masses of people could be shoved into concentration camps and neglected or abandoned? Who would allow the beastly bullying of the sort of little man, the lower man in the immediate day-to-day contact with the prisoners? Who would allow that to go on without disciplining them and so forth? He didn't know where it started. (21-5218, 5219)

He agreed that this was the stuff of historical debate; he stated that it was not only what happened and how it happened, but most importantly, could we stop it again? (21-5220)

The idea of the Aryan elite, the superior people, was the primary racism of Germany; the idea that Germany had a special role in the world and the rest of the people were peasants and peons to be controlled and used for their glory. The anti semitic business was not their primary purpose but a very convenient way of getting scapegoats and uniting hundreds of people, thousands of people, who had lost their savings, who didn't have jobs. It was a dreadful use of the destruction of reputation. (21-5220, 5221)

Barton was shown a sentence in *Did Six Million Really Die?* under the heading "The Race Problem Suppressed." It read:

€ Thus any rational discussion of the problems of Race and the effort to preserve racial integrity is effectively discouraged.

Asked if the proposition being put forward in the booklet was that the deaths of millions of Jews effectively discouraged discussions of race, Barton disagreed. He couldn't see that it did discourage it and thought that the very fact that this could happen was a reason to look at the problem of race and ask: why? Superficial concepts of race had to be looked at much more closely, and he did not know that this statement in *Did Six Million Really Die?* was valid. (21-5221, 5222)

He agreed that there was a great lesson to be learned from the deaths of millions of Jews during the Second World War, and agreed further that the lesson was that people should not adopt racist attitudes. Nevertheless, Barton felt it was no good denying racism. The fact had to be faced that many people felt a kinship with others which was irrational and very damaging and destructive, if not to themselves, to another group whom they thought was different from them. It was only by understanding that "there is this basic beastliness to be with people like one and to disparage and to dislike those who don't fit in within the pattern" that people would be able to come out of this morass, this mess, this emotional miasma. If one said that the baser instincts were not there and that everybody was really nice and happy together, then this was not facing reality. The goal was to acknowledge the instincts that one had in oneself against someone of another country, and so on, and to regard such instincts as one would regard all misleading passions that sweep the human mind, and say, 'Well, I feel this way, but it is not right to act on it.' (21-5223 to 5225)

Barton turned at this point to Judge Thomas and apologized for appearing to lecture. Thomas replied: "No, no. I'm grateful for the manner in which you are answering. Thank you." (21-5225)

Asked if it wasn't true that one of the greatest lessons of the Second World War was that, under the leadership of a "particular regime," the things talked about by Barton were not recognized, Barton agreed and stated they were not only denied but were promoted. "Tolerance was almost a dirty word, as I understand it." (21 5225)

On re-examination, Barton agreed that not only the Nazis were good at propaganda but the British also. He testified that a dogma seemed to be established concerning the "Holocaust" for the purpose of establishing a general belief. Asked what happened to anyone who denied the general belief he answered: "Mr. Christie, it is very difficult to remain on either side. You make enemies on both sides and few friends on either." (21-5226)

The best antidote to brainwashing was the reaffirmation of the basic principles that were necessary in the affairs of human beings, namely, fair play and compassion. (21-5228) The "Holocaust" should be looked at under light, rather than heat. When people's feelings began to run high, then the light was gone and people became enlisted into one course of action or one group or one camp. The most important faculty human beings had was the ability to doubt and not to be enlisted. (21-5228, 5229)

Barton derived his knowledge of Nazi racial theory from readings done for an article on the subject by the National Association of Mental Health. (21-5229)

Barton had never read *Der Stürmer*, although he had seen copies of it. He couldn't read German but he had seen that type of cartoon in publications of the Nazi period. (21-5229, 5230)

Barton based his opinion that millions of Jews died on population studies of the various countries before the war and the estimates of the numbers of people in the camps from whatever records were left. He admitted such records were not that good and that he had never looked at them himself. He nevertheless felt that people had looked into this matter very carefully and made an estimate. It was certainly not a 100 million; it was certainly not a 100,000, but there were different strands of evidence suggesting that it was in the neighbourhood of 5, 6 or 7 million. (21- 5230, 5231)

Barton agreed that he never at any time had any objections to being quoted by anybody. (21-5232)

He testified that there had to be dissent on all issues apart from the need for dissent. Unless people could subject their beliefs to reason, and to adversarial procedures which were designed to get at the truth and not score personal points, people would begin to accept dogmas and be led down the pathways chosen for them by charismatic leaders. (21-5233)

He did not believe the court process was satisfactory for the resolution of historical issues. In history, one was not dealing with facts which could be delineated or defined. The courts on the other hand were to a large extent set up to deal with concrete facts. It was more satisfactory for people with well-tuned minds to discuss historical issues and to avoid the temptation to exaggerate their own personal problems into crusades, taking sides, either side. People had to learn to stand aside and be independent but in the busy practical affairs of mankind people took a lot of things for granted and made a lot of decisions that they hadn't really looked into. (21-5234, 5235)

Barton admitted he did not know very much about the reparations paid by Germany to Israel. (21-5235)

He stated that people who had been brainwashed usually didn't know it. He knew of no other historical event or figure that was more frequently discussed than the "Holocaust" and the "6 million." The discussion concerning this event had increased with time. (21-5235, 5236)

He personally was not enraged by *Did Six Million Really Die?*. He thought the discussion contained in it was necessary. He himself did not believe the Holocaust was a hoax to get money out of people but if it was a point of view that was genuinely held by someone, it could not be dismissed out of hand. One had to look at the evidence, weigh it up and then dismiss it. He did not believe he could dismiss what someone else thought peremptorily, without at least according them some intelligence, some inductive reasoning, some ability to arrive at solutions and conclusions as they saw it, and he did not think one could ever deprive or want to

deprive another person of this ability. When people arrived at wrong conclusions, one could say to them: "I'm holding the mirror up to you. These are the choices you've made. These are the conclusions you've reached. These are the attitudes that seem to be overriding. Is that how you want to go on?" He did not think one could go much further than that. One could not coerce people into thinking or believing. (21-5236, 5237)

Other people were enraged by his own writings but that was not a reason not to publish. He did not think his critics were looking at his writings objectively. He believed A.J.P. Taylor would not want to silence those who took views contrary to his. (21-5238, 5239)

The way to deal with racial problems was not suppression but ventilation. Issues had to be brought out and discussed. Things could not be suppressed for long and inevitably there would be protests leading to countermeasures and so on. The better way was the more reasoning way. (21-5240)

After his experiences at Belsen, he did not think it possible for an objectively truthful history of events to emerge. Nevertheless, he thought that did not relieve people of the obligation to try and arrive objectively at true belief. Truth required courage in the first place and "we are not always courageous." (21-5240)

Kuang Fann

[Dr. Kuang Fann was the fourth witness called by the defence. He testified on Wednesday, March 9, 1988.]

Dr. Kuang Fann, a professor from York University, was tendered as an expert in linguistics and the philosophy of language to testify whether the "essence" of the booklet was fact or opinion and to analyse the writings of Zündel in the foreword and afterword. (21-5242, 5243)

Fann obtained his doctorate in the subject of linguistics and the philosophy of language from the University of Hawaii in 1966 and currently held the position of Professor of Philosophy at York University. (21-5255, 5256)

Fann testified that the whole pamphlet, *Did Six Million Really Die?*, should be classified as a political opinion. The parts written by Zündel were purely political opinion. The part written by Richard Harwood presented a historical thesis. It included factual claims which the author believed to be true but in its purpose and implication it was also a political opinion. (21-5260)

Fann testified that for something to be considered a factual claim, there should be some way of verifying it to be true or false. Whether it was actually true or false was another issue to be decided by other methods. (21-5260)

In evaluating a writing, Fann indicated that he looked at the context in which a writing was published, i.e., where and how it was published. Secondly, he looked at the style of writing. *Did Six Million Really Die?* was a mimeographed pamphlet published, as far as he knew, by a politically right wing organization. It was not published in a scholarly journal or by a reputable academic publishing house. It was thus identified with a political movement and from that criteria constituted a political opinion. (21-5262) The style of writing was also typical of a political opinion, with the use of certain buzz words such as "I believe" the following argument to be correct or the following statements to be true. Typical also was that the claim being made was the "Truth" with a capital "T." (21-5261, 5262)

Harwood's portion of *Did Six Million Really Die?* was a political opinion based on a historical thesis. The historical thesis was based on an extended argument in which many factual claims were made and was typical of a political tract. (21-5263)

Fann referred to the first paragraph of the pamphlet and Harwood's subsequent statement:

A great deal of careful research into this question, however, has now convinced me beyond any doubt that the allegation is not merely an exaggeration but an invention of post-war propaganda...

This was a clear expression of a political opinion, said Fann. It was not a factual claim that could be verified to be true or false. (21-5264)

Fann noted that, typical of any political writing, the author of *Did Six Million Really Die?* had gathered the kind of evidence that he considered to be evidence for his conclusion. (21-5265) Fann defined an "argument" to be an opinion of writing which may include facts. (21-5279)

Fann agreed on cross-examination that the words "Historical Fact No. 1" were the first words written across the front page of the pamphlet. He testified that there was "no question" that the author believed what he included in the pamphlet to be the facts. Asked how he knew that the author believed that, Fann testified that to determine what an author believed, he looked at the context and the internal structure of the pamphlet. Given the language and the political belief behind the pamphlet, the normal thing to assume was that the writer believed what he said to be true, unless there were logical ways to prove that the author was lying. For example, if the best friends of the author of the pamphlet testified that, in private, the author said otherwise then Fann would be convinced that the author was lying. But otherwise, Fann went by context and the words in the pamphlet. (21-5266)

Fann found the writings of Zündel to be purely political opinion. Zündel claimed only that he believed in the truth of the factual claims being made and left it to his readers to agree or disagree with its contents. Zündel did not make any obvious factual claims which could be construed as either true or false. (21-5262, 5263)

Fann agreed that it was not part of linguistics to determine the truth or falsity of a writing. He took for granted that people believed what they wrote, unless it could be proven otherwise. "There are always exceptions, but they have to be exceptions," he said. He agreed that one of the things one could look at to determine whether the person "really means what they say" was the motivation that led them to write the publication. But Fann reiterated that from the context of the pamphlet, he assumed Harwood to have believed what he wrote. (21-5267, 5268)

In a discussion of logical fallacies during his cross-examination, Fann made the following points about *Did Six Million Really Die?*:

The description of Richard Harwood as a "writer and specialist in political and diplomatic aspects of the Second World War" and being "with the University of London" were statements of fact. The appealing to or enlisting of authority to lend weight to an author's argument was known as a "fallacy." Fann noted that almost any political opinion would use this technique. (21-5270)

The attempt of the pamphlet to convince the reader that it was an objective appraisal and that the author came to his task with no preconceptions was also a fallacy because it was irrelevant. How an author came to an argument or conclusion was irrelevant to whether or not the conclusion was correct. (21-5271, 5272)

The suggestions by the author to the reader that he believed for a long time what he now was exposing to be untrue; that he had had a revelation; that he was at personal risk for expressing his views; that he was redressing a wrong that had been done; that he was shedding light on something that had been secret; that he was looking at both sides of the question when he had only looked at one: these were all fallacies since they were irrelevant to the correctness of the conclusion. (21-5272, 5273, 5274)

Most political writings and even some academic writings were full of this kind of fallacy, said Fann. (21-5273) These techniques were not unique to *Did Six Million Really Die?* and were very widespread. (21-5279)

Most enlightened people could tell very easily what were the factual claims made in *Did Six Million Really Die?* and what were the fallacies, as people came across these techniques all the time in newspapers and in politicians' speeches. Fann thought and hoped that the eleven jurors were as good as he was in determining what was fact and what was opinion. (21-5275) Fann made clear, however, that he disagreed with the opinion expressed in the pamphlet and found it totally repugnant. (21 5281)

Fann agreed with Crown counsel that even the most sophisticated people could be misled by communications. (21-5276)

During re-examination the following exchange took place between Thomas, Christie and Fann:

THE COURT: ...What about a political opinion that would be based on assertions of fact?...And if the assertions of fact are proved to be false, what do you say about that?

FANN: Um, there are a lot of established facts or so-called established facts that's accepted by the majority of the population that is not necessarily accepted by the minority.

THE COURT: That's right.

FANN: And it is to the benefit of society that we allow questioning...

THE COURT: You're talking about freedom of opinion.

FANN: That's right.

THE COURT: Right. And presuming that freedom of opinion isn't an issue here, but a criminal charge of expressing false statements, and if the pamphlet is alleged to contain false statements...

FANN: A lot of pamphlets contain false statements.

THE COURT: We're dealing with one pamphlet. Now, have you gone through this -- how many assertions of fact did you find?

FANN: I did not count them.

THE COURT: Why not?

FANN: I was asked to read the whole pamphlet and give my opinion as to whether the whole pamphlet is a statement of fact or an expression of political opinion.

THE COURT: All right. So, you decide that it's an expression of political opinion.

FANN: That's right.

THE COURT: But in coming to that conclusion, you do not attempt to verify the accuracies of the assertions of fact. Is that right?

FANN: That's correct, because it's totally irrelevant.

THE COURT: What merit is your opinion?

MR. CHRISTIE: Well, I hope, Your Honour, that's for the jury to decide and me to argue and I object to the process of Your Honour asking that question when I'm obviously precluded from exploring the area. I don't think that's fair.

THE COURT: Thank you. What worth is your opinion if you don't verify the facts?

FANN: As far as I am concerned, I'm not saying that I have verified it. As far as I am concerned all the factual facts claimed here can be false. Still, the whole pamphlet is a political opinion that ought to be allowed to be expressed and I am here for a principle of freedom of opinion.

THE COURT: The reason why you've come here -- we might as well come to the bottom of this -- you think people should be able to say anything they want.

FANN: Not anything but this particular one I feel it's a domain of opinion.

THE COURT: You have an opinion that this is an expression of opinion.

FANN: That's right.

THE COURT: And this charge is silencing that.

FANN: That's right.

THE COURT: That's why you are here. You can't tell me how many assertions of fact are in the document because you never counted them up.

FANN: That's right.

THE COURT: That's all, thanks. You may step down.

This ended Fann's testimony.1

1 Thomas' treatment of Fann became the subject of an unsuccessful application for a mistrial by Christie on the grounds of judicial bias. Thomas's behaviour during the trial was also an unsuccessful ground of appeal to the Ontario Court of Appeal. The Court of Appeal termed Christie's allegation of bias against Thomas "irresponsible and reprehensible". A complaint was subsequently laid against Christie with the Law Society of Upper Canada based on the comments made by the Ontario Court of Appeal. Fann himself was shocked by the treatment he received. In a letter to the Law Society of Upper Canada in defence of Christie, Fann stated:

"... The court did not allow Mr. Christie to ask about my motive for testifying, but questioned my motive himself later and ridiculed it. He also repeatedly ridiculed me for not having verified the truth or falsity of the factual claims contained in the pamphlet with rhetorical questions such as: 'What merit is your opinion?' 'What worth is your opinion if you don't verify the facts?' As I explained to the court repeatedly, whether the factual claims are true or false is entirely irrelevant to the question whether the pamphlet as a whole is essentially a political opinion or a statement of fact. And it was for the answer to the latter question I was asked to testify. The fact that the court dismissed my whole testimony clearly showed his bias in this case. I am enclosing the relevant portion of my testimony so that you may judge for yourself whether the court was biased in his treatment of my testimony."

Jürgen Neumann

[Jürgen Neumann was the fifth defence witness. He testified on March 10, 1988.]

Jürgen Neumann, aged 37, testified that he had known Zündel since 1975 when they met at a meeting in Buffalo, New York, of an organization known as Friends of Germany. Neumann attended the meetings originally as a favour to his father, who was German. He accompanied him to the meetings to see what the organization was about. (22-5463, 5464)

Neumann did not have a conversation with Zündel until about three months later when they met again at a similar meeting of the same organization. Neumann spoke to Zündel very briefly but could not remember what the conversation was about. Zündel was at the meeting selling books and Neumann had purchased one entitled UFO's: Nazi Secret Weapon?. Neumann testified that he didn't particularly believe the book after reading it. (22-5463, 5464, 5465)

At this second meeting, one of the speakers mentioned some doubts about the Holocaust. It was the first time Neumann had heard any questioning of the event and he felt rather offended by it. The comment nevertheless piqued his curiosity and he did, in fact, purchase one or two booklets from other people selling books at the meeting. One of the them was Did Six Million Really Die?. (22-5465, 5466)

Neumann telephoned Zündel later and asked him if he had any books for sale. Neumann and his father visited Zündel's house in Toronto pursuant to an invitation by him. Neumann remembers a very busy office that had a number of people walking around. Zündel, who at that time was still into commercial art and advertising, was also very busy. They talked about the Holocaust. Although Neumann had read Did Six Million Really Die? and other books, and found them very persuasive, he still wasn't 100 percent sure one way or the other. It was Zündel who finally convinced Neumann, over a period of a year, through his sincerity, logic and whole demeanour that the Holocaust was exaggerated. (22-5466, 5467)

During that year, Neumann looked at many books. Zündel had a very large library of perhaps 3,000 books, and he allowed Neumann to avail himself of them at any time. Not all of the books were revisionist; the library included books holding different views on many subjects including the Holocaust. Neumann read books from Zündel's library and also obtained books from other sources. (22-5467, 5468)

Zündel impressed Neumann as a very sincere individual. He actually seemed to believe exactly what he said and he told it to Neumann straight. He never avoided any questions that Neumann asked of him. That was what impressed Neumann at the time and still impressed him today. (22-5468)

Since meeting Zündel, Neumann had been asked by him to do many things, including on-going research into the subject. This indicated to Neumann that Zündel was sincere about the subject and that he continually attempted to widen his field of factual knowledge as any historian would. (22-5469)

Neumann saw Zündel perhaps once a month after the first few meetings with him. After 1979 or 1980, however, he saw him very frequently. This change came about after the showing on TV of the film Holocaust. Zündel asked people to come out and help demonstrate against the film because he considered it to be anti-German propaganda. Neumann gladly helped with these demonstrations. (22-5469, 5470)

In 1979 and 1980, they demonstrated in front of different places such as newspaper offices and TV stations. They also printed up many pamphlets which they stuffed and mailed to radio stations, TV stations, historians, and Members of Parliament. (22-5470)

Zündel had a never-ending supply of energy when it came to these sorts of activities. He never wavered once in his opinions or pronouncements on the subject. Zündel thought the same of it today as when he first met him, said Neumann. He was always trying to bring truth into a debate which Neumann considered should be made public. (22-5470)

In 1981, they invested in video equipment and started producing videos on the subject of Holocaust revisionism, Allied war crimes and things of that nature. Depending on the complexity of the subject, producing the video took anywhere from two to six months. Neumann was the cameraman for these films and also did editing and research for historical footage. (22-5471, 5472)

On cross-examination, Neumann agreed that apart from his family, there was no one he knew better, no one he considered a greater friend or whom he admired more, than Zündel. Asked if it would be fair to say that he had become Zündel's right hand man, Neumann testified it would not. He had become very close to Zündel but would not say he was his right hand man. (22-5473, 5474)

He agreed he was very involved in Zündel's activities and had been for some time. Supporting Zündel had become Neumann's major interest, not his major occupation. He did a fair amount of plumbing to obtain money to live. He had worked for Zündel the odd time in the past. He did all kinds of things for Zündel, including typing and administrative work, research, camera work and work in the creation of the productions he sold to the public. (22-5474, 5475)

Neumann read *Did Six Million Really Die?* before he actually discussed the subject in great detail with Zündel. (22-5475)

He could not recall what other books Zündel was selling at the meeting in Buffalo, except the one he purchased. He agreed, however, that Zündel was selling Holocaust denial literature. Neumann purchased *UFO's: Nazi Secret Weapon?* published by Samisdat Publishers Ltd., Zündel's publishing company. (22-5476) Neumann knew that "Christof" and "Friedrich" were Zündel's middle names. Zündel wrote the UFO book and used the name Friedrich to indicate he had written it. (22-5477)

Neumann agreed that it was clear from the beginning of his discussions with Zündel that he claimed to believe that the Holocaust didn't happen. Zündel was the main impetus in convincing Neumann to that belief. He agreed that he had become heavily involved in Holocaust denial since that time and took advantage of every opportunity he had to publicly discuss it. (22- 5477, 5478)

The Crown asked Neumann if both he and Zündel were opposed to racial integration. Neumann testified that his own personal opinion was that he did not agree with racial integration but that it was up to each individual. Zündel held generally the same views. (22-5478)

Asked if he and Zündel considered it important to preserve racial integrity, Neumann testified that he didn't consider it outrageously important. He testified that, personally, he would certainly prefer racial integrity over racial integration. (22-5479)

Neumann did not agree that one of the messages in *Did Six Million Really Die?* was that racial purity should be preserved. He agreed that under the heading "The Race Problem Suppressed," the pamphlet's author stated that "...any rational discussion of the problems of Race and the effort to preserve racial integrity" were prevented by the Holocaust. (22-5479)

Asked if his view was that the Holocaust was being used to enrich Jews and preserve the state of Israel, Neumann testified that he believed the Holocaust had been very lucrative in that direction. In reaching that position, his discussions with Zündel had been of assistance. (22-5480)

Neumann did not agree that a great deal of Nazi memorabilia, which he defined to be medals, uniforms, helmets, etc., was sold by Samisdat Publishers. He did not consider historic marches and battle songs to be "memorabilia." He agreed, however, that Zündel published a great deal of material that dealt with the Nazi regime. Neumann testified that, to his knowledge, Samisdat never published *Mein Kampf* in German; it did publish *German Secret Weapons of World War II*. (22 5481)

Neumann was shown a document which he identified as a very old Samisdat catalogue. Neumann agreed that the catalogue advertised *The Six Million Swindle* by Mr. App; *Did Six Million Really Die?* by Richard Harwood, *The Hoax of the Twentieth Century* by Prof. Arthur Butz; *UFO's: Nazi Secret Weapon?* and a whole page advertising Nazi secret weapon posters. (22-5484, 5485; entered as Exhibit 97 at 22-5489)

Neumann agreed that the catalogue also listed tapes sold by Samisdat, including "Samisdat Media Tactics I." This advertisement stated:

Ernst Zündel shows us how he introduces forbidden and censored subjects on the airwaves. Listen how he gets in to win with the entertaining wedge of a 'far-out' topic (UFO's) and proceeds to drive home the facts about Allied war crimes, the myth of the six million, Canadian concentration camps, communist infiltration, racial and Jewish problems; all subjects known to very few Northamericans. This fantastic presentation was broadcast for 2 hours on a live, uncensored, coast-to-coast radio talkshow.

Neumann agreed that the catalogue listed another tape entitled "Samisdat Media Tactics II":

Ernst Zündel shows us how he gets onto the media and stays on. Listen to this series of interviews with media professionals and experience the no-holds-barred verbal battle of wits in which one interviewer attempts to blackmail Ernst Zündel.

Neumann further agreed that the catalogue advertised another tape, number 140:

As Ernst Zündel and Samisdat unmask one Zionist hoax after another, we received 'Zionist Hatecalls' which reveal the sickness and satanic hatred of those who conceal their true motives behind such words such as 'liberalism', 'democracy' and 'human rights'. For revealing the 'holocaust' as a money-making Zionist hoax, Ernst Zündel received this barrage of psychotic verbal abuse, including vile threats of murder and mutilation against him and his family.

Neumann agreed that the catalogue also advertised a tape entitled "Dr. Robert Faurisson Speaks":

Listen as Professor Robert Faurisson of France tackles the problems of alleged gas chambers which were supposedly used to gas millions of people during WW II.

Neumann agreed that the catalogue advertised videocassette films that he was involved in making. (22-5487, 5488) He agreed that the catalogue advertised a cassette entitled "Nazi cinema":

Here you will find samples of films made during the time of the 3rd Reich. First is the complete, official version of the celebration of Adolf Hitler's 50th birthday in Berlin. Marvel at the magnificent architecture of Berlin, the 100's of thousands of cheering well-wishers and the longest military parade in German history (German narration). Next are segments from three different films; a) The Festival of German Art in München, in 1938, b) The Thanksgiving Festival at Bückeberg; and c) The Eternal Jew, this segment dealing with kosher slaughtering practice. The first two are in state-of-the-art color and all 3 have English subtitles, as well as German narration.

The Crown suggested to Neumann that what he referred to as anti-German propaganda was actually anti-Nazi. Neumann did not agree; nor did he agree that one of the major victims of the Nazi regime were the German people. At one point back in time he used to think that what he referred to as anti-German propaganda was actually anti-Nazi. But as one got more and more into it, it was quite obvious that "Nazi" was just a buzzword to pass off as anti-German. For example, in the film The Wall where men in Nazi helmets were doing nasty things to Jews, the word "Nazi" was never used once. The word used over and over again was "German." Generally, the words "Nazi" and "German" were used so interchangeably that it amounted to anti-German propaganda. Many of the people Neumann talked to perceived it that way. (22-5491)

The video Genocide by Propaganda was described in the catalogue as a "hard hitting refutation of the Holocaust Legend by Ernst Zündel." In this video, said Neumann, Zündel was certainly as sincere as he had been all the time he had known him. It was a film version of Zündel's beliefs. (22-5492)

The video Zionist Uprising dealt with a mass demonstration of about 1500 people outside Zündel's home in 1981, the problems that arose, and the reasons why Zündel felt the demonstrations had taken place. Neumann was present during the demonstration and took part in editing the final film. He testified there was no attempt at dishonesty in the film. (22-5493)

The tape dealing with the Frank Walus story was put forward as an indication of how the Holocaust became exaggerated. Walus was accused of being a war criminal in Chicago. He was stripped of his citizenship and was about to be deported when it was discovered that he was not the person they claimed him to be. There were 11 or 12 eyewitnesses who placed Walus at the scene of the crime allegedly committed against Jews but it turned out he was nowhere near the place at the time. (22-5494)

Judge Thomas intervened: "Well, this is getting a little beyond what is acceptable." He instructed Christie that the details of the Walus case were irrelevant.

Neumann testified that Zündel had made the film to give a message to the public on his views. In the film, Frank Walus was interviewed by Zündel. (22-5495, 5496)

In the tape "Counterattack against Hate," the catalogue stated:

Now you too can sit in at the press conference held at Samisdat Headquarters in Toronto, Canada and watch the sparks fly! Relive this battle for Truth as the Canadian Media are taken to task by Ernst Zündel...

Neumann testified that he was at the press conference and that it was "pretty exciting." The advertisement was a very accurate depiction of what occurred.

The catalogue also stated that Zündel was a "well-known champion of Truth and Justice for all in the 'war crimes' issue." Neumann testified that Zündel's position was that if war crimes trials were going to take place, all war criminals should be put on trial, including Canadians and Israelis, and not just Germans. (22-5496)

Neumann was familiar with the video The Anne Frank Diary Hoax featuring Zündel, Ditlieb Felderer and Eric Thomson; in his opinion, it was consistent with Did Six Million Really Die? (22-5499, 5500)

Neumann testified that Nazi cinema of the type advertised by Samisdat was relatively commonly available in the United States. (22-5500)

Neumann had listened to the tapes of interviews with Dr. Butz, Dr. Faurisson and Father Strasser. None were inconsistent with the views expressed in Did Six Million Really Die?. The book The Hoax of the Twentieth Century advertised in the catalogue did not have any views which fundamentally disagreed with Richard Harwood's views. (22-5503, 5504)

The advertising blurb describing Did Six Million Really Die? was also consistent with Zündel's beliefs:

Historian Richard Harwood performs the task of jury duty which every thinking human being should have done more than 30 years ago. Harwood examines the evidence which has been offered as "irrefutable proof" that six million Jews were gassed by the Germans in World War II concentration camps.

The book *The Six Million Swindle* generally had the same thesis as the pamphlet *Did Six Million Really Die?*. It was described in the Samisdat catalogue as follows:

J. App exposes the profit motive and the profiteers behind the manufacture and sale of wartime anti-German hate propaganda, specifically the hoax of the so-called six million holocaust of the Jews who supposedly died in Nazi extermination camps.

Neumann testified that when Zündel spoke of forbidden and censored topics in the "Samisdat Media Tactics" tapes, he was referring to subjects such as Holocaust revisionism which never seemed to get a hearing in the media for the general public's consumption. (22-5506)

Bradley Smith

[Bradley Smith was the sixth witness called by the defence. He testified on Friday, March 11, 1988.]

Bradley Smith, a 58 year old writer and Director of the Media Project for the Institute for Historical Review, testified that he became acquainted with Zündel in 1980. At that time, he was publishing a 16-page tabloid called Smith's Journal which included a mixture of autobiography, journalism and polemics. In the third issue of the publication, Smith wrote about the beliefs of the revisionists and the turmoil that this discovery had caused in himself. Smith had sent copies to the Institute for Historical Review (IHR) to introduce himself. The IHR bought further copies and distributed it. Smith confirmed that Zündel received a copy of the journal because within a few weeks, he received some literature from Samisdat which was owned by Zündel. (22-5530 to 5533)

In the issue of Smith's Journal which Zündel received, Smith described the shock and confusion he had felt at discovering that there were actually questions that could be addressed to the traditional 'Holocaust' story. He was almost 50 years old at the time and it had never occurred to him that there might be a question that one could ask about any of the thousands and thousands of claims that were made about the 'Holocaust'. Smith had accepted everything, sight unseen, and never attempted to verify a single story that he had ever heard about it. (22-5533)

The first part of the Journal described Smith's discovery of an essay by Robert Faurisson and which had been published in Le Monde, Paris. Smith didn't know who Faurisson was but he was shocked by the thesis he was attempting to develop. The idea that the piece was published in Le Monde, a world-class daily, made Smith feel he should read it. (22-5534)

In the article, Faurisson wrote about a claim by the former commandant of Auschwitz, Rudolf Höss that the Jewish workers would smoke and eat as they removed bodies from the gas chamber. Faurisson's point was that if these people entered a gas chamber which was still full of gas without wearing gas masks, according to the man who was directing the programme, this alone went to the falsity of the story. Smith was struck by the fact that the claim was being made that Jewish workers, not just one time but endlessly repeating themselves, would go into a gas chamber -- the bodies covered with excrement, urine, menstrual blood, vomit and various other things -- while eating and smoking cigarettes. The image, to Smith, was esthetically so disgusting that he didn't believe it. He did not believe that Jews would do that day after day, and he didn't believe any human being would do it day after day. (22-5534 to 5536)

In the Journal article, Smith also described what Dr. Arthur Butz had written in *The Hoax of the Twentieth Century* about the torture by the American military of German prisoners in order to get war crime confessions at Dachau. Smith was struck by the fact that in order to get the information about war crimes from Germans, the Americans found it necessary to commit war crimes. Smith had been in Vietnam as a writer and it sounded like something Americans would do. (22 5539)

Smith decided to see who had reviewed Butz's book and what the intellectual elites had done with it. With the help of a librarian, Smith quickly determined that neither the historians, the intellectual elites nor the journalists had addressed the Butz book. Smith "smelled a rat." He had been through a censorship trial himself in the 1960s and he realized he had some work to do about the censorship and suppression of Holocaust revisionist-critics. Smith subsequently incorporated these ideas in a book entitled *Confessions of a Holocaust Revisionist -- Part One*. (22- 5539)

Smith was working at the time as a concrete contractor and he began asking people on the job sites what they thought about Holocaust literature. He was surprised at how many people had doubts about the orthodox Holocaust story. He thought everybody believed it completely and it worked out that even his own mother ridiculed him for buying the story as it was presented in the press. (22-5541)

In 1984, after the IHR was burned to the ground on the morning of July 4th, Smith went out to them and said "Listen, I'd like to do something to help you guys in an outreach programme to the public." From 1986 onward, Smith acted as director of the IHR Media Project which consisted mostly of doing interviews on the radio from coast to coast. He had done about ninety- five talk shows and was about to start television. Smith estimated that he had spoken on radio to about 150 Holocaust survivors directly, or people who claimed to be survivors. Smith personally no longer believed in a policy of extermination. (22-5543, 5544)

Smith testified that the IHR published the *Journal of Historical Review* four times a year with a bound volume at the end of the year. The first volume was published in 1980. Over the seven years of publication, of the ninety-five major articles published, some fifty-four of those articles dealt with subjects other than Holocaust revisionism. The remainder discussed the fraud and falsehood of the orthodox Holocaust story. Smith had seen a box of the journals in Zündel's house the previous evening. (22-5544 to 5546)

The IHR published the works of Jewish authors such as Dr. Howard Stein, an Associate Professor of Medical-Psychiatric Anthropology at the University of Oklahoma; Alfred Lilienthal, an author and lecturer; Bezalel Chaim, who was the New York City editor of Revisionist Press; and Peter H. Oppenheimer. (22-5548)

In his radio project, Smith's primary interest was in the suppression and censorship that seemed to swirl around any attempt to express doubt about any of the traditional Holocaust stories no matter how idiotic they might be under a little close observation. (22-5554)

One of the things that interested Smith was the fact that when he was arrested and prosecuted and convicted of selling a banned book in the United States, which was

Henry Miller's *Tropic of Cancer*, the Jewish community was solidly on the side of the free press. When Smith published doubts about the orthodox view of the Holocaust, however, he found that the opposite was true. He was really surprised to see how much difference it made on whose ox was being gored. (22-5561)

Smith testified that "Richard Harwood" was a pseudonym for several writers who really didn't want to bear up under the most vitriolic personal attacks for expressing their feelings and their thoughts. One of these writers was David McCalden. (22-5555)

Smith had examined Zündel's library and found that IHR material accounted for quite a small percentage. Zündel had 5,000 to 6,000 books in his library. Of these, there were about 193 titles in English on the exterminationist theory that were orthodox and fifty-three that were revisionist. In the German language, there were twenty volumes that dealt with the orthodox view of the Holocaust and eleven that dealt with the revisionist view. In French, Smith found seven revisionist titles and in Spanish, six revisionist titles. The proportion of orthodox Holocaust books compared to revisionist books was about three to one, said Smith. There were about three times as many orthodox volumes on the extermination theory in Zündel's library as there were revisionist titles. (22-5559, 5560)

On cross-examination, Smith agreed that historical revisionism was the effort to revise the historical record in the light of a more complete collection of historical facts, a more calm political atmosphere and a more objective attitude. (22-5562)

Smith testified that Harry Elmer Barnes's claim to fame rested with his revisionist writings about World War I. He helped to dispel many of the atrocity stories that were circulated by British and American propaganda during that war. Barnes was intellectually influential. He did not think that the United States government was capable of sending foreign expeditionary armies all over the world to increase its power and influence. He thought there was something a little wrong with that. Smith did not believe that the writing of isolationist historians was suppressed. (22 5562 to 5564)

Smith testified that A.J.P. Taylor, the premier English historian, was a revisionist to one degree or another. He would include Taylor in any list of revisionist historians and pointed out that not all revisionists thought the same way. Smith did not know whether Taylor 'denied the Holocaust' or not, but indicated that one of the valuable things about intellectual life was that he was not going to threaten the man's life because he didn't agree with Smith about the Holocaust. (22-5564 to 5568))

Smith indicated that every historian was a revisionist historian. It was a waste of time if a historian simply repeated the things that had been said before. In the revisionist movement, there were revisionists who were not Holocaust revisionists. Holocaust revisionism was one part of revisionism in America, and were simply people who were critiquing and expressing doubt about the orthodox theories of the Holocaust, and there seemed to be innumerable people who didn't want to hear doubt expressed about this story. Revisionist scholarship was consistently challenged for not being objective, but the orthodox historians never explained their reasons for this allegation. (22-5567 to 5569)

Smith testified that Ditlieb Felderer's book on the diary of Anne Frank had nothing to do with the extermination thesis, although it did lend credence to the fact that the German state had no policy to exterminate Anne Frank. Smith agreed that Arthur Butz's book *The Hoax of the Twentieth Century* did deny the Holocaust. Smith agreed that Butz was not a historian. The historians, said Smith, were failing in their responsibilities as Butz pointed out in the front of his book. Robert Faurisson was a Holocaust revisionist. His degrees were in textual analysis. Smith added that it was very difficult for academic professors to write critically on the Holocaust when they might be brought to trial. (22-5571, 5572)

Smith pointed out that the term "denial of the Holocaust" which Pearson was using in his questions was misleading. The Holocaust was now defined as starting in 1933 and going to 1945. The idea that men like Faurisson, Christophersen or Felderer denied everything that happened under the Hitler regime over this immense period of time was very misleading. They denied what was incredible about the orthodox view of the Holocaust and wrote books about it. The normal thing to do for those who believed that revisionists were mistaken in their views was to answer them in print, not in the courts. In Smith's opinion, "Holocaust denial" was a newspeak term. (22-5573, 5574)

Smith testified that he was not a neo-Nazi but agreed that anyone wishing to rehabilitate Hitler could consider the Holocaust as a starting point. Pearson showed Smith a copy of the newspaper, *White Power*, previously shown to Thies Christophersen. Smith agreed that the newspaper advertised books by Butz, Harwood and Christophersen. He pointed out, however, that if there wasn't so much fraud and falsehood in the orthodox view of the Holocaust, anti-Jewish individuals and organizations would not be able to use those lies to attack the Jews. In Smith's view, rather than suppress the books, the academic community should join in an examination of the historical writings on this event and clean it up. There was fraud and falsehood growing out of the Holocaust story like pus from a canker, said Smith. Anyone who wanted to beat up on Jews could use these books and say "Look, Jewish lies, Jewish lies." Smith believed the literature should be cleaned up and then those people could not use it against the Jews. Smith summarized by stating that revisionism could be an effective tool to get across Nazi doctrine because the Holocaust contained so much fraud and falsehood. You couldn't beat up on other people with the truth, said Smith, but you could beat up on them with lies that they themselves distributed. (22-5574 to 5577)

Pearson suggested that no one took the IHR seriously. Smith replied that this was not true, because extremist groups in the Jewish community took them very seriously and attacked them continuously in the most violent and virulent ways. (22-5578)

Pearson put to Smith that the mainstream didn't take revisionists seriously. Smith replied that one of the things a writer did was stand witness to the intellectual corruption and the false social mores of his day and if he were standing witness with the majority there would be no need for it. Smith was standing witness for a minority. He didn't think there was anything wrong with being part of a minority. (22-5579)

Pearson suggested that Smith was a paid propagandist for the IHR. Smith answered that one who wrote advertising for cigarettes was a paid propagandist under that

definition. Smith didn't sell the IHR; he sold a revisionist critique of the Holocaust orthodoxy and this programme was sponsored by the IHR. (22-5579, 5580)

Smith did not know when Zündel published *Did Six Million Really Die?*, but Zündel told him why he had published it: that along with all of the work that he did, Zündel published the booklet to expose the fraud and falsehood in the orthodox story of the Holocaust. (22-5592, 5593)

Smith could not say from his personal knowledge whether Zündel had read any of the books in his library before he published the booklet; however, the books were marked and dog-eared from handling, implying that Zündel and his associates had used the books quite a lot. (22- 5592)

Revisionists did not deny the tragedy that the Jews suffered in World War II, said Smith. This was why he did not understand why it went so against the grain of Jewish extremists to clean up their own story because when the revisionists finished all their work, the tragedy of the Jews remained. (22-5594)

Smith's understanding was that the IHR was founded by Willis Carto in 1979. Carto's other major organization was the Liberty Lobby. The first director of the IHR was David McCalden who used the pen name Lewis Brandon. Smith pointed out that it was sometimes necessary in the revisionist movement to use a pen name because of the violence directed at one simply for expressing doubt about the bona fides of a historical event. The expression of such doubt created a great deal of hysteria in extremist Jewish circles and there was actually some danger involved. Smith himself had been threatened physically as recently as the last fifteen days for simply expressing doubt about something which he doubted. (22-5594, 5595)

David McCalden was Irish and prior to moving to California had been involved in the National Front in the United Kingdom. Smith did not agree with Pearson that the National Front was a neo-Nazi organization. He himself had been accused of being neo-Nazi so he took with a great deal of salt these unending accusations. (22 5596, 5597)

Smith used the term "Holocaust cult" because he thought that was largely what it was. In the media project, he attempted to discuss the fraud and falsehood in the Holocaust story and to ask people to become informed about it. An example of such fraud was the claim by Elie Wiesel that when some Jews were executed in the Ukraine, their bodies continued to spurt geysers of blood from their graves into the air for months after the shootings. Smith said he had two ways to look at this: either Mr. Wiesel believed in it, in which case he was "not wrapped too tight," or he was passing along fraudulent information. One didn't need to have a doctorate in hydrology to understand in this day and age that even Jewish cadavers could not spurt geysers of blood from their graves for months after they were buried. The fraud was not only in the original statement, said Smith, but was perpetrated by the unwillingness of the academics and the press to question Wiesel about such matters. There were so many people involved in this fraud that Smith did not know the purpose of it. He believed, however, that the part played by the journalists, intellectual elites and universities in the fraud was an expression of the cowardice of these professions in the face of the lobby that ran the Holocaust story. The "Holocaust Lobby" were all those

organizations and people who treated a historical event as if it were something that no doubt could be expressed about. (22-5599 to 5602)

Smith agreed with Harwood's thesis that the Holocaust story was used to preserve the state of Israel. In his view, it was used as one of the legitimating factors in the Jewish invasion of Palestine in 1948, for subsequent Israeli policies and for American support of those policies. This could be argued and Smith didn't see why it shouldn't be. It was used primarily by those who most associated themselves with the Israeli state. It was to their advantage to use the Holocaust story and it was to their advantage to stop all criticism of it. Zionists certainly used it, said Smith. It had been used since 1941 or 1942. The really disgusting story, the human soap story, had been used as early as 1942 by Soviet Zionists. Smith defined Zionists as people who supported strongly the on-going policies of the Israeli state. He himself didn't use the term "Zionist" very much; it was not a subject that much interested him. (22 5603 to 5605)

Pearson suggested that the Zionists were behind the Joint Allied Declaration in 1943 about the Nazi extermination. Smith didn't know who was behind it but said it wouldn't surprise him if they were. Pearson asked whether the Zionists were behind the prosecution of war criminals in the 1960s in West Germany. Smith replied that he didn't know much about it. Again, it was not something that interested him. (22 5605, 5606)

Pearson suggested that what interested Smith were the things that could be used to deny the Holocaust. Smith replied that he did not "deny the Holocaust" which he had tried to explain before. The Holocaust was now defined as something that lasted during the entire reign of Hitler and the idea that Smith denied everything that happened in that time period was ridiculous. Smith agreed that Hitler was anti Jewish and that Nazi Germany had a policy of rounding up Jews and using them for their own ends. They didn't round them all up. Smith did not know how many were rounded up and he didn't think anybody else did either. Some were used as forced labour in camps, some were used as labour in the east. (22-5606 to 5608)

Smith agreed with Pearson that the IHR offered a \$50,000 reward for anyone who could show evidence that one Jew had been gassed in a programme at Auschwitz. A Mr. Mel Mermelstein had come forward and claimed the reward. In a court settlement, the IHR agreed to pay Mermelstein the sum of \$90,000. (22-5608, 5609)

Pearson produced and showed to Smith a poster for the sale of cassettes from the IHR's 1983 Fifth International Conference. Smith could not remember Zündel being at the conference and had never heard Zündel speak at an IHR conference. Smith agreed that the cassettes being advertised included one by Dr. Martin A. Larson entitled "A Brief History of Monetary Crimes Against America" and one by Keith Thompson entitled "Grand Admiral Dönitz, Last President of United Germany." Smith agreed that Thompson argued that the Dönitz government was the last legitimate government of Germany. Smith didn't know whether he agreed with that or not; he didn't have an opinion on everything. He pointed out, however, that no peace treaty had ever been signed with Germany, that they were a conquered and divided people, and that forty-five years after the war ended the Holocaust cult was still used against them. (22-5609 to 5611)

Another tape advertised for sale was one by Dr. William Lindsey, a very experienced and well-educated chemist, who dealt with some of the chemical issues involved with the alleged Zyklon B poisoning. Another tape was by Friedrich Berg, an engineer. Another tape was by David Irving, one of the mostly widely-read historians in the British Isles. Irving chose not to discuss the Holocaust issue yet, but when he did, said Smith, it was going to be a wonderful thing. Smith agreed that Irving's thesis roughly was that Himmler and other 'Nazi thugs' exterminated millions of Jews but that Hitler didn't know about it until 1944. (22-5612 to 5614) Another tape advertised for sale was by Dr. Wilhelm Stäglich, a judge who served on the West German bench for more than twenty years and had personal experience being stationed outside Auschwitz during the war. Germans like Stäglich and Christophersen were also eyewitness survivors, said Smith. It was interesting why people were so anxious to believe Jewish eyewitness survivors and so fearful of giving German eyewitness survivors the time of day. There was a real fear involved in this and it was because of the taboo around this subject. (22-5614)

Smith agreed that it was a possibility, as suggested by Pearson, that somebody who was in the Nazi regime and stationed at one of the camps might have an interest in saying that nothing wrong happened there, but he disagreed with making such charges against individuals with no particular grounds for making them. Stäglich's book had been banned by the West German government and the plates destroyed; his pension had been reduced and a Hitler law from the 1930s used to strip him of his university degree. Pearson asked if the Zionists were behind that. Smith replied that Pearson had Zionists on the brain. Obviously, said Smith, this was one of the marvellous feats of the West German government. (22-5614, 5615)

Pearson asked if Dr. James J. Martin denied the Holocaust. Smith replied that nobody "denied the Holocaust" and asked if Pearson wanted it explained to him again. This was a newspeak term, said Smith, that was used to make the revisionist position seem ridiculous. It had worked for a long time but one of the things Smith did for the IHR Media Project was to gradually disabuse people of this and have them look at the affair more closely. (22-5616)

The IHR did not rely on academic historians. Academic historians, said Smith, were the reason why the understanding of the traditional Holocaust story was so confused. The cassettes advertised by the IHR were recordings of lectures that were given at the annual IHR conference by people who came from all over the world, Great Britain, Germany, France and so on, to discuss these issues. There was a standing invitation to discuss these issues with academic historians, those people that Pearson was expressing such worry about that they were not involved in this. The thing was, said Smith, they were fearful for their careers if they got involved. (22-5617; List of IHR Cassettes from 5th International Revisionist Conference filed as Exhibit 98 at 22-5618)

Smith agreed that in a special report published by the IHR a book by Christof Friedrich of Samisdat Publishers entitled Nazi Horrors: Fact, Fiction and Propaganda was advertised. Smith did not know of the book, however, or who wrote it. (22-5618, 5619)

Pearson suggested that Smith looked upon revisionism as a cause or a movement. Smith testified that in an informal way it was talked about as a movement because there was no one organization. The IHR for example had no membership. There was a revisionist movement made up of various people who devoted some of their time to looking into this mess. (22-5619)

Pearson produced the IHR Newsletter for January, 1988 and read from it to the court:

Ernst Zündel needs your help. If you've got the means and the time, you can assist by volunteering your services in Toronto in a range of activities, from research and writing to leafletting, to cooking and housework. The Zündel team can't pay you but they'll house you, feed you and give you an experience in the revisionist commitment and camaraderie that no amount of money could buy. If you're game for a good fight, call Ernst.

Smith agreed he was there out of revisionist camaraderie and commitment. It had to be remembered, he continued, that the state apparatus, with all its tax monies, was supporting Pearson's prosecution of Ernst Zündel while Ernst Zündel, who was a private citizen and didn't have a state apparatus behind him, had to raise money on his own. It was a wonder, said Smith, that he could even have done it. Smith admired him for having been able to raise enough money to apparently carry on these affairs which were meant to destroy him financially and in other ways. (22 5621)

On re-examination, Christie asked Smith why the IHR settled with Mermelstein. Smith testified that the judge in the trial took judicial notice of the existence of gas chambers. The IHR felt that it had no further capacity to fight the charges against it in the case because the entire state was lined up behind the prosecution and the IHR would very likely have had to go bankrupt had it followed through on the suit. (22 5621, 5622)

Bernard Kneuper

[Bernard Kneuper was the seventh witness called by the defence. He testified on Tuesday, March 22, 1988.]

In 1945, Bernard Kneuper was a member of a prisoner of war interrogation team attached to the United States Army 42nd Rainbow Division. The team was War Department Overhead attached to the army division but not under its command. He and two other men were stationed to the rear at a collection point for all the prisoners being taken by his Division. (23-5632, 5640)

The concentration camp at Dachau was captured on Sunday, April 29, 1945. On that day, Kneuper was attempting to sort out the thousands of prisoners of war being captured during that period. Up to 3,000 prisoners a day were being brought in. Kneuper's job was to count and organize the prisoners, determine the units they were from and assess whether there were higher ranking officers or others who might be worth questioning. (23-5633)

Kneuper also examined soldiers to determine whether they were members of the SS. It was known that the Germans had tattooed the blood type of SS soldiers under their left armpit. The prisoners were required to remove their coats and shirts and the Americans looked under the prisoner's left armpit for the tattoo. (23-5634)

In the middle of the afternoon of April 29, 1945, Kneuper walked into one of the occupied houses where they had set up a work room. He was told that two prisoners had been captured who had "a most interesting" story to tell, and was asked to talk to them. Kneuper interviewed both men and examined their record books, which set out what German units they had belonged to. Kneuper determined they were not in the SS, but had been in the German army for years. (23- 5635, 5637)

At that time, the German army was collapsing. The German field police would collect stray German soldiers or small units and when they had a couple of hundred men, these men would be given a commanding officer and issued orders. These two prisoners of war were part of a group of about 200 men who were rounded up by the German field police and ordered to go to Dachau where they were needed as guards. At Dachau, they were ordered to take off their army uniforms and exchange them for guard uniforms. Then they were posted on guard. (23-5635, 5636)

When the Americans captured Dachau, the guards all surrendered. They were taken into a large group and lined up against a wall. Suddenly, shooting with machine guns started. The two prisoners were in a rear rank. When dead men behind them fell on them, they lay among the bodies and in that way survived. They later wandered off

and were picked up by some unit of the American division and brought to the collection point. (23-5636, 5637)

Kneuper testified that there was nothing but pandemonium at that time. People were all suffering from privation, and everybody looted warehouses and stores. American attack bombers simply shot all German transportation to pieces. The Germans could only transport at night and even then, they often didn't make it. It could be seen where trains or truck convoys or even animal wagons were simply shot to pieces and the people dead. (23-5637, 5638)

The day after Dachau was taken, Kneuper and a friend drove a Jeep over to the camp. His friend's father had been incarcerated in Dachau for a week or two during the 1930s and he wanted to see it. (23-5640) Kneuper testified that he saw dead and emaciated bodies of camp inmates but also saw camp inmates who looked just as well off and husky and hardy as the German veterans. There were plenty of these latter inmates. Kneuper testified that they "certainly weren't starving; they certainly didn't act as though they were." Kneuper was shown the photograph of released Dachau inmates on page 25 of *Did Six Million Really Die?*. Kneuper stated that while definitely not all the inmates looked like that, the great majority of the inmates were like those in the photograph. (23-5638, 5639)

He never saw a gas chamber. They drove by the crematorium but did not make a detailed examination of the camp when they were there. (23-5640)

Kneuper testified that the Germans were treated very badly by the Allies at that time because of all the war propaganda; but it varied, some people were nasty, some friendly, some non-committal. (23-5639)

On cross-examination, Kneuper testified that the visit to Dachau lasted about two hours. He talked to the prisoners and looked them over generally. He agreed he had no medical training. Kneuper could not say whether the prisoners had yellow triangles or not; it was not something he was looking for. (23-5641, 5642)

Kneuper never spoke to the interrogators attached to the division which actually captured Dachau. He did not know any of them. He did not speak to the few guards he saw at Dachau during his visit. (23-5643)

Kneuper saw an open railway car containing what he thought were about seven bodies, but he had read since that there were more. They were naked, emaciated bodies, mostly men, who were supposed to have been sent to Dachau for cremation. Kneuper was sure they were concentration camp inmates, at least some of them. He thought they had come from Buchenwald but did not know. (23-5643, 5644)

Kneuper confirmed he could not say anything about Auschwitz, pointing out that they were not even allowed to go there. His personal experience did not extend to the other camps. (23-5644)

Kneuper testified that the German prisoners of war did not look like the dead bodies, but like the live inmates. (23-5645)

Kneuper did not interrogate prisoners for war crimes. That was done by a higher echelon. He was attached to an infantry division and it was his duty to find out what was happening on the enemy side. It was field intelligence for the purpose of an infantry division. (23-5645)

Kneuper did not know what follow-up was made concerning the story told by the two German prisoners. His superior officer made up the daily reports and Kneuper did not know what he wrote concerning the incident. He testified, however, that it had shocked all three interrogators because it was a massacre. (23-5646)

Mark Weber

Mark Weber was the eighth witness called by the defence. He testified from Tuesday, March 22 to Monday, March 28, 1988.

Weber was born on October 9, 1951 in Portland, Oregon. He graduated in 1976 with a high honours B.A. from Portland State University and in 1977 was awarded an M.A. in Modern European History from Indiana State University. He attended two semesters at the University of Munich and was fluent in the German language. (23-5649, 5749)

From 1978 to 1980, Weber worked as Records Counsel for the Elderly and from 1981 to 1982 worked as a writer for Middle East Perspective, a publication edited and published by Dr. Alfred Lilienthal. From 1983 onward Weber had worked in historical research and translation. (23-5649)

Beginning in 1979, Weber began extensive research into the Holocaust, in the National Archives in Washington, D.C., the Library of Congress, The Institute for Contemporary History in Munich and the Leo Baeck Institute in New York City. Included in his studies were the aerial photographs of Auschwitz taken by the Allies in 1944, the original records of the German Einsatzgruppen, the German Foreign Office files on the so-called "final solution" of the Jewish question in Europe, the records of SS concentration camp administration, the Wannsee Conference protocol and memoranda of the conference, U.S. Army records of Allied atrocities committed against Germans, and all documents and testimony in the 42 volumes of the Nuremberg Tribunal relating to the Jewish question, as well as all volumes of the other official Allied records of the Nuremberg trials relating to wartime policy regarding the Jews. In addition, Weber had carefully studied the works of such writers as Raul Hilberg, Gerald Reitlinger, Leon Poliakov and Lucy Dawidowicz. (23-5650 to 5654, 5660)

Weber was the first person to publish a secret U.S. Army report on conditions in Buchenwald concentration camp written immediately after the capture of the camp by the Americans. This report differed in very, very many substantial ways from the official story about Buchenwald that was being put out by the American government at the time. (23-5654)

Weber was a member of the Editorial Advisory Committee of the Institute for Historical Review, and had published numerous articles, including "Buchenwald: Legend and Reality," "Joseph Sobran and Historical Revisionism," "Rauschning's Phony 'Conversations with Hitler'," "Stalin Prepared for Summer 1941 Attack," "Churchill Wanted To 'Drench' Germany with Poison Gas," "National Holocaust Museum to Cost \$100 Million," "Lessons of the Mengele Affair," Roosevelt's 'Secret Map' Speech," "Albert Speer and the 'Holocaust'," "President Roosevelt's Campaign

to Incite War in Europe: The Secret Polish Documents" and "The Civil War Concentration Camps." He was currently working on a major study of the Holocaust controversy provisionally entitled *The Final Solution: Legend and Reality*. (23-5655 to 5658)

Weber's writing was revisionist, in that he generally took issue with the usually accepted story of the extermination of the European Jews. He was among perhaps a dozen writers who took the same position. Weber was familiar with most of their writings. Weber had also met the author of *Did Six Million Really Die?*, Richard Verrall, in England and discussed the booklet with him. (56-5659, 5661)

On cross-examination by Crown Attorney Pearson on his qualifications as an expert, Weber testified that he first met Ernst Zündel two-and-a-half weeks before, although they had corresponded and been in contact by telephone for some years. (23-5662, 5663)

Weber testified that during his undergraduate studies he had done no research into the Holocaust: "I didn't have any particular interest in it because I accepted it as completely accurate and true." (23-5665)

Weber had published no books; the approximately eighteen articles listed on his curriculum vitae had all been published in the *Journal of Historical Review*; however, he had published other articles on history in other publications. (23-5665 to 5668)

Weber had been a member of the Editorial Advisory Committee of the *Journal of Historical Review* since 1984. There were sixteen other members of the Board; of these, James J. Martin was a retired Professor of History who had a Ph.D. from the University of Michigan and had contributed to recent editions of the *Encyclopedia Britannica*. Dr. Martin, said Weber, was a revisionist and did not accept the generally accepted view of the Holocaust. He believed that there was no German programme to exterminate the Jews in Europe during the war. Weber knew from personal conversations with him that Martin believed that hundreds of thousands of Jews, perhaps millions, had died during the war. (23-5671, 5672)

Other members of the Editorial Committee were Dr. Walter Beveraggi-Allende, a professor of economics in Buenos Aires, who had a Ph.D. in economics from Harvard University; Dr. Arthur R. Butz, an Associate Professor of electrical engineering and computer science at Northwestern University; Dr. Robert Faurisson, a Professor of Modern French literature at the University of Lyon in France; Dr. Martin A. Larson who had a Ph.D. in history; Dr. Revilo P. Oliver, a retired professor of classics at the University of Illinois, Dr. Charles E. Weber, who had a Ph.D. in German and taught German for many years at the University of Tulsa in Oklahoma; Dr. Andreas R. Wesslerle, who had a Ph.D. in history and taught at Marquette University in Wisconsin; Dr. Wilhelm Stäglich who had a doctorate in law and was a retired judge, and Ditlieb Felderer. (23-5672, 5673)

The founder of the Institute for Historical Review was Willis A. Carto, who was also the founder of Liberty Lobby. (23-5673, 5674)

Weber was generally not paid for his articles; he supported himself through grants of money from the Historical Review Committee, whose officers were Mr. Fritz Berg, Dr. William B. Lindsey and Mr. William Curry. Weber also did freelance writing and research for others. These were people who believed strongly, as Weber did, that the truth about the Holocaust was generally suppressed and was not given a fair hearing. It was not possible, said Weber, to get these writings published in many other journals and the Historical Review Committee was trying to encourage those who did research and writing in this subject. (23-5679 to 5681)

Weber was qualified to give opinion evidence on the question of the Holocaust and the alleged extermination policy of the German government. (23-5684)

Weber testified that he had studied the Einsatzgruppen reports carefully after reading Raul Hilberg's standard work, *The Destruction of the European Jews*, and realized the importance which Hilberg ascribed to these reports. Weber quickly found that Hilberg, like most of the Holocaust historians, had extracted from these reports very selectively those portions which they could use to substantiate their theses. (23-5685) In Weber's opinion, the Einsatzgruppen reports, viewed as a whole and taken into context, did not substantiate the extermination story. There were several reasons for this: firstly, the reports showed that there was no German policy to exterminate the Jews of Russia as Jews. While the reports showed large numbers of Jews were shot by German security forces, the reports also made it clear that these shootings were carried out for specific security reasons or in reprisals or for other specific reasons, not simply because these people were Jews. Secondly, the reports themselves grossly exaggerated, sometimes by as much as ten times, the number of Jews allegedly killed. These exaggerations, said Weber, were akin to the gross exaggerations during the Vietnam War by the U.S. government of the daily body count of Vietcong dead. Said Weber, "During the Vietnam War, there was repeatedly on television, night after night, wildly exaggerated stories or figures of Vietcong that were dead." (23-5686)

One of the most important witnesses regarding the Einsatzgruppen was a man named Otto Ohlendorf, the commander of Einsatzgruppe D which had operated in southern Russia. Ohlendorf testified for the prosecution at the Nuremberg trial that his unit was responsible for the killing of 90,000 Jews in southern Russia during the year that he was the commander. These figures essentially matched the figures given in the reports of the Einsatzgruppen. Ohlendorf, said Weber, tried very hard to co-operate with the Allies in the hope of trying to save his own skin. To his surprise, however, the Allies put him on trial for his activities in the Einsatzgruppen after he testified for them. During his own trial, Ohlendorf changed his testimony and stated that the figures of Jews killed were greatly exaggerated and that there was no policy to exterminate the Jews simply because they were Jews. He was executed by the Allies. (23-5687 to 5689) The contradictions between Ohlendorf's two testimonies was not widely known. Usually, only the initial Ohlendorf testimony and the figures given therein were quoted. (23-5688)

Weber had examined the latest work of Raul Hilberg, whom Weber described as the most prominent defender of the Holocaust extermination story. Hilberg himself was becoming revisionist, said Weber. In the first edition of his book, *The Destruction of the European Jews*, Hilberg wrote that there were two orders given by Hitler to exterminate the Jews, the first in the summer of 1941 to exterminate the Russian Jews

and, a short time later, another order to exterminate all the Jews of Europe. In the 1985 second edition of the book, however, Hilberg completely rewrote this passage and eliminated any discussion whatsoever of any orders by Hitler. In a public statement made in New York a few years before, Hilberg took the position that there probably never was an order by Hitler to exterminate the Jews but that some kind of extermination programme happened spontaneously. This was a good example of the kind of changes that occurred to the Holocaust story which the public in general was not informed of. (23-5689, 5690)

Another example of the way in which the Holocaust story had changed was the soap story. During the Second World War, Rabbi Stephen Wise, the President of the World Jewish Congress, stated repeatedly that the Germans were manufacturing soap bars from the corpses of Jews. This story was used at Nuremberg and continued to be repeated in the popular press, including a booklet published and distributed by the Anti-Defamation League of B'nai B'rith as late as 1987. Yet, pointed out Weber, no reputable historian now accepted the story. Raul Hilberg and other serious historians had abandoned it. (23-5690, 5691)

With respect to the Einsatzgruppen, Weber had studied the work of Reginald Paget, a member of the British House of Commons and a historian. He was the person who investigated the Einsatzgruppen reports in the context of a trial of a German general. Paget found that the Einsatzgruppen figures were enormously exaggerated. Specifically, he investigated the claim that 10,000 Jews were shot at Simferopol in the Crimea in November 1941. He found that instead of 10,000 Jews, probably about 300 persons were shot, most of whom were not Jews. In that particular case, the Einsatzgruppen report figures were exaggerated from 300 persons to 10,000 persons. Paget subsequently concluded that the Einsatzgruppen reports were exaggerated on an order of about ten to one. (23-5691)

Weber agreed that in his book concerning the trial, Paget expressed opinions supporting the 6 million. There were a number of individuals, said Weber, who investigated various aspects of the Holocaust story and concluded that certain parts were not accurate; yet these same individuals would still accept that the overall story was true. (23-5692)

At Nuremberg and in the post-war trials, said Weber, the common defence strategy was to argue that the defendant was not involved in the extermination, not to argue that the extermination itself did not happen. This was done to avoid the almost impossible task of calling into question the entire extermination story which had been held to be true with an almost religious fervour in the United States and western Europe since the end of the war. (23-3693)

Every single defendant at Nuremberg denied there was any programme to exterminate the Jews. Generally, the defendants, the most important of whom was Hermann Göring, were astounded by the kind of testimony and evidence that was presented by men like Otto Ohlendorf. They didn't know about any extermination programme themselves and some of them said, 'Well, perhaps there was one but I don't know about it'. (23-5694)

Hans Frank (the Governor General of German-occupied Poland) strenuously denied that he knew about any extermination programme against the Jews. Weber pointed out that during his testimony, when confronted with the evidence of Ohlendorf and Höss, Frank said that 'a thousand years will pass and Germany's guilt will never pass away'. This quote was repeated endlessly in Holocaust literature, said Weber. But what was forgotten was that at the end of the trial, Frank specifically repudiated this statement because he believed the treatment of the German nation by the Allies after the end of the war offset or was comparable to the treatment that the Germans gave the Jews during the war. (23-5695)

Weber repeated that the Einsatzgruppen reports did not evidence any plan to exterminate the Jews. The Jews were shot for security reasons, as alleged spies, and for reprisals. If a German soldier was shot by a sniper or killed in a village somewhere, the normal policy of the German forces was to shoot hostages or shoot people in the village as a reprisal. This was a very grim policy but a policy which had been carried out by almost all governments faced with any kind of guerrilla or partisan warfare. The United States carried out such a policy in Vietnam and the French in Algeria. (23-5696)

What was important with regard to understanding the German policy in Russia, said Weber, was the whole context of the war at the time and the problems the Germans were facing. When Germany attacked Russia in June of 1941, the Soviet government immediately called upon all citizens of the Soviet Union to carry out a partisan war against the Germans. Jews were especially hostile to the Germans and were involved in partisan warfare more than others. Germany was faced with an enemy that did not operate by the normal rules of warfare. Always in history, said Weber, guerrilla warfare (which was terrorism), was always met by counter- terrorism. An example of that today was the policy of the Israeli government towards the Palestine Liberation Organization. The PLO termed their activities a guerrilla war of freedom; the Israeli government called it terrorism.¹ (23-5696)

Weber testified that the Wannsee Conference protocol was the record of a very important meeting held on January 20, 1942 in Berlin. This document was referred to in virtually every important work on the Holocaust. The single surviving copy was not an original but one of sixteen copies originally made. It was not signed or dated. Weber believed it was probably an unauthorized protocol but he could not be absolutely sure. The author of the document was allegedly Adolf Eichmann. Weber accepted the protocol's authenticity but the important revisionist writer, Dr. Wilhelm Stäglich, had called its authenticity into question for the reasons that the document had no date, no signature, no letterhead. There was no record of any other copies existing. (23-5706 to 5708)

The Wannsee Conference protocol itself did not indicate a plan for the extermination of the Jews. Exterminationist historians Martin Broszat and Hans Mommsen now believed that the protocol did not constitute such an order or plan. In Weber's opinion, the protocol was evidence that there was no extermination policy. From a reading of the document in context with other German documents from the time, it was clear that the German policy during the war was to deport the Jews to the east, to the occupied Soviet territories, with the intention of deporting them to some place outside of Europe after the war. (23-5708 to 5711)

Reinhard Heydrich, the chairman of the Wannsee Conference and a man who had a major role in Germany's wartime Jewish policy, gave a speech in Prague to high level German officials in which he said that the Jews of Europe would be put in camps in the occupied Soviet territories and then, after the war, would be taken out of Europe altogether. The private conversations of Hitler himself (recorded in Table Talk) to a circle of close associates in 1942 also showed this to be the German policy. Hitler said that he was absolutely determined to deport the Jews out of Europe to Madagascar or to some other Jewish national state after the war. (23-5711, 5712)

Another important document in this regard was the Luther Memorandum of August 21, 1942. The author, Martin Luther, was the head of Inland II (the domestic office of the German Foreign Office) and had a major role in co-ordinating the deportation of Jews from various countries in Europe. The Foreign Office was involved in the deportations because it had to have permission from foreign governments with which Germany was allied during the war to deport Jews from those countries to the east. So Luther was very much in a position to know what was going on. The memorandum laid out what Germany's wartime policy towards the Jews was, namely, that they were to be deported to the east and kept there until the end of the war when the Jews would be taken out of Europe altogether. This policy was cited in the memorandum and authorized by Hitler himself. (23-5713 to 5717)

Weber pointed out that exterminationist historians, when faced with documents such as this, tried to interpret the document to suit their preconceived notions. Usually the exterminationists, such as Hilberg and Dawidowicz, would allege that when the Germans talked about their policy towards the Jews, they used code words or euphemisms. The idea that the highest officials of the German government would be using code words with each other about a policy they were all aware of and that was supposed to be secret anyway was hard to believe, said Weber. He believed that interpretation was not accurate. Weber pointed out that the post-war testimony of those who were present at the Wannsee Conference was fairly unanimous in saying that the conference was not one held for an extermination programme. (23-5714 to 5718)

Another interesting piece of evidence was that of Heydrich's wife. She was shocked when her husband told her in 1942 that the Germans were going to send all the Jews to Russia. She felt it was a very cruel and harsh thing to do. Heydrich tried to reassure her that the Jews were not going to be killed and that the conditions were not as harsh as many people had been led to believe. He also stated that it was necessary that Europe rid itself of the Jews and that there would be a new beginning for them after the war. The Wannsee Conference protocol used the words *bei Freilassung* which meant that "upon their release" or "upon their liberation" there would be a new beginning for the Jews. (23-5718)

The German government hoped, after it won the war, to hold a pan-European conference involving even neutral countries like Switzerland, Ireland, Portugal and Spain, for an overall European policy so the Jews could not simply move into another country in Europe after being removed from others. Hitler was adamant on this point. (23-5719, 5720)

Weber first became interested in the Holocaust issue when the United States Central Intelligence Agency (CIA) made public in 1979 the wartime aerial reconnaissance photographs of Auschwitz taken in 1944 and 1945. These photographs were unknown to the public up to that time. The purpose of the overflights was not to record what was going on in Auschwitz I or Birkenau, but what was going on at Monowitz (sometimes called Auschwitz III) which was a major industrial centre the Germans had built up for manufacturing artificial gasoline. (23-5720, 5724)

It surprised Weber that the photographs showed no evidence of an extermination in the very camp which today was considered the most important German extermination centre. Nor were the photographs consistent with the extermination story of Auschwitz as it had been presented for years by the Holocaust historians. For example, it was claimed that the Auschwitz crematories in 1944 were belching smoke constantly as masses of gassed Jews were cremated and that huge piles of corpses were being burned in open funeral pyres. However, there was no indication of this in any of the aerial photographs even though the photographs were taken at random, as far as the Germans were concerned, during precisely the period when it was alleged that the greatest extermination took place at Auschwitz. At Nuremberg, it was claimed that 4 million people were killed at the camp. While the photographs alone did not prove the revisionist viewpoint, they were inconsistent with the Holocaust story. Weber was astounded when Elie Wiesel and others nevertheless seized upon these aerial photographs to claim that the United States government knew that Jews were being exterminated at Auschwitz during the war and complacently refused to do anything about it. Elie Wiesel's words were that the United States shared a historical guilt for allowing the Jews to be exterminated. Weber asked the Director of the Modern Military Branch of the National Archives about this point and he told Weber emphatically that he also disagreed with this interpretation and felt that the photographs were being blatantly misrepresented. (23-5720 to 5724)

Weber met Richard Verrall, the author of *Did Six Million Really Die?*, in 1977 in England and talked with him about his writing of the booklet. Weber learned that Verrall graduated with high honours from the University of London. (23-5725)

Weber had read *Did Six Million Really Die?* several times. He believed that the thesis of the book, that there was no German policy or programme to exterminate the Jews of Europe during the Second World War, was accurate notwithstanding that the booklet contained statements that were not completely accurate. Harwood had relied heavily in the booklet on the writings of Paul Rassinier, a French historian who was the pioneer of Holocaust revisionism. Rassinier was a French socialist who had been arrested by the Germans and sent to Dora and Buchenwald concentration camps during the war because he helped Jews in France to escape to Switzerland. He did not have a very pleasant time in the camps, said Weber. When he returned to France at the end of the war, he was given medals by the French government and became a member of the French National Assembly. He was very shocked and distressed, however, about many of the wild and exaggerated stories that were being told in France right after the war about things he had personal knowledge of at Buchenwald and Dora. He later wrote a series of books about his experiences and the entire question of the Jews during the Second World War, including a book on the Adolf Eichmann trial. (23-5727 to 5730) Weber believed that Rassinier's work overall was credible and was especially valuable and reliable when he was talking about his own personal

experiences at Buchenwald and Dora. He did not, however, have as much access to information as historians did today. As more and more information became accessible, historians were able to write about the subject with greater and greater accuracy. (23-5731)

Did Six Million Really Die? was published first in England in 1976 to the best of Weber's knowledge. Since the booklet was published, much more information had come to light about the subject that made the case for revisionism much stronger. (23-5732)

Harwood also relied heavily on the booklet The Myth of the Six Million which was published anonymously but was written by an American historian named David Hoggan. Other sources included newspaper articles and secondary sources such as Gerald Reitlinger's The Final Solution. Weber pointed out that historians very often quoted from works of others with whom they might disagree very strongly. Raul Hilberg quoted from Mein Kampf but that didn't mean Hilberg agreed with it. He would quote it to support a submission he wished to make. Often historians took material which was relevant to their particular topic from any number of sources, even those that were hostile to the general thesis of the historical work. (23-5731 to 5733)

Weber returned to the subject of the Einsatzgruppen. There were four Einsatzgruppen altogether with a total number of personnel of about 3,000. The Einsatzgruppen varied in size from about 990 in the largest to 500 in the smallest. Their official title was Task Forces of the Security Police and Security Service. Their purpose was to bring about a 'rough and ready' form of order and security to the occupied Soviet territories behind the areas where the German armies went forward and before the establishment of regular civil administration in the occupied territories. Less than half of the members of the Einsatzgruppen were SS men and a very large percentage were completely non-military personnel including interpreters, secretaries, teletype operators, truck drivers and other various support staff. Weber obtained this information from the Einsatzgruppen reports themselves, published in the official record of the International Military Tribunal. These figures were essentially accepted by all historians no matter what their views might be. (23 5745, 5746)

There were numerous estimates of the numbers of Jews supposedly killed by the Einsatzgruppen, ranging from about 3 million by a historian named Schwarz to 1 million by Gerald Reitlinger. Weber's own opinion was that from 200,000 to 800,000 Jews at the most were shot by the Einsatzgruppen although it was very difficult to say. The total pre-war Jewish population of the occupied Soviet territories was about 4.7 million Jews. The great majority of these Jews fled or were evacuated by the Soviet government in 1941 when the German army moved into the Soviet Union. Based on that, Weber believed that no more than 1 million to 1.5 million Jews came under German control in the occupied territories. Yet it was commonly alleged that 2 million or 3 million Jews were shot by the Einsatzgruppen. (23-5747, 5748)

Paul Blobel, who was the commander of one of the Einsatzkommandos (a sub-unit of the Einsatzgruppen), was put on trial after the war and testified emphatically that the figures of dead given in the Einsatzgruppen reports were grossly exaggerated. Gustav Nosske was another Einsatzkommando leader who was put on trial and testified that the Einsatzgruppen report figures were grossly exaggerated. The fact that the reports

were exaggerated, said Weber, was accepted by many historians. These included Gerald Reitlinger, who wrote *The Final Solution*, the historians Helmut Krausnick and Hans-Heinrich Wilhelm who wrote *Die Truppe des Weltanschauungskrieges*, William Shirer who wrote *The Rise and Fall of the Third Reich*, British historian Tom Bower and German historian Werner Maser. Even Raul Hilberg, in *The Destruction of the European Jews*, stated that an affidavit made by Otto Ohlendorf was exaggerated. Weber noted that in October of 1943, Himmler gave a speech in which he complained that 95 out of 100 official reports he received were greatly exaggerated, unreliable or false. (23-5748 to 5756)

Weber had done a comparison of the figures of alleged Jewish dead in the Einsatzgruppen reports with the Korherr report. The Korherr report was an important SS statistical report on the movement and placement of Jews in Europe prepared at the request of Himmler by Richard Korherr, the official statistician with the SS. Korherr referred to about 636,000 Jews in the Soviet areas as being "resettled." This had been interpreted to refer to Jews who were shot by the Einsatzgruppen. In Weber's opinion, that interpretation was not necessarily true at all, but even if it was, the figure of 636,000 was incompatible with the figures given in most standard books about the number of Jews supposedly shot by the Einsatzgruppen, which varied from 1 million to 3 million. (23-5751, 5752)

The best remembered case of shootings of Jews in the occupied territories, said Weber, was that of Babi Yar. Babi Yar was a ravine outside of Kiev in the Ukraine. The Einsatzgruppen reports themselves stated that on September 29 and 30, 1941, 33,000 Jews were shot and killed at Babi Yar. Weber did not believe this for several reasons. Firstly, given the general exaggerations of the Einsatzgruppen reports, it was reasonable to believe that this figure was likewise exaggerated. Secondly, Paul Blobel, who was the commandant of the unit which allegedly carried out the shootings, testified after the war that the figure could not have been more than 16,000. In his book *Hitler's War*, historian David Irving quoted a Soviet major who had defected to the Germans complaining to his German superiors that a year after Babi Yar Kiev was again overrun with Jews. Gerald Reitlinger, in his book *The Final Solution*, reported that in August of 1946, 100,000 Jews were living in Kiev. Weber pointed out that this was before the major rush of Jews from areas of the Soviet Union which had remained under Soviet control back to the areas which had been occupied by the Germans. (23-5753, 5754)

In the last several years, an important document on the Einsatzgruppen had come to light whose authenticity was accepted by Yad Vashem (and published in the book *Documents on the Holocaust*). The document was from Heydrich to the SS heads in the occupied Soviet territories and laid out explicitly that the task of the Einsatzgruppen was to shoot people who were dangerous to security such as snipers and saboteurs. Heydrich specifically stated that the only Jews to be shot immediately as Jews were those who were officials in the Communist Party and the Soviet government. (23-5755, 5756)

Weber testified that in the first edition of his book, Raul Hilberg claimed that there was an order to kill the Jews in Russia. He had now repudiated that claim and admitted that there might very well never have been an order by Hitler to exterminate the Jews in Russia or anywhere else. (23-5757)

Weber next turned to an examination of the accuracy of *Did Six Million Really Die?*. After each passage was either read to Weber or the general portion pointed out to him, Weber gave his opinion on the pamphlet's accuracy. He commenced his analysis with the first sentence of the pamphlet:

In the following chapters the author has, he believes, brought together irrefutable evidence that the allegation that 6 million Jews died during the Second World War, as a direct result of official German policy of extermination, is utterly unfounded.

Weber testified that this statement was true; in his opinion, 6 million Jews did not die as a result of a German policy of extermination during the war. (23-5758)

A great deal of careful research into this question, however, has now convinced me beyond any doubt that the allegation is not merely an exaggeration but an invention of post-war propaganda.

Weber testified that this was not quite accurate as the essential extermination story began during the war in the fall of 1942. The first organization to make the charge seriously was the World Jewish Congress through its President, Rabbi Stephen Wise. In December of 1942, the Allied governments (the United States, Great Britain, the Soviet Union and France), issued a Joint Declaration claiming that the Germans were exterminating the Jews. Privately, however, the American and British officials responsible for what was going on with the Jews in Europe urged their superiors not to issue the declaration on the grounds that there was no evidence that such an extermination programme was being carried out. This was set out in David Wyman's book *The Abandonment of the Jews*.

Weber pointed out that it was clear from the official history of the World Jewish Congress, *Unity in Dispersion*, published in 1948, that the World Jewish Congress was very instrumental in pressuring the Allied governments to issue the declaration in December of 1942. It was now known that some of the statements made by Rabbi Stephen Wise about the alleged extermination were utterly baseless and false. Wise claimed that in 1942 the Germans were turning the Jews into soap bars. No serious historian believed that anymore. Wise also claimed in November, 1942 at a press conference in Washington, D.C. that the Germans had stopped gassing the Jews and were adopting the more economical method of having teams of doctors line up Jews and inject them with poison in syringes. No serious historian believed that anymore either. But the World Jewish Congress, throughout the war, was a major vehicle for putting out these kinds of stories. (23-5758, 5759)

What was also clear from books such as Wyman's *The Abandonment of the Jews* and Walter Laqueur's *The Terrible Secret*, was that the Allies themselves did not believe their own propaganda about the extermination story. Some historians now claimed this showed the Allied governments were terribly callous and insensitive to the fate of the Jews. But what was absolutely clear, said Weber, was that the Allied officials, including President Roosevelt and top officials in the British government, did not take the extermination story seriously. (23-5760, 5761) While Monowitz (Auschwitz III) was bombed repeatedly by the Allies during the war because it was a major German industrial centre for the production of synthetic gasoline from coal, the alleged

extermination camps of Auschwitz I and Birkenau were only bombed by accident. (23-5761)

Weber continued his analysis on page 4 of the booklet:

Of course, atrocity propaganda is nothing new. It has accompanied every conflict of the 20th century and doubtless will continue to do so.

Weber testified that in virtually every modern war, charges were made by each side against the other about the alleged commission of terrible atrocities. Afterwards, such charges were often shown to be false. An example was the charge made during the American Civil War by the Union that the South was carrying out a policy in the prisoner of war camps of killing Union prisoners. During the First World War, terrible lies were told by the British and American governments about the conduct of the Germans. After the war, these were shown fairly quickly to have been false. In Weber's opinion, this passage from the pamphlet was absolutely correct. (23- 5762)

No such statements have been made after the Second World War. In fact, rather than diminish with the passage of years, the atrocity propaganda concerning the German occupation, and in particular their treatment of the Jews, has done nothing but increase its virulence and elaborate its catalogue of horrors ...The ensuing pages will reveal this claim to be the most colossal piece of fiction and the most successful of deceptions;..

The extermination story was already clearly defined during the war, said Weber; what had increased since the war was the volume of emphasis given to it. At the Nuremberg trial, the fate of the Jews was by no means the dominant issue. The essential issue was German guilt for starting World War II. Today, however, there was far more in the mass media about the so-called "Holocaust" than about the question of German guilt for starting World War II. (23-5763)

Weber believed the last sentence in the quoted passage to be hyperbole and exaggeration on the part of Harwood. In Weber's opinion, the Jews had a very hard fate during the war and many of them died and suffered in the same way that many other people in Europe suffered during the war. There was a basis for the Holocaust story; it was not just something made out of whole cloth. In 1938, there were millions of Jews living in Poland, Hungary, Romania and in 1948 those Jews were gone. It was nevertheless not accurate to say that 6 million Jews died during the war. That was fiction. (23-5764, 5765)

What has rendered the atrocity stories of the Second World War so uniquely different from those of the First? Why were the latter retracted while the former are reiterated louder than ever? Is it possible that the story of the Six Million Jews is serving a political purpose, even that it is a form of political blackmail?

Weber pointed out that the Crown Attorney had previously tried to suggest that people who were Holocaust revisionists believed that the Holocaust story was a gigantic hoax perpetrated by the Jews to get money for the state of Israel. In Weber's opinion this was not accurate. It was essentially in the interests of the Allied governments that won the war and in the interests of the post-war West and East

German governments which were set up by the Allies, to portray the Hitler regime in the worst possible light. The more terrible the Hitler regime could be portrayed, the more glorious became the Allied cause and the more legitimate became the post-war governments of East and West Germany. (23-5766) The state of Israel and Jews around the world benefited from the Holocaust story directly and indirectly. It was used to encourage a sense of solidarity among Jews based on fear through the argument that if a people as cultured and civilized as the Germans could commit this great crime, then anyone could. (23-5767)

To date, the staggering figure of six thousand million pounds has been paid out in compensation by the Federal Government of West Germany, mostly to the State of Israel...

The West German government had paid out massive reparations to the state of Israel and to Jews around the world since 1953, said Weber. The amount paid out so far was 80 billion marks and the West German government estimated that this figure would climb to 100 billion marks by the year 2000 or 2020. In recent exchange rates, that would be about 40 to 50 billion U.S. dollars. (23-5767, 5768)

Weber pointed out that Crown Attorney Pearson had tried to make a distinction between blaming the Nazis and blaming the Germans. But the former Prime Minister of Israel, Menachem Begin, once made it very clear that because of what the Germans did during the Hitler era, the German people would be guilty until the end of time. The reparations being paid out by the West German government today, said Weber, were paid out by people who were either not born or were just small children during the Hitler era. Yet they were being held responsible for what happened during that time. Thus, the German people were held as a people to be guilty for what happened during the war. Elie Wiesel, who was chairman of the U.S. Holocaust Memorial Council, stated explicitly that the German people deserved to be hated for what they had done to the Jews during the war. (23-5768, 5769)

In Weber's opinion, it was necessary after every war to put the hatreds and passions of the war behind in order for peoples to live in harmony. Keeping alive such hatreds on a permanent scale served only to create discord. (23-5769)

One could scarcely miss the object of this diatribe, with its insidious hint about "multi-racial partnership". Thus the accusation of the Six Million is not only used to undermine the principle of nationhood and national pride, but it threatens the survival of the Race itself. It is wielded over the heads of the populace, rather as the threat of hellfire and damnation was in the Middle Ages. Many countries of the Anglo-Saxon world, notably Britain and America, are today facing the gravest danger in their history, the danger posed by the alien races in their midst. Unless something is done in Britain to halt the immigration and assimilation of Africans and Asians into our country, we are faced in the near future, quite apart from the bloodshed of racial conflict, with the biological alteration and destruction of the British people as they have existed here since the coming of the Saxons. In short, we are threatened with the irrecoverable loss of our European culture and racial heritage. But what happens if a man dares to speak of the race problem, of its biological and political implications? He is branded as that most heinous of creatures, a "racialist". And what is racialism, of course, but the very hallmark of the Nazi! They (so everyone is told, anyway)

murdered Six Million Jews because of racialism, so it must be a very evil thing indeed. When Enoch Powell drew attention to the dangers posed by coloured immigration into Britain in one of his early speeches, a certain prominent Socialist raised the spectre of Dachau and Auschwitz to silence his presumption.

Thus any rational discussion of the problems of Race and the effort to preserve racial integrity is effectively discouraged. No one could have anything but admiration for the way in which the Jews have sought to preserve their race through so many centuries, and continue to do so today. In this effort they have frankly been assisted by the story of the Six Million, which, almost like a religious myth, has stressed the need for greater Jewish racial solidarity. Unfortunately, it has worked in quite the opposite way for all other peoples, rendering them impotent in the struggle for self preservation. The aim in the following pages is quite simply to tell the Truth. The distinguished American historian Harry Elmer Barnes once wrote that "An attempt to make a competent, objective and truthful investigation of the extermination question ... is surely the most precarious venture that an historian or demographer could undertake today." In attempting this precarious task, it is hoped to make some contribution, not only to historical truth, but towards lifting the burden of a lie from our own shoulders, so that we may freely confront the dangers which threaten us all.

Weber did not believe Harwood's paragraphs concerning the race problem were all that relevant. There were many Holocaust revisionists who were quite anti-racist but who also did not accept the Holocaust story. (27-5770)

Harry Elmer Barnes was one of the most highly regarded American historians during the 1920s, 1930s and 1940s. Barnes was virtually blacklisted in the later years of his life, however, because of his view that the Germans were not primarily responsible for the outbreak of war in Europe in 1939. For that he suffered a great deal, said Weber. Barnes was also strongly influenced in his later years by the writings of Paul Rassinier and came to believe that the Holocaust story was not true. In an article written for the Rampart Journal in the summer of 1967, Barnes cast doubt on the extermination story and called for a sober and unbiased investigation of the entire question. (23-5771 to 5773)

Weber turned next to passages on page 5 of the booklet:

Rightly or wrongly, the Germany of Adolf Hitler considered the Jews to be a disloyal and avaricious element within the national community, as well as a force of decadence in Germany's cultural life...The fact that Karl Marx was a Jew and that Jews such as Rosa Luxembourg and Karl Liebknecht were disproportionately prominent in the leadership of revolutionary movements in Germany, also tended to convince the Nazis of the powerful internationalist and Communist tendencies of the Jewish people themselves.

Weber agreed with the first statement in this passage and pointed out that it was a view that was not unique to Nazi Germany. The Jews had been forced out of many countries throughout their history. During the 1930s, other countries such as Hungary and Romania also had anti-Jewish laws. (23-5774)

Karl Marx was Jewish by ancestry with rabbis on both sides of his family. His father, however, had converted to Lutheranism. Rosa Luxemburg was also Jewish by ancestry. It was true, said Weber, that Jews were very disproportionately involved in the Communist movement both in Germany and in other countries. This convinced not only the Nazis but many other people, including Winston Churchill, that the Jews were dangerously tied to the international Communist movement. Winston Churchill wrote a long article voicing these opinions in the Illustrated Sunday Herald in London in 1919. Churchill wrote that the Jews should guard against being involved any more than they were in either the Zionist or Communist movements and that it was a dangerous portent of things to come if they persisted. (23-5775)

Our concern is simply with the fact that, believing of the Jews as they did, the Nazis' solution to the problem was to deprive them of their influence within the nation by various legislative acts, and most important of all, to encourage their emigration from the country altogether. By 1939, the great majority of German Jews had emigrated, all of them with a sizeable proportion of their assets. Never at any time had the Nazi leadership even contemplated a policy of genocide towards them.

Weber testified that the German policy up to 1940 or 1941 was to encourage the Jews to emigrate from Germany, especially to Palestine. This policy was welcomed by Zionist leaders at the time because they also took the view that the Jews of Germany were first and foremost Jews and not Germans. Raul Hilberg made clear in his book that in fact Jews did leave with a very substantial part of their assets. The last statement of the quoted passage was accurate, said Weber. In the context of the pre war Jewish policy, not even those who believed in the Holocaust story claimed there was any extermination programme before the war. (23-5776, 5777)

It is very significant, however, that certain Jews were quick to interpret these policies of internal discrimination as equivalent to extermination itself. A 1936 anti German propaganda book by Leon Feuchtwanger and others entitled *Der Gelbe Fleck: Die Ausrottung von 500,000 deutschen Juden* (The Yellow Spot: The Extermination of 500,000 German Jews, Paris 1936), presents a typical example. Despite its baselessness in fact, the annihilation of the Jews is discussed from the first pages -- straightforward emigration being regarded as the physical "extermination" of German Jewry. The Nazi concentration camps for political prisoners are also seen as potential instruments of genocide, and special reference is made to the 100 Jews still detained in Dachau in 1936, of whom 60 had been there since 1933. A further example was the sensational book by the German-Jewish Communist, Hans Beimler, called *Four Weeks in the Hands of Hitler's Hell Hounds: The Nazi Murder Camp of Dachau...* The encouragement of Jewish emigration should not be confused with the purpose of concentration camps in pre war Germany. These were used for the detention of political opponents and subversives -- principally liberals, Social Democrats and Communists of all kinds, of whom a proportion were Jews such as Hans Beimler. Unlike the millions enslaved in the Soviet Union, the German concentration camp population was always small; Reitlinger admits that between 1934 and 1938 it seldom exceeded 20,000 throughout the whole of Germany, and the number of Jews was never more than 3,000. (*The SS: Alibi of a Nation*, London, 1956, page 253).

Weber testified that the first sentence of this passage was true; Feuchtwanger, who was a Communist and a Jew, charged that the policy the Hitler government was

carrying out in 1936 was "extermination." This was propaganda and hyperbole, said Weber, and a number of other Jewish leaders at the time used similarly exaggerated language to describe the pre-war German policy. Until November 1939 the only Jews in concentration camps in Germany were Jews who were put there for some political or criminal reason. They were not there simply because they were Jews. The number of people in the camps at that time was very small and most were involved in the leadership of the Communist and Social Democratic movements. (23-5778, 5779)

Hans Beimler was a Communist and the book written by him was published by a Communist publishing house. It was typical of the kind of propaganda that the Communists put out during that period of time. Weber believed that Beimler's early writing had significance in the development of the Holocaust story. Even before the war, there were wide and extensive reports of grossly exaggerated claims about Hitler's Germany by those who were his enemies, namely, Communists and Jews. It was hardly surprising therefore, when war broke out and it was much harder to know what was going on in Europe, that the stories were even more intense in their volume and character. (23-5780)

Weber had checked the reference to Reitlinger in the last sentence of the passage. Reitlinger stated that 20,000 was approximately the number of total concentration camp inmates in all of Germany; this in a country of about 60 million people. (23-5781)

The Nazi view of Jewish emigration was not limited to a negative policy of simple expulsion, but was formulated along the lines of modern Zionism.

In Weber's opinion, this was misleading. Zionism put forward the view that the Jews were not merely a religious group but also a nationality, that they should have a country of their own, and that Jews were first and foremost Jews and not citizens of whatever country they lived in. That also happened to be Hitler's views and the Nazis' views. Because their views coincided, the Nazis and the Zionists co-operated. This co-operation was laid out in great detail in a book by a Jewish author, Edwin Black, entitled *The Transfer Agreement*. The Transfer Agreement of Haavara was signed in 1933 by the German government and the Jewish Agency for Palestine. It arranged for Jews emigrating from Germany to Palestine to take their property with them as a way to encourage Jewish emigration to Palestine. The agreement remained in effect until after the outbreak of World War II. (23-5782)

The founder of political Zionism in the 19th century, Theodore Herzl, in his work *The Jewish State*, had originally conceived of Madagascar as a national homeland for the Jews, and this possibility was seriously studied by the Nazis...The Germans were not original in proposing Jewish emigration to Madagascar; the Polish Government had already considered the scheme in respect of their own Jewish population, and in 1937 they sent the Michael Lepecki expedition to Madagascar, accompanied by Jewish representatives, to investigate the problems involved.

Weber testified that the booklet's statement that Herzl had originally conceived of Madagascar as a homeland for the Jews was an error. From the very beginning, Herzl wanted to have Palestine as the national homeland. Although there was a brief period

when Guinea and Uganda were considered, they were quickly rejected by the Zionists. (23-5783)

The booklet's statement concerning the Polish government was true. The Polish government was the first government to take up this idea and it sent an expedition to Madagascar to look into it. At that time, there was much speculation by leaders in Romania, Hungary, Poland and even France that there should be some place for the Jews to go to or be sent to. Madagascar was considered for that purpose because it was believed that the Arabs felt so strongly about Palestine that emigration there would only result in conflict. The island of Madagascar was a much larger and more beautiful place and it was felt that it would cause far fewer problems if the Jews went there. (23-5784)

In 1938 the Evian Conference was called. It was initiated largely by Franklin Roosevelt to deal with the question of Jewish refugees from Germany and the whole question of what should be done with the Jews. Jewish leaders were extremely disappointed with the conference because virtually none of the governments of the world, as much as they gave lip service to sympathy for the Jews, were willing to allow them to come to their own countries. The U.S. government often protested Hitler's policy towards the Jews but they were not willing to allow Jews to come to the United States. The German government made a big deal about this and said it only confirmed that Germany was right in trying to get rid of them. (23-5785)

Weber turned to page 6 of the booklet:

However, by 1939 the scheme of Jewish emigration to Madagascar had gained the most favour in German circles.

In Weber's opinion, the correct date was 1940, not 1939. The Madagascar plan was only seriously considered by German officials in 1940 after the fall of France because Madagascar was a French colony. (23-5787)

By 1939, the consistent efforts of the German Government to secure the departure of Jews from the Reich had resulted in the emigration of 400,000 German Jews from a total population of about 600,000, and an additional 480,000 emigrants from Austria and Czechoslovakia, which constituted almost their entire Jewish populations.

This passage was essentially accurate, said Weber. There were approximately 600,000 Jews in the German Reich territory before Hitler took power and about 400,000 emigrated by 1939 or 1940. A very substantial portion of the Jews from Germany proper, Austria, Sudetenland and Czechoslovakia emigrated before the outbreak of the war. (23-5789)

So eager were the Germans to secure this emigration that Eichmann even established a training centre in Austria, where young Jews could learn farming in anticipation of being smuggled illegally to Palestine (Manvell and Frankl, SS and Gestapo, p. 60).

In Weber's opinion, this was true. These training centres were set up not only in Austria but also in Germany proper. They were carried out in co-operation with the Zionist movement because the Zionists wanted very much to encourage Jews living in

Germany to be productive on the soil, to be involved in new forms of trade and so forth. (23-5789)

Had Hitler cherished any intention of exterminating the Jews, it is inconceivable that he would have allowed more than 800,000 to leave Reich territory with the bulk of their wealth, much less considered plans for their mass emigration to Palestine or Madagascar.

Weber thought this was a fair statement although 800,000 might be a bit too high for the number of Jews who left. Obviously, said Weber, if Hitler had intended right from the beginning to exterminate the Jews, he wouldn't have encouraged them for years to move to Palestine and wouldn't have considered deporting them to Madagascar. (23-5790)

With the coming of the war, the situation regarding the Jews altered drastically. It is not widely known that world Jewry declared itself to be a belligerent party in the Second World War, and there was therefore ample basis under international law for the Germans to intern the Jewish population as a hostile force...All Jews had thus been declared agents willing to prosecute a war against the German Reich, and as a consequence, Himmler and Heydrich were eventually to begin the policy of internment.

It was not until 1941 that there was really a drastic change in German policy, said Weber. In fact, after the outbreak of war, the German government still encouraged Jewish emigration illegally to Palestine despite British objections and blockade. Chaim Weizmann, who at the time was the principal Zionist leader, issued a statement immediately after the outbreak of war in 1939 declaring in the name of the world's Jews that they considered themselves on the side of Britain. Whether this gave the Germans the right to intern the Jews as a hostile force was questionable. The question of how much legitimacy under international law Chaim Weizmann had to speak in the name of World Jewry was a debatable point. (23-5792)

Weber testified that the last sentence of the passage was essentially inaccurate. The German policy of deporting Jews to the east, which began in 1941, was not in response to the declaration of war by Chaim Weizmann. It was done because they wanted the Jews out of Europe. Once the war really got going, it was impossible to send the Jews to Palestine or to Madagascar because the seas were controlled by the British. So the Germans decided to deport the Jews to the east, first to Poland and then to the occupied Soviet territories. (23-5793)

It is worth noting that the United States and Canada had already interned all Japanese aliens and citizens of Japanese descent in detention camps before the Germans applied the same security measures against the Jews of Europe. Moreover, there had been no such evidence or declaration of disloyalty by these Japanese Americans as had been given by Weizmann. The British, too, during the Boer War, interned all the women and children of the population, and thousands had died as a result, yet in no sense could the British be charged with wanting to exterminate the Boers.

In Weber's opinion, the first sentence of this passage was accurate. It was not hard to understand that the United States government, right after Pearl Harbour, considered

the Japanese dangerous and it was not hard to understand that the German government considered the Jews a hostile population. Weber believed the second sentence was a debatable point since no German Jews made any declaration of disloyalty although Weizmann claimed to speak on behalf of the Jews of the world.

Weber had done a great deal of research into the internment camps set up by the British during the Boer War. The British carried out a very ruthless war against the Boers to seize control of the gold and diamonds in the areas of Transvaal and the Orange Free State. The British rounded up all the women and children of the Boers and put them in concentration camps where about 27,000 of them died under appalling conditions. This was the policy, however, which broke the back of the guerrilla war carried out by the Boers against the British. (23-5794, 5795)

The detention of Jews in the occupied territories of Europe served two essential purposes from the German viewpoint. The first was to prevent unrest and subversion; Himmler had informed Mussolini on October 11th, 1942, that German policy towards the Jews had altered during wartime entirely for reasons of military security. He complained that thousands of Jews in the occupied regions were conducting partisan warfare, sabotage and espionage, a view confirmed by official Soviet information given to Raymond Arthur Davis that no less than 35,000 European Jews were waging partisan war under Tito in Yugoslavia. As a result, Jews were to be transported to restricted areas and detention camps, both in Germany, and especially after March 1942, in the Government-General of Poland.

Weber repeated that the German policy to deport the Jews to the east was not primarily motivated by security considerations, although it was a consideration that became more important as the war went on. The conversation between Himmler and Mussolini on October 11, 1942, which dealt with Jewish partisan warfare, was confined essentially to Jews in the occupied Soviet territories and not Jews in general. (23-5796)

Weber thought the dates in the last sentence of the passage were a bit off. The Germans began putting Jews in ghettos in Poland fairly soon after they took control in 1939 and the deportations of the Jews to the east began in October 1941. (23-5797)

As the war proceeded, the policy developed of using Jewish detainees for labour in the war- effort. The question of labour is fundamental when considering the alleged plan of genocide against the Jews, for on grounds of logic alone the latter would entail the most senseless waste of manpower, time and energy while prosecuting a war of survival on two fronts.

In Weber's opinion, this was a very good and valid point. In 1942, it was decided that the Jews were to be used extensively in war production activities. The Jews were a valuable source of labour for the Germans. As late as 1944, Hitler himself was concerned about using Jewish labour for the German war effort. (23-5798, 5799)

Weber had seen photographs of Monowitz (Auschwitz III) taken in 1942, 1943 and 1944 located in the Dürrfeld file. This file contained documents and photographs filed in Dürrfeld's defence in his war crimes trial after the war for alleged mistreatment of prisoners in Monowitz. The photographs showed prisoners from Birkenau and

Auschwitz I in their striped uniforms working in Monowitz. This was relevant to the extermination allegation because it was very hard to reconcile the fact that prisoners from Birkenau, the alleged major extermination centre, were allowed to move around freely in Monowitz where there were many civilian workers who came in from the outside. It would have been virtually impossible, said Weber, to keep an extermination programme at Birkenau secret in such circumstances. Weber noted that exterminationist Walter Laqueur made the same point in his book *The Terrible Secret* and was quite baffled by it. (23-5799 to 5801)

Certainly after the attack on Russia, the idea of compulsory labour had taken precedence over German plans for Jewish emigration.

This statement, said Weber, was partly true and partly untrue. The idea was for the Jews to be deported to the east and also used for labour, so it was an effort to reconcile these two policies. (23-5801)

The protocol of a conversation between Hitler and the Hungarian regent Horthy on April 17th, 1943, reveals that the German leader personally requested Horthy to release 100,000 Hungarian Jews for work in the "pursuit-plane programme" of the Luftwaffe at a time when the aerial bombardment of Germany was increasing (Reitlinger, *Die Endlösung*, Berlin, 1956, p. 478). This took place at a time when, supposedly, the Germans were already seeking to exterminate the Jews, but Hitler's request clearly demonstrates the priority aim of expanding his labour force.

In harmony with this programme, concentration camps became, in fact, industrial complexes. At every camp where Jews and other nationalities were detained, there were large industrial plants and factories supplying material for the German war effort -- the Buna rubber factory at Bergen-Belsen, for example, Buna and I.G. Farben Industrie at Auschwitz, and the electrical firm of Siemens at Ravensbrück.

This passage was correct in Weber's opinion. Himmler ordered that concentration camp inmates were to be used as extensively as possible in war production. Buna was the name for artificial rubber derived from coal. The Germans had to produce artificial rubber because they did not have access to sources of natural rubber from Southeast Asia or Latin America and had a programme at Monowitz for this purpose. It never got very far, however, and instead Monowitz was devoted almost exclusively to producing synthetic gasoline. As far as Weber knew, there was no Buna rubber factory at Bergen-Belsen, so that statement in the booklet was not correct. (23-5801 to 5803)

Weber turned to page 7 of the booklet:

In many cases, special concentration camp money notes were issued as payment for labour, enabling prisoners to buy extra rations from camp shops. The Germans were determined to obtain the maximum economic return from the concentration camp system, an object wholly at variance with any plan to exterminate millions of people in them. It was the function of the SS Economy and Administration Office, headed by Oswald Pohl, to see that the concentration camps became major industrial producers.

Weber testified that camp money was used in such camps as Buchenwald and was called Lagergeld. Numerous former inmates testified to the use of such camp money and a similar kind of currency was also issued in the Lodz and Theresienstadt ghettos by the Jewish administration. (23-5804)

Weber noted that the German guards at Mauthausen and Buchenwald were summarily shot by the Americans when those camps were captured by the Americans. It was recorded in the book *Inside the Vicious Heart* by Robert H. Abzug. It was also recorded by Marguerite Higgins who was a very prominent American journalist at that time and who was an eyewitness to the shootings at Buchenwald. (23-5805)

Oswald Pohl, said Weber, was the head of the SS Economy and Administration Office, and the concentration camps were under his control. He was subordinate to Himmler. Pohl was very concerned with getting maximum labour out of the camps during the war; this was confirmed in numerous documents which were published in the Nuremberg series and in correspondence between Himmler and Pohl. (23 5806)

Defence attorney Christie asked Weber whether he was familiar with the historian Helmut Diwald. Weber testified that Diwald was a professor of history at the University of Erlangen in West Germany who had written, in 1978 or 1979, a massive 760 page book entitled *Geschichte der Deutschen* (History of the Germans). The book was a comprehensive overview of German history and contained two pages devoted to the 'final solution'. In those two pages, he called into question many of the commonly-held assumptions about the Holocaust extermination story. Diwald wrote that the Holocaust media campaign consisted in large part of distortions, misrepresentations and lies designed to morally degradate and disqualify the German nations and the German people as a whole. He said that many of the stories said about what happened with the Jews during the war were not true. He pointed out that it was once claimed that extermination camps operated in Germany proper and that later this claim was dropped even though for a time visitors were shown a room at Dachau which was supposed to be a gas chamber and in fact wasn't. He wrote that the 'final solution' policy of the Germans was one of deportation to the east for use as labour, and he concluded by stating that despite all of the literature that had been written on the subject, the most important questions of what happened to the Jews during the war were still not clear. The two pages caused a big sensation in Germany when they came out. Weber was the first to translate and publish them in English. (23-5807, 5808)

As a result of raising these questions, Diwald's book was immediately withdrawn from circulation even though it had been selling very well. The unsold portion of the 100,000 copies which had been printed were destroyed and, without his approval, the two offending pages were hastily rewritten and substituted in a new edition. These rewritten pages were more or less acceptable to the powers-that-be. (23-5809)

In historical writing this was a very uncommon phenomenon, but in West Germany and in some other countries it was common with regard to this one issue, said Weber. Notably in West Germany and in Communist countries, the calling into question of the commonly-accepted view of the Holocaust was met with official and semi-official suppression and persecution. The case of Helmut Diwald, a reputable and prominent professor of history, was a prime example of this process. (23-5809)

It is a remarkable fact, however, that well into the war period, the Germans continued to implement the policy of Jewish emigration. The fall of France in 1940 enabled the German Government to open serious negotiations with the French for the transfer of European Jews to Madagascar. A memorandum of August, 1942 from Luther, Secretary-of-State in the German Foreign Office, reveals that he had conducted these negotiations between July and December 1940, when they were terminated by the French. A circular from Luther's department dated August 15th, 1940 shows that the details of the German plan had been worked out by Eichmann, for it is signed by his assistant, Dannecker. Eichmann had in fact been commissioned in August to draw up a detailed Madagascar Plan, and Dannecker was employed in research on Madagascar at the French Colonial Office (Reitlinger, *The Final Solution*, p. 77). The proposals of August 15th were that an inter European bank was to finance the emigration of four million Jews throughout a phased programme. Luther's 1942 memorandum shows that Heydrich had obtained Himmler's approval of this plan before the end of August and had also submitted it to Göring. It certainly met with Hitler's approval, for as early as June 17th his interpreter, Schmidt, recalls Hitler observing to Mussolini that "One could found a State of Israel in Madagascar" (Schmidt, *Hitler's Interpreter*, London, 1951, p. 178).

Weber testified that this entire passage was essentially accurate except for two statements about the Madagascar plan. It was misleading to say that there were "serious negotiations" between the Germans and French concerning the Madagascar plan. The German government considered the feasibility of the Madagascar plan and would simply have presented it to the French at a later date. In addition, the Luther Memorandum, which did discuss the Madagascar plan, did not include any discussion about negotiations with the French. Hitler's exact words to Mussolini were that 'One could found a Jewish state on Madagascar', not 'state of Israel'. (23 5810 to 5813)

Although the French terminated the Madagascar negotiations in December, 1940, Poliakov, the director of the Centre of Jewish Documentation in Paris, admits that the Germans nevertheless pursued the scheme, and that Eichmann was still busy with it throughout 1941. Eventually, however, it was rendered impractical by the progress of the war, in particular by the situation after the invasion of Russia, and on February 10th, 1942, the Foreign Office was informed that the plan had been temporarily shelved. This ruling, sent to the Foreign Office by Luther's assistant, Rademacher, is of great importance, because it demonstrates conclusively that the term "Final Solution" meant only the emigration of Jews, and also that transportation to the eastern ghettos and concentration camps such as Auschwitz constituted nothing but an alternative plan of evacuation. The directive reads: "The war with the Soviet Union has in the meantime created the possibility of disposing of other territories for the Final Solution. In consequence the Führer has decided that the Jews should be evacuated not to Madagascar but to the East. Madagascar need no longer therefore be considered in connection with the Final Solution" (Reitlinger, *ibid.*, p. 79). The details of this evacuation had been discussed a month earlier at the Wannsee Conference in Berlin, which we shall examine below.

It was not true to say that the French terminated the Madagascar negotiations, said Weber. It was true that the Germans pursued the scheme till late in 1941, although Weber did not know if it was Eichmann who was involved. It was true that the Madagascar plan was rendered impractical by the progress of the war, but not for the

reason given by Harwood. It was rendered impractical because it was clear the war was going to continue for quite a while and the British controlled all of the sea lanes to Madagascar. In Weber's opinion, "final solution" was the term that the Germans used to describe their policy of ridding Europe of the Jews first by emigration and later by deportation to the east. The Rademacher memorandum of February 10, 1942 was confirmation that the so-called "final solution" was not one of extermination but deportation. The Wannsee Conference protocol was another German document which confirmed this. (23-5814 to 5817)

Weber pointed out that when the Allies took control of Germany in 1945, they confiscated an enormous quantity of German documents relating to the German wartime policy towards the Jews and of these thousands and thousands of documents, there was not one which referred to an extermination programme or policy. This was mind-boggling, said Weber, when one considered that this programme was alleged to have happened over a three-year period over an entire continent and allegedly involved millions of people. (23-5818)

Reitlinger and Poliakov both make the entirely unfounded supposition that because the Madagascar Plan had been shelved, the Germans must necessarily have been thinking of "extermination". Only a month later, however, on March 7th, 1942, Goebbels wrote a memorandum in favour of the Madagascar Plan as a "final solution" of the Jewish question (Manvell and Frankl, Dr. Goebbels, London, 1960, p. 165).

Weber testified that this passage was accurate and agreed with Harwood's opinion in the first sentence. In July of 1942 Hitler himself stated that the Jews would be taken to Madagascar after the war was over. It was during this period of time that the policy of sending the Jews to Madagascar was replaced with a policy of deporting the Jews to the east where they would be kept until the war was over.(23 5819)

Weber was familiar with a later entry (on March 27) in the Goebbels diary which was contradictory to the one quoted by Harwood. This later entry was widely quoted to support the extermination thesis. Weber noted, however, that it was not consistent with entries in the diary like the one of March 7th, nor was it consistent with entries at a later date from the Goebbels diary or with German documents of the time. In Weber's opinion, there was great doubt about the authenticity of the entire Goebbels diaries because they were written on a typewriter. There was therefore no way of verifying if they were accurate. The U.S. government itself indicated that it could take no responsibility for the accuracy of the diaries as a whole. (23-5820, 5821)

In the meantime he approved of the Jews being "concentrated in the East". Later Goebbels memoranda also stress deportation to the East (i.e., the Government General of Poland) and lay emphasis on the need for compulsory labour there; once the policy of evacuation to the East had been inaugurated, the use of Jewish labour became a fundamental part of the operation. It is perfectly clear from the foregoing that the term "Final Solution" was applied both to Madagascar and to the Eastern territories, and that therefore it meant only the deportation of the Jews.

Even as late as May 1944, the Germans were prepared to allow the emigration of one million European Jews from Europe. An account of this proposal is given by

Alexander Weissberg, a prominent Soviet Jewish scientist deported during the Stalin purges, in his book *Die Geschichte von Joel Brand* (Cologne, 1956).

Weber knew of no Goebbels memorandum stressing deportation. There were other German documents and memorandum which did but Goebbels had no responsibility for Jewish policy. Weber would have agreed completely with the sentence if it said "German memoranda" or "official memoranda" instead of "Goebbels."

The rest of the passage was correct, said Weber. The last portion referred to what was called the Europa Plan about which there was very little information. Late in the war, there was a programme to exchange large numbers of Jews for trucks or money. Some Jews were sent from Hungary to Switzerland to show that the Germans were willing to carry it out, but the plan fell through. (23-5822 to 5824)

Defence counsel Christie turned Weber's attention to the subject of Jewish population statistics. Weber testified that statistics about the Jewish population in Europe were almost completely unverifiable. What Harwood had written was speculative because it was a kind of opinion of the author based on his reading of the figures. It was difficult to draw conclusions because the figures themselves were suspect.

The largest Jewish populations in Europe were in Poland and the Soviet Union before the war. When the Germans took over the western half of Poland in 1939, large numbers of Jews escaped into Soviet-occupied Poland, but the exact figure was unknown. It was not known how many Jews came under German control when the Germans later took over the rest of Poland and the Soviet territories. It was known that a very high percentage, 80 percent, of the Jews in the occupied Soviet territories were deported by the Soviets or fled in 1941. In Weber's opinion, any specific figure like 6 million or 1 million was speculative. The only thing which could be done was to make an educated guess based upon a careful reading of the figures. (23-5825)

With respect to the chapter on "Population and Emigration" in *Did Six Million Really Die?*, Weber testified that he agreed with Harwood's statement that the majority of German Jews succeeded in leaving Germany before the war broke out. But he believed that Harwood's conclusion that the total number of Jews under German influence was 3.5 million was speculation, just as the figures in Hilberg's and Reitlinger's books were nothing more than educated guesses. (23-5827)

Weber turned to page 9 of the booklet:

So far as is known, the first accusation against the Germans of the mass murder of Jews in war-time Europe was made by the Polish Jew Rafael Lemkin in his book *Axis Rule in Occupied Europe*, published in New York in 1943...His book claimed that the Nazis had destroyed millions of Jews, perhaps as many as six millions. This, by 1943, would have been remarkable indeed, since the action was allegedly started only in the summer of 1942. At such a rate, the entire world Jewish population would have been exterminated by 1945.

Weber testified that the first accusation of mass murder was not made by Lemkin. The first major accusation that the Germans were carrying out the mass murder of Jews was made in the fall of 1942 by the World Jewish Congress and was particularly

promoted by its president, Stephen Wise. Lemkin's book picked up on the theme but his book actually wasn't relevant to the extermination story. Nor did the Lemkin book make the statement claimed by Harwood. The last part of the passage was the opinion of the author, said Weber, but since the first part of the passage was not true, the conclusion wasn't true. Weber subsequently found, however, that Paul Rassinier had made this claim in one of his books and Harwood had obviously relied upon it. (23-5828, 5829, 6158)

After the war, propaganda estimates spiralled to heights even more fantastic. Kurt Gerstein, an anti-Nazi who claimed to have infiltrated the SS, told the French interrogator Raymond Cartier that he knew that no less than forty million concentration camp internees had been gassed. In his first signed memorandum of April 26th, 1945, he reduced the figure to 25 million, but even this was too bizarre for French Intelligence and in his second memorandum, signed at Rottweil on May 4th, 1945, he brought the figure closer to the six million preferred at the Nuremberg Trials. Gerstein's sister was congenitally insane and died by euthanasia, which may well suggest a streak of mental instability in Gerstein himself. He had, in fact, been convicted in 1936 of sending eccentric mail through the post. After his two "confessions" he hanged himself at Cherche Midi prison in Paris.

Kurt Gerstein made a statement that he thought the Germans had killed 20 or 40 million people, said Weber, but he did not specify Jews and he did not say that they were gassed. Harwood's statement was therefore only partly true. No serious historian today accepted everything that Gerstein said because he made such fantastic and ludicrous statements. This applied particularly to the figures he cited. Established historians nevertheless used portions of Gerstein's statements which they thought supported their thesis. Gerstein was quoted in virtually every important book on the Holocaust, including Hilberg. Revisionists usually called Gerstein's statements into question. In the standard biography of Gerstein, there was speculation that Gerstein was probably insane. Some people had speculated that Gerstein was murdered, but Weber thought the evidence suggested that he really did commit suicide. (23-5831, 5832)

Gerstein alleged that during the war he passed on information concerning the murder of Jews to the Swedish Government through a German baron, but for some inexplicable reason his report was "filed away and forgotten". He also claimed that in August 1942 he informed the Papal nuncio in Berlin about the whole "extermination programme", but the reverend person merely told him to "Get out". The Gerstein statements abound with claims to have witnessed the most gigantic mass executions (twelve thousand in a single day at Belzec), while the second memorandum describes a visit by Hitler to a concentration camp in Poland on June 6th, 1942 which is known never to have taken place.

In Weber's opinion, the first part of this passage was misleading. The baron was a Swedish baron whom Gerstein met on the night train from Warsaw to Berlin. Gerstein buttonholed him, according to one of his affidavits, and told him the Germans were killing all the Jews. The Swedish government didn't take any notice of what Gerstein said until after the war when quite a bit was made of it. Gerstein tried to go to the Papal nuncio but was turned away.

Gerstein made the claims concerning Belzec, as stated by Harwood, and in fact, Gerstein's statement remained one of the most important pieces of evidence supporting the claim that there were large numbers of Jews gassed there. The statement which Gerstein made concerning the trip by Hitler to a concentration camp in Poland was typical of the kind of false statements made in the Gerstein statements. Weber believed it was illegitimate to present the Gerstein statements as valid historical documents as had been done by Holocaust historians. (23-5833 to 5837)

Weber turned to page 10 of the booklet:

The story of six million Jews exterminated during the war was given final authority at the Nuremberg Trials by the statement of Dr. Wilhelm Hoettl. He had been an assistant of Eichmann's, but was in fact a rather strange person in the service of American Intelligence who had written several books under the pseudonym of Walter Hagen. Hoettl also worked for Soviet espionage, collaborating with two Jewish emigrants from Vienna, Perger and Verber, who acted as US officers during the preliminary inquiries of the Nuremberg Trials. It is remarkable that the testimony of this highly dubious person Hoettl is said to constitute the only "proof" regarding the murder of six million Jews.

The Hoettl statement was important but Weber did not agree with Harwood that it was the final authority. Hoettl made an affidavit saying that Eichmann told him that 6 million Jews had been killed. Eichmann later disputed that he had ever said this; he claimed he did not specify "Jews" but said only that millions of enemies of the Reich had been killed. The 6 million figure, however, gained much of its credibility from the Hoettl statement. Weber nevertheless thought it was misleading to say that Hoettl's statement was the only proof regarding the murder of 6 million Jews. To be fair, said Weber, the exterminationists didn't say they believed the figure just because Hoettl said it; they relied on quite a number of other things to support the figure. (23- 5837 to 5842)

It should be emphasised straight away that there is not a single document in existence which proves that the Germans intended to, or carried out, the deliberate murder of Jews.

Weber agreed with this statement if Harwood was referring to German documents. If Harwood meant documents of any kind, including affidavits made by people after the war, then in Weber's opinion the statement was not true. Weber reiterated that in all of the captured German documents, there was not a single one that referred to any German extermination programme or policy. Weber thought that the use of the word "proves" by Harwood was misleading because no one document proved anything. It could only substantiate or give credence to a given idea. (23-5842 to 5844)

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Weber testified that in his book *The Destruction of the European Jews*, Raul Hilberg estimated that the Jewish losses during World War II were 5.1 million. In his first edition, Hilberg made no effort to justify that figure; in the second edition he did make an effort to justify the figure in a complicated manner which Weber thought was

highly speculative. It was the same kind of speculation that Harwood was guilty of in *Did Six Million Really Die?*. (23-5856)

Hilberg included Jews who died for any reason during the war in the term "Jewish losses." A Jew who was deported from Germany to Lodz and who died of a heart attack would be counted as a victim of the Holocaust. No clear distinction was made between those who were allegedly the victims of some German programme and those who simply died in the course of the war. (23-5856)

In Weber's opinion, Hilberg's figure of 5.1 million Jewish dead was completely inconsistent with the very important Korherr report. Hilberg himself made no effort to reconcile his figures with the report. (23-5857)

In the major book on the Einsatzgruppen entitled *Die Truppe des Weltanschauungskrieges*, the two authors calculated that if all the figures in the German reports were added up, there would be a total of 2.2 million Jewish dead. The authors admitted frankly that this was impossible and conceded that the Einsatzgruppen report figures were exaggerated. In his book, *The Destruction of the European Jews*, Hilberg came up with a figure of 1.3 million Jewish dead in the occupied Soviet territories, which by implication meant that he too believed the Einsatzgruppen reports were exaggerated. Hilberg didn't say so outright, however, which was typical of how he operated. Even the figure of 1.3 million was not believable in Weber's opinion, because it was known that the great majority of Jews fled or were evacuated by the Soviet government before the Germans invaded in 1941. (23-5857)

As recorded in his *Table-Talk*, the authenticity of which was not questioned, Hitler said on July 27, 1942 that the Jews would have to be cleared out of Europe and he speculated they should be sent to Russia. In late 1942 or 1943, Hitler stated that the Jews should be grateful to him for wanting nothing more than a bit of hard work from them. When the Soviets captured Majdanek in 1944 and immediately put out reports that it had been an enormous extermination centre for Jews, an angry Hitler said it was crazy propaganda of the same type put out about Germany during World War I. These statements, said Weber, were consistent with views Hitler expressed on other occasions and were inconsistent with an extermination plan. (23 5858 to 5860)

In 1942, there was a large outbreak of typhus in Birkenau which resulted in the deaths of many inmates. Himmler was very concerned and issued an emphatic order that the camp commandants were to take strenuous measures to reduce the death rate and to improve the nutrition of the prisoners. At all costs, Himmler directed, the death rate of the prisoners had to be reduced. This document was published in the official Nuremberg document series, the Red series, and was accepted as a reliable document by historians. Correspondence between Himmler and Oswald Pohl, the head of the concentration camps, was very emphatic about the need to keep the prisoner death rate down. Richard Glücks, who was a very high SS official and inspector of the concentration camps, ordered on January 20, 1943 that every means be used to lower the death rate in the camps. This was Nuremberg document NO-1523 and was published in the NMT "Green Series." (23-5863) In Weber's opinion, these documents were inconsistent with the extermination story. (23-5860, 5861)

Weber pointed out that numerous historians who believed the extermination story simply ignored these documents. They never mentioned them and never talked about them. Other exterminationists who were more responsible, such as Hilberg, would mention the documents but would say that at the same time Himmler was trying to reduce the death rates in the camps, the German government was also trying to kill as many Jews as they could. This type of illogic, said Weber, was typical of the entire Holocaust story. (23-5862)

Another example of this illogic was the fact that German soldiers and SS were punished for mistreating prisoners at the same time there was supposed to be widespread brutality and even a mass programme to exterminate Jews. These inconsistencies were explained by Hilberg and others as simply being part of the irrationality of the Nazi regime. To Weber, this was an illogical conclusion and was characteristic of trying to make the evidence fit a preconceived thesis rather than deriving conclusions from the evidence. (23-5862)

Weber next showed photographs to the jury from the Walter Dürrfeld file (in the U.S. National Archives), which he had mentioned the previous day. The photographs were originally submitted in Dürrfeld's trial before an American military court in occupied West Germany in 1947 and 1948, and in Weber's opinion were not consistent with the Holocaust story. The photographs showed various aspects of life at Monowitz, including a panoramic view of the synthetic gasoline production works at Monowitz (which gave an idea of the tremendous extent of the industrial works); camp inmates in striped clothing from either Auschwitz or Birkenau working along side civilian workers; housing for the workers; the dining hall for workers, the medical centre at Monowitz showing a nurse and babies and another showing an inmate in striped clothing being X-rayed; a dental office; barracks for workers at Monowitz with two beds as well as more primitive barracks with bunk beds (which were probably used for forced labourers from the Ukraine or from Soviet areas); a Ukrainian choir during an entertainment evening at Monowitz; a greenhouse garden; and a Ukrainian forced labourer at a machining tool. (23-5864 to 5878; photographs filed as Exhibit 99 at 23-5878)

Monowitz was a very large industrial works which even today was run by the Polish government. It required an enormous amount of labour and used prisoners from nearby Auschwitz and Birkenau, including Jews. Inmates also lived at Monowitz. These people included forced labourers from the Soviet Union, especially Ukrainian workers. They did not wear the striped uniforms. In addition, there were German civilian workers and other civilian workers from throughout Europe who worked along side the concentration camp inmates. (23-5868 to 5870)

To Weber, the fact that camp inmates worked along side civilian workers was not consistent with the Holocaust claim that mass exterminations were being carried out in the utmost secrecy at Auschwitz and Birkenau. It would have been virtually impossible to have kept such an enormous extermination programme secret when inmates from both camps worked and mixed with civilian and other workers who moved freely in and out of Monowitz. (23-5872, 5873)

In Weber's opinion, the photographs of the medical centre showed that quite a lot of care was taken at Monowitz to ensure the health and happiness of the workers, including the inmates. (23-5874, 5875)

Weber turned to page 10 of the booklet to continue his analysis:

It should be emphasised straight away that there is not a single document in existence which proves that the Germans intended to, or carried out, the deliberate murder of Jews...The documents which do survive, of course, make no mention at all of extermination, so that writers like Poliakov and Reitlinger again make the convenient assumption that such orders were generally "verbal."

Weber testified that at the time *Did Six Million Really Die?* was written the view of those historians who believed the Holocaust story was that there was an extermination and it was ordered by Hitler verbally. Reitlinger, Poliakov and Hilberg had all speculated that the orders were verbal because there were no written orders. This view had now changed. Martin Broszat and Hans Mommsen, two prominent West German historians, as well as Raul Hilberg, now took the position that there might very well have been no order of any kind, written or verbal, and that the extermination programme came about spontaneously. (23-5882)

In this controversy, one of the most important pieces of evidence was Nuremberg document 3836-PS, the affidavit of April 1946 of former Auschwitz commandant Rudolf Höss. In this affidavit, Höss said that he was informed that there was an order to exterminate the Jews in the summer of 1941 and that he was told by Himmler to prepare Auschwitz as a major centre for extermination. He also said there were already exterminations being carried out in Treblinka, Belzec and a camp called Wolzek. This document, said Weber, was inconsistent with the Holocaust story as it was now presented. Firstly, there was no camp called Wolzek. Secondly, the leading exterminationists, Hilberg, Broszat and Mommsen, now claimed there was probably no order by Hitler to exterminate the Jews but even if there was, it wasn't given until 1942. Höss claimed the date was in early 1941. Finally, Höss's statement that Jews were already being exterminated in the summer of 1941 in Treblinka was not supported by any exterminationist historian.

The exterminationist historians, however, did not point out the implications of the changes in the Holocaust story when such changes occurred. In Weber's opinion, they didn't do so because it showed that documents previously relied upon as evidence, such as the Höss affidavit, were invalid. (23-5883, 5884)

The Höss affidavit was also invalid for the important reason that it had now been shown that Höss was tortured. One of the men who was involved in the torture of Höss, a British military officer, described the torture in a book called *Legions of Death*. (23-5885)

Weber returned to page 10 of the booklet:

The rest of the programme is supposed to have begun in March 1942, with the deportation and concentration of European Jews in the eastern camps of the Polish Government-General, such as the giant industrial complex at Auschwitz near Cracow.

The fantastic and quite groundless assumption throughout is that transportation to the East, supervised by Eichmann's department, actually meant immediate extermination in ovens on arrival.

According to Manvell and Frankl (Heinrich Himmler, London, 1965), the policy of genocide "seems to have been arrived at" after "secret discussions" between Hitler and Himmler (p. 118), though they fail to prove it. Reitlinger and Poliakov guess along similar "verbal" lines, adding that no one else was allowed to be present at these discussions, and no records were ever kept of them. This is the purest invention, for there is not a shred of evidence that even suggests such outlandish meetings took place. William Shirer, in his generally wild and irresponsible book *The Rise and Fall of the Third Reich*, is similarly muted on the subject of documentary proof. He states weakly that Hitler's supposed order for the murder of Jews "apparently was never committed to paper -- at least no copy of it has yet been unearthed. It was probably given verbally to Göring, Himmler and Heydrich, who passed it down..." (p. 1148).

Weber testified that this passage described the general position taken by exterminationists at the time the booklet was written in 1974 or 1976. The exterminationists started with the assumption that the Jews were exterminated and since it could not have happened without orders, the orders must have been given. But since there was no evidence of orders being given, it had to be assumed that it somehow happened. These historians therefore concluded that secret meetings must have taken place. This debate had now splintered the Holocaust historians into the functionalists and the intentionalists. Weber believed William Shirer's book was not a responsible book and that it was indeed replete with errors, representing a very primitive level of historical understanding of the period. It was based entirely upon a selective reading of the Nuremberg evidence and Shirer made no effort to incorporate evidence outside of the parameters of those trials. As stated by Harwood, Shirer provided no documentary proof there was a meeting or an order given by Hitler. (23-5885 to 5890)

A typical example of the kind of "proof" quoted in support of the extermination legend is given by Manvell and Frankl. They cite a memorandum of 31st July, 1941 sent by Göring to Heydrich, who headed the Reich Security Head Office and was Himmler's deputy. Significantly, the memorandum begins: "Supplementing the task that was assigned to you on 24th January 1939, to solve the Jewish problem by means of emigration and evacuation in the best possible way according to present conditions..." The supplementary task assigned in the memorandum is a "total solution (Gesamtlösung) of the Jewish question within the area of German influence in Europe," which the authors admit means concentration in the East, and it requests preparations for the "organisational, financial and material matters" involved. The memorandum then requests a future plan for the "desired final solution" (Endlösung), which clearly refers to the ideal and ultimate scheme of emigration and evacuation mentioned at the beginning of the directive. No mention whatever is made of murdering people, but Manvell and Frankl assure us that this is what the memorandum is really about.

Weber testified that the Göring memorandum was once widely quoted as evidence for the extermination programme. Manvell and Fraenkel, like other exterminationists, made the assumption that the document meant murder. This was no longer the case

and today no serious historian believed it was evidence of an extermination programme. In fact, it tended to be evidence of the exact opposite. The reference to "final solution" of the Jewish question was specifically said to be emigration and evacuation or deportation. There was no mention in the document of killing. Weber believed it showed what the actual German policy was: emigration and deportation. It meant getting the Jews out of Europe. (23-5892)

In the CIA report *The Holocaust Revisited* the authors assumed there was an extermination programme based upon secondary literature. These assumptions were not consistent with the aerial photographs of Auschwitz themselves. This process of assumption was characteristic of the exterminationists, said Weber. They started out with the assumption that there was a vast extermination programme and then tried to make the evidence fit this notion. This led to a whole range of confusion, and as the Holocaust story changed, more and more contradictions arose. (23- 5893, 5894)

Weber turned to page 11 of the booklet:

The final details of the plan to exterminate Jews were supposed to have been made at a conference at Gross Wannsee in Berlin on 20th January, 1942, presided over by Heydrich (Poliakov, *Das Dritte Reich und die Juden*, p. 120 ff; Reitlinger, *The Final Solution*, p. 95 ff). Officials of all German Ministries were present, and Müller and Eichmann represented Gestapo Head Office. Reitlinger and Manvell and Frankl consider the minutes of this conference to be their trump card in proving the existence of a genocide plan, but the truth is that no such plan was even mentioned, and what is more, they freely admit this. Manvell and Frankl explain it away rather lamely by saying that "The minutes are shrouded in the form of officialdom that cloaks the real significance of the words and terminology that are used" (*The Incomparable Crime*, London, 1967, p. 46), which really means that they intend to interpret them in their own way. What Heydrich actually said was that, as in the memorandum quoted above, he had been commissioned by Göring to arrange a solution to the Jewish problem. He reviewed the history of Jewish emigration, stated that the war had rendered the Madagascar project impractical, and continued: "The emigration programme has been replaced now by the evacuation of Jews to the east as a further possible solution, in accordance with the previous authorisation of the Führer." Here, he explained, their labour was to be utilised. All this is supposed to be deeply sinister, and pregnant with the hidden meaning that the Jews were to be exterminated, though Prof. Paul Rassinier, a Frenchman interned at Buchenwald who has done sterling work in refuting the myth of the Six Million, explains that it means precisely what it says, i.e. the concentration of the Jews for labour in the immense eastern ghetto of the Polish Government-General. "There they were to wait until the end of the war, for the re-opening of international discussions which would decide their future. This decision was finally reached at the interministerial Berlin-Wannsee conference..." (Rassinier, *Le Véritable Procès Eichmann*, p. 20). Manvell and Frankl, however, remain undaunted by the complete lack of reference to extermination. At the Wannsee conference, they write, "Direct references to killing were avoided, Heydrich favouring the term "Arbeitseinsatz im Osten" (labour assignment in the East)" (Heinrich Himmler, p. 209). Why we should not accept labour assignment in the East to mean labour assignment in the East is not explained.

According to Reitlinger and others, innumerable directives actually specifying extermination then passed between Himmler, Heydrich, Eichmann and commandant Höss in the subsequent months of 1942, but of course, "none have survived".

Weber testified that what Harwood wrote about the Wannsee Conference protocol was essentially correct. The Wannsee Conference was called to co-ordinate among a range of German agencies the policy of deportation of the Jews. The protocol of the conference made no reference to any extermination programme, but stated that the Jews were to be sent to the east for labour. It also made reference to their later liberation and new beginnings. Exterminationists claimed that this conference was really about extermination. Increasingly, however, historians such as Hilberg, Mommsen and Broszat now said that the conference was not about extermination. (23-5895, 5896)

The complete lack of documentary evidence to support the existence of an extermination plan has led to the habit of re-interpreting the documents that do survive. For example, it is held that a document concerning deportation is not about deportation at all, but a cunning way of talking about extermination. Manvell and Frankl state that 'various terms were used to camouflage genocide. These included "Aussiedlung" (desettlement) and "Abbeförderung" (removal) (ibid., p. 265). Thus, as we have seen already, words are no longer assumed to mean what they say if they prove too inconvenient. This kind of thing is taken to the most incredible extremes, such as their interpretation of Heydrich's directive for labour assignment in the East. Another example is a reference to Himmler's order for sending deportees to the East, "that is, having them killed" (ibid., p. 251). Reitlinger, equally at a loss for evidence, does exactly the same, declaring that from the "circumlocutionary" words of the Wannsee conference it is obvious that "the slow murder of an entire race was intended" (ibid., p. 98).

Weber agreed that what was said in this passage was correct. Historians like Christopher Browning were wrong in assuming that whenever there was a reference to such words as "deportation" those words meant something else. In Weber's opinion, any historical document had to be evaluated not only in terms of itself but also in terms of many other pieces of evidence and within an overall context. To assume that the Wannsee Conference protocol was about extermination was an example of ripping a document out of its context and falsely interpreting it. Historians like Manvell and Fraenkel and Lucy Dawidowicz simply told their readers what such words as "removal" were supposed to mean. It was an arbitrary definition because there was no code book available which established these meanings. Again, pointed out Weber, these historians argued backwards. They argued from an assumption and tried to make the evidence fit the assumption, the opposite of the way historians should operate. (23-5897, 5898) Raul Hilberg had in fact stated that it was the critique of the revisionists that forced the exterminationists to straighten out their story and that the exterminationists should be thankful. (23 5900)

A review of the documentary situation is important, because it reveals the edifice of guesswork and baseless assumptions upon which the extermination legend is built. The Germans had an extraordinary propensity for recording everything on paper in the most careful detail, yet among the thousands of captured documents of the S.D. and Gestapo, the records of the Reich Security Head Office, the files of Himmler's

headquarters and Hitler's own war directives there is not a single order for the extermination of Jews or anyone else.

Weber testified that although the first sentence was a bit exaggerated, he agreed in essence with this passage. Weber agreed with Harwood's statement regarding the propensity of the Germans to keep records, pointing out that the volume of German records was staggering. To this day, not all of the German records had been released by the Allies. Many were still kept secret, particularly in Communist countries such as Poland, the Soviet Union and East Germany. An example was the large quantity of German documents kept by the East German government in archives in Potsdam which were not freely available to researchers. (23-5901)

It will be seen later that this has, in fact, been admitted by the World Centre of Contemporary Jewish Documentation at Tel-Aviv. Attempts to find "veiled allusions" to genocide in speeches like that of Himmler's to his SS Obergruppenführers at Posen in 1943 are likewise quite hopeless. Nuremberg statements extracted after the war, invariably under duress, are examined in the following chapter.

Weber testified that there was such a centre at Tel Aviv, but that the statement regarding it was not quite accurate. The head of the World Centre of Contemporary Jewish Documentation said there was no written order by Hitler for the extermination of the Jews; he did not make a statement as sweeping as Harwood had indicated in the booklet. (23-5902)

Weber had read Himmler's Posen speech and listened to parts of it on recording. The speech was considered by historians such as Browning and Dawidowicz to be one of the most important pieces of evidence for a German extermination programme. Himmler gave several very similar speeches within the same time period. In Weber's opinion, Himmler made clear in one of these speeches, given to Naval officers in Weimar on December 16, 1943, what he really meant by the so called incriminating passage in the Posen speech. Himmler said that he had a policy that when Jews were shot in the Soviet East for partisan or other illegal activities or Soviet commissars, that he also, as a rule, had the wives and children of those Jews shot as well. In Weber's opinion, this was what Himmler was referring to in the Posen speech. He was not referring to an overall extermination programme. Weber believed the speech, given in exaggerated language, was not evidence of an alleged extermination programme. (23-5902, 5903)

It was important to understand, when talking about what happened to the Jews in the occupied Soviet territory that the most savage war in modern history was being conducted there. It was a war for the life and death of both Germany and the Soviet Union; a ruthless war with no pity on either side. It was misleading, said Weber, to talk about the fate of the Jews out of this context. While the Jews suffered a bad fate in the occupied Soviet territory, so did the Russians and the Ukrainians. German prisoners taken by the Soviets were very harshly treated, in part because the Soviet Union was not a member of the International Red Cross and did not abide by any of the International Red Cross agreements. Only a small percentage of Germans taken prisoner by the Soviets were returned to Germany; of about 130,000 taken prisoner only 5,000 to 10,000 came back alive. About 2 million German and Allied soldiers died on the Eastern Front. The Soviets claimed that 20 million of their own citizens

died during the war, although Weber believed this figure might be exaggerated. This gave an idea of the immensity of the losses suffered by everyone in the struggle in the east. (23-5904, 5905)

The story of the Six Million was given judicial authority at the Nuremberg Trials of German leaders between 1945 and 1949, proceedings which proved to be the most disgraceful legal farce in history. For a far more detailed study of the iniquities of these trials, which as Field Marshal Montgomery said, made it a crime to lose a war, the reader is referred to the works cited below, and particularly to the outstanding book *Advance to Barbarism* (Nelson, 1953), by the distinguished English jurist, F.J.P. Veale.

It was Weber's opinion that this passage from the booklet contained a very important point. Article 21 of the Nuremberg Charter specified that every official document of the Allied (prosecution) governments had to be accepted as valid evidence. At Nuremberg, this meant that the so-called official reports by the Soviet Union about Auschwitz and Majdanek and even Katyn had to be accepted as valid evidence. Today, it was known these reports were not legitimate. No serious Holocaust historian, for example, believed that 4 million people were put to death at Auschwitz as claimed by the Soviets at Nuremberg. Many of the lurid stories put out by the Soviets at the trial were no longer accepted. The Soviet accusation that the Germans killed thousands of Polish officers at Katyn was no longer believed today. Even the American government now conceded that the Polish officers were killed by the Soviet secret police. (23- 5905, 5906)

F. J. P. Veale's book *Advance to Barbarism* cited by Harwood, was an indictment of the character of the Nuremberg trials. Many distinguished Americans and Europeans, such as Senator Robert Taft, condemned the trials as victors' justice in which the people who won the war were the prosecutors, the judges and the alleged victims, all at the same time. The Nuremberg trials invented charges for the occasion. Taft condemned the trials as a violation of the most basic principles of American justice and internationally accepted standards of justice. (23-5907)

From the very outset, the Nuremberg Trials proceeded on the basis of gross statistical errors. In his speech of indictment on November 20th, 1945, Mr. Sidney Alderman declared that there had been 9,600,000 Jews living in German occupied Europe. Our earlier study has shown this figure to be wildly inaccurate ... Should anyone be misled into believing that the extermination of the Jews was "proved" at Nuremberg by "evidence", he should consider the nature of the Trials themselves, based as they were on a total disregard of sound legal principles of any kind. The accusers acted as prosecutors, judges and executioners; "guilt" was assumed from the outset. (Among the judges, of course, were the Russians, whose numberless crimes included the massacre of 15,000 Polish officers, a proportion of whose bodies were discovered by the Germans at Katyn Forest, near Smolensk. The Soviet Prosecutor attempted to blame this slaughter on the German defendants). At Nuremberg, ex post facto legislation was created, whereby men were tried for "crimes" which were only declared crimes after they had been allegedly committed. Hitherto it had been the most basic legal principle that a person could only be convicted for infringing a law that was in force at the time of the infringement. "Nulla Poena Sine Lege."

The exterminationists claimed there were 9 million Jews in Europe under German control during the war, said Weber, of whom 6 million were killed and 3 million survived. Weber believed that it was very hard to determine specific figures and that the exercise could only be speculative. In his book *The Final Solution*, Gerald Reitlinger conceded that it was very difficult to determine with much accuracy not only how many Jews died during the war but even how many Jews were in given areas during the war. In this regard, Reitlinger was much more frank than Hilberg. Reitlinger placed Jewish losses during the war at about 4.2 million. (23-5910)

With respect to Katyn, Weber pointed out that the Soviet prosecutor had gone so far as to call Katyn one of the worst crimes of the Second World War. (23-5911)

The Rules of Evidence, developed by British jurisprudence over the centuries in order to arrive at the truth of a charge with as much certainty as possible, were entirely disregarded at Nuremberg. It was decreed that "the Tribunal should not be bound by technical rules of evidence" but could admit "any evidence which it deemed to have probative value", that is, would support a conviction. In practise, this meant the admittance of hearsay evidence and documents, which in a normal judicial trial are always rejected as untrustworthy ... Most incredible of all, perhaps, was the fact that defence lawyers at Nuremberg were not permitted to cross examine prosecution witnesses ... The real background of the Nuremberg Trials was exposed by the American judge, Justice Wenersturm, President of one of Tribunals. He was so disgusted by the proceedings that he resigned his appointment and flew home to America, leaving behind a statement to the Chicago Tribune which enumerated point by point his objections to the Trials (cf. Mark Lautern, *Das Letzte Wort über Nürnberg*, p. 56). Points 3 -8 are as follows: 3. The members of the department of the Public Prosecutor, instead of trying to formulate and reach a new guiding legal principle, were moved only by personal ambition and revenge. 4. The prosecution did its utmost in every way possible to prevent the defence preparing its case and to make it impossible for it to furnish evidence. 5. The prosecution, led by General Taylor, did everything in its power to prevent the unanimous decision of the Military Court being carried out i.e. to ask Washington to furnish and make available to the court further documentary evidence in the possession of the American Government. 6. Ninety per cent of the Nuremberg Court consisted of biased persons who, either on political or racial grounds, furthered the prosecution's case. 7. The prosecution obviously knew how to fill all the administrative posts of the Military Court with "Americans" whose naturalisation certificates were very new indeed, and who, whether in the administrative service or by their translations etc., created an atmosphere hostile to the accused persons. 8. The real aim of the Nuremberg Trials was to show the Germans the crimes of their Führer, and this aim was at the same time the pretext on which the trials were ordered ... Had I known seven months earlier what was happening at Nuremberg, I would never have gone there.

Concerning Point 6, that ninety per cent of the Nuremberg Court consisted of people biased on racial or political grounds, this was a fact confirmed by others present. According to Earl Carrol, an American lawyer, sixty per cent of the staff of the Public Prosecutor's Office were German Jews who had left Germany after the promulgation of Hitler's Race Laws. He observed that not even ten per cent of the Americans employed at the Nuremberg courts were actually Americans by birth. The chief of the

Public Prosecutor's Office, who worked behind General Taylor, was Robert M. Kempner, a German-Jewish emigrant.

Rules of evidence were not entirely disregarded at Nuremberg, said Weber, but important rules of evidence were. Evidence was admitted that would not often be normally admissible in American or British courts. There was a right of appeal at Nuremberg to the Tribunal itself, but not to any body above the Tribunal. Weber did not know of any case where defence counsel could not cross-examine; however, there were affidavits filed at Nuremberg without the calling of the witness to support it. (23-5912, 5913)

What Harwood wrote about Judge Wennerstrum was essentially accurate, said Weber. Wennerstrum, who was a member of the State Supreme Court from Iowa, was an American judge at one of the secondary Nuremberg trials conducted by the Americans. He was disgusted by what he saw there according to his own statement which was published in the Chicago Tribune. Weber had consulted the Chicago Tribune and confirmed that the statements quoted by Harwood were in fact correct. Wennerstrum felt that the people at Nuremberg were biased on racial or political grounds and Weber shared that belief. Interrogators and interpreters were very often Jewish refugees from Germany and from Central Europe who had taken refuge in the United States before and during the war. Judge Wennerstrum was alarmed and unhappy by the fact that these people, who he felt were biased, were used so extensively by the Americans in prosecuting the Germans at Nuremberg. Weber believed that the figure of 60 percent of the staff being Jewish as stated by Harwood was approximately correct. (23-5915, 5916)

It was known that some of the evidence produced at Nuremberg was invalid evidence. Rudolf Höss, who was a primary witness at Nuremberg, was tortured; the defendant Streicher had been severely beaten and Oswald Pohl had also been tortured. (23-5919)

Weber returned to page 12 of the booklet:

The methods of intimidation described were repeated during trials at Frankfurt am-Mein and at Dachau, and large numbers of Germans were convicted for atrocities on the basis of their admissions. The American Judge Edward L. van Roden, one of the three members of the Simpson Army Commission which was subsequently appointed to investigate the methods of justice at the Dachau trials, revealed the methods by which these admissions were secured in the Washington Daily News, January 9th, 1949. His account also appeared in the British newspaper, the Sunday Pictorial, January 23rd, 1949. The methods he described were: "Posturing as priests to hear confessions and give absolution; torture with burning matches driven under the prisoners finger-nails; knocking out of teeth and breaking jaws; solitary confinement and near starvation rations." Van Roden explained: "The statements which were admitted as evidence were obtained from men who had first been kept in solitary confinement for three, four and five months ...The investigators would put a black hood over the accused's head and then punch him in the face with brass knuckles, kick him and beat him with rubber hoses ... All but two of the Germans, in the 139 cases we investigated, had been kicked in the testicles beyond repair. This was standard operating procedure with our American investigators."

The "American" investigators responsible (and who later functioned as the prosecution in the trials) were: Lt.-Col. Burton F. Ellis (chief of the War Crimes Committee) and his assistants, Capt. Raphael Shumacker, Lt. Robert E. Byrne, Lt. William R. Perl, Mr. Morris Elowitz, Mr. Harry Thon, and Mr. Kirschbaum. The legal adviser of the court was Col. A. H. Rosenfeld. The reader will immediately appreciate from their names that the majority of these people were "biased on racial grounds" in the words of Justice Wenersturm -- that is, were Jewish, and therefore should never have been involved in any such investigation.

Despite the fact that "confessions" pertaining to the extermination of the Jews were extracted under these conditions, Nuremberg statements are still regarded as conclusive evidence for the Six Million by writers like Reitlinger and others, and the illusion is maintained that the Trials were both impartial and impeccably fair.

Weber was familiar with the Simpson Army Commission and indicated that ultimately its findings were confirmed. The statements of van Roden quoted by Harwood had been reported in the American press at the time. Van Roden had also written a lengthy article in *The Progressive* magazine on his own initiative. (23-5921, 5922)

In Weber's opinion, it was obvious that some of the assistants and legal advisors in these investigations were Jewish. It lent substance to the statement by Justice Wennerstrum that the staffs were biased on racial grounds, that is, they were Jewish.

Weber believed that very few historians today would call the Nuremberg trials impeccably fair. Harwood was drawing a conclusion on Nuremberg based on the Malmédy trials; nevertheless, Weber felt it was not incorrect to say that what happened at Malmédy might be an indication of how Allied justice was imposed in Germany after the war. The United States conducted the Malmédy trials and most of the Nuremberg trials. (23-5924, 5925)

Weber turned to page 13 of the booklet:

These allegations have since been elaborated; it is now claimed that the murder of Soviet Jews by the Einsatzgruppen constituted Phase One in the plan to exterminate the Jews, Phase Two being the transportation of European Jews to Poland. Reitlinger admits that the original term "final solution" referred to emigration and had nothing to do with the liquidation of Jews, but he then claims that an extermination policy began at the time of the invasion of Russia in 1941. He considers Hitler's order of July 1941 for the liquidation of the Communist commissars, and he concludes that this was accompanied by a verbal order from Hitler for the Einsatzgruppen to liquidate all Soviet Jews (*Die Endlösung*, p. 91). If this assumption is based on anything at all, it is probably the worthless Wisliceny statement, which alleges that the Einsatzgruppen were soon receiving orders to extend their task of crushing Communists and partisans to a "general massacre" of Russian Jews.

It is very significant that, once again, it is a "verbal order" for exterminating Jews that is supposed to have accompanied Hitler's genuine, written order -- yet another nebulous and unprovable assumption on the part of Reitlinger. An earlier order from Hitler, dated March 1941 and signed by Field Marshal Keitel, makes it quite clear

what the real tasks of the future Einsatzgruppen would be. It states that in the Russian campaign, the Reichsführer S.S. (Himmler) is to be entrusted with "tasks for the preparation of the political administration, tasks which result from the struggle which has to be carried out between two opposing political systems" (Manvell and Frankl, *ibid.*, p. 115). This plainly refers to eliminating Communism, especially the political commissars whose specific task was Communist indoctrination.

In Weber's opinion, Harwood was correct in saying that it was claimed that the murder of Soviet Jews by the Einsatzgruppen constituted phase one in a plan to exterminate the Jews, phase two being the transportation of Jews to Poland. This was the view of Hilberg in *The Destruction of the European Jews*. (23-5934)

Harwood also correctly put forward Reitlinger's position. Weber himself did not agree that Reitlinger's conclusions were based on the Wisliceny statement, but indicated that this was the opinion of Harwood. Dieter Wisliceny, who had been an assistant to Eichmann, stated in the affidavit that 5 or 6 million Jews were killed according to Eichmann. The affidavit was very similar to Hoettl's affidavit and was introduced at Nuremberg as a prosecution exhibit. (23-5929, 5930 to 5935)

The Einsatzgruppen trial, said Weber, was one of the subsidiary Nuremberg trials conducted solely by the Americans. The personnel of the Einsatzgruppen were drawn from the Waffen SS, from the Reich Security Main Office (which was called the Gestapo) and the SD, which was also under the Reich Security Main Office. Their task was to ensure immediate security and order in territory captured by the Germans from the Soviets and before the establishment of German civil administration. In addition, they gathered extensive intelligence and made reports about conditions in the occupied Soviet areas. They were involved with Soviet commissars and anti-partisan activity although this was not their main activity. Weber explained that any Soviet military unit of any size had a political commissar. They were committed, fanatical Communists and had the power to give orders along with regular army units. (23-5931 to 5933)

The March 1941 order from Hitler to Keitel, said Weber, did not really deal with the Einsatzgruppen. While it did talk about the Einsatzgruppen, it was a very vague order that dealt with political administration and security. There were other orders which were much more explicit about the specific tasks of the Einsatzgruppen that the booklet did not refer to. From the revisionist point of view, Weber thought *Did Six Million Really Die?* was outdated and that a great deal more evidence was now available which made the case for revisionism much stronger. (23- 5936 to 5938)

The most revealing trial in the "Einsatzgruppen Case" at Nuremberg was that of S.S. General Otto Ohlendorf, the chief of the S.D. who commanded Einsatzgruppe D in the Ukraine, attached to Field Marshal von Manstein's Eleventh Army. During the last phase of the war he was employed as a foreign trade expert in the Ministry of Economics. Ohlendorf was one of those subjected to the torture described earlier, and in his affidavit of November 5th, 1945 he was "persuaded" to confess that 90,000 Jews had been killed under his command alone. Ohlendorf did not come to trial until 1948, long after the main Nuremberg Trial, and by that time he was insisting that his earlier statement had been extracted from him under torture. In his main speech before the Tribunal, Ohlendorf took the opportunity to denounce Philip Auerbach, the Jewish

attorney-general of the Bavarian State Office for Restitution, who at that time was claiming compensation for "eleven million Jews" who had suffered in German concentration camps. Ohlendorf dismissed this ridiculous claim, stating that "not the minutest part" of the people for whom Auerbach was demanding compensation had even seen a concentration camp. Ohlendorf lived long enough to see Auerbach convicted for embezzlement and fraud (forging documents purporting to show huge payments of compensation to non-existent people) before his own execution finally took place in 1951.

Weber testified that he had studied the trial of Ohlendorf a great deal but had seen no evidence that Ohlendorf was tortured. Ohlendorf signed an affidavit to cooperate with the Allies and was quite willing to do so until he himself was put on trial. Ohlendorf later repudiated parts of his affidavit, saying there was no programme to exterminate the Jews by his group. He maintained that the Jews were killed only for security reasons and that the figure of 90,000 Jews allegedly killed under his command was an exaggeration. (23-5938, 5939)

Ohlendorf was quite bitter about the enormous double standard which he felt was being applied to the Germans. In a final plea to the court, he contrasted his operations in the east with the mass fire bombings of German cities by the Allies and with the dropping of the atomic bombs on Japanese cities. He said that whatever he did was certainly no worse than those actions. (23- 5947)

Weber testified that Auerbach, who was Jewish and an important official in the Bavarian state, committed suicide after it was discovered that he had been involved in illegal activities to profit from his position. Weber's source for this information was Hilberg. (23-5940, 6113)

Weber turned to page 14 of the booklet:

The Soviet charge that the Action Groups had wantonly exterminated a million Jews during their operations has been shown subsequently to be a massive falsification. In fact, there had never been the slightest statistical basis for the figure...

The real number of casualties for which the Action Groups were responsible has since been revealed in the scholarly work Manstein, his Campaigns and his Trial (London, 1951), by the able English lawyer R. T. Paget. Ohlendorf had been under Manstein's nominal command. Paget's conclusion is that the Nuremberg Court, in accepting the figures of the Soviet prosecution, exaggerated the number of casualties by more than 1000 per cent and that they distorted even more the situations in which these casualties were inflicted. (These horrific distortions are the subject of six pages of William Shirer's *The Rise and Fall of the Third Reich*, pp. 1140-46). Here, then, is the legendary 6 million in miniature; not one million deaths, but one hundred thousand.

With respect to this passage in *Did Six Million Really Die?*, Weber testified that the first sentence was an opinion of Harwood which he himself would not have put so strongly. Weber did not agree that there was no statistical basis for the Einsatzgruppen figure; there were the Einsatzgruppen reports themselves, although they were not accurate. (23-5947, 5948)

Weber was familiar with the book *Manstein: His Campaigns and His Trial* by R.T. Paget, published in 1951. Manstein was accused of knowing about and co-operating with the Einsatzgruppen. Paget's investigation of one incident in the Crimea, where it was claimed that 10,000 Jews were executed by Ohlendorf's unit in one day, showed that no more than 300 persons had been shot, of whom a large percentage were not Jews. Paget concluded that the Einsatzgruppen reports were exaggerated in general by at least ten times. In Weber's opinion, the 6 million figure was exaggerated in much the same way that the Einsatzgruppen figures were exaggerated. (23-5950 to 5952)

The Manstein trial was held a few years after the Nuremberg proceedings and the whole atmosphere was much fairer than it was during the Nuremberg trials which were held at a time when the passions and hatreds of the war were much more alive. Quite a lot of sympathy developed in England for Manstein. The case attracted a great deal of attention and Winston Churchill himself contributed to Manstein's defence fund. (23-5952)

Weber was familiar also with the trial of Oswald Pohl. This was a very important trial having to do with Jewish policy during the war. Pohl was responsible for the administration of the concentration camps and was directly responsible to Himmler. Pohl denied the existence of an extermination programme. In his trial, Pohl was depicted as a horrible man but statements made by those who knew him personally portrayed a different picture of him as a man and parent. Nevertheless, Weber disagreed with Harwood's statement that the Pohl trial was "nothing less than the deliberate defamation of a man's character in order to support the propaganda legend of genocide against the Jews in the concentration camps he administered." Weber felt the statement was hyperbole and too categorical. The main issue at the Nuremberg proceedings, in Weber's opinion, was German responsibility for the war, not the fate of the Jews. The high German officials were put on trial in an effort by the Allies to discredit them and the entire regime they represented. The Jewish issue was not as overwhelming an issue at the Nuremberg trials as people today thought. (23-5954 to 5963)

Weber turned to page 15 of the booklet:

Spurious testimony at Nuremberg which included extravagant statements in support of the myth of the Six Million was invariably given by former German officers because of pressure, either severe torture as in the cases cited previously, or the assurance of leniency for themselves if they supplied the required statements. An example of the latter was the testimony of S.S. General Erich von dem Bach Zelewski. He was threatened with execution himself because of his suppression of the revolt by Polish partisans at Warsaw in August 1944, which he carried out with his S.S. brigade of White Russians. He was therefore prepared to be "co-operative". The evidence of Bach-Zelewski constituted the basis of the testimony against the Reichsführer of the S.S. Heinrich Himmler at the main Nuremberg Trial (Trial of the Major War Criminals, Vol. IV, pp, 29, 36). In March 1941, on the eve of the invasion of Russia, Himmler invited the Higher S.S. Leaders to his Castle at Wewelsburg for a conference, including Bach-Zelewski who was an expert on partisan warfare. In his Nuremberg evidence, he depicted Himmler speaking in grandiose terms at this conference about the liquidation of peoples in Eastern Europe, but Göring, in the courtroom, denounced Bach-Zelewski to his face for the falsity of this testimony. An

especially outrageous allegation concerned a supposed declaration by Himmler that one of the aims of the Russian campaign was to "decimate the Slav population by thirty millions." What Himmler really said is given by his Chief of Staff, Wolff -- that war in Russia was certain to result in millions of dead (Manvell and Frankl, *ibid.* p. 117)...

Much is made of Bach-Zelewski's evidence in all the books on Himmler, especially Willi Frischauer's *Himmler: Evil Genius of the Third Reich* (London, 1953, p. 148 ff). However, in April 1959, Bach-Zelewski publicly repudiated his Nuremberg testimony before a West German court. He admitted that his earlier statements had not the slightest foundation in fact, and that he had made them for the sake of expediency and his own survival. The German court, after careful deliberation, accepted his retraction...

The truth concerning Himmler is provided ironically by an anti-Nazi -- Felix Kersten, his physician and masseur. Because Kersten was opposed to the regime, he tends to support the legend that the internment of Jews meant their extermination. But from his close personal knowledge of Himmler he cannot help but tell the truth concerning him, and in his *Memoirs 1940-1945* (London, 1956, p. 119 ff.) he is emphatic in stating that Heinrich Himmler did not advocate liquidating the Jews but favoured their emigration overseas. Neither does Kersten implicate Hitler. However, the credibility of his anti-Nazi narrative is completely shattered when, in search of an alternative villain, he declares that Dr. Goebbels was the real advocate of "extermination". This nonsensical allegation is amply disproved by the fact that Goebbels was still concerned with the Madagascar project even after it had been temporarily shelved by the German Foreign Office, as we showed earlier.

So much for false evidence at Nuremberg. Reference has also been made to the thousands of fraudulent "written affidavits" which were accepted by the Nuremberg Court without any attempt to ascertain the authenticity of their contents or even their authorship. These hearsay documents, often of the most bizarre kind, were introduced as "evidence" so long as they bore the required signature. A typical prosecution affidavit contested by the defence in the Concentration Camp Trial of 1947 was that of Alois Hoellriegel, a member of the camp personnel at Mauthausen in Austria. This affidavit, which the defence proved was fabricated during Hoellriegel's torture, had already been used to secure the conviction of S.S. General Ernst Kaltenbrunner in 1946. It claimed that a mass gassing operation had taken place at Mauthausen and that Hoellriegel had witnessed Kaltenbrunner (the highest S.S. Leader in the Reich excepting Himmler) actually taking part in it.

By the time of the Concentration Camp Trial (Pohl's trial) a year later, it had become impossible to sustain this piece of nonsense when it was produced in court again. The defence not only demonstrated that the affidavit was falsified, but showed that all deaths at Mauthausen were systematically checked by the local police authorities. They were also entered on a camp register, and particular embarrassment was caused to the prosecution when the Mauthausen register, one of the few that survived, was produced in evidence. The defence also obtained numerous affidavits from former inmates of Mauthausen (a prison camp chiefly for criminals) testifying to humane and orderly conditions there.

At the Nuremberg trials, it was known that German witnesses were pressured and oftentimes they were threatened with the deportation of their families to the Soviets or a withdrawal of rations for both themselves and their families unless they co operated. Weber did not have concrete evidence, but believed that it was implicit in the behavior of some witnesses that they gave evidence in exchange for assurances of leniency. (23-5963, 5964)

Weber indicated that Bach-Zelewski was the head of the anti-partisan units of the SS which operated in Russia. At Nuremberg, he was very helpful to the prosecution and the defendants were very unhappy with the things he said. Bach-Zelewski testified to the effect that one of the aims of the Russian campaign was to decimate the Slav population by 30 million. This was completely false, said Weber. There was no evidence from anyone other than Bach-Zelewski for this allegation and it was not consistent with what was known of Himmler's policy. Weber himself, however, did not agree with Harwood's conclusion that Bach-Zelewski's evidence constituted the basis of the testimony against Himmler at Nuremberg. After Bach-Zelewski came down from the witness stand, Göring called him a Schweinehund. (23-5964 to 5968)

Harwood's source for the statement that Bach-Zelewski publicly repudiated his Nuremberg testimony in 1959 was a booklet by David Hoggan entitled The Myth of the Six Million. Weber had searched very hard for evidence of this statement but had been unable to find any. Bach-Zelewski's testimony was still taken at face value and continued to be widely quoted. (23- 5969 to 5971)

In Weber's opinion, what Harwood wrote about Felix Kersten, a physician and masseur who became close to Himmler during the war, was true. Kersten's memoirs were useful and interesting but had to be evaluated on the basis of other evidence. Weber also agreed with Harwood's conclusions regarding Kersten's writings with respect to Goebbels. Goebbels had no authority to order or carry out or be involved in any extermination programme even if he had wanted to, said Weber. He was the propaganda minister and the Gauleiter for Berlin, but he had no authority over Jews. (23-5972 to 5974)

Weber testified that affidavits were accepted as evidence at Nuremberg without their authors being called as witnesses. It was objected to on some occasions, but the judges overruled the objections. Hearsay documents were also introduced into evidence. (23-5980, 5981)

What was written by Harwood about Alois Hoellriegel was essentially accurate, said Weber. His affidavit, which had been an important piece of evidence used in indicting Kaltenbrunner, was subsequently found to be false. No historian today believed that Kaltenbrunner took part in a gassing at Mauthausen. In fact, the story that people were even gassed at Mauthausen was crumbling. There were documents which showed there were no gassings whatsoever at Mauthausen and the exterminationists no longer considered the camp an extermination centre. The emphasis had now shifted to other camps. (23-5981)

In 1960, Martin Broszat, the head of the Institute for Contemporary History at Munich, publicly stated that there were no gassings in concentration camps inside Germany proper, including Dachau and Buchenwald. This was startling, said Weber,

because it had been claimed at Nuremberg that people were gassed at camps in Germany proper. Broszat gave no reason for making this claim but it was accepted because he was a very prominent historian and generally considered reputable. Recently, however, a document signed by an officer named Müller had come to light through his assistant, a Mr. Emil Lachout. This document was from the Military Police in Vienna, which was under the authority of the Allied occupation forces after the war. The document showed that the Allied governments carried out investigations of the gassing allegations at camps in Germany proper and in Austria, including Dachau, Buchenwald and Mauthausen, and found that there were no gassings at any of these camps. The "evidence" for such gassings had been based on two things: firstly, the false statements of former inmates, made to ingratiate themselves with the Allies; and secondly, the torture of former SS guards. The document went on to say that anyone who persisted in making claims about gassings at these camps was to be indicted, after warning, for making false statements. In Weber's opinion, this document lent substance to the statements by other historians that there were no gassings at the camps in Germany proper. When Lachout made the document public he was bitterly denounced by certain groups in Vienna for releasing it, although the document itself had not been called into question. (23-5983 to 5985)

Weber noted that it was conceded that gassings never took place in concentration camps for which the most information was available (such as the camps' death registers) even though gassing claims had been made at Nuremberg regarding these same camps. The Auschwitz death registers were not available,² unlike those for Mauthausen and Buchenwald, which were partially available. (23-5985)

Weber turned to page 16 of the booklet:

It should be emphasised that throughout the Nuremberg proceedings, the German leaders on trial never believed for a moment the allegations of the Allied prosecution. Hermann Göring, who was exposed to the full brunt of the Nuremberg atrocity propaganda, failed to be convinced by it. Hans Fritzsche, on trial as the highest functionary of Goebbels' Ministry, relates that Göring, even after hearing the Ohlendorf affidavit on the Einsatzgruppen and the Höss testimony on Auschwitz, remained convinced that the extermination of Jews was entirely propaganda fiction (The Sword in the Scales, London, 1953, p. 145). At one point during the trial, Göring declared rather cogently that the first time he had heard of it "was right here in Nuremberg" (Shirer, *ibid.* p. 1147). The Jewish writers Poliakov, Reitlinger and Manvell and Frankl all attempt to implicate Göring in this supposed extermination, but Charles Bewley in his work Hermann Göring (Goettingen, 1956) shows that not the slightest evidence was found at Nuremberg to substantiate this charge.

Hans Fritzsche pondered on the whole question during the trials, and he concluded that there had certainly been no thorough investigation of these monstrous charges. Fritzsche, who was acquitted, was an associate of Goebbels and a skilled propagandist. He recognised that the alleged massacre of the Jews was the main point of the indictment against all defendants. Kaltenbrunner, who succeeded Heydrich as chief of the Reich Security Head Office and was the main defendant for the S.S. due to the death of Himmler, was no more convinced of the genocide charges than was Göring. He confided to Fritzsche that the prosecution was scoring apparent successes

because of their technique of coercing witnesses and suppressing evidence, which was precisely the accusation of Judges Wenersturm and van Roden.

Weber testified that at the main Nuremberg trial, some of the most damning testimony presented for the extermination story was that of Rudolf Höss (now known to be obtained by torture) and the statement of Otto Ohlendorf (which he later repudiated and was now acknowledged by historians to be inaccurate). Another piece of damning evidence was the film *Nazi Concentration Camps* which the Allied governments had produced. Göring was openly skeptical about this film, said Weber, but he was very emphatic in stating in the trial that he had no knowledge whatsoever of any extermination programme and that if there had been such a programme he certainly would have known about it. (23-5986, 5987)

In his memoirs, *The Sword in the Scales*, Hans Fritzsche, who was a defendant at Nuremberg but was acquitted, related that he spoke privately to Hermann Göring during a recess in the trial and asked what the truth about the Jews was. Göring had replied, 'I swear to you, there can't be any extermination programme. If there was, I would have known about it. It can't be true.' Göring then went on to call into question the kind of evidence that had been presented at Nuremberg to substantiate the story. Weber agreed with Harwood that the exterminationists had tried to implicate Göring in the extermination. This was now changing, however, as the extermination story itself changed. Less and less was being said about Göring's supposed involvement. (23-5987, 5991) A number of the defendants at Nuremberg, said Weber, were astounded by the evidence that was presented and some of them took the view that 'Well, maybe it's true, and I didn't know about it.' (23-5989)

There was relative reward and punishment for the way defendants responded at Nuremberg. Weber contrasted the cases of Albert Speer and Rudolf Hess. Speer was the head of the Armaments Ministry and was responsible for keeping Germany's war machine going to the end. He was given a 20-year sentence and upon release wrote several best-selling books. He received royalties and was highly regarded because he denounced the Hitler regime while contending that he himself had done nothing wrong except participate in it. In contrast, Rudolf Hess, who was Hitler's deputy and who risked his life for peace by flying to Britain in 1941, evading British spitfire airplanes in the process, was given a life sentence. Hess had nothing to do with the planning or operation of the war or certainly the atrocities committed during the war. But at Nuremberg, Hess had refused to plead that he was working for a bad regime and instead was absolutely defiant in his expressions of loyalty to Hitler and to National Socialism. (23-5989, 5988)

Fritzsche said that the alleged extermination of the Jews was the most damning part of the indictment made by the Allies against the Germans. He felt that although the charge that Germany started the war was important, the most incriminating thing was the charge that the Germans exterminated the Jews, or tried to. (23-5992)

The concentration camp at Auschwitz near Cracow in Poland has remained at the centre of the alleged extermination of millions of Jews. Later we shall see how, when it was discovered by honest observers in the British and American zones after the war that no "gas chambers" existed in the German camps such as Dachau and Bergen-Belsen, attention was shifted to the eastern camps, particularly Auschwitz. Ovens

definitely existed here, it was claimed. Unfortunately, the eastern camps were in the Russian zone of occupation, so that no one could verify whether these allegations were true or not. The Russians refused to allow anyone to see Auschwitz until about ten years after the war, by which time they were able to alter its appearance and give some plausibility to the claim that millions of people had been exterminated there...

The truth about Auschwitz is that it was the largest and most important industrial concentration camp, producing all kinds of material for the war industry. The camp consisted of synthetic coal and rubber plants built by I. G. Farben Industrie, for whom the prisoners supplied labour. Auschwitz also comprised an agricultural research station, with laboratories, plant nurseries and facilities for stock breeding, as well as Krupps armament works...

It was nevertheless at this single camp that about half of the six million Jews were supposed to have been exterminated, indeed, some writers claim 4 or even 5 million. Four million was the sensational figure announced by the Soviet Government after the Communists had "investigated" the camp, at the same time as they were attempting to blame the Katyn massacre on the Germans...

However, no living, authentic eye-witness of these "gassings" has ever been produced and validated...

The exterminations at Auschwitz are alleged to have occurred between March 1942 and October 1944; the figure of half of six million, therefore, would mean the extermination and disposal of about 94,000 people per month for thirty two months -- approximately 3,350 people every day, day and night, for over two and a half years. This kind of thing is so ludicrous that it scarcely needs refuting. And yet Reitlinger claims quite seriously that Auschwitz could dispose of no less than 6,000 people a day.

Although Reitlinger's 6,000 a day would mean a total by October 1944 of over 5 million, all such estimates pale before the wild fantasies of Olga Lengyel in her book *Five Chimneys* (London, 1959). Claiming to be a former inmate of Auschwitz, she asserts that the camp cremated no less than "720 per hour, or 17,280 corpses per twenty-four hour shift." She also alleges that, in addition, 8,000 people were burned every day in the "death-pits", and that therefore "In round numbers, about 24,000 corpses were handled every day" (p. 80- 1). This, of course, would mean a yearly rate of over 8-1/2 million. Thus between March 1942 and October 1944 Auschwitz would finally have disposed of over 21 million people, six million more than the entire world Jewish population. Comment is superfluous.

Although several millions were supposed to have died at Auschwitz alone, Reitlinger has to admit that only 363,000 inmates were registered at the camp for the whole of the period between January 1940 and February 1945 (*The S.S. Alibi of a Nation*, p. 268 ff), and by no means all of them were Jews. It is frequently claimed that many prisoners were never registered, but no one has offered any proof of this. Even if there were as many unregistered as there were registered, it would mean only a total of 750,000 prisoners -- hardly enough for the elimination of 3 or 4 million. Moreover, large numbers of the camp population were released or transported elsewhere during

the war, and at the end 80,000 were evacuated westward in January 1945 before the Russian advance.

At Nuremberg, said Weber, it was alleged that 4 million people were killed at Auschwitz, a camp which was an extremely important part of the extermination story. In recent years, however, there had been more and more of a shift away from Auschwitz towards the camps of Treblinka, Sobibor, Belzec and Chelmno. No physical trace remained of these camps. Weber believed this shift was happening because, as more evidence came to light, it was harder and harder to sustain the extermination story as it related to Auschwitz and Majdanek. Some of the most dramatic pieces of such evidence were the aerial photographs of Auschwitz released by the CIA in 1979. (23-5994, 5995)

At Nuremberg, the Allies claimed gassings at Dachau, Buchenwald, Ravensbrück and Oranienburg. There had been allegations of gassings at Bergen-Belsen from time to time although not at Nuremberg. (23-5996)

It was true that the eastern camps such as Auschwitz, which were in the Soviet zone of occupation, could not be investigated. The Soviets took control of Auschwitz and would not allow the Western Allies to investigate for themselves until sometime later. In the immediate post-war period, Auschwitz was kept sealed from Allied investigators. The visit to Majdanek by newspaper reporters, said Weber, was a guided tour by the Soviets. It wasn't an investigation by any specialized person. (23-5997, 5998)

Weber pointed out that the Auschwitz camp complex produced synthetic gasoline from coal and used prisoners for labour. Their primary purpose, beginning in 1942, was the production of war materials. Himmler's main interest in the camps, as stated by Harwood, was to assess their importance for the industrial war effort. (23 5998 to 6001) Weber agreed with Harwood's conclusion that the use of the camps as major production centres did not accord with a policy of exterminating millions of prisoners. One reason was simply that it would be hard to keep secret the extermination of millions of people in a place which was a large industrial centre where thousands of people were coming and going every month from the rest of Europe. (23-6002, 6003)

Contrary to what Harwood claimed, there had been a number of people who had come forward over the years saying they had witnessed gassings, said Weber. Examples were witnesses at the trial of John Demjanjuk and the former Birkenau inmate, Filip Müller. A person who believed their testimony would say they were evidence for gassings. Weber did not believe their testimony for a number of reasons. Firstly, it was not consistent with other evidence; secondly, people claimed to have witnessed gassings at camps where it was now conceded that gassings never took place; thirdly, there was supposedly equally valid testimony that people were killed not by gassing but by steaming people to death or killing them with electricity or by suffocation. Weber pointed out that survivor testimony was notoriously unreliable and had to be looked at very critically. (23-6005)

One of the most important reasons for doubting the Auschwitz story was that it was impossible to cremate the numbers of victims alleged. Raul Hilberg claimed that 1 million Jews were killed at Auschwitz. The cremation of even this number of bodies,

rather than the higher figures put forward by others, involved a cremation activity which the facilities at Auschwitz were not capable of in the time alleged. There were four crematories in Birkenau and one crematory at Auschwitz I. Weber pointed out that corpses could not be cremated in just a few seconds or minutes. Using very modern equipment today, it took an hour or two hours to cremate a corpse. With the technology of the Second World War, it took about three hours to cremate a corpse. Yet figures were given in the literature which claimed that from 6,000 to 24,000 bodies a day were being gassed and cremated at Birkenau in 1944. (23-6008, 6011)

Weber agreed with Harwood that it was normally claimed that Jews were gassed immediately upon arrival at the camp and were never registered. Whether the evidence put forward to substantiate this allegation actually proved it, said Weber, was for the historians and the public to evaluate on their own. (23-6012)

Weber also agreed with Harwood's statement that large numbers of the camp population were released or transported elsewhere during the war. This was known from published sources and elsewhere. In Weber's opinion, it was inconsistent with the alleged extermination story. In fact, in one "survivor" story published in a book entitled *Voices from the Holocaust* a Jewish woman who was at Birkenau said she only heard about gas chambers after the war, even though she was there. She found that rather astonishing.³ (23-6013)

As the Soviets approached Auschwitz in January of 1945, said Weber, the camp administration evacuated all the prisoners who were able to move. Many of the prisoners died in the evacuation which was made by train and on foot in the middle of winter. The prisoners who could not walk, sick prisoners, the elderly and children, were left in Auschwitz and were there when the Russians arrived. After the capture of the camp, the Russians took photographs and motion pictures of the inmates who were still there. In Weber's opinion, if the German purpose was to exterminate the Jews, it was unlikely they would have allowed thousands of Jews who had supposedly witnessed this monstrous extermination to be taken alive by the Soviets. (23- 6014, 6015)

Weber turned to page 18 of the booklet dealing with the Warsaw ghetto:

The case of the Warsaw Ghetto is an instructive insight into the creation of the extermination legend itself. Indeed, its evacuation by the Germans in 1943 is often referred to as the "extermination of the Polish Jews" although it was nothing of the kind, and layers of mythology have tended to surround it after the publication of sensational novels like John Hersey's *The Wall* and Leon Uris' *Exodus*... [Of] the million or so Jews in Poland, almost half, about 400,000 were eventually concentrated in the ghetto of Warsaw, an area of about two and a half square miles around the old mediaeval ghetto. The remainder had already been moved to the Polish Government-General by September 1940. In the summer of 1942, Himmler ordered the resettlement of all Polish Jews in detention camps in order to obtain their labour, part of the system of general concentration for labour assignment in the Government-General. Thus between July and October 1942, over three quarters of the Warsaw Ghetto's inhabitants were peacefully evacuated and transported, supervised by the Jewish police themselves. As we have seen, transportation to camps is alleged to have ended in "extermination", but there is absolutely no doubt from the evidence available

that it involved only the effective procurement of labour and the prevention of unrest. In the first place, Himmler discovered on a surprise visit to Warsaw in January 1943 that 24,000 Jews registered as armaments workers were in fact working illegally as tailors and furriers (Manvell and Frankl, *ibid*, p. 140); the Ghetto was also being used as a base for subversive forays into the main area of Warsaw.

After six months of peaceful evacuation, when only about 60,000 Jews remained in the residential ghetto, the Germans met with an armed rebellion on 18th January, 1943. Manvell and Frankl admit that "The Jews involved in planned resistance had for a long time been engaged in smuggling arms from the outside world, and combat groups fired on and killed S.S. men and militia in charge of a column of deportees." The terrorists in the Ghetto uprising were also assisted by the Polish Home Army and the PPR -- Polska Partia Robotnicza, the Communist Polish Workers Party. It was under these circumstances of a revolt aided by partisans and communists that the occupying forces, as any army would in a similar situation, moved in to suppress the terrorists, if necessary by destroying the residential area itself. It should be remembered that the whole process of evacuation would have continued peacefully had not extremists among the inhabitants planned an armed rebellion which in the end was bound to fail. When S.S. Lieutenant-General Stroop entered the Ghetto with armoured cars on 19th April, he immediately came under fire and lost twelve men; German and Polish casualties in the battle, which lasted four weeks, totalled 101 men killed and wounded. Stubborn resistance by the Jewish Combat Organisation in the face of impossible odds led to an estimated 12,000 Jewish casualties, the majority by remaining in burning buildings and dug outs. A total, however, of 56,065 inhabitants were captured and peacefully resettled in the area of the Government-General. Many Jews within the Ghetto had resented the terror imposed on them by the Combat Organisation, and had attempted to inform on their headquarters to the German authorities.

SUDDEN SURVIVORS

The circumstances surrounding the Warsaw Ghetto revolt, as well as the deportations to eastern labour camps such as Auschwitz, has led to the most colourful tales concerning the fate of Polish Jews, the largest bloc of Jewry in Europe. The Jewish Joint Distribution Committee, in figures prepared by them for the Nuremberg Trials, stated that in 1945 there were only 80,000 Jews remaining in Poland. They also alleged that there were no Polish-Jewish displaced persons left in Germany or Austria, a claim that was at some variance with the number of Polish Jews arrested by the British and Americans for black market activities. However, the new Communist regime in Poland was unable to prevent a major anti-Jewish pogrom at Kielce on July 4th, 1946 and more than 150,000 Polish Jews suddenly fled into Western Germany. Their appearance was somewhat embarrassing, and their emigration to Palestine and the United States was carried out in record time. Subsequently, the number of Polish Jewish survivors underwent considerable revision; in the American-Jewish Year Book 1948-1949 it was placed at 390,000, quite an advance on the original 80,000. We may expect further revisions upwards in the future.

When the Germans first occupied Poland, ghettos were not immediately set up. The Jewish quarter of Warsaw was first sealed off by the Germans in order to prevent the spread of disease. It was later decided to turn the closed-off area into a permanent

ghetto. The internal administration of the ghettos was in the hands of Jewish Councils and they were policed by a Jewish police force, although both agencies were under the overall authority of the Germans. In some ghettos, special currency notes were introduced. The ghettos were not an organization for the destruction of a race. (23-6018, 6019)

The ghettos were often overcrowded and a good number of Jews starved in them. The Germans were concerned about starvation in the Warsaw ghetto but records indicated that protests by German authorities to higher officials about the insufficient amount of food were never properly resolved. Weber noted that there was a great divergence in the population of the Warsaw ghetto itself regarding food. While some Jews in the ghetto were poor and starving, very well-off Jews with businesses in the ghetto were spending enormous amounts of money in restaurants. This could be seen from the diary of Emmanuel Ringelblum who wrote about the conditions in the Warsaw ghetto. He complained in his diary that at the same time some people were dying, others were living very ostentatiously. (23-6020, 6021)

Weber did not believe that the number of Jews under German control could be known exactly since it was not known how many fled into the Soviet Union. He agreed with Harwood, however, that there was an order by Himmler to resettle all Polish Jews in concentration camps in order to obtain their labour. Himmler was very upset when he found that Jews in the Warsaw ghetto were working on things that he felt they shouldn't be working on. (23-6024 to 6027)

Weber did not know if Harwood's adjective "peaceful" was accurate in describing the evacuation of the Warsaw ghetto from July to October, 1942, but it was true that a very high percentage of Jews were transported from the ghetto during that period of time and the deportation was supervised by the Jewish police. Historians today alleged that the Jews transported from the Warsaw ghetto were sent to Treblinka where they were killed. Weber was not sure where these Jews went or what happened to them. In his opinion, the record about this subject was still unclear. (23-6025, 6026)

There was a well-organized Jewish underground in the Warsaw ghetto which had prepared for the uprising. The Jewish administration of the ghetto had asked for and received building supplies from the German authorities to build bomb shelters in the ghetto. These were used instead to make bunkers in preparation for the uprising in April of 1943. (23-6017) There had been a dispute among Jewish and Polish historians about how much help the uprising received from the outside. Generally, Polish historians tried to emphasize that they did help during the uprising and Jewish historians insisted that they didn't. In Weber's opinion, whatever help was given by the Polish Home Army was minimal and the Communist Party was not a significant factor in the uprising. The Jewish Military Organization (or Jewish Combat Organization) which organized the uprising was made up primarily of Zionists, socialists and leftists. Weber felt that Harwood's statement that the uprising was aided by partisans and Communists was inaccurate, but indicated that what he was really saying was that, faced with any similar circumstances during a war, a government would put down such an uprising ruthlessly. In history that was what generally happened. (23-6028 to 6030)

Weber agreed with Harwood's statement that many Jews in the ghetto resented the terror imposed on them by the Combat Organization. This organization in fact shot a number of Jews within the ghetto whom they accused of collaborating with the Germans. The uprising was preceded, by several months, with precisely those kinds of actions against Jews in the ghetto who were considered traitors. The Jewish Combat Organization would put up posters saying that so- and-so had been shot and that others would be shot if they continued to co-operate with the Germans. (23 6033, 6034)

After the war there were pogroms against the Jews in Soviet-occupied Poland, the most famous of which was at Kielce on July 4, 1946. These pogroms convinced many Jews who were still in Poland to leave. Weber did not know the exact figure, but indicated that large numbers of Polish Jews left Poland and went by way of Germany and Italy to other countries, including Israel and the United States. The British government, in a report by a House of Commons inquiry in 1946, said that there were so many Jews coming out of Eastern Europe that it was amounting to a second Jewish exodus. (23-6035, 6036)

Weber turned to page 19 and 20 of the booklet:

The most influential agency in the propagation of the extermination legend has been the paper- back book and magazine industry, and it is through their sensational publications, produced for commercial gain, that the average person is made acquainted with a myth of an entirely political character and purpose. The hey-day of these hate-Germany books was in the 1950's, when virulent Germanophobia found a ready market, but the industry continues to flourish and is experiencing another boom today. The industry's products consist generally of so-called "memoirs", and these fall into two basic categories: those which are supposedly by former S.S. men, camp commandants and the like, and those bloodcurdling reminiscences allegedly by former concentration camp inmates.

COMMUNIST ORIGINS

Of the first kind, the most outstanding example is Commandant of Auschwitz by Rudolf Höss (London, 1960), which was originally published in the Polish language as Wspomnienia by the Communist Government. Höss, a young man who took over at Auschwitz in 1940, was first arrested by the British and detained at Flensburg, but he was soon handed over to the Polish Communist authorities who condemned him to death in 1947 and executed him almost immediately. The so called Höss memoirs are undoubtedly a forgery produced under Communist auspices, as we shall demonstrate, though the Communists themselves claim that Höss was "ordered to write the story of his life" and a hand-written original supposedly exists, but no one has ever seen it. Höss was subjected to torture and brain-washing techniques by the Communists during the period of his arrest, and his testimony at Nuremberg was delivered in a mindless monotone as he stared blankly into space. Even Reitlinger rejects this testimony as hopelessly untrustworthy. It is indeed remarkable how much of the "evidence" regarding the Six Million stems from Communist sources; this includes the major documents such as the Wisliceny statement and the Höss "memoirs", which are undoubtedly the two most quoted items in extermination literature, as well as all the information on the so-called "death camps" such as Auschwitz. This information

comes from the Jewish Historical Commission of Poland; the Central Commission for the Investigation of War Crimes, Warsaw; and the Russian State War Crimes Commission, Moscow.

Reitlinger acknowledges that the Höss testimony at Nuremberg was a catalogue of wild exaggerations, such as that Auschwitz was disposing of 16,000 people a day, which would mean a total at the end of the war of over 13 million. Instead of exposing such estimates for the Soviet-inspired frauds they obviously are, Reitlinger and others prefer to think that such ridiculous exaggerations were due to "pride" in doing a professional job. Ironically, this is completely irreconcilable with the supposedly authentic Höss memoirs, which make a clever attempt at plausibility by suggesting the opposite picture of distaste for the job. Höss is supposed to have "confessed" to a total of 3 million people exterminated at Auschwitz, though at his own trial in Warsaw the prosecution reduced the number to 1,135,000. However, we have already noted that the Soviet Government announced an official figure of 4 million after their "investigation" of the camp in 1945. This kind of casual juggling with millions of people does not appear to worry the writers of extermination literature.

A review of the Höss "memoirs" in all their horrid detail would be tedious. We may confine ourselves to those aspects of the extermination legend which are designed with the obvious purpose of forestalling any proof of its falsity. Such, for example, is the manner in which the alleged extermination of Jews is described. This was supposed to have been carried out by a "special detachment" of Jewish prisoners. They took charge of the newly arrived contingents at the camp, led them into the enormous "gas-chambers" and disposed of the bodies afterwards. The S.S., therefore, did very little, so that most of the S.S. personnel at the camp could be left in complete ignorance of the "extermination programme". Of course, no Jew would ever be found who claimed to have been a member of this gruesome "special detachment", so that the whole issue is left conveniently unprovable. It is worth repeating that no living, authentic eye-witness of these events has ever been produced.

Conclusive evidence that the Höss memoirs are a forgery lies in an incredible slip by the Communist editors. Höss is supposed to say that the Jehovah's Witnesses at Auschwitz approved of murdering the Jews because the Jews were the enemies of Christ. It is well known that in Soviet Russia today and in all her satellite countries of eastern Europe, the Communists conduct a bitter campaign of suppression against the Jehovah's Witnesses, whom they regard as the religious sect most dangerous to Communist beliefs. That this sect is deliberately and grossly defamed in the Höss memoirs proves the document's Communist origins beyond any doubt.

Weber testified that a major and often-quoted source on the Holocaust issue was the memoir of Rudolf Höss, former commandant of Auschwitz. Weber believed there was evidence to support the allegation that it was a forgery, but thought Harwood's opinion that it was "undoubtedly a forgery" was too sweeping. It was true, however, that the handwritten original had not been made available for inspection by western historians. (23-6038, 6039)

Höss was tortured by the British Military Police, as testified to by one of the British officers who carried out the torture. After Höss testified at Nuremberg, he was turned over to the Communist Polish authorities and kept in jail. He was then tried and

executed at Auschwitz. Weber did not know if any torture of Höss took place while he was in Communist custody. (23- 6039, 6040)

Weber believed that the most important evidence of Höss was produced at Nuremberg before he was turned over to the Communists; Harwood's statement that the Höss memoir was one of the two most quoted items in extermination literature was therefore inaccurate. Nor did Weber agree that the Höss memoirs and the Wisliceny statement were the most quoted items. (23-6040, 6041)

Weber agreed with Harwood that the kind of casual juggling that went on with the numbers of alleged victims did not appear to worry the exterminationists. The figure of 4 million dead at Auschwitz was the figure which the Polish government still used today although serious historians no longer accepted it. The Auschwitz death figures cited by historians varied from 1 million to 4 million. It showed the kind of casual use of statistics which, in other circumstances, would be hard to believe. (23-6043, 6044)

Harwood was wrong, said Weber, in saying that no Jew could ever be found who claimed to have been a member of the gruesome special detachment that conducted the gassings. One such Jew was Filip Müller. It was Harwood's opinion, however, whether or not these eyewitnesses were authentic. (23-6044, 6045)

Harwood's statements about the Jehovah's Witnesses were opinion, said Weber. The Jehovah's Witnesses believed no one should give allegiance to government and that military service should be refused. (23-6047, 6048)

Other alleged "memoirs" were those of Adolf Eichmann, who was kidnapped from Argentina by an Israeli commando and taken to Israel where he was tried under enormous international publicity. The alleged memoirs of Eichmann, published in Life magazine shortly after he was taken to Israel, were supposed to have been given by Eichmann to a journalist named Sassen in Argentina shortly before his capture. Weber had looked at the book referred to by Harwood entitled Eichmann: The Savage Truth and agreed with Harwood's assessment that it was full of nonsensical stories. (23-6050 to 6053)

Weber turned to page 20 of the booklet:

The latest reminiscences to appear in print are those of Franz Stangl, the former commandant of the camp at Treblinka in Poland who was sentenced to life imprisonment in December 1970. These were published in an article by the London Daily Telegraph Magazine, October 8th, 1971, and were supposed to derive from a series of interviews with Stangl in prison. He died a few days after the interviews were concluded. These alleged reminiscences are certainly the goriest and most bizarre yet published, though one is grateful for a few admissions by the writer of the article, such as that "the evidence presented in the course of his trial did not prove Stangl himself to have committed specific acts of murder" and that the account of Stangl's beginnings in Poland "was in part fabrication."

A typical example of this fabrication was the description of Stangl's first visit to Treblinka. As he drew into the railway station there, he is supposed to have seen "thousands of bodies" just strewn around next to the tracks, 'hundreds, no, thousands

of bodies everywhere, putrefying, decomposing". And "in the station was a train full of Jews, some dead, some still alive ... it looked as if it had been there for days." The account reaches the heights of absurdity when Stangl is alleged to have got out of his car and "stepped kneedeep into money: I didn't know which way to turn, which way to go. I waded in papernotes, currency, precious stones, jewellery and clothes. They were everywhere, strewn all over the square." The scene is completed by "whores from Warsaw weaving drunk, dancing, singing, playing music", who were on the other side of the barbed wire fences. To literally believe this account of sinking "kneedeep" in Jewish bank- notes and precious stones amid thousands of putrefying corpses and lurching, singing prostitutes would require the most phenomenal degree of gullibility, and in any circumstances other than the Six Million legend it would be dismissed as the most outrageous nonsense.

The statement which certainly robs the Stangl memoirs of any vestige of authenticity is his alleged reply when asked why he thought the Jews were being exterminated: "They wanted the Jews' money," is the answer. "That racial business was just secondary." The series of interviews are supposed to have ended on a highly dubious note indeed. When asked whether he thought there had been "any conceivable sense in this horror," the former Nazi commandant supposedly replied with enthusiasm: "Yes, I am sure there was. Perhaps the Jews were meant to have this enormous jolt to pull them together; to create a people; to identify themselves with each other." One could scarcely imagine a more perfect answer had it been invented.

Weber testified that Franz Stangl was the former commandant of Treblinka who was serving a life sentence in West Germany. Harwood correctly quoted from a 1971 Daily Telegraph Magazine article which was supposed to derive from a series of interviews with Stangl in prison. Treblinka was usually presented as a secret extermination centre but in fact Treblinka was not a secret camp. Its existence was announced in an official bulletin of the German government in Poland in 1941 and there were internal German documents relating to the camp which confirmed that it was a labour camp. The exterminationists sometimes conceded there was a publicly known labour camp at Treblinka, but they alleged there was another Treblinka camp nearby which was the alleged extermination camp. (23-6053, 6054, 6058 to 6070)

The stories about this camp were very inconsistent with each other, said Weber. For example, at the Nuremberg trial the U.S. prosecution team introduced 3311-PS, a document which alleged that Jews were steamed to death at Treblinka. Today, the allegation was that the Jews were gassed to death using carbon monoxide. 3311-PS was therefore hardly ever referred to today because it was inconsistent with the Holocaust story as it was now presented. A further example of the contradictions was the testimony of a Jew named Samuel Rajzman, who testified before a U.S. Congressional committee in 1946 that Jews were killed in Treblinka, not by gassing or steaming, but by suffocating them to death. After the war, a Jewish Black Book Committee compiled and published a lengthy book entitled The Black Book which stated that 3 million Jews were killed at Treblinka by poison gas, by steaming, but most often, by pumping all the air from the chambers with large special pumps. At the trial of Oswald Pohl, the American judge Michael Musmanno stated that death was inflicted at Treblinka by gas, steam and electric current.⁴ In Weber's opinion, these conflicting stories were typical of many of the stories in the Holocaust extermination story. They were fantastic, incredible, self-contradictory. Most were not known today

because they were inconsistent with the story as it was now presented. Like Harwood, Weber did not believe the stories which Stangl allegedly gave in the Daily Telegraph Magazine article. (23-6054 to 23-6070)

Weber testified that Harwood made an error with respect to The Diary of Anne Frank. Harwood wrote that the diary was really written by the writer, Meyer Levin, and that Levin sued Otto Frank (Anne Frank's father), for \$50,000.00 because he wasn't paid his fee. In reality, Meyer Levin was the writer of the screenplay of a motion picture made from the Anne Frank diary and the case discussed by Harwood did not have anything to do with the diary itself. Harwood relied upon secondary sources, however, so the errors were the errors of the sources he had quoted. (23- 6071)

There were reasons to call the Anne Frank diary into question, said Weber. There were important discrepancies between different language versions of the diary; entries which were contained in the German language version did not appear in the English language version and vice versa. Passages had been rewritten and reordered in each edition of the diary.

Some of the criticisms of the diary were based upon two West German court cases. In the first case, the court found that the entire diary was written in the same handwriting. Some years later, the West German Federal Criminal Office found that portions of the diary were written in ball-point pen ink, which was not available during the Second World War. This led to allegations that the diary or at least portions of it were not authentic. Since that time, the Anne Frank Centre in Amsterdam had claimed that the portions written in ball-point pen ink were only minor portions inserted by someone else, but that the diary was essentially authentic. Recently, the Anne Frank Centre had published what it called the "definitive" edition of the diary in an effort to put an end to the criticisms about its authenticity. (23-6074)

Before he died, Otto Frank admitted that he allowed a writer in Holland to edit the diary and rewrite portions of it; he admitted that he had submitted the diary to a review by a friend to eliminate passages that were considered offensive for various reasons. Otto Frank also admitted that a number of names in the diary were pseudonyms. Thus, the diary that was available for sale was not quite what it purported to be. It was an edited, revised, gone-over book which was not a spontaneous diary. This was admitted even by the Anne Frank Institute in Holland and was the reason they produced what they called the "definitive" Anne Frank diary. (23-6076)

A brief reference may also be made to another "diary", published not long after that of Anne Frank and entitled: Notes from the Warsaw Ghetto: the Journal of Emmanuel Ringelblum (New York, 1958). Ringelblum had been a leader in the campaign of sabotage against the Germans in Poland, as well as the revolt of the Warsaw Ghetto in 1943, before he was eventually arrested and executed in 1944.

Ringelblum was a very important primary source about life in the Warsaw ghetto, said Weber. It was inaccurate to describe Ringelblum as a leader in the campaign of sabotage against the Germans in Poland; Ringelblum was an archivist and made it his responsibility to keep a record of day to day life in the Warsaw ghetto. He was

connected with leaders in the ghetto but Weber had seen no evidence to support the statement that he was a leader in sabotage. (23-6077)

Weber turned to page 22 of the booklet:

Since the war, there has been an abundant growth of sensational concentration camp literature, the majority of it Jewish, each book piling horror upon horror, blending fragments of truth with the most grotesque of fantasies and impostures, relentlessly creating an edifice of mythology in which any relation to historical fact has long since disappeared. We have referred to the type already -- Olga Lengyel's absurd Five Chimneys ('24,000 corpses handled every day'), Doctor at Auschwitz by Miklos Nyiszli, apparently a mythical and invented person, This was Auschwitz: The Story of a Murder Camp by Philip Friedman, and so on ad nauseam.

The latest in this vein is For Those I Loved by Martin Gray (Bodley Head, 1973), which purports to be an account of his experiences at Treblinka camp in Poland. Gray specialised in selling fake antiques to America before turning to concentration camp memoirs. The circumstances surrounding the publication of his book, however, have been unique, because for the first time with works of this kind, serious doubt was cast on the authenticity of its contents. Even Jews, alarmed at the damage it might cause, denounced his book as fraudulent and questioned whether he had ever been at Treblinka at all, while B.B.C. radio pressed him as to why he had waited 28 years before writing of his experiences...

Occasionally, books by former concentration camp inmates appear which present a totally different picture of the conditions prevailing in them. Such is Under Two Dictators (London, 1950) by Margarete Buber. She was a German-Jewish woman who had experienced several years in the brutal and primitive conditions of a Russian prison camp before being sent to Ravensbrück, the German camp for women detainees, in August 1940. She noted that she was the only Jewish person in her contingent of deportees from Russia who was not straight away released by the Gestapo. Her book presents a striking contrast between the camps of Soviet Russia and Germany; compared to the squalor, disorder and starvation of the Russian camp, she found Ravensbrück to be clean, civilised and well-administered...

Another account which is at total variance with popular propaganda is Die Gestapo Lässt Bitten (The Gestapo Invites You) by Charlotte Bormann, a Communist political prisoner who was also interned at Ravensbrück. Undoubtedly its most important revelation is the author's statement that rumours of gas executions were deliberate and malicious inventions circulated among the prisoners by the Communists...

Weber was familiar with Olga Lengyel's book, Five Chimneys; he testified that it did in fact allege that 24,000 corpses were handled every day. This claim had also been made by others. Weber was also familiar with the book by Miklos Nyiszli. He didn't know whether Nyiszli was mythical or not but to his knowledge no one had come forward and identified himself as that person. Weber had never been able to find out who Nyiszli was, where he was born and so on. Other revisionist historians had also tried to discover his identity and been unsuccessful. (23-6078 to 6159) Weber had made unsuccessful efforts to find the books Auschwitz: The Story of a Murder Camp, and The Gestapo Invites You. (23-6079, 6085) Weber was familiar with the book For

Those I Loved by Martin Gray. When his book was published in England, quite a number of articles appeared in leading British newspapers including the Sunday Times, which said that the book was not to be trusted. Jews who were at Treblinka questioned whether Gray had actually even been there. Gray himself was very defensive about the book. (23-6079 to 6081) It was claimed that around 850,000 Jews were gassed at Treblinka but Weber knew of no documentary evidence from the war to support that claim. (23-6081)

Weber was familiar with the book *Under Two Dictators* by Margarete Buber. Weber believed the evidence indicated that she was not Jewish; however, the account which Harwood had given of her book was accurate. She described her astonishment in comparing conditions in the Soviet labour camp where she had been interned with the much better conditions in the German concentration camp of Ravensbrück. When given her first meal in Ravensbrück of white bread, sausage, sweet porridge and dried fruit, she thought it must be a special holiday. In fact, it was a typical meal. She was also astonished that the camp was clean and had showers and linens. Weber could not recall Buber's comments, if any, about extermination. He recalled, however, that she wrote that in the last months the conditions deteriorated enormously as part of the general decline of conditions. (23-6083)

In his recent book *Adolf Hitler* (London, 1973), Colin Cross, who brings more intelligence than is usual to many problems of this period, observes astutely that "The shuffling of millions of Jews around Europe and murdering them, in a time of desperate war emergency, was useless from any rational point of view" (p. 307). Quite so, and at this point we may well question the likelihood of this irrationalism, and whether it was even possible. Is it likely, that at the height of the war, when the Germans were fighting a desperate battle for survival on two fronts, they would have conveyed millions of Jews for miles to supposedly elaborate and costly slaughter houses? To have conveyed three or four million Jews to Auschwitz alone (even supposing that such an inflated number existed in Europe, which it did not), would have placed an insuperable burden upon German transportation facilities which were strained to the limit in supporting the farflung Russian front. To have transported the mythical six million Jews and countless numbers of other nationalities to internment camps, and to have housed, clothed and fed them there, would simply have paralysed their military operations. There is no reason to suppose that the efficient Germans would have put their military fortunes at such risk.

On the other hand, the transportation of a reasonable 363,000 prisoners to Auschwitz in the course of the war (the number we know to have been registered there) at least makes sense in terms of the compulsory labour they supplied. In fact, of the 3 million Jews living in Europe, it is certain that no more than two million were ever interned at one time, and it is probable that the number was much closer to 1,500,000. We shall see later, in the Report of the Red Cross, that whole Jewish populations such as that of Slovakia avoided detention in camps, while others were placed in community ghettos like Theresienstadt. Moreover, from western Europe deportations were far fewer. The estimate of Reitlinger that only about 50,000 French Jews from a total population of 320,000 were deported and interned has been noted already.

The question must also be asked as to whether it could have been physically possible to destroy the millions of Jews that are alleged. Had the Germans enough time for it?

Is it likely that they would have cremated people by the million when they were so short of manpower and required all prisoners of war for purposes of war production? Would it have been possible to destroy and remove all trace of a million people in six months? Could such enormous gatherings of Jews and executions on such a vast scale have been kept secret? These are the kind of questions that the critical, thinking person should ask. And he will soon discover that not only the statistical and documentary evidence given here, but simple logistics combine to discredit the legend of the six million.

Although it was impossible for millions to have been murdered in them, the nature and conditions of Germany's concentration camps have been vastly exaggerated to make the claim plausible. William Shirer, in a typically reckless passage, states that "All of the thirty odd principal Nazi concentration camps were death camps" (ibid, p. 1150). This is totally untrue, and is not even accepted now by the principal propagators of the extermination legend. Shirer also quotes Eugen Kogon's *The Theory and Practice of Hell* (N.Y. 1950, p. 227) which puts the total number of deaths in all of them at the ridiculous figure of 7,125,000, though Shirer admits in a footnote that this is "undoubtedly too high."

Weber testified that the quote from the book of Colin Cross was accurate; Cross believed the extermination programme was irrational. Weber himself believed the extermination story was irrational because it was alleged that at the same time Germany was fighting for its existence it was also using enormous resources to shift Jews all over Europe simply to kill them, including large numbers of Jews who could have been employed for war production. (23-6086)

Weber would not comment on the statistics which Harwood provided regarding numbers of Jews interned as he felt it was too speculative. The Korherr report indicated that there were Jews at Birkenau who were not registered. (23-6087, 6088)

A ghetto camp called Theresienstadt existed and was set aside particularly for elderly Jews, Jews who had served in the German armed forces during World War I, prominent Jews and Jews who had served the German government faithfully. It had been put forward as an extermination camp but more responsible exterminationist historians did not claim that. (23-6089)

The questions which Harwood raised in the second last paragraph of the passage were very good questions, said Weber, and ones that a critical, thinking person should be asking. (23- 6090)

Weber also agreed with Harwood that the claim made by Shirer in *The Rise and Fall of the Third Reich* that all of the thirty-odd Nazi concentration camps were "death camps" was totally false and reckless. Even the Simon Wiesenthal Center had stated publicly that there were no extermination camps in Germany itself. No serious historian now claimed that camps like Dachau, Bergen-Belsen, Buchenwald, Ravensbrück or Neuengamme were death camps. The claim by Eugen Kogon in *The Theory and Practice of Hell* was likewise an absurd claim, said Weber, and no serious historian would make that kind of claim today. (23-6092)

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Weber turned to page 23 of the booklet:

It is true that in 1945, Allied propaganda did claim that all the concentration camps, particularly those in Germany itself, were "death camps", but not for long. On this question, the eminent American historian Harry Elmer Barnes wrote: "These camps were first presented as those in Germany, such as Dachau, Belsen, Buchenwald, Sachsenhausen and Dora, but it was soon demonstrated that there had been no systematic extermination in those camps. Attention was then moved to Auschwitz, Treblinka, Belzec, Chelmno, Jonowska, Tarnow, Ravensbrück, Mauthausen, Brezozna and Birkenau, which does not exhaust the list that appears to have been extended as needed" (Rampart Journal, Summer 1967). What had happened was that certain honest observers among the British and American occupation forces in Germany, while admitting that many inmates had died of disease and starvation in the final months of the war, had found no evidence after all of "gas chambers". As a result, eastern camps in the Russian zone of occupation such as Auschwitz and Treblinka gradually came to the fore as horrific centres of extermination (though no one was permitted to see them), and this tendency has lasted to the present day. Here in these camps it was all supposed to have happened, but with the Iron Curtain brought down firmly over them, no one has ever been able to verify such charges. The Communists claimed that four million people died at Auschwitz in gigantic gas chambers accommodating 2,000 people -- and no one could argue to the contrary.

Weber testified that the first sentence of this passage was correct. Until about 1960 it was contended that all of the concentration camps in Germany proper were also extermination camps. That claim was no longer upheld. (24-6090, 6091)

The quote of Harry Elmer Barnes was an accurate quote from an article which Barnes published in Rampart Journal, a libertarian journal published in Colorado. The Holocaust story had shifted now to just six camps. (24-6091)

Harwood's claim that honest observers among the British and American occupation forces found no evidence of "gas chambers" in Germany was accurate, said Weber. It was substantiated by an important document from October of 1948 from the Military Police Service in Vienna which at the time was under the control of the Allied governments. Weber read a translation of a portion of the document to the court:

The Allied Investigation Commissions have up to now ascertained that in the following concentration camps, no humans were killed by poison gas.

These camps are the following: Bergen-Belsen, Buchenwald, Dachau, Flossenbürg, Gross-Rosen, Mauthausen and its adjacent camps, Natzweiler, Neuengamme, Niederhagen, Ravensbrück, Sachsenhausen, Stutthof, Theresienstadt.

In these cases, it can be proven that confessions were extorted by torture and the eyewitness accounts were false...Former concentration camp prisoners, especially Jews, who in the hearings claimed that humans were murdered by poisonous gas in these concentration camps are to be made aware of the findings of this investigation.

If they continue insisting on their claims, they are to be charged with giving false testimonies.

This document, said Weber, was issued by a major named Müller in the Austrian police. His deputy was another officer named Emil Lachout who was currently retired and living in Vienna. It was Lachout who made the document public several months ago, creating a sensation. Its authenticity had not been called into question, however, and Lachout had been criticised only for making the embarrassing document public. (24-6093)

Weber pointed out that much important documentation remained inaccessible to researchers. Large numbers of important documentation was still in the hands of the Polish, East German and Soviet Communist governments which had not been made available to independent researchers. From time to time, however, these governments would make public certain extracts from important documents. One of these was quoted in a book published in 1970 entitled *Anthology, Inhuman Medicine* [Vol. 1, Pt. 1, pp. 149-151] published by the International Auschwitz Committee in Warsaw. This document, entitled *Camp Regulations for the Concentration Camps*, had been made public by a former inmate of Birkenau named Jan Olbrycht, and was an extract from volume 21 of the official regulations for the operation of the concentration camps. It was clear, said Weber, that the regulations were very extensive. The document stated as follows:

The new arrivals [inmates] in the camp have to be examined carefully. Those suspected should immediately be put into the camp hospital and kept there for observation. Prisoners working in the kitchen for the SS men and in the camp kitchen should be subjected to regular medical examination regarding contagious diseases. The camp physician should, from time to time, check on the cleanliness of the prisoners. Prisoners asking for medical treatment should be brought before the camp doctor that same day to be examined. Should it be necessary, sick prisoners may be sent to the hospital to receive treatment. The doctor is obliged to notify the authorities about prisoners who simulate sickness in order to shirk work so that such prisoners may be punished. There is a dentist at the disposal of the prisoners. The camp doctor has to confirm the necessity for dental treatment. The camp doctor should regularly check how the food is prepared and its quality. Any shortcoming should immediately be brought to the attention of the camp commandant. Special care should be given to the treatment of accidents, so as to avoid impairment of the prisoners' ability to earn their living. Prisoners who are to be set free or transferred from the camp should be brought before the camp physician for medical examination. Subordinated to the camp physician are doctors of medicine, a dentist and the S.D.G., as well as orderlies from among the prisoners. The camp physician performs the function of advisor to the camp commandant regarding all medical, sanitary and hygienic matters. He should immediately notify the camp commandant about all offences he notices in camp.⁵

This was an example of the type of documentation which was still not made available freely to researchers and historians by the Communist governments, said Weber. (24-6097, 6098)

Weber turned to page 23 of the booklet:

What is the truth about so-called "gas chambers"? Stephen F. Pinter, who served as a lawyer for the United States War Department in the occupation forces in Germany and Austria for six years after the war, made the following statement in the widely read Catholic magazine *Our Sunday Visitor*, June 14th, 1959: "I was in Dachau for 17 months after the war, as a U.S. War Department Attorney, and can state that there was no gas chamber at Dachau. What was shown to visitors and sightseers there and erroneously described as a gas chamber was a crematory. Nor was there a gas chamber in any of the other concentration camps in Germany. We were told that there was a gas chamber at Auschwitz, but since that was in the Russian zone of occupation, we were not permitted to investigate since the Russians would not allow it. From what I was able to determine during six postwar years in Germany and Austria, there were a number of Jews killed, but the figure of a million was certainly never reached. I interviewed thousands of Jews, former inmates of concentration camps in Germany and Austria, and consider myself as well qualified as any man on this subject."

This tells a very different story from the customary propaganda. Pinter, of course, is very astute on the question of the crematory being represented as a gas chamber. This is a frequent ploy because no such thing as a gas chamber has ever been shown to exist in these camps, hence the deliberately misleading term a "gas oven", aimed at confusing a gas chamber with a crematorium. The latter, usually a single furnace and similar to the kind of thing employed today, were used quite simply for the cremation of those persons who had died from various natural causes within the camp, particularly infectious diseases...

The figures of Dachau casualties are typical of the kind of exaggerations that have since had to be drastically revised. In 1946, a memorial plaque was unveiled at Dachau by Philip Auerbach, the Jewish State-Secretary in the Bavarian Government who was convicted for embezzling money which he claimed as compensation for non-existent Jews. The plaque read: "This area is being retained as a shrine to the 238,000 individuals who were cremated here." Since then, the official casualty figures have had to be steadily revised downwards, and now stand at only 20,600 the majority from typhus and starvation only at the end of the war. This deflation, to ten per cent of the original figure, will doubtless continue, and one day will be applied to the legendary figure of six million as a whole.

Another example of drastic revision is the present estimate of Auschwitz casualties. The absurd allegations of three or four million deaths there are no longer plausible even to Reitlinger. He now puts the number of casualties at only 600,000; and although this figure is still exaggerated in the extreme, it is a significant reduction on four million and further progress is to be expected.

Weber had checked the Stephen Pinter letter and found that Pinter was indeed who he said he was. He lived for many years in St. Louis and died in 1985. Harwood quoted the letter accurately in the booklet. Weber had seen a copy of an affidavit which Pinter had subsequently signed, confirming the letter's accuracy. What Pinter said was also confirmed by independent evidence such as the Müller/Lachout document. Western Allied investigators were not allowed to investigate Auschwitz freely. (24-6099, 6100)

With respect to Dachau, an official U.S. Army photograph taken of a small disinfection chamber at the camp had been widely reprinted and represented as being the front of a gas chamber for human beings. It was printed, for example, in a booklet published by the Anti-Defamation League of B'nai B'rith in New York. It was reprinted in the memoirs of former Dachau inmate Nerin Gun. Today, however, there was no dispute that no gassings took place at Dachau. (24-6101)

Weber had researched the originals of the Dachau photographs in the Photographic Department in the Pentagon outside Washington, D.C.. The photograph which appeared on page 25 of *Did Six Million Really Die?* with the caption "Healthy and cheerful inmates released from Dachau" was one of the photographs Weber had seen there. It was an official U.S. Army photograph taken on the day the camp was liberated by American forces in April of 1945, showing the inmates and an American soldier. One of the most interesting photographs he saw was one of Jewish mothers and their newborn babies who were in Dachau at the time of liberation. There were also photographs that showed death, including a trainload of dead inmates on a siding just outside the camp. It was apparently a trainload of inmates that died of starvation or disease before the train finally got to Dachau. It was important to realize in this context, said Weber, that in the final months of the war the German transportation system was in chaos. All of the camps in Germany proper were overcrowded and inmates were being shuttled around from place to place because there was no room for them. The trains could not normally move during the daytime because the air was controlled by the Allies, who would shoot at any trains moving during the day. Even at night the German train system was in chaos. (24-6102, 6103)

Weber also investigated the death records for Dachau at the National Archives in Washington. These documents, which were entered as a prosecution exhibit in a war crimes trial after the war, contained precise month-by-month records of prisoner deaths in the camp. Weber produced a graph which was based upon these figures on a monthly basis. The figures showed that at precisely the time when it was alleged that the greatest extermination was being carried out in the German camps, namely, the summer and fall of 1944, the death rate at Dachau was the lowest. At that time, monthly deaths were in the range of 40, 45, 57, 43 and so on. The figures rose very dramatically from the fall of 1944 to April of 1945. The worst monthly death rate recorded at Dachau, in February of 1945, was due, not to a programme of killing, but to disease and starvation caused by the tremendous overcrowding in the camp resulting from the chaotic and disorderly conditions in Germany in the final months of the war. (24-6106, 6107; graph of Dachau deaths entered as Exhibit 100 at 24-6107)

For a time after the war, said Weber, it was claimed that about 200,000 persons died at Dachau. A sign placed at the camp proclaimed that 230,000 persons died there and that their memory should be honoured. The director of Dachau Museum, Barbara Distel, had now confirmed, however, that this claim was not accurate. She indicated that some persons in publications had confused the figure of 200,000 or so inmates altogether at the camp with the number of persons who supposedly died there. The figure for deaths at Dachau now stood at 25,613. (24-6111, 6112, 6114)

Weber agreed with Harwood's statements regarding Stephen Pinter's astuteness on the question of the crematory being represented as a gas chamber. This often occurred in Holocaust literature, said Weber, and the distinction between the two was deliberately

confused. One often found references to so-called "gas ovens" which was a nonsensical, meaningless term. It implied that somehow there was a combination of a crematory and a gas chamber when the two were completely different things. It was typical, however, of the sensational terminology used in Holocaust literature. (24-6108)

The most famous crematories were those at Auschwitz. The records were clear that these crematories, which were fairly large, were built in response to an epidemic of typhus in the camp. There was great concern that the corpses should be cremated as quickly as possible to prevent the spread of the disease. The ground water at Auschwitz was high, so it was dangerous for the health of others in the camp, both inmates and administrators, to bury the bodies; hence the need for crematories. (24-6109)

Weber agreed with Harwood that the death estimates for prisoners at various concentration camps had been drastically revised downwards over the years. Normally, the exterminationists did not make it clear that the figures had been changed; they simply presented new figures without explaining why the old ones were no longer accurate. Weber disagreed with Harwood's opinion that the 6 million figure would eventually be revised downwards to 600,000. Weber thought the total Jewish losses during the war were probably in the order of 1 million to 1.5 million. (24-6112 to 6115)

Reitlinger's figure of 600,000 for deaths in Auschwitz was a ball park figure with what was claimed by others, said Weber. Hilberg said that 1 million Jews died in Auschwitz. This was 25 percent of the 4 million dead claimed at Nuremberg. (24-6115, 6116)

Weber turned to page 24 of the booklet:

All internees, unlike those in Soviet camps, could receive parcels of food, clothing and pharmaceutical supplies from the Special Relief Division of the Red Cross. The Office of the Public Prosecutor conducted thorough investigations into each case of criminal arrest, and those found innocent were released; those found guilty, as well as those deportees convicted of major crimes within the camp, were sentenced by military courts and executed. In the Federal Archives of Koblenz there is a directive of January 1943 from Himmler regarding such executions, stressing that "no brutality is to be allowed" (Manvell and Frankl, *ibid*, p. 312). Occasionally there was brutality, but such cases were immediately scrutinised by S.S. Judge Dr. Konrad Morgen of the Reich Criminal Police Office, whose job was to investigate irregularities at the various camps. Morgen himself prosecuted commander Koch of Buchenwald in 1943 for excesses at his camp, a trial to which the German public were invited. It is significant that Oswald Pohl, the administrator of the concentration camp system who was dealt with so harshly at Nuremberg, was in favour of the death penalty for Koch. In fact, the S.S. court did sentence Koch to death, but he was given the option of serving on the Russian front. Before he could do this, however, Prince Waldeck, the leader of the S.S. in the district, carried out his execution. This case is ample proof of the seriousness with which the S.S. regarded unnecessary brutality. Several S.S. court actions of this kind were conducted in the camps during the war to prevent excesses, and more than 800 cases were investigated before 1945. Morgen testified at

Nuremberg that he discussed confidentially with hundreds of inmates the prevailing conditions in the camps. He found few that were undernourished except in the hospitals, and noted that the pace and achievement in compulsory labour by inmates was far lower than among German civilian workers...

In general, hundreds of affidavits from Nuremberg testify to the humane conditions prevailing in concentration camps; but emphasis was invariably laid on those which reflected badly on the German administration and could be used for propaganda purposes. A study of the documents also reveals that Jewish witnesses who resented their deportation and internment in prison camps tended to greatly exaggerate the rigours of their condition, whereas other nationals interned for political reasons, such as those cited above, generally presented a more balanced picture. In many cases, prisoners such as Charlotte Bormann, whose experiences did not accord with the picture presented at Nuremberg, were not permitted to testify.

With respect to this portion of the booklet, Weber testified that the directive by Himmler did in fact specify that no brutality was to be allowed against camp inmates. The directive was quoted by Manvell and Fraenkel, who were exterminationist Jewish writers, in their biography of Himmler. Weber pointed out that it was a common practice for a writer or historian to quote from a source which took a contrary view to the overall thesis which the writer or historian was seeking to establish. (24-6117)

Dr. Konrad Morgen was an official in the SS who was ordered by Himmler to investigate cases of corruption and other illegal activity within the SS concentration camp system. Morgen testified at the main Nuremberg trial and his testimony of August 7, 1946 was printed in its entirety in Volume 20 of the official Nuremberg Blue Series. Weber emphasized that Morgen was now a respected attorney in Frankfurt, West Germany and his sympathies were completely anti- Nazi. During the war, Morgen investigated such camps as Buchenwald, Lublin, Majdanek, Auschwitz, Sachsenhausen, Oranienburg and Dachau. He investigated about 800 cases altogether and about 200 persons were put on trial. Five concentration camp commandants were arrested personally by Morgen. Two commandants were shot after being tried by the SS for corruption and illegal activity; one of these was Koch, the commandant of Buchenwald, who had killed inmates after stealing money from them. Morgen also investigated the case of Dr. Hoven at Buchenwald; Hoven was sentenced to death by the SS but was given a reprieve because of the shortage of doctors. After the war, he was tried by the Americans and shot. It was established that Hoven had been involved in the killing of prisoners in co-operation with the Communist internal camp organization which took almost complete control of the administration of Buchenwald during the latter part of the war. (24-6118 to 6120)

At Nuremberg, Morgen testified that the prisoners at Buchenwald were healthy, normally fed, suntanned and working. The installations in the camp were in good order, especially the hospital. They had regular mail service, a large camp library with books in foreign languages, variety shows, motion pictures, sporting contests, and even a brothel. Morgen said that the commandant aimed at providing the prisoners with an existence worthy of human beings. Nearly all the other concentration camps were similar to Buchenwald. With respect to Auschwitz, Morgen testified that there were large scale killings going on at Auschwitz that Commandant Höss knew about. Morgen had not been able to investigate this charge fully. He identified Monowitz as

the location at Auschwitz where the killings took place. Weber pointed out, however, that today no one claimed that any killings took place at Monowitz. (24-6120, 6121)

Weber agreed there were many affidavits at Nuremberg about the humane conditions at the camps. The prosecution, however, tried to emphasize evidence which reflected as badly as it could make it on the German administration. (24-6123)

Weber agreed with Harwood's statement that Jewish witnesses who resented their deportation greatly exaggerated the rigours of their conditions. This was confirmed in two important sources. The first was an article in Jewish Social Studies published in New York City in January 1950 by the Jewish writer Samuel Gringauz. He wrote the following regarding Jewish survivor testimony:

Last but not least there is what may perhaps be termed the hyperhistorical complex of the survivors. Never before was an event so deeply sensed by its participants as being part of an epoch-shaping history in the making, never before was a personal experience felt to be so historically relevant. The result of this hyperhistorical complex has been that the brief post-war years have seen a flood of "historical materials" -- rather "contrived" than "collected" -- so that to-day one of the most delicate aspects of research is the evaluation of the so-called "research material."

The hyperhistorical complex may be described as judeocentric, logocentric and egocentric. It concentrates historical relevance on Jewish problems of local events under the aspect of personal experience. This is the reason why most of the memoirs and reports are full of preposterous verbosity, graphomaniac exaggeration, dramatic effects, overestimated self-inflation, dilettante philosophizing, would-be lyricism, unchecked rumors, bias, partisan attacks and apologies. The question thus arises whether participants of such a world-shaking epoch can at all be its historians and whether the time has already come when valid historic judgment, free of partisanship, vindictiveness and ulterior motives, is possible.

In Weber's opinion, Gringauz had said something which should be taken into account when evaluating the testimonies and evidence of the so-called "survivors." A historian had a responsibility to evaluate evidence very carefully and critically in the context of all the available evidence and not to accept statements by individuals because they happened to suit his own preconceptions. (24-6126)

The second important source was an article which appeared in the Israeli newspaper, The Jerusalem Post of August 17, 1986. Under the headline "Doubts Over Evidence Of Camp Survivors," the article said:

Over half of the 20,000 testimonies from Holocaust survivors on record at Yad Vashem are "unreliable" and have never been used as evidence in Nazi war crimes trials, Yad Vashem Archives director Shmuel Krakowski has told The Jerusalem Post.

Krakowski says that many survivors, wanting "to be part of history" may have let their imaginations run away with them. "Many were never in the places where they claim to have witnessed atrocities, while others relied on second-hand information given them by friends or passing strangers" according to Krakowski.

"A large number of testimonies on file were later proved inaccurate when locations and dates could not pass an expert historian's appraisal."

Weber testified that Reitlinger, in *The Final Solution*, also made reference to the tendency of Jewish survivors to exaggerate their stories. (24-6130)

Weber turned to page 24 and 25 of the booklet:

The orderly situation prevailing in the German concentration camps slowly broke down in the last fearful months of 1945. The Red Cross Report of 1948 explains that the saturation bombing by the Allies paralysed the transport and communications system of the Reich, no food reached the camps and starvation claimed an increasing number of victims, both in prison camps and among the civilian population of Germany. This terrible situation was compounded in the camps both by great overcrowding and the consequent outbreak of typhus epidemics. Overcrowding occurred as a result of prisoners from the eastern camps such as Auschwitz being evacuated westward before the Russian advance; columns of such exhausted people arrived at several German camps such as Belsen and Buchenwald which had themselves reached a state of great hardship. Belsen camp near Bremen was in an especially chaotic condition in these months and Himmler's physician, Felix Kersten, an anti-Nazi, explains that its unfortunate reputation as a "death camp" was due solely to the ferocity of the typhus epidemic which broke out there in March 1945 (*Memoirs 1940-1945*, London, 1956). Undoubtedly these fearful conditions cost several thousand lives, and it is these conditions that are represented in the photographs of emaciated human beings and heaps of corpses which the propagandists delight in showing, claiming, that they are victims of "extermination".

Weber testified that the first sentence in this passage from the booklet was correct. In the final months of the war as the Soviet forces advanced into Poland and Germany, the Germans evacuated large numbers of concentration camp inmates to camps further to the west in Germany proper. This happened under extremely chaotic conditions and many prisoners died. (24-6130, 6131)

In Weber's opinion, the final statement was also accurate. Most educated persons in the western world were familiar with the repeatedly-shown horrific photographs of corpses and emaciated prisoners taken by the American and British forces at Belsen, Nordhausen and other camps at the end of the war. These photographs were usually presented as evidence of how diabolical the Germans were. This was very misleading, said Weber. The photographs in fact showed victims, not of any German programme or policy, but of the war itself. Most had been evacuated from other camps in the east under chaotic conditions. In Weber's opinion, if the Germans had meant to kill them, they would have long since been killed. (24-6132, 6133)

Not only were situations such as those at Belsen unscrupulously exploited for propaganda purposes, but this propaganda has also made use of entirely fake atrocity photographs and films. The extreme conditions at Belsen applied to very few camps indeed; the great majority escaped the worst difficulties and all their inmates survived in good health. As a result, outright forgeries were used to exaggerate conditions of horror. A startling case of such forgery was revealed in the *British Catholic Herald* of October 29th, 1948. It reported that in Cassel, where every adult German was

compelled to see a film representing the "horrors" of Buchenwald, a doctor from Goettingen saw himself on the screen looking after the victims. But he had never been to Buchenwald. After an interval of bewilderment he realised that what he had seen was part of a film taken after the terrible air raid on Dresden by the Allies on 13th February, 1945 where the doctor had been working. The film in question was shown in Cassel on 19th October, 1948. After the air raid on Dresden, which killed a record 135,000 people, mostly refugee women and children, the bodies of the victims were piled and burned in heaps of 400 and 500 for several weeks. These were the scenes, purporting to be from Buchenwald, which the doctor had recognised.

The forgery of war-time atrocity photographs is not new. For further information the reader is referred to Arthur Ponsonby's book *Falsehood in Wartime* (London, 1928), which exposes the faked photographs of German atrocities in the First World War. Ponsonby cites such fabrications as "The Corpse Factory" and "The Belgian Baby without Hands," which are strikingly reminiscent of the propaganda relating to Nazi "atrocities". F. J. P. Veale explains in his book that the bogus "jar of human soap" solemnly introduced by the Soviet prosecution at Nuremberg was a deliberate jibe at the famous British "Corpse Factory" myth, in which the ghoulis Germans were supposed to have obtained various commodities from processing corpses (Veale, *ibid*, p. 192). This accusation was one for which the British Government apologised after 1918. It received new life after 1945 in the tale of lamp shades of human skin, which was certainly as fraudulent as the Soviet "human soap". In fact, from Manvell and Frankl we have the grudging admission that the lamp shade evidence at Buchenwald Trial "later appeared to be dubious" (*The Incomparable Crime*, p. 84). It was given by a certain Andreas Pffffenberger in a "written affidavit" of the kind discussed earlier, but in 1948 General Lucius Clay admitted that the affidavits used in the trial appeared after more thorough investigation to have been mostly "hearsay".

Weber had heard of films taken by Germans following the horrific Allied bombing of Dresden being subsequently presented as concentration camp victims, but he did not know about it. Harwood gave a figure of 135,000 dead at Dresden, but the historian David Irving had given a figure of 235,000. Weber pointed out that the Jews and other inmates of camps who died in the final months of the war died as an indirect result of that war. The victims of the Dresden air bombing, however, were killed as a direct part of the war. They were literally "holocausted," which meant to be burned. (24-6133, 6134)

Weber was familiar with Arthur Ponsonby's book *Falsehood in Wartime*, which emphasized phony atrocity stories attributed to the Germans during World War I. In 1938, a very high British official made a blanket apology to the Germans in the House of Commons for the kinds of atrocity propaganda falsehoods that were made by the Allies during World War I. (24- 6135, 6136)

At Nuremberg, the Soviet prosecution presented what was purported to be soap made from human corpses. This story had circulated for years, said Weber, although no serious historian believed it today. The soap story had been repeated even in recently published books such as *Hitler's Death Camps* by an American writer named Konnilyn G. Feig. (24-6135, 6136)

Another story which sometimes popped up in popular literature and newspapers was the story that the Germans manufactured lamp shades from the corpses of their victims. This story was presented both at Nuremberg by the Allies and at the post war trial of the wife of Buchenwald commandant Koch. Weber testified that the evidence against Mrs. Ilse Koch was totally spurious. General Lucius Clay, the commander in Europe and the military governor of the occupation zone of Germany after the war, carefully reviewed the case of Mrs. Koch and the lamp shade charge and concluded that it was baseless. He told the New York Times that there was no convincing evidence that Ilse Koch selected inmates for extermination in order to secure tattooed skins or that she possessed any articles made of human skin. In a 1976 interview, Clay said that the white lamp shades that turned up at Buchenwald were actually made of goat flesh and, as he put it, 'these were the kinds of things we had to deal with all the time' in the post-war period. (24- 6137, 6138)

Weber turned to page 28 of the booklet:

Without doubt the most important contribution to a truthful study of the extermination question has been the work of the French historian, Professor Paul Rassinier. The pre-eminent value of this work lies firstly in the fact that Rassinier actually experienced life in the German concentration camps, and also that, as a Socialist intellectual and anti-Nazi, nobody could be less inclined to defend Hitler and National Socialism. Yet, for the sake of justice and historical truth, Rassinier spent the remainder of his post-war years until his death in 1966 pursuing research which utterly refuted the Myth of the Six Million and the legend of Nazi diabolism... Not surprisingly, his writings are little known; they have rarely been translated from the French and none at all have appeared in English.

When *Did Six Million Really Die?* was published in 1976 Paul Rassinier was certainly the most important revisionist historian on the Holocaust issue, said Weber. Since that time, there had been a number of other writers who published revisionist works. Harwood correctly summarized Rassinier's background and his books. Rassinier's works were better known today than they were in the 1970s and most of his books had been translated into English and German. In Weber's opinion, it was clear that Harwood relied very heavily on Rassinier's work in writing the booklet. (24- 6139 to 6147)

Rassinier entitled his first book *The Lies of Odysseus* in commemoration of the fact that travellers always return bearing tall stories, and until his death he investigated all the stories of extermination literature and attempted to trace their authors. He made short work of the extravagant claims about gas chambers at Buchenwald in David Rousset's *The Other Kingdom* (New York, 1947); himself an inmate of Buchenwald, Rassinier proved that no such things ever existed there (*Le Mensonge d'Ulysse*, p. 209 ff) Rassinier also traced Abbé Jean-Paul Renard, and asked him how he could possibly have testified in his book *Chaines et Lumières* that gas chambers were in operation at Buchenwald. Renard replied that others had told him of their existence, and hence he had been willing to pose as a witness of things that he had never seen (*ibid*, p. 209 ff).

There were serious claims made that gas chambers existed at Buchenwald, said Weber. At the Nuremberg trial, an official French prosecution exhibit was entered as document 274-F (IMT vol. 37, pp. 116-187) which said:

Everything had been provided for down to the smallest detail in 1944 at Buchenwald. They had even lengthened a railroad line so that the deportees might be led directly to the gas chamber. Certain of the gas chambers had a floor that tipped and immediately directed the bodies into a room with the crematory oven.

The chief British prosecutor at Nuremberg, Sir Hartley Shawcross, declared in his closing address that murder was conducted like some mass production industry in the gas chambers and the ovens. He then listed several camps where this allegedly happened, said Weber, including Buchenwald. Today, neither Raul Hilberg nor even Simon Wiesenthal claimed there were gassings at Buchenwald.⁶ (24-6147)

The French-Jewish historian Olga Wormser-Migot wrote a doctoral dissertation on the German concentration camps (subsequently published by the University Press of France) in which she made the point that many Jewish inmates in the camps made up stories about gas chambers.⁷ Wormser-Migot attributed this to their desire to portray their own experiences in their own camps as being just as terrible as the gas chambers that were said to exist in the eastern camps. (24-6148)

Weber was familiar with Abbé Jean-Paul Renard, whom Rassinier had traced. Renard was a French priest and a former inmate of Buchenwald who wrote a book after the war on his experience in the camp in which he wrote:

I saw going into the showers thousands and thousands of persons over whom poured out, instead of liquid, asphyxiating gases.⁸

When Paul Rassinier, who was also a Frenchman and former Buchenwald inmate, spoke with Renard and pointed out to the priest that there was no gas chamber in the camp, Renard replied: "Right, but that's only a figure of speech...and since those things existed somewhere, it is of no importance."⁹ Rassinier recorded this conversation with Renard in his book. The significance, said Weber, was that in this case and in others, even a priest had made claims which were false. (24-6149)

Weber returned to page 28 and 29 of the booklet:

The palm for extermination literature is awarded by Rassinier to Miklos Nyizli's Doctor at Auschwitz, in which the falsification of facts, the evident contradictions and shameless lies show that the author is speaking of places which it is obvious he has never seen (*Le Drame des Juifs européens*, p. 52). According to this "doctor of Auschwitz", 25,000 victims were exterminated every day for four and a half years, which is a grandiose advance on Olga Lengyel's 24,000 a day for two and a half years. It would mean a total of forty-one million victims at Auschwitz by 1945, two and a half times the total pre-war Jewish population of the world. When Rassinier attempted to discover the identity of this strange "witness", he was told that "he had died some time before the publication of the book." Rassinier is convinced that he was never anything but a mythical figure.

Since the war, Rassinier has, in fact, toured Europe in search of somebody who was an actual eye-witness of gas chamber exterminations in German concentration camps during World War Two, but he has never found even one such person... Certainly the most important fact to emerge from Rassinier's studies, and of which there is now no doubt at all, is the utter imposture of "gas chambers"... Finally, Professor Rassinier draws attention to an important admission by Dr. Kubovy, director of the World Centre of Contemporary Jewish Documentation at Tel-Aviv, made in *La Terre Retrouvée*, December 15th, 1960. Dr. Kubovy recognised that not a single order for extermination exists from Hitler, Himmler, Heydrich or Göring (*Le Drame des Juifs européens*, p. 31, 39).

Weber was familiar with the works of both Miklos Nyiszli and Olga Lengyel. Both claimed in the order of 24,000 to 25,000 people were exterminated every day for some period of time, usually given as the summer of 1944. Weber considered these claims to be fantastic, yet both authors were considered important sources for those who upheld the extermination story at Auschwitz. (24-6154 to 6157)

Harwood's statement that Rassinier had never found one person who was an actual eyewitness to gassings in German concentration camps was not true, said Weber. In *Debunking the Genocide Myth*, Rassinier reported that he met a German who asked not to be identified who claimed there were unauthorized gassings carried out on a very small scale by individuals acting on their own in Poland. Rassinier was very interested in the man's testimony, but in later life he came to believe less and less that anyone had ever been gassed anywhere. He started out essentially to testify about what he knew from his experience at Buchenwald and this led to an investigation of the gassing claim for other places. Rassinier, said Weber, had no reason to uphold either view since he was not sympathetic to the Nazi regime. (24 6159, 6160)

Weber did not agree with Harwood's conclusion that the gas chambers had been proven to be an utter imposture. Weber believed there was still some doubt about whether gassings ever took place anytime or anywhere under German control. He personally did not believe there were gassings but also believed that the question still needed to be investigated. (24-6162)

The quote attributed by Harwood to Dr. Kubovy was correct and appeared in the French periodical *La Terre Retrouvée*. Kubovy was the director of The Centre for Contemporary Jewish Documentation in Israel and was quoted in the article as stating that there was not a single order in existence for extermination by Hitler, Himmler, Heydrich or Göring. (24-6168)

Weber turned to page 29 of the booklet:

Rassinier also rejects any written or oral testimony to the Six Million given by the kind of "witnesses" cited above, since they are full of contradictions, exaggerations and falsehoods...With the help of one hundred pages of cross-checked statistics, Professor Rassinier concludes in *Le Drame des Juifs européens* that the number of Jewish casualties during the Second World War could not have exceeded 1,200,000, and he notes that this has finally been accepted as valid by the World Centre of Contemporary Jewish Documentation at Paris. However, he regards such a figure as a

maximum limit, and refers to the lower estimate of 896,892 casualties in a study of the same problem by the Jewish statistician Raul Hilberg.

Harwood accurately summarized Rassinier's position in this passage with some exceptions, said Weber. Rassinier did not just dismiss out-of-hand any written or oral testimony although he did tend to reject it. Weber also believed Rassinier did not state his rejection of such testimony as that of Höss and Hoettl as strongly as Harwood had claimed. Weber had investigated Rassinier's analysis of Raul Hilberg's statistics and found that Rassinier was not accurate. Hilberg did not give an estimate of 896,892 casualties, but rather in the order of 5.1 million casualties. Harwood had, however, correctly quoted Rassinier's analysis of Hilberg's statistics. (24-6171 to 6176)

Prof. Rassinier is emphatic in stating that the German Government never had any policy other than the emigration of Jews overseas...

After the outbreak of war, the Jews, who, as Rassinier reminds us, had declared economic and financial war on Germany as early as 1933, were interned in concentration camps, "which is the way countries all over the world treat enemy aliens in time of war ... It was decided to regroup them and put them to work in one immense ghetto which, after the successful invasion of Russia, was situated towards the end of 1941 in the so-called Eastern territories near the former frontier between Russia and Poland: at Auschwitz, Chelmno, Belzec, Majdanek, Treblinka etc ... There they were to wait until the end of the war for the re-opening of international discussions which would decide their future" (*Le Véritable Procès Eichmann*, p. 20). The order for this concentration in the eastern ghetto was given by Göring to Heydrich, as noted earlier, and it was regarded as a prelude to "the desired final solution," their emigration overseas after the war had ended."

Weber questioned whether Rassinier stated that the German government never had any policy other than the emigration of Jews overseas. Weber also pointed out that the Göring order referred to by Harwood did not refer specifically to concentration in the eastern ghettos; it said only that the "final solution" must consist of emigration and deportation of the Jews. He agreed, however, that the concentration of the Jews in the east was a prelude to the "final solution," their emigration overseas after the war had ended. Weber based his opinion on the fact that the term "final solution" was used over and over in German documents to refer to the removal of the Jews from Europe altogether, first by emigration, and later by deportation. In July of 1942 Hitler emphasized his determination to remove all Jews from Europe after the war to Madagascar or some other Jewish national state. He said that Europe must reject them because the Jews were racially tougher. (24-6176, 6183, 6184)

Harwood's statement that the Jews had declared economic and financial war on Germany in the 1930s was accurate. Chaim Weizmann issued what amounted to a declaration of war in 1939. A number of Jewish leaders, most notably Samuel Untermyer, declared and organized an international boycott of German products in order to put financial pressure on Germany to change its policy towards the Jews; Untermyer referred to this international economic campaign against Germany as a "holy war." The major Jewish organizations in the United States and other countries eventually supported this international boycott against German goods. (24-6180, 6181)

Weber turned to page 30 of the booklet:

Of great concern to Professor Rassinier is the way in which the extermination legend is deliberately exploited for political and financial advantage, and in this he finds Israel and the Soviet Union to be in concert...

As for Israel, Rassinier sees the myth of the Six Million as inspired by a purely material problem. In *Le Drame des Juifs européens* (P. 31, 39). he writes:

"...It is simply a question of justifying by a proportionate number of corpses the enormous subsidies which Germany has been paying annually since the end of the war to the State of Israel by way of reparation for injuries which moreover she cannot be held to have caused her either morally or legally, since there was no State of Israel at the time the alleged deeds took place; thus it is a purely and contemptibly material problem."

Weber agreed that the extermination legend was deliberately exploited for political and financial advantage. There were numerous examples of how that exploitation took place and it had been confirmed by numerous Jewish writers themselves. For example, Professor W. D. Rubinstein of Australia wrote in September, 1979:

If the Holocaust can be shown to be a "Zionist myth", the strongest of all weapons in Israel's propaganda armory collapses.

Israeli leaders on numerous occasions referred to the Holocaust to justify or increase support for specific policies at specific times. Jacobo Timerman, a prominent Jewish writer, said that the Holocaust story was exploited and that many Jews were even ashamed of the way that it had become a civil religion for Jews in the United States. (24-6185 to 6188)

Weber did not believe that it was exploited so much to obtain money, although that was a feature of it, as to create the idea that if a people as civilized and as cultured as the Germans could turn into murderous Nazis and kill all the Jews, then the Jews should be very wary and untrusting of all people and rely only upon themselves. The story was used to greatly increase a sense of solidarity among Jews. (24-6188)

In Weber's opinion, the Communist governments upheld the Holocaust story, but in different ways and for different purposes. For the Soviets, and to a lesser extent for the American, West German and British governments, the main purpose of the Holocaust story was to depict the Hitler regime in the worst possible way and thereby show that their own struggle during the Second World War was justified and proper. (24-6186 to 6189)

Weber did not believe it was true to say that Germany paid Israel sums calculated on 6 million dead. Under the 1953 Luxembourg Treaty signed between the Israeli government, the West German government and a special international Jewish organization known as the Claims Conference (which represented Jewish organizations in 20 countries), the basis for the reparations were the great crimes and injustices done to the Jewish people. No number of victims and no policy of extermination were specified. The very nature of the Luxembourg Treaty and the

reparations agreement presupposed that the Jews of the world were to be represented not by the governments of the countries of which they were citizens, but rather by the state of Israel and by the Claims Conference which was a special supranational corporation. The Luxembourg Agreement had no parallel in diplomatic or international history. (24-6190 to 6192)

Weber returned to page 30 of the booklet:

Moreover, official Jewish estimates of the casualties are being quietly revised downwards. Our analysis of the population and emigration statistics, as well as the studies by the Swiss Baseler Nachrichten and Professor Rassinier, demonstrate that it would have been simply impossible for the number of Jewish casualties to have exceeded a limit of one and a half million. It is very significant, therefore, that the World Centre of Contemporary Jewish Documentation in Paris now states that only 1,485,292 Jews died from all causes during the Second World War, and although this figure is certainly too high, at least it bears no resemblance at all to the legendary Six Million. As has been noted earlier, the Jewish statistician Raul Hilberg estimates an even lower figure of 896,892. This is beginning to approach a realistic figure, and the process of revision is certain to continue.

Doubtless, several thousand Jewish persons did die in the course of the Second World War, but this must be seen in the context of a war that cost many millions of innocent victims on all sides. To put the matter in perspective, for example, we may point out that 700,000 Russian civilians died during the siege of Leningrad, and a total of 2,050,000 German civilians were killed in Allied air raids and forced repatriation after the war. In 1955, another neutral Swiss source, Die Tat of Zurich (January 19th, 1955), in a survey of all Second World War casualties based on figures of the International Red Cross, put the "Loss of victims of persecution because of politics, race or religion who died in prisons and concentration camps between 1939 and 1945" at 300,000, not all of whom were Jews, and this figure seems the most accurate assessment.

While some preliminary conclusions could be drawn about Jewish population statistics, said Weber, it was his opinion that statistical accuracies were not yet possible on the information available. One of the best places for this type of research was the [International Tracing Service] in Arolsen, West Germany, which refused researchers free access to its records. (24-6195)

In Weber's view, official Jewish estimates had not been "quietly" revised downwards; they had been drastically revised downwards. Lucy Dawidowicz still tried to uphold the 6 million figure, but Raul Hilberg gave a figure of 5.1 million; Gerald Reitlinger gave a figure of 4.2 or 4.5 million. (24-6196)

Weber was familiar with the Swiss daily newspaper Baseler Nachrichten referred to by Harwood. It was a highly respected, liberal newspaper which had been in existence for about 100 years. In the June 13, 1946 edition, under the headline "How High is the Number of Jewish Victims?" the newspaper printed an article which attempted to come to grips with the claim that 5 or 6 million Jews had been killed during the war. The article concluded that less than 1.5 million Jews must preliminarily be considered dead or missing. Weber quoted from it:

One thing is already certain today: The contention that this figure [of Jewish losses during the war] runs up to 5 or 6 million is not true. The number of Jewish victims may vary between 1 and 1.5 million, because a higher number of Jews overall was not "within reach" of Hitler and Himmler. It may be assumed and hoped that the final figure of losses of the Jewish people will be even lower than this figure. But clarification is necessary; this is why an investigation on the part of a special committee of the United Nations should establish the truth, which is so terribly important for the present and for the future.

Weber testified that Harwood's statement that the World Centre of Contemporary Jewish Documentation in Paris claimed that only 1,485,292 Jews died from all causes in World War II was false. It was also false that Hilberg estimated Jewish losses at 896,892, but Harwood had derived this from Rassinier who had incorrectly interpreted Hilberg's statistics. The reference to the article in Die Tat of Zurich was accurate as far as it went, said Weber. The article actually referred to the number of persons who died strictly in what were known as concentration camps, which the International Red Cross distinguished from extermination camps. (24-6198, 6201)

Weber approved of Harwood's statement that Jewish losses must be put in the context of a war that cost many millions of innocent victims on all sides. Generally accepted figures put German civilian dead from Allied air raids at about 500,000 and about 2 million dead from the forced expulsion of some 14 million Germans at the end of the war from areas where they had lived for centuries. There was no question, said Weber, that far more Germans died during the Second World War than Jews. (24-6199, 6200)

Weber turned to the last paragraphs of the booklet:

The question most pertinent to the extermination legend is, of course: how many of the 3 million European Jews under German control survived after 1945? The Jewish Joint Distribution Committee estimated the number of survivors in Europe to be only one and a half million, but such a figure is now totally unacceptable. This is proved by the growing number of Jews claiming compensation from the West German Government for having allegedly suffered between 1939 and 1945. By 1965, the number of these claimants registered with the West German Government had tripled in ten years and reached 3,375,000 (Aufbau, June 30th, 1965). Nothing could be a more devastating proof of the brazen fantasy of the Six Million. Most of these claimants are Jews, so there can be no doubt that the majority of the 3 million Jews who experienced the Nazi occupation of Europe are, in fact, very much alive. It is a resounding confirmation of the fact that Jewish casualties during the Second World War can only be estimated at a figure in thousands. Surely this is enough grief for the Jewish people? Who has the right to compound it with vast imaginary slaughter, marking with eternal shame a great European nation, as well as wringing fraudulent monetary compensation from them?

RICHARD HARWOOD is a writer and specialist in political and diplomatic aspects of the Second World War. At present he is with the University of London. Mr. Harwood turned to the vexed subject of war crimes under the influence of Professor Paul Rassinier, to whose monumental work this little volume is greatly indebted. The

author is now working on a sequel in this series on the Main Nuremberg Trial, 1945 - 1946.

Weber himself believed that definitive statements about the number of Jewish losses during the war could not be made. "Victims of the Holocaust" were defined to include Jews who died during the war regardless of cause; i.e., included were Jews who died in Allied air raids. When two large shiploads of about 10,000 concentration camp inmates were sunk by British airplanes at the end of the war, these dead were counted as "victims of the Holocaust." (24-6202, 6203)

Weber agreed with Harwood's statement that the number of Jews claiming compensation had increased over the years. Today, he said, the total number of claims made by individuals to the West German government for compensation was about 4.2 million. About 80 percent or 3.5 million of these claims were from Jews. This number did not include the large numbers of Jews who had never been allowed to make claims, i.e., those in the Eastern Bloc countries of Poland, Hungary, Romania and the Soviet Union. Further, Jews who died before the programme began in 1953 also never made claims. In Weber's opinion, it was not inaccurate to say that the reparations claims were not consistent with the Six Million story. (24-6204, 6205)

Weber was referred to the back page of *Did Six Million Really Die?* written by Ernst Zündel where he wrote that his views were shared by notable experts and historians from around the world, including Professor Faurisson, J.G. Burg, Dr. B. Kautsky, Dr. W. Stäglich, David Irving, David Hoggan, Professor Arthur Butz, Professor A.J. App, Professor Rassiner, Professor Udo Walendy, Thies Christophersen and Ditlieb Felderer. (24-6221)

Weber testified that Professor Robert Faurisson had a doctorate in French literature and had written extensively on the Holocaust issue. Weber considered him to be a very capable and thorough historian. Faurisson did not have strong political views but was something of a liberal. J.G. Burg was the author of several books calling into question the Holocaust story. He himself was Jewish and lived in Munich. Professor Butz was the author of the important revisionist work, *The Hoax of the Twentieth Century*. David Irving was an English historian whom Weber considered to be remarkably scrupulous. David Hoggan was an American historian whose works Weber had found useful. Weber knew Professor A.J. App when he lived in Washington and also found his works to be useful. (24-6221)

In 1977 Weber sought out the publisher of *Did Six Million Really Die?* because he wanted to know more about what they were publishing. He had no difficulty finding the publisher in England. Weber was introduced to the author of *Did Six Million Really Die?* and spoke to him about the booklet. (24-6225)

Weber was familiar with the reports of the Red Cross as they dealt with the concentration camps during the war and the relationship between the Red Cross and the Jewish population in Europe during the war. In Weber's opinion, the reports were accurate but somewhat biased. An example of bias was the reference in the reports to the "liberation" of the city of Budapest, Hungary by the Soviet forces. The population of Hungary, said Weber, was overwhelmingly anti- Communist and to describe the city of Budapest being taken by the Soviet forces as a "liberation" was a

misrepresentation. It was language that reflected the thinking and mentality of the Allies at that period of time. Another example of Red Cross bias was its report on the liberation of Dachau concentration camp in April of 1945. There was no mention in the report of the summary shootings of the German guards by American G.I.'s who captured the camp; it was hard to imagine, said Weber, that the shootings could have escaped the attention of the Red Cross officials who were there at the time. There was no doubt this atrocity took place; it was described in a memoir entitled *The Day of the Americans* written by a former inmate named Nerin Gun; it was also described in a memoir entitled *Dachau: The Hour of the Avenger* written by an American officer, Colonel Howard Buechner, who was with the American forces who captured the camp. Weber also found confirmation in official U.S. Army records in the National Archives that the atrocity was carried out by American soldiers and was subsequently suppressed. (24-6227 to 6229)

Weber returned to the subject of the Luther Memorandum (Nuremberg Document NG- 2586), a document he believed to be very important because it laid out in clear language what the German policy during the war was towards the Jews. To Weber, the most relevant portions of the document were often not published or known. The document said: "The present war gives Germany the opportunity and also the duty of solving the Jewish problem in Europe." This policy was to "promote the evacuation of the Jews from Europe in closest co-operation with the agencies of the Reichsführer SS..." The document also noted that "The number of Jews deported in this way to the east did not suffice to cover the labour needs." The document also quoted German Foreign Minister Ribbentrop as saying that "At the end of this war, all Jews would have to leave Europe. This was an unalterable decision of the Führer and also the only way to master this problem as only a global comprehensive solution could be applied and individual measures would not help very much." The memorandum concluded by saying that "The deportations to the east are a further step on the way of the total solution. The deportation to the Polish General Government is a temporary measure. The Jews will be moved on further to the occupied eastern territories as soon as the technical conditions for it are given." (24 6230)

Weber had done a great deal of study into the Einsatzgruppen reports and translated large portions not previously made public. The Einsatzgruppen report of September 12, 1942, [No. 81, p. 14], showed that the goal of the German security units was not to kill as many Jews as possible. It showed in fact that they were glad when they did not have to deal with the large numbers of Jews who fled into the Soviet Union. The report showed that the term "solution to the Jewish question in Europe" meant that the Jews were simply to be gotten out of Europe. Weber read from the report:

During the first weeks considerable numbers of Jews fell under our control, whereas in the central and eastern Ukrainian districts it has been observed that in many cases 70 to 90 percent, and sometimes 100 percent, of the Jewish population has fled. This can be seen as an indirect result of the work of the Security Police, since the removal at no cost of hundreds of thousands of Jews -- most of them reportedly to beyond the Urals -- represents a considerable contribution to the solution of the Jewish question in Europe.

Weber referred next to the CIA booklet containing aerial photographs of Auschwitz. Weber testified that the two CIA officials who wrote the text of the booklet were not

historians and relied entirely on secondary sources in concluding that an extermination took place at Auschwitz. What was significant was that the aerial photographs themselves did not give any evidence to support the extermination story and tended, in fact, to discredit the story. (24-6233, 6234)

In Weber's opinion, *Did Six Million Really Die?* did not purport to be a serious or scholarly work of history. It was based on secondary sources such as the books of Paul Rassinier; it was a polemical account designed to convince people. It did not purport to be a work that could be held up to the same standards of rigid scrutiny that a scholarly work by a historian normally would be. A critical reader, who understood it was written on the basis of secondary sources, would be alerted to the fact that if he wanted to evaluate its absolute accuracy he would have to go to the primary sources. In Weber's opinion, *Did Six Million Really Die?*'s main value lay in encouraging further thought, discussion and debate on the subject it raised. (24 6235 to 6237)

Weber pointed out that *The Rise and Fall of the Third Reich* by William Shirer, which had been through numerous editions and was considered a standard work, contained many errors of historical fact. For example, the book claimed that Hermann Göring and the top officials around Hitler carried out the burning of the Reichstag building in 1933, a claim which was now acknowledged by historians to be untrue. In Weber's opinion, Shirer was more responsible for these errors precisely because the book purported to be a scholarly work based on primary sources. (24-6237)

Historians very often made mistakes, sometimes in good faith and sometimes not, but one did not hold the writing of someone held out to be a scholar to the same standard that one held a popular or polemic or journalistic work. The standard was established by the author himself and the publisher of the book. When a work claimed to be a comprehensive or definitive work on a subject, then the author himself and the publishers were establishing the standard. Thirdly, there was an implicit standard of reliability when a book was written by a well-known author and was a lengthy treatment. Such a book was held to a different standard than that of a historical work by someone who was not well-known or a work which was polemical or journalistic. (24-6238)

More comparable to *Did Six Million Really Die?*, said Weber, were two booklets published on the same subject by the Anti-Defamation League of B'nai Brith in New York City. The first, entitled *Anatomy of Nazism* was a polemical work which did not cite original sources and contained demonstrable errors of fact. For example, the booklet contained photographs with the caption "Nazism: Two monuments are now empty gas chambers and crematoria at Dachau and Buchenwald." No historian today claimed there were gassings at these camps. The booklet further claimed that "large quantities of soap were manufactured from the corpses of those murdered." Again, said Weber, no historian today made such claims. 10

Weber concluded his examination-in-chief by stating that Harwood's conclusions in *Did Six Million Really Die?* were not unreasonable, and were reasonable if one accepted the secondary evidence that the author had relied upon. (24-6243)

Crown Attorney John Pearson commenced his cross-examination of Weber. Weber testified that he agreed with the main thesis of the booklet which was laid out in the

first paragraph. In his opinion, however, the booklet contained misleading and false statements of fact. Weber agreed that with at least some citations in the booklet, the errors would be disclosed simply by looking up the references. (24-6244, 6245)

Pearson turned to *Did Six Million Really Die?* and read from page 9:

So far as is known, the first accusation against the Germans of the mass murder of Jews in war-time Europe was made by the Polish Jew Rafael Lemkin in his book *Axis Rule in Occupied Europe*, published in New York in 1943...His book claimed that the Nazis had destroyed millions of Jews, perhaps as many as six millions.

Pearson produced Exhibit 48 in the trial, *Axis Rule in Occupied Europe*, and asked Weber to confirm that the book was actually published in 1944, not 1943 as Harwood had stated. Weber confirmed that the title page of the book listed 1944 as the date of publication but pointed out that it did not make clear whether it was the first edition or not. (24-6247) Pearson turned to page 88 of the Lemkin book and read to the court:

The technique of mass killings is employed mainly against Poles, Russians, and Jews, as well as against leading personalities from among the non-collaborationist groups in all the occupied countries. In Poland, Bohemia-Moravia, and Slovenia, the intellectuals are being "liquidated" because they have always been considered as the main bearers of national ideals and at the time of occupation they were especially suspected of being the organizers of resistance. The Jews for the most part are liquidated within the ghettos or in special trains in which they are transported to a so-called "unknown" destination. The number of Jews who have been killed by organized murder in all the occupied countries, according to the Institute of Jewish Affairs of the American Jewish Congress in New York amounts to 1,702,500. (See the Joint Declaration by members of the United Nations issued simultaneously in Washington and in London, on December 17, 1942...)

Weber agreed that Lemkin did not claim that 6 million Jews had been destroyed as Harwood had stated. Weber pointed out that it was important to realize that Harwood relied on the works of Paul Rassinier; the original error was made by Rassinier and repeated by Harwood. He agreed, however, that Harwood had made no reference to Rassinier at that point in the booklet. (24-6249)

As to Harwood's claim that Lemkin was the first to accuse the Germans of mass murder of the Jews, Weber agreed that the Lemkin book specifically referred to the Joint Declaration and to statistics of the Institute of Jewish Affairs. He agreed that those who were well-informed on the subject knew that the Allied governments claimed there was an extermination of the Jews taking place in 1942. It was certainly not a secret, said Weber, and the Allied governments made quite a lot of it at the time. He agreed that one did not need to be an expert to know about the Joint Declaration of 1942. (24-6250, 6251)

Weber did not agree, however, with Pearson's suggestion that Harwood had stated deliberate falsehoods with respect to Lemkin. Weber knew the author, Richard Verrall, was given a small amount of money to quickly produce *Did Six Million Really Die?* as a journalistic venture. Verrall did not know and did not expect, as those who asked him to make the booklet did not expect, that the booklet would have

anywhere near the impact that it had. Richard Verrall was not a specialist in history. He relied on secondary sources and produced the booklet very quickly. Weber knew Verrall and believed he did not maliciously or willfully make false statements of fact in the booklet. He wrote what he believed to be the truth at the time. Weber knew Verrall was very glad to have errors pointed out in the booklet. He wanted errors corrected in subsequent editions and in some cases they in fact had been corrected. (24-6252, 6253)

Pearson turned to the last page of *Did Six Million Really Die?*:

RICHARD HARWOOD is a writer and specialist in political and diplomatic aspects of the Second World War. At present he is with the University of London.

Pearson suggested that this was a false statement. Weber disagreed, testifying that Verrall had simply used the name "Harwood"; but Verrall was a writer and he had a specialized interest in political and diplomatic aspects of the Second World War. He was a graduate of the University of London with high honours. (24-6254, 6255)

Pearson asked if Weber held Paul Rassinier to the standard of a historian. Weber testified that Rassinier was the most important revisionist historian up to the time of the publication of *Did Six Million Really Die?*. Both Rassinier and the booklet represented an early stage in revisionist historiography. Weber himself had been disturbed by Rassinier's errors of fact and accepted nothing of what he wrote except when he was talking in the first person perhaps and unless Weber checked the source himself. He did not agree with Pearson's suggestion that Rassinier deliberately falsified what Lemkin wrote. Rassinier was sick after the war and unable to resume his teaching career. He did not have a doctorate in history. While some might hold Rassinier's work to a very high standard, Weber personally did not. (24 6256 to 6258)

In Weber's opinion, the Lemkin error was not a substantive or malicious error as it was not essential to Rassinier's argument. If he had said that the first claims of extermination were made in 1942 rather than 1943 it would not have detracted from his essential point. Rassinier may have relied on a newspaper account about Lemkin's book and picked up the error there. The kind of errors that Rassinier commonly made were not of a substantial nature. He would, for example, get exact titles incorrect or make mistakes about dates of a minor nature. It simply showed he was not the most meticulous writer. (24-6258)

Weber testified that a reasonable and competent historian would check a source before quoting it. He reiterated, however, that Rassinier might have tried to check his source and been unable to do so; he may have relied on a secondary source that was inaccurate. Rassinier was in France and *Axis Rule in Occupied Europe* was published in the United States. Weber believed historians had an obligation to check original sources whenever they could and was sorry that Rassinier was not a careful historian in some cases. However, the great value of Rassinier's work lay mostly in what he himself reported about his own personal experiences in Buchenwald and in Dora concentration camps. What he wrote of beyond his personal experiences had to be checked, but that was true of all historical writing. (24-6260, 6261)

Rassinier began his investigation of this subject because he was so struck by the fact that what was being said in the media in France after the war was directly contrary to his own personal experience in Buchenwald and Dora. His first book discussed his experiences in those camps. He did not draw any sweeping conclusions. Weber pointed out that there were many other former inmates who didn't hesitate to draw very sweeping conclusions even though all they really knew was what they had seen in a particular camp. (24-6263)

Rassinier concluded, on the basis of his research, that about 1.2 million Jews died during the Second World War from a variety of causes. He took issue with the thesis that 5 or 6 million Jews were exterminated as part of an official German policy. (24-6264)

Weber pointed out that although *Did Six Million Really Die?* was journalistic, Verrall had provided sources for much of what he wrote. That implied an invitation to the reader to check those sources. The booklet which Weber had referred to earlier by the Anti-Defamation League of B'nai Brith did not give any sources to support its statements. Oftentimes, claims were made in newspapers and magazines without any sources whatsoever being provided. (24-6265)

Pearson suggested to Weber that it was part of the central thesis of *Did Six Million Really Die?* that the Holocaust was a post-war invention. Weber disagreed, pointing out that the very passage about Lemkin which Pearson quoted said that the first extermination claims were made in 1943, that was, during the war. (24-6266)

Weber did not know if Verrall checked the accuracy of what Rassinier said by checking Lemkin's book. Weber believed he should have, but didn't. From Weber's conversations with Verrall, the author felt he was under a deadline and had to write the essay quickly; this was what Verrall was really concerned about. When a writer put forth a thesis which was at variance with a generally-accepted view, Weber believed the writer should be more careful than usual because he had a greater burden of proof and had to contend with a much greater level of disbelief among his potential readers. (24-6267)

Pearson suggested again that anyone who was reasonably well-read in the area would know about the Joint Allied Declaration. Weber replied that if Pearson went into some other courtroom in the building he wouldn't find a single person who knew about the Allied Declaration of 1942 even though many of those people were reasonably well-read. This applied now or in 1976. In Weber's opinion, there were many persons in Canada with doctorates in history, even in modern European history, who were not aware of the Allied Declaration. Verrall had a specialized interest in the political and diplomatic aspects of the Second World War. He did not claim to be a specialist or an expert on the history of the Jews in Europe in the Second World War. (24-6268 to 6270)

Pearson suggested that before publishing a book for public consumption, a reasonable and competent publisher would check out the sources cited in a book to ensure they were referred to accurately. Weber thought a publisher should but often did not. Even major publishers did not; William Shirer's *The Rise and Fall of the Third Reich* was an example. Weber agreed it shouldn't have been too difficult to check up on the

Lemkin book in North America, but indicated that publishers normally assumed the good faith and accuracy of their writers. Weber cited as a further example of this publishing practice, the so-called Howard Hughes hoax where a man wrote a book which purported to be the authorized biography of Hughes. The publisher published the book in good faith, thinking it was accurate. The whole thing, however, was an enormous hoax. The publisher should have checked the book, said Weber, but it didn't. It accepted the word of the author. That was normally the case because publishers were in the business of publishing; they didn't have the time or the inclination to go checking up on the accuracy of everything that was written by their writers. Weber pointed out that Zündel, the publisher of *Did Six Million Really Die?*, had made it clear that he accepted the essential thesis of the booklet based not merely on the say-so of Harwood but also on the authority of others whom he had taken the time to list. (24-6270 to 6273)

Pearson put to Weber that in his previous testimony he said that between 200,000 and 800,000 Jews were killed by the Einsatzgruppen. Weber testified that this was an estimate that he did not want to be held strictly to account for because of the difficulty in the figures. He would qualify this estimate by saying that it would be an estimate not of Jews killed by the Einsatzgruppen, but rather of Jews killed in the Soviet territories during the war. It would therefore include Jews who were killed by Poles, Latvians, Lithuanians and Ukrainians in pogroms which took place on a widespread scale as the Germans invaded in 1941. The deaths of those Jews were commonly attributed to the Germans. Weber disagreed with Harwood's conclusion on page 14 of the booklet that 100,000 people were killed by the Einsatzgruppen. Weber himself believed that a minimum of perhaps 200,000 Jews were killed in the Soviet territories by both the Einsatzgruppen and others. (24-6273 to 6276)

The policy of the Einsatzgruppen was not to kill Jews simply because they were Jews, said Weber. They were shot for security reasons, reprisals, being found outside the ghetto for unauthorized reasons and so on. This was comparable to the so-called "free fire zones" established during the Vietnam War in which anyone alive was subject to being killed. This didn't mean the American government had a policy of exterminating the Vietnamese people. (24-6276 to 6278)

Weber agreed that in the Einsatzgruppen reports there was often a distinction made between partisans and Jews. Sometimes Jews were listed separately as a sub-group of partisans or partisan helpers. He agreed that the numbers of Jews reported shot far exceeded the number of partisans reported shot but he believed these numbers were exaggerated to curry favour with superiors. The shooting of Jews was considered good precisely because it was considered a help to security. As Raul Hilberg pointed out in his book, Jews were not shot whenever there was not a security or reprisal reason to shoot them. (24-6284, 6285)

Weber agreed that Ohlendorf had a very good reason at his own trial to try to minimize the activities of the Einsatzgruppen. Pearson produced volume 4 of the Nuremberg Military Tribunal "Green Series" in which the testimony of Ohlendorf at his own trial was reproduced. Pearson read from page 269, where Ohlendorf was being cross-examined by the prosecutor:

MR. HEATH: Mr. Ohlendorf, to speed this examination I'd like to attempt to agree with you upon one or two points. First, we shall not quarrel about numbers. You have indicated that Einsatzgruppe D under your command slaughtered something less than 90,000 human beings. I understood you to suggest to the Court that this figure is exaggerated although it appears in an affidavit which you have given. I ask you now to give the Court the best estimate you possibly can of the minimum number of human beings who were killed under your command by Einsatzgruppe D.

DEFENDANT OHLENDORF: In my direct examination I have already said that I cannot give any definite figure, and that even the testimony in my affidavit shows that in reality I could not name any figure. Therefore, I have named a figure which has been reported "approximately". The knowledge which I have gained by this day through the documents and which I have gained through conversations with my men, make me reserve the right to name any figure and strengthen this reservation. Therefore, I am not in a position to give you a minimum figure, either. In my direct examination I have said that the numbers which appear in the documents are at least exaggerated by one-half, but I must repeat that I never knew any definite figure and, therefore, cannot give you any such figure.

Q. You cannot give us a minimum figure?

A. If the prosecution wishes I am, of course, prepared to give my reasons why I cannot give any figure.

Q. Well, let me ask you -- perhaps I can help you * * * . In any event, I can indicate to the Court one reason why you might have doubts about the numbers. In 1943 the Reich Leader SS, Himmler addressed the SS major generals at Poznan. You are aware of that speech, are you not?

A. Yes, I have heard it myself.

Q. Perhaps you recall his complaint; I will read it to you --

"I come now to a fourth virtue, which is very rare in Germany -- truthfulness. One of the greatest evils which has spread during the war is the lack of truthfulness in messages, reports, and statements, which subordinate departments in civil life, in the State, the Party and the services sent in to the departments over them."

Of course, that was in 1943. Did you exaggerate the reports which you sent to the Reich Security Main Office?

A. I certainly did not on my own initiative, but I had to rely on those things which were reported to me, and I know that double countings could not be avoided, and I also know that wrong numbers were reported to me. I have tried to avoid passing on such double countings or wrong statements, because the individual Kommandos did not know the figures of the neighbor units; nevertheless the reporting of wrong figures was not prevented -- and especially the reporting of strange figures as for instance, the report from Chernovitsy. Here those figures are named for which the Rumanians in Chernovitsy were responsible.

Q. Will you tell the Court what bookkeeping and record-making system was maintained in Einsatzgruppe D to keep track of the people slaughtered?

A. In Einsatzgruppe D the various reports were received which were sent from the Kommandos to the Einsatzgruppe, and these reports were gone over and the figures contained in them were sent to the Reich Security Main Office.

Q. Well, it is quite obvious that that is what happened. But tell us now who reported for Einsatzkommando 12, say, during the first six months of its operations, the killings by Einsatzkommando 12, to you?

A. Einsatzkommando 12 itself.

Q. And who was the man who reported to you?

A. They were usually signed by the Einsatzkommando chief himself, in this case by the then SS Major [Sturmbannführer] Nosske.

Q. Very well, you relied on Nosske for truthful reporting of the numbers killed by his unit?

A. I had no possibility to examine these executions because Nosske, was sometimes 200 or 250 kilometers away from me.

Q. Witness, I don't mean to cut you off, but I think if I ask you now to attempt to make your answers as responsive as possible, I shall attempt to make my questions as explicit as possible -- and I believe we both shall benefit. So, I ask you again -- not why you did not check up on Nosske, but simply the question -- Did you rely on Nosske for truthful reports of the slaughters committed by Einsatzkommando 12?

A. I didn't understand the last part of the question.

Q. Did you rely on Nosske for truthful reports of the numbers of persons slaughtered by Einsatzkommando 12 while it was under his command?

A. I was of the opinion that these reports were truthful. In the case of Nosske, however, in one case it was brought to my attention that the report was not truthful. But that was at a relatively early stage of Nikolaev.

We found out that in this case Nosske reported figures which were not killed by his Kommando but by a strange unit.

Q. Then in one instance at least, you did find your subordinate exaggerating the number killed by his unit?

A. Yes.

Q. Do you recall any other exaggerations by any other men in the unit under you?

A. Yes, for example, in the case of 10a.

Q. Yes. Do you recall an exaggeration in the case of 10a?

A. Yes. In the case of 10a.

Q. Any other Einsatzkommando do you recall exaggerating figures?

A. Not from my part, no.

Q. So within the limits of memory and the situation you find yourself in today, it should be possible for you to give us a minimum figure based on the reports of the men who were under you, should it not?

A. I can only repeat what I already have been saying for two and one-half years that to the best of my knowledge, about ninety thousand people were reported by my Einsatzkommandos. How many of those were actually killed I do not know and I cannot really say.

Q. Very well, we will leave this after one more question. This figure ninety thousand is the best estimate you can give at this moment. I take it we must continue to read that with the qualification that you gave in direct testimony, that you think there is a great deal of exaggeration in it?

PRESIDING JUDGE MUSMANNO: Mr. Heath, I do not understand the witness to say that he regarded the figure ninety thousand to be an exaggeration. He states, and he stated not only here but before the International Military Tribunal, that his estimate of the number killed by the Einsatzgruppe D during the time he was in charge was ninety thousand, and he comes to that conclusion from the reports and that is what I understand he says today.

MR. HEATH: I agree with your Honor. I had understood him to say that in the transcript his testimony was -- go ahead.

DEFENDANT OHLENDORF: I am not quite in agreement with this answer, your Honor, insofar as I said that the number ninety thousand was reported as having been killed. But I cannot really say whether that number had been actually killed and certainly not that they were killed by the Einsatzgruppen, because, apart from exaggerations, I also knew definitely that the Einsatzkommando reported the killings which were carried out by other units. Therefore, I could only repeat that ninety thousand were reported.

PRESIDING JUDGE MUSMANNO: Witness, you may perhaps not agree to what I have stated, but you will have to agree to what you stated yourself on 3 January 1946; you were asked: "Do you know how many persons were liquidated by the Einsatzgruppe D under your direction?" And you answered: "In the year between June 1941 and June 1942 the Einsatzkommandos reported ninety thousand people liquidated."

DEFENDANT OHLENDORF: Yes.

PRESIDING JUDGE MUSMANNO: Question: "That included men, women and children?" Answer: "Yes." Question: "On what do you base these figures?" Answer: "On reports sent by the Einsatzkommandos to the Einsatzgruppen." Question: "Were those reports submitted to you?" Answer: "Yes."

MR. HEATH: Your Honor, please, if I may interrupt? I think I can clear up the difficulty. I have the advantage of having the transcript of his testimony before me.

PRESIDING JUDGE MUSMANNO: Yes.

MR. HEATH: I don't know that your Honor has had the opportunity to see it.

PRESIDING JUDGE MUSMANNO: No. I have not.

MR. HEATH: He did make this statement with respect to the affidavit which you just read.

PRESIDING JUDGE MUSMANNO: It is not the affidavit. This is testimony put to him in Court.

MR. HEATH: We can follow this up in the witness' testimony in direct examination. Witness, this is from your testimony of last week. You said: "If, of course, the figure of ninety thousand was named by me, I always added that in this fifteen to twenty percent are double countings, that is, on the basis of my own experience. I do not know any longer how I could have remembered the number of just ninety thousand, because I did not keep a register of these figures. The 'approximately' must have meant that I was not certain. It is evident that I mentioned this number of ninety thousand by adding a number of other figures. I do not mention this in order to excuse myself, as I am perfectly convinced that it does not matter from the actual fact whether it was forty thousand or ninety thousand. I mention this for the reason that in the situation in which we are today, politically speaking, figures are being dealt with in an irresponsible manner." That is the qualification that I had referred to.

PRESIDING JUDGE MUSMANNO: But that still does not in any way take away from what he said on 3 January 1946.

MR. HEATH: I agree, sir, with you.

PRESIDING JUDGE MUSMANNO: That is the testimony of that day, and it still stands now as he gives this explanation and the Tribunal sees no difference between what he said then and what he said today, namely, that this estimate of ninety thousand is based upon the report which he personally saw.

MR. HEATH: Alright, sir.

DEFENDANT OHLENDORF: With what was just read by the presiding judge of my affidavit of 3 January 1946 I agree completely.

PRESIDING JUDGE MUSMANNO: Yes.

DEFENDANT OHLENDORF: Anything else which I have said on direct examination is merely a commentary to the testimony of 3 January 1946.

PRESIDING JUDGE MUSMANNO: Very well.

MR. HEATH: Very well, sir. Mr. Ohlendorf, I had begun to ask you about the Karaims [Karaites] and the Krimchaks, I think you called them. I understood that you were confronted in the south of Russia with the question further to slaughter Krimchaks. Krimchaks I understood were human beings who had come by way of Italy to Russia, and they had Jewish blood. The directive which you got from Berlin was to kill the Krimchaks, is that correct?

DEFENDANT OHLENDORF: Yes.

Q. Now, I cannot pronounce it correctly, the Karaims were another sect whom you encountered in the south of Russia, and this sect had no Jewish blood, but it did share the religious confessions of the Jews. Is that right?

A. Yes.

Q. You submitted to Berlin the question whether the Karaims should be killed, and I understood you to say that the order you got from Berlin was you shall not kill them for they have nothing in common with the Jews except the confession?

A. Yes.

Q. Now during your direct examination you told this Court that you had no idea, and that you have no cause today to think that there was any plan to exterminate the Jewish race in existence, nor that you had any information of putting it into effect. Is that right?

A. Yes.

Q. Will you explain to the Court, please, what difference there was between the Karaims and the Krimchaks, except Jewish blood?

A. I understand your question completely in reference to the eastern Jews, in the case of the Jews who were found in the eastern campaign. These Jews were to be killed -- according to the order -- for the reason that they were considered carriers of bolshevism, and, therefore, considered as endangering the security of the German Reich. This concerned the Jews who were found in Russia, and it was not known to me that the Jews in all of Europe were being killed, but on the contrary I knew that down to my dismissal these Jews were not killed, but it was attempted at all costs to get them to emigrate. The fact that the Karaims were not killed showed that the charge of the prosecution that persons were persecuted for their religion is not correct, for the Karaims had that Jewish religion, but they could not be killed because they did not belong to the Jewish race.

Q. I think, Witness, you answered exactly what I had anticipated in the last sentence, "They did not belong to the Jewish Race," is that right?

A. Yes, that is right.

Q. They were found in Russia?

A. Yes.

Q. But they participated in the Jewish confession in Russia?

A. The Karaims had the Jewish faith, yes.

Q. But your race authorities in Berlin could find no trace of Jewish blood in them?

A. Yes.

Q. So they came absolutely under the Führer Decree or the Streckenbach Order to kill all Jews?

A. Yes.

Q. Because of blood?

A. Because they were of Jewish origin. For you must understand the Nazi ideology, as you call it. It was the opinion of the Führer that in Russia and in bolshevism, the representatives of this blood showed themselves especially suitable for this idea, therefore, the carriers of this blood became especially suitable representatives of the bolshevism. That is not on account of their faith, or their religion, but because of their human make-up and character.

Q. And because of their blood, right?

A. I cannot express it any more definitely than I stated, from their nature and their characteristics. Their blood, of course, has something to do with it, according to National Socialist ideology.

Q. Let's see, if I can understand it; we've got a lot of time, I hope. What was the distinction except blood?

A. Between whom?

Q. Between the Karaims and the Krimchaks?

A. The difference of the blood, yes.

Q. Only the difference in blood, is that so?

A. Yes.

Q. So the criterion and the test which you applied in your slaughter was blood?

A. The criteria which I used were the orders which I got, and it has not been doubted during the entire trial, that in this Führer Order the Jews were designated as the ones who belonged to that circle in Russia and who were to be killed.

Q. Very well, Witness, let's not quibble. Let's come back again. What you followed was the Führer Order. Now, I leave you out of it for a moment, your own idea of what should be killed and what should not be killed.

PRESIDING JUDGE MUSMANN: I disagree with you, Mr. Heath, that the witness has quibbled. I think he has stated very clearly that his orders were to kill all Jews, that was the criterion which he followed. If he was a Jew he was killed, if he was not a Jew then they might figure some other reason to kill him but he wouldn't be killed because he was a Jew.

MR. HEATH: Yes, Your Honor, I am attempting to get him to say the word blood and not the word Jews. That is the reason I was saying he is quibbling, but I am perfectly happy to leave it where it is.

PRESIDING JUDGE MUSMANN: I think he has been rather forthright.

MR. HEATH: Very well. Let's see, Mr. Ohlendorf, let's go for a moment to this order which you got at Pretzsch in the spring of 1941. Did you have any knowledge whatever of the purposes of the Einsatzgruppen before you went to Pretzsch?

A. We merely knew that the Einsatzgruppen were to be set up.

Q -- But you did not know what they were to do?

A. No. Apart from the fact that one has a definite idea about missions in which people of the Security Police and the SD were assigned. That is, of course, true.

Q. Did you, at that time, have any idea that the mission of the security police would be to slaughter Jews and gypsies?

A. I could no longer say today that I had such an idea, but I don't believe so. In my opinion the order about the killing of the Jews was made known to me for the first time in Pretzsch, that is, for the Russian campaign.

Q. If you had known that that was going to be the purpose of the Einsatzgruppen to kill all Jews and gypsies and certain other categories, you would remember it today -- would you not, Mr. Ohlendorf?

A. I can no longer say.

Pearson turned to page 283 of the Ohlendorf cross-examination and continued reading:

Q. Well, you went to Poland with Himmler in 1940?

A. 1939.

Q. 1939. All right. And Heydrich sent you along with Himmler, you say? Disputes arose between you and Himmler in 1939?

A. They really were monologues because Himmler --

Q. That's all right, whether it was monologue or not. He reproached you that members of the SD in Poland had not been able to treat the Jews in a manner in which he had wanted, and that, you say "was a product of my education". What was it he wanted done to the Jews in Poland which he said you had failed to do?

A. That is connected with the actions about which I have answered to the prosecutor on his previous questions. It was in the same city where differences between Streckenbach and Himmler occurred. It concerned the same actions.

Q. You mean the actions under a Führer Order, an order similar to the order which controlled you in Russia?

A. Yes. During the direct examination I already answered the questions by the presiding judge, and today I answered your questions, that the contents were not the same, but a directive which was only given once concerning certain definite single actions.

Q. Tell us how orders that you operated under in 1941 in Russia differed from the order which controlled killing of Jews in Poland in 1939?

A. In Poland individual actions had been ordered, while in Russia, during the entire time of the commitment, the killing of all Jews had been ordered. Special actions in Poland had been ordered, whose contents I do not know in detail.

Weber explained that in giving this testimony, Otto Ohlendorf was desperately trying to save his life. The statements he made were a repudiation of part of his Nuremberg testimony. For example, he said that the figures in the Einsatzgruppen reports were exaggerated by at least half. That was not what he said in the main Nuremberg trial, where he also claimed there was a policy to exterminate all the Jews. (24-6306)

Otto Ohlendorf had to make statements in his own trial which did not vary too extremely from his statements at Nuremberg or else he would have been completely unbelievable. His reference to the so-called "Führer Order" was an attempt to justify his actions. No one had ever been able to find any evidence of such a "Führer Order." Weber pointed out that even Raul Hilberg no longer claimed that this "Führer Order" actually ever existed. (24-6306, 6308)

On page 252 of this same Nuremberg volume, said Weber, Ohlendorf testified that the Einsatzgruppen never had the task of eliminating groups of the population because they were racially inferior. He said they were never trained for such actions. (24-6307)

Ohlendorf's testimony had to be looked at in the context of what his motives were. It was known from existing orders what the tasks of the Einsatzgruppen were; it was also known that after the Einsatzgruppen's operations in Russia were finished, there

were still large numbers of Jews living there. In Weber's opinion, if there had been orders by Hitler to exterminate them all, then they would have been exterminated. In actual fact, the Germans evacuated large numbers of Jews from former occupied Soviet territory back to Germany at the end of the war. Weber believed Ohlendorf's testimony was a fraud. (24-6307)

March 25, 1988

Crown Attorney Pearson resumed his cross-examination by referring Weber to page 5 of Did Six Million Really Die?:

The aim in the following pages is quite simply to tell the Truth. The distinguished American historian Harry Elmer Barnes once wrote that "An attempt to make a competent, objective and truthful investigation of the extermination question...is surely the most precarious venture that an historian or demographer could undertake today." In attempting this precarious task, it is hoped to make some contribution, not only to historical truth, but towards lifting the burden of a Lie from our own shoulders, so that we may freely confront the dangers which threaten us all. Richard E. Harwood.

Weber agreed that Richard Verrall, using the name "Harwood," did not tell his readers in that paragraph that he did not have the time or inclination to check out the sources. Weber characterized the paragraph as being rhetorical. (24-6316)

Pearson suggested that Verrall's claim that he was writing a competent, objective and truthful investigation was false. Weber replied that the booklet was a polemic; it was argumentative and journalistic. It was presenting the case for one point of view. In Weber's opinion, Hilberg's book was not objective even though it took account of much more evidence. He agreed, however, that the booklet was not completely competent and not completely truthful. Verrall had set up a high standard in the paragraph which the booklet, by its very nature and short length, was not able to meet. (24-6316 to 6319)

Pearson suggested that it was false to say that Lemkin said "X" when in fact the author didn't know what Lemkin said because he hadn't checked it out. Weber replied that this was sloppiness. The mistake was not of a deceitful nature because it was not a mistake that called the main thesis of the booklet into question. Verrall relied on a second-hand source, Rassinier. It was not known why Rassinier made the mistake. He may have been relying on still another source which he considered competent and was unable to check out. This happened often in history writing or in journalistic writing. One of the most dramatic examples was the case of Newsweek, one of the most important and influential magazines in North America, which launched a press campaign about the so-called "secret diaries" of Adolf Hitler. Newsweek had enormous financial and human resources to check out the authenticity of the purported diary but they didn't do it. A competent examination would have revealed the diary to be a hoax. Weber regretted this kind of sloppiness, and believed that in the case of Newsweek it was a much more culpable sloppiness. Newsweek had the resources to make those kinds of investigations and it purported to be a much more reliable and authoritative publication than Richard Verrall's. (24 6320 to 6322)

Weber agreed with Pearson that the reader was misled by a work which indicated that the sources relied upon said one thing when in fact they said exactly the opposite. Whether it was serious or not depended upon the publication. A reader who bought the National Enquirer didn't normally expect the same level of truthfulness and accuracy that he expected to find in the Globe and Mail. If he did, he was a fool. Weber expected a higher standard of reliability from Did Six Million Really Die? than from the National Enquirer. He pointed out that the errors made in the pamphlet did not say "exactly the opposite" of their sources, as suggested by Pearson. The errors that did exist were almost always insubstantial errors; usually very minor errors, like whether Lemkin was the first to make the extermination allegation or whether a few months earlier the Allied governments were the first to present the extermination story. (24-6323 to 6325)

When he first began investigating the Holocaust story, Weber felt that it might not be true. It was perhaps a year before he came to feel that the story was essentially not true. He had been very interested in knowing what the evidence was on both sides and was quite content to accept whatever the truth was. With respect to the Einsatzgruppen, Weber now believed there was no German policy to exterminate the Jews of Russia simply because they were Jews. (24-6328 to 6330)

Pearson returned to the cross-examination of Otto Ohlendorf, the former commander of Einsatzgruppe D, at his trial and read from page 278 of the NMT volumes:

Q. Heydrich, of course, knew at that time what the Einsatzgruppen were to do in Russia?

A. I don't know.

Q. I beg your pardon?

A. I don't know whether he did.

Q. Is it your idea that he organized these units without having any idea of what they were to do?

A. He had an idea, all right, for he wanted to take every security job away from the army, whereas, up to that time he had detailed personnel to the army, and the army worked without letting him in on this work; therefore, he expanded his domination to include the operational areas.

Q. This was a very secret preparation, was it not, of the Einsatzgruppen?

A. Yes, of course, these were negotiations between Heydrich and the Supreme Command of the Armed Forces and the High Command of the Army, and representatives of Heydrich and of these two agencies.

Q. Well, then, it is a fair assumption that when Heydrich selected you to go to Russia in command, he knew what work you were going to perform in Russia, did he not?

A. Whether he already had the Führer Order I don't know. I only knew the fact that the Einsatzgruppen were being set up.

Q. Now at Pretzsch, Streckenbach told you, for the first time, you say, what the Einsatzgruppen were to do?

A. Yes.

Q. Now he had a special order?

A. Yes.

Q. In your direct examination you stated that the order read "as follows". Did you see the order yourself?

A. No, I did not say, it read "as follows". I merely gave the contents, for I always said there was no written order.

Q. I misunderstood you; the transcript said, "Read as follows." So your understanding of the purposes of the Einsatzgruppen came from Streckenbach orally at Pretzsch?

A. Yes. That is correct.

Q. And you protested?

A. Not only myself, but as I said in direct examination, there was a general protest.

Pearson indicated that Ohlendorf went on to say that the Einsatzgruppen commanders were concerned that the soldiers under their authority would not want to participate in the killing of defenceless civilians. (24-6333)

Pearson continued reading from page 283:

Q. You have told the Court that the army was perfectly aware of this decree, or this order to kill, and that it had the obligation also to execute the order within its ability? Is that right?

A. Yes, but I do not know that in this order insane persons were mentioned; but I would have considered the insane persons just like anybody else because they would have come under the order if they, owing to their condition, would have endangered security -- but not only because they were insane -- for that reason I rejected this request.

Q. You don't mean to say that the persons you killed had to endanger security in order to be killed, do you?

A. In the sense of the Führer Order, yes.

Q. Well, let's not say about the sense of the Führer Order. Let's talk about reality. Did the people you killed in fact endanger security in any conceivable way?

A. Even if you don't want to discuss the Führer Order it cannot be explained in any other way. There were two different categories; one, where those people who, through the Führer Order, were considered to endanger the security were concerned and, therefore, had to be killed. The others, namely, the active Communists or other people were people whose endangering of security was established by us and they were only killed if they actually seemed to endanger the security.

Q. Very well. I repeat my question. Apart from the Führer Order, and not because the Führer Order assumed that every man of Jewish blood endangered the security of the Wehrmacht, but from your own experience in Russia, from your own objective witnessing of the situation in Russia, did every Jew in Russia that you killed in fact endanger security, in your judgment?

A. I cannot talk about this without mentioning the Führer Order because this Führer Order did not only try to fight temporary danger, but also danger which might arise in the future.

Q. Well, let us get back to it immediately, and let us see if we can't talk about it without the Führer Order. I ask you the simple question ***. From your own objective view of the situation in Russia, did the Jews whom you killed, and the gypsies, endanger the security of the German army in any way?

A. I did not examine that in detail. I only know that many of the Jews who were killed actually endangered the security by their conduct, because they were members of the partisan groups for example, or supported the partisans in some way, or sheltered agents, etc.

Q. Let's put the partisans or those who were aiding the partisans completely aside.

A. I will assist you, Mr. Prosecutor. Of course, at a certain time there were persons of whom one could not have said at that moment that they were an immediate danger, but that does not change the fact that for us it meant a danger insofar as they were determined to be a danger, and none of us examined whether these persons at the moment, or in the future, would actually constitute danger, because this was outside our knowledge, and not part of our task.

Q. Very well. You did not do it then because it was outside of your task. I want you to do it today for this Tribunal. Will you tell us then whether in your objective judgment, apart from the Führer's Decree, all of the Jews that you killed constituted any conceivable threat to the German Wehrmacht [armed forces].

A. For me, during my time in Russia there is no condition which is not connected with the Führer Order. Therefore, I cannot give you this answer which you would like to have.

Q. You refuse to make the distinction, which any person can easily make -- you need not answer that. Let me make it clear then, in the Crimea -- no, I believe near Nikolaev, Himmler came to see you in the spring of 1942, did he not, or fall of 1941?

A. Beginning of October 1941.

Q. You had then been working in that area a considerable number of Jewish farmers, is that right, and you had determined not to put them to death?

A. Yes.

Q. You made a determination then that those men did not then constitute any security threat whatever to the German armed forces?

A. No; I did not make such a determination but, in the interest of the general situation, and of the army, I considered it more correct not to kill these Jews because the contrary would be achieved by this, namely, in the economic system of this country everything would be upset, which would have its effect on the operation of the Wehrmacht as well.

Q. Then, I ask you the question again. Because these people were farmers, you concluded that it was wiser to get the grain they produced, than to put them to death?

A. Also because of the danger that they might shelter partisans, yes; I was conscious of this danger.

Q. What danger, that they might shelter partisans in their houses?

A. That these Jews might have contact with the partisans.

Q. So the only threat you saw to security was the possibility that the Jews would conceal partisans in their houses?

A. No; I only named this as an example. There might have been agents against us who could endanger us in every way. I only mentioned this as an example.

Q. The same situation would exist in the case of the Krimchaks, wouldn't it, or what do you call them, Karaims.

A. Karaims.

PRESIDING JUDGE MUSMANNO: Mr. Heath, I must confess a confusion here. I understand the witness to say, or perhaps you said it, that the reason the Jewish farmers were not executed is that they were used to bring in the harvest. Then a discussion ensued as to the possible threat that these Jews could bring to the security because they could house partisans. There must be a contradiction there; in one instance, they were a threat and, therefore, were subject to executions. Were they saved, or were they not saved? If they were saved, why, and if they were killed, why?

MR. HEATH: As I understood the witness, Your Honor, he said he was balancing the desirability of getting in the harvest as against a potential threat.

PRESIDING JUDGE MUSMANNO: I see.

MR. HEATH: He exercised discretion.

PRESIDING JUDGE MUSMANNO: And came to the conclusion that there was more to be gained by not liquidating.

MR. HEATH: Precisely, so I understand it.

PRESIDING JUDGE MUSMANNO: Is that correct?

DEFENDANT OHLENDORF: I think it is even simpler. They were not farmers, they were craftsmen, who when there would be no longer work for them to do would endanger considerably the interests of the Wehrmacht. I never considered this problem in discussion but now Himmler came to me and ordered that these Jews were to be treated according to the Führer Order, without any further discussion, and without any further consideration of circumstances.

MR. HEATH: What about the gypsies. I believe you have no idea whatever as to how many gypsies your Kommando killed, have you?

A. No. I don't know.

Q. On what basis did you kill gypsies, just because they were gypsies? Why were they a threat to the security of the Wehrmacht?

A. It is the same as for the Jews.

Q. Blood?

A. I think I can add up from my own knowledge of European history that the Jews actually during wars regularly carried on espionage service on both sides.

PRESIDING JUDGE MUSMANNO: You were asked about gypsies.

MR. HEATH: I was asking you about gypsies, as the Court points out, and not Jews. ***. I would like to ask you now on what basis you determined that every gypsy found in Russia should be executed, because of the danger to the German Wehrmacht?

A. There was no difference between gypsies and Jews. At the time the same order existed for the Jews. I added the explanation that it is known from European history that the Jews actually during all wars carried out espionage service on both sides.

PRESIDING JUDGE MUSMANNO: Well, now, what we are trying to do is to find out what you are going to say about the gypsies... Is it also in European history that gypsies always participated in political strategy and campaigns?

DEFENDANT OHLENDORF: Espionage organizations during campaigns.

PRESIDING JUDGE MUSMANNO: The gypsies did?

A. The gypsies in particular. I want to draw your recollection to extensive descriptions of the Thirty Year War by Ricarda Huch and Schiller --

Q. That is going back pretty far in order to justify the killing of gypsies in 1941, isn't it?

A. I added that as an explanation, as such motive might have played a part in this, to get at this decision.

Q. Could you give us an illustration of any activity of a band of gypsies on behalf of Russia against Germany during this late war?

A. Only the same claim that can be maintained as with regard to Jews, that they actually played a part in the partisan war.

Q. You, yourself cannot give us any illustration of any gypsies being engaged in espionage or in any way sabotaging the German war effort?

A. That is what I tried to say just now. I don't know whether it came out correctly in the translation. For example, in the Yaila Mountains, such activity of gypsies has also been found.

Q. Do you know that of your own personal knowledge?

A. From my personal knowledge, of course, that is to say always from the reports which came up from the Yaila Mountains.

Q. In an instance in which gypsies were included among those who were liquidated, could you find an objective reason for their liquidation?

A. From Russia I only knew of the gypsy problem from Simferopol. I do not know any other actions against gypsies, except from the one in Simferopol.

PRESIDING JUDGE MUSMANNO: Very well.

MR. HEATH: May I proceed, your Honor?

PRESIDING JUDGE MUSMANNO: Yes, please.

MR. HEATH: Mr. Ohlendorf, you say the gypsies are notorious bearers of intelligence? Isn't it a fact that the nationals of any invaded state are notorious bearers of intelligence?

Pearson turned to Ohlendorf's examination by his own lawyer on page 355:

DR. ASCHENAUER (Counsel for defendant Ohlendorf): How do you explain the disgust with which the whole world regarded these exterminations in the East?

DEFENDANT OHLENDORF: This seems to have several reasons. For one thing, the deeds in the East were published as being isolated excesses done by the SS. One took them out of their context and made the SS alone responsible. In reality these executions in the East were a consequence of total war which was inevitable if an ideology of one power was to prevail which had as its goal the destruction of every

resistance against their conquering the world with their idea. This war was never finished. The preparations for a possible conflict seem to express that whatever happened in the East was only a prelude.

Another point. It has been customary so far to judge executions during a war by various standards. The element regarded as heroic, which made killing seem honorable was the fight of man against man. This has long been overcome. The individual war opponents try to exterminate as many enemies as possible by preserving their own strength. The fact that individual men killed civilians face to face is looked upon as terrible and is pictured as specially gruesome because the order was clearly given to kill these people; but I cannot morally evaluate a deed any better, a deed which makes it possible, by pushing of a button, to kill a much larger number of civilians, men, women, and children, even to hurt them for generations, than those deeds of individual people who for the same purpose, namely, to achieve the goal of the war, must shoot individual persons. I believe that the time will come which will remove these moral differences in executions for the purposes of war. I cannot see that political factors and political and economic conventions, which in their consequences cause the execution of acts of violence against and misery for millions of people, have done anything better morally only because the conscious consequences were not expressly made known to the population. I believe, therefore, that when history has come to an end, that this conflict will not have started in 1941, but with the victory of bolshevism in Russia, that then only can the judgment of history be made which will inform about various phases of this conflict.

CROSS-EXAMINATION

MR. HEATH: Mr. Ohlendorf, what happened to the Jewish children, the gypsy children?

DEFENDANT OHLENDORF: According to orders they were to be killed just like their parents.

Q. Did you kill them just like their parents?

A. I did not get any other reports.

Q. I don't understand your answer. Did your reports show the killing of children or did they show that children had been spared?

A. They also revealed the executions of children.

Q. Will you explain to the Tribunal what conceivable threat to the security of the Wehrmacht a child constituted in your judgment?

A. I believe I cannot add anything to your previous question. I did not have to determine the danger but the order contained that all Jews including the children were considered to constitute a danger for the security of this area.

Q. Will you agree that there was absolutely no rational basis for killing children except genocide and the killing of races?

A. I believe that it is very simple to explain if one starts from the fact that this order did not only try to achieve security, but also permanent security because the children would grow up and surely, being the children of parents who had been killed, they would constitute a danger no smaller than that of the parents.

Q. That is the master race exactly, is it not, the decimation of whole races in order to remove a real or fancied threat to the German people?

A. Mr. Prosecutor, I did not see the execution of children myself although I attended three mass executions.

Q. Are you saying they didn't kill children now?

A. I did not say that. May I finish? I attended three mass executions and did not see any children and no command ever searched for children, but I have seen very many children killed in this war through air attacks, for the security of other nations...

Pearson asked Weber if Ohlendorf then attempted to justify the actions of the Einsatzgruppen on the basis that the Allied bombings in Germany took a tremendous toll as well. Weber replied that Ohlendorf said that he never saw any children executed by the Germans, but he did see German children killed in bombings by the Allies and he tried to draw a comparison between the two. (24 6350)

Pearson suggested that "security" to the Nazis meant exterminating the whole Jewish race. Weber replied that he had studied Ohlendorf's testimony in 1979 and 1980. If accepted, Ohlendorf's testimony showed there was a German policy to kill all the Jews in the occupied Soviet territories pursuant to a secret Hitler order. The evaluation of this testimony had to be made on consideration of the circumstances in which it was given and on consideration of other evidence. Outside of Ohlendorf's testimony there was no evidence of the alleged "Führer Order" and exterminationists like Raul Hilberg now admitted there may never have been such an order, either verbal or written. On the other hand, the written orders for the Einsatzgruppen which did exist, namely, the Heydrich order of July 4, 1941, clearly set out the policy regarding Jews: the killings that took place were reprisal actions or specific shootings of Jews for security reasons. (24- 6351 to 6354)

If Ohlendorf's testimony was correct and there was a German policy to kill all the Jews in Russia, the Germans would presumably have killed them. In fact, it was known that they did not. Large ghettos of Jews existed in Minsk, Bialystok, Vilna and other areas of occupied Soviet territory. Even up until 1944, the Germans deported Jews from the Reich into the Soviet Union. This was completely inconsistent with the extermination theory. If the purpose had been to exterminate the Jews, presumably they would have been sent to the so-called extermination centres such as Auschwitz rather than hundreds of miles further to the east. Moreover, the deportations took place after the Einsatzgruppen had been dissolved. Lastly, it was known from such sources as the Korherr report that Soviet Jews were taken from Soviet territory for labour in the German Reich itself. This too was inconsistent with an extermination. (24-6354, 6355)

Pearson turned to *Did Six Million Really Die?* at page 13 where Harwood wrote that Ohlendorf claimed that he had been tortured. Weber knew of no evidence that Ohlendorf was tortured and agreed this was a false statement to the best of his knowledge. (24-6357, 6358)

Pearson turned to pages 13-14 of the pamphlet where Harwood wrote:

Ohlendorf lived long enough to see Auerbach convicted for embezzlement and fraud (forging documents purporting to show huge payments of compensation to non-existent people) before his own execution finally took place in 1951.

Weber testified that he had consulted the second edition of Hilberg and determined that Auerbach was convicted of fraud. Pearson produced the first edition of Hilberg and asked Weber to read the passage on page 745 dealing with Auerbach:

At the trial Auerbach admitted his use of the title "Doctor" (he had been called by that title for so long that he finally adopted it). The court itself freed him from the principal charge of making payments to "dead souls." His conviction upon the remaining charges led to a sentence of two and one-half years in prison and \$643 in fines. Stunned, Auerbach on a sickbed protested his innocence. Then he took his life.

Weber testified that this passage had been rewritten in the second edition. Weber assumed that Auerbach died before Ohlendorf was executed. It was also true that Auerbach was convicted. Weber subsequently indicated he had made a mistake about this and that Hilberg made it clear that Auerbach was not convicted for embezzlement, fraud or forgery. (24-6360 to 6363, 6438)

Pearson turned to page 14 of the pamphlet where Harwood had written:

The Soviet charge that the Action Groups had wantonly exterminated a million Jews during their operations has been shown subsequently to be a massive falsification. In fact, there had never been the slightest statistical basis for the figure. In this connection, Poliakov and Wulf cite the statement of Wilhelm Hoettl, the dubious American spy, double agent and former assistant of Eichmann. Hoettl, it will be remembered, claimed that Eichmann had "told him" that six million Jews had been exterminated -- and he added that two million of these had been killed by the Einsatzgruppen. This absurd figure went beyond even the wildest estimates of Soviet Prosecutor Rudenko, and it was not given any credence by the American Tribunal which tried and condemned Ohlendorf.

Weber agreed that it was false to say the figure of 2 million was not given any credence by the American tribunal which tried and convicted Ohlendorf. (24-6365)

Pearson produced the judgment of the American tribunal and read from pages 427 and 430:

One million human corpses is a concept too bizarre and too fantastical for normal mental comprehension. As suggested before, the mention of one million deaths produces no shock at all commensurate with its enormity because to the average brain one million is more a symbol than a quantitative measure. However, if one reads

through the reports of the Einsatzgruppen and observes the small numbers getting larger, climbing into ten thousand, tens of thousands, a hundred thousand and beyond, then one can at last believe that this actually happened -- the cold blooded, premeditated killing of one million human beings...The shooting of Jews eventually became a routine job and at times Kommandos sought to avoid executions, not out of charity or sympathy, but because it meant just that much more work. The defendant Nosske testified to a caravan of from 6,000 to 7,000 Jews who had been driven across the Dnester River by the Rumanians into territory occupied by the German forces, and whom he guided back across the river. When asked why these Jews had been expelled from Rumania, Nosske replied -- "I have no idea. I assume that the Rumanians wanted to get rid of them and sent them into the German territory so that we would have to shoot them, and we would have the trouble of shooting them. We didn't want to do that. We didn't want to do the work for the Rumanians, and we never did, nor at all other places where something similar happened. We refused it and, therefore, we sent them back."

One or two defence counsel have asserted that the number of deaths resulting from acts of the organizations to which the defendants belonged did not reach the total of 1,000,000. As a matter of fact, it went far beyond 1,000,000. As already indicated, the International Military Tribunal, after a trial lasting 10 months, studying and analyzing figures and reports, declared - "The RSHA played a leading part in the 'final solution' of the Jewish question by the extermination of the Jews. A special section, under the Amt IV of the RSHA was established to supervise this program. Under its direction, approximately six million Jews were murdered of which two million were killed by Einsatzgruppen and other units of the security police."

Ohlendorf, in testifying before the International Military Tribunal declared that, according to the reports, his Einsatzgruppe killed 90,000 people. He also told of the methods he employed to prevent the exaggeration of figures. He did say that other Einsatzgruppen were not as careful as he was in presenting totals, but he presented no evidence to attack numbers presented by other Einsatzgruppen. Reference must also be made to the statement of the defendant Heinz Schubert who not only served as adjutant to Ohlendorf in the field from October 1941 to June 1942, but who continued in the same capacity of adjutant in the RSHA, office [Amt] III B, for both Ohlendorf and Dr. Hans Emlich, until the end of 1944. If there was any question about the correctness of the figures, this is where the question would have been raised, but Schubert expressed no doubt nor did he say that these individuals who were momentarily informed in the statistics entertained the slightest doubt about them in any way. Schubert showed very specifically the care which was taken to prepare the reports and to avoid error.

"The Einsatzgruppe reported in two ways to the Reich Security Head Office. Once through radio, then in writing. The radio reports were kept strictly secret and, apart from Ohlendorf, his deputy Standartenführer Willy Seibert and the head telegraphist Fritsch, nobody, with the exception of the radio personnel, was allowed to enter the radio station..."

The defendant Blume testified that he completely dismissed the thought of ever filing a false report because he regarded that as unworthy of himself.

Then, the actual figures mentioned in the reports, staggering though they are, do by no means tell the entire story. Since the objective of the Einsatzgruppen was to exterminate all people falling in the categories announced in the Führer Order, the completion of the job in any given geographical area was often simply announced with the phrase, "There is no longer any Jewish population." Cities, towns, and villages were combed by the Kommandos and when all Jews in that particular community were killed, the report-writer laconically telegraphed or wrote to Berlin that the section in question was "freed of Jews." Sometimes, the extermination area covered a whole country like Esthonia or a large territory like the Crimea. In determining the numbers killed in a designation of this character one needs merely to study the atlas and the census of the period in question. Sometimes the area set aside for an execution operation was arbitrarily set according to Kommandos. (Excerpt of Judgment , NMT "Green Series", vol. 4, filed as Exhibit 101 at 24-6388)

Weber testified that both the Nuremberg Tribunal and the American military tribunal which convicted Ohlendorf essentially added up the numbers in the Einsatzgruppen reports and came up with about 2 million Jewish dead. This figure, however, was no longer considered accurate by even exterminationists such as Raul Hilberg. Hilberg claimed that not 2 million but 1 million Jews were killed in this area. He did not accept the findings of the International Military Tribunal nor the accuracy of the figures given in the Einsatzgruppen reports. (24-6371)

Weber agreed that it was false to say, as Verrall had, that the figure of 2 million was not given any credence by the American tribunal which tried and convicted Ohlendorf. He did not believe, however, that the error was deliberately made. Weber's impression from speaking with Verrall was that he did not make the statement maliciously or with the intent to deceive. Verrall was not familiar with the records of the tribunal and relied upon secondary sources. (24-6373, 6374)

With respect to the portion of *Did Six Million Really Die?* dealing with the book *Manstein* by Paget on the trial of Field-Marshal Manstein, Weber agreed that it would have been in the interests of more complete information if the booklet had mentioned the fact that Paget was Manstein's lawyer.¹¹ Weber relied on the Manstein book in his own research although he did not contact Paget, to make inquiries about how he arrived at his conclusions regarding the exaggerations in the Einsatzgruppen reports. Weber relied on what Paget said in relation to what many others had also said, that was, that the figures in the Einsatzgruppen reports were grossly exaggerated. (24-6376 to 6379)

Manstein was in nominal command of the Einsatzgruppen; he was accused of complicity by the Allies because he was supposed to have known about their activity. The chief piece of evidence used against him was an order that he issued on November 20, 1941 directing the army to co-operate with the Einsatzgruppen in the killing of Jews. The order, Weber agreed, attempted to justify what it called the "harsh punishment of Jewry." (24-6380 to 6382)

Pearson produced volume 20 of the IMT "Blue Series" volumes, page 642, and read an excerpt from the Manstein order of November 20, 1941. This order stated:

"Jewry constitutes the middleman between the enemy in the rear and the remainder of the Red Armed Forces which is still fighting, and the Red leadership. More strongly than in Europe it holds all the key positions in the political leadership and administration, controls commerce and trades, and further forms the nucleus for all unrest and possible uprisings.

"The Jewish-Bolshevist system must be exterminated once and for all. Never again must it encroach upon our European living space.

"The German soldier has therefore not only the task of crushing the military potential of this system. He comes also as the bearer of a racial concept and as the avenger of all the cruelties which have been perpetrated on him and on the German people.

"The fight behind the lines is not yet being taken seriously enough. Active co operation of all soldiers must be demanded in the disarming of the population, the control and arrest of all roving soldiers and civilians, and the removal of Bolshevist symbols...

"The soldier must appreciate the necessity for the harsh punishment of Jewry, the spiritual bearer of the Bolshevist terror. This is also necessary in order to nip in the bud all uprisings which are mostly plotted by Jews."

Weber did not agree that this order gave the same justification for the killing of Jews that Ohlendorf gave in his trial testimony. The order referred explicitly to the extermination of the Jewish-Bolshevist system and of the power and position the Jews had. It did not say, as Ohlendorf had testified, that Jewry itself had to be exterminated. In fact, the order was issued because too many Jews were being employed by the German armed forces. Even after its issuance, there were cases where German soldiers were executed for killing Jews. Weber noted that Churchill himself had contributed to Manstein's defence fund because he felt the case was unjust. (24-6390 to 6393)

Pearson returned to Did Six Million Really Die? at page 14:

As Senator McCarthy pointed out, Pohl had signed some incriminating statements after being subjected to severe torture, including a bogus admission that he had seen a gas chamber at Auschwitz in the summer of 1944. The prosecution strenuously pressed this charge, but Pohl successfully repudiated it.

Weber had seen no evidence that Senator McCarthy made such a statement. There was evidence, however, that Pohl was tortured. The torture, as Weber remembered, did not involve an admission about gassings at Auschwitz. (24-6395)

Pearson read from the testimony of Pohl in NMT "Green Series," volume 5, pages 664- 665:

PRESIDING JUDGE TOMS: But what about the intentional extermination program? That was started long before the collapse of the German defense, or don't you know anything about that either?

DEFENDANT POHL: Mr. President, I do not know what extermination program you are referring to. I do know that the transfer of the camps further into the Reich and that the placing of these masses within the Reich were based on an extermination program.

Q. I am talking about the intentional extermination of the old, the sick, and the Jews; whether they were able-bodied or not; by shooting, by hanging, and by gassing, especially at Auschwitz. Didn't you know anything about the extermination at Auschwitz?

A. Of course I had knowledge of it. The whole extermination program, which was directed against the Jews, was an action which was channeled through the RSHA and for which Eichmann organized transports of Jews who came to Auschwitz and were exterminated by Höss. That program had nothing to do with the concentration camps as such, and the existing concentration camps were actually misused in this respect. The documents and the reports for this program, as far as I am informed, did not even go through the Inspectorate of Concentration Camps. This was all carried out in a very small circle.

Q. But on a very large scale?

A. Well, I had the first authentic figures after the war. At that time I did not have any idea at all that this number extended to millions. The whole program of the extermination of the Jews was dealt with by Amt IV of the RSHA, and the organizer of the transports was a certain man named Eichmann who sent these transports to Auschwitz, and there these transports were exterminated by Höss, who in this case did not act as camp commander but as commissioner of Himmler or the Reich government.

Q. Were you in charge of the concentration camps while this program was being carried out by RSHA?

A. I do not know when this program started.

Q. Well, no matter when it started, was it being carried on at any time while you were in charge of concentration camps?

A. Whether in the year 1942 or 1943 this extermination was still carried out I don't know. I don't know how long it lasted.

Q. Well, it is your contention they just borrowed the concentration camps to carry out the extermination program?

A. That is my opinion, yes.

Q. Just one second. In order to carry out the extermination program, they had to build gas chambers at the concentration camps?

A. Yes. But I did not have any gas chambers constructed. I did not give any order whatsoever that gas chambers should be established.

Q. Well, were they constructed while you were in charge?

A. I do not know exactly in what years the gas chambers at Auschwitz were erected.

Q. Well, no matter when they were erected, were they there and operating while you were in charge?

A. As long as Jews were exterminated the gas chambers were working and operating.

Q. And was that while you were in charge of concentration camps?

A. I cannot say that, because I have visited Auschwitz only once in 1944 and perhaps twice in 1943. At that time I did not see that Jews were being exterminated. I, therefore, do not know how long this program was underway.

Q. Did you see any gas chambers when you were there?

A. I have seen the gas chambers as buildings in the distance, yes.

Q. You knew they were there.

A. Yes. I knew that.

Q. What did you think they were being used for?

A. I knew that Jews were being exterminated and that the gas chambers were being used for that purpose.

Q. And when you saw them and knew that Jews were being exterminated, you were in charge of that concentration camp?

A. Yes. The gas chambers were standing there until the last day. They were standing there also when the concentration camps were subordinate to me. They were not destroyed previously. (Extract from Pohl testimony filed as Exhibit 102 at 24-6450)

Weber testified that the sentence in *Did Six Million Really Die?* -- "The prosecution strenuously pressed this charge but Pohl successfully repudiated it" -- was not true to the best of his knowledge. To Weber, it seemed implicit in the sentence that Pohl successfully repudiated the charge at his trial and not elsewhere. Weber testified that Pohl did in fact repudiate his statement after the trial was over. Before Pohl was executed, he made a statement that he was tortured, that his testimony with respect to gas chambers was not true. The two pages of Pohl's testimony which Pearson had read did therefore not refute the pamphlet. (24-6445 to 6450)

Weber agreed that Pohl drew a distinction between concentration camps and extermination camps, the same distinction which the International Tracing Service made. To Weber, the distinction was hard to make since camps such as Auschwitz and Majdanek were said to be both concentration and extermination camps. Pohl claimed that the only extermination camp was Auschwitz. On page 667 of his testimony Pohl said:

These gas chambers were only at Auschwitz. I did not see any other extermination facilities at other camps.

Those who upheld the extermination story did not say that anymore, said Weber. They claimed there were other extermination centres. (24-6450 to 6452)

Pearson turned to the subject of Konrad Morgen, who was called as a defence witness on behalf of the SS at Nuremberg. Pearson read from Morgen's testimony on August 7 and 8, 1946 at pages 496 and 499 of the IMT "Blue Series," volume 20:

HERR PELCKMANN: Thank you, Witness. Yesterday you had already begun the description of the so-called extermination camps and the system of the extermination camps, but I should like to go back to conditions in the concentration camps which are to be distinguished from the so-called extermination camps.

You had given a description of the outward impression... ..

MORGEN: As supreme orders I consider the mass extermination of human beings which has already been described, not in the concentration camps but in separate extermination places. There were also execution orders of the Reich Security Main Office against individuals and groups of persons.

The third point deals with the majority of individual crimes of which I said...

THE PRESIDENT: Which is the witness talking about when he talks about extermination camps? Which are you talking about? Which do you call extermination camps?

HERR PELCKMANN: Please answer the question, Witness.

MORGEN: By extermination camps I mean those which were established exclusively for the extermination of human beings with the use of technical means, such as gas.

THE PRESIDENT: Which were they?

MORGEN: Yesterday I described the four camps of the Kriminalkommissar Wirth and referred to the Camp Auschwitz. By "Extermination Camp Auschwitz" I did not mean the concentration camp. It did not exist there. I meant a separate extermination camp near Auschwitz, called "Monowitz."

Weber testified that Morgen referred several times to the so-called Monowitz extermination camp at Auschwitz. No Holocaust historian claimed that Monowitz was an extermination camp; it was Birkenau which was claimed to be the extermination centre. Weber referred to page 504 of Morgen's testimony:

MORGEN: ...the Extermination Camp Monowitz lay far away from the concentration camp. It was situated on an extensive industrial site and was not recognizable as such and everywhere on the horizon there were smoking chimneys.

Morgen named Monowitz, said Weber, and was not confusing it with Birkenau. (24 6457, 6458)

Pearson returned to page 503 of Morgen's testimony:

MORGEN: I thoroughly investigated the entire stretch of territory and studied the layout and installations. The prisoners arrived on a side track in closed transport cars and were unloaded there by Jewish prisoners. Then they were segregated into able-bodied and disabled, and here already the methods of Höss and Wirth differ. The separation of the disabled was done in a fairly simple way. Next to the place of the unloading there were several trucks and the doctor gave the arrivals the choice to use these trucks. He said that only sick, old persons and women with children, were allowed to use them. Thereupon these persons swarmed toward the transportation prepared for their use, and then he needed only to hold back the prisoners that he did not want to send to destruction. These trucks drove off, but they did not drive to the Concentration Camp Auschwitz, but in another direction to the Extermination Camp Monowitz, which was a few kilometers away. This extermination camp consisted of a number of crematories which were not recognizable as such from the outside. They could have been taken for large bathing establishments, and that is what they told the prisoners. These crematories were surrounded by a barbed wire fence and were guarded from the inside by the Jewish labor details which I have already mentioned. The new arrivals were led into a large dressing room and told to take their clothes off. When this was done -

HERR PELCKMANN: Is that not what you described yesterday?

MORGEN: Of course.

HERR PELCKMANN: What precautions were taken to keep these things absolutely secret?

MORGEN: The prisoners who marched off to the concentration camp had no inkling of where the other prisoners were taken. The Extermination Camp Monowitz lay far away from the concentration camp. It was situated on an extensive industrial site and was not recognizable as such and everywhere on the horizon there were smoking chimneys. The camp itself was guarded on the outside by special troops of men from the Baltic, Estonians, Lithuanians, Latvians, and also Ukrainians. The entire technical arrangement was almost exclusively in the hands of the prisoners who were assigned for this job and they were only supervised each time by an Unterführer.

Weber reiterated that Morgen was clearly talking about Monowitz and not Birkenau. He suggested that Morgen may have lied in his testimony in order to try to exonerate the SS, for whom he was testifying. He may have decided not to contest the extermination allegation and simply say that the SS had nothing to do with it. He may have been misinformed. (24-6463)

Pearson continued reading from Morgen's testimony at page 493:

MORGEN: I asked Wirth what this had to do with the Jewish wedding. Then, Wirth described the method by which he carried out the extermination of Jews and he said

something like this: "One has to fight the Jews with their own weapons..." ...Then I asked Wirth how he killed Jews with these Jewish agents of his. Wirth described the whole procedure that went off like a film every time. The extermination camps were in the east of the Government General, in big forests or uninhabited wastelands. They were built up like a Potemkin village...

Weber testified that this was not a description of Majdanek. Morgen was so alarmed by this charge that he went to Himmler personally to ask him about it. Himmler himself told Morgen to investigate the charges of extermination. This indicated to Weber that if there was an extermination at Auschwitz, it was carried out without any authority or orders from Himmler. (24-6465)

Pearson continued reading at page 506:

HERR PELCKMANN: Thank you. Now, Witness, under normal circumstances what would you have had to do after you had learned of all these terrible things?

MORGEN: Under normal circumstances I would have had to have Kriminalcommissar Wirth and Commander Höss arrested and charged with murder.

HERR PELCKMANN: Did you do that?

MORGEN: No.

HERR PELCKMANN: Why not?

MORGEN: The answer is already entailed in the question. The circumstances prevailing in Germany during the war were no longer normal in the sense of State legal guarantees. Besides, the following must be considered: I was not simply a judge, but I was a judge of military penal justice. No court-martial in the world could bring the Supreme Commander, let alone the head of the State, to court.

HERR PELCKMANN: Please do not discuss problems of law, but tell us why you did not do what you realized you should have done?

MORGEN: I beg your pardon; I was saying that it was not possible for me as Obersturmbannführer to arrest Hitler, who, as I saw it, was the instigator of these orders.

HERR PELCKMANN: Then what did you do?

MORGEN: On the basis of this insight, I realized that something had to be done immediately to put an end to this action. Hitler had to be induced to withdraw his orders. Under the circumstances, this could be done only by Himmler as Minister of the Interior and Minister of the Police. I thought at that time that I must endeavor to approach Himmler through the heads of the departments and make it clear to him, by explaining the effects of this system, that through these methods the State was being led straight into an abyss. Therefore I approached my immediate superior, the chief of the Criminal Police, SS Oberguppenführer Nebe...to the Reich Security Main Office. [For this very purpose a judge was sent there,] who had the task of investigating all

sections of the Reich Security Main Office, to see whether such orders were in existence. As I heard, the result was negative. Thereupon an attempt was made to take direct steps against Höss, but in the meantime the front had advanced...

Morgen's superiors encouraged him to look into the extermination charge, said Weber. No evidence was found of any orders and he was encouraged to investigate further. He was unable to do so because of the advance of the Russian front. (24-6470, 6471)

In Weber's opinion, Majdanek was simply a large concentration camp. It had an enormous industrial works built for the purpose of turning out war materials. Sobibor was a transit camp; Treblinka was probably a combination labour camp and transit camp. There was very little evidence concerning Belzec although it was likely a transit camp. It was hard to determine what Chelmno was. There was a monument today in a field where the camp was supposed to have been, but even exterminationists were not sure if that was where Chelmno actually was. (24-6472, 6473)

Railroad records showed that thousands, perhaps hundreds of thousands of people were transported through these camps; Weber did not believe, however, that millions were transported there. The Jews were sent to camps like Sobibor temporarily and then transported elsewhere. (24-6474, 6476)

Weber pointed out that very little documentary evidence existed about these camps. In the case of Majdanek, the Polish Communist government would not allow free access. In the case of Sobibor, there were some surviving records, including letters between Himmler and Pohl which discussed turning Sobibor from a transit camp into a concentration camp for workers to dismantle Soviet munitions. This was inconsistent with the alleged status of Sobibor as an extermination camp. (24-6475)

In Weber's view, the term "final solution" referred to a programme to rid Europe of the Jews first by emigration, then by deportation to Poland and the occupied Soviet territories. At the conclusion of the war, they were to be expelled from Europe altogether. Weber agreed it would not be inaccurate to say that the term "final solution" was a euphemism. It was something like the euphemistic term "affirmative action" used in the United States. Exterminationist historians agreed that up to 1941 or 1942, the term meant emigration. There was no clear agreement among the exterminationists, however, at what point the extermination programme supposedly began and when the meaning of "final solution" changed to mean the extermination of the Jews. (24-6476 to 6479)

Pearson produced a document from the National Archives entitled "Solution of the Jewish Question in Galicia." Weber testified that he was familiar with this grim document which was a lengthy report about rounding up Jews in Galicia in 1943. Weber indicated there was generally no question about its authenticity. (24-6481, 6482)

Pearson read a sentence from page 5 of the translation:

In the course of this action again thousands of Jews were caught who were in possession of forged certificates or who had obtained surreptitiously certificates of labor by all kinds of pretexts. These Jews also were exposed to special treatment.

Weber agreed that the term "special treatment" was a euphemism which in this context meant "killed" but pointed out that at other times it did not mean this. (24-6482, 6483)

Pearson read further at page 9:

In the meantime further evacuation ("Aussiedelung") was executed with energy, so that with effect from 23 June 1943 all Jewish Residence Districts could be dissolved. Therewith I report that the District of Galicia, with the exception of these Jews living in the camps being under the control of the SS Pol. Leader, is free from Jews. Jews still caught in small numbers are given special treatment by the competent detachments of Police and Gendarmerie.

Weber testified that in the context of the passage, the term 'special treatment' probably meant killing. The description that an area was 'free from Jews', however, did not mean there were no Jews left in the district; it meant they were contained in camps or ghettos. (24-6484, 6485)

Weber agreed that the report indicated that 434,329 Jews had been evacuated from Galicia. He believed this figure to be seriously inflated. In his opinion, the Jews were sent to camps not only in Galicia but elsewhere. (24-6485)

Pearson continued reading:

Together with the evacuated action, we executed the confiscation Jewish property. Very high amounts were confiscated and paid over to the Special Staff "Reinhard."

Weber did not agree that this referred to a special unit named after Reinhard Heydrich. The Germans did not name operations after someone's first name. The unit in fact was named for an official in the finance office whose last name was Reinhard. Believing the operation was named after Heydrich was a common mistake made by Holocaust historians. (24-6487, 6488)

Weber agreed that the document indicated that various items such as dental gold, dentures, powder boxes, broken gold, rings, bank notes and paper were confiscated from the Jews and turned over to the Special Staff Reinhard. (24-6488)

Pearson read further from page 19:

Since we received more and more alarming reports on the Jews becoming armed in an ever increasing manner, we started during the last fortnight in June 1943 an action throughout the whole of the district of Galicia with the intent to use strongest measures to destroy the Jewish gangsterdom. Special measures were found necessary during the action to dissolve the Ghetto in Lwow, where the dug-outs mentioned above had been established. Here we had to act brutally from the beginning, in order to avoid losses on our side: we had to blow up or to burn down several houses. On

this occasion the surprising fact arose that we were able to catch about 20,000 Jews instead of 12,000 Jews who had registered. We had to pull at least 3,000 Jewish corpses out of every kind of hiding places; they had committed suicide by taking poison.

Weber testified that the operation being talked about in the document was not just a rounding up of Jews for transport to other places, but was also a cover or euphemism in that many Jews were also shot. In Weber's opinion, the 3,000 Jews took poison to avoid being killed. Where a Jewish ghetto was considered to be a stronghold of partisan activity, the Germans went in very brutally and broke the entire thing up. Weber agreed that the document indicated the German losses as a result of the partisan actions were seven men shot by Jews and one man stabbed by Jews. (24-6489 to 6491; Galicia document filed as Exhibit 118))

Weber compared the situation to the Vietnam War. When a village was considered a major Vietcong stronghold, the Americans didn't go in and ask everybody politely what they were doing. They sent in air strikes and blasted and killed everything that was there. Such operations had taken place many times. (24-6492)

Weber agreed that Treblinka, Sobibor, Belzec, Chelmno, Auschwitz and Majdanek were all west of the Galicia district. The Jews may very well have been sent westward for labour purposes, said Weber. Sobibor, Belzec and Treblinka were levelled. It was not known who destroyed them or why; it was simply known that after the war they were not there anymore. The Germans may have done it but historians did not know. They may have been levelled to take the lumber. If the contention was that the Germans tried to destroy all evidence of their extermination camps, they didn't do a very good job of it because the most important of the alleged extermination camps, Auschwitz and Majdanek, were not levelled. Nor was Birkenau destroyed. It was taken intact by the Soviets on January 20, 1945 with approximately 3,000 to 5,000 inmates who were sick and unable to be transported. Birkenau as a totality was still quite intact even to this day. (24-6495 to 6500)

Pearson turned to the subject of the Wannsee Conference protocol. Weber testified that he had not investigated the allegation that Eichmann prepared the document. He believed, however, that Eichmann lied when he testified at his trial in Israel that the Wannsee Conference was to finalize a plan for the extermination of the Jews. Eichmann was the only one of those at the conference who later made this claim. Today it was conceded by a number of exterminationist historians that the Wannsee Conference was not a conference for any extermination of the Jews. (24-6500 to 6502)

It would have been madness for Eichmann to take the position at his trial that there was no extermination programme in an atmosphere where it was assumed from the outset that there was such a programme. Weber believed Eichmann attempted to save his life by saying there was an extermination but that he was not responsible for it. (24-6503)

Pearson asked Weber how he met Richard Verrall, the author of *Did Six Million Really Die?*. Weber testified that he was introduced to Verrall in 1977 by the booklet's publisher, Anthony Hancock. Richard Verrall was a member of the National Front

movement in Britain and the editor of their monthly newspaper, the Spearhead. Weber did not believe the National Front was a neo-Nazi organization. It considered the question of race to be very important and shared that with the Nazi movement and a lot of other people, including Abraham Lincoln, Thomas Jefferson and Theodore Roosevelt. At the time of the Second World War, said Weber, the United States was a racist country. (24-6504 to 6507)

The original English publisher of *Did Six Million Really Die?* was the Historical Review Press. It was not associated with the Institute for Historical Review in California. Both publishing houses were important in publishing revisionist material on the Holocaust issue. (24-6508, 6509)

Pearson suggested to Weber that the credibility of Harry Elmer Barnes became suspect after World War II when he pronounced the theory that Franklin Roosevelt maneuvered the attack on Pearl Harbour. Weber testified that Barnes's stature and prominence suffered enormously after the Second World War because he took the view that Roosevelt may have known about the attack on Pearl Harbour in advance. This was a thesis that was shared by a number of other historians including John Toland. Barnes also suffered because he wrote about Roosevelt's and Churchill's roles in encouraging the outbreak of war in 1939. (24-6509, 6510)

Weber agreed that he had written articles for the *Journal of Historical Review*, *Spotlight* (connected to *Liberty Lobby*) and the *National Vanguard* where he was the News Editor for a period of time. The *National Vanguard* was published by the National Alliance. The leader of the National Alliance was a man named Pierce who was very influential in his life. Pierce was involved with the National Socialist White People's Party, sometimes called the American Nazi Party. Pierce worked with the leader of that party, a man named Rockwell. (24-6511, 6512)

Pearson produced the book *The Holocaust in History* by Professor Michael Marrus of the University of Toronto. The book, which was a historiography of the Holocaust, did not mention Professor Faurisson or Professor Arthur Butz. Weber pointed out Marrus had made his own selection of who he wanted to include in the book. (24-6513, 6514)

Pearson read from the preface of the book:

The chapters that follow address what I think are the most important themes discussed by historians of the Holocaust -- and themes about which there has been serious historical investigation. I have had no difficulty excluding from this book any discussion of the so-called revisionists -- malevolent cranks who contend that the Holocaust never happened. Regrettably this is no longer an insignificant current, and there are signs that those who concoct such fantasies are engaged in a much wider anti-Jewish enterprise.

Those were Marrus's views, said Weber; he chose to simply dismiss the work of scholars like Professor Faurisson. In Weber's opinion, the allegation that revisionists were part of a wider anti-Jewish enterprise was a totally wrong and slanderous statement. (24-6518)

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Pearson suggested that it was difficult for Richard Verrall to have errors in *Did Six Million Really Die?* pointed out to him when he used a false name on the pamphlet. Weber testified that Verrall hoped that future editions would be more accurate and that he wanted errors pointed out to him by people he talked with. For quite a period of time he did not want his authorship of the book to be known, but there were people who knew privately that he was the author. He also received many letters from people who wrote to him as "Richard Harwood" and he was glad to receive them. These letters were sent to the address of the publisher which was printed on the booklet. Verrall publicly acknowledged today that he was the author. (25-6520 to 6522)

Pearson produced an article written by Weber and published in the May 1978 edition of the *National Vanguard*. The article was written 10 years before, said Weber, and did not reflect his present viewpoints. It was written about a year before Weber became really interested in the Holocaust issue. (25-6526)12

Weber read the article to the court:

My first interest in politics began during the Kennedy-Johnson years of unrestrained liberal optimism. Kennedy announced the Peace Corps and the Alliance for Progress. Johnson proclaimed that his War on Poverty and other programs would begin a new age of abundance and equality for all.

"Freedom marches" and civil rights laws were dismantling the last barriers to "racial equality," we were told. Films such as "Guess Who's Coming to Dinner" suggested a happy mulatto future for America. I shared the national mood of childlike confidence. The President and the press claimed that the Great Society would usher in the liberal millennium.

I took the politicians and media masters at their word. I earnestly believed in the social perfectibility of man, and in my all-White high school, I vigorously defended the notion that all races were created equal. During the summer, I volunteered time to help tutor young Blacks.

There were no Negroes in the Portland, Oregon neighborhood where I grew up. Race was never discussed at home, and my parents actively supported liberal Democrats at election time. Like many Americans in the North during the 1960s, I uncritically accepted the notion that inferior Negro social performance was the result of White racism and an environment of deprivation.

Like many Oregonians, I assumed that we would avoid racial problems by showing tolerance and understanding. We would be different from those racist Whites in the East and South, I thought.

But if social and racial equality were realistic goals, why had they not been achieved long before? Dissatisfied with both liberal and conservative explanations, I turned to Marxism for answers. I attended meetings of various Marxist groups in Portland and was surprised by the reasonableness of their viewpoint.

Like millions of other young Americans, I became infatuated with the New Left. The Vietnam War starkly revealed to us the boundless hypocrisy of the System. Only a fool could believe a President who told the world that Americans were destroying Vietnam for the good of the Vietnamese themselves. And widespread Black uprisings exposed the futility and bankruptcy of Great Society 'equality' schemes.

I had already rejected right-wing conservatism as pathetically moribund and utterly without principle. I had seen conservatives eventually give in to the liberals on every important issue. The conservative position of the moment was the liberal position of ten years ago. The left, on the other hand, seemed dynamic, alive, progressive, and young.

We were not really revolutionaries, we millions of young leftists who joined the demonstrations behind New Left banners. We demanded only the fulfillment of those liberal promises of world peace, racial equality, and economic redistribution which the politicians, the writers, and our teachers had made for many decades. We wanted action, not more high-sounding but empty rhetoric. We demanded no new goals, but only the realization of those which we had been taught were desirable.

In my last year of high school, 1969, and during the following summer, I worked in the campaign to raise money for starving, war-ravaged Biafrans, and I enthusiastically supported the Biafran struggle for independence from Nigeria. That war for 'national liberation' seemed infinitely more vital and noble than the wretched shop-politics of the West.

During the Biafra campaign I was both amazed and dismayed by the ignorance of the issues involved which was displayed by the wealthy liberals, church group representatives, politicians, and many ordinary White Americans who contributed money or time. More disgusting yet were the expressions of guilt, opportunism, and inadequacy which characterized many of the most eager Biafra relief campaign supporters.

After the Biafra summer campaign, I flew to Europe. During a year spent working in Bonn, Germany, I first began to doubt many of my liberal ideas.

In elementary and high school, I had been very interested in modern European history. I devoured many history books, especially ones dealing with the intriguing Hitler years, and now I hoped to find out more about that puzzling era.

On the one hand, I had heard that Hitler and his small gang of henchmen had managed to deceptively take over and enslave the largest, most cultural and advanced nation in Europe and then madly tried to take over the world. On the other hand, I was also taught that the German people were traditionally militaristic, chauvinistic, power-hungry fanatics who eagerly supported Hitler's evil policies and were, therefore, also collectively "guilty" of "crimes against humanity."

While living and working in Bonn, I found out from countless conversations with ordinary citizens that both notions were false. My whole view of modern history changed.

For the first time I learned that all but a small (and mostly conservative) minority of Germans had fervently supported Hitler until the bitter end. Older workers at the wallpaper factory where I worked spoke respectfully of Hitler and enthusiastically of what National Socialism had meant for the working man. Others talked of the hope, prosperity, order and progress which "those years" had meant.

For the first time I learned about the forced mass expulsion and deaths of millions of Germans from Prussia, Sudetenland, Pomerania and Silesia in 1944-45. Many older Germans told me their horrifying recollections of the starvation, mass killings and terror which the victorious Allied armies had brought to Central Europe.

One older woman recounted her family's trek through several hundred miles of death and destruction from Silesia to the Rhineland carrying all their belongings...workers told of the total expropriation of their towns and villages in the land and annexed by Poland and Russia after the war. Other described the horror of the Soviet occupation of the East and of the Morgenthau Plan starvation and destruction under Allied occupation in the West until 1948.

And then I would meet tourists who would ignorantly boast of U.S. money having "rebuilt" Europe.

Of all this I had heard nothing in school back in Portland, and I felt betrayed. But I had heard plenty about the supposed six million Jewish victims of the "holocaust."

I was impressed by the dignified and matter-of-fact way with which the German people accepted their legacy of defeat. What a contrast to the endless wailing's of the "persecuted" Jews!

Pearson interrupted Weber and asked if the last statement was an anti-Jewish statement. Weber replied that it could be interpreted that way. (25-6534)

Weber continued reading:

Older Germans were, indeed, often reluctant to talk about "those years" because most had given up trying to compete with 30 years of lying propaganda. It was especially futile trying to talk openly with American visitors who already "knew" all about "Nazism."

My stay in Germany, a brief stint selling magazines in Belgium and France, and then a journey through Spain convinced me that national character and culture were not merely superficial acquisitions which could readily be homogenized, as liberal and Marxist "one worlders" claimed but were instead deep and venerable expressions of different folkish and racial nature.

My keen interest in Africa took me through Morocco and across the Sahara desert to West Africa. In Ghana I obtained a pleasant but unexciting position teaching secondary school to Ashanti teenagers in Kumasi.

In Senegal, Mali, Ivory Coast, and Ghana, I learned that race was far more than just a question of skin colour. I was astonished by the striking similarities in the values and

way of life between West Africans and American Blacks. Despite the superficial differences, Negroes on both continents shared very common attitudes toward work, family, music, sex, liquor and property. And Blacks on both sides of the Atlantic exhibited a common deficiency in abstract reasoning ability.

Pearson interrupted Weber and asked if he would agree that that was a racist statement. Weber replied that the statement was essentially accurate. He asked Pearson to define "racist." Pearson refused to define the word and requested that Weber keep reading.

Weber continued:

What a contrast to Europe! In West Africa I came to acutely appreciate the common values and attitudes which men and women of my race had in common on both sides of the north Atlantic and which differed so fundamentally from those of the Blacks around me.

In both Europe and Africa, I admired the sense of folkish identity and kinship which people valued and cultivated. As an American I felt somewhat at a loss coming from a young land with a less-developed cultural heritage and a less well-defined national identity and character. Like many Americans overseas, I became more aware of my cultural and national identity than ever before. Other White Americans and Europeans in Africa were similarly affected, and we stuck together, instinctively affirming a common racial and cultural unity.

My stay in West Africa impressed upon me the futility and galling arrogance of White efforts to "uplift" and "enlighten" the non-White world through foreign-aid programs. Observing the comical and inept Peace Corps in operation did a lot to shake my liberal faith.

I returned to Oregon puzzled and without any clear principles. Eager to understand the social and racial dynamics of urban America, I moved to Chicago for a year. It was the hardest and most bitter year of my life, but there I deepened my awareness and understanding of social, political and racial realities. And I first began to grasp the importance of the Jewish question.

Pearson interrupted and asked Weber what he meant by "the Jewish question." Weber replied that the term meant the relationship of Jews to non-Jews in society and the role of Jews in society in general. In Weber's opinion, it was a very important question because Jews played a very important role in American society. There was constant discussion in American newspapers and magazines and by politicians about the role of Jews in American society and in every society in which they lived. Jews themselves talked about this very often. Numerous Jewish leaders had pointed out there was a conflict in loyalty among Jews to their own cultural and racial or ethnic group and to the larger society in which they lived. (25-6538, 6539)

Weber continued reading:

Observing Jews as they shamelessly swindled and bilked the primitive Blacks began to open my eyes. The wealthy, liberal Jews would push for racial integration in the

ethnic White neighborhoods of Chicago, while the kosher crowd stayed isolated in their Hyde Park and North Side enclaves. And how they hated Mayor Richard Daley!

Pearson interrupted and asked Weber if he would agree that that was an anti-Jewish statement. Weber replied that it was far less anti-Jewish than numerous statements which had been made by any number of Jewish writers about Germans or about other people, including Americans as a whole. Elie Wiesel had called for hatred against Germans simply because they were Germans. (25-6540)

Weber continued reading:

Daley was devoutly Catholic and instinctively loyal to his race. He skillfully and oftentimes ruthlessly balanced off the many racial and social factions of Chicago and kept his realm running more smoothly and successfully than any other large city in America. The Jews couldn't understand his skill, and they envied his enormous popularity, even among Blacks.

But even Daley could not keep the lid on the racial volcano. During my Chicago year the old mayor began losing control of the city's Blacks, and he couldn't understand or control the furious and violent resistance of Chicago's Whites to further Black takeover.

It was clear that once Daley passed on, Chicago would go the way of America's other large cities. Chicago seemed to symbolize both the past and the future. The old mayor personified a dying era. And the passionate and sometimes violent youth of Marquette Park, who successfully halted the Black invasion of the neighborhood, seemed to represent the vanguard of a new America.

I lived in a mixed Italian-Mexican enclave wedged into the vast Black ghetto. During the summer I sold peanuts and candy from a pedal cart in different ethnic neighborhoods. Later, after morning college lectures, I took the subway downtown to work in a State Street office building. I eagerly read every newspaper I could get my hands on.

In Chicago I pondered long and hard over the race question. If races were inherently and fundamentally different and unequal -- as my observations were convincing me was the case -- then the principle of democracy which rested upon the idea of racial equality was false. Furthermore, I became convinced that government attempts to create an artificial "equality" between naturally unequal races would inevitably lead to disaster.

In 1973 I returned to Europe. After a month travelling around Western Europe, I settled for a year and a half in Munich in order to study at Germany's largest university.

In the friendly Bavarian capital it was a joy living a student's life while supporting myself giving private English lessons. My spare time was spent reading, talking for long hours in beer halls and restaurants, attending opera and symphony performances, and visiting political rallies and meetings.

From Europe I gained a more detached and objective perspective on events back home. My studies and my overseas vantage point helped me to understand the direction in which our nation was heading.

But even in Europe the same unmistakable symptoms of decay were visible. Large numbers of racial aliens were streaming northward and westward into the White heartland. Growing swarms of dark East Indians and Africans in Britain, Arabs and Negroes in France, Orientals in Holland, and Turks in Germany were creating severe and almost insoluble problems.

Pearson interrupted Weber and asked if he would agree that that was a racist statement. Weber testified that it was not; it was a statement of fact. (25-6543)

Weber continued reading:

The White birthrate had fallen drastically throughout northern Europe. A lust for wealth and comfort and a deadening of any sense of responsibility to race and nation were the sad legacy of the European defeat of 1945.

In Munich, my disillusionment with the liberal-democratic system grew along with my conviction that a fundamental change of social values was absolutely necessary.

I returned to America wanting to do more than observe. In Washington I met Dr. William Pierce for the first time in the summer of 1975, and I was greatly impressed by his deep understanding, profound intelligence, and courageous dedication. But I still didn't share his commitment or devotion, and I returned to school.

Weber agreed with Pearson that Pierce was an important person in the National Socialist White People's Party, for which organization the term "neo-Nazi" would not be an inaccurate description. (25-6544)

Weber continued:

After finishing college, I accepted a fellowship for graduate study in history at Indiana University. But during the year and a half I worked on my MA, I grew increasingly restless and fed up with the futility and meaninglessness of academic life. My colleagues and professors resigned themselves to a cynical, self-centered, bourgeois future. What was the point? If things kept on going as they were, neither our race nor our nation would have a future, and whatever we did in our short lives would be pointless.

In graduate school, I became ever more disgusted with the liberal effort to twist and distort history to make it conform to the naive, unrealistic, liberal view of life.

The lies and myth-making were especially frequent when dealing with the Negro in American history. Various obscure Blacks were elevated to undeserved prominence, while White college students learned virtually nothing of the heroic sacrifices at the Alamo and Valley Forge.

While Jews and Blacks blatantly promoted their own biased cultural and racial programs in special studies departments, anti-White and anti-Western professors taught White students to be ashamed of their racial-cultural heritage. Liberals ignored or obscured the fact that our forefathers consciously established America as a nation for White people. Professors were often far more interested in berating the White race for its past "injustices" than in imparting an understanding of the dynamics of history. And while they talked of democracy and the majority, liberal professors looked down with contempt upon the White taxpayers who paid their wages.

Of course, these academic bureaucrats had no real loyalty to America or to the White race. They were interested in job security and academic prestige, but not in the search for historical truth. A study of history, I was convinced, demonstrated conclusively that race-mixing, a mania for equality, and a lack of idealism and heroism were all unmistakable signs of decadence.

Pearson interrupted and asked Weber if he would agree that was a racist statement. Weber replied that he would absolutely not. Pearson put to him that it was racist to suggest that race-mixing was an unmistakable sign of decadence. Weber asked again for a definition of racist and again Pearson refused to give one. (25-6547)

Weber continued reading:

History clearly showed that the future belongs only to those peoples willing to sacrifice and fight for it.

Over the past several years, I had hitchhiked many times across and around the United States. From hundreds of conversations with a wide variety of Americans, I came to feel that our people were caught in the grip of some terrible death-wish. Privately, White men and women across the country expressed to me their disgust, shame and anger at the way things were going. But many older Americans had long ago given up hope that anything could be done, while others lacked the courage to do anything more than complain to friends.

Hearing cowardly and defeatist whining about the futility of it all made me more angry than depressed. I became convinced that our White race was capable of accomplishing any goal which we set for ourselves. What we absolutely needed was firm self-discipline, heroic confidence, and fanatic determination. Even if our race was fated for destruction, our duty must still be to make a stand to redeem our honor before history.

I drew great confidence from a faith in the ultimate victory of right. Our racial struggle was in harmony with the highest laws of Nature itself. I could not believe that our race had been created only to perish in suicidal race-mixing. Providence had destined our kind for much more than that.

As a liberal, I had taken my race, my nation and my cultural heritage for granted. Now I realized that only a conscious and dedicated commitment to our race could prevent our extinction.

My "conversion" over several years had resulted in a rejection of two basic liberal principles: inherent human equality; and human material comfort and happiness as the highest social good.

Pearson interrupted and asked Weber what he was converted to. Weber testified that it was self-explanatory; he came to believe that only a conscious and dedicated commitment to our race could prevent our extinction. He was not converted by Mr. Pierce but came to these views on his own. Pierce was one of many influential people in his life. He had been influenced by many things, as he had tried to explain in the article, through personal experience in Africa, Europe, Chicago and elsewhere. (25-6549 to 6551)

Weber continued reading:

However, I continued to honor several of the older liberal values: devotion to truth, no matter where it may lead; social and individual justice within the context of the community; protection and encouragement of productive labor; rejection of uncontrolled and irresponsible capitalism.

I had no right to complain about the slow extinction of our race or the degenerate trend throughout the Western world unless I myself was willing to at least speak out. I came to feel that it was not enough to hold back and silently hope that others would do what I was afraid to do. I realized that I had no special right to sit on the sidelines as a cowardly spectator. My responsibility for the future of our White race and American homeland was at least as great as any other man's.

Reading the National Alliance newspaper greatly helped to clarify my thinking. No other periodical I read addressed the fundamental issues of our time as truthfully and as lucidly.

Finishing my Master's degree in history in December of last year, I moved to the Washington, D.C. area at the beginning of this year to devote my talent and energy to what I firmly believe is the most vital and important work in America today.¹³

The work of the National Alliance was educational, not political, said Weber. It tried to persuade people by argument and information that the integrity and preservation of our race and culture were worthy goals. Weber believed that in society today there were many trends which were very destructive to social, cultural and racial harmony and it was important to be aware of those things. (25 6553)

Pearson put to Weber that the race ideology he had espoused in his article was the same one that Verrall espoused in *Did Six Million Really Die?*. Weber answered that it was very dangerous to try to put together in one pot all those who believed in the integrity and preservation of their own race and culture. Weber believed in racial integrity for all peoples because he believed the greatest benefits to all humanity came when nations were true to themselves; that applied to the Jewish people as well. He did not hate or have any animosity towards any individual or race because they were different. At the time he wrote the article, he was very concerned about the preservation of his own race and culture. Weber pointed out that the racial views

expressed by Abraham Lincoln and Theodore Roosevelt were far more emphatic than what he had written. (25-6554, 6555)

Pearson turned to *Did Six Million Really Die?* and read an extract under the heading "The Race Problem Suppressed" at page 4:

Many countries of the Anglo-Saxon world, notably Britain and America, are today facing the gravest danger in their history, the danger posed by the alien races in their midst. Unless something is done in Britain to halt the immigration and assimilation of Africans and Asians into our country, we are faced in the near future, quite apart from the bloodshed of racial conflict, with the biological alteration and destruction of the British people as they have existed here since the coming of the Saxons. In short, we are threatened with the irrecoverable loss of our European culture and racial heritage. But what happens if a man dares to speak of the race problem, of its biological and political implications? He is branded as that most heinous of creatures, a "racialist". And what is racialism, of course, but the very hallmark of the Nazi! They (so everyone is told, anyway) murdered Six Million Jews because of racialism, so it must be a very evil thing indeed.

Pearson put to Weber that the words used by Verrall in the pamphlet were very similar to the words Weber wrote in the *National Vanguard*. Weber replied that there were many similarities but that it was important to realize that in this passage Verrall had injected an issue into the pamphlet which was really a secondary issue. There were many individuals who supported revisionism, said Weber, who completely rejected the views expressed by Verrall in this passage and the views expressed by himself in the *National Vanguard* article. What Verrall had written was extraneous to the central thesis of the booklet. (25-6555, 6556)

Pearson suggested that the declared goal of Weber in his article in the *National Vanguard* was to win converts to his race ideology. Weber replied that he became interested in the Holocaust issue at the end of the period that he was affiliated with the *National Alliance*. He ultimately parted company with the organization because they were not interested in the issue. (25-6557)

Pearson put to Weber that he was prepared to use the initial credibility that his M.A. in history gave him to further his cause of racial ideology. Weber denied this, repeating that it was his concern over the Holocaust issue which led to a big disagreement with the *National Alliance* and his departure from the organization. He had not been affiliated with the *National Alliance* for more than eight years and had written nothing on the whole issue of race since that period of time. (25-6558)

Pearson suggested that Weber had realized, as did Verrall, that the Holocaust was a significant hurdle to winning converts to his racist ideology. If that was his main motive, replied Weber, he would have been writing in the intervening years about race and he hadn't. The revisionist movement was not a racialist movement. It had people in it with every possible racial, political, ideological and religious views. (25-6558)

Pearson reiterated that Weber had realized that he didn't have a chance of winning right-thinking people to his cause until he could cover up the monstrous crime that

Nazi racism ideology produced. Weber replied that that was absolutely wrong. (25 6559)

Pearson put to Weber that when he had his "conversion," he commenced his study of the Holocaust. Weber testified that at the time he wrote the article he thought the Holocaust was probably exaggerated but essentially believed in it; he believed the tremendous over-emphasis given to the subject was wrong, given the terrible suffering of other peoples during the war. (25- 6559 to 6562)

Pearson produced an article published in the Spotlight on December 24, 1979 which Weber agreed he had written. Pearson read the following extract:

Virtually the entire body of "evidence" and "documentation" offered today for the alleged extermination of six million Jews by the Germans was first presented to the world at a series of elaborately- staged trials held in Germany in the aftermath of World War II. The victorious Allies held thousands of German military and civilian leaders before the Show Trials on absurd and hypocritical charges of "war crimes" and "crimes against humanity." It was these "trials" which first gave the "Holocaust" story legitimacy and worldwide publicity. A tremendous public relation campaign conducted ever since has engraved that story so deeply into the public consciousness that to challenge it is considered somewhat akin to claiming that the earth is flat. But a careful examination of the origins of the "Holocaust" legend in the famous Nuremberg trials and other "war crimes" trials reveals just how fraudulent the entire story really is.¹⁴

Pearson suggested the article was a complete public denial of the Holocaust. Weber disagreed. At that time he still believed perhaps there was some policy or programme to exterminate the Jews. But he had already come to believe that many important aspects of the story were not true. In Weber's opinion, it was not really crucial when he came to reject the entire story. It was a continuing process. Spotlight was published by Liberty Lobby. The newspaper had published about ten or twelve articles by Weber. He didn't agree with everything that was published in the newspaper, just as he didn't agree with everything published in the New York Times where he had had a letter published. Weber tried to reach other people with what he was trying to say and the Spotlight was willing to publish what he had to write on this issue. Weber did not agree with everything Liberty Lobby did or stood for. It had run numerous articles by Jewish writers. It was hard to call a publication anti-Semitic if it also prominently displayed writings by writers who were Jewish and were very pro-Jewish. (25-6564 to 6568)

Pearson produced another article written by Weber for the Spotlight and published in the August 9, 1982 edition entitled "The Zionists have political control of Nebraska." Pearson read excerpts to the court:

When you think of the passions of political Zionism in the U.S., you probably think first of such States as New York and California, but, strangely, the percentage of Jews in the States' population has little to do with the control exercised in every facet of your daily life by...loyalists. Nebraska, in the heart of our nation, is a case in point. How about your State?...Unlike New York or California, the "corn husker state" has no concentrated Jewish community. The Jewish population is a mere 0.5%, and yet a

small group of Zionists have been able to gain political dominance in Nebraska. Both of the State's U.S. Senate seats are held by staunch Zionists. The highest judicial official, the Chief Justice of the Nebraska Supreme Court, is a Zionist. The State Democratic Party is firmly controlled by Zionists.¹⁵

Pearson suggested that in the article Weber said that all American Jews were Zionists. Weber testified that not all Zionists were Jews and not all Jews were Zionists. For example, both of Nebraska's U.S. Senate seats were held by Zionists; only one was a Jew. (25-6570)

Pearson asked if Weber still denied he was anti-Jewish. Weber replied that it was less sensible to say he was anti-Jewish than to say Elie Wiesel was anti-American. If someone alleged, as Elie Wiesel and many other prominent Jews had done, that the American government was callous and shared a historical guilt for the Holocaust by allowing the Germans to exterminate 6 million Jews, then one could say that statement was anti-American. In Weber's opinion, Zionism was ultimately dangerous for Jews. It was Jewish nationalism. A person could very reasonably take the view, as Weber had, that to be anti-Zionist was actually pro-Jewish. Weber did a great deal of research into the article before writing it. It was a big issue at the time in Nebraska and the most salient information came from people in the state itself. (25-6571, 6573)

Pearson put to Weber that his race ideology had been a matter of conversation between himself and Ernst Zündel. Weber replied there had never been such a conversation between them and he resented the use of the loaded term "race ideology." This ended the cross-examination by the Crown Attorney. (25-6574)

Defense attorney Doug Christie rose to re-examine the witness. Christie turned first to the Galicia document introduced by the Crown during Weber's cross examination. Weber testified that Galicia (a not very large province formerly in Poland and presently in the Soviet Union) was noted for being a poor area. (25-6576)

Christie asked how much broken gold the document said was taken from the Jews in this area of Galicia.¹⁶

Weber testified that the document stated that the Germans seized 44,655 kg. of broken gold from the Jews of Galicia. This amounted to about 29.5 tons of pure gold which was, in Weber's opinion, a preposterous figure. The document also alleged that no less than 11,730 kg. of dental gold in dentures was seized. This amounted to 7.5 tons of gold. The document alleged that 97,581 kg. of gold coins were taken, and if one assumed 20-carat gold rather than 24-carat gold, this would amount to 90.7 tons of 24-carat gold. In addition, there was a reference to the seizure of 6,640 kg. of gold necklaces which would be the equivalent of 4.8 tons of 24-carat gold. (25-6579 to 6581)

In Weber's opinion, these figures showed that the document was either greatly exaggerated or not genuine. Altogether, according to this document, the confiscated gold from Galicia was 134,311 kg. or 140.7 tons of gold. That was equal to 4,726,595 ounces. At today's prices, this gold would be worth about \$2,647,160,000.00 in Canadian funds or \$6,095 for each allegedly evacuated person in the document. (25 6581)

To put it in perspective, said Weber, the total amounts of gold mined in Canada last year in about 25 large mining operations was about 75 tons, but according to the Galicia document, the amount of gold supposedly confiscated in Galicia in one year from the Jews was almost 150 tons or about twice what Canada mined in an entire year. (25-6582)

Weber testified that the Galicia document was quoted occasionally by Holocaust historians but was given no great weight or emphasis. In fact, the document was not consistent with the Holocaust story because the document indicated that any severe measures taken against Jews were done for specific reasons and not simply because they were Jews. Other portions of the document referred specifically to the necessity of maintaining good clothing, housing and medical care for Jews in the camps listed in the document. (25-6600)

Christie turned to the subject of Weber's previous writing career. Weber testified that he was affiliated with the National Alliance for less than two years and had not had any affiliation with the organization since. After he left the organization, he was a writer for a time for a newsletter entitled Middle East Perspective. The periodical was edited and published by Dr. Alfred Lilienthal, who was a well-known American Jewish writer and historian. Lilienthal was an anti-Zionist with whom Weber continued to have cordial relations. (25-6582, 6583)

Christie asked if Weber had been able to find evidence that Oswald Pohl was tortured. Oswald Pohl, said Weber, was the German official who was in overall charge of the German concentration camp system. He wrote a statement, dated June 1, 1948 (after he was tried at Nuremberg but before he was finally executed by the Americans in 1951) in which he described his mistreatment by British military personnel in 1946. He was kicked and repeatedly beaten by British soldiers. He lost at least two teeth in these beatings, and he was then turned over to the American military. Pohl held the rank of general in the German armed forces and his treatment by the British and Americans was completely illegal according to international agreements on the treatment of prisoners-of-war. (25-6584)

Weber read from his translation of the Pohl statement:

As a result of the brutal physical mistreatment in Nenndorf and the treatment in Nuremberg, I was emotionally a complete wreck. I was 54 years old. I had served my country for 33 years without dishonour, and I did not feel that I had committed any crime.

Pohl was intensively interrogated for more than half a year in sessions that lasted for hours. There were about 60 to 80 interrogation sessions altogether. Pohl reported that although he was generally not physically mistreated in Nuremberg, as he had been at Nenndorf, he was nevertheless subjected to the less noticeable but, as he put it, "in their own way much more brutal emotional tortures." (25-6584, 6585)

During his interrogation by the Americans, Pohl was accused of killing 30 million people and of condemning 10 million people to death. The interrogators knew very well, said Pohl, that such accusations were lies and tricks meant to break down his resistance. Pohl declared:

Because I am not emotionally thick-skinned, these diabolical intimidations were not without effect, and the interrogators achieved what they wanted; not the truth but rather statements that served their needs.

During this period of interrogation, Pohl had no access to an attorney or any other help. He was never formally charged with anything, nor even told precisely why he was being interrogated. (25-6585) Pohl stated that the American prosecution of the trial used false affidavits which he was forced into signing. Pohl declared:

This is how affidavits were produced and presented which contain provable errors of fact regarding essential points.

Pohl also said that other phony affidavits were produced for his trial from others and gave specific examples of these. Pohl stated that the German defence was not allowed free access to the German wartime documents which were used by the prosecution freely and to the maximum effect. This fact had been confirmed subsequently by historians. Pohl declared in his statement that the number of those who died of all causes in all the German concentration and labour camps between 1933 and 1945 was 200,000 to 250,000 and he explained the reason for this regrettably high figure. (25-6586)

Weber turned to the subject of Konrad Morgen and pointed out that Morgen testified that to the best of his knowledge there was no German policy of extermination. Almost no one in Germany, said Weber, was in a better position to know the truth about that matter than Morgen. Morgen also testified at Nuremberg about the conditions in the camps which produced the terrible photographs of dead and dying inmates taken at the end of the war by the Allies. (25-6588) It was not surprising that Morgen might have believed that inmates were being gassed at Monowitz because most of the inmates themselves believed the same thing. It was likely that Morgen based his belief on what he had been told. Weber reiterated that today no historian claimed that Jews were gassed at Monowitz. (25-6588)

In volume 8 of the NMT "Green Series," page 606, [Nuremberg document NI-11696] there was the testimony of a British sergeant named Charles J. Coward who worked at Monowitz. He testified that everyone at the camp talked about gassings:

Even while still at Auschwitz we got radio broadcasts from the outside speaking about the gassings and burnings at Auschwitz. I recall one of these broadcasts was by [British foreign secretary] Anthony Eden himself. Also, there were pamphlets dropped in Auschwitz and the surrounding territory, one of which I personally read, which related what was going on in the camp at Auschwitz. These leaflets were scattered all over the countryside and must have been dropped from planes. They were in Polish and German. Under those circumstances, nobody could be at or near Auschwitz without knowing what was going on.

In Weber's opinion, it was clear that Konrad Morgen believed there were exterminations going on at Monowitz for reasons which had to do with propaganda and not, as historians today had shown, with gassings at Monowitz. (25-6589)

Weber indicated that he was wrong to agree with Pearson on the use of "final solution" as a euphemism. Weber had looked up the term "euphemism" in the Random House Dictionary and found its definition to be: "The substitution of a mild, indirect or vague expression for one thought to be offensively harsh or blunt." The term "final solution," said Weber, was just the opposite of a euphemism because the term was more blunt or more sinister sounding than the words "deportation" or "evacuation." The Germans often used terms which sounded very harsh and very strong. (25-6590, 6591)

Michael Marrus (the author of *The Holocaust in History*) quoted documents very selectively and even deceitfully, to cover up what the "final solution" programme actually was. On page 32 of his book, Marrus, in a typical way, quoted from the letter by Hermann Göring to Reinhard Heydrich of July 31, 1941, leaving out those portions which made it clear what the "final solution" was -- solving the Jewish question "by evacuation and emigration." By leaving that portion out of his book, Marrus left the impression that the term was a euphemism which meant extermination. (25-6592) The Wannsee Conference protocol also made it clear what the term meant. Weber quoted from the document:

The emigration program has now been replaced by the evacuation of Jews to the East as a further solution possibility in accordance with previous authorization by the Führer.

Weber noted that the official Nuremberg translation of the Wannsee Conference document, found at page 213 of volume 13 of the NMT "Green Series," left out the translation of two important words *bei Freilassung* which meant "upon release." (25 6592) The Wannsee Conference document implied that the German government intended to free the Jews and have them removed from Europe after the war. One of the men who was at the conference, Martin Luther of the German Foreign Office, wrote his memorandum of August 21, 1942. This referred to a territorial "final solution" and stated that after the war:

All Jews would have to leave Europe. This was an unalterable decision of the Führer, and also the only way to master this problem.

Weber did not believe the Holocaust was invented by a so-called Zionist conspiracy to make money for Israel. Weber testified that it had been suggested by Pearson that he and other revisionists supported this view of the Holocaust to somehow profit. This, said Weber, was both ludicrous and contemptible. Not only himself but other revisionists had suffered tremendously. One important Jewish revisionist, J.G. Burg, was beaten up by thugs as he was praying at his wife's grave in Munich. Wilhelm Stäglich, a West German historian, had his pension cut and his doctoral title revoked as a result of speaking out on the Holocaust issue. Professor Robert Faurisson, another prominent revisionist historian, was beaten several times; he was dragged into court repeatedly by powerful and influential organizations; his family life had been thrown into turmoil. Weber himself had received numerous death threats as a result of writing on the issue and had forsaken a much more financially lucrative life than the one he had. He had not received \$150.00 an hour to testify at this trial.¹⁷ In fact, he had received no compensation whatsoever beyond the satisfaction of helping in an effort

which he believed warranted the worthy support of all Canadians and Americans who believed in free speech. (25-6593, 6594)

Weber's impression of Richard Verrall, from talking to him, was that he was a very private man. He didn't like lots of attention and controversy. He finally revealed his authorship of *Did Six Million Really Die?* in a British court case he brought in an attempt to get more money out of the publication. He was astounded when the booklet turned out to be as successful as it was. (25-6596)

With respect to the writing of history, Weber believed it was not possible for any human being to be completely objective. People brought to whatever they wrote their own backgrounds, views and biases. One tried to overcome them and take them into account, but he did not believe there was any work of history which could be called objective. (25-6601, 6602)

Notes

1 This testimony caused a commotion among the Jewish observers in the courtroom. Immediately, Judge Thomas excused the jury and demanded to know from defense attorney Doug Christie what the relevance of the evidence was. Christie indicated that it put in context the situation of the Einsatzgruppen in relation to guerrilla warfare in terms that ordinary laymen could understand. Thomas replied: "Well, I will think about this during the recess, but I really don't feel that it's appropriate to attempt to smear this trial or the issues that are before this jury by reference to modern events, and I fail to see why a reference to something that's taking place in Israel today involving a state that didn't exist at the time of the Second World War, involving a group of people and issues that are far removed from the issues that are before this court, now I don't feel that those issues ought to be brought into this case. As a matter of fact, they will not be brought into this case unless it can be established they're relevant. I don't appreciate that person bringing that matter into this court. I'm going to consider it as to what I'll tell the jury..." Thomas held, after the recess, that "there's no need for this witness to bring into this courtroom the present environment in Israel. It's not relevant to this trial. Any admissibility of that evidence and probative value would be so tenuous, and I certainly have no intention of turning this courtroom into a forum for venting of those views...This witness is not to bring into this trial, in an extemporaneous way, any reference to matters of the Israeli/Palestine confrontation at the present time unless you can establish its relevance." (23-5698 to 5701)]

2 In the fall of 1989, the Soviet Union announced that 46 volumes of the Auschwitz "death books" were being released to the International Red Cross. The volumes, captured upon the camp's liberation by the Soviets in 1945, had been kept in a Soviet archive and had been inaccessible to researchers for over forty years. These books listed some 74,000 deaths at the camp during the war. (Globe and Mail, Friday, September 22, 1989).

3 Sylvia Rothchild, *Voices from the Holocaust* (New York: New American Library, 1981). Marika Frank Abrams stated: "Let me explain that even though I had been in Auschwitz I did not know about the gas chambers. Can you imagine that?"

4 "In the spring of 1942 an extermination camp was established at Treblinka. It contained 10 death chambers and opened up for business in the early autumn of 1943. Death was inflicted here by gas and steam, as well as by electric current." (Concurring Opinion by Judge Michael A. Musmanno in the case of Oswald Pohl, NMT vol.

5 "Green Series", page 1133) 5 Not compared with original.

6 "Two-thirds of the Jews in Europe exterminated, more than 6 million of them on the killers' own figures. Murder conducted like some mass production industry in the gas chambers and the ovens of Auschwitz, Dachau, Treblinka, Buchenwald, Mauthausen, Majdanek, and Oranienburg." Closing address to the International Military Tribunal at Nuremberg by Chief Prosecutor of the United Kingdom, Sir Hartley Shawcross. (IMT vol. XIX, page 434.)

7 Olga Wormser-Migot, *Le Système Concentrationnaire Nazi (1933-1945)* (Paris: Presses Universitaires de France, 1968).

8 Paul Rassinier, *The Holocaust Story and the Lies of Ulysses* (Costa Mesa: Institute for Historical Review, 1978), pp. 129-130.

9 *Ibid.*, p. 130.

10 This evidence was stopped by Judge Ron Thomas after objection by Crown Attorney Pearson. Thomas ruled that: "The accused is charged with publishing a false statement knowing it was false. This evidence is not relevant to the charge and will not be admitted." (24-6241, 6242). 11 In fact, the booklet did mention this fact at page 14.

12 Pearson requested Weber to read the entire article to the court. Defence attorney Doug Christie objected on the grounds that the political beliefs of Weber were irrelevant to the truth or falsity of his testimony. Christie pointed out that attacks on political beliefs seemed to be the purpose and object of the prosecution as a whole. Judge Ron Thomas disregarded the objection and instructed Weber: "Please proceed. Read it."

13 Not compared with original.

14 Not compared with original.

15 Not compared with original.

16 Upon objection by the Crown, Judge Thomas asked Christie what the relevance of the question was. Christie indicated that he wished to ask the witness questions about the statistics in the document to show that the document was ridiculous and therefore inaccurate. Thomas replied in sarcastic tones: "All right, go ahead. I just have to make a note here: 'The entire document is ridiculous'...'The entire document is ridiculous'. All right, go ahead." (25-6576 to 6578)

17 This was the amount paid by the Ontario government to Crown witness Christopher Browning for his testimony at the trial.

Maria Van Herwaarden

[Maria van Herwaarden was the ninth witness called by the Crown. She testified on Monday, March 28, 1988.]

Maria van Herwaarden was in Auschwitz-Birkenau from December 1942 to January 1945. She was sent to the camp at the age of 20 for having sexual intercourse with a Polish man who worked on the same farm in Upper Austria that she did. (25-6623)

She was arrested at the farm and taken to the police station; two days later she went to Linz where she was questioned by the Gestapo. She was released for six weeks because she was pregnant. The child was born in October and in November she had to return to Linz. The child was cared for by her parents. (25-6624)

From Linz, Herwaarden was transported to Vienna and from there to Auschwitz. There were about twenty other women on the train travelling from Vienna to Auschwitz. She could not say if any were Jewish. They received food on the train. A gypsy told Herwaarden that they were going to be gassed when they arrived at Auschwitz. They arrived in the camp on 2 December in the afternoon. (25-6625, 6626, 6627)

That night the SS people came and took them to Birkenau. They were taken to a cold, windowless room and told that they had to take a cold shower. They handed over their clothes and all hair was shaved, both head and pubic. Herwaarden was "terribly scared" when she went into the shower room because "they said gas would be coming from the top but it was only water." They received soap, but the water was cold. When they finished, they received their numbers and prisoners clothing and were taken to the barracks. Herwaarden was listed as an Aryan. (25-6628, 6629)

For the first two weeks, everybody was together, including criminals. Later they were separated and went to different places. There were 1,000 people to a barrack; five people to one bed, and three beds stacked on top of each other. Herwaarden was put in the non-social block. (25-6629, 6630, 6634)

There were open toilet facilities at Birkenau in 1943 behind the block. There was also a sauna at the camp. Herwaarden remembers taking a sauna bath twice in it. Some people passed out because they could not take the heat. (25-6633)

The prisoners had to get up at 5:00 a.m. and do appel for two hours. This meant standing silently outside in the rain and in the cold. The SS counted them and then they went back to the barracks where they ate breakfast, one slice of bread and a cup of tea. (25-6630)

Around noon a huge pot was brought around with stew in it. Prisoners ate this with a bowl and spoon which each received upon entering the camp. Supper consisted of a cup of tea and a piece of bread. (25-6630)

Groups of 60 to 80 people, sometimes a few hundred left the camp each day to go to work at different jobs, and returned at night. (25-6647) There were many inmates, however, who never worked in the camp. These included the block senior and the people who cleaned the barracks. Herwaarden herself volunteered to work after arriving at the camp and did agricultural work at a tree plantation. They would march from Birkenau for one hour to get to the plantation, got good food and worked nicely together. The food was better than in Birkenau; there was enough there. (25-6634, 6635)

Herwaarden saw Jewish prisoners at Birkenau. They were not treated any differently from the other prisoners. "We were all equal." (25-6633) However, Jews had nice jobs such as block seniors, working in the offices and as doctors. Jews were not in Herwaarden's barrack but they went back and forth. (25-6637, 6638)

Asked if she saw any movement of people toward smokestacks, Herwaarden testified that she saw smokestacks smoking at a far distance but didn't see anything else. She could not say whether the smokestacks were in the camp or not but she thought they were about 5 km. away. They were very tiny. (25-6638)

Herwaarden did not have friends in the camp but was pleasant and talked to people. (25- 6638) Prisoners were not allowed to sing German songs but prisoners did their own singing. They were also not allowed to get newspapers or anything from the outside. They were allowed to write twice a year and at Christmas in 1943 received parcels. Although black market activities were definitely prohibited, Herwaarden saw it going on with food and clothes. (25-6636, 6646)

She saw very many prisoners die in the camp from diseases and also people who took their lives on the electric fence. But she never saw any prisoners killed by anyone in the camp. Of 1,000 Germans who had arrived in March of 1942, there were only three left when Herwaarden arrived in December. They had all died of black fever. There was nothing to do against the disease, although Herwaarden and other prisoners got very painful injections so that they couldn't get the disease. She thought the SS tried to stop the typhus but nothing was successful. (25-6636, 6637, 6647) The bodies were taken away in wheelbarrows, but she did not know how they were disposed of. (25-6638) Herwaarden never saw a crematorium at Birkenau. It was a big place. (25-6645)

After about a quarter to half a year, she felt very poorly and got diarrhea during one of the morning appels and passed out. She woke up in a barracks where sick people were. A Jewish doctor was there and said to her: "Are you still alive?" They were very surprised and brought her some pills and medication. Herwaarden stayed for three days in the hospital and then went back to her own block for another six weeks. (25-6631, 6632)

After her sickness, Herwaarden was taken to an SS hospital where she cleaned and looked after the patients. There was only one nurse and one doctor. Because it was an

infection ward, Herwaarden was not allowed to go outside and had to sleep in the building. Nine girls shared one room where they were locked in at night. She believed she worked there about half a year but testified it was difficult to know because they had no newspapers or means of ascertaining dates. (25-6633, 6639)

Herwaarden was next taken to Auschwitz to be a cleaning woman in the women's SS building. There were twenty girls who did the cooking and cleaning and the laundry. Herwaarden was in this building when Auschwitz was bombed. The air pressure broke all the windows. (25-6639, 6640)

In September of 1944, there was a big explosion at Birkenau and seventy prisoners escaped. They were all caught within a couple of days. (25-6646)

On January 2 or 3 of 1945, the prisoners were told by the SS that the Russians were approaching and that they had to leave. She marched with a group of about 600 or 700 people to Oppeln in Upper Silesia. This group comprised all different nationalities, including Jews. Herwaarden took 2 kg. of sugar to eat along the way. They travelled only at night. During the day they could not walk because of the bombings. (25-6641, 6642)

At Oppeln, they got onto an open train car and in three days arrived at Ravensbrück. They were bombed along the way. There was no food on the train. In total, it took one month to reach Ravensbrück. Herwaarden testified that many people died on the march but not on the train. (25-6641, 6642)

At Ravensbrück, a band was playing when they arrived; they got hot showers and food. Herwaarden was sent on to a small camp about 45 km. from Berlin where she worked as a cook. There were maybe 500 inmates there, not more. All were women. (25-6642, 6643)

Herwaarden confirmed many of the observations of Thies Christophersen quoted in *Did Six Million Really Die?*. In the period of time she was in the camp, she saw no indication of "millions" of people; nor did she ever see any indication of a mass murder or extermination of Jews. While gassings were talked about at the camp, she personally never saw anything of the sort. There was a terrible smell in the camp, however, and she confirmed that there was a horseshoe place on the way from Birkenau to the tree plantation. Herwaarden agreed that she had difficulty getting people to believe what she saw in Auschwitz-Birkenau: "Many don't believe that." (25-6643 to 6647)

On cross-examination, Herwaarden agreed that it was forbidden to have sexual intercourse with a non-Aryan and that was why she was sent to Auschwitz. She agreed that Hitler was opposed to race mixing. (25-6647, 6648)

The gypsy woman with whom she had travelled to Birkenau died three weeks later of the black fever. (25-6648)

Herwaarden was given a uniform with a half red and half black triangle. The red was political because the man she had relations with was Polish. The black was anti social.

She emphasized that there were many, many Germans in the camp who had the same sign that she had. Jews had a star. (25-6649)

Asked on re-examination if Poles were considered Aryan as well, Herwaarden said, no, that Poles were considered the Germans' enemies because they were leading a war against the Germans. (25-6651)

Tjudar Rudolph

[Tjudar Rudolph was the tenth witness called by the defence. He testified on Monday, March 28, 1988.]

Rudolph testified that he was 77 years old and was born and educated in Lodz, Poland. He was trained from the age of 16 by Jewish bosses to be a businessman. Rudolph was trained three years, then worked selling kosher edible oils and coconut butter to Jewish shops. He spoke five languages: German, Polish, English, French and Yiddish. Before the war broke out, Rudolph worked for such Jewish companies as Imperial Chemical Industries and Unilever in Great Britain. (25-6651 to 6653)

At the beginning of August, 1939, Rudolph, who was a German, was arrested with many other Germans by the police and taken by train to Warsaw. From Warsaw they were marched to a Polish concentration camp. Rudolph escaped after a few days. He believed he was arrested because he was a German. (25-6653)

Rudolph made his way back to Germany but returned to Lodz within a matter of weeks working as an interpreter knowledgeable in the Polish and Yiddish languages with the security police, the SD. Rudolph worked for one year in the office at security headquarters translating documents and acting as an interpreter when Jews complained that they had been robbed by Germans. This happened very often in the first weeks after the Germans took over. Jews laid their complaints which would then be investigated and the culprits caught. Rudolph's superior in the office was an SS officer, Captain Schumann. His superior was a man named Schäfer. (25-6654, 6655)

Rudolph left Lodz a year later when a good friend of his in the same unit, Major Liska, asked him whether he would like to come with him to Cracow. Liska told him the job, in an anti-espionage division, was interesting and much better suited to Rudolph's knowledge. (25-6655) In Cracow, the office was concerned with Soviet counter-intelligence. Rudolph acted as an interpreter, filed all the letters and kept dossiers up to date. He also worked translating captured documents of Polish intelligence services. (25-6658, 6659)

It was during his time in Cracow, in the autumn of 1941, that Rudolph's superior was in contact with the Red Cross. Said Rudolph: "We had the first snow and Major Liska came to me and said, 'I will have to go the next ten days and to guide the Swiss delegates who have announced they are coming and guide them through our concentration camps', and he gave me some orders how to keep in his absence the correspondence and how to keep the filing operating and so on. And he gave me the copy of the letter written by the Swiss headquarters in Geneva, saying would you be kind enough to let our delegates come and see the concentration camps and guide them around." (25-6656)

After about ten days, Major Liska returned and dictated to Rudolph his report addressed to Hans Frank, the Governor General [of occupied Poland]. The report was written in German and Polish and copies were sent to Berlin and to other concerned officers. Said Rudolph: "...the contents was, in short, we have guided the Swiss guests through the concentration camps, and as far as I remember, it was Auschwitz and Majdanek for sure, and we have shown them everything they did want to -- they have been entitled according to the Geneva Convention to go around the camps, freely, unhampered and ask people, but the main object was to ascertain whether the mailing and the parcels from Swiss did arrive in the camp and have been distributed correctly and equally to all inmates and this was a topic of their coming and at the end, they were dismissed by Frank at the castle where he had his headquarters, and the Swiss delegates did express their thanks." (25-6656, 6657, 6659)

Rudolph did not have a copy of the report: "I would be happy if I had." He had written several letters to the International Red Cross and asked why, as an international neutral body, it had never made reports about these visits. He never got a reply. (25-6657; 6659)

In Lodz, said Rudolph, there was contact and co-operation between the German administration and the Jewish ghetto workers. The Jewish elder, Chaim Rumkowski, told the Jews that it was suicide to combat the Germans and that they must co operate and that those who worked honestly with the Germans would not be deported.

Rudolph testified that those Jews who hated the Germans and refused to work were deported. Of 160,000 Jews in the Lodz ghetto, some 75,000 to 100,000 remained in Lodz during the war working in factories that produced such things as the German army steel helmet and winter white camouflage suits. The people deported were thieves, misfits, criminals and those who refused to work. (25-6661 to 6663)

In Rudolph's opinion, the book *The Chronicle of the Lodz Ghetto: 1941-1944* was a truthful account of what happened in Lodz during the war. It comprised a diary by Jews of the daily events of the ghetto and confirmed what Rudolph had experienced himself. (25-6666)

In 1942, Rudolph became a soldier himself. He served as a member of the Signal Corps with Rommel in North Africa. The entire unit was captured by the Americans in 1945. They were discharged after one month. (25-6667)

Rudolph met Ernst Zündel in 1969 and in the intervening years he had discussed his experiences with him very often, including his experience concerning the Red Cross visit. (25- 6654, 6656)

Rudolph did not believe that there was an extermination of Jews in Auschwitz Birkenau. He said: "...Germany had to fight a terrible fight against Bolshevism. They didn't fight against Jews. But the Jews did declare war on Germany in 1933 and so it has been known that they are enemies of Germany. They had to be kept close in any camp and this was done. It wasn't an extermination. I never have seen any Jews gassed. It's absolutely lie." (25-6658)

During the war, Rudolph never saw or heard anything that gave any indication there was any extermination in progress of the Jews of Europe. It was only after the war that he heard this allegation, and not by the Germans, but by the Jews themselves, such as Reitlinger and Hilberg. There were now legions of books and writers; Rudolph believed none of them. (25-6667)

Rudolph told Zündel that to cremate anyone took two hours. Thus, to cremate 6 million people in 16 ovens working 12 hours a day would take 171 years. No crematory could work 24 hours a day for even three months. After three months they would collapse because of the internal temperature of 1,200 degrees Celsius required to burn the human body. Rudolph told Zündel that the extermination allegation was technically impossible. At first, Zündel was skeptical. He attempted to find out if Rudolph had made any errors but there were none. (25- 6664)

The last time Rudolph had gone to Poland to examine the concentration camps was one month before. (25-6665)

Under cross-examination, Rudolph testified that he left Poland in about April of 1942 after training as a soldier. (25-6671)

The figures Rudolph had testified to regarding numbers of Jews deported from Lodz came from books which he read after the war. Those deported included women and children. He had no personal knowledge of the numbers himself as he was only an interpreter in the office. Nevertheless, he knew what was going on in the ghetto because he was interested; he had worked there before the war, knew many of the Jews and spoke Yiddish. (25-6672)

The SD, of which he was a part, had the role of protecting the soldiers at home and on the front. The Einsatzgruppen were a combat unit fighting with the army with the duty of eliminating partisans. The ordinary SD were police who had the duty of keeping order in the towns and cities. (25-6673)

Rudolph testified that the SD were trained to make accurate, truthful reports and had a strong sense of duty to report things as they really were. To a suggestion that the Einsatzgruppen reports therefore indicated things as they really were, Rudolph testified that it depended on whether or not the documents had been falsified. He pointed out that the documents had no signatures, no dates, no numbers; in Rudolph's opinion, these were not documents of Germany where every document had to be signed, numbered, and an indication given of the office from which it came and the office to which it was going. (25-6675, 6676)

Rudolph testified that when he said that the only Jews who were deported were thieves, misfits and criminals, he was using the words of Rumkowski, the chief and elder of the Jewish ghetto. (25-6677, 6678)

In the Lodz ghetto, Rudolph indicated there was a small lake district with some of the nicest houses in Lodz. Some of these villas were reserved for children and recreation and 1,200 children were kept there, fed, looked after and educated. (25 6677)

Joseph G. Burg

Joseph G. Burg was the twelfth witness called by the defense. He testified on Tuesday, March 29 and Wednesday, March 30, 1988.

For an eight or nine year period prior to 1981, Zündel had been in communication by letter and in visits with Joseph G. Burg, a Jewish author who had written several books on the Second World War. These books included Guilt and Fate, Scapegoats, Zionist Nazi Censorship in the Federal Republic of Germany, National Socialist Crimes of Bad Conscience by Germans Against Germans under Zionist Direction and Major Attacks of Zionists against Pope Pius XII and the German Governments. Burg had discussed these books with Zündel and believed the latter had received them. (25-6824, 6825, 6835, 26-6896, 6897)

In his books, Burg dealt with the subject of the alleged Nazi extermination camps. Burg had spoken to hundreds of people who had been in Auschwitz and had visited the camp in the fall of 1945. Burg had wanted to see the crematoria, the hospitals, and in particular, a large new bakery. He also wanted to find the gas chambers although at that time gassings were not yet in fashion. He did not find any gas chambers. Burg formed the opinion that there were no "extermination" camps at all, that gas chambers had never existed and that there had been no plan to exterminate the Jews of Europe. These opinions were published in his books and in his correspondence with Zündel. (25-6825 to 6838)

Burg also visited Majdanek three times. He did find gas chambers in Majdanek, but testified that they were disinfection gas chambers for liquidating lice and fleas: bugs which caused epidemics. The chambers were standard in each camp and had the German words "Attention! Poisonous Gas!" under a death skull. Zyklon B was the new formula used to disinfect the clothing. It destroyed the bugs but not the fabric. (25-6839)

After the war, Burg heard a lot about the allegations that people were gassed at Auschwitz and Majdanek. He proved that it was either out of stupidity or propaganda. Up to now, he pointed out, no document had been found showing who gave the order for gassings, who built them and where they were built. The German authorities especially had been called the "super-bureaucraticism." It therefore couldn't be that after all these years not a document could be found. (25 6840)

Burg testified that he spoke to hundreds of people who serviced and operated the crematoria but the people who operated gas chambers were impossible to find. Nobody had published anything in which it was claimed that he worked in a gassing institution for human beings. There was literature about gassing that was completely contradictory. Why? Because it was all made up. These opinions were published in his books. (25-6840)

In every camp there were crematoria. It was a practical issue. People died. When the Germans occupied the eastern territories, the huge camps were established and there were larger and more crematoria as the war progressed. Epidemics broke out causing an increased number of deaths. The question of crematoria was one of hygiene: the process was more hygienic than burial and took less space. (26-6897, 6898)

Like all other activities in the camp, the inmates looked after the crematoria. It was the most difficult work because of the heat and the lifting of corpses into the ovens. The inmates worked very often in three shifts around the clock. (26-6998) These workers did it voluntarily. They were asked by the Jewish council or the Jewish police. It was important to ask how the Jewish council or police co-operated with the German SS. (26-6900)

When they were in full operation, the chimneys had an increased amount of smoke. So, logically, depending on the weather or the time of day, the colour of the flames was different. People invented stories that inside devilish things were going on. They said living human beings were being burned. They invented the story that every crematorium was a gas chamber. It had even gotten to the point that the authors had such large imaginations that when they saw the blue colour of the smoke, they knew that Jews were being burned. (26-6898, 6899)

Others invented the story that living Jews were being pushed in to be burned. Burg testified that he would like to see a Jew who had given such statements during a trial. He said such a Jew should be forced to take an oath under the rabbi rites with the skull cap, without pictures of Christ, with the Hebrew Bible, in the presence of a rabbi or a pious religious Jew. Then he should swear an oath that he had seen something like that. Then these false statements, these sick statements, would go down by 99.5 percent because the superficial oath was not morally binding for these Jews. (26-6900)

At the time he was in a displaced persons camp, Burg spoke to thirty or forty people about gas chambers and to about five to ten people about the crematoria. He had a special permit allowing him to visit the different areas where Jewish displaced persons were. He tried to get interviews from various ghettos and camps because at that time he had already checked various false statements. (26-6901)

In 1946 Burg attended the Nuremberg trials at times when matters involving Jews were being raised. During one of these attendances he met Ilya Ehrenburg and a Jewish publisher who had been in Auschwitz for several years. Burg asked the publisher whether he had seen any gassing institutions for human beings and he said no. Ehrenburg, who had been the head of propaganda for the Red Army during the war, told Burg he had been to Auschwitz but he too had not seen anything of gassings. Burg had discussed this information with Zündel in general. (25-6857, 6858) Burg could not understand the emphasis on gassings. (26-6904)

Burg himself was the son of Jewish parents and spent the war years in Transnystria, an area set aside by the Germans for banned people such as Jews. The Jews were banned because they had greeted the Red Army. The people in this area lived in small villages and towns but had to fend for themselves and were therefore worse off than those who were in the concentration camps. In the camps the German authorities

looked after the inmates because, on average, they were used for work. There were attacks on the Jews in this area by foreign ethnic groups, but no attacks organized by the Germans. (25-6837, 6838, 26-6874, 6875)

In 1946 and 1947, Burg lived in Freising, a camp for Jewish displaced persons near Munich in the American Zone. The director was a Jewish-American officer. Burg served as a factotum: he organized the police, the prison, the newspaper, cultural affairs. He organized groups and drove them around Bavaria to show them the sights, the museums and castles. His experiences in the camp were included in the book *Guilt and Fate*. (25-6841)

Burg was read a passage from *Did Six Million Really Die?*:

€ The first Nazi proposals for a Madagascar solution were made in association with the Schacht Plan of 1938.

Burg testified that the emigration of Jews from Nazi Germany who did not go to Palestine was hindered by the Zionists. The Zionists prevented the Jews from going to other countries because their interest was in making the Jews go to Palestine. Furthermore, most countries blocked entrance to Jewish emigration. (25-6842)

The German Reich wanted to get the Jews out: how and where were secondary questions. The people under Göring dealing with the Jewish question picked up a plan which came from the founder of the Zionist movement, Theodor Herzl, which involved moving the Jews to Uganda or Madagascar. Both of these colonies belonged to France. The plan did not work out, but the existence of the plan alone proved logically that a liquidation of the Jews did not exist. Their labour was needed as well. Burg emphasized there was no liquidation of the Jews by the Germans. (25-6842, 6843, 6844)

The Transfer (Haavara) Agreement of 1944 was one of the most important incidents in the Holocaust framework. Under this agreement some 2.5 million Jews were to be traded for trucks. The agreement never came to fruition because the Zionists could not take that number of Jews to Palestine. (25-6853, 6854)

Burg had discovered that the German Zionist leaders requested as early as 1933 that the Jews be required to wear the yellow star. The Zionists saw it not as an insult but as a heroic gesture, just like the SS wore the swastika. In 1938 the director of the Zionist movement in the Third Reich brought about the wearing of the yellow star by the Jews against the wishes of both Göring and Goebbels. (25-6850)

Burg wrote in his books about the co-operation which existed between the Zionist leadership, including David Ben-Gurion, with the Nazi regime prior to the war. (26 6877) Several days after Hitler had been named Chancellor, Rabbi Leo Baeck, a leader of the Zionist organizations in Germany, announced publicly that the interests of Jewry were identical with the interests of National Socialism. Burg testified that Baeck meant "Zionism," not "Jewry." The Zionists at that time in Germany constituted one and a half percent of the Jewish population. A few days later another Zionist leader made a similar declaration. The sense of these declarations, testified Burg, was as follows: 'We nationalist Jews, meaning Zionists, are in agreement with

this regime. We are not ashamed of our nationalist thoughts.' The Germans who had to deal with the Jewish question co-operated immediately with this minority of Jews in order to prove to the whole world that they were not anti-Jewish but were co-operating with the Jews. (26-6878, 6879)

In the early 1930s, as result of this co-operation between the Nazis and Zionists, some 120,000 Jews emigrated from Germany to Palestine. Difficulties began, however, when Britain, which administered Palestine, refused to issue any more immigration permits because of Arab unrest. (26-6879, 6880)

Zionists in Germany worked at organizing schools for children in the Jewish language, workshops for young people, etc., to help prepare people to emigrate at some point to Palestine. The Zionists were interested only in emigration to Palestine and did everything they could to make sure that outside of Palestine no Jews were admitted. The Nazis were interested in getting the Jews to emigrate wherever they could. Nevertheless, co-operation continued between the Zionists and the Nazis, such people as Adolf Eichmann, Golda Meir and David Ben-Gurion, until 1942 when the Zionist leaders were of the opinion they had reached their goal. Burg stated that even at that point Germany's defeat could be seen and the Zionists became like "rats leaving a sinking ship." (26-6880 to 6884)

Burg discussed the topic of Nazi and Zionist co-operation often with Zündel. Burg believed that the Zionists were the guilty party and that the Germans had been trapped. To brush everything over, the Zionists behaved like the cunning thief who runs ahead of the police screaming "Stop the thief!" It was Zündel's duty to fight against it and Burg stated he would help. Why? "Because otherwise it will never come to a reconciliation of the people. The truth is slowly coming out, and this is how, provoked by the Zionist leaders, a hatred against the Jews is growing." (26 6885)

Zündel had told Burg that thanks to his book *Guilt and Fate*, published in 1962, Zündel had become what he now was, a fighter for the truth, a fighter against the false accusations made against his people. (26-6885)

Burg testified that there was no liquidation in the concentration camps. The healthier people were used for free labour. Burg pointed out that even a golden cage was a limitation of freedom and even a crime, but the invention of gassings came from sick minds. Burg wanted to prove that even at Birkenau, where gassings allegedly occurred, Jewish men and women could get special treatment. An example was Benedikt Kautsky, a Jew who was a spiritual personality in the Socialist-Marxist world movement. Kautsky was in Birkenau during the war doing office work. His mother, aged 79, was also sent to Birkenau. When she became sick she got a separate room and a special diet ordered by the doctor. This was "special treatment," given so the woman's life could be prolonged if not cured. She died when she was 80 years of age. When he was liberated, Dr. Kautsky returned to Vienna, Austria where he continued his scientific work. (26- 6893, 6894) In 1946, immediately after the liberation, Dr. Kautsky was one of the first to publish a book. It had the German title *Teufel und Verdammte* (Devil and Damned). Burg testified that the book was the truth and had historical value. However, the whole edition was burned. One and a half years later, he published another edition in which he rewrote portions and made changes. But he didn't completely rewrite it. There was no documentation about gas

chambers and Kautsky himself admitted he never saw a gas chamber himself. (26-6902)

In *Schuld und Schicksal* (Guilt and Fate) Burg dealt with the Warsaw and Lodz ghettos. When the German troops occupied Warsaw, they wanted to concentrate the Jewish population. Real ghettos had been there for centuries but the assimilated or emancipated Jews had lived far away from the ghettos. Now the Germans wanted to have the Jews all together. In a practical sense, the ghetto was also organized for the protection of the Jewish population. (26-6885, 6886)

The Zionists were happy with this arrangement. An appointed Jewish Council was the governing body of the ghetto. They had their own police, jails and everything else. Naturally, there were some who were cruel. One of these was the vice president of the police, who was later executed. In Burg's eyes, this execution was evidence that Jews defended themselves against the minority of Zionists who were using the majority of Jews for their own purposes. (26-6886, 6887)

In the Lodz ghetto there was a Jewish police force, a Jewish bank, Jewish money, a Jewish post office, stamps only for Jews. There were workshops for Jews. If there was a German plan to liquidate the Jews, why were there workshops?, asked Burg. Why those expenses? Why train children for jobs? Thanks to Berlin, Burg testified, the Jews practiced a small Israel. These things could not be said today, however, because it was now said that there was a "Holocaust" and the Jews were murdered. (26-6888, 6889)

The German people, not just the Nazis, had been blamed falsely; and not just Germans living in Germany but Germans living throughout the world. Burg had an interest in this because he believed it provoked hatred against Jews. Zionist leaders even today had a interest in the origination of pogroms against the Jews and Burg was testifying to prevent this. (26-6889)

In 1982 Zündel wrote to Burg twice asking him for help against the Zionists in Toronto who were creating problems for him, and for a recommendation. Zündel had been of the opinion that this could be helpful for him. (26-6891)

Burg had frequently discussed the subject of German restitution with Zündel. In Burg's opinion, if the Holocaust hadn't been invented, the Germans wouldn't be paying restitution and, he pointed out, "they are paying." He dealt with the subject in his book *Guilt and Fate* which Zündel read in the 1960s. (25-6850, 6851) Israel was created in 1948 and in 1951 still had no diplomatic ties with the Federal Republic of Germany. In that year, Israel gave Dr. Nahum Goldmann, a representative of the World Jewish Congress, authority to negotiate with Dr. Adenauer, the Chancellor of the Federal Republic of Germany, concerning Germany's guilt. Israel, under Ben Gurion, wanted money from the "damned Germans" but didn't want to sit down at a table together with them to negotiate. The negotiations between Goldmann and Adenauer resulted in a recognition by Germany that it had committed a holocaust against the Jews. (26-6904, 6905)

Burg testified that it was important to distinguish payments to the state of Israel. Israel did not exist during the war. It was Palestine then and belonged to the British

administration. During the whole of the Second World War, not one single German soldier was in Palestine. What was there to make good again, to repair?, asked Burg. (26-6905)

Israel submitted a document to Germany stating that of four European Jews, three had been killed and for those dead people Israel demanded restitution. The document did not claim that 6 million died. Neither gassings nor murder were obvious from the document. The word used was "killed." The initial sum of 3.5 million marks had grown and not only today's Germans would pay but also the newborns. The sums were justified by inventions that 40 million Jews were gassed, then 25, then about 6 million, the level at which it had stayed. (26-6907)

Burg testified that the reason for the continuation of war crimes trials in both the Federal Republic of Germany and the United States was to prove to everybody that the Germans, even the ones born in America and Toronto, were to be blamed for the murdering and gassing of Jews. (26-6907)

Israel existed on the basis that a Holocaust happened. The German people of the Federal Republic paid money honestly earned by work to Israel, a barrel without a bottom. (26-6916)

Goldmann also negotiated for those who had been liberated from the concentration camps. These were the ones who had suffered, said Burg, who had their homes and apartments taken away from them, who had left everything behind. Special offices for restitution were set up around the world where Germany had representations. (26-6906)

Burg discussed with Zündel who was responsible for the upset in the world between Germans and Jews. He told Zündel that the First World War had brought the Zionists a homestead in Palestine but not a nation. This was much too little and everything had to be done to create a state of Israel. This was only possible by war activity. A world war had to come about. The Zionists therefore co-operated with what was known as Wall Street. Wall Street brought about the Second World War, just as they had brought about the First World War. Burg noted that the Hitler regime had also been supported because it was supposed to fight the Communists. Like the National Socialists, the Communists did not want to subordinate themselves to Wall Street. The plan of Churchill, together with the Zionists and the Americans of Wall Street, was to ensure that the National Socialists and Communists "knocked each other out." Chaim Weizmann had stated that he was willing to sacrifice German Jewry in the interest of a state of Israel. (26- 6912, 6913, 6915)

Burg agreed that Zündel had shown a sincere curiosity about the Jewish question. Zündel was a German and he was defending his country, said Burg. Zündel had told him that he saw it as his life's work to defend his people because they were being defamed. Burg himself believed the German people were being defamed. He had expressed this view in his books "again and again" and suffered personally as a result. Burg was happy that Zündel had learned a little from him, by not talking automatically of "Jews" but instead emphasizing "Zionists." (25-6848 to 6851)

If the Holocaust story went on the way it was going, said Burg, there would never be a sincere relationship between the Jews and the Germans. The Zionist leaders would see to that. Burg had told Zündel that films such as Holocaust and Shoah were fortifications of a falsification of history, made for the purpose of showing Germans why they had to pay and that the paying would go on for another few generations. (25-6851, 6852)

Burg testified that if Zündel had gone along with the current, he wouldn't have the problems he did. It would have been a much easier life for him. It was Burg's opinion that if there were another two or three Zündel's, it would be better for Jews as well. (26-6892, 6893)

The Crown chose not to cross-examine Burg.

Gary Botting

[Dr. Gary Botting was the thirteenth witness called by the defence. He testified on Wednesday, March 30 and April 5, 1988.]

Dr. Gary Botting was permitted to testify as an expert in text and literary criticism for the purposes of analysing and classifying the statements in *Did Six Million Really Die?* as either fact or opinion. (26-6961)

Botting's qualifications included a doctorate in English literature from the University of Alberta in 1975 and a Master of Fine Arts from the same university in 1982. (26-6947) He specialized in literary criticism, textual criticism, bibliography, and the nuances of polemic and rhetoric. (26-6958)

Botting testified that, as a whole, *Did Six Million Really Die?* was a polemical treatise which was very obviously an opinion. (26-7217, 7218) It did not purport to be an academic dissertation, but was rather a polemical essay which reviewed or analysed opinion on a particular subject. (26-6968) The essence of the booklet was opinion, heavily supported by fact. The statements of opinion constituted about one-third of the booklet; the statements of fact supporting the opinion constituted about two-thirds of the booklet. (27-7353, 7355)

This style of polemicism was a fairly common type of work; more common in the 19th century than the 20th century. Writers such as George Orwell had written in a very similar way. (26-7217) Before the electronic media were commonplace, people used to read much more, and there was a tendency to exchange tracts. *Did Six Million Really Die?* resembled the works of the great essayists of the 19th century, such as Bulwer-Lytton and Carlyle. (27-7331) It was typical of the kind of tracts contained in the George Orwell Collection of political and religious tracts in the Royal Museum in London. (27-7340) The 20th century equivalent of this kind of polemical writing would be a commentator on a television show, such as "The Journal" or the editorial page of a newspaper. It was an opinion piece which did not purport to be a factual statement of a journalistic nature. (27-7333)

The purpose of polemical works was to make a one-sided argument. "Polemic" was taken from the root word "pole," meaning poles of argument. It tied back to the Hegelian theory of having a thesis, antithesis and a resulting synthesis. The court system itself was based on this concept. A person heard one argument, then heard the other argument. The arguments might be stated in extremis, that is, in the extreme, and it was up to the person reading the polemic to make up his own mind. Polemical writings flew in the face of accepted views almost 100 percent of the time. If they didn't there would be no point in writing them; the genre would not exist. (27-7360, 7365)

In summary, the document as a whole was a statement of opinion. If one was to take out all the statements of facts, the statements of opinion could stand on their own. In contrast, the statements of fact segregated from the statements of opinion would not make sense. They would read like a dictionary of quotations. The essence of the document relied upon the opinions that the author expressed, while the facts were supportive of the opinion. (26-7218, 7219)

The booklet used common literary devices to develop its thesis. For example, many of the booklet's paragraphs began with a thesis statement and thereafter contained statements of fact supported or unsupported by references. A typical example was the third paragraph on page 5 of the booklet which began with the thesis statement of opinion:

The encouragement of Jewish emigration should not be confused with the purpose of concentration camps in pre-war Germany.

The remainder of the paragraph was made up of statements of fact supported by a reference to the book *The SS: Alibi of a Nation*. (26-6991, 6992)

Another literary device used extensively by Harwood was rhetoric. For example, the word "indisputable" was a rhetorical device very common in the English language, as in the sentence found on page 8 of the pamphlet:

Indisputable evidence is also provided by the post-war world Jewish population statistics.

The word "conclusively" was a rhetorical device, also found on page 8 of the pamphlet:

Later on, however, it will be demonstrated conclusively that the number was actually far less...

The word "proof" was a rhetorical device. Lawyers, while summing up their cases, might say: 'it will be proved later.' The lawyer might well not have proved anything, but it would be his opinion that he had. (27-7269)

Rhetorical devices used by Harwood included the reduction of an argument to an absurdity, *reductio ad absurdum*. An example was the sentence at page 9:

At such a rate, the entire world Jewish population would have been exterminated by 1945.

Harwood also used the rhetorical question; for example, on pages 9 and 30:

Could it be that some or all of these people whose names are "deceased" were included in the missing six million of Europe?... (p. 9)...Surely this is enough grief for the Jewish people? (p.30)

A rhetorical question was one for which the author did not require or anticipate an answer. It was used for the purposes of argument. (26-6964)

The headings within the body of the essay were also rhetorical devices used to separate thematically related sections and to order the essay both thematically and visually. The headings were reflective of the opinion that the author wanted to reflect rather than necessarily factual elements. (26-7220)

Botting reviewed the various editions of *Did Six Million Really Die?* for the purpose of establishing the origin of the text. (27-7233) Botting identified an English edition of the booklet (entered as Exhibit 103 at 27-7239) and an American edition (entered as Exhibit 104 at 27-7240). He testified that the text in each edition was identical to that published by Zündel, except for the pagination. (27-7241)

In Botting's opinion, it was clear that the English edition had come first in sequence and was the original upon which the other editions, both Canadian and American, were based. The quality and resolution of the latter editions were much reduced, but had retained the original blemishes which appeared on the English edition. (27-7242, 7243) A close examination of the front cover of the edition published by Zündel indicated that the words *Truth at Last Exposed:* had been superimposed over the original English subtitle of *The Truth at Last*. It was clear that a photograph had been made of the original front page of the English edition and a new title printed over it. (27-7244, 7245) A search of the Library of Congress catalogue had shown that a book entitled *Did Six Million Really Die?* was published in 1974, with the same English address as that printed on Exhibit 103. (27-7358)

Botting testified that he had classified the text of *Did Six Million Really Die?* according to five basic classifications: (1) authorial or editorial qualifications; (2) common knowledge or facts supported by secondary sources; (3) unsupported facts; (4) authorial opinions; (5) rhetorical devices. He was later directed by Judge Thomas, however, to confine the categories to two classifications: assertions of fact by the author and assertions of opinion. (26-6962 to 6964, 6997)

Botting defined a statement of fact as a fact that had objective reality in the world outside the publication. Statements were statements of opinion if they contained a subjective analysis or value judgment, were speculative, or were generalizations or conclusions drawn from earlier premises. (26-7273, 27-7253) He emphasized that conclusions were always statements of opinion deriving from facts or from other opinions. A statement of thesis was always a statement of opinion. (27-7252, 7253)

Quotations from other people or texts were facts to the extent that the source actually existed. The quotation itself, however, could constitute either an opinion or another statement of fact. A statement of fact made by Harwood only became supported by the quotation if the latter existed and was accurate. (26-6974, 6975, 6979, 6981, 6982) It was commonplace in non-fiction not to give the total bibliographical source, whereas in an academic essay specific references would be required for every quoted source. (26-6975, 6976)

Opinions were subjective things, originating in the author's mind. Factual elements were invariably objective. In other words, the author had obtained input from an actual source outside of his own mind and imagination. The meaning of facts, however, derived from within the mind or imagination of the author and therefore constituted opinion. (26-7117, 7127)

Use of the words "in fact" did not made a sentence into a statement of fact. These words were a rhetorical catch-phrase very common in ordinary speech. The purpose was to catch the reader's attention, to make the reader think along a specific path. (26-6970)

The use of irony or ridicule in relation to a quotation indicated an opinion. (26-7127)
The use of quotation marks around words in certain contexts also indicated opinion; for example, the quotes around the word "found" in the following sentence on page 21:

When Otto Frank was liberated from the camp at the end of the war, he returned to the Amsterdam house and "found" his daughter's diary concealed in the rafters.

By using quotation marks, Harwood was indicating in a sarcastic manner that he did not agree the diaries could have been found. This was a subjective evaluation and therefore an opinion. (26- 7132, 7133)

The persuasive effect of the booklet was a mix of three different elements: the accuracy of the facts, the rhetorical devices used by the author and the statements of opinion. The most persuasive of these was opinion, based on fact. (27-7355, 7356)

Botting emphasized the importance of not taking words or sentences out of context. In determining whether a statement was one of opinion or fact, the statement had to be taken as a whole. Individual elements of the statement could not be taken out of context, nor could the statement be taken out of the context of its placement within the text. (27-7250, 7296, 7302, 7303, 7345)

Botting testified that the title *Did Six Million Really Die?: Truth at Last Exposed* was designed to be thought-provoking and constituted an opinion. The words "truth at last exposed" were a rhetorical device comparable to an advertisement claiming that the advertiser's product was better than other products. The words "Historical Fact No. 1" on the title page were also opinion. They really had no meaning except to indicate that the author was serious. (26-7211, 7212)

The foreword to the pamphlet, written by Zündel, consisted entirely of opinion, with two exceptions: the references to laws against incitement to riot, murder, etc., and the statement that only a few clear-sighted and courageous individuals protested the enactment of the hate law. Both of these references, however, could also be taken to be opinion. Botting indicated that it was very unusual for a publisher to sign his publications as Zündel had on these pages. (26-7214, 7215)

In the afterword on pages 31 and 32, also written by Zündel, the assertions of fact included the article from the *Toronto Sun*; the statement that the only material Mr. Gardom could have received from Samisdat was sent to all Attorneys General, members of Parliament, etc.; Zündel's statements about himself; and the information given about various historians and researchers. The rest of page 31 was opinion. On page 32, the information about historians and researchers constituted assertions of fact, but the rest of the page was opinion. (26-7215 to 7217)

Botting classified the first paragraph of *Did Six Million Really Die?* as a combination of both author opinion and authorial qualification of that opinion. Before embarking on the rest of his thesis, Harwood qualified it by stating that his opinion was based on his belief. The words "this conclusion, admittedly an unpopular one" anticipated criticism. Botting could find no statements of fact in the first paragraph. (26-6965, 6966) Harwood was saying that he believed he had brought together irrefutable evidence. He made it very clear that what was being presented was his opinion: 'I'm convinced. This is my opinion. I am willing to share it with you, and I will share it with you in the pages that follow.' The booklet met the criterion for polemic essay writing, that: 'Okay, it has convinced me. Now I'm about to convince you. You don't have to listen; you don't have to accept my evidence, but please hear me out.' It was just like an argument in court. The argument from the Crown and the argument from the defence were each polemic arguments. The author was convinced. The real question was: could he convince his readers? (27- 7343 to 7348)

Asked if the words "a great deal of careful research into this question has convinced me," contained in the first paragraph of the Introduction, were not extremely misleading and false, Botting stated that it was fairly obvious that Harwood had done a certain amount of research, and he might subjectively believe, as his opinion, that he had done enough. He had certainly done more than the average person that was earmarked as a reader for this type of book. It was very important to take the limitations of an author's medium into consideration in determining what "careful research" was. Such limitations included the format and the length of a particular essay, and the author's time and background. For example, an undergraduate essay on a particular subject might look at twenty different sources, and the author could say, 'Yes, I've really done my homework.' But a professional historian of great renown might conceivably have read one hundred different sources. (27-7347, 7372)

Botting testified that the first page of *Did Six Million Really Die?* was little else than introductory material that was designed to introduce the reader to his thesis and to cause him to read on. It constituted mainly authorial opinion and rhetoric with some statements of common knowledge and statements of fact. The statement "atrocious propaganda is nothing new," for example, was a matter of common knowledge. (26-6966 to 6969)

Botting testified that the three paragraphs under the heading "The Race Problem Suppressed" were the conclusion of the Introduction and constituted a protracted thesis statement. It was a combination almost entirely of Harwood's opinion and rhetoric. Two supportive facts were included, the references to Harry Elmer Barnes and Enoch Powell. The use of the capitalized word "Truth" in the sentence: "The aim in the following pages is quite simply to tell the Truth": implied or inferred subjective truth held by an individual. For example, Jehovah's Witnesses referred to their entire body of doctrine as being "the Truth." One was either in "the Truth" or out of "the Truth." There was no in-between. The Watch Tower magazine was a very good example of polemical literature. (27-6983, 7368)

Botting testified that where Harwood performed arithmetic functions on the facts he had already presented regarding Jewish population, emigration and deaths, the resulting statement was an opinion. (26-7024, 7039) An example was the sentence at page 8:

From Poland, an estimated 500,000 had emigrated prior to the outbreak of war. These figures mean that the number of Jewish emigrants from other European countries (France, the Netherlands, Italy, the countries of eastern Europe etc.) was approximately 120,000.

Botting identified the first sentence as a statement of fact and the second statement as a statement of opinion in which the author was doing an analysis of the figures. Whenever the author's subjective intelligence kicked in to analyse the facts, and he drew a conclusion, that conclusion was an opinion. It could be that he had missed out a figure, or added a figure that didn't necessarily belong there. These were matters which somebody might quarrel with. (27- 7257, 7258)

Botting gave a further example: if, for accounting purposes, a person was adding up a column of figures and the calculation was done correctly, the total of the figures would be a "fact." But if there was one indeterminate amount then the total could only be an opinion. More simply, if there were 1,500 different numbers, but one of them was an inconclusive number, then the total could only constitute an approximation. It was therefore an opinion. (27-7263, 7263)

Botting pointed out that Harwood made statements of fact regarding the number of Jewish emigrants from other European countries. But the conclusion he drew from those figures was an opinion. It was an unwritten premise of the argument that in Harwood's opinion this was a complete list of all the relevant figures. But because we didn't know whether it was a complete list, we could only assume that what Harwood had concluded by a subjective analysis of the evidence was an opinion. (27-7261)

At page 30 of the pamphlet was a biographical sketch of Harwood:

RICHARD HARWOOD is a writer and specialist in political and diplomatic aspects of the Second World War. At present he is with the University of London. Mr. Harwood turned to the vexed subject of war crimes under the influence of Professor Paul Rassinier, to whose monumental work this little volume is greatly indebted.

Botting testified that these words were consistent with Harwood being a student at the University of London rather than a professor. He was saying he was "with the" University of London. (27- 7266, 7267) Harwood was "riding on the coattails" of the University of London. The term "specialist" was a subjective value judgment. The author regarded himself as a specialist. (27- 7336) The more interesting thing that Botting found in the little biography was the reliance on the work of Paul Rassinier. From examining the content of *Did Six Million Really Die?*, it could be seen that the booklet, especially the last part, was basically a review of Rassinier's work. On page 28 the review of Rassinier's work began with the heading "The Truth at Last: The Work of Paul Rassinier." This corresponded with its original title. The entire booklet up to this page was introductory to this final statement of position. (27-7336)

Botting agreed that the identity of the author made a difference with respect to credibility. If readers thought Richard Harwood was a leading member of the National Front, rather than a specialist with the University of London, they would probably be more inclined not to read the booklet, to dismiss it. But this did not change the polemical nature of the tract itself. (27-7337, 7338, 7339) The claim of expertise had

no relevance to whether the booklet was a statement of fact or opinion. (27-7366, 7367)

Botting analysed specific sentences of the pamphlet as to whether they constituted statements of fact or opinion:

By 1939, the great majority of German Jews had emigrated, all of them with a sizeable proportion of their assets. (p. 5)

Botting testified that the sentence was a statement of fact; he later stated, however, that he believed he was mistaken; he might have identified it as a statement of fact because it was a generalization. Generalizations were drawn from particulars that usually preceded it and were therefore conclusions. A conclusion was a statement of opinion. (27-7255)

Had Hitler cherished any intention of exterminating the Jews, it is inconceivable that he would have allowed more than 800,000 to leave Reich territory with the bulk of their wealth, much less considered plans for their mass emigration to Palestine or Madagascar. (p. 6)

After examining all the elements of the sentence, Botting concluded that this was a statement of opinion that either summed up the material before it or anticipated the material after it. In that sense, it was a conclusion and a statement of thesis. A statement of thesis was always a statement of opinion. Was it "inconceivable" that Hitler would have done what was alleged? How did one person know what another person would have done? It involved speculation and was therefore opinion. (27 7249 to 7254)

In respect of these Soviet Jews remaining in German territory, it will be proved later that in the war in Russia no more than one hundred thousand persons were killed by the German Action Groups as partisans and Bolshevik commissars, not all of whom were Jews. (p. 8)

Asked if the part of the sentence regarding 100,000 persons being killed by the Germans was not a statement of fact, Botting stated that Harwood had clearly said: "it will be proved later." It was an introductory element which indicated that he was going to attempt to prove, and in his opinion would prove, that this conclusion would be reached. Whether something had been "proved" was always a subjective thing. The use of the word "proved" was a rhetorical device used to reinforce the subjective conclusion of the author. Readers would be drawn into the text to read on to see how he demonstrated what he purported to demonstrate and to find out whether he had proved it or not. (27-7267, 7268, 7269)

So far as is known, the first accusation against the Germans of the mass murder of Jews in war- time Europe was made by the Polish Jew Rafael Lemkin in his book Axis Rule in Occupied Europe, published in New York in 1943. (p. 9)

Botting testified that while this statement appeared on the surface to be fact, it was qualified by the words "so far as is known" and was therefore an opinion. (26-7040, 7041) The author was limited by his own knowledge and therefore it was an opinion.

Harwood may have overlooked references to earlier accusations in Lemkin's book, which was a very common occurrence in scholarly research. (27 7270, 7271, 7272)

Gerstein's sister was congenitally insane and died by euthanasia, which may well suggest a streak of mental instability in Gerstein himself. (p. 9)

Botting testified that this statement constituted speculative opinion. (26-7043)
Whether a person was or was not insane was a judgmental matter and therefore a statement of opinion. (27- 7272)

It is remarkable that the testimony of this highly dubious person Hoettl is said to constitute the only "proof" regarding the murder of six million Jews. (p. 10)

Botting testified that this sentence constituted an opinion. The words "it is remarkable" told the reader to take note and were an introductory rhetorical device; the words "highly dubious person" were a value judgment; the words "is said to" indicated hearsay evidence; the word "proof" was a subjective word which the author had used ironically, indicating that he certainly didn't accept the "proof." On all counts the statement was an opinion. (27-7274, 7275)

It should be emphasised straight away that there is not a single document in existence which proves that the Germans intended to, or carried out, the deliberate murder of Jews. (p. 10)

Botting classified this statement as opinion with some factual elements in it. The key word was "proves" which was definitely opinion. "Not a single document" was ambiguous and the words "intended to" described something which, even in a legal context, was very difficult to demonstrate or understand. (26-7047, 7048)

The truth about Auschwitz is that it was the largest and most important industrial concentration camp, producing all kinds of material for the war industry. (p. 16)

Botting testified that this was very clearly a statement of opinion. Whether Auschwitz was the "largest" concentration camp was perhaps something that could be measured, but whether it was the "most important" could not. Whether something was more important than something else was a subjective value judgment. In what way was it more important? Was it important in terms of population, in terms of size, in terms of productivity? (27-7294, 7295)

However, no living, authentic eye-witness of these "gassings" has ever been produced and validated. (p. 16)

Botting classified this statement as one of opinion. The words "authentic" and "validated" both implied a value judgment or assessment. (27-7295, 7296)

Moreover, large numbers of the camp population were released or transported elsewhere during the war, and at the end 80,000 were evacuated westward in January 1945 before the Russian advance. (p. 17)

Botting testified that the second half of the statement was definitely a statement of fact. The first half, however, was a statement of opinion in that it was a vague generalization. What were "large numbers"? Less than a thousand? More than a thousand? (27-7297)

In terms of numbers, Polish Jewry is supposed to have suffered most of all from extermination, not only at Auschwitz, but at an endless list of newly-discovered "death camps" such as Treblinka, Sobibor, Belzec, Majdanek, Chelmno and at many more obscure places which seem suddenly to have gained prominence. (p. 18)

Botting testified that this sentence was opinion with rhetorical elements such as the words: "is supposed to have"; "endless list"; "seem suddenly." (26-7112)

It is worth repeating that no living, authentic eye-witness of these events has ever been produced. (p. 20)

Botting stated that what is "authentic" is a subjective evaluation. Did it mean recognized by the Nuremberg Tribunal, or by this court, or by the author in some subjective way? It was therefore a statement of opinion since subjective criterion would be used to determine authenticity. The Crown challenged Botting, suggesting that if he told Botting he had an authentic 1955 Ford Thunderbird for sale, then Botting would be entitled to treat this as a statement of fact. Botting replied that in such a case, the Ford Thunderbird would be available for examination. The actual objective reality of the car could be examined to determine whether in fact it was a 1955 Thunderbird. In the case of an "authentic eyewitness" to the gassings, however, the person may or may not have seen or may or may not have heard or experienced the alleged events. It was too nebulous to be categorizable. There was a vast difference between a car and an eyewitness. A person who claimed to be an eyewitness might not be telling the truth. How would you know that? How did you know that an eyewitness was authentic? How did you know that an eyewitness wasn't telling a story, that he didn't have some possible ulterior motive, possibly trying to reinforce what they already assumed to be the truth? (27-7309, 7310)

The truth about the Anne Frank Diary was first revealed in 1959 by the Swedish journal *Fria Ord*. (p. 21)

Botting classified this statement as one of opinion. There was a major difference between the process of searching for the truth, and Harwood's assertion about the truth of Anne Frank's diary in the statement. It was Harwood's opinion that what the Swedish journal said about the Anne Frank diary was the truth. (26-7133 to 7137) When the booklet said "this is the truth," it indicated the author's overall view of the world. (26-7212)

In a discussion regarding the objectivity and subjectivity of "truth," Botting testified that "truth" had to be a subjective matter. Judge Thomas asked: "Well, supposing I'm looking at that wall over there and I say the truth about that wall is it's black." Botting replied, "Then we get into a question of epistemology and basic philosophy. When you come down to it, there is no such thing as fact. It's all opinion, because we get into Cartesian analysis and a whole range of things which obviously is impractical for

a court to consider." (26-7134) Botting defined epistemology as the theory of knowledge. (26-7136)

This is a frequent ploy because no such thing as a gas chamber has ever been shown to exist in these camps, hence the deliberately misleading term a "gas oven", aimed at confusing a gas chamber with a crematorium. (p. 24)

Botting testified that the sentence was a statement of fact except for the phrase "this is a frequent ploy" which was a rhetorical device. The Crown saw no distinction between this sentence and the sentence involving "authentic eyewitnesses." Botting stated that the gas chamber was like the Ford Thunderbird, and that a distinction must be made between physical things and more cerebral things like witnesses. (27 7316, 7147)

Most of these claimants are Jews, so there can be no doubt that the majority of the 3 million Jews who experienced the Nazi occupation of Europe are, in fact, very much alive. (p. 30)

This sentence was the essence of the opinion which the author obviously held, said Botting. It was a summing up of his conclusions and constituted opinion. The thesis of an essay was always opinion. The last page of the booklet was almost all opinion. (27-7319, 7320, 7356)

Botting believed that the type of person who would sit down and read a polemical essay such as *Did Six Million Really Die?*, a protracted opinion of this kind, would understand it to be opinion. He testified, however, that the average reader in Canada would not read a polemical document such as *Did Six Million Really Die?*. The average Canadian was the type that didn't read beyond a newspaper and did not analyse whether something was an opinion or not. The average Canadian also tended to accept anything in print very uncritically. (27-7248, 7304, 7306) Whether a reader concluded that parts of *Did Six Million Really Die?* were "facts" would be a matter of the reader's own opinion. Botting stated: "We go in circles here, because basically what the author has stated here is an opinion. If somebody comes along and says that's not opinion and ... reads it as fact, then ... it's the reader's fault, not the author's." (27-7317)

Ivan Lagacé

[Ivan Lagacé was the fourteenth witness called by the defence. He testified on Tuesday, April 5 and Wednesday, April 6, 1988.]

Ivan Lagacé was tendered as an expert in the practical aspects of crematorium practices. Lagacé worked as a professional embalmer-funeral director, and crematory manager and operator at the Bow Valley Crematorium in Calgary, Alberta. He had completed the two and a half year Funeral Services programme at Humber College in Ontario and in 1979 obtained his diploma and Ontario license. In 1983 he obtained his Alberta license. (27-7383, 7393; qualified to give opinion evidence at 27-7394))

Lagacé testified that while a crematoria business required licensing, the personnel themselves required no licence or certification. This applied to Canada, the United States and Mexico. Crematorium operators were trained by factory representatives in the operation of the equipment. Most operators were members of the Cremationists Association of North America, a self-governing association which sets voluntary standards for crematorium operation. (27-7384, 7385)

In the course of his career, Lagacé had dealt with over 10,000 bodies in his work and had cremated over 1,000 bodies. The work involved bodies in a variety of physical conditions, from accident and fire victims to people who died of highly contagious diseases. (27-7385, 7386)

Cremation Process

With the use of a flow schematic drawing, Lagacé explained the three basic processes of cremation which applied to any crematorium built from 1800 onwards. In the first stage, the human remains (referred to by crematory operators as the "fuel") were placed in the main ignition chamber. The body could be in a container such as a casket or not, but it was definitely easier to burn the body without a container because there was less fuel to burn. Although it depended on the design of the unit, the body would usually be placed through the loading door feet first. (27- 7396, 7397, 7398)

At that point, the heat source was employed, most modern crematories using gas fired or oil-fired burners. The fuel (human remains) was ignited. Temperatures became extremely hot, normally reaching 2,000 degrees, and depending upon the fuel, could go as high as 2,250 degrees Fahrenheit. (27-7399)

From the main ignition chamber, the gasses were sucked at a high velocity into a mixing chamber and thereafter through a series of baffles until the gasses were finally expelled outside through a tall stack. The main purpose of the mixing chamber and baffles was the elimination of any smoke or odour emissions. The baffles achieved this by forcing the escaping gasses through a series of twists and turns, creating

turbulence or mixture. A secondary burner could be employed at this point to burn off any remaining gasses and smoke particles, but, Lagacé explained, it was not usually necessary. Because of the high temperatures, all that was needed to be introduced was more oxygen. This induced a secondary burn within the after-burner portion of the crematory unit. (27-7399, 7400)

Cremation reduced the human remains to calcium. These particles were sucked from the cremation chamber into a space called the settling chamber. Because of the larger size of the settling chamber, the vacuum pressure dropped, causing the calcium particulates to fall down. Lagacé explained that the settling chamber filled rather quickly and, depending on the number of cremations, had to be checked regularly and cleaned at least once a month. Most crematoria usually maintained a log of clean-ups. As a result of these processes, nothing but clean hot air escaped up the stack. (27-7400 to 7402)

Lagacé testified that because of Bow Valley Crematorium's extremely high stack, 45 feet versus the normal 15 feet, a high velocity draft was created drawing very large volumes of oxygen into the cremation chamber. The more oxygen that was provided, the higher the temperatures would go. As a result, crematory temperatures were passing 2,200 degrees Fahrenheit, exceeding the tolerance level of the bricks. This caused Bow Valley's refractory to fail, requiring re-bricking of the entire machine besides the stack itself. (27-7402, 7403)

Nevertheless, because of its high stack, the Bow Valley Crematorium was the hottest, and therefore, the fastest crematory in operation in North America, with the capacity to cremate one adult human body in a minimum time of an hour and a half under optimum circumstances. Children took much less time to cremate simply because of their smaller size. Bodies with a moderate amount of fat were easier to cremate than skinny people. Fat was a good fuel which ignited instantly upon exposure to the flame. A tremendous surge of heat would result, actually aiding in the cremation process. A person with no fat on their body was very "stubborn" fuel to burn because it consisted mainly of wet tissues. (27-7405, 7406, 7407) The torso was the most difficult part of the human body to cremate because of its bulk and thickness. (27-7426)

After the initial surge of heat from the ignition of body fat, the temperature in the retort would drop to around 1,900 degrees and would remain at that level until the cremation was at least 80 percent complete. Thereafter, the temperature further declined to about 1,600 degrees until the end of the cremation cycle. (27-7425, 7426)

Lagacé next took the jury through the Operations of Cremation Equipment Manual which set out operating procedures for crematories. The manual warned the operator, for the first case of the day, to "check and see that the ash tray is installed in the ash pit" and warned that "failure to have the ash tray installed can cause/or result in fire outside the Retort!" (27-7407: Manual filed as Exhibit 105 at 27-7422))

Lagacé explained the importance of this procedure, especially in the case of obese cases, where incomplete combustion of body fats occurred. In such an event, the burning body fats dripped into the waterproof ash pan and continued to burn there. If

the ash pan wasn't there, however, the fluid would leak outside of the retort and cause a fire outside the crematory. (27- 7407, 7408)

After checking for the ash pan, an operator started the preheat cycle for the afterburn chamber. This chamber was heated to create or establish the draft in the stack. The preheat cycle took approximately twenty minutes to reach 800 degrees Fahrenheit. After the preheating, the fuel (human remains) was introduced into the ignition chamber on rollers, the main burner ignited and the cremation process commenced. (27-7408, 7409, 7410)

Lagacé pointed out that the Manual contained the warning that: "Use of any metal type roller will cause excessive wear on the floor tile and shorten the life period of the floor tile." He explained that the refractory tiles used on the floor of the ignition chamber tended to wear out very quickly because of the wear and tear of the rollers and because this was where the fuel ignited and burned. Lagacé himself had worn out floor tiles after only 250 cremations by using metal rollers. Once the wear started it was extremely difficult to stop. (27-7410, 7411)

To repair the unit in such circumstances the operator had to cease operation of the retort, allow the machine 48 hours of cooling down time with the door fully open, and preferably with a fan flowing through the machine. The bricks or tiling then had to be removed and new ones cemented. The average life expectancy of floor refractory was 1,500 cremations. The bricks of the retort's walls and ceilings were rated for 3,000 cremations while the bricks of the afterburn chamber were rated for roughly 2,000 cremations. (27-7411)

The time to cremate a human being (the cremation cycle) took an average of two hours. After the first cremation of the day was completed, the operator must let the retort cool-down for a minimum of one hour before beginning the second case. After the second cremation, a cool- down period of at least two hours was required. Even with cool-down times, Lagacé testified that cremations could not be done "24 hours a day, round the clock, day after day...the refractory will not tolerate it." Factory recommendation for normal operation was a maximum of three cases per day in a normal eight hour work day. No more than 50 -- 60 cases should be processed in any month so that the refractory life was prolonged. That was an average of 2 cases a day. (27-7412 to 7415; 7427, 7428)

There was no way to speed up this process, Lagacé testified, without effecting the refractory brick and endangering the life of the operator. If no cool-down period was allowed between cremations, the temperature would go out of control and probably exceed the 2,200 degrees Fahrenheit rated for the bricks. This would cause excessive spalling, or flaking, of the bricks. Secondly, the operator could not safely open a retort having an internal temperature of 2,000 degrees Fahrenheit. "I have to allow for cool-down time, for my safety," said Lagacé, "and to bring the temperature in the retort to a point where there is safe loading of the next case." (27- 7412, 7413)

Lagacé testified that he had "burned my hair and my face often enough to learn that I don't attempt to open the door when the temperatures are excessive. It just can't be done, unless perhaps you are wearing a full asbestos suit. From my experience with

asbestos garment, they prevent flame from contacting you, but they still get very hot." (27-7414)

Lagacé emphasized the real dangers involved if the cool-down periods were not followed. If an operator attempted to introduce a body into the retort when temperatures were still excessive, a "flash ignition" could occur whereby the body would ignite before it was fully introduced into the retort. In such a case, the operator would be engulfed in flames from the burning body and would be unable to close the door to the retort. To put it simply, he said, "you can basically walk away and watch your building burn down." (27-7415, 7416)

Lagacé introduced a sample brick into evidence which the jury was allowed to handle. The brick was extremely light and brittle making it an extremely good insulator, but also very delicate: "I could take an ordinary handsaw and cut it in half." The brick was able to withstand 2,600 degrees Fahrenheit, and was therefore a little better than the average firebrick. (27-7422, 7423, 7424; brick entered as Exh. 106 at 27-7423)

In a new crematory, the new refractory brick had to be cured or dried out during a break- in cycle of one cremation per day for 25 days. If this number was exceeded, refractory failure would certainly be caused. (27-7428)

During normal cremations, there was some flaking of brick, wearing it from the inside to the outside. If the brick was overheated, however, it would simply crack along its length to about one half of its depth, thereby causing premature failure. In such a case, the fire would not be contained within the retort and the metal superstructure, which supported the retort, would buckle. Eventually, testified Lagacé, the retort would collapse and a fire would occur outside the cremation chamber. (27-7424, 7425)

During cool-down, Lagacé shut down the natural gas burner used to fire the crematory and pumped air through the chamber. Older furnaces, he said, had been coal-fired, and had been difficult to cool down simply because the operators could not shut the heat off: "Once coal is burning, unless you remove it, the heat is still being produced." Coal-fired furnaces thus prevented any quick cool-down to occur and in fact required "enormous amounts" of time to cool. (27-7426)

Birkenau Crematories

Lagacé testified that the plans for the Birkenau crematory indicated that it had been built to almost the exact specifications of the Bow Valley Crematorium. Using an overhead of the Birkenau plan, Lagacé pointed out the crematory's cremation chamber, the flame port, the smoke channel and settling chamber and the afterburner. He testified that it was obvious that the Germans were concerned with environmental effects. (27-7430)

Lagacé found the most amazing and unique part of the Birkenau crematory to be the stack, calculated to be 45 feet high, and therefore very similar to Bow Valley Crematorium's stack. In Lagacé's opinion, the rate of burn of the Birkenau unit would be as efficient but not more than his own unit in Calgary. (27-7432)

The only technology difference that Lagacé could see between his own crematory and those of Birkenau was the burner section. Lagacé's crematory used a natural gas burner while Birkenau used a stoking system with coal or something of a similar nature. The technology of Lagacé's crematory allowed him to shut the gas off for cooling. Coal was very cumbersome in that regard and this would affect the time limit since the operator could not go through a cooling cycle as quickly. (27-7450)

Lagacé was shown a photograph of one of the Birkenau crematories taken during the war and asked if the units looked familiar to his own crematory. Lagacé agreed that they were. He indicated, however, that the Birkenau retorts had been built in units of three with common walls between them. This would have eliminated the need for extra bricks and been much easier and quicker to construct. However, he noted, "should one of these need to be maintained or need any repairs, it would necessitate the shutdown of the other two [retorts]...attached to it, because you can't have temperatures of 2,000 degrees radiating into an area where you're working on another retort."

Lagacé believed that this design would never be used in a modern crematory simply because, as a business, it could not afford to have a shutdown of three units if one broke down. (27-7438, 7439)

Holocaust Claims of Numbers of Cremations at Auschwitz-Birkenau

Lagacé was asked to comment on the claims made by Raul Hilberg in *The Destruction of the European Jews* (2nd ed., page 978) with respect to the capacities of the 46 retorts in the four crematories at Birkenau. Hilberg claimed:

The theoretical daily capacity of the four Birkenau crematoria was somewhat over 4,400, but, with breakdowns and slowdowns, the practical limit was almost always lower.

Lagacé stated that this claim was "preposterous" and "beyond the realm of reality." To claim that 46 retorts could cremate over 4,400 bodies in a day was "ludicrous." Based on his own experience, Lagacé testified that it would only have been possible to cremate a maximum of 184 bodies a day at Birkenau. (27-7436, 7437, 7438)

Lagacé was referred to page 17 of *Did Six Million Really Die?* where Harwood stated:

Although Reitlinger's 6,000 a day would mean a total by October 1944 of over 5 million, all such estimates pale before the wild fantasies of Olga Lengyel in her book *Five Chimneys* (London, 1959). Claiming to be a former inmate of Auschwitz, she asserts that the camp cremated no less than "720 per hour, or 17,280 corpses per twenty-four hour shift." She also alleges that, in addition, 8,000 people were burned every day in the "death-pits", and that therefore "In round numbers, about 24,000 corpses were handled every day" (p. 80- 1). This, of course, would mean a yearly rate of over 8-1/2 million. Thus between March 1942 and October 1944 Auschwitz would finally have disposed of over 21 million people, six million more than the entire world Jewish population. Comment is superfluous.

Lagacé testified that from his own experience in cremating approximately 1,000 bodies, the figures cited by Reitlinger and Lengyel were not realistic. The person citing such figures, he said, was, "irresponsible... with his facts because this doesn't even begin to enter reality at all. It's just physically unrealistic." Lagacé said that even with present disaster plans, which provide for massive mobilization and the handling of large numbers of human remains, it would be "unimaginable" to cremate such numbers. (27-7447)

Under the disaster plans of Lagacé's association, bodies would be transported from a disaster scene to a local temporary morgue, which usually would be the nearest arena and the bodies placed on the ice. The person orchestrating the actions of the crematory managers would be the medical examiner. At his instructions, after he had completed any investigations, the bodies would be removed from the temporary facilities and normal funeralization would proceed. If all corpses were to be cremated, the bodies would have to be placed in refrigerated storage to allow time to cremate. (27-7448, 7449)

Lagacé referred to the 1985 issue of a statistical sheet compiled yearly by the Cremation Association of North America, showing the numbers of retorts located on the continent and the number of cremations done annually. The statistics indicated that in 1985, there were a total of 338,370 bodies cremated in 931 crematories in North America. In Canada alone, a total of 49,216 cremations were performed in 94 crematories. (27-7432, 7433, 7434)

Open Air Burning

Lagacé testified that he had observed the results of burning people in the open in a case involving a homicide where the murderer had attempted to burn the remains of his victim with gasoline in an open area in the woods of northern Ontario. He had been unable to do so. Human bodies did not burn completely in open spaces. In 90 percent of the cases, it would be the epidermis or the skin that would be charred; maybe perhaps the limbs would be burnt, but the torso was very difficult to cremate. It took high temperatures over a prolonged period of time in order to fully cremate a human being. (27-7441)

Moreover, an open air burning would require far more fuel. In a retort there was a controlled optimum atmosphere. In open air, heat constantly escaped so that it was very difficult to concentrate all the heat into one area. (27-7446)

Decomposition of Corpses and Handling of Typhus Infected Corpses

Lagacé testified that there would be a problem with decomposition if bodies were left for a period of one to two days. Upon death, the body's defence systems shut down, leaving any bacteria or viruses in the body "a free rein to wreak their havoc." There was a rise in the body temperature and gasses began to be produced. Within hours to a day, bloating caused by tissue gas would cause, for example, a leg to quadruple in its size. It would be an extremely unpleasant and dangerous situation if contagious diseases were involved. Tissue gas was highly contagious and adhered to any equipment such as the floor, the tables, any instruments used on the bodies. (27-7443, 7444)

Lagacé described the procedures enforced by the Alberta government in the case of corpses infected with typhus. At his discretion, the medical officer of health may step in before the body is even removed from the hospital and specify and order the funeral home to follow certain procedures in dealing with the body. These included the wearing of protective clothing when handling the remains, the destruction of that clothing and the containers that the body was placed in. In a case of typhus, the medical officer would likely order a direct cremation as this was the most effective way of dealing with something that volatile. If the body was buried, it had to be encased in a hermetically sealed container which would last over a prolonged period of time and only when the soil conditions allowed this, in order to avoid contamination of the water-table or underground streams. (27-7444, 7445)

Cross-Examination

In response to a question by Judge Thomas, Lagacé testified that there were six retorts in Calgary, a city with a population of about 650,000; the ratio thus being roughly one retort for every 100,000 persons. Crown counsel Pearson asked Lagacé that if this ratio was applied to the 46 retorts at Birkenau, the number would be 4.6 million. Lagacé agreed. (27-7452 to 7454)

Crown counsel suggested to Lagacé that when he ran his crematory he did so in conformity with Alberta law, conscious of ecology, operating the facility with the safety of employees as a paramount consideration with a view to maximizing profit and minimizing costs, and maximizing the life of the equipment by minimizing wear and tear. Lagacé agreed. He also agreed that he had no experience operating in a system that placed no legal restrictions on how many bodies could be cremated, that had as its goal, not profit, but simply disposing of as many bodies as possible. (27-7454 to 7456)

Wasn't it true, asked Pearson, that many facilities such as municipal garbage disposal facilities or blast furnaces had furnaces that ran continually? Lagacé replied that he was not familiar with blast furnaces or other such facilities and had not enquired into their operation.

As to his knowledge of ceramics, he testified that the thermocouple, a giant thermometer used in the crematory to record temperatures, was encased in ceramic but had to be changed about every 1,000 cremations because the ceramic would burn out. (27-7456, 7457)

Lagacé agreed that he was very surprised that the Birkenau crematory was a facility which rivalled the Calgary operation as far as efficiency and design were concerned. He agreed that Auschwitz was forty years ahead of its time when it came to cremating. (27-7458)

On re-examination, Lagacé testified that there had not been any typhus epidemics in Calgary recently. He agreed that any economic motivation he might have did not affect his capacity to complete cremations. (27-7458, 7459)

Hans Schroeder

[Hans Schroeder was the fifteenth witness called by the defence. He testified on Wednesday, April 6, 1988.]

Hans Schroeder had known Zündel for about 14 years; Zündel was a family friend whom Schroeder had usually seen more than once a week. He had seen him less frequently in the past five and a half years since moving out of Toronto. (27-7460, 7461, 7465)

Schroeder testified that he and Zündel agreed that the Holocaust never happened. They had discussed the subject of the treatment of the Jews during World War II many times. Schroeder testified that Zündel's major interest was the history of the Second World War, the circumstances leading up to it and its aftermath. Schroeder had seen Zündel's library and supplied him with books. (27-7461, 7463)

The treatment of the Jews was a focal point of Zündel's interest. Schroeder testified Zündel tried to examine the subject from various sides; he took evidence from various sources and examined what different people had to say about it. Zündel had an elaborate correspondence with practically every country in the world. His approach to the topic was one of serious investigation. In Schroeder's opinion, Zündel's primary motive was the desire to bring out the truth of what really happened during the Second World War. (27-7464, 7466)

Schroeder had read the booklet *Did Six Million Really Die?*, but had never discussed it in any great detail with Zündel. Zündel believed in the thesis of the booklet in general; the thesis being that 6 million Jews were not exterminated by the German authorities. Prior to 1980 Zündel's expressed opinion was that 6 million Jews could never have been eliminated. Schroeder had not changed his opinions on the subject and he had observed no change in Zündel's opinion on the subject. (27-7464 to 7467)

Schroeder himself had provided Zündel with information which supported the thesis of the booklet. He had read books by Jewish authors that stated that 6 million were exterminated and pointed out discrepancies and impossibilities in these books. In conversations with Zündel from 1974 to 1980, they had examined most of the major Jewish authors on the subject. (27-7466, 7467)

On cross-examination, Schroeder testified that he came to meet Zündel in 1974 after being referred to him by a German publishing house, the Verlag Schütz. Schroeder had written to the firm requesting permission to translate some books into the English language, namely, *Crimes Against the German People* and *From Versailles to Nuremberg*. These books espoused views of history which he accepted. (27-7468) The publishing firm notified Schroeder that the owner of the firm was coming to Toronto and instructed Schroeder to get in touch with Zündel. Zündel was not an

agent of the publishing firm but acted as a go-between because of his personal acquaintance with the owner. Schroeder thought the publishing firm referred him to Zündel most likely because Zündel had been in contact with Verlag Schütz himself, obtaining their books and possibly having correspondence with some of the writers. (27-7469 to 7471)

Schroeder contacted Zündel and told him why he wanted to meet with the representative of the German publishing firm. At that time he learned that both he and Zündel shared the same view of history. Schroeder had supported Zündel since that first meeting. (27-7471)

Asked if public attention had been attracted to Zündel because he publicly denied the Holocaust, Schroeder testified that he thought this had been exaggerated and that Zündel tried to speak out on the subject of the Holocaust. He agreed this had given Zündel public attention. (27- 7469)

He agreed that Zündel had an extensive library and that he could check the contents of anything he published by use of his own library. (27-7472)

Schroeder had read books by German authors on the Holocaust, but stated there were not too many such authors. He was not prepared to list the books he had read by German authors without thinking about what he had read over the years. (27 7472, 7473) He was not familiar with the book Nationalsozialistische Massentötungen durch Giftgas (National Socialist Mass Killings Through Poison Gas) or the book's three authors. (27-7478)

Asked if he wanted to admit that the mainstream of thinking in Germany did not deny the Holocaust, Schroeder stated that in Germany it was forbidden not to believe in the Holocaust. He had very little contact with Germany over the past thirty-five years and could not say what the average German or academic German thought. (27-7473)

Schroeder was not familiar with an organization called the German-Jewish Historical Commission. Schroeder was asked if he knew Zündel was the founder and spokesman of the organization. Schroeder replied that he knew Zündel tried to establish contact with members of the Jewish community in Canada and tried to establish a society in that sense, but could not say what its name was. (27-7474)

Asked if he was familiar with Concerned Parents of German Descent, Schroeder testified that he was familiar with the organization and knew that it was founded by Zündel, who was also its chief spokesman. (27-7475)

Schroeder knew Zündel had a worldwide correspondence because he was a stamp collector and was always on the lookout for stamps. He did not know who Zündel corresponded with, however, nor had he tried to read the correspondence. (27-7475)

Schroeder thought Did Six Million Really Die? was published by Zündel sometime in the late 1970s, possibly the beginning of the 1980s. He could not give an exact date. The first pamphlet he bought himself came from England. Zündel at one time offered copies of it to Schroeder for distribution, and this could not have been before the late 1970s or early 1980s. (27- 7476)

He believed Zündel was involved in the publication of UFO's: Nazi Secret Weapon? and knew that Zündel's middle names were Christof Friedrich. His understanding, however, was that the book was originally written in the German language by a Mr. Mattern from Chile. Schroeder had never read The Hitler We Loved and Why. (27-7479, 7480)

On re-examination, Schroeder testified that he had never heard Zündel speak differently on the Holocaust in public than he did privately. He spoke the same way. (27-7480)

Asked his means of ascertaining the date of publication of Did Six Million Really Die?, Schroeder testified that he had a general feeling it must have been during that period of time but he had no definite knowledge of a year. (27-7480)

Udo Walendy

[Udo Walendy was the sixteenth witness called by the defence. He testified from Wednesday, April 6 to Monday, April 11, 1988.]

Udo Walendy was qualified as an expert witness on the grounds that he had sufficient practical experience and knowledge, gained from research and writing in respect to Holocaust-related matters, to permit him to testify and give his opinion. (28-7631)

Walendy had corresponded with Zündel since the end of the 1960s. He had known him personally since the fall of 1979 when he met Zündel in Los Angeles at the Institute for Historical Review. (27-7482, 7487) Zündel was one of the organizers of a subsequent North American lecture tour which Walendy embarked upon after the conference. Zündel travelled with Walendy on the tour, staying at the same hotels, helping Walendy with any translations that were needed, and introducing him to other people. (27-7521, 7522) Both he and Zündel were very interested in the Holocaust and in finding out what the truth was regarding the subject. They informed each other if they found anything new and discussed things with each other. They both checked sources and whether claims or information were correct or not. Zündel never showed lack of sincerity or lack of honesty about the subject; he was very conscientious and stuck to the facts and was only interested in the facts. (28-7699, 7700)

Udo Walendy had written several books dealing with the history of the Second World War, including *Wahrheit für Deutschland* (Truth for Germany: The Guilt Question of the Second World War), the two volume *Europa in Flammen 1939-1945* (Europe in Flames 1939-1945) and *Auschwitz in the I.G. Farben Trial: Holocaust Documents?*. All German embassies received *Truth for Germany* to incorporate into their libraries. Walendy discussed the book with Zündel prior to 1981, mainly with regard to the last chapter dealing with the key documents at the Nuremberg trials. Walendy had also discussed his two volume work *Europe in Flames* with Zündel, especially the political problems resulting from the Second World War. Some two hundred pages from these two volumes dealt with the treatment of the Jews during the war and problems in the historical writing pertaining to this matter. Topics covered by the book included the question of whether there were gas chambers at Dachau, the Gerstein report and the problem of the six million. Walendy's book *Auschwitz in the I.G. Farben Trial: Holocaust Documents?*, published in 1981, was a documentation of the I.G. Farben trial specifically dealing with the charges and defence arguments concerning Auschwitz. He had also discussed this book with Zündel. (27-7483 to 7487)

Walendy confirmed that he and Zündel commenced a correspondence in the late 1960s; they shared a lot of views about history. Admiration or respect for Adolf Hitler was never a topic of their correspondence because they were interested in the questions of what was historically true or misrepresented in history after the war. They certainly never discussed or wrote to each other concerning what political

consequences should be drawn from such findings. Zündel knew that Walendy concentrated exclusively on the writing of books and had no interest in political activities. Walendy and Zündel wanted to know whether Hitler was responsible or not for the Second World War. They were interested in what the historical evidence revealed concerning that responsibility. Zündel agreed with Walendy's position that Hitler and the National Socialists were not responsible for World War II. Walendy was not allowed to testify concerning Zündel's political aims and goals. (28-7676, 7778, 7779)

Walendy testified that he had read the portion of *Did Six Million Really Die?* at page 26 which dealt with his book, *Bild 'Dokumente' für die Geschichtsschreibung?*. He confirmed that the pamphlet correctly represented what he had published and reflected his true and honest opinion. Walendy published the book in 1973. The photographs shown on page 26 of the pamphlet appeared in his book and were atrocity photographs which Walendy alleged to be fake. Walendy discussed his book with Zündel prior to 1981. It was the topic of his paper given in 1979 at the Institute for Historical Review conference where he met Zündel. (27-7488, 7489)

Walendy himself had distributed *Did Six Million Really Die?* in Germany. The publishing rights were with an English publishing house located in Brighton, England. Walendy first saw the English and German editions of the booklet in South Africa in February of 1975. He started distributing the booklet in Germany in August or September of the same year. He was impressed with it because it came from an English source and because it was the first compiled survey of the topic that had reached the literature market. The thesis of the booklet was that there were at least doubts with respect to the belief that six million Jews were killed in the way represented by internationally published books. He published the pamphlet with the objective of making the historical truth available to the public. He felt that nations would then be in a position to talk about these matters in a factual, correct manner and in this way enable peaceful policies. The distribution of the booklet was extensive; it attracted a lot of attention with publishers as well as in public assemblies. Walendy definitely discussed his distribution of the pamphlet with Zündel prior to 1981. (27-7489, 7490 to 7494; 28-7677) The pamphlet's format was useful; it was a short version suitable for worldwide distribution and allowed for quicker distribution to the public than books. (28-7715)

Walendy was aware that there were errors in the booklet. He felt, however, that the minor errors with respect to figures were acceptable given the fact that the booklet compiled so many important connections and relationships. He did not ask the publisher to make any changes in the text because he did not intend to publish it himself. He also knew that the English publisher was a printer and certainly would not have given permission for such changes to be made. (27-7490, 7491)

Walendy knew fairly soon after his first personal contact with the publisher that "Richard Harwood," the name of the author of *Did Six Million Really Die?* was a pseudonym. He did not know whether he ever told this to Zündel or not. Walendy never met Richard Harwood and did not know who he was. (27-7495, 28-7729)

From the time he distributed the booklet in 1975, no one ever questioned its main thesis. Walendy testified that these topics were not in general discussed publicly, and

even if clear evidence was provided, the official historians did not deal with it. The sole response was silence. The first few editions of *Did Six Million Really Die?* were not contested until around 1983. In that year, Walendy picked up copies of the booklet himself in England and attempted to bring them into Germany by car. The booklets were seized at the border but returned to him after a court action. In 1985, the booklet was again seized but was returned after a court action. (27-7491, 7492)

In the meantime, however, Thies Christophersen published his book *The Auschwitz Lie*. This resulted in a great deal of discussion in the media about the topic and *Did Six Million Really Die?* was also drawn into this discussion. In 1985, a superior court in Germany, in a completely different case, decided that whoever denied the extermination of the Jews thereby insulted the Jews and was subject to charges. As a result, the booklet was seized for a third time in 1985. Walendy went to the courts again but this time was advised not to go ahead with the trial because, on the basis of the superior court decision, there was no chance of winning the case. Walendy accepted that advice and waived the right to distribute the booklet. (27-7492, 7493)

Walendy testified that he never discussed any mistakes or errors in the booklet with Zündel because in the short time they were together they concentrated on the important topic. The subject was very extensive and comprehensive; there was a lot to write and to analyse. (27- 7493, 7494) Nor did he make the pamphlet available to Zündel; he obviously had it himself at least in 1979 when, at the conference in Los Angeles, they talked about the whole range of publications of this nature. *Did Six Million Really Die?* had been sold worldwide. (27-7517; German edition of *Did Six Million Really Die?* entered as Exhibit 107 at 27-7517)

For Walendy, the summary of facts contained in *Did Six Million Really Die?* was especially important because it contained varied details which the normal man in the street had never seen previously. The pamphlet was supposed to make the reader want to study more information regarding the subject and to examine whether it was a matter of fact or opinion. (28-7716) Walendy agreed that in answering a general question on the *Historical Fact* series he had agreed that their importance lay in the facts they contained and not the opinions. He had not written *Did Six Million Really Die?*, however, and with respect to that publication what was important for Walendy was that an Englishman had published this opinion on this subject. With regard to almost all publications, there was a compilation of findings which were summarized and expressed to a certain extent as an opinion of the author. There were transitional lines between a scientific fact and a scientific finding. *Did Six Million Really Die?* resembled an overview, a review. Walendy testified that there were flaws in its scientific analysis, but that he was not responsible for those flaws. (28-7726, 7727) Walendy would not call the booklet exactly scientific because he had some criticisms of it. (28-7717) In his own *Historical Fact* issues which subsequently followed, Walendy tried to be more scientific than Harwood had been in *Did Six Million Really Die?*. He had a stricter methodological approach. He thought the way the booklet was written was reflective of the English mentality. (28-7727, 7728)

The Crown suggested that Walendy distributed *Did Six Million Really Die?* because he liked the conclusion it reached, namely, that the Holocaust was a fraud used by the Jews to get money from Germany and international support for Israel. Walendy replied that it had never been a question for him how far the Holocaust could be

exploited financially. The important question for him was whether the accusations were right or wrong because the position of the German people in the international scene, in living together with other peoples, was greatly affected by the accusations. Walendy believed the thesis of the pamphlet to be correct. Based on his research, it had become apparent to him that the thesis of the pamphlet was correct and that the Holocaust was a fraud. (28-7718, 7719)

The Crown suggested that the pamphlet did not deal honestly with Walendy's work. Walendy agreed he was not a doctor as written in the pamphlet at page 26, although at times one was called that abroad if one had an academic degree. The pamphlet showed two photographs from his book and claimed that the origin of the first photograph was unknown and that the second was a photomontage. Walendy agreed that in his book, he stated that the first photograph was a forgery which was introduced in evidence at the Nuremberg trial. An anatomical study showed that probably all of the men had been painted into the photograph. There was no origin for this photo; nobody knew who the people were supposed to be, nor was the origin explained at Nuremberg. (29-7872 to 7876) Walendy was not a photo expert, but he obtained three expert opinions with regard to the photo before publishing the book. The book became the subject of a criminal investigation and the German authorities asked for an expert report from Tel Aviv. Tel Aviv confirmed the forgeries. This Israeli report ended the investigation and the prosecution of his book. (29-7874, 7875) The prosecution file number was 5 AR, 67/67. The proceedings were referred to the Federal Central Office in Ludwigsburg, and there given a new file number: AZ III/317, AR 1,330/67. It was in this dossier that the report from Tel Aviv was contained. Walendy was never officially informed of this investigation. No seizures were carried out and the investigation was closed in silence. (29-7881)

Walendy agreed that *Did Six Million Really Die?* left the impression that the second photograph was the photograph entered at Nuremberg. In fact, it had nothing to do with the trial; it was the first photograph which was introduced as evidence at Nuremberg. Walendy also agreed that the photomontage did not appear in the four books named by Harwood; it was the first photograph which appeared in the books. (29-7878)

Asked if Harwood had not treated his book dishonestly, Walendy testified that the reader of such a pamphlet had to check these things and satisfy himself how the photos were represented in the cited sources. Walendy did not consider the mixing up of the photographs to be a serious mistake because people who had doubts with respect to the photographs could check the cited sources. (29-7879)

Walendy's distribution of *Did Six Million Really Die?* did not cause a controversy in Germany. The pamphlet was seized twice, but no reasons were given for the seizure, and after examination by the regional courts of the pamphlet's contents, both seizures had been lifted. (28- 7720)

The only other issue of the Historical Fact series which had been seized was No. 15, which dealt with the knowledge the Allies had of the Holocaust during the war. Walendy found that the Allies had no knowledge of the Holocaust during the war. (28-7723)

Walendy used the pseudonym "Richard Harwood" for Historical Fact No. 3, on the advice of the English publisher. It was published in English. He did not think about whether or not it was dishonest to use a pseudonym. (28-7728)

Walendy never attempted to contact Harwood to tell him there were problems with the pamphlet. It was difficult to discuss further improvements to the publication with the publisher. He, himself, was not satisfied with the German translation but further changes were not carried out. It was not within his sphere of influence to make such changes. All the typesetting was done in England and the English publisher was not willing to invest any more money in the typesetting. The publisher himself did not speak German and the distribution of the pamphlet was not large enough to justify such a further investment. (28-7730, 7731)

Walendy agreed that a law existed in Germany against the defamation of minority groups. He testified, however, that the law protected only a very specific group in the population and that the German people themselves could be defamed from morning till night. Walendy did not agree with the law. It was a leftover of the Allied occupation and created two different laws for people living in Germany. The law originated in 1949 when Germany was still an occupied zone and the Allied nations created the Parliamentary Council. It was a temporary government that had to make German laws on the order of the Western Allies. That was how this particular law got into the German Criminal Code, s. 183, and where it had remained until today notwithstanding that another law made equality of all people in Germany a common principle. (28-7720, 7721)

Walendy was asked if his position, then, was that the present government of West Germany was not a legitimate government. Defence counsel objected on the grounds that it was a political question which had nothing to do with history. The objection was overruled, Judge Thomas holding: "This man's motives, his beliefs -- his beliefs - - are very important to the writings that he prolifically produced in thirty-five periodicals since 1960-and-change, plus his evidence in the witness box, his views are very important to the motives and the sincerity of the opinions he holds." (Thomas, 28-7722)

Walendy answered the question by stating that the present government of West Germany was a legitimate government which arose from the conditions extant from 1949 to 1955, but that did not mean that everything it did was right. (28-7722)

His distribution of *Did Six Million Really Die?* attracted attention from the international mail order public which purchased the pamphlet. However, there was no public attention in the newspapers or T.V. The public authorities took notice of the pamphlet only after the publication of Thies Christophersen's *The Auschwitz Lie*. (28-7773)

Walendy introduced other pamphlets in the Historical Fact series which he had published over the years and discussed with Zündel. In *The Methods of Re Education*, Historical Fact No. 2, published in 1976 (English and German versions entered as Exhibit 108 at 27-7521), Walendy dealt with the inability of the German people to defend themselves concerning what really happened during World War II. He testified that after 1945 Germany had no documentation available to it. Germans were

permitted to read only those publications that were officially authorized. The Nuremberg trials brought a lot of this kind of documentation to the public. The essential content of *The Methods of Re-Education* was that forged documents were being used by official historians, without any examination, as historical proof. Walendy printed some of these forged documents and provided evidence that they were just pieces of paper, without signatures or stamps, only a Nuremberg document number. (27-7518, 7519) Under the provisions of the London Agreement [8 August 1945], the Nuremberg court was not obliged to check the documents and did not do so. (27-7519, 7520)

Asked if Zündel appeared to accept what Walendy was saying in their discussions, Walendy testified that he would like to think that he was a publisher and scientist from whom Zündel could take the things he had published as being credible; all the more so, since Zündel knew that Walendy was not subject to any legal proceedings in Germany. (27-7519)

Walendy published *The Nuremberg Trial, Methods and Significance: Historical Fact No. 3*, in 1977 under the pseudonym of Richard Harwood (entered as Exh. 117 at 27-7547). The use of the pseudonym was agreed upon by Walendy and the pamphlet's publisher, the same English publishing house in Brighton, England that published *Did Six Million Really Die?*. Asked if he had discussed this pamphlet with Zündel, Walendy testified that it could basically be stated that Zündel had read all the publications because they were the scientific basis for their whole political understanding. Walendy also dealt with this topic in his paper given in Los Angeles in 1979 in great detail. After presenting the paper, he went on a lecture tour around the United States and Canada, giving lectures on these topics in the presence of Zündel. (27-7496, 7497)

Walendy had informed Zündel that under the London Agreement, the Nuremberg Tribunal was not bound by any rules of evidence and that the court in fact hindered the defence to a large extent. Walendy and Zündel discussed the incorrectness of the trial procedures extensively because the trial and its results had had such an impact on the writing of history up to the present time. The London Agreement of the major powers, England, the Soviet Union, the United States and France, dealt with the basic legal rights in the occupied zones in Germany and the legal bases for the military tribunals. In these directives, it was set down that one main trial was to be carried out and all subsequent trials would have to adhere to the rulings set down in that trial. For example, in the subsequent trials, no doubts were allowed to be raised with regard to the statements of the main tribunal. Even today, the courts in the Federal Republic of Germany, via the Transitional Agreement of 1955, were required to adhere to these legal bases and rulings and could not deviate from the main tribunal at Nuremberg. This was so even though the victors, as early as 1949, were distancing themselves from the London Agreement. (27-7501 to 7503)

Walendy testified Article 21 of the London Agreement provided that the judges in Nuremberg had to recognize generally known facts which they were not allowed to investigate in detail. It was further set down that the so-called generally known facts included all official documents provided by any of the Allied governments. As a result, there were a huge number of documents that landed on the table at Nuremberg, officially delivered by one of the victors, and the tribunal had to put its stamp on

them. The documents thus became officially recognized documents pertaining to historical facts. All of these so-called documents used by the prosecution were published as official documents. (27-7504)

All so-called documents brought in by the Soviets were called 'documents.' In numerous cases, they were of no historical importance, but they were labelled document X in the records. These documents were accepted without any criticism in many historical publications. Walendy himself had investigated the form and content of these documents and the circumstances which were represented as historical facts. He had gone to the Nuremberg State Archive and the Federal Archive in Koblenz and enquired about the location of the original documents. He had received the written response that the location of these documents was not known. These documents, Walendy testified, were not facsimiles, but were typed copies and copies of typed copies. (27- 7504, 7505)

Walendy had definitely discussed these matters with Zündel because he had discussed the topic during his lecture in Los Angeles in 1979 and referred to a pile of these so-called documents. There had been a lively discussion after the lecture which continued for the whole weekend. Walendy had already published with respect to these matters in the second issue of his Historical Fact series, The Methods of Re-Education and had the issue with him in Los Angeles. The first publication of his Historical Fact series was Did Six Million Really Die?. It was Walendy's practice to send Zündel copies of his publications when they were released. (27-7543, 7505)

In The Betrayal of Eastern Europe, Historical Fact No. 4 (entered as Exh. 109 at 27 7525), Walendy discussed the changes in the European borders, especially of Eastern Europe. In his view, the changes were not carried out according to legal principles but were based on the political interests of the major powers. Walendy testified that it was to be assumed that he spoke to Zündel about this subject because, by 1981, he had already published eleven of the pamphlets in the Historical Fact series. Every pamphlet had a different topic, scientifically set up and proven. They had certainly talked about the global topic involved in the publication, because there was a definite relationship between the political decisions of the major powers in 1945 and the methods of re-education by which the German people were being blamed. Walendy told Zündel that his father came from East Prussia and that his whole family had belonged to the group of expelled persons. They also discussed Roosevelt and Churchill, the great decisions at the war conferences and the consequences. This pamphlet, along with the others, was for sale on the 1979 tour organized by Zündel for Walendy. Zündel also provided him with information about books which Walendy had not known about. In this way, they complemented each other all the time. Walendy testified that from his conversations with Zündel, he saw that Zündel himself had a vast knowledge of the subject. (27-7522 to 7525)

Coming to Grips with the History of National Socialism, Historical Fact No. 5, was published in 1979 (entered as Exh. 110 at 27-7536). This pamphlet was co-authored with Dr. Wilhelm Stäglich, a judge who had been an anti-aircraft officer at Auschwitz during the war. Stäglich had published an article in a newspaper regarding his experiences in Auschwitz and later wrote the book The Auschwitz Myth. This book had gained significance very quickly. Walendy could not remember if he discussed the content of this publication in detail with Zündel. He knew that the publications

were, overall, the basis of their conversations. This particular edition was of particular importance since it contained further examples of forged documents, which at that time were definitely so topical for him that Walendy spoke about them. An example was a document according to which the Germans killed 97,000 people in mobile gas vans. Walendy was able to ascertain that the original was in the Federal Archives in Koblenz under a specific registration number. He had gone to Koblenz to look at the document, only to find that it was a photocopy of a typewritten paper without a signature. Outside of these types of documents, there was no proof for this kind of allegation. In his opinion, this was not sufficient for historical research. He spoke about these details to Zündel. He told him that his conclusion regarding such documents was that one had to be very skeptical in looking at these so-called documents. One could not believe everything that was made out to be an official document. (27-7527 to 7530)

Walendy and Zündel discussed in detail the whole range of topics relating to the story of the six million Jews gassed or exterminated by the German government between 1939 and 1945. These topics included the statistics of the Jewish population in that period, the evidence brought forth by publishers to support the claim, the proof provided by individual documents, the testimony of witnesses, and the technical feasibility of the claims. Asked if he personally believed that there was a plan to exterminate six million Jews by the government of Germany in those years, Walendy replied that since 1945, he had sworn to himself never to believe anything again that could not be proven 100 percent. Evidence of a plan to exterminate six million Jews by the Reich government had not been proven; there were too many material and scientific flaws and technical impossibilities. (27-7531, 7532)

The Modern Index, Historical Fact No. 7, published in 1980 (entered as Exh. 112 at 27-7538), dealt with the practice in the Federal Republic of Germany of placing political and historical publications on the index of forbidden books by means of the laws against pornography. The topic of censorship of historical views had undoubtedly been discussed with Zündel because it was a very important factor in publishing in Germany today. At the least, Walendy had sent Zündel a copy of this issue and informed him about these things. The word "Index" in the title referred to a term from the Middle Ages, when forbidden books were put on a list and were no longer allowed to be sold. The title The Modern Index meant that books on that list could no longer be sold to young people, publicly advertised or sent through the mail. They could, however, be sold to adults. The books could not be banned outright in West Germany, but by means of the Index, the books were removed from public awareness. (27-7536 to 7538)

In Holocaust Now Underground?, Historical Fact No. 9 (entered as Exh. 113 at 27-7543): Walendy discussed the theory that the Holocaust must have proceeded underground since it was not visible in aerial photographs taken in 1944 by the American Air Force. Walendy had discussed the aerial photographs with Zündel in 1979. In 1977, Arthur Butz had already published his book The Hoax of the Twentieth Century in which he alleged that aerial photographs were taken during the war. The fact that these photographs had not been published was of particular significance since all of the Holocaust literature up till then claimed that the high point of the extermination in Auschwitz occurred in 1944. Professor Butz claimed that if the aerial photographs provided proof of the truth of the allegations, they would

have been submitted at the Nuremberg trials. As a result of the publication of Professor Butz's book, the aerial photographs were made available to the public by the American National Archives. The first publication of the photographs included insertions of text claiming that the exterminations were evident in the photographs. The aerial photographs had a large impact on the public and were a topic of discussion at the conference in Los Angeles in 1979. (27-7539 to 7541)

The front cover of *Holocaust Now Underground?* reproduced an enlargement of a portion of one of the aerial photographs, showing two crematories in Auschwitz Birkenau and several barracks. These enlargements showed no smoke around the crematories. Nor could any dug-out areas be seen where people were supposedly burned and buried. The Americans photographed the whole area in 1944 every ten days from a height of 6,000 metres, and not a single photograph indicated smoke coming from the crematories. Since the release of the photographs, there were more and more claims that the Holocaust had taken place underground and could not be seen from above. (27-7541, 7542)

German-Israel Facts: Historical Fact No. 10, published in 1981 (entered as Exh. 115 at 27- 7547), dealt with the basis for the foundation of the state of Israel, including the relationship between Versailles 1919, the Weimar Republic, the Jewish rise in Germany, the introduction of the Star of David and Kristallnacht. These pamphlets were part of the ongoing Historical Fact series, which had now reached number 34. None of these publications questioned the thesis of *Did Six Million Really Die?*, but rather confirmed it in all essential respects. (27-7544 to 7546)

In Faults in the Knowledge of the Allies: Historical Fact No. 15, Walendy examined the internationally available literature dealing with what knowledge the Allies had during the war regarding the Holocaust. The publications examined included those of Raul Hilberg, Nahum Goldmann (the President of the World Jewish Congress for many years), Bernhard Klieger and Martin Gilbert. From this literature, it became evident that neither the Western Allies nor the Soviets, up to the end of the war, had knowledge of the Holocaust. In their newspapers they published stories of a similar nature, specifically in the *New York Times*, as early as 1942. They themselves did not believe that information, however, and behaved completely differently than they would have if they had really believed the claims.

It had been proven that neither Churchill nor Roosevelt had knowledge, and that both statesmen expressed very clearly at the time that as soon as they had any information that the Germans were using gas as a means of waging war, they would start gas warfare immediately against Germany. There were international agreements which prohibited gas warfare and all governments had indicated that they would not start gas warfare. They would, however, retaliate with gas immediately if they learned that the enemy was using that means of war. Walendy was not permitted to answer whether or not he considered the alleged gas chambers to be a means of war. (28-7645 to 7648) Walendy reiterated that had the Allies known that the Nazis were using gas against the Jews, they would have retaliated with gas attacks on Germany. The Allies had the opportunity to inform the international public why a gas war had been started. But the fact was that neither the Allies nor the Zionists ever made a demand for such retaliation during the whole war. The Zionists had a strong organization in the United States which influenced the American government. Yet even those organizations

made no demand that the United States or England carry out such an action. (28-7784, 7785) International Jewry officially declared war against Germany in 1933. Expressions of leading Zionists to that effect were published internationally, and in the post-war period, such statements were referred to in a number of publications. (28- 7648)

Asked if he had discussed Historical Fact No. 15 with Zündel, Walendy testified that Zündel had received all of his publications upon release, but he could not recall the details of subsequent conversations or correspondence right at the moment. (28 7648)

Walendy testified that Historical Fact No. 16 and No. 17 dealt with the Einsatzgruppen. The pamphlets were written after Walendy read a book which had just been published at the time by Dr. Helmut Krausnick, the head of the Institute of Contemporary History and his colleague, Hans-Heinrich Wilhelm. Walendy analysed the book and found a wealth of sources which he subsequently checked out at the Federal Archives in Koblenz. He also surveyed Soviet sources, statements of German generals from the Nuremberg trials and a book by Walter Sanning [The Dissolution of Eastern European Jewry] regarding the evacuation of large numbers of the Jewish population from western Russia at the beginning of the war. Before the German army entered the Soviet Union, at least one million Jews had already been evacuated. This was a figure which could not be established with 100 percent accuracy and the number could be even higher. As a result of analysing these sources, it became apparent to Walendy that the whole topic was very difficult to analyse: there were instances where forged documents were used and in numerous documents no details were given which could be verified. (28-7649 to 7651)

Asked if he agreed that the actual number of executions by the Einsatzgruppen was approximately 100,000, as claimed by Did Six Million Really Die?, Walendy testified that it was very difficult to answer because all of the figures referred mainly to the so-called Einsatzgruppen reports. These reports were not written by the Einsatzgruppen themselves but were allegedly written in Berlin. They gave very high figures but very few details. Although they were used as evidence during the Nuremberg trials, Walendy pointed out that the Soviets who ruled over the territory in question had never been willing to co-operate in an objective investigation. For example, not a single mass grave had been found and examined in co-operation with an international commission. Walendy had not formed any opinion regarding the number of executions performed by the Einsatzgruppen because he believed it was simply not possible. The available evidence had too many flaws. (28-7653, 7654)

In Historical Fact No. 31, Walendy did a study of the first Pravda article concerning the liberation of Auschwitz, published on February 2, 1945. The Soviets had captured Auschwitz on January 27, 1945. In the article, the Soviets claimed that the Germans had killed millions of people by means of an electric conveyor belt system. This story was not maintained later on. (28-7655, 7659) After several reminders from Great Britain, the Soviets next published, on May 7, 1945, an extensive commission report which resulted from a three month investigation of Auschwitz. This report, with some abbreviations, was later introduced into the Nuremberg trial as document No. 008 USSR. The Nuremberg Tribunal accepted the report without inspection but it was never translated into English.

Walendy believed the report was nothing more than propaganda and that in reality the Soviets found nothing of what they claimed to have found. The report contained so many contradictions and impossibilities that it was never mentioned in Holocaust literature. (28-7656, 7657) In three different places in the report, the Soviets gave three different times which they claimed it took to cremate a human body. In one place they claimed it took five minutes to cremate a human body; in another place, they said it took from seven to eight minutes and in the third place, they declared that a corpse was burnt in nine minutes. Walendy testified that this was technically impossible. (28-7657) The Soviets also claimed in the report that the Germans burnt between 10,000 and 12,000 people daily in the years 1942, 1943 and 1944. Walendy pointed out that if that number of people had been killed and cremated for those years, some 11 million people would have been killed by the end of 1944. (28-7658) The Soviet report further claimed that the Germans took 200 to 300 people out of every arriving transport for labour, but gassed 2,000 to 3,000 people daily. Yet somehow the Germans maintained the camp population at 200,000. Walendy testified this obviously wasn't possible; the camp population could not have been maintained at a constant level if thousands of people were being removed from the camp and only a few hundred brought in to replenish the labour ranks. (28-7658, 7659) Lastly, the Soviets claimed that the whole extermination at Auschwitz was not directed against the Jews but against the European nations. (28-7657) Walendy had personally translated these documents and had the original Pravda edition at his home. (28-7685)

Walendy also analyzed the official Soviet film of the liberation of Auschwitz, which had been kept secret by the Soviets for 40 years. The film contained all of the footage by the Red Army taken at the liberation in January, 1945 and some months later. (28-7685, 7686) The Soviet cameraman made the statement that the Soviet cameramen and kommandos did not know there were supposed to be gas chambers at Auschwitz, and therefore they did not take photographs of such gas chambers or their ruins. This film gave Walendy new evidence that even the Soviet leaders did not have any knowledge of the gas chambers. (28-7686, 7687)

Walendy testified that Sefton Delmer was one of the key propaganda figures during the Allied occupation of Germany immediately after the war. Delmer published the book *Die Deutschen und Ich* (The Germans and I) in 1962 in which he described his working methods. Walendy believed that without knowing Delmer's methods, political developments could not be judged. (28-7659, 7660) Walendy was absolutely certain that he had discussed the topic of Sefton Delmer with Zündel because the publication of Delmer's book and the subsequent impact on the whole of historical research was a sensation. (28-7664)

Sefton Delmer was a foreign reporter for the English Beaverbrook Press, and in that capacity accompanied Hitler on many of his election tours. After Hitler came to power, Delmer was one of the most respected foreign journalists in Berlin. In 1940, Delmer was the official news announcer on the BBC and was in a position, without even consulting the British Foreign Minister, to turn down an offer of peace made by Hitler. Subsequently, he was the propaganda leader in the British Information Ministry and had a large staff. He carried out so-called "black propaganda" after the end of the war. He was sent to the British-occupied zone in order to co-ordinate the black propaganda with the French, Soviets and Americans. (29-7883)

Delmer was the head of "black propaganda," meaning forged documents. He managed not only groups of people working in this type of work, but also managed the relevant radio stations. He was a personal friend of the British Information Minister. In June, 1944, the Information Ministry sent out an official directive to all the higher-echelon civil servants and managers of the public media, instructing them that with the Red Army in Europe, they would have to expect incredible cruelty from which they could distract world attention only through a strengthened atrocity propaganda campaign against Germany. (28-7660, 7661)

Sefton Delmer was the head functionary who carried out this work for the British government. His main method was to lie as exactly as possible so that the lies couldn't be uncovered right away. After the end of the war in occupied Germany, Delmer coordinated the "black propaganda" campaign with the French, the Soviets and the Americans. These coordinated lies and inventions could not be recognized as such right away. Delmer's work in occupied Germany lasted until 1947. During that period he and his staff forged a wealth of German documents which reached official files. He described this work to a large extent in his own book. Walendy testified that most of these forged documents had the Germans committing a large number of war crimes. Delmer provided the documents to the British Ministry of Information which in turn sent them to the Nuremberg trial as official documents. The International Military Tribunal, pursuant to the London Agreement, did not check whether the documents were true or false, but simply entered them as evidence of "generally-known facts." Because they were considered authenticated official documents, they had now been introduced into history books. In this situation, Walendy testified, even officially published documents had to be analyzed to determine whether or not they were forgeries. (28-7662, 7663)

Walendy did not believe the Nuremberg trials to be fair and impartial. All laws valid in Germany at that time were declared invalid and in their place were put the so-called Control Council laws. The Control Council laws as well as the London Agreement provided that war crimes could only have been committed by Germans or enemies of the Allies and that the military tribunals were not to be held to normal rules of evidence. This new law was codified in a political agreement between the major powers: the Soviet Union, the United States, France and England. The defence at Nuremberg did not have the possibilities of a normal defence in a regular legal dispute. The witnesses were usually prisoners themselves and were limited with regard to their freedom. The victor ruled in its own interest and ruled what were historical facts and what were not. (28-7666)

Asked if he agreed with the part of *Did Six Million Really Die?* which dealt with torture at Nuremberg, Walendy testified that he would have to read the individual points. In principle, however, it had become evident that what was written in the pamphlet was the truth. Even American judges had complained about such measures. (28-7666, 7667)

The Transfer Agreement was an agreement between the Reich government and an organization of German Jews and Zionists, represented by Chaim Weizmann, to make possible the emigration of Jews to Israel through joint financing and joint co operation. The agreement was never changed but was basically cancelled by the development of the war. (28-7668, 7669)

The Wannsee Conference was regarded as a key conference in the "final solution" of the Jews. The conference itself took place on January 20, 1942, with Reinhard Heydrich presiding over the fourteen state secretaries who were in attendance. The protocol of the meeting was introduced into evidence at the Wilhelmstrasse trial by Robert M.W. Kempner, but even today it was not known where these minutes originated. They were written in such a bad style that it was impossible that a German could have formulated such a protocol. There were contradictions and errors with respect to contents. In addition, not a single person who attended the conference confirmed the minutes. In Walendy's opinion, the secretaries of state in attendance at the conference were not in a position to make a decision on those topics. (28-7669, 7670)

In his research at the State Archives in Nuremberg, Walendy found that the transports of Jews from Germany had already started in October of 1941, obviously pursuant to an order from Hitler. The reasons for this decision were based on information that concentration of the Jews was required for security reasons. The Jews were sent by rail to different labour camps and ghettos in the General Government, but not to extermination camps. (28-7670, 7671)

The Wannsee Conference met with considerable resistance. Some of the secretaries of state via their Ministers approached Hitler with the result that in May, 1942, he stopped the transports. The Wannsee Conference resulted in something completely different than was usually claimed. It was claimed that despite these orders to stop transports, there were still transports by rail. Unfortunately, there were no documents of the German Reich railway so that final answers could not be given. (28-7671)

None of the participants in the Wannsee Conference ever recognized the minutes of the meeting. Adolf Eichmann admitted at his trial in Jerusalem that he wrote the Wannsee protocols, but in Walendy's opinion this did not constitute historical proof. Eichmann was no longer a free man in Jerusalem. His whole situation was similar to that of Rudolf Höss in Nuremberg, where Höss explained that he was responsible for the murder of 2.5 million people in Auschwitz. It later came out that this was false. Eichmann obviously didn't have any other possibility than testifying the way he did. If the Wannsee Conference really had been about extermination, then all of the participants would have been punished as war criminals after the war. With the exception of Dr. Stuckart, that did not happen. (29-7864 to 7871)

Asked why Eichmann would lie in Jerusalem and fabricate the fact that he had participated in a meeting about exterminating Jews, Walendy testified that there were many ways and means to get a prisoner to say things that the accuser wanted him to say. This was particularly so in a state where there was only one ruling party and dictatorial methods prevailed. Walendy stated that he could not prove that Eichmann had been tortured, but he could prove that what Eichmann allegedly said contradicted all historical evidence. (29-7871, 7872)

Walendy testified that Paul Rassinier's books were the first revisionist books regarding the concentration camps. They gave him many new insights and expanded his knowledge. Walendy testified that vis-a-vis all information he was skeptical because he belonged to that generation of Germans whose families had been expelled from East Prussia and who knew the conditions that had prevailed there. Later,

however, they were told that they had been "liberated." This contradiction was one of the essential reasons for his skepticism vis-a-vis all new information. (28-7673)

Walendy was familiar with *The Holocaust Revisited: A Retrospective Analysis of the Auschwitz-Birkenau Extermination Complex* (Exhibit 85). It was the first publication of the aerial photographs of the American air force. It claimed that the photographs were evidence of the Holocaust claims, but a factual study of the book indicated that these were not scientific conclusions that could be drawn from the photographs. (28-7674)

In Historical Fact No. 23, published in 1985, Walendy dealt with the topic of the Holocaust as it related to the gypsies. In Walendy's opinion, the claim that Germany killed 500,000 gypsies during the war was a complete fiction and had no factual basis. Several books had come out making this claim and referred to each other as evidence, but none of the books themselves contained any evidence to support the claim. Walendy's purpose in analyzing the books was to determine what had really happened. He was not there, and such allegations had great political importance. Walendy concluded that there was no evidence to prove the murder of 500,000 gypsies and that the allegations were being promoted by politicians. (28-7677 to 7680)

In Historical Fact No. 24, Walendy published an article by Ingrid Weckert entitled "Mass Killings or Disinformation?." Weckert analysed the book *Nationalsozialistische Massentötungen durch Giftgas* (National Socialist Mass Killings by Poison Gas) [edited by Kogon, Langbein and Rückerl] and determined that it contained much false information, contradictions and technical impossibilities. (28-7680, 7681) As an example, on page 115 of the book, the authors claimed that in Chelmno:

The crematoria ovens had a width of ten metres and a length of about five to six metres. They were not protruding from the ground. They had no chimneys. They tapered down towards the bottom where grates were fastened. These grates consisted of railroad tracks; the shorter rails are the grates. The longer ones, however, served the purpose of camouflaging the crematoria ovens from airplanes. These rails were placed over the pits and covered up with metal sheet. On top of each layer of dead bodies, a layer of wood logs was placed. As far as I can remember, the oven was lit from the bottom. Whoever was lighting the fire had to make his way through the opening, the ash opening to get underneath the grates. I would like to remark that an underground corridor led to the ash box serving as an air supply channel as well as for the purpose of removing the ashes. The corpses burned quickly. New corpses were constantly being thrown on top.

Walendy testified that this account was so absurd, that one shouldn't have to give any explanations at all with respect to it. In principle, burnings of corpses could not be carried out in pits and trenches with wooden logs because the oxygen supply was insufficient. It was even less possible if the wooden logs were covered with sheet metal and the lighting was carried out from the bottom. It was not possible to continue a fire in such conditions. (28-7690 to 7693)

At page 247 of the book, the authors included an account of how gassings took place:

If a gassing was to be carried out, Roth ordered one of the camp inmates under his command, usually the witness Kanduth, to heat up a brick inside the crematoria. Often Roth carried the hot brick on a shovel into a gas cell and placed it into a gas input device consisting of an iron box with a removable lid which could be closed airtight by using wing screws and a gasket. The introduced hot brick served the purpose of vapourizing the subsequently filled-in poison gas which was bound to paper scraps using the uprising heat.

Walendy testified that the gas chambers as described in the book were so large that several hundred people were placed in them. The introduction of one brick into one of these large chambers would have had no effect in terms of the intended purpose. Furthermore, Zyklon B was produced as a pest control substance. It was delivered in closed containers in the form of grains. It had nothing to do with scraps of paper. (28-7694)

The book was of special importance, said Walendy, because it was written by three well-known authors. Eugen Kogon was a professor and a former inmate of Buchenwald. Hermann Langbein was a former inmate of Auschwitz and Ruckerl was the chief prosecutor and head of the Central Office of Judicial Administration. Walendy believed it was important, from a political point of view, to know whether the allegations contained in the book were true or false. (28-7681, 7682)

In Historical Fact No. 30, Walendy analyzed claims that some 450,000 people had been forcibly sterilized by the Germans. Walendy proved that the main documents relied upon by the historian involved were forged documents taken partially from Polish archives. Many of the allegations made were not known until 1980, and Walendy questioned how these facts could have been kept hidden for forty years. (28-7683)

Walendy testified that the Final Report on the Solution of the Jewish Problem in the District of Galicia (Exhibit 118) had been compiled from different sources. Originally, it was a summary report by the chief of police from Lublin but other pages had obviously been inserted into the original document. This could be seen from the different typewriter faces as well as from texts which did not fit into context. It was also possible that different types of paper had been used. Pages 14 to 18 indicated facts that were completely out of context with the rest of the document and the content on these pages especially was factually so incredible that Walendy doubted whether it could stand up to a scientific examination. (28-7697, 7698)

Walendy testified that in his research he attempted to get a general overview of the international literature. He then checked the evidence given in that literature for historical context and authenticity. To check authenticity, Walendy examined the form of a document, the paper, the typewriter size, the context within a dossier, and the temporal context. He also examined the contents to determine whether they were correct. (28-7694)

An example of a forged document, Walendy testified, was an 83-page typewritten report which he found in the Federal Archive in Koblenz, written by the Reich medical leader, Dr. Wagner and submitted to Hitler in 1940. Walendy noticed that in the first 34 pages, the letters "ss" were used instead of the usual German letter

combination of "sz." Starting at page 35, however, the correct letters "sz" were used. Upon closer examination, Walendy found that a different typewriter and different paper had been used. This was an example of how, after the war, forged pages were inserted into original documents. (28-7695, 7696)

He had attempted, by his publications, to enable a public discussion regarding these topics to take place. If he had made false statements, it was up to other people to prove the mistakes and errors to him. But such had not happened up till now. (28 7694, 7695)

On cross-examination, the Crown suggested to Walendy that he had testified that in 1945 he swore that he would be extremely skeptical about any accusations made against Hitler and the National Socialist regime. Walendy replied that the Crown had misquoted him. He had testified that he had become very skeptical about all information of any nature. He had not referred to National Socialism. (28-7701)

Walendy was drafted into the air force in 1944. He was 18 years old in 1945. Asked if he viewed Adolf Hitler as his national leader, Walendy stated that as a student, one was forced to live in a community which determined what one had to do. "My personal opinion at the time was not asked..." The Crown suggested that as a young man, however, Walendy had viewed Hitler as a great man and leader of his country. Walendy testified that, yes, Hitler was considered not just by the students, but also by the great powers, as a world political leader. (28-7702)

Walendy testified that Hitler, Goebbels, the teachers, journalists and professors told them that they were fighting for a righteous cause. Walendy personally got a Christian blessing for this fight. He agreed that in his view he was defending Europe. The Crown suggested that he was defending his race. Walendy said he was defending his homeland. It had nothing to do with race. (28-7703)

In 1945, Walendy was a prisoner of war in a British camp in Denmark. He agreed that he regarded himself as being in the hands of the enemy. His home in East Prussia had been annexed to Poland. He agreed with the Crown's suggestion that his home had been taken away by another enemy. (28-7703)

Walendy refused to answer hypothetical questions about whether Hitler would have been an evil man if the accusations against him were true. He testified that he always tried to check out the accusations. He pointed out that it would be wrong to make a one-sided judgment against Hitler without also looking at the behaviour of all the powers and men such as Stalin, Roosevelt and Churchill. (28-7704, 7705)

The Crown told Walendy that Thies Christophersen had testified earlier that he could not be a hypocrite who cheered Hitler one moment and then turned around and admitted that he was an evil man after the war. The Crown suggested that that was true for Walendy too. Walendy replied that Christophersen was a few years older than himself and had been an army officer during the war. Walendy suggested that Christophersen probably experienced a lot more throughout this time than he had as a student; the students had been educated freely and had always expressed their opinions everywhere. He found consent and agreement to be the rule of the day. Until the end of the war, Walendy met only one person who had some reservations about

National Socialism. Walendy was also skeptical of National Socialism, but he found that a whole wealth of accusations were one-sided or incorrect. (28-7705, 7706)

After the war, Walendy went back to school. The Nuremberg trials, the events of the war and the political changes in Europe were part of the course of studies, but not specifically the subject of the Holocaust. There was no reliable literature on the subject at that time. The first books by Reitlinger and others came out much later. The German people were in a spiritual upheaval and were confronted with completely new information. (28-7706, 7707)

Walendy agreed that in 1961 the trial of Adolf Eichmann took place. The Crown suggested that at that time Walendy had to decide whether he would remain loyal in his heart to National Socialism or accept the evidence that came out of Eichmann's mouth in Jerusalem. Walendy answered that, for him, it was never a question of loyalty towards National Socialism. He was interested in clarifying historical facts. There was no point in denying German crimes only because one might want to be loyal to National Socialism. One had to recognize what happened on the German side at the time, but one also had to take into consideration what happened on the other side and how the war escalated into a terrible inferno. What became available to the public through the Eichmann trial had to be looked at skeptically today, in the same way one had to look skeptically at the Nuremberg trials. The Eichmann trial was not a neutral trial and the public was not informed of all the details. Israel was not impartial and ran the trial using unfair methods. Long before the sentence, Eichmann had been pre-sentenced in the Israeli press. (28-7707 to 7709)

The Crown suggested that after the Eichmann trial, the intellectuals in Germany; men such as Wolfgang Scheffler, Helmut Krausnick and Eugen Kogon, acknowledged the crimes of the National Socialist regime. Walendy replied that in West Germany, there was a whole group of publicly promoted professors who represented history in a one-sided manner. They used source documents and witnesses which Walendy had criticized extensively. Walendy considered them to be propagandists. (28-7710)

Walendy was aware that the government and judicial system of West Germany had tried members of the National Socialist regime for war crimes in the mid-1960s. He believed that this was an indication of the political situation in Germany and that the legal bases of these trials were not regular. (28-7710, 7711)

The Crown suggested that the National Socialists, Hitler and others, had told Walendy as a young man that Jews were liars and cheats. Walendy replied that during his most impressionable years growing up in East Prussia, this hadn't been a topic of discussion at all because they were dealing with completely different matters. (28-7708)

Walendy had read Mein Kampf but did not agree with the Crown's suggestion that it was clear from the book that Hitler hated Jews. Walendy testified that a hatred towards Jews could not be found in Mein Kampf. In the book, Hitler analyzed many problems relating to the Jewish issue. Walendy questioned how it was possible that Hitler received not only the majority of votes in Germany, but also international respect if, looking back, a hatred of Jews was to be found there. (28-7709)

The Crown suggested again that Walendy remained loyal in his heart to Hitler. An objection to the question on the grounds that it was a political question was overruled. Walendy testified that he had already stated several times that that was not the guiding motive of his actions. (28-7711)

From the mid-1960s, Walendy made his living by writing and publishing. His first book was Wahrheit für Deutschland (Truth for Germany), the thesis of which was that Hitler was not to blame for the Second World War. The book did not deal with the Holocaust except to say that the accusations would have to be examined closely and that the subject had nothing to do with the guilt question of the Second World War. He agreed that in the English version he had written that "killing Jews during the war was a crime which no one can deny." But he stated that he did not say in that statement what really happened with regard to the subject. Walendy published Truth for Germany himself. He agreed it had modest success in Germany and had run into three editions. (28-7712, 7713)

Walendy also published Europa in Flammen 1939-1945 (Europe in Flames 1939-1945), a 1,000-page work which devoted about 150 pages to the Holocaust. He agreed that he found it hard to make a living writing and publishing these large books. It took much more money to print books and sales did not come about quickly enough for a small publishing house to make it economical. Asked if the intellectuals and academics didn't take him seriously, Walendy replied that they would do so. (28-7714, 7715)

Walendy was in North America in 1979 with Thies Christophersen, but they did not make the same tour together, certainly not with respect to all the lectures. Walendy did not meet Matt Koehl in North America, but met him at a conference organized by Christophersen in Germany. Zündel was not at the conference. Asked if he knew Koehl was the leader of a neo-Nazi movement in the United States, Walendy testified that he did not know if Koehl was a leader of anything. They didn't discuss it and Walendy wasn't interested. Walendy didn't know if Koehl was the editor of a newspaper. (28-7775 to 7777)

Walendy was asked why Germany acknowledged guilt for the National Socialist regime. He replied that the overall political situation of Germany had to be considered in answering this question. For four years after 1945, the Allied occupation forces ruled and organized the whole internal political structure of Germany. They ensured that only people who agreed with them were placed in official offices. After the so-called Transitional Convention of 1955, West Germany was given more freedom but this did not change anything with regard to the licensed parties and the legal principles created up to that point. The ruling parties made statements and declarations everywhere about German guilt. It was a time when the subject could not be studied scientifically. Walendy believed that it was very hard to separate history from politics. The whole was politics. (29-7885, 7888)

In the United States, Walendy's books were distributed by the Institute for Historical Review. The person he dealt with at the Institute was Willis Carto. Walendy was not familiar with the Liberty Lobby. He knew Carto published the Spotlight newspaper and that it was somehow connected to the Liberty Lobby, but he did not know what it

was. Walendy was present at the Institute's 1979 conference, where Zündel was also present. (28-7780, 7781)

The Crown projected a copy of a document on the overhead projector, taken from the book *National Socialist Mass Killings by Poison Gas*, purporting to be a memorandum from Willy Just to Walter Rauff about gas vans. Walendy agreed that there was a signature on the last page of the document, that of Willy Just. Walendy believed the document was a forgery. People were not mentioned in the document. It was a typewritten piece of paper which did not bear any kind of dossier context, or any specific detail. It contained so much technical nonsense, that for those reasons alone, a scientist would not consider it to be an authentic document. (29 7817, 7818; memorandum entered as Exhibit 127).

At the Crown's direction, Walendy read portions of the document which were translated simultaneously by the court translator:

Since December of 1941, by way of example, 97,000 were processed with three vehicles in operation, without defects to the vehicles occurring...The loading of the vehicle is normally 9 to 10 per square metre. In the larger Saurer special vehicles, use is not possible in this form, because no overloading occurs. However, the ability to negotiate the terrain is reduced. Reduction of the loading area appears necessary. It is achieved by a reduction of the compartment by about one metre. The main difficulty cannot be stopped, as was the case previously, by reducing the number of pieces when loading. The reduction of the number of pieces makes a longer operation period necessary, because the vacant areas will also have to be filled with seal. However, if in case of a reduced loading area and a completely-filled loading compartment, considerably shorter operation period is sufficient because vacant spaces are lacking. In a discussion with the manufacturing firm, this firm pointed out that a reduction of the box compartment would result in an unfavourable shifting of the weight. It was emphasized that an overloading of the front axle would occur. In fact, however, there is an unplanned balancing in the weight by the fact that the cargo in operation is predominantly to the rear in its striving towards the rear door. Consequently, an additional loading of the front axle does not occur...In order to be able to carry out a practical cleaning of the vehicle, the floor has to be provided in the middle with a drainage opening which can be tightly sealed. The drain and half of a diameter of about 200 to 300 millimeters is provided with a syphon elbow piece so that thin fluids can drain during operation. In order to avoid clogging, the elbow piece has to be provided with a sieve at the top. Thick dirt can be flushed away when cleaning the vehicle through the large drainage opening. The floor of the vehicle is to be on a slight incline towards the drainage opening. This is in order to achieve that all liquids drain immediately towards the middle. Flowing of the liquids into the tubes or pipes is thus made impossible to a large extent...However, it was found out by experience that when closing the rear door, and thus upon the occurring darkness, there was always an intense pushing with the cargo towards the door.

The Crown suggested that what the document was talking about was the need to install a drainage hole in the back of the van so that the bodily fluids of the people killed could exit. The Crown further suggested that it was a recommendation by Just to his boss, Rauff, that they leave the lights on in the back of the van because when the doors were closed and the lights were out, the people in the van panicked and

rushed towards the back of the van. Walendy reiterated that the document was technical nonsense and what the Crown took from it was his business. In his opinion, the document wanted to give the impression that a vehicle had been used to gas human beings and that on the basis of some experiences, changes were required. (29-7819 to 7825)

Walendy agreed that the document indicated that it was an internal document from Amt II D but stated that one would not forge documents if one didn't get those types of details correct. Such papers could be fabricated at any time without anyone knowing about it. In the post-war years, a whole wealth of such documents had been forged. The only way to check their authenticity was to examine the technical details contained in them. Walendy recommended again the book by Sefton Delmer, in which Delmer described in great detail his forgery methods, and the fact that in the post-war period he had co-ordinated and expanded Allied black propaganda efforts. (29-7826 to 7829)

Walendy knew that Rauff escaped to Chile after the war; in 1964, he gave an interview to investigators from West Germany. He was not familiar with the contents of Rauff's statements during those interviews. The Crown suggested to Walendy that in a footnote on page 101 of Professor Browning's book, *Fateful Months*, Browning stated that after a German extradition request to Chile for Rauff was refused, Rauff gave two interviews in 1964 to German court officials. Rauff died in 1984. Upon being informed that Browning's book was published in 1985, Walendy testified that it was a typical case of putting words into a dead man's mouth. This was also typical of Sefton Delmer. A dead man could not be questioned about what he had allegedly said. Walendy had not seen the interview transcript at the Berlin Document Centre, but indicated that if the statement was published in the English language in 1985, and had not been repeated in any other book so far, he could not judge it right away. (29-7830, 7835, 7836) Walendy read to the court his own analysis of the document published in *Historical Fact No. 5*. (29 7844 to 7859)

In Walendy's opinion, nobody had dealt with the contents of the document and the dossier. People such as Suzman and Diamond should have made it their business to deal with such details. If they hadn't been willing to do this so far, Walendy could only conclude that they were not in a position to do so. Asked if it hadn't occurred to him that experts considered his opinions to be so absurd that they were not worth taking the time to respond to, Walendy replied that such a "cheap answer" was "completely unscientific." (29-7860, 7861)

Walendy agreed that he was not an automotive engineer but stated that he had preserved his power of independent thinking. He had studied physics privately (29-7842, 7843) He agreed he was not a chemist. Asked if Zündel knew he was not an automotive engineer, Walendy testified that Zündel could rely on him completely because he knew that Walendy researched scientifically and openly published his commentaries, thereby taking the risk of being laughed at for his stupidity; that had not happened. He had informed Zündel that in areas where he had no expertise, he consulted experts in the field prior to publishing. He had never told Zündel that he was an expert in engineering or auto mechanics or chemistry. He had told him that he was a scientist. He had a scientific training, he had a degree in science and he performed his research in accordance with the scientific methods. (29-7862, 7863)

Walendy testified that the Joint Allied Declaration of December 17, 1942 was propaganda in order to involve other nations in the war against Germany. Nowhere in the declaration did the Allies specifically state where these alleged events were supposed to have happened. Poland was mentioned as the "principal Nazi slaughterhouse," but no specific locations were named. Poland was a large country and the declaration should have named the specific locations. Walendy believed the declaration was intended to create a mentality to justify increased war measures against Germany. It was made at exactly the point in time when the strategic air war against the German civilian population was extended. He had studied the British Parliamentary debates concerning the declaration, and he believed it was not based on facts. (28-7782 to 7787)

Walendy was aware of the letter written by Winston Churchill to his Foreign Minister, Anthony Eden, in which he wrote: "There is no doubt that this is probably the greatest and most horrible crime ever committed in the whole history of the world." Walendy testified that the letter did not prove that Churchill was correct and pointed out that Churchill was not necessarily a man who loved truth. He had publicly declared during the war that the truth could only walk about guided by lies. Walendy did not know Churchill's intentions in writing the letter. Asked if Churchill would write the letter to his Foreign Minister for propaganda reasons, Walendy stated that if what was written was really Churchill's opinion, he would not have written it privately in a letter to a friend, but would have publicized it. That had not happened to his knowledge. (28-7786, 7787)

In Historical Fact No. 5, Walendy specifically responded to criticisms made of *Did Six Million Really Die?* by two South Africans, Arthur Suzman and Denis Diamond, in an article published in the German paper *das parliament* on 29 July, 1978. (28-7732, 7733)

Walendy agreed that Suzman and Diamond pointed out that 'Richard Harwood' was a pseudonym. Walendy confirmed this in his article but was never able to determine whether or not Harwood was with the University of London because the English publisher would not give him any information regarding Harwood and would not reveal his real name. (28-7733) Walendy agreed that on page 8 of the book *Six Million Did Die*, Suzman and Diamond wrote:

Paul Foster Vowles, Academic Registrar of the University of London, has testified in an affidavit that no person named Richard Harwood is now, nor has ever been, a student or teacher at, or graduate of, the University of London or any of its constituent colleges.

Walendy pointed out that if the name 'Richard Harwood' was a pseudonym, it was clear that the name would not appear in the registry of the university. Whether or not Harwood was with the University of London was one opinion against another; that of Diamond against the English publisher. (28-7740, 7741)

Walendy never received any counter-publications to Historical Fact No. 5. Walendy was asked if that was his theory; that if he published something and nobody responded to it, it must be true? He replied that he made the greatest efforts to make the optimal findings and that was all he was in a position to do. (28-7736)

The Crown put the book *Six Million Did Die* before Walendy and asked him if he had seen it before. Walendy said yes, that could be. Walendy was aware that Suzman and Diamond had made the allegation that *Did Six Million Really Die?* distorted the Red Cross reports. (28-7737)

Walendy agreed his article was published in 1979 and that it was one of the publications he had sent to Zündel. He agreed that he had probably discussed the matter with him. (28-7738) He later testified that they had "certainly" talked about the Suzman and Diamond book. They had all been interested in the book because it was the first public position with regard to the publication. Asked if Zündel, in 1979, was aware of the contents of the book *Six Million Did Die*, Walendy stated that he didn't know. His own article about the book was known, very probably, to Zündel. (28-7767) He could definitely recall that all the objections against the pamphlet were essentially unfounded and that he had discussed this in general terms with Zündel in 1979 during his lecture tour in America. Zündel always proved to be very informed, and that's why Walendy assumed that he had read *Historical Fact No. 5*, in which Walendy answered Suzman and Diamond's criticisms. (28-7774) Walendy later stated, when asked again about *Six Million Did Die* that he had already testified that the book was a topic of discussion on the 1979 North American tour but that he could not recall whether he and Zündel specifically talked about the book. (28-7790)

The Crown quoted large sections of *Six Million Did Die* and asked Walendy if that was what Suzman and Diamond said in their book. Walendy agreed that it was written there. Defence counsel objected, but was overruled. (28-7741 to 7744; 7767)

Walendy agreed that the book claimed to contain an excerpt from Bulletin No. 25 of the International Committee of the Red Cross. Although not read to the jury, the Bulletin was made available to it when *Six Million Did Die* was filed as an exhibit. The ICRC Bulletin, published on 1 February, 1978, stated:

FALSE PROPAGANDA

A machination initiated years ago has gone so far that the ICRC is now entangled in its mesh. Its object is to whitewash the National Socialist system in wartime Germany of the accusation of genocide. It is nurtured essentially by the controversy about the actual number of victims, statistics wrongly attributed to the "International Red Cross" and quotations - distorted or truncated -- from the report of the ICRC on its activities during the Second World War.

The conspiracy's munitions today are a couple of specious pamphlets entitled "The Myth of the Six Million" and "Did Six Million Really Die?".

This propaganda is having some effect. More and more readers of these pamphlets write to the ICRC, most of them in the hope that they will receive confirmation of their opinion that after the war Germany was the victim of a smear campaign.

Consequently the ICRC considers it must make clear the fact that it has never published -- or even compiled -- statistics of this kind which are being falsely attributed to it. The work of the ICRC is to help war victims, not to count them. In any case, how could its delegates have obtained data for such statistics. They were able to

enter only a few concentration camps, and then only in the final days of the war. Everything the ICRC tried to do for the inmates of those camps, and what it finally managed to do, is related in its report entitled "The Work of the ICRC for Civilian Detainees in German Concentration Camps from 1939 to 1945" (available in English, French and German).

The same propaganda scheme has recently been making use of other figures, namely the number of deaths recorded by the International Tracing Service on the basis of documents found when the camps were closed. Obviously this number bears no relation -- though the authors of the propaganda pretend otherwise -- to the total deaths in concentration camps; firstly because a considerable quantity of documentary material was destroyed before the departure of the Nazi administration, and secondly because many deaths were never recorded, such as those which occurred in the extermination camps where records were generally not kept.

It may therefore be said that the painstaking efforts of the ITS for the benefit of the families of victims -- without any thought for the compilation of statistics -- will never make it possible to give figures for the great mass of victims of the concentration camp system. There is, incidentally, something revolting about this arithmetical controversy, as if such a tragedy could be reduced to mere figures.

Walendy was asked if he agreed that *Six Million Did Die* set out in great detail all the things that were false about *Did Six Million Really Die?* Walendy replied that the book was a very one-sided representation. Suzman and Diamond's allegations could be rejected in most instances. Other matters dealt with were irrelevant to the overall pamphlet. For example, there was a trial between Meyer Levin and Otto Frank, but the issue was not the writing of the Anne Frank diary, but the financing of a stage play based on the book. It was an error for Harwood to say that the diary was the issue. But this normally would be changed in a new edition. Such superficial mistakes occurred in almost every book. Walendy did not know about the context of the Levin/Frank litigation at the time and so did not respond in his article to that particular allegation. It was not until years later that he was able to clarify that particular issue. (28-7750, 7768)

Walendy read to the court in its entirety the article which he had published in *Historical Fact No. 5* refuting Suzman and Diamond's criticisms of *Did Six Million Really Die?* In the article Walendy dealt with Suzman and Diamond's allegations concerning the Harwood pseudonym, the allegation that Harwood took quotes out of context, and the allegation that Harwood falsified statistics of the Red Cross. The article pointed out faults in the Suzman book itself, such as the lack of evidence concerning the gas chambers and the reliance on the Nuremberg trials to prove their case. (28-7791 to 7804) In the article, Walendy reproduced a letter which was sent by former SS statistician, Dr. Richard Korherr, to *Der Spiegel* in 1977:

The well-known, racially persecuted writer H.G. Adler, previously resident in Prague, now in London, wrote in the foreword to the second edition to his extraordinary book *Theresienstadt 1941-1945* in 1960: "It has definitely been determined that the designation of Dr. Korherr as SS-statistician...is not true, because he never belonged to the SS and has been rehabilitated insofar as his behaviour in the National Socialist years is concerned."

Unfortunately, Der Spiegel is publishing the claim of the English historian Irving that in the spring of 1942, at Himmler's order, I calculated the number of Jewish victims. In fact, these figures along with the text were delivered to me in completed form by the Reich Security Main Office (RSHA) with the order that not one word or figure was to be changed.

The statement that I had claimed in this regard that more than a million Jews had died as a result of special treatment in the camps in German-occupied Poland and in the Warthegau is also incorrect. I have to protest against the word "died" in this context.

It was precisely the term "special treatment" that motivated me to inquire of the RSHA by telephone what this term meant. I received the answer that it referred to Jews who would be settled in the District of Lublin.

Dr. Richard Korherr
Braunschweig

Walendy testified that he had not seen the book Six Million Did Die before writing his article. The article had been based on a 40 page special edition of das parliament. The book was published later on in South Africa in English. Walendy never told Zündel that, based on his reading of Six Million Did Die he believed Did Six Million Really Die? was false. On the contrary, Walendy believed that the objections made by Suzman and Diamond were so weak that they could not stand up to scientific examination and that the revisionist position was not affected by the book. (29-7884; Six Million Did Die entered as Exhibit 119A)

Emil Lachout

[Emil Lachout was the seventeenth witness called by the defence. He testified on April 11 and 12, 1988.]

Emil Lachout was a lieutenant in the Military Police Service in Austria in 1948. His job was to accompany the Military Police and members of the Allied War Crimes Commission during the arrests of alleged war criminals to ensure that the suspects were not tortured or abused. Lachout was also involved in the investigation of the Austrian camps, including Mauthausen. (29-7890 to 7895) In 1944, Lachout had been a member of the German Military Police. (29-7948)

The Allied War Crimes Commission was composed of two military police investigators from each country and two Austrian observers, himself and Major Müller. It had been formed as a result of Allied mistreatment of alleged war criminals in such trials as Malmédy where it had been proved that false statements were extracted by torture. The Allies wanted to prevent such things from happening again. (29-7895 to 7897) The Commission was disbanded in 1949, and was reconstituted thereafter only for individual cases. (7901)

Lachout personally saw instances of tortured Allied prisoners. He talked to them privately and had to "break the ice" in order to get statements from them. Sometimes the men didn't dare to speak because they suspected an Allied officer was there as well. On the basis of his observations, Lachout had instructed that the men be examined by doctors; it was clear that the men had been tortured. (29-7960)

The Commission conducted an investigation, in which Lachout was involved, into the allegation that a gas chamber had been used in Mauthausen. It concluded that there were no gas chambers in the camp. In the investigations he was involved in, they found that many of the accusations made, particularly by former concentration camp inmates, were false. (29-7897, 7898)

Although Lachout was not personally involved in the investigations of camps in Germany, his office received documentation from the War Crime Commissions located there, pursuant to which he freed prisoners who had been wrongly accused and imprisoned. (29-7951)

Christie produced a copy of a Circular Letter of the Military Police Service dated October 1, 1948 which Lachout read to the court:

Military Police Service Copy

Circular Letter No. 31/48 Vienna, 1 Oct. 1948 10th dispatch

1. The Allied Commissions of Inquiry have so far established that no people were killed by poison gas in the following concentration camps: Bergen-Belsen, Buchenwald, Dachau, Flossenbürg, Gross-Rosen, Mauthausen and its satellite camps, Natzweiler, Neuengamme, Niederhagen (Wewelsburg), Ravensbrück, Sachsenhausen, Stutthof, Theresienstadt.

In those cases, it has been possible to prove that confessions had been extracted by tortures and that testimonies were false.

This must be taken into account when conducting investigations and interrogations with respect to war crimes.

The result of this investigation should be brought to the cognizance of former concentration camp inmates who at the time of the hearings testified on the murder of people, especially Jews, with poison gas in those concentration camps. Should they insist on their statements, charges are to be brought against them for making false statements.

2. In the C.L. (Circular Letter) 15/48, item 1 is to be deleted.

The Head of the MPS Müller, Major" Certified true copy: Lachout, Second Lieutenant

Lachout testified that he had drafted this letter for Major Müller's signature and had watched him sign it. He had then had copies made in the office which he certified, signed and stamped. The letter was translated into three languages and confirmed by the controlling officer. Only then was it allowed to be issued. (29-7954, 7957) The letter was circulated to every military Kommando in the Russian zone to keep personnel aware of the state of investigations. No one was ever charged with making false statements because they withdrew their statements as soon as they heard about the letter. (29-7900, 7901)

In September 1987, Lachout was approached by representatives of the President of Austria, shown the original Müller document, and asked if he was the person who signed it. Lachout checked his own records and certified in District Court, Vienna, on October 27, 1987, that the signature on the document was his. (29-7946; Müller letter entered as Exh. 120)

Robert Faurisson

[Dr. Robert Faurisson testified for six days on April 12, 13, 14, 15, 18, 19, 1988. He was the eighteenth witness called by the defence.]

Dr. Robert Faurisson had testified previously at the first Zündel trial in 1985 as an expert witness, on the same basis that Dr. Hilberg was allowed to testify, namely, whether the German government from 1933 to 1945 deliberately embarked on a scheme to exterminate Jews in Europe. (29-7963, 7973) Faurisson was qualified to testify in the same manner in the second trial by Judge Ron Thomas. (29-8001)

Dr. Robert Faurisson was born in 1929 near London, England. His father was French and his mother Scottish. Part of his youth was spent in Singapore and Japan and he attended Catholic schools in France from 1937 to 1946. From 1946 to 1955, Faurisson attended the University of Sorbonne, achieving in 1956 the Agrégation des Lettres in Greek, Latin and French, the highest level in France. In 1972, Faurisson obtained the highest of three doctorate awards available in France, the Doctorat d'Etat of Lettres and Sciences Humaines (State Doctorate). (29-7965, 7966)

From 1956 to 1968, Faurisson taught high school and from 1969 to 1974 he taught Modern French literature at the Sorbonne. From 1974 to 1979, he taught Modern Literature and Text and Document Criticism at the University of Lyon where he obtained status as a tenured professor. Since 1979, however, Faurisson had been unable to teach because of his writings. (29-7966, 7967)

With regard to literature, Faurisson had published four books and articles totalling about 1,000 pages; with respect to Text and Document Criticism, he had written books and articles totalling 750 pages in French and 300 in English. (29-7974)

Faurisson's preliminary research into the Holocaust began around 1960 or 1961 and continued until about 1973. Said Faurisson: "It involved books like those of Raul Hilberg, of Gerald Reitlinger, on one side, and on other side, Paul Rassinier ..." Faurisson termed as "exterminationists" those who believed, like Poliakov and Wolfe as well as Hilberg and Reitlinger, that there was an extermination of the Jews or an attempted extermination. On the other side were such people as Paul Rassinier and other revisionists who believed that they were able to demonstrate there was no such extermination or attempted extermination. (29-7967, 7968)

From 1974 to 1988, Faurisson's research became centred on a systematic appraisal of documents located at the Jewish archive centre, Centre de Documentation Juive Contemporaine in Paris, France. He had also conducted research at the National Archives in the United States, the State Museum in Auschwitz, Poland, and the Bundesarchiv in Koblenz, West Germany, and made attempts to gain access to the

documents at [the International Tracing Service] in Arolsen, West Germany. (29-7968, 7969, 7970) He had accessed the personal files of Holocaust revisionist Paul Rassinier, who died in 1967. (29-7970)

When researching out of France, Faurisson usually stayed only a few days, but used a contact person at the location to obtain copies of the documents for him. He also wrote to the State Museum at Auschwitz to ask for documents. (29-7969)

Faurisson conducted on-site examinations of Auschwitz-Birkenau for one day in 1975 and for 10 days in 1976. He also examined other German concentration camps, including Majdanek, Dachau, Mauthausen, Hartheim Castle, and Struthof Natzweiler. (29-7970, 7971)

In the course of his research, Faurisson had investigated the authenticity of the diary of Anne Frank. For this purpose, Faurisson had travelled to Basel, Switzerland to speak to the father of Anne Frank and also to Amsterdam to visit the Anne Frank Foundation and to interview people who had known Frank. He had spoken to Anne Frank's father for five hours one day and four hours the next. The purpose of the investigations was to determine whether Anne Frank had written the diary. (29-7971, 7972)

Faurisson was, to his knowledge, the first person to publish the plans of Krema I and Kremas II and III. These crematories, located at Auschwitz-Birkenau, were the buildings which allegedly contained the homicidal gas chambers. For the purpose of studying gas chambers, Faurisson had gone to Baltimore, Maryland in the United States to investigate and photograph American gas chamber facilities. His objective was to see how convicts condemned to death were killed in the facilities through use of hydrocyanic acid. This was relevant to the study of the German gas chambers since the agent allegedly used to kill the Jews, Zyklon B, contained hydrocyanic acid. (29-7972, 7973)

Since 1980, Faurisson had been a member of the Editorial Advisory Committee of The Journal of Historical Review published by the Institute for Historical Review in Los Angeles, California. (29-7973)

Publications by or about Faurisson included *Vérité historique ou vérité politique?: Le dossier de l'affaire Faurisson: la question des chambres à gaz* (Historical Truth or Political Truth?), a book about the question of the gas chambers; in 1980, *Mémoire en défense contre ceux qui m'accusent de falsifier l'Histoire. La question des chambres à gaz* (Memorandum in Defence Against Those Who Accuse Me of Falsifying History/The Question of the Gas Chambers) with a foreword by Noam Chomsky; in 1982, *Response to Pierre Vidal-Naquet*; and, under the pen name "J. Aitken" ("Aitken" being the maiden name of his mother) the book *Epilogue judiciaire de l'affaire Faurisson* (Judicial Epilogue of the Faurisson Case). He had also published a number of pamphlets, on such subjects as Elie Wiesel, the film Shoah, and the Müller document revealed by Emil Lachout. A book which examined his work was *The Incredible Faurisson Case*, which reproduced on 44 pages the plea which Faurisson had made to the Court of Appeal in Paris. (29-7974, 7975, 7976)

In 1986, Faurisson worked with Dr. Wilhelm Stäglich, the author of *The Auschwitz Myth*, in translating the book from German to French. Faurisson wrote a postscript for the French version of the book of some 25 pages, with documents. (29-7976)

Faurisson had interviewed Emil Lachout in December of 1987 for nine hours, and published an article concerning him in the monthly French review, *Annales d'Histoire Révisionniste*. (29-7976)

He had been referred to by Raul Hilberg in 1982 in a published interview as someone who had raised questions that had the effect of engaging historians in fresh research. (29-7977)

This ended the examination of Faurisson by defence attorney Doug Christie for the purpose of qualifying him as an expert witness in the subject of whether or not the German government, from 1933 to 1945, deliberately embarked on a scheme to exterminate Jews in Europe. Crown Attorney Pearson rose to cross-examine Faurisson on his qualifications. (29-7963, 7978)

Faurisson indicated that although his formal education was in Greek, Latin, French and text and document criticism, the study of the Holocaust amounted to the same thing: "the meaning of texts...", whether those texts were Greek or Latin or French, or, in Holocaust revisionism, the meaning of testimony and documents. (29-7979) With respect to French literature, Faurisson had worked especially with works which had the reputation of being difficult to understand; those of the 19th or 20th century, particularly poets such as Rimbaud. (29- 7985)

He did not speak German but could read the language. He liked to double check with someone else when working in German-language documents. (29-7983, 7984)

Faurisson agreed that he had taken no courses dealing with the Holocaust in the formal education leading up to his doctorate. Nor did his thesis deal with the subject; it dealt with an author of the 19th century. However, said Faurisson, the way he checked the text of this French author to understand his meaning, was the same way he tried to understand the text of the Wannsee protocol. He freely admitted that he needed and sought help in translating the Wannsee protocol, which was in German, and the diary of Anne Frank, which was in Dutch. While he had taken no courses in history proper, he had been obliged in his work to determine and understand texts "and history is text." (29-7990 to 7992)

Pearson put to Faurisson that his views were considered unreasonable in the historical community. Faurisson replied that he had been asked this question earlier in the trial [during a voir dire] and supposed that he had agreed that his views were perhaps considered unreasonable by some but not all; his views were not considered unreasonable by Raul Hilberg, Robert Wolfe of the National Archives [of the United States] or by Michel de Boüard. (29-7992 to 7995)

Faurisson testified that he had no formal education in chemistry, architecture or gas chambers, "but that's why I go and ask specialists. I consult specialists, plural, never one. At least two." (29-7996)

Much of his work which was published in English was published by the Institute for Historical Review. (29-7996)

Pearson asked Faurisson why he had published under the name "J.Aitken"? Faurisson replied: "For a stupid material reason. I was asked to...write something about a judgment of the Court of Paris, 26th of April, 1983, and ...I decided to write it [in] the third person. For instance, instead of saying 'I', I wrote 'Robert Faurisson', to make it as impartial as possible, and when I ended my work, I said, oh, that's too late, it would be stupid to put the book 'Robert Faurisson' with Robert Faurisson saying 'Robert Faurisson', and that's all, and I felt that I could do that for my mother." (29-7997, 7998)

Don't you think it would be rather misleading for the reader?, asked Pearson. "I don't care for the nom de plume," replied Faurisson, "...I prefer to put my own name, but ...you know very well, Mr. Pearson, that I'm not afraid of the consequences of what I say. I signed so many books and papers before this one, and after this one...I am not the kind of man who, when he...says something, does not stick by his gun. I came in Toronto in [1985], and I'm coming back." Faurisson indicated the use of the pen name was as misleading as the use of the names Shakespeare and Molière, both of which were pseudonyms. (29-7998, 7999)

Faurisson was qualified by Judge Ron Thomas before the jury to give expert opinion evidence "as to whether the German government deliberately embarked on a scheme, during World War II, to exterminate the Jews of Europe, much in the same fashion as Dr. Hilberg was permitted to testify. His expertise comes not from formal training, per se, but from practical experience involving his study of the subject, and in subsequent writings." (29-8001)

Christie commenced Faurisson's examination-in-chief by asking him for an explanation of the term "Holocaust." Faurisson replied: "What in Canada or in USA is called 'Holocaust', we call that 'genocide' in France, and it is that extermination of the Jews during the World War II, but it's difficult to give a definition because some people do not agree with that. Some say that the 'Holocaust' begins in 1932. Others say that there was an attempted extermination, others say, of six million..." Faurisson's own definition was "the extermination of the Jews." (29-8002)

"Exterminationism" was the term used by revisionists to describe the belief or the doctrine of those people who believed that there actually was an extermination of the Jews. "Revisionism" was the doctrine or belief of those people who believed that generally-accepted opinion regarding the Holocaust must be checked to see if it was true or not: "And those people," said Faurisson, "concluded that it's false. There was not an extermination of the Jews...it is a fundamental revision. It is not a little revision on some points." (29-8003)

Faurisson had read *Did Six Million Really Die?* and believed that "The thesis of Richard Harwood is true. For me. It is exact." He had also read the book *Six Million Did Die*, which he believed was "rubbish." (29-8003)

Faurisson had summarized his opinion on the "Holocaust" in sixty words [in French] which had become a cause célèbre in France:

The alleged Hitlerite gas chambers and the alleged genocide of the Jews are one and the same historical lie which opened the way to a gigantic political-financial fraud, whose principal beneficiaries are the State of Israel and international Zionism, and the principal victims the German people -- but not its leaders - and the entire Palestinian people.

Faurisson emphasized that although "not one of those sixty words are inspired by any political opinion," he found that most of the time they were summarized as: "Faurisson says that the Jews lied to make money,' which is absolutely not what I said." (29-8005)

As a young person in France during the war, Faurisson had been "totally anti German and with no distinction between Nazi or not Nazi. In our family, we were seven children, French father, Scottish mother. We were completely anti-German -- violently, I should say. I was too young to do anything concrete, but this is what I believed." (29-8006)

When the war ended on May 8, 1945, however, Faurisson's hatred for Germany left him suddenly as he listened to the bells of the churches ringing in celebration: "...when I heard...the bells of the churches; it was finished, the war was finished, and suddenly I thought, it's magnificent for me, but what about the German people? It might be terrible for those ones." (29- 8006)

Faurisson believed, in the years following the war, that what was said about the extermination of the Jews and the gas chambers was perhaps true, but he was, right from the beginning, opposed to the Nuremberg trial: "I thought that it was not fair at all. Personally, never I would accept, as a vanquished, to be judged by...my victor." (29-8006)

His interest in the Holocaust was triggered in 1960 or 1961, when he read about a letter by Martin Broszat [published in Die Zeit] on 19 August, 1960. In the letter, Broszat stated that there were no gassings in Dachau, Buchenwald, Bergen-Belsen or anywhere within the 1937 frontiers of Germany. This would have included Ravensbrück, Oranienburg, Sachsenhausen and so on. For Faurisson, this was "a shock...because I believed in it, because I was sure that there were so many proof[s] and even confessions...about the existence of gassings" in those camps. At the Nuremberg trial, the Germans had been accused of having gas chambers in Dachau, in Buchenwald, in Oranienburg, etc. To Faurisson it was "a surprise" and he felt there was something to find. (29-8007, 8008)

At the beginning, he wrote to specialists of both sides of the question: Paul Rassinier, who had serious doubts about the gas chambers, on one side, and people like Leon Poliakov on the other: "...I waited for the answers, and I noticed that Rassinier was always answering quickly and exactly to my questions, and I saw that the other[s] were very late to answer and their answers were very vague." (29-8008)

By 1974, Faurisson was absolutely sure that no gas chambers had ever existed. That year he published a very short article and in 1978 published a further article in a rightist and "nearly fascist magazine...That's the only place that I could find to publish...something about that, and then in the journal Le Monde." Although he was

not a rightist or a fascist, the publication of his opinions led to trouble and controversy from the beginning. (29-8008, 8009)

When his article was published in *Le Monde* (29 December, 1978), Faurisson was teaching French literature of the 20th century and Text and Document Criticism at the University of Lyon. As part of the latter course, Faurisson invited his students to write theses on the subject of Anne Frank's diary and he himself published material on the diary. (29-8010) After the publication of his article in 1978, there were many demonstrations against him at the university by people coming from the outside, never by his students: "I was punched many times, and it was difficult." (29-8010)

He was also accused of falsifying history: "I had many, many lawsuits against me, many trials..." In the ten years from 1978 to 1988, however, Faurisson believed that the situation had "totally changed. It was very unpopular in...France....Very unpopular...and dangerous. Now, the progress of revisionism in France is so important that, now, it's absolutely not the same thing. I won't say that it is popular, certainly not...but in the intellectual circles, I would say that the myth of the extermination of the Jews is a finishing myth, which means that, for me as a revisionist, I am at the same time very happy and very anxious. Very happy because I see that progress, and very anxious because I know perfectly well that the situation is more and more dangerous for me, and I know that very precisely."¹ (29-8011)

In the most recent court decision in France, that of the Court of Appeal in Paris rendered on 16 December, 1987 it had been held that there was now a public debate among historians about the existence of the genocide of the Jews. (29-8012) The case had arisen when various Jewish organizations in France were successful in seizing and prohibiting the publication by Mr. Pierre Guillaume (publisher of Faurisson's books), of the first issue of *Annales d'Histoire Révisionniste* [Annals of Revisionist History] which was to appear on 9 May, 1987, two days before the opening of Klaus Barbie's trial in Lyon. On December 16, 1987, this summary order was overturned, with the appeal court giving the following reasons:

To take this conservatory step, which by its very nature implied that it involves effects which are limited in time, the judge for provisional judgments held that M. Guillaume, editor, had deliberately disseminated the first issue of the periodical *Annales d'Histoire Révisionniste*, which is consecrated to the denial of the existence of the genocide of the Jews, precisely at the time when the trial against Klaus Barbie was opened, in the course of which certain deeds related to this particularly painful period of contemporary history were to be judged: it was for this reason, considered by him as decisive, that the judge felt that the exposition and distribution of the work in places accessible to the public, carried out under particular circumstances which could not be "considered as the only expression of a will to see a historical debate establish itself under normal conditions" were resented "as a provocation to a discrimination based on the origin of a group of persons, susceptible to bring about at present disturbances and violent reactions."

The circumstances which had thus come together and which had justified the prohibition promulgated on a provisional basis by the judge for provisional judgments no longer exist.

The very statement of the theses developed in Mr. Guillaume's periodical and the controversy which is liable to come about because of it, are, in absence of all third party lawsuits for liability, subject to the free expressions of ideas and opinions and to a public debate among historians. Things being as they are, the court does not have to exercise a control over a discussion of this nature.

Defence attorney Christie placed a transparency on an overhead projector, which stated:

Alleged Extermination of the Jews

No Order

No Plan

No Budget

No Weapon (No expert report stating: 'This was a homicidal gas chamber')

No Body (No autopsy report stating: 'This is or was the body of a person killed by poison gas.')

Faurisson explained that the chart meant as follows: "It means that we don't find any order for an extermination of the Jews. We don't find any plan, we don't find any trace of a budget. There is no weapon, a specific weapon for a specific crime. If we have a systematic extermination, we need a system of extermination...So, it's quite normal that the people who believe in the extermination, believe in the gas chambers because such an enterprise would have necessitated a specific weapon. Gas chamber and extermination are one [and] the same thing ... and there is no expert report stating 'this was a homicidal gas chamber'. You can visit in Auschwitz and in some other places...rooms [that] are supposed to be gas chamber[s] and even sometime in a genuine state, and when you ask -- when you say, 'But I don't understand what is a gas chamber, I need a proof, bring me an expert report showing that it was a homicidal gas chamber', and I say 'homicidal' because it means gas chamber to kill people, not for disinfection." (29-8022)

There were bodies of people alleged to have been exterminated, said Faurisson, but there was no autopsy report stating 'this is a body of a person killed by poison gas,' notwithstanding that at the end of the war many, many autopsies were performed by the Americans, the British, the French and the Russians. (29-8023)

Only in one case had an autopsy report been done regarding gas chambers: "It was for the alleged gas chamber of Struthof-Natzweiler...in Alsace, part of France. Everybody can visit today a little room called 'gas chamber' and the French [inscription] says: 'In original state.' So, in December 1945...Professor René Fabre...toxicologist, Dean of the Faculty of Pharmacy of Paris, was asked to do a report about (1) the gas chamber itself; (2) about the bodies ... in the hospital of Strasbourg in the morgue and supposed to have been bodies of people killed in Struthof, and his answer was (1) about the description of the so-called gas chamber, no trace of [the] poison hydrocyanic acid and about the bod[ies], same conclusion. This report, very important, has

disappeared." (29-8023) Faurisson knew about the Fabre autopsy report "because in the files of...military justice in Paris we have...another report of three doctors...in this report, the three doctors say that Professor René Fabre said that." (29-8024)

To Faurisson's knowledge, there was no expert report in existence stating that a place was a homicidal gas chamber or that a body, subjected to an autopsy, was shown to have died by poison gas. (29-8024)

A second transparency was placed on the overhead projector for the jury to see which read:

Holocaust	
Revisionism	Exterminationism
Concentration Camps	Extermination Camps
Disinfection Gas Chambers	Homicidal Gas Chambers
Ordinary Gas Vans	Homicidal Gas Vans
Zyklon B to Protect	Zyklon B to Kill
Territorial Final Solution	Homicidal Final Solution
Crematories for Dead Bodies	Crematories for Living Persons

Faurisson explained that in this chart, he was attempting to define the position of the revisionists and the exterminationists: "... the revisionist[s] say ... there were concentration camps. There were no extermination camps...There were disinfection gas chambers. There were no homicidal gas chambers. There were ordinary gas vans. There were no homicidal gas vans. Zyklon B existed, of course. It is a disinfectant. It is to protect life by killing lice, for example. Zyklon B to kill, we have not the slightest proof of it and it is even a technical impossibility ...You can very well kill somebody with Zyklon but you cannot use it in a gas chamber. I'll explain why after." (29-8025)

Faurisson testified that the term "final solution" for the Germans meant a territorial final solution of the Jewish problem: "...for any problem you are trying to find a solution. It's the final solution...for the German, of the Jewish problem. If you say final solution of -- I don't know -- the Palestinian problem, it doesn't mean that you are trying to kill the Palestinians, or the final solution of the unemployment doesn't mean that you are going to kill the unemployed. So, it was a territorial [solution]. They wanted a solution, a finding of a territory for those people because for 2,000 years, at least, there are no territory there, so a territory was to be found. And 'final solution' [had] absolutely not the meaning of homicidal." (29-8025, 8026) To the Germans, said Faurisson, "final solution" meant that "they wanted to solve what they called the Jewish problem by emigration, if possible; by evacuation or deportation, if necessary." (29-8035)

"Crematories," he continued, "of course, the crematories existed. We never said the crematories did not exist. It was for dead bodies. They were really necessary in places where you had so many diseases, especially typhus and typhoid fever. There were no crematories for living...persons because this has been said -- that people were put

alive in crematories. It has even been said in the International Military Tribunal." (29-8026)

Defence attorney Christie placed a third transparency on the overhead:

How Many Jews Died? -- Six Million is a Symbolic Figure -- In 1988, the Approximate Figure is Still Unknown -- Many Jews died and Many survived -- The Historians Must Freely Determine the Approximate Figure Through: a) The International Tracing Service Files in Arolsen, West Germany; b) Documents in Possession of the Polish Government (Auschwitz Museum...), the Soviet Union; c) Names of Millions Who Received Reparation Payments including Survivors in Israel and in Every One of the 70 Countries Represented by the World Jewish Congress

Faurisson testified: "What we say is...that this figure of six million is a symbolic figure, meaning by that that there is nothing material to support this figure, but it's a figure that we hear very often. It is repeated and repeated and we sometimes think that if it is so much repeated it's certainly solid. No, it's not solid and 'symbolic' figure is not even a wording of mine. It's Martin Broszat...who used it in 1979. So, in 1988, the approximate figure is still unknown. What I can only say today is that many Jews died and many survived. I am not satisfied with this answer because what does it mean many Jews died and many Jews survived? We should have an answer to this question and I think that it is possible to find an answer, and I gave three examples. I say the historians must freely determine the approximate figure through, one, the International Tracing Service files in Arolsen, West Germany. I am convinced that the problem of the genocide of the...Jews has its solution in this place. They have fantastic files and we could, if we had the right to work in Arolsen, we could find the solution to this question. Documents in possession of the Polish government, the Auschwitz Museum, the Soviet Union -- it is strange that we are supposed to have in Auschwitz and in Arolsen, two volumes of the register of the death[s] in Auschwitz and in Moscow, 36 or 37 volumes. This register [was] kept by the German[s] and we do not have the right, one, to look at them, two, even to know how many names there are in the two first volumes. We could, with the number of names of those two first volume, have an idea of what is in the other volumes, and the answer is 'Oh, the Soviet do not want to show us that'. Maybe, maybe not. I'm not sure that everybody would be very pleased if the Soviet Union suddenly decided to publish. They could publish and say, 'Oh, that's Nazi propaganda. The Nazi only put some part of those people who died but not all of them'. Okay. But show us this document, so important. There is no good reason to hide such a document. Three, names of millions who received reparation payments including survivors in Israel [and] in every one of the seventy countries represented by the World Jewish Congress. The World Jewish Congress is something like the Parliament of the [Diaspora]...and they have every possibility to check for everybody who is supposed to be Jew, where he comes from. We have the modern possibility with all those technical means that we have today to calculate anything, we should do this work and they have enough money to do it." (29-8027 to 8029)

What had really happened to the Jews? Said Faurisson: "They suffered specific measures against them that you ...may call persecutions. They suffered from the war; some of them...suffered of internment; some of them of deportation; some of them were deported in transit camps; some other in concentration camps; some other in

labour camps; some were in ghettos...many of them suffered of diseases, different diseases; they suffered executions of hostages, reprisals, even massacres, because I have never seen a war without massacres...If the question was what happened to the Germans...during the war and after the war, my answer would be exactly the same except for ghettos, which is something specific to the Jews..." (29 8029)

Christie asked Faurisson whether he had any comment on the photographs from Bergen- Belsen, Dachau, Buchenwald and Auschwitz, examples of which were on page 26 of *Did Six Million Really Die?*, showing emaciated bodies. Faurisson replied: "I would say that none of those photographs that we know so well are the proof of an extermination. At least I think that everybody should ask himself the question, do I see there something which could be the proof of an extermination, considering the state of the bodies, same state, etc." (29-8030)

Faurisson cautioned that although people were very moved by the photographs, one had to be very careful and prudent in looking at the captions. He gave as an example that of Dachau: "...Dachau was liberated on the 29th of April, 1945, so many Americans were there from the 1st of May to the 17th of May, 1945 [during which time] something like 1,500 inmates died, which is more than the total of the inmates who died in Dachau for the whole of 1943...They died from the state where we found Dachau with all those disease[s], with all those persons suffering from typhus, typhoid fever, etc., and many reports were done at that time about that. It was the general collapse in Germany..." (29-8030, 8031)

Faurisson had studied the transcript of the Nuremberg trial. Nowhere did he find any witness who had been cross-examined on the procedure of gassing. The lawyers did not ask questions about that: "And what I call myself 'witness'," said Faurisson, "is not somebody who comes and say[s] 'I am a witness,' it's somebody who has been cross-examined about what he claims." (29-8032)

Faurisson compared the International Military Tribunal at Nuremberg to the position of two fighters at the conclusion of a boxing match: "At the end of the match, there is a victor and a vanquished on the floor and the victor says to the vanquished, 'Don't think that it is finished. It is not finished. Let me have enough time, to change my suit, to put [on] the gown of a judge and I am going to judge you. I have already prepared all the necessary things for that.'" (29-8034)

The International Military Tribunal, pointed out Faurisson, was not international but was made up of representatives of the Allied forces (British, French, American and Soviet); not military, except for the Soviet judge, who had also been the judge in the famous Moscow trial of 1936; and, in his view, was not a tribunal, having regard to Articles 19 and 21 of its charter. (29- 8034)

Germans were not the first to use concentration camps, said Faurisson. They were a place "where you concentrate people, and that's a typical euphemism, of course. It does not look bad to concentrate people, but when you concentrate people, you might have [a] real catastrophe." (29- 8035)

With respect to the alleged use of euphemisms by the Germans to hide the extermination, Faurisson testified that he did "not know one euphemism in the

German document[s] that you can interpret as meaning extermination. For instance, Sonderbehandlung, special treatment. Of course, sometimes you could see that by the context. Sometimes it means execution, but sometimes it means exactly the contrary - - favourable treatment and good food -- so you have to see the context." (29 8035, 8036)

Faurisson did not know whether the Wannsee Conference protocol was a genuine document or not. However, he continued, "...I say that if this document is genuine, it doesn't mean at all extermination, if you read it carefully." (29-8036)

Christie asked whether Faurisson read any sinister meaning into the words Arbeit Macht Frei ["Work Will Make You Free," which appeared on the entrance gate to Auschwitz]. Faurisson replied: "You had that on some German camps, a kind of formula meaning work makes you free. It [is not] cynical. It meant this is a camp, you are going to work if you want one day to be free. That's the original meaning, of course, of that. Good intention[s] always. The German had many like that...even in Auschwitz in the barracks, they had some inscriptions. You could think that they were kind of idealistic inscriptions...[an] even boy scout inscription, I would say." (29-8037)

What about the words 'night and fog'? Faurisson indicated that "Night and fog...is very special. In fact, at the beginning it was NN, two Latin word that you can find in any good German dictionary meaning Nomen Nescio and there was a decision called NN...not Nacht und Nebel, NN decision, it was the fact that a category of people who were suspected of terrorism, if they were not judged within one week, for instance, in France, they had to be sent to Germany as NN, meaning they will not receive...anything from France and they will ... disappear for their family, which is a kind of sanction and you had a category which was called NN and then night and fog, but sometimes those people were liberated. Very, very rarely, but they were liberated and they could come back to France if they were judged not guilty...that was possible. But it was a very terrible category because they didn't receive parcels in the camp...So they suffered more than the others." With respect to this subject, Faurisson had studied the work of a priest called Martinière. (29-8037, 8038)

With respect to the allegation of medical experiments conducted by the Germans, Faurisson testified that he had no knowledge of medicine himself, and therefore could not judge whether a medical experiment was scandalous or not. He noted that in one trial in Metz, France, of Germans who were in Struthof-Natzweiler concentration camp, the French doctors who had been at the beginning totally against the two German doctors who were accused of criminal medical experiments, "were day after day coming on the side of those German doctors...But I think that there are certainly possibility of criminal medical experiments, but it's difficult for me to judge." (29-8038, 8039)

Christie asked Faurisson if there was an operation called 'Reinhard'. "There was an 'Operation Reinhard'," replied Faurisson, "which is most of the time spelled R-E-I-N H-A-R-D. But this is a complicated problem. Since 1985, an exterminationist historian...Uwe Dietrich Adam...in a footnote of a communication he gave at the colloquia of the Sorbonne in 1982, said that maybe it shouldn't be Reinhard spelled like that, but at the end "dt" and you would think that it's nit-picking, no, it's important

because usually we are told Operation Reinhard is a criminal operation, it's an operation to exterminate the people in the name of Reinhard Heydrich....And Uwe Dietrich Adam said probably not. First of all, it would be strange to call an operation by the first name of a man, any man, as an 'Operation Adolf' or 'Operation Joseph' for Joseph Goebbels. No, it seems it is the name of the minister of finances and that it is essentially an operation of recuperation of goods of people expelled, of course, from Poland, for instance, but I think that we have no right to put like in this book called National Socialist Mass Murder by Poison Gas...a chapter called Operation Reinhard with a 'd', meaning...extermination. No." (29-8039, 8040)

Faurisson testified that in his work he did not judge Nazis and Jews differently: "...I think that we should understand that a Nazi is not less than a man. He is a man. And that a Jew is not more than a man. He is a man, entitled to the same right[s]. When you have to examine cases, because in historical debate is more or less a case and we have to give the same right to one and the other. You cannot say 'Oh, here's a Nazi, so [he] is a liar', or 'Here is a Jew, so [he]...is a liar'. You have no right to say that." (29-8040)

Christie turned to Did Six Million Really Die? and read from page 5, asking Faurisson to comment on the passage:

Rightly or wrongly, the Germany of Adolf Hitler considered the Jews to be a disloyal and avaricious element within the national community, as well as a force of decadence in Germany's cultural life.

Faurisson stated that the conflict between the Jews and the Nazis was complicated: "It's like a kind of war. If you ask me to say who is...responsible [for] a war, I am not able to tell you." (29-8042)

Christie indicated that he wished to briefly go through the things which Faurisson had published relating to Did Six Million Really Die?. One of these was an article entitled "The Mechanics of Gassing,"² published in 1980: "In this article," said Faurisson, "I said that when you have the words 'gas chamber', you must try to understand what it means ... And sometimes to people who believe in the gas chamber, I say, 'Please draw me what you call a gas chamber. Show me how you bring the gas and how you get into the place to take out the bodies, considering that...this place is [full], for example, of hydrocyanic acid'. Most of the people believe that the gas chamber is more or less like a room. You are in your bed and the next day you don't wake up, you are dead. It's as easy as that. That's what many people think...in fact, when you want to kill somebody with the gas, and not to kill yourself, of course, it is necessarily very complicated. This place, for instance, could never be a gas chamber for many material reasons, very easy to understand. For example, this kind of door." Faurisson motioned to the large double doors at the back of the courtroom. (29-8042, 8043)

Faurisson had first met Ernst Zündel in September of 1979 in Los Angeles, and had kept in touch with him concerning his views and findings by telephone and visits. At the conference in Los Angeles that year, Faurisson had asked someone to read his paper "The Mechanics of Gassing" because his English pronunciation wasn't good; the person who did so was Ernst Zündel. (29-8043)

The paper dealt with the mechanics of gassing: "When you know the mechanics of gassing, when you know how complicated is the fact of handling any gas, you see that there are such difficulties in the places where this gas is supposed to have been used that it is impossible. And when I say impossible, as I am not a chemist, of course, my answer is the answer of a man who consulted a specialist of gas, of toxicology, etc., and not only in France. So, I would say, very briefly, a chemical impossibility." (29-8045)

In the summer of 1980, Faurisson published the article "The Problem of the Gas Chambers" in the *Journal of Historical Review*. The use of the word "problem" in relation to gas chambers, was not Faurisson's concept, but came from the work of a Jewish historian, Olga Wormser-Migot, who wrote a thesis in 1968 on the concentration camp system. In one chapter of the thesis, titled "The Problem of the Gas Chambers," the author noted that although there were testimonies swearing to gas chambers for such camps as Ravensbrück and Sachsenhausen, it was impossible to believe there were gassings in those places; hence, there was a problem. Faurisson knew that Wormser-Migot had suffered "terrible trouble for having published that." (29-8045, 8046)

In 1974, Faurisson wrote to Martin Broszat at the Institute of Contemporary History in Munich, asking him why he no longer had to believe in the testimonies of gassings in Dachau and Buchenwald, etc., but still had to believe in the testimonies of gassings in Auschwitz: "What is the difference?," asked Faurisson, "And I gave him also a list, I said please tell me if there were gassings in such camps. He answered me by a very rude letter saying that I was under the influence of right extremism. So I wrote once more and I said 'No question of that, please answer me' and he said, 'I have the letter, I cannot answer the trap questions about the complicated problem of the gas chambers.' This was in 1974 and it means, one, that there was a problem of a gas chamber and that this problem was complicated, and so complicated that he could not even answer to very simple questions." This was included in his 1980 article. (29-8046, 8047)

In 1981, Faurisson published an article about the diary of a German doctor who was in Auschwitz, Dr. Johann Paul Kremer. In the diary, Kremer had said that Auschwitz was an awful place, more awful than the inferno of Dante, and people had used this as proof that he was referring to gassings. "If you read it carefully," said Faurisson, "you could see that it is nothing of that kind and if you follow the entire story of the life of Dr. Kremer, you can have confirmation of that. It had nothing to do with that. It was an inferno, a horrible place because of typhus and typhoid fever in summer 1942..." (29-8047)

In the winter 1981 issue of the *Journal of Historical Review*, Faurisson published "The Gas Chambers: Truth or Lie?," the translation of a long interview which he had given to the Italian historical magazine *Storia Illustrata*. The interview concerned not only gas chambers, but the problem of the Holocaust itself. (29-8048)

In 1982, Faurisson published an article concerning The Diary of Anne Frank. Faurisson had never examined the diary in its original form. In the article, he reproduced two examples of handwriting attributed to Frank, allegedly written four months apart. The first document was the facsimile of the epigraph of the diary translated from the Dutch in 1950; the second was the facsimile of a text written by

Anne Frank on the back of one of her photographs. In Faurisson's opinion, a comparison of the text and signatures indicated "adult" writing in the first document, while the second document, allegedly written four months later, was "childish." (29-8049 to 8051)

Faurisson met twice with Frank's father, Otto Frank, in Basel, Switzerland; five hours the first day and four hours the second day. Faurisson had immediately informed Frank that he didn't believe in the authenticity of the diary and he asked Frank many questions during the interviews. Faurisson's ultimate conclusion was that the diary was not Anne Frank's, but was written after the war by Otto Frank himself. (29 8051) Faurisson explained his reasons: "He is the man who brought...this diary...He took the responsibility of bringing this diary, saying it was from his daughter and telling a genuine story. But when you examine carefully the story itself, not like a child reading the story of a child, but carefully, you discover so many impossibilities, physical impossibilit[ies]. I am going to give you only one. For instance, there were supposed to be in Amsterdam all this family in a place where the walls were so thin, that everybody could listen to them so they...ought to be very careful not to make any noise. Even when they cough, they had to take codeine and the story goes on and you discover that every day they were using the vacuum cleaner; every day the bell rang, there were noises, dispute[s] and so on. Many things like that. So when I asked all those questions to Mr. Frank, when I showed him all those impossibilit[ies], asking him [for] an explanation, first of all his wife, his second wife who was there, was saying, 'Oh, but that's impossible. That's impossible what you are saying. Now, that's not possible, but the police would have known, the neighbours would have known, the architect, etc.', and he told her in German to shut up. And finally he told me, 'Mr. Faurisson, I agree with you hundred percent. All those things are theoretically, scientifically impossible, but so it was.' So I told him, 'Mr. Frank, you get me into trouble because if you admit with me that the door theoretically and scientifically cannot be at the same time open and closed but that you have seen such a door, I am in trouble'. And I tried, I tried to get a specimen of the handwriting of Mr. Frank himself and it was absolutely impossible. Even when I would ask him only a name, he would go [to] his typewriter. But I know where I can find most probably the specimen of his handwriting. And I must say that I sent this kind of report to a German tribunal because a man called Römer...had trouble with the German justice about that. And what I know is that the tribunal decided to submit the manuscript of the Anne Frank diary to chemists in Germany and the conclusion was that there were additions with ball-point pen and as a [previous] report had said that everything in this manuscript was from the same hand, addition[s] and text itself, what was the meaning of those additions with...ball-point pen which existed only, they said, from...1950, 1951." Even Faurisson's worst enemies in France admitted that concerning the Anne Frank diary, he was generally correct. (29-8052 to 8054)

In 1984, Faurisson wrote the article "A Challenge to David Irving" (Journal of Historical Review, vol. 5, 1984, page 289). Faurisson described Irving as "a very brilliant historian, certainly. He is the man who said I am ready to give 1,000 pounds...in Great Britain, or 1,000 dollars...when he is in U.S.A., to anybody who could show me an order from Hitler to say 'exterminate the Jews', and he is very well known for that and when, in 1977, he expressed those kind of views, it was a real scandal. Today, everybody among the historians say there were no orders from

Hitler...but David Irving does not say that the gas chambers [did] not exist. He doesn't say that the extermination did not exist." (29-8054)

In one of his books, Irving wrote that in October or November, 1944, Himmler gave the order to stop the extermination of the Jews. Faurisson's challenge to Irving was: 'I am ready to give you 1,000 francs if you show me this order of Himmler' which had never existed. Raul Hilberg also alleged that this order existed and was given on 25 November 1944, but the footnote citation given in support of this assertion was to a document which had nothing to do with a Himmler order. (29-8055)

In the spring of 1986, Faurisson published "Response to a Paper Historian" [Journal of Historical Review, vol. 7, 1986, page 21], which was a reply to Pierre Vidal Naquet.³ Vidal-Naquet had attacked Faurisson very strongly in 1980: "...he called me...a paper Eichmann: meaning I was a criminal and a scandalous criminal because a normal criminal kills people who are alive, but I am supposed to be [a] coward and I kill the people who are already dead." In the paper, Faurisson attempted to answer all of Vidal-Naquet's arguments. (29-8056) Faurisson explained the meaning of the title: "There are historians who are, I would say, totally immaterial. They don't care for what is material. And I call them 'paper' historian[s] ... the example that I give is this one. We are told that in Rome, you...had a democracy...because the people would be [in] the forum together to decide anything of the political life in Rome. You can believe in the democracy in Rome but if you go [to] Rome and if you see what is the forum, how tiny it is, you understand that this democracy could only have been a kind of aristocracy. So, you must go and see the places. If you say 'gas chamber in Auschwitz', go and see. If you say 'gas vans', please, bring me a photo of a 'gas van', something technical. He didn't do that himself and I tried to answer to his questions." (29-8056, 8057)

In the winter of 1986-87, Faurisson published the article, "How the British Obtained the Confessions of Rudolf Höss" (Journal of Historical Review, vol. 7, 1986, page 389). Faurisson testified that while it had already been known that Höss was tortured, confirmation had been received with the recent publication in England of a book entitled *Legions of Death*. This book gave the names of the people who tortured Höss: "When Höss, after the war, was arrested by the British military police, he was tortured for something like forty-eight hours or three days with whip cord, he was beaten very strongly and suddenly he collapsed and said whatever the interrogator wanted him to say and it is an absurd statement. He invented even concentration camps in places which never existed in Poland...For example, he talked about an extermination camp in Wolzek...a place which never existed in Poland, and it's not in confusion with Belzec. He says, 'Belzec, Treblinka and Wolzek'." (29-8057)

In addition, Höss's alleged confession was written in English. Faurisson did not know whether Höss spoke English or not, but stated: "...I think that for something so grave, I would never make a confession myself in English. I find that very strange. And there are two different 'states' of his confessions...I mean there are two document and they're the same numeral notation in the Nuremberg trials because the British did first a kind of confession, then they corrected and corrected and corrected it, handwritten correction, and then they said this is the translation of what Höss has confessed. It was not a translation. It was a clean copy of the first confession." (29- 8058)

Faurisson found the Höss confessions to be "very interesting, because you...have always possibility of finding things which are true. It's a mixture of truth and lies, of course. So you can have some interesting things about Auschwitz, and you have also some lies, some impossibilities of all sorts of dates, of place[s], etc." (29-8059)

Faurisson cited an article from the newspaper Wrexham Leader, October 17, 1986, by a man called Mike Mason entitled "In a Cell with a Nazi War Criminal," which indicated that they kept Höss awake until he confessed. The article dealt with a British documentary called Secret Hunters which investigated the torture of Höss. (29-8060)

Faurisson also wrote an article on the Müller document, which had been submitted to the court by witness Emil Lachout. Faurisson interviewed Lachout on the 7th and 8th of December, 1987 in Vienna, for a total of nine hours. (29-8061) His conclusions about the importance of the Müller document were summarized on page 121 of his article "The Müller Document" [Journal of Historical Review, vol. 8, 1988], which he read to the court:

If this document is genuine and if Emil Lachout is telling the truth, then one is entitled to raise a number of serious questions:

1) Does this document not constitute a verification of a revelation made by one Stephen Pinter in 1959? After the war, this American lawyer had worked for 17 months in Germany for the U.S. War Department. In 1959, he confirmed to a national Catholic weekly that, in the position in which he had found himself, he could state that there had never been any homicidal gas chambers in Germany and in Austria and that, as regards Auschwitz, the Americans had not been able to carry out any investigation there, because the Soviets did not allow it (Our Sunday Visitor, 14 June 1959, p. 15);

2) In 1960, Martin Broszat, a member of the Institute for Contemporary History in Munich, stated in a simple letter to the editor of Die Zeit (19 August 1960, p. 16) that there had not been any homicidal gassings either in Dachau or, more generally, in any of the camps in the Old Reich (Germany within her frontiers of 1937), which means to say that there had not been any gassings in such camps as Neuengamme, Ravensbrück, Oranienburg-Sachsenhausen as well. He did not present any evidence to substantiate this statement. Would his proofs not have been those reports of the above-mentioned Allied Commissions of Inquiry?

Faurisson confirmed that the Pinter quotation on page 23 of Did Six Million Really Die? was a correct quote and that, in his opinion, the Müller document confirmed what Pinter had said. With respect to the Martin Broszat letter, Faurisson said: "Because I am very surprised that a man like Martin Broszat in 1960, to reveal such a news, sent only a letter to Die Zeit. He should have given a quantity of proof[s] of what [he] was saying, no gassings in those places...I think he had some ammunitions with him. I wonder if it was that." (29-8065)

Previously, Faurisson testified, there had been many claims that gassings took place in those camps: "...you have even confessions of people of those camps, commandants of those camps, confessing that there were gas chambers..." when in fact there were none. For Faurisson, the significance of this was as follows: "It's finished. We cannot

use it anymore or very carefully, testimon[ies], so-called proof[s] and confessions...if I see the confessions of the commandant, of the doctor in Ravensbrück saying that there were gassings in Ravensbrück, when I see that, their description of the procedure of gassing, when I take that on my left side and on my right side I have a description of the process of gassing in Auschwitz, I don't see any difference. ...[F]rom 1945 to 1960, I had to believe that all that was true, and from 1960 they said no, no, no. What is on your left-hand side, don't believe it anymore. But you must believe what is on your right-hand side. Still, I am ready, but give me a reason to believe." (29-8066)

Faurisson testified that he had read the pamphlet *Did Six Million Really Die?* in detail and had formed an opinion on what was wrong and what was right about it. What was wrong about the pamphlet were details: "Details, some details are wrong. For instance, the story of the sister of Gerstein. [It] was not the sister, it was the sister-in-law. For instance, still about Gerstein, when Harwood said that Dr. Dibelius found him untrustworthy, it was exactly the contrary, it was trustworthy." (29-8068)

Faurisson believed Harwood might have made the mistake by a "kind of pathology of the text. When you see how a text is reproduced, for instance, in the eleventh, twelfth, thirteenth century, when one copied the other, how is it that they did so many mistakes and why? You have to study what we call pathology of the text and to see how the people could commit such mistakes and it's one of the way you do a mistake, it's to take one word and reproduce the...word exactly on the other way. It seems extraordinary to read untrustworthy and to transform it into trustworthy. I am proceeding there the possibility of good faith. I mean that if Harwood had wanted to play us a trick, he would have used another sentence, another way. He wouldn't have taken the word itself to put it into...quotation marks..." Faurisson noted, however, that what Gerstein had said in any event was "really mad and even Dr. Hilberg admitted it -" (29-8070)

Judge Ron Thomas intervened at this point in the testimony: "Well, I think this is speculation...And I don't want to cut you off, but I think you would know, as a document examiner, that there's a science to what you've studied and become an expert at and I don't think you're doing your doctorate any credit by speculating on this aspect. Especially with the word 'denounce' sitting in there. So we'll just move on, please." (29-8070, 8071)

Faurisson proceeded to page 30 of *Did Six Million Really Die?*:

As has been noted earlier, the Jewish statistician Raul Hilberg estimates an even lower figure of 896,892...In 1955, another neutral Swiss source, *Die Tat* of Zurich (January 19th, 1955), in a survey of all Second World War casualties based on figures of the International Red Cross, put the "Loss of victims of persecution because of politics, race or religion who died in prisons and concentration camps between 1939 and 1945" at 300,000, not all of whom were Jews, and this figure seems the most accurate assessment.

Faurisson testified that the *Die Tat* article in fact gave the 300,000 figure for all people, not just Jews, who had died in concentration camps in Germany. (29-8073)

With respect to the sentence regarding Hilberg, Faurisson indicated that Harwood had obtained this from Paul Rassinier's writings: "And what Paul Rassinier said is, 'The statistics of Raul Hilberg are really foggy. If I take his own data, his own figures, I conclude that he should have this figure'" of 896,892 and not the figure of 5.1 million which Hilberg had in his book. The figure of 896,892 was actually the figure which Rassinier had arrived at after an analysis of Hilberg's data. It was evident, said Faurisson, that Harwood had studied Rassinier carefully by his numerous references to his work, *The Drama of the European Jews*. (29-8073)

Faurisson produced and read to the court a copy of a letter dated 30 May 1975 which he had received from Richard Harwood, the author of *Did Six Million Really Die?*. Faurisson had written to Harwood after reading a French version of the pamphlet. (29-8077, 8078; Harwood letter filed as Exhibit 121 at 8081)

The letter read:

Dear M. Faurisson,

Thank you for your recent letter. I apologise for the delay in replying. I was pleased to hear that my letters had not gone astray, and that you received your copies of my booklet.

In answer to your questions -- 1) It is true that I was unintentionally ambiguous in *Did Six Million Really Die?* about Raul Hilberg's statistics. The figure of 896,892 is Prof. Rassinier's figure after correcting Hilberg's statistics. I did not make this very clear perhaps. Hilberg's own figure is, of course, 5,100,000, but Prof. Rassinier shows that Hilberg's own statistics cannot support it. 2) I am not a professor at London University, but hold a B.A. Honours Degree in History. 3) Unfortunately, I have very little time for reading at present, and have not yet read David Irving's *Hitler und seine Feldherren*. I would welcome your opinions on it, however, and hope to read it shortly.

I was very interested to hear of your visit to Auschwitz and Majdanek and your opinions on the "gas chambers" there. I would be very grateful if you would write me a detailed description of what you saw there, with your comments and perhaps even one or two drawings. Would you do this for me?

With many thanks, and very best wishes to you, Yours sincerely, Richard Harwood

Faurisson testified that Harwood made a mistake once in quoting from the Reports of the International Committee of the Red Cross, out of a total of nineteen quotes from the reports: "I can tell you," he said, "as a professor I am surprised to see that he was able to quote a book nineteen times and only once incorrectly." (29-8082)

Faurisson returned to *Did Six Million Really Die?* where the pamphlet stated at page 29:

Finally, Professor Rassinier draws attention to an important admission by Dr. Kubovy, director of the World Centre of Contemporary Jewish Documentation at Tel-Aviv, made in *La Terre Retrouvée*, December 15th, 1960. Dr. Kubovy recognised that

not a single order for extermination exists from Hitler, Himmler, Heydrich or Göring (Le Drame des Juifs européens, p. 31, 39)

In his testimony, Dr. Browning indicated that he had never heard of Kubovy or the World Centre of Contemporary Jewish Documentation. Faurisson testified that, to the jury, this must mean that it was an invention of Harwood. But it was not; Faurisson said: "Dr. Kubovy existed and his centre also and...I have found in my files a Jewish newspaper, the title is Yedioth Aharonoth...26th of May, 1974, and in this newspaper, written in Hebrew, you have a photocopy of a letter that I sent from the Sorbonne on the 23rd of March, 1974. It is sent from Robert Faurisson, my title, to Dr. Kubovy, director of the...Centre of Jewish Documentation of Tel Aviv. And it arrived in this place and Dr. Kubovy was dead at that time. I didn't know. But it arrived, it was not an invention." (29-8083)

Faurisson had sent the letter to Kubovy and about twenty other places in the world and in it, had asked whether the gas chambers existed or not. The Jewish newspaper, Yedioth Aharonoth, had "said that it was quite a scandal to ask such a question, of course, in 1974." The only thing Harwood might have gotten wrong was the wording of Kubovy's centre. (29-8083, 8084) To Faurisson, this summarized what was wrong with Did Six Million Really Die?. (29-8085)

Christie next asked Faurisson to summarize the thesis of the pamphlet and to indicate what was right about it. Replied Faurisson: "The thesis of the book is that it's not true that six million Jews died, and it is not true that there was an extermination plan, and it is not true that there were gas chambers. What I find right is first, the title. The title is good - Did Six Million Really Die?. That's really the problem. I am trying to find because I see that this booklet is criticized, but what is good in it, what is positive? This man, Richard Harwood, brought plenty of information for the layman in 1974. He said in 1974 that there were no order[s] from Hitler to exterminate the Jews. Three years after when David Irving said it, it was an uproar, so it was really new and true. We know it now in 1988." (29-8086)

Faurisson believed that on the issue of the Wannsee Conference protocol, Harwood was prophetic: "He said...'Why we should not accept labour in the east to mean labour assignment in the east is not explained,' and he explained that the Wannsee Conference takes place into a policy of sending the people to the east and nothing else and now, since at least 1984, I think that the historical community as Mr. Pearson said this morning, I mean among the exterminationists, they do not believe anymore that the Wannsee Conference decided an extermination, because if the Wannsee Conference had really decided an extermination, you would not have a dispute between the historians- on one side, the intentionalists, on the other side, the functionalists. There would be no dispute." (29-8086, 8087)

In Faurisson's opinion, the exterminationists now recognized that the Wannsee Conference was not an order for extermination. The turning point was the Stuttgart conference of historians in May of 1984 where intentionalist and functionalist historians discussed the issue and admitted that the Wannsee Conference was not a conference to send people to their extermination. Faurisson continued: "So, Richard Harwood said in...1974, something which I consider has been confirmed -- and something very important -- ten years after in Stuttgart. I think that this is really

positive. We must look at what the people are bringing also instead of always criticizing." (29-8087)

Other points which Harwood raised which were positive were the Nuremberg trials, the confessions of Nazis, Auschwitz and the eyewitness accounts, the Warsaw ghetto uprising, the Höss testimony, the chaos in Germany at the end of the war, the fake photos, Paul Rassinier, and the imposture of the gas chambers. (29-8088)

What Harwood wrote about the gas chambers was not a common belief in 1974, said Faurisson, and now the gas chambers were becoming an embarrassment: "...now in France," he said, "we have people of Jewish origin saying...the gas chamber, we should perhaps get rid of it or we should not insist too much." In an article published in the French magazine, Article Thirty- One, authors Marc Ascione and Ida Zajdel claimed that the gas chambers were "an invention of the SS in their confession[s] as a time bomb against the Jews." (29-8088)

Faurisson testified that the pamphlet was so important in what it was bringing to the public that when it was published in France, the man who distributed it, Francois Duprat, was murdered: "We don't know exactly who did that, but the interesting point is first, that it has been done by people very clever in those kind of bomb handling, and what was published in the journal Le Monde after was interesting. This murder was revindicated by a so-called 'Memory of Auschwitz' organization. It was justified by a man called Patrice Chairoff -- saying that Francois Duprat, in distributing this kind of pamphlet, had taken a responsibility which kills." (29-8089)

It was evident, said Faurisson, that people knew how important the pamphlet was at that time. It was discussed twice in lengthy articles in Le Monde. They were totally against the pamphlet and wanted a lawsuit launched against it. No legal action was ever taken, however, and the pamphlet could be read freely in France even today. (29-8089)

Nevertheless, Faurisson said, there were "always legal dangers" in saying that the gas chambers did not exist. The judgment of December 16, 1987 was under appeal by Jewish organizations: "...what a judgment builds," said Faurisson, "another judgment can destroy...I don't know what [will] happen. Perhaps it will be forbidden tomorrow in France, but for the present time, it's not legally forbidden. It's even legally permitted." (29-8090)

Defence attorney Christie asked Faurisson to compare various findings of courts on the subject of the Holocaust since 1945 to the present. Faurisson began by quoting portions of Judge Thomas's ruling taking judicial notice of the Holocaust:

It is my respectful view that the Court should take judicial notice of the Holocaust having regard to all of the circumstances. The mass murder and extermination of Jews of Europe by the Nazi regime during the Second World War is so notorious as not to be the subject of dispute among reasonable persons. Furthermore, it is my view that the Holocaust is capable of immediate accurate demonstration by resort to readily accessible sources of indisputable accuracies....In my view, no reasonable person disputes that mass atrocities took place. The Holocaust is simply indisputable...I have not had my attention drawn to any case of any significance in the history of the world

since the Second World War in which any reasonable person has ever suggested that the Holocaust did not take place.

Faurisson turned to Judge Thomas and indicated that it was both his and Christie's fault that they had not brought to his attention the judgment of the Court of Paris of December 16, 1987, holding that there was a public debate among historians about the extermination. (29-8092, 8093)⁴

April 13, 1988

Faurisson testified that in 1945 and 1946, the International Military Tribunal did not use the word "Holocaust"; they used the word "genocide." Said Faurisson: "And they said that it was the policy of a physical extermination or the actual physical extermination of six million Jews, especially with homicidal gas chambers." The gas chambers, continued Faurisson were an "essential" part of the allegation, "because it was the specific weapon of a specific crime, and, of course, myself, it's my opinion, I say the alleged specific weapon of an alleged specific crime. The weapon is the gas chamber, and the crime is 'genocide' or 'Holocaust', or 'extermination', or even 'Shoah'...That's the most recent term." (30-8120)

If there was no systematic weapon, said Faurisson, it would be difficult to understand how this could be a systematic crime without precedent. Most historians, although not Browning apparently, said that the "Holocaust" was a new crime such as history had never known, and that the Germans had invented a new weapon for this systematic crime, the gas chamber. (30-8121)

In the beginning, the gas chambers were "supposed to be everywhere in Europe," said Faurisson, "...a few years ago, it was in six points of Poland. Now, it seems that in Majdanek they are not very sure. In Auschwitz I, for some French historians it's finished. This famous gas chamber that every tourist goes and visits in Auschwitz I. It seems that is finished...quite recently, Pierre Vidal-Naquet said, in a tortuous way, that he did no more believe in the gas chamber of Auschwitz I." (30-8121, 8122)

Right after the war, Faurisson had believed there was an extermination of the Jews, although he was surprised by the great number of survivors. Later on, it was said that there had not really been an extermination, but an attempted extermination. Faurisson could not be precise about when this change in the Holocaust story occurred: "because it's a very slow change through the years...sometimes, a historian like Mrs. Olga Wormser-Migot said something in the revisionist sense, and [a] few years after she recanted. There are so many people who recanted in all this story. So it is very difficult to [be] precise." (30-8122, 8123)

Another change in the Holocaust story over the years was the simple fact that there was now a historical debate between the intentionalists and the functionalists. This debate began, said Faurisson, "...you could say 1984. It would be, I think, more reasonable to say already at the beginning of the 1980[s], because this kind of dispute, this kind of new idea, does not emerge suddenly like that, like in a theatre. It begins very slowly." Among the intentionalists was Raul Hilberg, who said in his first edition that there were orders from Hitler. Among the functionalists was Martin Broszat. (30-8123, 8124)

Christie pointed out that Browning had testified that no legitimate historian could question the Holocaust. What did Faurisson say?

"I say that there is a legitimate debate, for myself, about any point of history, and we really need to know, first, if something really happened, instead of saying it happened and we're now trying to see how it happened. We must establish first the fact. The first duty of a historian is to tell us what happened." (30-8124)

Faurisson testified that another change in the Holocaust story concerned the numbers of people who allegedly died in Auschwitz. These numbers, claimed by various media, historians, or tribunals, ranged from 800,000 to 8 million. The figure of 8 million, for example, was given by Jacques Billiet, director of the Information Service of War Crimes in France, on page 7 of the book *Concentration Camps*, published in November of 1945. The same book also gave figures of 4 million and 7 million. The figure of 5 million was given by the historian Max Gallo in *L'Express*, June 16, 1975, page 70. The claim of "more than 4.5 million" was made by Dr. Charles Bendel on March 2, 1946 at the trial of the German, Dr. Bruno Tesch, in Hamburg. Dr. Tesch was responsible for the firm which manufactured Zyklon B. He was condemned to death and executed. A different figure was given by the commandant of Auschwitz, Rudolf Höss, in Nuremberg document PS-3868, in which Höss declared under oath on April 5, 1946:

I commanded Auschwitz until 1 December 1943, and estimate that at least 2,500,000 victims were executed and exterminated there by gassing and burning, and at least another half million succumbed to starvation and disease making a total dead of about 3,000,000.

Another figure was given by Georges Wellers in *Le Monde Juif*, October 7, 1983, page 158, where he claimed that 1,472,000 had died, ninety percent of which he claimed were Jews. The figure of 4 million was that officially accepted by the International Military Tribunal. It appeared in the official report of the Soviets which was accepted as authentic by virtue of Article 21 of the Tribunal's charter. This had the value of judicial notice. This report, dated May 6, 1945, could be found in the IMT "Blue Series" vol. 39, pages 241 to 261. Dr. Raul Hilberg claimed 1 million Jews [and 250,000 non-Jews] perished in Auschwitz, while Reitlinger claimed in his book *The Final Solution*, 1953, re-edition in 1971, on page 500, that 800,000 to 900,000 persons perished in the Auschwitz gas chambers and its camps. Of those who believed in the extermination, said Faurisson, the figure of 800,000 was the lowest figure given for deaths at Auschwitz. (30-8125 to 8128)

"None of those figures," said Faurisson, "even the figure of Reitlinger, are justified, like the total itself of 6 million. Recently, Mr. Leon Poliakov said in the newspaper *Le Figaro*, he said, 'There is no shame to have to change your opinion. For instance, I said at the time 2.5 million died in Auschwitz. Now, I say 1.5 million'. But what would be interesting is, now, Mr. Poliakov, what is your total? Didn't you change also your total...of 6 million?" (30-8129, 8130)

Christie returned to *Did Six Million Really Die?* and the segment of the pamphlet on page 21 dealing with the Anne Frank diary. Harwood alleged that the diary was not genuine:

The truth about the Anne Frank Diary was first revealed in 1959 by the Swedish journal *Fria Ord*. It established that the Jewish novelist Meyer Levin had written the dialogue of the "diary" and was demanding payment for his work in a court action against Otto Frank.

Faurisson testified that Harwood had been confused, believing that Frank paid Levin to write the diary, when in fact he had hired Levin to write a play based on the diary. It was a "bad argument," said Faurisson, "but on the essential, his opinion about the journal of Anne Frank, [he] is quite right." (30-8130, 8131)

Faurisson had written the book *Is The Diary of Anne Frank Genuine?*. On the back cover was the photocopy of an article published on 9 October, 1980 in the *New York Post* dealing with the results of an official expert opinion on the authenticity of the diary. Faurisson read the article to the jury:

Anne Frank may not have inked that famous diary

By Al Fredricks

A REPORT by the German Federal Criminal Investigation Bureau (BKA) indicates that portions of *The Diary of Anne Frank* had been altered or added after 1951, casting doubt over the authenticity of the entire work, the West German news weekly *Der Spiegel* has disclosed.

The diary, a day-to-day account of the anguish of a young Jewish girl and her family hiding in (sic) their Amsterdam home during the Nazi invasion, has touched the hearts of millions.

The manuscript was examined on orders of a West German court as part of a libel action brought by Otto Frank, Anne's father and the only family member to survive the concentration camps, against Ernst Roemer for spreading the allegation the book was a fraud.

This was the second suit against Roemer, a long-time critic of the book, by Frank. In the first case, the court decided in Frank's favor when the testimony of historians and graphologists sufficed to authenticate the diary.

In April, however, only a short time before Otto Frank's death on Aug. 19, the manuscript was turned over to technicians of the BKA for examination.

The manuscript, in the form of three hardbound notebooks and 324 loose pages bound in a fourth notebook, was examined with special equipment.

The results of tests performed at the BKA laboratories show that portions of the work, specifically of the fourth volume, were written with a ball point pen. Since ballpoint pens were not available before 1951, the BKA concluded, those sections must have been added subsequently.

The examination of the manuscript did not, however, unearth any conclusive evidence to lay to rest the speculations about the authenticity of the first three notebooks.

Faurisson produced the actual Official Expert Opinion dated 28 May 1980, upon which the newspaper article was based and which set out the results of the technical analysis of the original diary manuscript by the State Criminal Office. (30-8131 to 8142; filed as Exhibit 122 at 30- 8142)

The expert opinion stated as follows [English translation]:

BUNDESKRIMINALAMT
Wiesbaden
28th May 1980
STATE CRIMINAL OFFICE
Tel. 55-2640

Case KT 41 -- 2404/79

To District Court of Justice Hamburg Minor Penal Court 7 P.O. Box 30 01 21 2000
Hamburg 36

Ref Penal case against Edgar Geiss and Ernst Römer viz. criminal and technical test of the "Diary of Anne Frank" Re: Decisions of the District Court of Justice in Hamburg, Minor Penal Court 7, dated 13th July 1979, 7th Jan 80 and 26th March 80 with ref numbers (49) 30/77 Ns -- 141 Js 298/76 and 145 Cs 129/76 -

OFFICIAL EXPERT OPINION (based on Par. 256 of Civil Penal Code)

According to the decision of the District Court of Justice in Hamburg dated 13th July 1979 (Vol. IV ref to (49) 30/77, page 478) it has to be found out whether the manuscripts ascribed to provene from Anne Frank, should possibly be denied as having been written within the years 1941-1944, by testing the paper and the handwriting utensils used.

The following items were submitted for examination:

Diary I starting with the first date of 12th June 1942 in a checkered cover Diary II dated from 22nd Dec 1943 until 17th Apr 1944 in a brown paper cover Diary III starting with the 17th Apr 1944, ending with 1st Aug 1944 in a brown paper cover

A further item submitted for examination consisted of 324 loose manuscript pages starting with the date of 20th June 1942 until 29th March 1944, which are also ascribed to be written by Anne Frank. Another item was a note book of Anne Frank with narratives and remarks concerning events which happened in the "backyard house", allegedly written in the years 1942 to 1944. Each of these submitted items were originals.

The examinations were carried through in the town hall of Birsfelden/Switzerland. The police of the Basle County (Rural Dept.) distributed for this purpose 1 Stereo microscope and 1 ultra-violet lamp. Some samples of the diary papers, handwritings and samples of the loose manuscripts pages have been taken from the Swiss originals and tested at Wiesbaden document-testing-laboratories of the German State Criminal Office, to carry on the necessary chemical and physical examinations. The

examinations in the laboratories have also been extended to a letter written by Anne Frank, addressed to her grandmother, dated 22nd March 1941, and to a postcard addressed to a "Mrs. Leni..." dated 7th July 1942 -- all these items were necessary to compare the inks used.

TEST RESULTS:

All pages of the 3 diaries have a compact binding, showing a brown-yellowish tint. The fluorescent test did prove that in none of them a whitening ingredient has been traced; these so-called "whiteners" are commonly used in the production of modern papers since approximately 1950.

The strings of the bindings, too, do not exhibit any fluorescent properties.

The papers do not show any water-marks.

The diary manuscripts have been done by hand whereby blue-black ink -- partly also red ink and pencil have been used; on some of the loose manuscripts corrections by pencil have been made.

A thorough-going examination and technical fluorescence testing of those 324 loose pages did show that, without exceptions, non-fluorescent papers of yellow, pink and blue colour have been used, with the only difference that paper of lighter weight have been used. Those loose papers do not show any water- marks.

The writing on the loose papers have also been done by hand with blue-black ink; post-entry corrections on those loose pages have been performed, too, with blue black and red ink, sometimes also with pencil -- and partly even with black, green and blue ball-point-pen paste.

Ball-point-pen paste of the quality shown on the tested pages did not be available on the market but only since 1951.

The chemical test of the ink used on the pages of all diaries and loose manuscripts did show that, without exceptions, ferrigenous blue-black gallic acid ink with a high content of iron has been used -- which was the common ink during WWII and the first years thereafter.

After 1949 gallic acid inks with a much lower content of iron but with a higher amount of dyestuffs available on the market, because the chemical industry was able to develop production on pre-war standards.

The same kind of ink has been used in making the handwriting of letters and postcards dating from 1941 until 1942, in making the notice-book containing the narrative dealing with the "backyard-house", and in making the loose letter manuscripts, and the diaries. Also the same non-fluorescent quality of paper is the same in all those writings.

So we have to state that the same ink was used in performing the diaries I-III, the loose manuscripts and the other comparative scripts, which ink was obtainable on the market during WWII and the first years thereafter.

There is also no difference in the quality of papers, all were obtainable on the market during WWII.

But it is surely impossible, that those individual corrections, made by ball-point pen paste on the loose paper pages had been written before the year 1951.

The report on the quality of paper used in the loose-pages manuscripts states, that this thin paper has been highly milled and did consist of relatively coarse cellulose pulp, not whitened.

As there is no water-mark on those paper sheets, it is impossible to determine the time when these papers have been manufactured, because no method exists to find out the age of paper by any scientific- criminal technique.

Anyway it is sure that those papers differ distinctly from those on the market nowadays. Papers of that minor quality is nowhere on sale today. It is also impossible to say clearly when the paper of better quality began to penetrate into the market. Generally speaking the reconversion from lower to better quality could have taken place in 1950 approximately. Its also impossible to fix the proper age of any ink inscription by chemical methods, even in adapting the "Mezger-Rall-Heess" method one can only have a chance to find out the age of any ink inscription with an accuracy of maximal 6 years -- but in our case the time under consideration is much earlier.

Taking into account the quality of paper and the ferrigenous gallic acid ink it cannot be said that the 3 diaries and the manuscripts consisting of 324 loose paper pages have been performed on the stated dates, or have been written a few years later.

By order (-) signed Dr. Werner Chief Director Scientific Dept.

Faurisson testified that a handwriting report done in 1960 or 1961 had determined that the handwriting of the entire diary was done by the same person. This included the corrections written, as was later discovered, in ball-point pen ink. (30-8140)

Faurisson turned next to the subject of Raul Hilberg and the alleged Hitler orders. In 1961, Hilberg published the first edition of his book The Destruction of the European Jews, which contained the following passage on page 177:

How was the killing phase brought about? Basically, we are dealing with two of Hitler's decisions. One order was given in the spring of 1941, during the planning of the invasion of the USSR; it provided that small units of the SS and Police be dispatched to Soviet territory, where they were to move from town to town to kill all Jewish inhabitants on the spot. This method may be called the "mobile killing operations." Shortly after the mobile operations had begun in the occupied Soviet territories, Hitler handed down his second order. That decision doomed the rest of European Jewry. Unlike the Russian Jews, who were overtaken by mobile units, the Jewish population of central, western, and southeastern Europe was transported to

killing centres. In short (outside Russia), the mobile operations were reversed. Instead of moving the killers to the victims, the victims were brought to the killers. This second method, the central killing operations, will be discussed in the subsequent two chapters, which deal with the deportations and the killing centre operations, respectively.

Faurisson pointed out that Hilberg spoke clearly of two "orders." But in his subsequent publications, "There is no more order. In his second edition, he totally changed, which is the centre of his thesis...Raul Hilberg built a kind of monument, I could say that it is a monument, and this monument was about the extermination of the Jews. He calls that 'the destruction of the European Jews.' And to try to understand that and to explain that, he said: And there you have Hitler. If you don't have Hitler, you cannot understand. Hitler dispatching orders, one order, two orders, and then you have, as a result, the destruction of the European Jewry. This is what Raul Hilberg explained up till, I should say, 1985." (30-8146, 8147)

Faurisson stated that "in a certain way I admire his work, because it's the work of somebody who worked very hard, but we have [books like that]...extraordinary books written in the past, and they are false...There is in...Dr. Hilberg, something of [the] immaterial -- [he's] absolutely not interested in what is material. He's a little bit metaphysical. For instance, in this big book, you don't have one photo. You have not the slightest idea of what could be a gas chamber. There is absolutely no description." (30-8147, 8148)

As an example of the way Hilberg's mental processes worked, Faurisson read from the first edition of his book, page 570, where Hilberg talked about the supply of Zyklon B:

The amounts required by Auschwitz were not large, but they were noticeable. Almost the whole Auschwitz supply was needed for the gassing of people; very little was used for fumigation. The camp administration itself did not buy the gas. The purchaser was Obersturmführer Gerstein, Chief Disinfection Officer in the Office of the Hygienic Chief of the Waffen-SS (Mrugowski). As a rule, all orders passed through the hands of TESTA, DEGESCH, and Dessau. From the Dessau Works, which produced the gas, shipments were sent directly to Auschwitz Extermination and Fumigation Division (Abteilung Entwesung und Entseuchung).

To any reader, said Faurisson, this passage would mean that Zyklon B was sent to a division in Auschwitz which took care of exterminating people as well as fumigation. But that was totally wrong. The word Entwesung meant "disinsectization," thus it referred to delousing or disinfestation or disinfection. Said Faurisson: "It has nothing to do with extermination of human beings, and it's really...the thesis of Raul Hilberg. It's really [a] very important part. Every naive reader would think Hitler gave those orders, and, for instance, you had in Berlin a man called Gerstein, and he would send the Zyklon to a special office to kill the people. This is what his book says, and he maintained that in his new edition." (30 8150)

Faurisson testified that Hilberg had used Kurt Gerstein as a reference twenty-three times in the first edition of his book. Faurisson's opinion of Gerstein was that his various statements were "Completely foolish, and it has been demonstrated not only

in France but by... an international [researcher]...Carlo Mattogno." In France, said Faurisson, a Mr. Henri Roques had been stripped of his doctorate in 1986 because of what he had written about Gerstein. This was the first time this had occurred in the history of France. (30-8150, 8151)

Faurisson did not think Hilberg's work could be called impartial. He noted that Yehuda Bauer, the Jewish historian, had written in *Midstream*, April, 1987, page 50, as a compliment and not a criticism, that Hilberg's whole work was filled with a burning hatred of Nazism and a deep, thorough identification with the victims.⁵ Faurisson said: "I don't criticize him for that, but I think that it is right. It is exact, accurate." (30-8151, 8152)

In the 23 February 1983 edition of *Newsday* [Long Island, NY], in an article entitled "The Holocaust in Perspective," author George DeWan had quoted comments made by Hilberg at a conference:

"But what began in 1941 was a process of destruction not planned in advance, not organized centrally by any agency. There was no blueprint and there was no budget for destructive measures. They were taken step by step, one step at a time. Thus came about not so much a plan being carried out, but an incredible meeting of minds -- a consensus, mind reading by a far-flung bureaucracy."

Faurisson had been so surprised when he read this quote that he had checked with Dr. Robert John, a member of the Institute for Historical Review who attended the conference, to make sure Hilberg had actually said it. John had also been extremely surprised by Hilberg's statement. (30-8159)

"I don't call that history," said Faurisson, "I call that metaphysics...I don't know any bureaucrat practising his job like that. What does it mean, 'an incredible meeting of minds'? People...know of no plan. Nothing is organized. Do you imagine a bureaucracy, especially in a country like Germany? In the army? And everywhere? People would act by what?...by mind-reading...I don't believe that, of course, but I see in which situation is Hilberg, in which situation are all those exterminationists. They don't find anything. So, they do like historian[s] did in the last centuries, they replace that by metaphysics. There is no proof. If you would ask Mr. Hilberg, 'But what proof did you have of a meeting of minds?', of mind-reading?', he would say, 'You know that [there] couldn't be any proof.'" (30-8159, 8160)

Christie turned to the subject of the Report of the International Committee of the Red Cross (ICRC) of 1948. Faurisson was familiar with the report and its contents. In the entire files of the Red Cross published before the war was finished, said Faurisson, there was no mention made of gas chambers. After the war, there was one mention made of a gas chamber at Ravensbrück on page 96 of the book entitled *The Work of the ICRC for Civilian Detainees in German Concentration Camps from 1939 to 1945*, Geneva, 1975, where the Red Cross delegate wrote:

As I left the camp, I almost asked Suhrens [commandant of the camp] to show me the gas chamber and crematorium, but did not. Some time later, in May, I met a woman clad in rags in a Berlin street. On her back she bore the concentration camp sign, a large X. She told me she had come on foot from Ravensbrück (about 100 km) and that

the camp had been liberated by the Russians. She was an Austrian who had been put in the camp, she said, merely because she had a Jewish husband. As she stormed about "those SS swine", I asked her to tell me where the crematorium and the gas chamber had been. "Under the big square", she answered.

A historian specializing in Ravensbrück, Germaine Tillion, claimed in her 1973 book, Ravensbrück, that there was a gas chamber in the camp. Faurisson pointed out that there was no indication on the plan of Ravensbrück of a 'gas chamber' and today no one claimed that Ravensbrück had a gas chamber. (30-8163)

To Faurisson's knowledge, the Red Cross never published any reports about the atrocities suffered by the Germans at the end of the war or about the deportations of the Germans from the east or about the treatment of German prisoners of war during the war. Faurisson found the last omission surprising "because I know one case of eighty German soldiers shot by the French Resistance on the 1st of September, 1944, near the town of Annecy...and I know that the Red Cross endeavoured to try to avoid this execution, so I suppose that there is a report about that, but not a published report." (30-8164)

Faurisson had been able to obtain the actual report of the Red Cross delegate who visited Auschwitz in September of 1944. The delegate was Dr. Rossel. Faurisson attempted to ask him questions by way of questionnaire, but Rossel did not want to talk. The report was edited before publication in the ICRC reports. (30-8165 to 8167)

The Red Cross made no distinction between inmates of the concentration camps who were political detainees and those who were common criminals; to the Red Cross, they were all "persecutees." (30-8167)

Faurisson had also investigated the International Tracing Service (ITS) at Arolsen, West Germany. The ITS, said Faurisson, was under the surveillance of ten governments, among them France, Great Britain, the United States and Israel. It was now very difficult to get into Arolsen to do any research. Since about 1978 Arolsen had been basically closed to the historical researcher. (30-8168)

Prior to that, in 1977, the then Director of the ITS, Albert de Cocatrix, published a paper entitled "The Number of Victims of the National Socialist Persecutions" at a conference in Vienna. This paper stated quite clearly Cocatrix's belief in the gas chambers and the genocide, but indicated that it dealt only with the number of people who died and were registered. The people who were gassed were allegedly not registered. The number of deaths for Auschwitz was given at 50,000. In Faurisson's opinion, the paper was valuable in giving an idea of how many people actually died in the camp. (30-8168 to 8171)

After this conference, said Faurisson, the ITS decided to close itself to the researcher. He could no longer obtain its annual report which was very valuable not only for its statistics but for its description of German documents. Up until 1978, there was a historical section at the ITS where one could go and work. That too had been closed. Today, to work in Arolsen, Faurisson would have to obtain the permission of his government. Some historians had gained access and credited Arolsen with information they had obtained. (30-8171)

Christie turned to the subject of the Hans Frank diary and asked Faurisson to explain the diary's significance. "Hans Frank was governor of Poland," said Faurisson, "He was arrested by the American, and he gave to the American his own diary. In fact, personal diary and official diary, something like 11,500 pages, I think, and he was very proud of it. He was tortured by two American soldiers, tried to commit suicide." Faurisson had obtained this information from Rupert Butler's Legions of Death. (30-8172)

Faurisson continued: "And then, in the Nuremberg trial, he was asked if he considered himself as guilty or not, and he said not guilty, and then they brought in[to] the International Military Tribunal, Rudolf Höss, who testified, and Hans Frank was absolutely overwhelmed. He believed what Höss said about Auschwitz, about those millions of people killed...It was a shock for himself, and he believed it, and he said Germany is guilty for one thousand years. But this man said 'I never heard about any extermination, extermination camp', and Auschwitz was very close to the Government-General of Poland...It was in Upper Silesia...something like 50 km..." (30-8172, 8173)

The significance of the Hans Frank diary, said Faurisson, was that, in Frank's opinion, "there was nothing in these 11,500 pages which could be against him, but when he heard the testimony of Höss...he said that he was overwhelmed and that he was ashamed of the words that he has used against the Jews, some strong words, because he didn't mean it. It's like every military people or in the propaganda. You use very strong words against your enemy, and that's the case of Hans Frank, who was condemned to death and hanged. And I don't think that we can say for one minute that there is something in those 11,500 pages which are a proof, any proof, of an extermination programme. Even we know that Hans Frank heard about Belzec, rumours about Belzec, and he says, 'I went on the spot to try to see what was true or not', and he says that on the spot he found Jews working there...but nothing like an extermination...if there had been anything about an extermination, we would have the proof of an extermination. We wouldn't have a dispute between intentionalists and functionalists." (30-8173, 8174)

What was Faurisson's opinion of the Wannsee Conference protocol?, asked Christie. Faurisson replied that since his expertise was text and document criticism and not forensic analysis of paper and ink, etc., he proceeded on the assumption that the document was genuine. His opinion was that it might be genuine, but in any event, he did not find anything in the protocol which proved extermination. (30-8175)

Faurisson quoted the paragraph of the protocol which set out what was supposedly decided at Wannsee on January 20, 1942:

Under proper direction, the Jews shall now, in the course of the final solution, be taken to the East and put to work in a suitable way. In big labour columns, with separation of the sexes, the Jews capable of work will be conducted to these areas, building roads whereby undoubtedly a large part will be lost through natural decrease. The total remnant that finally in any case will remain, since this is undoubtedly the part with the strongest resistance, will have to be treated accordingly, since the latter, representing a natural selection, is to be regarded, upon release, as the nucleus of a new Jewish revival. (See the experience of history.)

This meant, said Faurisson, that the Jews would be taken to eastern Poland or Russia where they would be exploited for German industry and armaments. As in any prison, the sexes would be separated. The work would be terrible; there would be losses through natural decrease, and only the strong would survive. (30-8176, 8177)

It was the last sentence which was said to have the "terrible significance," said Faurisson. In his opinion, it signified that there would be a release, a liberation, of the remnant of the Jews who were to be regarded and treated as the best. It was an idea, said Faurisson, "which is at the same time National Socialist, Zionist, and in a certain way, it's stoic and Christian; the idea that if the people suffer very much, they will be better. And that's why the word used there is 'Jewish revival', which is, in German, Aufbau...It's the title of a famous Jewish newspaper today in New York, 'Revival'." (30-8178)

In Faurisson's opinion, since the Stuttgart Conference these words no longer constituted a plan of extermination in the minds of functionalists. The Wannsee protocol was now seen as a decision to send the Jews to the east, an idea found constantly among the Germans. Hitler, in his confidential table talks, said things like: "Those filthy Jews, after the war, I want them to get away and to go...to Madagascar...or any other place." (30-8178)

Many historians had not translated the words "upon release" or the words "see the experience of history." The translation of the document done for the International Military Tribunal by the Americans (IMT vol. 5) did not include the words "upon release," nor did it use three dots to indicate that part of the original was not translated. The words had been completely suppressed. (30-8179)

What, asked Christie, did Faurisson think of the theory regarding the 'nod of Adolf Hitler'? Faurisson replied that this theory meant that "Hitler didn't sign anything, didn't even express an order orally...but [gave] a nod..." (30-8179)

How effective would a nod be in moving trains and ordering people's executions?, asked Christie. "Or anything," agreed Faurisson, "If even I wanted to give any order -- Please bring me some water -- if I [did it with] simply a nod, I [don't] see [how] other people will understand. Society is not like that. The army is not like that. But I find normal that those historian who first didn't find any written order decided to say, 'Oh, but Hitler gave an oral order'. Then they saw that it was difficult to say that also, so the third stage is, and the last one, I think, is the nod of Hitler, and we have even worse than that. We have in Browning, in Dr. Browning's book, the idea that Frank anticipated the nod of Hitler. He received signals. I don't understand what it means." (30-8180)

Christie asked Faurisson for his opinion on the use of euphemisms. Faurisson testified that a word like Sonderbehandlung which meant "special treatment" meant different things according to context. It might mean execution, but it could also mean exactly the opposite: "For instance," said Faurisson, "the young Jew who, in November 1938 murdered a German diplomat in Paris, his name was Grynzpan...when the German came in France, they caught Grynzpan. He was the man who had killed this German, and the consequence had been after the famous 'Crystal Night', when the German[s], exasperated, did this kind of pogrom against the Jews. So, Grynzpan was somebody

important. He survived all the war. He was in the concentration camp, and he had the right to a Sonderbehandlung which means...special treatment and ample food." (30-8181,8182)

Euphemisms meant, in fact, much more terrible things than they seemed to say, said Faurisson, but to go as far as to say that a word meant "extermination" or "gassing," which was such a grave accusation, then the historian must have proof. There was nothing which gave historians the right to make such accusations. (30-8182, 8183)

Faurisson found it extraordinary that Dr. Browning, who had written a book about the extermination of the Jews, had never visited a concentration camp or gone to see the alleged gas chambers in Auschwitz, or Majdanek, or Stutthof, or Hartheim. Raul Hilberg had also never been to the camps, except once for a ceremony. Every time Faurisson asked a historian 'Have you seen the place? Please describe it for me?', he received the answer, 'Oh, no, we have testimonies.' (30- 8183, 8184)

"Of course," said Faurisson, "we have testimony of everything, even of this gas chamber in Ravensbrück, and three people have been condemned to death for this gas chamber of Ravensbrück, which never existed. And Bruno Tesch and [Karl] Weinbacher, they were condemned to death because they were the people [who] fabricated Zyklon...The British said, you could not ignore that Zyklon was used to kill people." (30-8183, 8184)

In books such as *Nationalsozialistische Massentötungen durch Giftgas* (National Socialist Mass Killings with Poison Gas), the proof given of gassings was a photograph of a box of Zyklon B. Imagine, said Faurisson, if the Germans had won the war and if they had done the same things as the International Military Tribunal did at Nuremberg. They would have said to the Americans, 'You were asphyxiating people using gas chambers. The proof? See those cans of DDT.' It was exactly the same thing. (30-8184)

This reliance on testimonies was brought home to Faurisson from the beginning of his research in 1964. The first day he went to the Centre of Jewish Documentation in Paris that year, he asked to see a photograph of a gas chamber. He was told the archive had many books about the gas chambers (which was false, said Faurisson) and many testimonies and confessions. Continued Faurisson, "I said, yes, but I'm looking for a photo, not two, one. He said, 'But we have testimonies.' I said, 'No, I want a photo', and then he asked to a lady...Mrs. Imbert. He said, 'This gentleman wants a photo of a gas chamber', and the lady automatically said, 'We have testimonies', and he said, 'No, no, not testimony. He want[s] a photo'. 'Okay, sit down', and I waited for sixty minutes, and what they brought to me was, for example, the false gas chamber of Dachau, things like that." (30-8184, 8185)

In Faurisson's opinion, on the subject of gas chambers, "We must be material, especially about something so obscure, so difficult to understand..." (30-8185)

Faurisson had also researched the subject of gas vans, although not to the extent that he had researched gas chambers. In all of his work, he had never found one photo of an alleged homicidal gas van, nor any technical plans or documents. When he was sued in France for falsifying history, the Jewish organizations arrayed against him

attempted to prove the gas van with "two poor little drawings. I remember the name of the inmate supposed to have make this drawing. His name was Falborsky, and it was absolutely the drawing of a little boy, with a pipe going like this. I asked for something serious..." Faurisson found it typical that Browning published in his book *Fateful Months* the photograph of an alleged gas van but had no proof that it was such. We should have had, said Faurisson, photographs of the underneath, the inside of and the outside of the van with technical reports. But there was nothing. (30-8186, 8187)

Faurisson believed that it was the vans used for disinfection by the German army that had given birth to the myth of homicidal gas vans. In support of this, Faurisson produced a document from the Federal Military Archives in Freiburg, West Germany. The first page of this German-language document said:

Secret Command Matter. Folder of Pictures. Introduced weapons and equipment. Motor Vehicle Equipment, Communication Equipment, Optical Equipment, Gas Protection Equipment.

The second page of the document contained a photograph of a motor vehicle, and the following words:

Secret Command Matter. Sheet no. G31. Personnel Detoxication Truck. (Motor Vehicle 92) Application: Detoxication of personnel and of the heavy gas clothing of the fog units. Technical Data: Chassis -- for 3-ton truck Hot water preparation using a water turbulence brake, powered by vehicle engine, having a capacity of 44,000 kcal/hr. for heating the detoxication tub for heavy gas clothes and for shower water for two shower baths. Water stock carried along: 800 litres. Filling of the water bin by electric floater pump. Gross weight: 9,300 kg.

The second page also contained the photograph of a heavy motorized truck, and the following caption:

Secret Command Matter. Sheet Number G32. Clothes Detoxication Truck 93 (Motor Vehicle 93/1) Application: Allocated to the troop detoxication companies (Tek) for the detoxication of uniforms, leather gear and gas masks using hot air and water steam. Technical Data: Chassis for 3-ton truck Steam of 0.2 atmosphere UE -- 50 kg./hr. Air of 120 degrees centigrade -- 3,600 cubic metres/hr. Two chambers for 30 uniforms each with 2 cubic metre content. Duration of detoxication: 1-1/2 hours for uniforms (combined steam, hot air process); 12 hours for leather gear (Hot air process) Gross Weight: 9,700 kg.

The third page of the document contained a photograph of another heavy mechanized truck and the following description:

Secret Command Matter. Sheet No. G33. Clothes Detoxication Truck (Motor Vehicle 93/2) Application: Allocated to the troop detoxication companies (Tek) for the detoxication of uniforms, leather gear and gas masks using hot air. Technical Data: Chassis -- 4-1/2 ton truck -- Bussing Air of 100 degrees Centigrade, 4,000 cubic metres/hr. 1 chamber for 40 uniforms Duration of detoxication: 4 hours for uniforms using hot, fresh and environment air in alternate operation.

(30-8208, 8209; Bundesarchiv gas van documents filed as Exhibit 129 at 31-8523)

Faurisson testified that it was very difficult to detect the origin of any myth, but he believed that the modern German army detoxication vans could make people think that perhaps they were sometimes used to kill Jews or others. He noted that the photograph of the alleged gas van published by Browning in his book *Fateful Months* had only the simple caption:

Gas Van (2 pictures), taken by Polish photographer after the liberation. -Yad Vashem Archives.

He pointed out further that the documents concerning the detoxication trucks were all marked 'secret'. (30-8209, 8210; Photograph of Gas Van from book *Fateful Months* filed as Exhibit 130 at 31- 8524, 8525)

Faurisson turned to the subject of Auschwitz and Majdanek and began by quoting Browning's testimony to the court concerning the camps. Browning admitted that he had never been to Auschwitz, which Faurisson termed the "capital" of the extermination. He was wrong, said Faurisson, when he said that the gas chambers in Auschwitz had been destroyed. The physical evidence was in Auschwitz for the millions of tourists visiting the camp who were shown Krema I and who were told this was a genuine gas chamber in which some 800 people were gassed at a time in about 65 square metres. In fact, said Faurisson, it was never a gas chamber. According to plans which Faurisson found in the Auschwitz Museum, it was a morgue. In June of 1943, the morgue was changed into an air shelter used for surgical operations. The SS hospital was twenty metres away and the room was required in case of bombing. The Germans partitioned it into four or five small rooms with the doors placed in a typical air raid shelter zigzag pattern to block the draft caused by bomb explosions. What visitors to Auschwitz saw today was something else again, said Faurisson. The Poles had removed the inside walls to make it one room again and tourists were told that it had been a gas chamber. Faurisson pointed out that one of the doors of this alleged "gas chamber" had a glass pane which could have been broken quite simply; that would have ended any gassing attempt. ((30-8213, 8214, 8215)

Browning had also testified that Majdanek was the only place where there were original gas chambers. This contradicted his other testimony in which he maintained that the Germans had destroyed the evidence. Faurisson had inspected Majdanek and what was put forward as the gas chambers were in fact disinfection chambers. Immediately after the war, it was the shower room at Majdanek that was represented to be the gas chamber: "I suppose," said Faurisson, "that they realized that this shower room could not have been a gas chamber for a simple reason. You have windows beginning at this high, I mean the half of my body, so now the disinfection gas chamber[s] are described as gas chamber[s] for killing the people." The first accusation of the exterminationists made without proof, said Faurisson, was that the Germans gassed people in those places. The second accusation without proof was that the Germans destroyed those places. (30-8215 to 8217)

In Birkenau today the ruins of Kremas II and III were still there but nearly nothing remained of Kremas IV and V. Faurisson did not know who destroyed them. The Auschwitz Museum claimed that the Germans destroyed them just before the

Russians arrived. Said Faurisson: "I can only tell you that if I had to destroy proofs of a crime, I wouldn't proceed as they are supposed to have proceeded because you see very well that dynamite has been put into a kind of sealer and the blocks of cement went like this and went like that. So underneath, you could find any proof if there were any of a gassing facility." (30-8218)

The Poles at the Auschwitz Museum, said Faurisson, had very naively tried to figure out how the gassings took place and had prepared models of the process which were on public display. These models, in Faurisson's opinion, showed very easily that it was totally impossible that there were gas chambers in Birkenau. (30 8217)

People were supposed to have arrived in groups of 2,000 and been taken into an underground place called Leichenkeller 2, where they undressed. Then they were supposed to have been gassed in the adjoining Leichenkeller 1 using Zyklon B. After the gassing, the 2,000 bodies had to be taken up to the crematories on the ground floor. There were fifteen ovens to cremate the 2,000 gassed people, and it was impossible, said Faurisson, to cremate more than fifteen people in an hour and a half: "...it means that one hour and a half after, you have still 1,985 people to burn." One would need another place to put the bodies as there were more people waiting to be gassed: "How could you do it...when you know what is Zyklon B, without being a chemist at all, when you know that it is a gas, an acid which sticks everywhere and especially in the bodies. You cannot get rid of it like that." (30-8218 to 8221)

Faurisson was the first person to publish the plans for Kremas II and III at Birkenau. He had found small photos of the plans in a binder at the Auschwitz Museum in 1975. Faurisson related the story of how he obtained the plans: he had visited the camp that year and noticed that the crematory retorts in the alleged gas chamber had no soot in them. Faurisson asked a high official at the museum whether the crematories were genuine and was told that they were. When Faurisson pointed out there was no soot in them, the official admitted they were reconstructed. Faurisson said that they must necessarily have used a plan for the reconstruction and demanded to see it. As a result, he was allowed to look at the archives and found the plans, which he asked for. Since he was a professor at the Sorbonne at the time, the museum provided him with copies. (30-8219, 8220)

Faurisson referred to Browning's testimony where Browning indicated that he had visited no camps in Poland; had visited several camps in Austria, Germany and France simply to see what kind of memorial they had; and had neither conducted nor looked at scientific tests of a gas chamber. Said Faurisson: "...a historian, a specialist of the extermination shouldn't go like that as if it was a holy place. He must go with a scientific spirit. He must try to see what it is. I cannot understand that this man, who has been on-the-spot, who saw those gas chambers there, didn't say, 'I should try to investigate at least a little bit'." In Faurisson's opinion, Browning should also have been interested in the aerial photographs of Auschwitz released by the CIA. (30-8222, 8223, 8244)

For a long time, said Faurisson, it was claimed that there were gas chambers in Germany and Austria in such places as Dachau, Mauthausen, Hartheim and Struthof-Natzweiler. In the 1983 book *National Socialist Mass Killings with Poison Gas*, this was still maintained. (30-8224, 8225)

Browning also testified that he had not seen any affidavits to the effect that there were gas chambers in Dachau. But there were such affidavits, said Faurisson. For instance: "...at the International Military Tribunal in 1945 -- 1946, Dr. Blaha, director of a Czechoslovakian hospital, swore on the 9th of January, 1946, that there was a gas chamber in Dachau, that it was achieved in 1944, that he examined himself the victims, he made descriptions, talked about golden teeth, said that the insane were gassed and said that he, himself, for this, received his order from an SS called Dr. Rascher..." This affidavit was number PS-3249, found in the IMT "Blue Series", volume 32, pages 56-64. (30-8226)

Browning had mentioned Filip Müller as a witness of the gassings. Müller had testified at the Auschwitz trial in Frankfurt which went from 1963 to 1965. Faurisson testified that he had never succeeded in getting the trial transcript, but had studied a book written about the trial by Hermann Langbein who was a survivor of Auschwitz. Langbein wrote that Müller had accused a man named Stark of involvement in the gassings at Auschwitz I but it was proved later that Stark had never been there at the time. As a result of this false accusation, the defence lawyer said that the testimony of Müller could be false from A to Z. (30-8227 to 8229)

Filip Müller in fact never wrote his book, Eyewitness Auschwitz: Three Years in the Gas Chambers, said Faurisson. It was written by a man named Helmut Freitag: "It's a kind of novel with a quantity of what I called stupid story and sex orgies. It's what I call Nazism of sex shop," he said. This was the book which contained the story of the bucket jumping around with muscles in it and the story of the naked young girls who wanted to kick him out of the gas chamber. It also had the story of the singing in the gas chamber of the Czechoslovakian hymn and the Jewish Hatikvah, which Faurisson indicated was a fraud, in that it was plagiarized from the book Auschwitz: A Doctor's Eyewitness Account, by Miklos Nyiszli. This had been demonstrated clearly by Carlo Mattogno in his book, Plagiarism of Filip Müller. (30-8229, 8232)

Browning testified that the statements of Gerstein were corroborated by a Professor Pfannenstiel. Faurisson testified that Pfannenstiel was in the disinfection business and had trouble after the war. He was put in jail, but in a trial made "a kind of confession" saying that he did not collaborate with Gerstein although he still used the word gas chamber. However, in the files of Paul Rassinier, Faurisson found a letter dated August 3, 1963 from Pfannenstiel in which he told Rassinier that what Gerstein had said was gossip. (30-8233 to 8235)

What Gerstein said, testified Faurisson, was also totally impossible: "For example, when he says in Belzec, you had 700 to 800 people in 25 square metre, 45 cubic metres, and he says that twice. Make the calculation. It means twenty-eight to thirty two people in one square metre with one metre 80 high...And it's so embarrassing that it's quite common that the historian, not the case of Dr. Browning, historian like Leon Poliakov - French, Martin Gilbert -- English, changed totally the numbers. Instead of putting 25, they put 93, and they suppress the 45 cubic metres because if...they had kept 45 cubic metres, the 93...square metres would have given a room of half a metre so it was impossible, so they suppressed that. They suppressed many, many things. Poliakov did that. And they are...historians." (30-8235, 8236)

With respect to Browning's testimony generally, Faurisson said: "I would say that Dr. Browning doesn't take into account what I call the other side of the story. The other side is what the revisionist[s] have written. He said that he had read Butz and of course this pamphlet. And I maintain that this pamphlet is quite a gook book. Quite a good publication and prophetic, I said, for 1974. [Browning] should have tried to consult the defence counsels of the accused. He is always talking about the Germans. Why didn't he at least once try to ask his advice to any counsel? For instance, he could have written, as I did, to Dr. Servatius who was the defence lawyer of Eichmann and in the Nuremberg trial, he had been also a defence lawyer. Very interesting...I ask him how is it that you didn't ask any question about the gas chamber and he said because we decided not to get into that but to say that Eichmann had nothing to do with it. And it's classical in all those trials, the defence lawyer cannot defend something which looks impossible. It looks impossible to say that the gas chamber did not exist so the tactic of those people, and I can bring proof of that, was not to get into that. Exactly as in the witchcraft trial, when the people were accused of having [met] the devil, they wouldn't say, 'Your Honour, the best proof that I have not met the devil is that the devil does not exist'; it would have been the end. No. The tactic was to say, 'Oh, yes, the devil was there on the top of the hill. Myself, I was down [at the bottom]...and in Auschwitz it's exactly the same thing.'" The accused would admit the existence of the gas chambers, but deny their involvement with them. (30-8236 to 8238)

Faurisson testified that he was familiar with the work of Dr. Wilhelm Stäglich, who published the book *The Auschwitz Myth* in 1979. Stäglich had been stationed in Auschwitz in an anti-aircraft battalion for three months, and in 1974 wrote that he did not believe the story of Auschwitz. For writing his book, Stäglich, who was a judge, had his doctorate stripped from him under a law enacted by Hitler which was still in force in West Germany. (30-8238)

In his book Stäglich had dealt with the subject of Richard Baer, the third and last commandant of Auschwitz, the first being Höss and the second being Liebehenschel. No confessions were obtained from the last two commandants. Baer died in prison shortly before the beginning of the Auschwitz trial in obscure circumstances. The medical report did not exclude suspicious circumstances. Stäglich wrote that Baer had refused to say that gas chambers existed. The Auschwitz trial began only after Baer's death. (30-8239, 8243, 8244)

Faurisson had also studied the subject of the financial reparations made by West Germany with respect to the Holocaust. In 1952, the Federal Republic of Germany under Dr. Konrad Adenauer signed a treaty with the state of Israel providing for reparation payments. It was known as the Luxembourg Treaty because the Jews did not want to sign it on German soil, so it was signed in Luxembourg. Under this treaty, reparations were paid to Israel and to the Jews in the Diaspora. According to Raul Hilberg, these payments would be made beyond the year 2,000. This meant, said Faurisson, that "a young man in Germany today pays for that." 6

Faurisson produced a document published by the German Information Center, 410 Park Ave., New York, New York, in May, 1985, entitled *Focus On* dealing with "Restitution in Germany" and quoted from a portion headed "Indemnification for Persecution of Persons":

The BEG laws compensate those persecuted for political, racial, religious, or ideological reasons -- people who suffered physical injury or loss of freedom, property, income, professional and financial advancement as a result of that persecution. In addition to racial and political victims of the Third Reich, the law includes compensation for artists and scholars whose works disagreed with Nazi tenets. It also provides compensation for people who were persecuted merely because they were related to or friendly with victims of the Nazis. Finally, it guarantees assistance to the survivors of the deceased victims.

The BEG legislation extends far beyond the responsibilities assumed by the Government of the Federal Republic of Germany in the Transitional Treaty and in the Luxembourg Agreement. Of 4,393,365 claims submitted under this legislation, between October 1, 1953 and December 31, 1983, 4,390,049 or 99.9 percent had been settled by January 1, 1984. Up to this date, payments equaling DM 56.2 billion had been made. Approximately 40 percent of those receiving compensation live in Israel, 20 percent reside in the Federal Republic of Germany and 40 percent live in other countries. (Focus On filed as Exhibit 131 at 31- 8525, 8526)

Faurisson turned to the subject of the New York Times article on Majdanek, of August 30, 1944, introduced by Browning, said Faurisson, "to show that Richard Harwood was a liar..." Faurisson pointed out that the article claimed that 1.5 million people were killed in Majdanek in three years. Hilberg, however, in both editions of *The Destruction of the European Jews*, gave the figure of 50,000 Jews killed at the camp. Hilberg didn't mention others being killed. Said Faurisson: "And I say that this is a kind of rectification done by a historian, Raul Hilberg. We must be careful with what a journalist says, because all this is [is] a report by a journalist of what he was told on the spot...He talks about the shoes in Majdanek. I have been in Majdanek myself...We can see in Majdanek a quantity of shoes, but we do not have any conclusion to take from that because in Majdanek, there was a firm making shoes and also in many camps, all the things [which] had been used were recuperated everywhere in Europe and especially in the camps. So we don't have any conclusion to draw from the fact that we have heaps of shoes or hair, glasses or anything." (30-8255, 8257, 8258)

The journalist had stated:

After inspection of Majdanek, I am now prepared to believe any story of German atrocities, no matter how savage, cruel and depraved.

This was a perfect example, said Faurisson, of what people are ready to believe. It was a naive admittance by this journalist. Browning had admitted that there were some things wrong in the story, such as the fact that Zyklon B operates better in dry conditions [than wet, as claimed by the journalist.] (30-8258, 8259) With respect to crematories, Lawrence had written:

Each furnace held five bodies at a time.

We were told it took fifteen minutes to fill each furnace and about ten to twelve minutes for the bodies to burn.

This, said Faurisson, "is preposterous, totally impossible...this article... is pure propaganda from the beginning to the end. My comment of what Dr. Browning did is that I am surprised that a historian would use such a story. It's pure propaganda and even Soviet propaganda. This is admitted, I think, by Mr. Browning at the end." Faurisson was surprised that Browning finished his testimony with "an article of the New York Times, by somebody who is a member of one of the country fighting against Germany making this report, which is pure propaganda, normal propaganda in time of wars, but after the war the propaganda should stop and we should check. We should work." (30-8259, 8260)

Faurisson next began an analysis and criticism of the book *Six Million Did Die*, which had been written specifically to refute the allegations in *Did Six Million Really Die?*. The title, said Faurisson, said 6 million died, but Raul Hilberg said 5.1 million died, and Reitlinger said it was something like 4.4 million. If the two latter persons were right, it meant that the title *Six Million Did Die* was wrong. (30-8261)

Throughout the book, said Faurisson, it was claimed that there was an order from Hitler and a plan to exterminate the Jews. On page 27, the book called "astounding" David Irving's contention in *Hitler's War* that Hitler did not order the liquidation of the European Jews and repeatedly forbade it. Faurisson pointed out that what Crown Attorney Pearson called "the historical community" now accepted that Hitler did not give an order for the extermination of the Jews. The book mentioned the alleged Himmler order to stop the killing of the Jews in 1944. This order, said Faurisson, never existed. On pages 23, 35, 37, 38, 58, 59, 81, 85, 87, 93 of the book, as examples, were mentions of a plan to exterminate the Jews. The words used were: "deliberate matter, a purpose, objective to eliminate the Jewish race, plans were made, deliberation, programme, policy, carried out, deliberately, intentionally and methodically, policy to exterminate, plan of extermination, planned by logical destruction, deliberate extermination, etc." This alleged plan, said Faurisson, never existed; he pointed out that the evidence the book used was "automatic. Testimony. It's always testimony." (30-8261 to 8263)

Faurisson turned to *Six Million Did Die's* treatment of the Dachau gas chamber. On page xii of the book, the authors Suzman and Diamond had written:

In particular, the reports of two of the investigating groups provide a detailed description of the Dachau gas chamber -- the very existence of which Harwood denies.

On pages 116 and 117 of the book, Suzman and Diamond summarized the findings of a South African Parliamentary report entitled *Report on Conditions in Concentration Camps in Germany; Illustrated by Photographs (published by Authority); printed by Cape Times Limited, Cape Town, 1945*. Faurisson read from page 117:

The investigators next visited the crematorium. During 1944 the number of deaths had been 4,884 whereas the total for the first four months of 1945 was shown to be 13,000. The daily death roll still stood at about 125.

The Report then describes, in the following terms, the gas chamber, which bore the inscription Brausebad (Shower bath) above the entrance:

"The gas chamber, about 20 feet by 20 feet, bears all the characteristics of an ordinary communal shower room with about fifty shower sprays in the roof, cement ceiling and cement floor. But there is not the usual ventilation, and the sprays squirted poison gas. One noticed that the doors, as well as the small window, were rubber lined and that there was a conveniently situated glass-covered peephole to enable the controller to see when the gas could be turned off. From the lethal chamber a door leads to the crematorium. We inspected the elaborate controls and gas pipes leading into the chamber.

Behind the crematorium there was an execution place for those who had to die by rifle fire; and there were ample signs that this place had been in frequent use."

On page 122 of *Six Million Did Die*, the authors included a photograph of a pile of bodies in a room with the caption:

Victims of the Dachau gas chamber lie piled to the ceiling in the crematorium.

On page 127 of the book, Suzman and Diamond quoted the findings concerning Dachau found in the Report of the Joint Committee Representing the Senate and the House of Representatives of the United States of America (reproduced in IMT volume 37 as document 159-L, at pages 605-626), an extract of which Faurisson read to the court:

The Joint Committee then proceeded to the "infamous concentration camp at Dachau", a distinguishing feature of which was the gas chamber, which is described in the following terms:

"The gas chamber was located in the centre of a large room in the crematory building. It was built of concrete. Its dimensions were about 20 by 20 feet and the ceiling was some 10 feet in height. In two opposite walls of the chamber were airtight doors through which condemned prisoners could be taken into the chamber for execution and removed after execution. The supply of gas into the chamber was controlled by means of two valves on one of the outer walls, and beneath the valves was a small glass-covered peep-hole through which the operator could watch the victims die. The gas was let into the chamber through pipes terminating in perforated brass fixtures set into the ceiling. The chamber was of size sufficient to execute probably a hundred men at one time.

The room in which the gas chamber stood was flanked on both ends by ware-rooms in which the bodies were placed after execution to await cremation. The size of each room was approximately 30 by 50 feet. At the time we visited the camp these ware rooms were piled high with dead bodies. In one of the rooms the bodies were thrown in an irregular heap. In the other room they were neatly stacked like cordwood. The irregular pile of bodies was perhaps 10 feet high, covering most of the floor space. All of them were naked.

It was quite evident that the daily death rate at Dachau, by execution and otherwise, far exceeded the daily capacity of the crematory to dispose of the bodies. The stench indicated that some of them had been there for several days..."

Faurisson testified that he had been to Dachau and visited the alleged 'gas chamber' and crematory. While there, he took a photograph of a sign situated on a moveable stand inside the so-called 'gas chamber'. The sign said: "Gas Chamber Disguised As A Shower Room -- Never Used." He had been told that today the sign said: "[Gas Chamber] Disguised As A Shower Room -- Never Used As A Gas Chamber." (30 8268)

Faurisson entered into a correspondence with the authorities at the Dachau Museum, Mrs. Ruth Jakusch and Mrs. Barbara Distel, and also with the International Committee of the Former Inmates of Dachau in Brussels, asking them this question: "I said, why do you call this place a 'gas chamber' and what is the story of this 'gas chamber'? And the story that we have to accept is this: The German began the construction of this place, called 'gas chamber', in 1942, but in 1945, they had not finished this little room because the inmates forbid them to finish their construction, so it is a gas chamber which is not finished and that's why it has not been used...And my question was, 'How could you say that this is a gas chamber...which is supposed not to be finished? What is lacking? Tell me what we need to have a gas chamber finished and could you show me an expert report because myself I do not understand.' But the tourists they do not do that and the photographers, because we have many films in which we see the false gas chambers ... but they take off the mobile board and they made their photo of this place."

Faurisson believed there was never any gas chamber in Dachau and the room now represented as such had simply been a shower room as the inscription above the door indicated. (30-8269 to 8272) Suzman and Diamond's caption under the photograph of the pile of bodies -- "Victims of the Dachau gas chamber lie piled to the ceiling in the crematorium" -- was therefore false since no one was gassed at Dachau. In Faurisson's opinion, this was a seriously misleading statement. (30-8269, 8270)

Faurisson pointed out that some 1,500 Dachau inmates died while in the hands of the American liberators in 1945, while the total number of deaths in the camp in 1943 was 1,100. (30- 8270)

Faurisson turned next to pages xiii and xiv of *Six Million Did Die*, in which the authors expressed appreciation to various people for their help in writing the book. Among the names were Professor Raul Hilberg, Dr. Nahum Goldmann (President of the World Jewish Congress) and Dr. A. Rückerl (of the Zentrale Stelle der Landesjustizverwaltungen at Ludwigsburg) who was in charge of the investigation of Nazi war crimes in Germany.

Said Faurisson, "...I remember that when I brought this book to Ernst Zündel, in 1985, he was very surprised. He said how is it that there are so many, I think, big shots, big names against a booklet which is supposed to be so poor and he wanted to make a photocopy of this book. I said no, don't do it. It's trash. You don't need it but he did it. What I mean is that we have so many big names who took the responsibility of publishing this book, saying 6 million, saying an order, saying a plan, saying Anne Frank diary is authentic, saying there was a gas chamber and gassings in Dachau..." (30-8274)

April 14, 1988

Faurisson produced and filed with the court a true copy of a plan of a crematorium in Birkenau, which according to a letter of 29 November 1977, sent to him by the Auschwitz Museum, was Plan Number 934 of 27 January 1942, negative 6228. Faurisson had received the plan in 1976 or perhaps even in 1975. (30-8283 to 8285; Plan of Crematorium in Birkenau filed as Exhibit 123 at 30-8285)

He also produced and filed with the court a true copy of a plan of Krema II in Birkenau, which Faurisson had been the first person to publish. Showing this plan to the jury, Faurisson explained how the alleged gassing procedure took place. The victims, said Faurisson, allegedly entered a room designated as Leichenkeller II on the plan (meaning in English 'a cellar for cadavers') for the purpose of undressing. They were then supposed to go through a small corridor into Leichenkeller I where they were gassed. Then the people of the Sonderkommando would take the bodies out and put them on an elevator to bring them up to a room which contained five crematory ovens, each of which had three retorts (openings in which to place the body). (30-8286 to 8288; Plan of Krema II in Birkenau filed as Exhibit 124 at 30-8296)

Faurisson discussed the plans with Zündel in 1979 in Los Angeles at the first convention of the Institute for Historical Review. Faurisson told him that prior to the discovery of this plan, it was not known that the real name of the two underground rooms was Leichenkeller. (30-8287, 8289)

Faurisson pointed out that there were many material impossibilities with this alleged gassing theory. According to the building plan, the Leichenkeller was 7 metres wide and 30 metres long, yet 2,000 people were supposed to have entered it at one time to be gassed. How often they were supposed to have entered was never set out precisely: "...when they say, for instance, that there were 10,000 people killed by day or gassed by day, you must divide that, perhaps, with the other crematoriums. It's very difficult to say." Neither Raul Hilberg nor other historians were precise about this point. However, the Auschwitz Museum claimed the number of 2,000 in its publications. Said Faurisson: "And Höss, in his confessions, said without locating really the place where it was supposed to happen, said that the gas chamber could accommodate 3,000 people but never had more than 2,000." (30-8290 to 8292)

There were fifteen retorts in Krema II and if 2,000 people were gassed, said Faurisson, and it took one hour and a half to burn one body, then it meant that after an hour and a half a maximum of fifteen bodies had been cremated, leaving 1,985 bodies to be burned. Faurisson had calculated that it would have taken about eight days and eight nights to burn all 2,000 bodies. During this time, he asked, where would they have put the bodies so that the next batch of victims could be gassed? (30-8292)

Höss had said that the crew of the Sonder-kommando went into the gas chamber immediately after the gassing and the switching off of the ventilation to take the bodies out. He described them as performing this job negligently, even smoking and eating as they did it. Faurisson had studied the technicalities of Zyklon B, however, and found that it was very difficult to ventilate since, according to its manufacturer, it adhered strongly to surfaces. This could be found in Nuremberg document NI-9098. Said Faurisson: "It's a very dangerous gas, so I don't see how some people could enter

this place without gas mask because they were eating or smoking and how they could have dragged out all those bodies." (30-8293, 8294)

Faurisson told Zündel that he believed Leichenkeller I and II were classical morgues. They were there because of the typhus in Auschwitz, especially in the summer of 1942. Krema II and the other crematories at Birkenau were built in early 1943. Faurisson had found proof that the Auschwitz authorities asked for the construction of the crematories. The contracting firm answered in twelve days indicating that they were ready to build them. The plans were not hidden by the Germans; in Auschwitz, they were in fact very proud of the buildings.

Faurisson had also found at the Bundesarchiv in Koblenz plans of a Leichenkeller in the camp of Sachsenhausen which could hold 200 bodies. He believed this was "rather common because a crematorium must have as much places as possible in case of epidemics or catastrophe." (30-8295, 8296)

Faurisson produced a second plan showing Krema III at Birkenau which he had obtained at the Auschwitz Museum in either 1975 or 1976. The plan was more detailed in its depiction of the ovens than the first plan. Krema III was the mirror image of Krema II, and had one chimney 7 metres high above the roof. (30-8297, 8298; Plan of Krema III filed as Exhibit 125 at 30-8300)

These plans had been published by other people since Faurisson first published them in August of 1979. One of the plans was on display in Pavilion No. 4 at Auschwitz but was difficult to see. Prior to that time, however, Faurisson testified he had never seen the plans published anywhere, and that, indeed, he had had some difficulty obtaining them: "...the difficult thing [at] the Auschwitz Museum is that there is no real classification of the archives and you must ask some things specific and it's very difficult sometimes to open a document because they say they have to ask permission or they are going to answer a letter or etc." (30-8298 to 8300)

Zündel had an interest in the plans and he and Faurisson decided they would try to get more information specifically about the crematories. (30-8301)

Faurisson next produced two plans of the camp at Birkenau. The first plan came from the book *KL Auschwitz, Photographic Documents*, published in Warsaw in 1980 by the *Krajawa Agencja Wydawnicza*; the second plan came from the book *The Auschwitz Album*, by Serge Klarsfeld and Jean-Claude Pressac, published in France in 1983 and two American editions in the early eighties. (30-8302; Two plans of Birkenau filed as Exhibit 126 at 30-8306)

Faurisson testified that the photographs contained in *The Auschwitz Album* gave a "good idea" of what happened to people as they arrived by train at Birkenau. Using the plan of the camp to point out the locations to the jury, Faurisson explained that he believed the prisoners were separated upon arrival into two groups: men in one group and women and children in the other. After separation, the group of women and children moved off to the left onto a road which passed between Kremas II and III which led to the large sauna building at the top of the camp for delousing. The men took a road to the right which also led to the sauna and which passed between Kremas IV and V. Faurisson could not answer why the two groups would take different

routes, but he speculated that it was because there were different entrances into the sauna and it would maintain separation of the groups from the beginning. There had never been any allegation that the sauna building was used for gassing. (30-8303, 8304)

There were no photographs of any people going into Kremas II or III in The Auschwitz Album. What photographs there were showed the women and children proceeding on their way past the crematories. To make the reader believe that the people were in fact stopped at the crematories to be gassed and burned, the authors had played a "trick" on the reader, said Faurisson, by eliminating from the plan of Birkenau in two places the road that led from the crematories to the sauna building. All the plans of Birkenau which the Poles published showed the road, such as the plan of Birkenau published in the KL Auschwitz book. Faurisson had compared this plan with other plans of Birkenau shown to him by Mr. Tadeusz Iwaszko, the director of the archives at Auschwitz Museum. All of them were the same. In his opinion, the plan in KL Auschwitz reflected what had been the real layout of the roads at Birkenau. (30-8304 to 8309)

Faurisson testified that the authors had played other tricks with the plan. Said Faurisson: "For example, this place on some, at least, Polish original plans...is designated as a sport place, a place where the inmates would play soccer and there you had the hospital with something like seventeen barracks. To hide this fact, they put in the French edition...Secteur Hospital. They write it down there on the left of the plan. In fact they should have said that it was a soccer field and it's strange that in those places, Krematorium II and Krematorium III, people were supposed to be gassed by thousands and thousands quite close to a soccer field and quite close to a hospital." (30- 8307)

Faurisson returned to an analysis of the book Six Million Did Die. Faurisson pointed out that the Foreword to a book with this title was written by Dr. Nahum Goldmann, President of the World Jewish Congress, yet Goldmann did not say "6 million" Jews died. Instead, he referred to "millions of Jews." (30-8310)

On page 5 of the book, the authors listed the "spurious attack" on the authenticity of the Anne Frank diary as one of the falsehoods contained in Did Six Million Really Die?. Faurisson indicated that Six Million Did Die was written in 1978 and that since 1980, with the forensic results of the Wiesbaden examination, "...we may have serious reason to doubt about the authenticity [of] the diary of Anne Frank. So those attack[s] were perhaps not spurious...I think that the people who doubted...the authenticity of the diary of Anne Frank were right." Faurisson pointed to the sample of Frank's handwriting on page 15 of the book and testified that he believed the adult-like writing to be that of her father. (30-8310, 8311)

On page 16 of Six Million Did Die, the authors quoted from the book Under Two Dictators by Margarete Buber where she said at page 208:

In the winter of 1941-2 the extermination of prisoners by gas began in Ravensbrueck.

Faurisson testified that no reputable historian today maintained that there were gas chambers at Ravensbrück. Raul Hilberg did not mention any gas chambers at that

camp. But Suzman and Diamond had quoted Buber's statement as if it was the truth, said Faurisson, to give "...a kind of notion there were [gas] chambers in Ravensbrück. The reader of Six Million Did Die can only conclude that there were gas chambers in Ravensbrück, which is wrong." (30-8313, 8314)

Faurisson had examined Buber's book and found a clear indication that she herself knew that there were no gas chambers at the camp. This passage was never referred to in Six Million Did Die. On page 304 of her book she had written:

I don't know to this day whether there was a gas chamber in Ravensbrueck or whether the women had been despatched in the mobile gas chambers which were available for such purposes.

Suzman and Diamond had also criticised Richard Harwood for his "usual technique of selective quotation" by allegedly distorting a quote of Colin Cross to support his contention that it was unlikely that the Germans would have conveyed millions of Jews around Europe at the height of the war. Faurisson did not agree with this criticism: "Harwood was quite right to quote Colin Cross as he did. It was not a selective quotation. Of course when...I quote an exterminationist, I take sometimes one sentence, two sentence[s] and I don't say every time, 'But you must know that this man believed in the extermination of the Jews'...If I quote, for instance, Raul Hilberg, I am not going to say, 'But remember, Raul Hilberg himself believed in the extermination of the Jews'. I'm not going to do that every time." (30-8318, 8319)

On pages 18 and 19 of Six Million Did Die, the authors referred to the film, "Nazi Concentration Camps," shown at the Nuremberg trial and films of German atrocities shown at the Eichmann trial. Two photographs from Belsen concentration camp, one of them showing a bulldozer pushing a pile of bodies, and the other showing Germans throwing bodies into a mass grave, were reproduced. Faurisson testified that at Nuremberg, the film "had a terrible impact on the accused. We know that by the psychologist of the prison. His name was Gilbert and this film was projected on the 29th of November 1945. My remark is only this one: in fact, we know that this film had something like 80,000 feet and they took for the Nuremberg trial only 6,000...We know that by the document PS-2430, Exhibit U.S.A. 79." (30-8319, 8320)

Faurisson also commented on the two Belsen photographs reproduced in the book: "This photo and the other one underneath are horrible photos showing Jews of Bergen-Belsen at the liberation. We see a Caterpillar pushing bodies and we see SS women throwing bodies into a grave...What is wrong is that the reader, I mean the layman is going...to think that the German[s]...were every day throwing bodies like that, pushing them with Caterpillar cynically, but if the photo had not been cut on the top, we would see that the driver of the Caterpillar is a British soldier...[At] the liberation of Bergen-Belsen, the British took out of the graves many bodies to count them and then they were re-put into graves. And there were also many bodies like that not in graves...so, they had to put them together into graves." The photograph of the SS women with the bodies was taken after the liberation of the camp, said Faurisson, when the British forced the women to handle the bodies. There was no indication in the book, however, that these were the circumstances under which the photographs were taken. (30-8320 to 8322)

Faurisson had read Dr. Russell Barton's report on his experiences at the liberation of Belsen, and believed it to be true. The photographs of Belsen in *Six Million Did Die* might be proof to a layman reader, said Faurisson, that the extermination plan constantly alleged by the book was actually true. "I know," he said, "that ...at the liberation of Bergen-Belsen, when the people saw all those horrible photos, it's a fact that they thought, 'Oh, there we are, we have a proof that Hitler exterminated the people.'" (30-8321, 8322)

On page 21 of *Six Million Did Die*, the authors wrote the following about Raul Rassinier under the heading "Use of Spurious Authorities":

The principal authority relied upon by Harwood is Paul Rassinier.

Rassinier, though originally a member of the French Resistance and a one-time inmate of a concentration camp, subsequently published various booklets in which he contended, inter alia, that the Nazi "Final Solution" did not mean the extermination of European Jewry and cynically suggested that the use of gas chambers and the systematic extermination of prisoners was only the work of "one or two foolish Nazi zealots and concentration camp administrators anxious to please them".

In 1964 M. Bernard Lecache, the Director of *Le Droit de Vivre*, the organ of the International League Against Racism and Anti-Semitism, published an article alleging that Rassinier had made common cause with the neo-Nazis.

Rassinier instituted an action for defamation. The Court held that the defendant had proved that Rassinier had in fact "made common cause with his now neo-Nazi friends", dismissed the claim and ordered Rassinier to bear the costs.

Said Faurisson: "My comment about that is that Paul Rassinier, yes, sued those people. He...had been a deportee, a real resister in France. He had been arrested by the Gestapo, had been tortured, had been deported to Buchenwald and to Dora, and he came back in an awful state of health, and he decided to write a book about his experience...[I]n his book, he talks, I think very eloquently, about the horror of those concentration camps, but at the same time, he says even if you suffer so much, you have no right to lie and we must make a distinction between truth and lie in what happened in those camps. He said that we should not do as Ulysses, the hero of Homer, who suffered very much..[W]hen he came back home, instead of telling what he had suffered...he multiplied them and he said extraordinary stories. Paul Rassinier said we must try to be accurate...[R]ight at the beginning, he had a doubt about the gas chambers. Only doubts at the beginning. And more and more he discovered that there were testimonies about the gas chamber in Buchenwald where he had been. He gave the name, he gave the text and he said this is not true and he had doubt for the other camps and for the other testimonies. So that's why at the beginning he said that maybe one or two foolish Nazi zealot concentration camp administrators anxious to please them used gas chamber. That was a hypothesis at the beginning. It is quite true that he sued those who treated him as Nazi and it is true that he lost his suit and he had to pay,...but what does it mean? What does it prove? He was accused of doing the job of the Nazi, of being for the Nazi, but myself, thirty years after, I have been accused of being for the Nazis and the best proof for the people was I did not believe in the gas chamber and there was even one judgment where it was said that although I could be

right about the gas chamber, I...could appear as somebody who had sympathy for the Nazi, which is absolutely not my case. But it is systematic. Everyone who has doubts about the gas chambers or the extermination is considered as a Nazi and the fact that he lost a lawsuit doesn't mean anything for me." (30-8323 to 8325)

On page 21 of Six Million Did Die, the authors had written:

Apart from a host of obscure pamphleteers who find no place in any recognised bibliography on the subject, Harwood quotes as authoritative, the thoroughly discredited Senator Joseph McCarthy, one Harry Elmer Barnes, the translator of Rassinier, and such like.

Faurisson testified that he did not understand why Suzman and Diamond referred to Barnes as "one Harry Elmer Barnes." Barnes, said Faurisson, was a very well known American historian who had an international reputation. The sentence indicated that the authors despised Barnes: "...I think that nobody would like to find his name after 'the thoroughly discredited Senator Joseph McCarthy'...(30-8326 to 8328)

To verify that Barnes was a prestigious historian, Faurisson read an article which appeared on his death, in the August 28, 1968 edition of the New York Times. In Faurisson's opinion, Barnes was "a very courageous man and...the end of his life was very difficult because he made a scene. He became revisionist which is very grave." ((30-8330 to 8336)

In "The Public Stake in Revisionism," an article published in Rampart Journal (summer of 1967), page 36, Barnes had written:

An attempt to make a competent, objective and truthful investigation of the extermination question is now regarded as far more objectionable and deplorable than Professor Bemis viewed charging Roosevelt with war responsibility. It is surely the most precarious venture that an historian or demographer could undertake today.

Faurisson testified that he had recently heard that revisionism could be considered the big intellectual adventure of the end of the twentieth century and he was pleased that Barnes had used the word 'venture' to describe it. (30-8336)

Page 22 of Six Million Did Die dealt with the book The Hoax of the Twentieth Century by Dr. Arthur Butz:

Butz offers the following peculiar comment on Harwood's booklet: "It is quite good in convincing power, although it has some weak points", a comment which reflects as much on Butz himself as it does on Harwood.

Faurisson agreed with Butz's opinion of the booklet: "It's quite good in convincing power because it brings so many good arguments, so many things which...were new at that time and that's why I say that this book, I mean this Did Six Million Really Die? was really prophetic in 1974..." Faurisson noted that Suzman and Diamond were "very prudent" in their attempt to criticize Butz. He continued: "The man and his book, The Hoax of the Twentieth Century, are so remarkable that it is extremely difficult to attack Butz. Even in France, Pierre Vidal-Naquet said about my work that

it was really nothing, but that Butz was very dangerous...What is important is the fact that those two people [Suzman and Diamond] tried to criticize Butz, but what they say is [materially] inconsistent. There is nothing in it. Words but no arguments, no reason and I would like to give an idea of what is Butz, in fact. Is it possible?"⁷

Faurisson testified that he knew Butz personally and had seen him in the company of Zündel in 1979 in Los Angeles, where both Butz and Faurisson had given lectures. Faurisson remembered that Zündel attended every lecture at the conference. Faurisson and Zündel had discussed Butz's book, *The Hoax of the Twentieth Century*, which had been published in 1975 and which Faurisson knew Zündel had read and understood. (30-8337 to 8340)

Faurisson testified that on page 29 of *Six Million Did Die*, the Nuremberg trials were presented as being fair. To Faurisson, another opinion was "quite possible, especially when we [look at] Article 19 and 21 of this International Military Tribunal. Article 19: 'The Tribunal shall not be bound by technical rules of evidence'. Article 21: 'The Tribunal shall not require proof of facts of common knowledge, but shall take judicial notice thereof.' I would say about that that...the International Military Tribunal didn't even try to prove the existence of any gas chamber. There was a kind of implicit judicial notice of the existence of the gas chamber. And it says, 'The Tribunal shall not require proof of facts of common knowledge', which is really difficult to define -- what is 'common knowledge'. And there was no appeal and the documents were chosen by the prosecution. I wouldn't have liked to be judged by such [a] tribunal." (30- 8348, 8349)

On page 31 of *Six Million Did Die*, Faurisson read a portion of a chapter dealing with torture in the Nuremberg trials:

Harwood further alleges that the spurious testimony in support of the myth of the Six Million was invariably given by former German officers who had been subjected to torture or assured of leniency. (p. 13, col. 1)

These scurrilous allegations are repudiated by two Counsel of great eminence, intimately involved in the Nuremberg Trial, namely Lord Shawcross, then Attorney-General for Great Britain and Chief Counsel for the Prosecution for the United Kingdom, and The Lord Elwyn-Jones, the present Lord High Chancellor of Great Britain and one of the Counsel for the Prosecution for the United Kingdom.

Said Faurisson: "My comment is [that] I am not surprised that prosecutors would repudiate that there were tortures. They were, as it is said naively, there intimately involved in the Nuremberg trial...in my opinion, it is clear that there were tortures and I would like to give the name of the people that I think were tortured. Those people are Franz Ziereis...commandant of Mauthausen, and we know by [the] official report of Hans Marsalek...that he was interrogated during something like six hours having in his body three bullets and he died...[This] is what is called the confession of Franz Ziereis. This is not the torture in the general meaning of the word, but this is a kind of torture and even in the Mauthausen Museum today we have a photo showing Franz Ziereis, on a kind of bed, people are around him and there was an American general, I think his name was Seibel...who was present and other people...I would give Rudolf Höss, Hans Fritzsche, Josef Kramer..."

With respect to Josef Kramer, Faurisson testified that a French doctor, Dr. Fréjafon, in a book on Bergen-Belsen, stated that Kramer was beaten by the British and put into a refrigeration room for a night. Faurisson was not surprised that Kramer said there was no gas chamber in his first affidavit but said there was in his second affidavit. Faurisson testified this statement related to Auschwitz and to Struthof Natzweiler. For the latter camp, Kramer gave two totally different 'confessions' regarding the alleged gassings. Faurisson had found these documents in the archives of the French military police in Paris. (30-8351, 8352)

Fritz Sauckel (the German labour minister) was threatened with his family of about ten children being turned over to the Soviets, said Faurisson.⁸ Julius Streicher had complained before the International Military Tribunal about the way he had been treated, and the tortures, but this was later stricken from the record of the Tribunal by its own decision. His complaints were only known today because they were reported in an article which appeared at the time in *The Times*, a British newspaper.⁹ (30-8352, 8353)

Faurisson pointed out various places in *Six Million Did Die* where it alleged a "Nazi policy of extermination" (p. 31); "Mass murder - millions put to death in cold blood as a deliberate matter of State policy" (p. 35); "The evidence presented at the Nuremberg trial relating to the planned extermination of European Jewry" (p. 35): all of which allegations were made without proof. Today, said Faurisson, there was a dispute about whether there was a plan and more and more historians now believed that there was no plan. (30-8353, 8354)

On page 36 of *Six Million Did Die*, the authors reproduced parts of United States prosecutor Robert Jackson's opening address in the Nuremberg trial, in which he alleged:

"The conspiracy or common plan to exterminate the Jews was so methodically and thoroughly pursued, that despite the German defeat and Nazi prostration this Nazi aim largely has succeeded...As the German frontiers were expanded by war, so the campaign against the Jews expanded. The Nazi plan never was limited to extermination in Germany; always it contemplated extinguishing the Jew in Europe and often in the world..."

Again, testified Faurisson, there was no proof for the allegation of a plan. Nowhere in the book did the authors, Suzman and Diamond, indicate that the views expressed by Jackson and others at that time were no longer universally held by historians. (30-8355, 8356, 8360)

On page 38 of the book, the authors quoted the judgment of the International Military Tribunal given on October 1, 1946, where the Tribunal found:

"...In the summer of 1941, however, plans were made for the 'final solution' of the Jewish question in all of Europe. This 'final solution' meant the extermination of the Jews, which early in 1939 Hitler had threatened would be one of the consequences of an outbreak of war, and a special section in the Gestapo under Adolf Eichmann, as head of Section B4 of the Gestapo, was formed to carry out the policy."

Faurisson testified that this statement was "totally wrong. There is absolutely no proof of that and I don't think that I have ever seen a historian even to say exactly this kind of accusation that the German said we are going to ask Eichmann to exterminate the Jews and for that, we are going to create a special section..." (30-8361)

On page 39, the authors again quoted the judgment of the Nuremberg Tribunal and the Stroop Report:

"The planned and systematic character of the Jewish persecutions is best illustrated by the original report of SS Brigadier-General Stroop, who was in charge of the destruction of the Ghetto in Warsaw, which took place in 1943..."

In his report entitled "The Jewish Ghetto in Warsaw no longer exists", Stroop recorded that his action had eliminated "a proved total of 56,065 people. To that we have to add the number of those killed through blasting, fire, etc., which cannot be counted."

Stroop never said this, said Faurisson, and even Raul Hilberg, on page 326 of *The Destruction of the European Jews*, said that 56,065 Jews surrendered. He did not say "eliminated" which in the context given in the Nuremberg judgment meant killed or executed. (30-8362)

On page 39, the authors of the book referred to the German engineer Hermann Graebe. Faurisson indicated that Graebe was quoted often; he had testified on about 147 occasions. "...[We] have every reason to think that Hermann Graebe was a false witness," said Faurisson, "and, discovered by the German justice as a false witness, [was] sued for false testimony. He left Germany and went to San Francisco and never accepted to go back to Germany to answer to the accusations of the German justice." Faurisson was sorry that he had not brought his files on Graebe, but indicated that he had not expected he would have to deal with the book *Six Million Did Die*. (30-8362, 8363)

Faurisson returned to *Six Million Did Die* and read from page 39 where the authors reproduced a portion of Auschwitz Commandant Höss's testimony:

"We had two SS doctors on duty at Auschwitz to examine the incoming transports of prisoners. The prisoners would be marched by one of the doctors who would make spot decisions as they walked by. Those who were fit to work were sent into the camp. Others were sent immediately to the extermination plants. Children of tender years were invariably exterminated since by reason of their youth they were unable to work..."

Said Faurisson: "I would like to make a remark about children of tender years were invariably exterminated. This is...simply false. We have many proof that children even were born in Auschwitz..." (30-8364) As proof, Faurisson produced the book *Anthology*, published by the International Committee of Auschwitz in Poland in 1969 and read his translation of an extract from a report by a midwife in Auschwitz [Vol. II, Pt. 2, p. 159 to 169 of the French edition]:

I worked under these conditions for two years day and night without somebody to replace me...The women gave childbirth on the heating pipes. I delivered in this manner more than 3,000 babies. In spite of the dreadful dirtiness, the vermin and the rats, in spite of the infectious diseases and other horrors beyond description, extraordinary things occurred there which are unbelievable but true. One day, the camp doctor asked me to submit a report to him concerning the infections attracted by the pregnant women, the mortality against mothers and infants, sucklings. I reported to him that I had not one single case of death either with the mothers or newborn babies. The camp doctor looked at me with incredulous eyes and informed me that even in the best maternal wards in Germany, they could not boast of such results. His eyes were full of rage and hatred. Why indeed had there been no mortality at all? Perhaps because the organisms were destroyed to such an extent that they constituted a sterilized, a barren substance for the microbes.

The *Kalendarium der Ereignisse im Konzentrationslager Auschwitz-Birkenau* [Calendar of Auschwitz] published by the Auschwitz Museum¹⁰, indicated that children born in the camp were listed and given numbers. These children were Jews and gypsies. There was an association in the United States called the Candles Association for the twins of Auschwitz. In 1982, there were about 108 members. There were also medical studies on what the Auschwitz Museum called the children of Auschwitz, meaning both children born in the camp and people who were children when they came to the camp. (30-8366, 8367)

On page 31 of Anthology there were results of psychiatric examinations of persons born or interned as children in Nazi concentration camps. On page 48 the book stated:

The most advanced symptoms were observed with the children who had spent more than two or even three years at Auschwitz.

Faurisson pointed out that on the end pages of *Six Million Did Die* was a photograph of children at Auschwitz who had not been killed: "...it's a rather well known photograph because it's from a film taken by the Soviet[s] and the Poles at...the liberation of Auschwitz on the 27th of January, 1945. And we see those children getting out of the camp and there we are. It's [a contradiction] with[in] the content of the book itself. Of course, it's terrible to keep children in a concentration camp. Why would you put children in a concentration camp?...In my opinion, it's because the German did, as so many people on earth, when they decided to put, for instance, the Jews in...concentration camps, they put the parents and also the children and we have children which are very well known today who were in those camps and especially in Auschwitz and Auschwitz-Birkenau. We know, for instance, that at the end of the war in Buchenwald, there is a book about those children, something like 1,000 Jewish children were in Buchenwald coming from Auschwitz." (30-8367, 8368)

Suzman and Diamond nowhere qualified the statement in their book that children of tender years were invariably exterminated. At the time they published the book, the Soviet film of the children in Auschwitz was shown to tourists visiting the Auschwitz Museum. Faurisson himself had seen it. (30-8369)

Faurisson indicated that shortly before the liberation of Auschwitz by the Soviets, the Germans moved most of the prisoners to the west on the 18th of January, 1945. They

left behind about 8,500 people: those who were too sick or feeble and who were not able to go by foot to the west. The photograph of the children in Auschwitz, taken upon liberation on January 27, 1945, showed some of those left behind. Suzman and Diamond did not identify the photograph of the children as being children liberated from Auschwitz; the caption simply said "Liberation." This was important, said Faurisson, because the reader, having been previously informed by the authors that in Auschwitz all children were exterminated, would think that this must be a photograph of some other camp, like Buchenwald. (30-8371 to 8373)

On page 41, Suzman and Diamond listed various trials by Allied military tribunals which involved, they alleged, the systematic mass killing of Jews. Faurisson noted that one of these trials was the "Zyklon B Case" (held before the British Military Court at Nuremberg March 1 -- 8, 1946). Suzman and Diamond wrote concerning this case:

The whole gassing procedure at Auschwitz was described in detail by German eye witnesses.

Two of the three accused were sentenced to death and hanged.

Faurisson testified that the two accused who were hanged were Bruno Tesch and Karl Weinbacher; both of these men had denied that they knew anything about the use of Zyklon B to kill people. The court nevertheless held that they could not ignore that Zyklon B was used to kill people and the two men were hanged. In Faurisson's opinion, the gassing procedure was not described in detail by the German eyewitnesses as alleged by Suzman and Diamond. He continued: "I think that in any of those trial, we found at any time witnesses, German or not German, to say that there were gassings, and even in Buchenwald and in Dachau..." (30-8374 to 8376)

A second trial listed was that of Rudolf Höss, commandant of Auschwitz, held before the Supreme National Military Tribunal of Poland, March 11 - 29, 1947 (vol. VII, case no. 38, pp. 11-26), in which, Suzman and Diamond alleged at page 42:

The charges included responsibility for the death, inter alia, of about 300,000 registered camp inmates and about 4 million people, mainly Jews, brought to the camp from different European countries to be killed upon their arrival and therefore not included in the register of the camp inmates.

Faurisson testified that Höss was hanged in April of 1947 but the text of his "confessions" was not published for eleven years thereafter, in the book Commandant of Auschwitz. It was strange, said Faurisson, that the Germans would wait eleven years to publish this document after receiving it from the Poles. Furthermore, the figures of 4 million and 300,000 given by Suzman and Diamond as the number of deaths at Auschwitz were, in Faurisson's opinion, "fantastic exaggerations" which no historian would support today. (30-8377)

The authors mentioned Raul Hilberg many times in the book, said Faurisson. Hilberg published in the 1961 edition of his book that 1 million Jews died in Auschwitz. Nowhere in Six Million Did Die did the authors inform the reader that the Nuremberg

figures of 4 million and 300,000 had subsequently been corrected by persons such as Hilberg. (30-8378 to 8382)

On page 44 of *Six Million Did Die*, the authors dealt with the British libel case of *Dering v. Uris*. Faurisson read an excerpt to the jury:

Striking confirmation of the inhumane medical experiments carried out upon Jewish inmates of Auschwitz was afforded by a Civil Case, *Dering vs. Uris and Others*, which came before the Queen's Bench Division in England in April 1964 before Mr. Justice Lawton and a jury. The Plaintiff alleged that he had been libelled in the book *Exodus* by Leon Uris by a statement relating to certain medical experiments alleged to have been performed by the Plaintiff upon inmates of Auschwitz.

The jury awarded the Plaintiff a ha'penny damages.

In the course of the case, evidence was given by numerous witnesses, male and female, of ghastly sterilisation operations which had been performed upon them. These experiments had been recorded in detail in a theatre register of surgical operations which was put in evidence at the trial -- a mute witness of the atrocities.

Mr. Justice Lawton commenced his summing up to the Jury with the following remarks:

"You and I have sat in this court now for three and a half weeks and we have had to listen to evidence revealing one, and it is only one, facet of what future generations will probably come to describe as the greatest crime that has ever been committed. I have been a student of history all my life, and I cannot think of any crime that begins to compare with the crime of Auschwitz."

In a Foreword to *Auschwitz in England*, Lord Denning writes:

"While the trial was in progress, many thought: 'All this is too horrible. Let us turn over this page of history and forget it.' Yet the truth should be made known, if only to show how at one time a civilised country reverted to barbarism, and thus remind us of the perils that are not far away."

Said Faurisson: "My comment would be this one. I have read in the 1960s the book *Auschwitz in England*. If my memory is good, *Dering*...was a surgeon in Auschwitz. He was actually not a German but a Pole, and he was accused by Uris of having operated without anaesthesia, 17,000 women. This was the precise accusation which is not reported there. It should be. And *Dering* lodged a complaint against Uris, and if I remember, the trial was on the Queen's Bench 7..." (30-8384)

Faurisson testified that they managed to obtain from the Auschwitz Museum the register of the surgical operations. The Germans had put everything in writing, and the surgical operations were marked in Latin; for example, many operations had the notation *casus explorativus*, meaning that it was an operation to try to find what was wrong. The register contained the name of the inmate, his number, the date, and the signature of the surgeon. We had to realize, said Faurisson, that when there was one natural death in Auschwitz, twenty-one signatures were required on various

documents. When there was an unnatural death, such as a suicide, more than thirty signatures were required. This information could be found in the Anthology of Auschwitz published by the International Committee of Auschwitz. Without the Auschwitz register, said Faurisson, Dering would never have been able to defend himself against the charges. (30-8384, 8385, 8389)

The accusation dropped from 17,000 improper procedures to 130, then to perhaps five people who had been operated on in an improper way. "They discovered," said Faurisson, "that those operations had not been done without anaesthesia, but with a kind of anaesthesia [which] was recent at that time...Rachi anaesthesia...It is a partial anaesthesia." Faurisson obtained this information from the book written about the trial, Auschwitz in England, by two British lawyers. (30-8386)

In the end, it was found that Dering had been perhaps wrong for one or two people, and he won the suit. The jury awarded Dering a halfpenny in damages but the judge ordered that Dering pay the costs of the entire trial. Dering said at the end, 'My honour is saved, but financially I am ruined'. He died about two years later of cancer. (30-8387)

Leon Uris subsequently wrote his book QB 7 (Queen's Bench 7), a "kind of theatre play about the trial itself," said Faurisson. Uris invented the story of the son of Dering (but not using Dering's name) attending the trial of his father and being ashamed to discover what kind of father he had. (30-8387)

The case was interesting, said Faurisson, because it was clear that, at the beginning, everyone was ready to believe that it was possible to do such things to 17,000 people in Auschwitz. Faurisson noted that nowhere in Six Million Did Die was information given about the specific accusation against Dering or the evidence at the trial. (30-8388)

On page 44 of Six Million Did Die the authors wrote the following about the trial of Franz Stangl:

On 22nd December 1970, Franz Stangl, the notorious Kommandant of Sobibor (March 1942 -- September 1942) and of Treblinka (September 1942 -- August 1943) was sentenced by a German Court at Dusseldorf to life imprisonment for co responsibility in the murder of some 900,000 men, women and children (mainly Jews), inmates of Treblinka, one of the largest of the Nazi extermination camps established in occupied Poland.

After the war, Stangl escaped by way of Rome to Syria and then to Brazil. Largely as a result of the efforts of Simon Wiesenthal, he was captured in Brazil in 1967 and extradited to Germany. (See Gitta Sereny, Into that Darkness, 1974).

Faurisson testified that he had been in contact with Gitta Sereny, author of the book Into that Darkness, an "extremely vague" account of Treblinka. Faurisson asked her why she had never asked Stangl any questions about the gas chambers in Treblinka, such as their location and who operated them. She replied to Faurisson that she 'didn't think of it'. (30-8389, 8390)

Suzman and Diamond also mentioned the Majdanek trial, which lasted five years and determined that instead of 1.5 million people dying there, some 50,000 had. (30 8390)

On page 47 of *Six Million Did Die*, the authors dealt with the Eichmann trial:

It is significant that the facts of the extermination were at no time disputed by Eichmann's Counsel who chose not to cross-examine the witnesses on this aspect of the case.

Indeed, on the Holocaust witnesses, Dr. Servatius said he had not put any questions to them for "in general lines there was no reason to doubt the description put forward by them. Their suffering was too sacred for me to attack them."

Said Faurisson: "And that's what...I keep repeating, that those people are not really cross-examined on, for example, the procedures of gassing, because the lawyers...do not want to seem to attack the witnesses." (30-8391) 11

On page 49 of *Six Million Did Die*, the authors wrote:

Eichmann, at his trial admitted that on 20th January 1942, 15 high ranking Nazis (including Eichmann himself) assembled at Wannsee, a suburb of Berlin, where ways and means of implementing the so-called "Final Solution" ("Endloesung") were decided upon, after different methods of extermination had been debated. This fateful Wannsee Conference was the central event in the history of the "Final Solution."

Faurisson testified that there was nothing in the Wannsee Conference protocol which indicated that different methods of extermination were debated. If there had been, said Faurisson, there would not be the debate which existed today between the intentionalists and the functionalists. (30-8393, 8394)

On page 57 of *Six Million Did Die*, under the heading 'Authoritative Modern Historians,' Suzman and Diamond quoted historian John Toland:

...Konrad Morgen, an assistant SS Judge and among the few knowledgeable and reliable living German witnesses of the tragedy who extensively investigated most of the killing camps at the height of the operation, estimates that six million Jews were executed.

Faurisson expressed his skepticism about 'authoritative modern historians'. In his opinion, there were no such historians and the idea of authority seemed to him to be dangerous. In his research, he did not want to be obedient to any authority. (30-8395)

With respect to Konrad Morgen, Faurisson testified that before the International Military Tribunal in 1946, Morgen testified that the gassings took place in Monowitz, the third camp in the Auschwitz camp complex. The first two camps were Auschwitz I and Birkenau (sometimes called Auschwitz II). Morgen did not say this once, but six or nine times. This was a total impossibility, said Faurisson. But by the early 1960s at the Auschwitz trial in Frankfurt, Morgen came back as a witness and testified that the gassings took place in Birkenau. As a result, Faurisson did not regard Morgen as an authoritative, knowledgeable or reliable witness. (30 8395, 8396)

On page 58 of *Six Million Did Die* Suzman and Diamond quoted a number of allegedly authoritative historians:

William Carr...in his book *A History of Germany 1815-1945* (London, 1969), writes: "...With cold- blooded deliberation several million Jews, men, women and children, from all parts of occupied Europe, were murdered in the short space of three years to gratify the crude racialist delusions of a handful of ignorant fanatics." (p. 385)

Marshall Dill, Jnr., the American historian, in his book, *Germany: A Modern History* (University of Michigan Press, 1961) writes: "...The most tragic and virulent part of Himmler's work was the almost incredible drive to exterminate the entire Jewish people, a programme lightly described as 'the final settlement of the Jewish question.'..."

A.J.P. Taylor...in his book *From Sarajevo to Potsdam* (London, 1965) writes: "...Now the Germans had some millions of Jews in their power, and they could not simply be turned out. They could only be exterminated. This policy was now adopted with every refinement of civilised skill."

What these authors stated then, said Faurisson, would now be contested by many historians. (30-8397, 8398)

On page 60 of *Six Million Did Die*, Suzman and Diamond listed German historian Ernst Nolte as being among "other recognised modern historians and reputable writers" who dealt with the history of the Third Reich. In the past year and a half, said Faurisson, Nolte had moved towards the revisionist position to what Faurisson termed "ersatz revisionism." Nolte still believed in the gas chambers but took the position that the extermination was comparable to atrocities practised by the Communists. Nolte also did not believe in a plan of extermination. He was totally a functionalist. As a result, he was now in trouble and his car had been recently bombed in Berlin. Many historians in Germany protested the bombing, saying that what Nolte had said was no reason to bomb his car. In a book published in France in 1987 by René Schwark, it was alleged that Nolte was under Faurisson's "malevolent influence." (30-8399, 8400)

Faurisson testified that Raul Hilberg, with his belief in an 'incredible meeting of minds', was also now in the camp of the functionalists. It was possible, said Faurisson, that the only intentionalist left was the historian Eberhard Jäckel. (30 8401)

On page 63 of *Six Million Did Die*, the authors quoted Albert Speer, the Minister of Armaments in the Third Reich. Faurisson testified that Speer had been in a good position during the war to know if millions were murdered because he was the top person responsible for the concentration camps, higher even than Oswald Pohl. In a letter he wrote in 1977 Speer said:

Therefore, I for my person, have in the Nuremberg Trial, confessed to the collective responsibility and I am also maintaining this today still. I still see my main guilt in my having approved of the persecution of the Jews and of the murder of millions of them.

But Faurisson discovered that two years after writing this letter, Speer published a book entitled *Technik und Macht* in which he explained what he meant by this passage:

My approbation through looking the other way, not through knowledge of an order or its execution. The first is as grave as the second.

Said Faurisson: "...what he is telling us there is that, in fact, he didn't know. He didn't know...any order of an execution of the Jews and any order of the execution of this order. Nothing. And I remind you that in Nuremberg, Speer pleaded not guilty and every German pleaded not guilty." (30-8403)

In Faurisson's opinion, it was "totally impossible" that Speer would not have known about the execution of 6 million people if it had been going on. Said Faurisson: "In the execution of millions of people, in the middle of Europe, during two or three years, when you see this scope, all that is fantastic. How could this...not have been noticed, and especially by Albert Speer who knew what were the trains, the necessity of coal, of wood, of any economical necessity, and he was interested [in] the work of the inmates...I've seen myself extraordinary documents about the economical interests of concentration camps. Do you know that even if we had not the slightest trace of a concentration camp, we should be able, by the economical document[s], to reconstitute what was this camp? I take only one example, the necessity to have some coal, to have coal to heat the place. You need...to sign papers, to ask for coal, ask permission during the war. The economy was like that. So you had to describe your place and to say not only the three dimensions but the part that had to be heated. This, for example, should be subtracted. So we have many, many documents of that kind, and this is the Germany of Albert Speer. Extraordinary organized." (30-8404)

On page 26 of *Six Million Did Die*, Suzman and Diamond reproduced the Joint Allied Declaration of December 17, 1942:

The attention of the Governments of Belgium, Czechoslovakia, Greece, Luxembourg, the Netherlands, Norway, Poland, the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and Yugoslavia, and of the French National Committee has been drawn to numerous reports from Europe that the German authorities, not content with denying to persons of Jewish race in all the territories over which their barbarous rule has been extended the most elementary human rights, are now carrying into effect Hitler's oft repeated intention to exterminate the Jewish people in Europe. From all the occupied countries Jews are being transported, in conditions of appalling horror and brutality, to Eastern Europe.

In Poland which has been made the principal Nazi slaughterhouse, the ghettos established by the German invaders are being systematically emptied of all Jews except a few highly skilled workers required for war industries. None of those taken away are ever heard of again. The able-bodied are slowly worked to death in labour camps. The infirm are left to die of exposure and starvation or are deliberately massacred in mass executions. The number of victims of these bloody cruelties is reckoned in many hundreds of thousands of entirely innocent men, women and children.

The above mentioned Governments and the French National Committee condemn in the strongest possible terms this bestial policy of cold-blooded extermination. They declare that such events can only strengthen the resolve of all freedom loving peoples to overthrow the barbarous Hitlerite tyranny. They re-affirm their solemn resolution to ensure that those responsible for these crimes shall not escape retribution and to press on with the necessary practical measures to this end.

Faurisson noted that the declaration used vague and classical terms such as "mass execution," "bloody cruelties," "assignment in labour camps," etc., as well as "extermination." But the real extermination, said Faurisson, would have been systematic with a system, with gas chambers, and the Allies were looking for information on the gas chambers. (30-8405, 8406)

In Foreign Relations of the United States, Diplomatic Papers, 1943, vol. 1, page 416, was an exchange of telegrams between the Secretary of State of the United States and the Ambassador in the Soviet Union in August of 1943 regarding the text of the "Declaration on German Crimes in Poland" which was to be released simultaneously by the Allied governments. Part of the proposed text read:

...Some children are killed on the spot, others are separated from their parents and either sent to Germany to be brought up as Germans or sold to German settlers or despatched with the women and old men to concentration camps, where they are now being systematically put to death in gas chambers.

The declaration was to be published in those words, when, suddenly, said Faurisson, the Secretary of State sent another telegram, saying:

At the suggestion of the British Government which says there is insufficient evidence to justify the statement regarding execution in gas chambers, it has been agreed to eliminate the last phrase in paragraph 2 of the "Declaration on German Crimes in Poland" beginning "where" and ending "chambers" thus making the second paragraph end with "concentration camps". Please inform the Commissariat for Foreign Affairs of the change in text.

Said Faurisson: "A very interesting problem for the historian is this problem: what did the Allies, what did the Jewish organization[s], [know] of this alleged extermination during the war? It's very interesting, but a very vast topic. And I know three books which are essential for this topic. The first one is [by] Walter Laqueur, The Terrible Secret; the second one is [by] Martin Gilbert, Auschwitz and the Allies, and the third one, David Wyman, The Abandonment of the Jews..." (30 8407)

Germany during the war, said Faurisson, was an "almost transparent country. Because all...secret code, codes of the SS, codes of the railway, code of the army, were very quickly deciphered, and even when they changed, it was once more deciphered, and we know, by the information received through those code, we know that there were massacres of Jews in Poland, and in Russia, but there is nothing in the German communications about gas chambers. Nothing." Nor was there anything in the communications about sending Jews to Auschwitz for extermination. (30-8408)

On page 79 of Six Million Did Die, Suzman and Diamond dealt with the address to the Nuremberg Tribunal by prosecutor Major Walsh:

Turning to the concentration camps, Major Walsh referred to the millions of Jews murdered in these camps by mass shooting, gas, poison, starvation and other means. In this connection he referred to an official Polish report on the Auschwitz Concentration Camp dated 31st May, 1945 (Document L-161) according to which during July 1944 Jews were killed at the rate of 12,000 daily. He further offered in evidence an official Polish Government Commission report dealing with Treblinka (Document 3311-PS) which reports that the erection of Camp Treblinka B was "aimed at the complete destruction of the Jewish population in Poland". The report describes graphically the procedure for the extermination in the following terms:

"All victims had to strip off their clothes and shoes, which were collected afterwards, whereupon all of them, women and children first, were driven into the death chambers. Those too slow or too weak to move quickly were driven in by rifle butts, by whipping and kicking, often by Sauer himself. Many slipped and fell; the next victims pressed forward and stumbled over them. Small children were simply thrown inside. After being filled up to capacity, the chambers were hermetically closed and steam was let in. In a few minutes all was over. The Jewish menial workers had to remove the bodies from the platform and to bury them in mass graves. By and by, as new transports arrived, the cemetery grew, extending in the Eastern direction."

Major Walsh then offered in evidence an official United States Government Report dated 1944 issued by the Executive Office of the President of the United States War Refugee Board on the German camps at Auschwitz and Birkenau. In this report the number of Jews gassed in Birkenau alone in the two year period between April 1942 and April 1944 is 1,765,000.

Document 3311-PS, said Faurisson, was signed by Tadeusz Cyprian, Poland's representative on the Allied Commission of War Crimes, and gave a description of what allegedly happened in Treblinka. This document, by virtue of Article 21 of the Nuremberg charter, had the value of judicial notice. The "official truth" in 1946 in Nuremberg, therefore was that the Jews were not gassed in Treblinka but were killed in steam chambers. Other documents said that the people in Treblinka were killed by electricity. This later changed; electricity and steam were abandoned and the new official story said that the Jews had been killed by gas. No historian today, said Faurisson, would claim that people were killed by steam in Treblinka. This same type of thing happened for Auschwitz and Belzec. It was "...quite characteristic of rumours about a place which [is] closed; more or less secret. The people from the outside say awful stories. This one invent electricity; this one steam; this one gas, and other things. So the official truth, even on details, if I may say so, is really changing. Very much." But there was nothing in Six Million Did Die, said Faurisson, which indicated that what Major Walsh had claimed was false. (30-8411 to 8413)

Faurisson testified that the figure of 1,765,000, as the number of Jews gassed in Birkenau in a two year period, came from Nuremberg document L-90, a document of the War Refugee Board published in November of 1944. It was the first official report of the Allies on Auschwitz and Birkenau. The principal author of the report was a man named Rudolf Vrba, who was today a Canadian citizen and a professor in British

Columbia. Faurisson had heard Vrba explain how he got the figure of 1,765,000 in a trial in Toronto.¹² Vrba stated that he arrived at the figure using a special system of memorizing. Said Faurisson: "He had a kind of technique of memory to register all the convoys of the people arriving in Birkenau day and night and being gassed and so on..."(30-8413 to 8416)

Vrba claimed that in a 24-month period, 150,000 Jews from France were gassed in Birkenau. However, said Faurisson, it was now known that a total of exactly 75,781 Jews were deported from France, not just to Birkenau but all other camps as well. This information came from the book *Le Mémorial de la déportation des Juifs de France* (Memorial of the Deportation of the Jews from France) by Serge Klarsfeld, published in 1978. Klarsfeld obtained his information from the Auschwitz Museum in Poland and from the Centre of Jewish Contemporary Documentation in Paris, France. "So, how was it possible," asked Faurisson, "if you send away 75,000 people for the entire war, that you get at the end something like exactly 150,000 gassed for only 24 month...in Birkenau.." (30-8417, 8418)

It was thanks to Klarsfeld that it was discovered that many Jews who were supposed to have been gassed were alive. One such example was Simone Veil, the president of the European Parliament, who was deported to Auschwitz on a convey of people which *The Kalendarium of Auschwitz* listed as being gassed. Klarsfeld discovered that others of these allegedly gassed convoys had not even existed. (30-8418, 8419)

On page 81 of *Six Million Did Die*, the authors dealt further with the address of Nuremberg prosecutor Major Walsh:

Major Walsh further referred to the affidavit of Dr. Wilhelm Höttl (Document 2738 PS) which contained the following statement:

"Approximately 4,000,000 Jews had been killed in the various concentration camps, while an additional 2,000,000 met death in other ways, the major part of whom were shot by operational squads of the Security Police during the campaign against Russia."

Said Faurisson: "It is false that Dr. Wilhelm Höttl said that. I'm sorry, I don't have the document there, but it's easy to check it. Wilhelm Höttl was a higher-ranking officer of the Main Security Office, and he said in this affidavit that one day he met Eichmann in Budapest and that Eichmann told him that 4 million had been killed, plus 2 million." (30-8421)

Judge Ron Thomas interjected: "It says, 'which contained the following statement'. It referred to the affidavit of Dr. Wilhelm Höttl 'which contained the following statement'...All right, what's false about that?" (30-8421)

Faurisson replied: "I think that any reader would interpret, as I did it. I mean that it was Höttl who stated that...but there is something much more grave about that...It's the fact that on the 14th December, 1945, at the International Military Tribunal, in the morning...Major Walsh read this affidavit, and the defence lawyer of the German accused did not react, although it was this extraordinary figure of 6 million." Faurisson did not think that the figure of 6 million had been mentioned before in the

trial: "I don't think it had been said before the 14th of December, 1945. I think that the beginning of the 6 million...is 14 of December, 1945, in the morning. And in the afternoon, at the beginning of the afternoon, one of the defence lawyer, Dr. Kauffmann, defence lawyer of Kaltenbrunner, said: 'Your Honour, I've heard that story of the 6 million. It is so grave that I want this man Höttl to come here to testify, and it's easy to do because Höttl is there in jail in Nuremberg'. And the American prosecutor stood up and said, 'No, Your Honour, I didn't mean it', but you must understand that those words are not exactly, of course, those of the prosecutor. I'm saying by memory. I only wanted to give you an idea of the idea of Höttl about the 6 million, and Höttl was not called, but the 6 million figure stayed, and in the judgment it is said that Eichmann himself said that it was 6 million. That's the beginning of the 6 million myth." Eichmann was not called at Nuremberg because at that time no one knew where he was. (30-8421 to 8423)

Throughout *Six Million Did Die*, said Faurisson, was the constant repetition of words such as "deliberate", "intentional", "methodical", to describe the "destruction" of the Jews. Faurisson reiterated that this was no longer accepted by historians today. By repeating the words, however, the book attempted to brainwash the reader. Said Faurisson: "This book is a kind of brainwashing book." (30-8424)

On page 83 of *Six Million Did Die*, the authors dealt with the evidence of Otto Ohlendorf, the commander of Einsatzgruppe D which operated in the Southern Ukraine. Ohlendorf gave evidence for the prosecution, testifying that Einsatzgruppe D liquidated 90,000 people in a one year period. (30-8424, 8428)

Faurisson testified that today the activities of the Einsatzgruppen were more well known than they were ten years, or twenty years or thirty years ago. In his opinion, the historians were now trying to replace the gas chambers with the Einsatzgruppen and the gas vans. (30-8424, 8425)

Faurisson quoted from an article published in 1987 in *Holocaust and Genocide Studies*, an international journal published in association with the United States Holocaust Memorial Council and Yad Vashem, entitled "Rollbahn Mord: The Early Activities of Einsatzgruppe C," by Yaacov Lozowick, which stated:

Those Einsatzgruppe commanders tried after the war, Otto Ohlendorf of EG-D foremost among them, testified that an order to shoot all Jews was delivered by Streckenbach, chief of Amt 1 of the RSHA (Reich Main Security Office), prior to the invasion of the Soviet Union. In 1955, Streckenbach, who had been presumed dead, returned from Soviet captivity, denied this allegation and succeeded in casting doubt on the EG commanders' version of events.

A footnote in the article, said Faurisson, indicated that contradictory testimonies about the order could not be accepted at face value: "...the general tone of that long article is that we need really to revise many things that until now were accepted about the Einsatzgruppen..." (30- 8431)

On page 87 of *Six Million Did Die*, Suzman and Diamond dealt with the evidence of Dieter Wisliceny:

The third period was the so-called "final solution" of the Jewish question, i.e., the planned extermination and destruction of the Jewish race.

The witness stated that in his official connection with Section IV-A-4 he learned of the order which directed the annihilation of the Jews at a meeting with Eichmann which took place in Berlin in the Summer of 1942, when he was shown a letter from Himmler to the Chief of the Security Police and the SD. The gist of this letter was that the Führer had ordered the "final solution" of the Jewish question...

Eichmann had explained that the planned biological destruction of the Jewish race in the Eastern territories was disguised by the concept and wording "final solution" and that he personally had been entrusted with the execution of this order.

The witness stated that it was perfectly clear to him that this order spelled death to millions of people. This order, he stated, was in force until counter-ordered by Himmler in October 1944.

Once more the book repeated the words "planned extermination," said Faurisson, and he again pointed out that this was no longer accepted by historians. There was no suggestion in the book that this was not historical fact. No one in the historical community alleged today that there was a planned biological destruction of the Jewish race. Nor, said Faurisson, did the alleged Himmler order ever exist. Raul Hilberg stated in both his first and second editions that such a Himmler order existed, relying for this allegation on the affidavit of Kurt Becher dated 8 March, 1946, PS-3762, but the Becher affidavit did not say that.¹³ In Faurisson's opinion, if someone was to consult Six Million Did Die for the purpose of seeking the truth, he would not find it. (30- 8435 to 8439)

On page 89 of Six Million Did Die the authors dealt with Wisliceny's testimony concerning a conversation he allegedly had with Eichmann:

Dealing with the total number of Jews killed in the implementation of the "final solution" [Wisliceny's] evidence reads...

"Q -- Did he say anything at that time as to the number of Jews that had been killed?

A -- Yes, he expressed this in a particularly cynical manner. He said 'he would leap laughing into the grave because the feeling that he had 5,000,000 people on his conscience would be, for him, a source of extraordinary satisfaction'."

The witness was thereafter cross-examined by Dr. Servatius (Counsel for the accused Sauckel). His evidence relating to the "final solution" was not questioned in any way either by Dr. Servatius or by any of the other Counsel for the accused.

Faurisson pointed out that Wisliceny had testified about this extraordinary number of 5 million, yet "not one defence lawyer cross-examined him on that, and that's what I've been saying for years and years: the defence lawyer[s] don't dare go on this very topic because of, perhaps, they believe it, perhaps because they are afraid -- and I understand the people who are afraid, I can assure you -- perhaps by tactic, but I see

that those counsel in the International Military Tribunal, [there] were...perhaps 15, [and] not one cross-examined..." (30-8439, 8440)

Christie noted that the suggestion in *Six Million Did Die* was that the allegations must be true because the witnesses were never cross-examined concerning it. Did Faurisson agree with that proposition? Faurisson replied that he did not: "I think that if there is no cross-examination, there is no witness." (30-8441)14

On page 93 of *Six Million Did Die* Suzman and Diamond reproduced an extract of Auschwitz Commandant Höss's affidavit of 5 April 1946 (Nuremberg Document 3868-PS):

"I commanded Auschwitz until 1st December, 1943, and estimate that at least 2,500,000 victims were executed and exterminated there by gassing and burning, and at least another half million succumbed to starvation and disease making a total dead of about 3,000,000...The 'final solution' of the Jewish question meant the complete extermination of all Jews in Europe. I was ordered to establish extermination facilities at Auschwitz in June 1941. At that time, there were already three other extermination camps in the Government General: Belzek, Treblinka and Wolzek..."

Faurisson pointed out that Reitlinger stated in his 1951 book that the number of dead at Auschwitz was 800,000 to 900,000; Suzman and Diamond should have included a reminder of this in their book. They did not. Furthermore, said Faurisson, Höss included in his statement the camp of Wolzek. This camp never existed and no historian claimed that such a camp existed. Höss also stated that Belzec and Treblinka existed in 1941, but those camps existed only in 1942. In Faurisson's opinion, Höss's statement "has absolutely no value..." (30-8444, 8445)

Faurisson testified that in fact two documents were classified under document 3868 PS (the Höss affidavit). The first was a "kind of draft made by the British," said Faurisson. The handwriting was typically British and not the Gothic handwriting of Höss as seen in his signature. The confession was written in English. (30-8446)

Six Million Did Die stated on page 95, regarding Höss:

No suggestion was made that his prior affidavit was not given freely and voluntarily and again the substance of his evidence relating to the mass exterminations was in no way questioned.

Again, said Faurisson, Suzman and Diamond offered the failure of the lawyers to question as proof of the truth of the witness' statement. Historians today did not accept what Höss said as being true and admitted that what he said about Wolzek, a non-existent camp, was a mistake. But nowhere did *Six Million Did Die* suggest that the Höss confession had been questioned. For the reader, the Höss confession was presented as genuine and authentic. (30- 8446 to 8448)

Faurisson believed that the Höss confession was not genuine or authentic and based his opinion partly on a copy of a letter which he obtained in September of 1983 from someone very close to Höss's wife.¹⁵ The letter was addressed to Mrs. Höss and was from a German who, while a prisoner of the Allies, had ridden in the same vehicle as

Höss. Höss had told the man that the Allies had used such methods on him that he said 2.5 million died but that he could just as well have said 5 million. Höss told the man he could not help it, given the methods the Allies used on him. The German sent the letter to Mrs. Höss after his own release from prison. (30- 8449, 8450)

April 15, 1988

On page 96 of Six Million Did Die was a photograph of a group of naked people with the caption:

"Without screaming or weeping these people undressed..."

Faurisson pointed out that there was no indication of where the photograph came from or when this event was supposed to have happened. This was the case for most of the photographs in the book. In Faurisson's opinion, the book was not a historical book. A historical book would provide the information which would allow the reader to check what was presented. The caption appeared to be a quotation but no citation was given for it. Further reading on the next page showed it was a quote from the witness Hermann Graebe, the man Faurisson had already testified was publicly discredited as a false witness in Germany, who had gone to the United States, and who was a fugitive from the law in his own country of Germany. This had been published in a long article in Der Spiegel in 1965. (31-8453 to 8456)

Six Million Did Die made no mention of this although it was already known at the time of its publication in 1978 that Graebe had been found to be a false witness in the other matter; therefore, he could be a false witness in this matter also. (31-8456)

Faurisson pointed out further photographs in the book which had no citations and in some cases no captions. He could not know the significance of these photographs without knowing what they were. (31-8457, 8458)

On page 104 of Six Million Did Die was a photograph, again without a caption, of a man in uniform standing in the midst of a mass of emaciated bodies. Faurisson believed the man was Dr. Fritz Klein, the doctor at Bergen-Belsen, who was later executed. Said Faurisson: "The British obliged him to go in the middle, right in the middle, of all those cadavers for the photo...It seems, for me, that any reader would think that this man might be a German, and...when you see the behaviour of the man, he seems to be like proud of the fact that he is in the middle of all those corpses. In fact, he was the doctor of the camp. He tried to fight against this typhus, all those epidemics, and we know that in the last day[s] of Bergen-Belsen, there was not even water because the canal bringing the water had been bombed. So, in a place where you had so many people packed, the epidemics were terrible. And there was no medicine. I think that Richard Harwood explained that very well in his booklet, Did Six Million Really Die?." (31-8458, 8459)

On page 105 of Six Million Did Die, the authors quoted witness Elias Rosenberg. Faurisson testified that Rosenberg was a Jew who testified in the Demjanjuk war crimes trial in Jerusalem, where Demjanjuk was accused of being "Ivan the Terrible." In 1946, Rosenberg had testified that he had seen "Ivan the Terrible" killed with a shovel in Treblinka in 1943. When Demjanjuk's lawyer attempted to use this evidence

to exonerate his client, Rosenberg said that his 1946 testimony had no value. (31-8460)16

On page 106 of *Six Million Did Die* were three photographs of groups of women and children with the caption:

Neither women nor children were spared.

Faurisson testified that he recognized the second and third photographs, but not the first. The second photograph was one which Faurisson had seen in the Auschwitz Museum and was a "rather well-known" photograph: "We see this photograph in many books about the Holocaust, and those children are those who have been filmed on the 27th of January, 1945, at the liberation of Auschwitz. So those children are being liberated, and we cannot say that those children are not going to be spared." (31-8462, 8463)

On page 114 of *Six Million Did Die* was a photograph of men looking out from stacked bunks, with the caption indicating that the photograph was taken in Belsen. Faurisson testified that he had seen this photograph with captions saying it was taken in Belsen (as in this case) as well as Auschwitz and Buchenwald. Said Faurisson: "...I do not deny that this might be...an authentic photo, but this book pretend[s] to be historical, and for a historian, it is a bit upsetting to see that once it is Belsen, another time it's Auschwitz, at another time it is Buchenwald." (31 - 8465)

On overhead transparencies, two examples of this were shown to the jury. In the first instance, the photograph was allegedly taken in Buchenwald and the circled man was supposed to be Elie Wiesel. In the second instance, the photograph was represented to be Auschwitz and one of the men was identified as Mel Mermelstein [a "survivor" who sued the Institute for Historical Review.] (31-8466)

On page 122 of *Six Million Did Die* was a photograph of a pile of bodies in a room with the caption:

Victims of the Dachau gas chamber lie piled to the ceiling in the crematorium.

This caption was false, said Faurisson, "because we know that nobody was gassed in Dachau." Faurisson did not deny, however, that the photograph might be of bodies in Dachau: "Because in Dachau and the sub-camps of Dachau, 32,000 people died from 1934 to 1945, and the number of people who were in this camp for all those years was 206,206, which means that...something like 15 percent died; 85 percent survived, and if we have to believe the Jewish Encyclopedia...80 to 90 percent of those people were Jews." (31-8467)

It was generally accepted, said Faurisson, that before the war, there were 350,000 Jews in France, of which 75,721 were deported. This latter figure had been proved by Serge Klarsfeld in the book *Memorial to the Deportation of the Jews of France*. Thus, it was generally admitted, said Faurisson, that from one-fourth to one-fifth of the Jews were deported. (31-8468, 8469)

Said Faurisson: "...the children who were deported from France, sometimes the parents wanted to have their children with them, sometimes they did not want, so the government faced a real problem there, and at least in one case, in a camp in south of France, the parent[s] made a vote to decide if the children would be deported with them or not, and this is said in the book *La Grande Rafle du Vél' d'Hiv.*" (31-8469)

Faurisson testified that he met Zündel for the first time at the first convention of the Institute for Historical Review in Los Angeles in 1979 where Faurisson was to present his paper, "The Mechanics of Gassing." As his English was "rather bad," he asked that someone read his paper. The person that did so was Zündel. Faurisson was present when Zündel read it to an audience of about seventy people and he later discussed the paper with him, as well as the photos and plans which he had shown at the time. The paper was later published in the first issue of the *Journal of Historical Review* in the spring of 1980. (31-8469 to 8472)

The paper, "The Mechanics of Gassing," was read by defence attorney Christie to the court:

Among all those who make statements, speeches or use sentences in which the expression "gas chamber" appears, how many of those people actually know what they are talking about? It has not taken me very long to realize that many people commit one of the most glaring errors. These people imagine a "gas chamber" as being similar to a mere bedroom under the door of which a household gas is released. These people forget that an execution by gas is by definition profoundly different from a simple suicidal or accidental asphyxiation. In the case of an execution, one must carefully avoid all risk of illness, poisoning or death for the executioner and his crew. Such a risk is to be avoided before, during and after the execution. The technical difficulties implied herein are considerable. I was most anxious to know how domestic minks were gassed, how foxes were gassed in foxholes, and how in the US a person who was sentenced to death was executed by gassing. I have found that, in the vast majority of cases, hydrocyanic acid was used for such purposes. This was precisely the same gas which the Germans used to fumigate their barracks. It was also with this gas that they allegedly killed groups of individuals as well as great masses of people. I have therefore studied this gas. I wanted to know its use in Germany and in France. I have reviewed ministerial documents governing the use of this highly toxic product. I had the good fortune of discovering some documents on Zyklon B and hydrocyanic acid which had been gathered by the Allies in the German industrial archives at Nuremberg.

Then, with greater scrutiny I re-examined certain statements and confessions which had been made in German and Allied courts concerning the use of Zyklon B for putting prisoners to death, and I was shocked. And now, you in turn will also be shocked. I will first read to you the statement or confession of Rudolf Höss. Then, I will tell you the results of my research, purely physical, on hydrocyanic acid and Zyklon B. (Please bear in mind R. Höss was one of the three successive commanding officers at Auschwitz; all three of whom were detained and interrogated by the Allies. Only Höss left a confession, for which we are indebted to his Polish jailers.)

In this confession, the description of the actual gassing is remarkably short and vague. However, it is essential to realize that all those others who claim to have been present

at this sort of an operation are also vague and brief and that their statements are full of contradictions on certain points. Rudolf Höss writes, "Half an hour after having released the gas, we would open the door and turn on the fan. We would immediately begin to remove the bodies." I call your attention to the word "immediately"; in German the word is "sofort." Höss then adds that the crew in charge of handling and removing 2,000 bodies from the "gas chamber" and transporting them to the crematory ovens did so while "eating or smoking"; therefore, if I understand correctly, these duties were all performed without gas masks. Such a description runs counter to all common sense. It implies that it is possible to enter an area saturated with hydrocyanic acid without taking any precautionary measures in the barehanded handling of 2,000 cyanided cadavers which were probably still contaminated with the fatal gas. The hair (which was supposedly clipped after the operation) was undoubtedly impregnated with the gas. The mucous membranes would have been impregnated also. Air pockets between the bodies which were supposedly heaped one on top of the other would have been filled with the gas. What kind of superpowerful fan is able to instantly disperse so much gas drifting through the air and hidden in air pockets? Even if such a fan had existed, it would have been necessary to perform a test for the detection of any remaining hydrocyanic acid and to develop a procedure for informing the crew that the fan had actually fulfilled its function and that the room was safe. Now, it is abundantly clear from Höss's description that the fan in question must have been endowed with magical powers in order to be able to disperse all of the gas with such flawless performance so that there was no cause for concern or need for verification of the absence of the gas!

What mere common sense suggested is now confirmed by the technical documents concerning Zyklon B and its usage. In order to fumigate a barrack, the Germans were constrained by numerous precautionary measures: specially trained teams which were licensed only after an internship at a Zyklon B manufacturing plant; special materials including especially the "J" filters which when used in gas masks were capable of protecting an individual under the most rigorous toxic conditions; evacuations of all surrounding barracks; warnings posted in several languages and bearing a skull and cross-bones; a meticulous examination of the site to be fumigated in order to locate and seal any fissures or openings; the sealing of any chimneys or airshafts and the removal of keys from doors. The cans of Zyklon B were opened at the site itself. After the gas had apparently killed all the vermin, the most critical operation would begin: this was the ventilation of the site. Sentries were to be stationed at a certain distance from all doors and windows, their backs to the wind, in order to prevent the approach of all persons. The specially trained crew equipped with gas masks would then enter the building and unclog the chimneys and cracks, and open the windows. This operation completed, they had to go outside again, remove their masks and breathe freely for ten minutes. They had to put their masks on again to re-enter the building and perform the next step. Once all of this work was completed, it was still necessary to wait TWENTY hours. Actually, because Zyklon B was "difficult to ventilate, since it adheres strongly to surfaces," the dispersion of the gas required a long natural ventilation. This was especially important when great volumes of the gas were employed as in the case of a barrack containing more than one floor. (When Zyklon B was used in an autoclave with a total volume of only 10 cubic meters, ventilation (forced or artificially) was still necessary.) After twenty hours had elapsed, the crew would return with their masks on. They would then verify by means of a paper test (the paper would turn blue in the presence of hydrocyanic acid) as to whether or not

the site was indeed again fit for human habitation. And so we see that a site which had been gassed was not safely accessible until a minimum of 21 hours had elapsed. As far as French legislation is concerned, the minimum is set at 24 hours.

It becomes, therefore, apparent that in the absence of a magical fan capable of instantly expelling a gas that is "difficult to ventilate, since it adheres strongly to surfaces," the "human slaughterhouse" called a "gas chamber" would have been inaccessible for nearly a full day. Its walls, floors, ceiling would have retained portions of a gas which was highly poisonous to man. And what about the bodies? These cadavers could have been nothing less than saturated with the gas, just as the cushions, mattresses and blankets discussed in the same technical document on the use of Zyklon B would have been saturated also. These mattresses, etc., had to be taken out of doors to be aired and beaten for an hour under dry atmospheric conditions and for two hours when the weather was humid. When this was accomplished, these items were then heaped together and beaten again if the paper test revealed any further presence of hydrocyanic acid.

Hydrocyanic acid is both inflammable and explosive. How could it then have been used in close proximity to the entrance of crematory ovens? How could one have entered the "gas chamber" while smoking?

I have not yet even touched upon the subject of the superabundance of technical and physical impossibilities which become apparent upon an actual examination of the site and the dimensions of the supposed "gas chambers" at Auschwitz and Auschwitz-Birkenau. Moreover, just as an inquisitive fact-finder of the Polish museum may discover, these chambers were in reality nothing more than "cold storage rooms" (mortuaries) and were typical of such rooms both in lay-out as well as size. The supposed "gas chamber" of Krema II at Birkenau, of which there remains only a ruin, was in fact a morgue, located below ground in order to protect it from heat and measuring 30 meters in length and 7 meters in width (two meters on either side for cadavers and 3 meters down the centre to allow for the movement of wagons). The door, the passageways, the freight lift (which measured only 2.10 meters by 1.35 meters) which led to the crematory chamber were all of Lilliputian dimensions in comparison to the insinuations of Höss's account. According to Höss, the gas chamber could easily accommodate 2,000 standing victims, but had a capacity of 3,000. Can you imagine that? Three thousand people crammed into a space of 210 square meters. In other words, to make a comparison, 286 people standing in a room measuring 5 meters by 4 meters! Do not be deceived into believing that before their retreat the Germans blew up the "gas chambers" and crematory ovens to conceal any trace of their alleged crimes. If one wishes to obliterate all trace of an installation which would be intrinsically quite sophisticated, it must be scrupulously dismantled from top to bottom so that there remains not one shred of incriminating evidence. Destruction by means of demolition would have been ingenuous [meaning "naive", testified Faurisson]. If explosives had been employed, mere removal of the concrete blocks would still have left this or that telltale sign. As a matter of fact, Poles of the present day Auschwitz museum have reconstructed the remains of some "Kremas" (meaning, in reality, reconstructions of crematoria and supposed "gas chamber"). However, all of the artifacts shown to tourists attest to the existence of crematory ovens rather than to anything else.

The real gas chambers, such as those created in 1924 and developed by the Americans around 1936- 1938 offer some idea of the inherent complexity of such a method of execution. The Americans, for one thing, only gas one prisoner at a time normally (some gas chambers exist, however, which are equipped with two seats for the execution of two brothers, for example). The prisoner is totally immobilized. He is poisoned by the hydrocyanic acid (actually by the dropping of sodium cyanide pellets into a container of sulfuric acid and distilled water which results in release of hydrocyanic acid gas). Within approximately 40 seconds, the prisoner dozes off, and in a few minutes he dies. Apparently, the gas causes no discomfort. As in the case of Zyklon B, it is the dispersion of the gas which causes problems. Natural ventilation for 24 hours is not possible in this case. Obviously, the location of the site of execution precludes such ventilation without seriously endangering the guards as well as other prison inmates. What, then, is the best course of action with a gas which poses such difficult problems of ventilation? The solution is to transform the acidic vapors into a solid salt which can then be flushed out with water. For this purpose, ammonia vapors which are basic are used to react with the acid vapors to form the salt by chemical reaction. When the hydrocyanic acid has all but vanished, a warning signal would alert the attending physician and his aides who are located on the opposite side of a glass barrier. The warning signal is phenolphthalein. It is arranged in containers located at various places in the chamber and turns from pink to purple in the absence of hydrocyanic acid. Once the absence of the poison is indicated and once an arrangement of fans draws the ammonia fumes out through an exhaust vent, the physician and his assistants enter the chamber wearing gas masks. Rubber gloves are used to protect the hands. The doctor ruffles through the convict's hair so as to brush out any residual hydrocyanic acid. Only after a full hour has elapsed may a guard enter the chamber. The convict's body is then washed very carefully and the room is hosed down. The ammonia gas has by this time been expelled via a high chimney stack above the prison. Because of the danger to guards who are normally stationed in the prison watch towers, in some prisons the guards are required to leave their post during such an execution. I will just mention the other requirements for a completely air-tight gas chamber such as the need for locks, "Herculite" glass barriers of considerable thickness (because of the risk of implosion since a vacuum has to be made), a vacuum system, mercury valves, etc.

A gassing is not an improvisation. If the Germans had decided to gas millions of people, a complete overhaul of some very formidable machinery would have been absolutely essential. A general order, instructions, studies, commands and plans would surely have been necessary also. Such items have never been found. Meetings of experts would have been necessary: of architects, chemists, doctors, and experts in a wide range of technical fields. Disbursements and allocations of funds would have been necessary. Had this occurred in a state such as the Third Reich, a wealth of evidence would surely have survived. We know, for example, down to the pfennig, the cost of the kennel at Auschwitz and of the bay trees which were ordered for the nurseries. Orders for projects would have been issued. Civilian workers and engineers would not have been permitted to mingle with the inmates. Passes would not have been granted to Germans in the camp, and their family members would not have had visiting rights. Above all, the prisoners who had served their sentences would not have been released and permitted to return to their respective countries: that well guarded secret among historians was revealed to us several years ago in an article by Louis De Jong, Director of the Institute of World War II History of Amsterdam.

Moreover, in the United States the recent publication of aerial photographs of Auschwitz deals a death blow to the extermination fable: even in the summer of 1944 at the height of the influx of Hungarian Jews, there is no indication of any human pyre or throng of prisoners near the crematorium (but an open gate and a landscaped area are clearly visible) and there is no suspicious smoke (although the smoke stacks of the crematoria reportedly spewed forth and flames continuously that were visible from a distance of several kilometers both day and night).

I will conclude with a comment on what I regard as the criterion of false evidence regarding the gas chambers. I have noticed that all of these statements, vague and inconsistent as they are, concur on at least one point: the crew responsible for removing the bodies from the "Gas chamber" entered the site either "immediately" or a "few moments" after the deaths of the victims. I contend that this point alone constitutes the cornerstone of the false evidence, because this is a physical impossibility. If you encounter a person who believes in the existence of the "gas chambers," ask him how, in his opinion, the thousands of cadavers were removed to make room for the next batch.

Note: Due to the pressure of time, we regret that Dr. Faurisson's article is published here without footnotes or references. This was because Dr. Faurisson wishes both the references and their translation to be scrupulously accurate. The references and notes will be published at a later date. Readers who wish to study the U.S. prison "Gas Chamber Procedure Check Sheet" should refer to The Spotlight newspaper (300 Independence Avenue., South-East, Washington, D.C. 20003) of 24 December 1979.

After the article was read at the conference, there was general discussion about it. Faurisson remembered exactly what Zündel said: "He said the cornerstone of all that is the American gas chamber. He said only an expert of American gas chamber could tell us something about the so-called gas chamber of Auschwitz or other places, and he told me, 'You must pursue this inquiry about the American gas chamber', ... and he was very enthusiastic, Ernst Zündel, and that's why few days after, when I was in Washington, I decided to try to visit the gas chamber and I succeeded in visiting the gas chamber of Baltimore, Maryland, and I immediately reported to Ernst Zündel what I had discovered." Faurisson indicated that Zündel read French, German and English. Faurisson sent him copies of his correspondence with American penitentiaries in 1977 or 1978. Faurisson had written to ten or twelve penitentiaries through an American lawyer and received replies from six of them. (31-8490 to 8494)

On his visit to the Maryland gas chamber, Faurisson got eight photographs taken in his presence by a prisoner and a lieutenant, copies of which he later sent to Zündel. The photographs were published in 1980 in a book by Serge Thion entitled *Vérité historique ou vérité politique?* (Historical Truth or Political Truth?). These photographs were shown to the jury on an overhead projector. (31-8490 to 8493)

As the photographs were shown, Faurisson explained that it took some 48 hours of work to prepare for an execution by gassing. A "No Smoking" sign was shown in one photograph "because even today, 1988, in the American prison, they have really problem even today with leakage. Because with the hydrocyanic acid, it's a real problem, leakage....dangerous." To avoid the leakage and also to ensure the gas reached the prisoner quickly, a vacuum was created in the gas chamber. This created

the risk of an implosion and required that the gas chamber be of an extremely strong construction. (31-8494, 8495)

In another photograph, Faurisson pointed out the chair in which the prisoner sat and the tray under the chair which contained a mixture of water and sulfuric acid. Pellets (of cyanide) were put in this tray from the outside by a guard and the gas rose up in the chamber. Six to twelve minutes, in some cases fourteen minutes, were needed to actually kill the prisoner. A stethoscope ran from the prisoner's heart through the steel door to the outside where an attending doctor listened. (31-8495, 8496)

Another photograph showed the fans used to expel and extract the gas from the chamber after the execution. The gas was sent up to a scrubber where ammonia was used to neutralize the acid for two reasons: firstly, so that it was not too dangerous for the guards or the prison itself, and secondly, because the acid might attack the sewer pipes or other pipes in the prison. It was then expelled in a very high chimney. Because it was still dangerous at that point, the prison guards were not allowed to walk the perimeter of the prison on the day of an execution or when tests were run of the system. (31-8497, 8498)

The prison lieutenant at Maryland who had shown the gas chamber to Faurisson explained to him that "they were afraid of any execution or test of the gas chamber and insisted especially on the fact that to get the body...you had to have a gas mask, rubber glove, rubber apron, and you had to wash very carefully the body and especially in the mouth and in all the openings of the body because it's very dangerous to handle a body of somebody who has been killed by hydrocyanic acid. Now, he explained me that, and when we got out of the place he told me, 'Why are you interested in that?', and I said, 'It's because I'm studying the German gas chambers', and this very man, who had been totally scientific up till [then], said, 'Oh', -- I remember his words exactly, he said, 'Oh, terrible. Have you seen Holocaust, the film?'. Which means that the same man who knew how difficult it was and dangerous with all this sophisticated gas chamber to kill one, was ready to believe that to kill 2,000 or 200,000, it was absolutely easy, like in the film Holocaust." (31-8498, 8499)

Said Faurisson: "...in every one of us, there is like a Pavlovian dog. We have reaction automatic, and I noticed that with all the toxicologists that I have consulted, the specialists of gas, the specialists of criminal things, they are very scientific, and then, suddenly, when it is about the 'Holocaust', they have some kind of automatic reaction. They believe anything. There is no more physics, no more chemistry, no more natural law. It's totally magic... I visited specialists of crematorium, they explain me how long it was to burn a body, etc., but when I told them 'And do you believe in those people who were cremated in Auschwitz?' 'Of course, of course'. But how many bodies? And when suddenly I gave the figures, they say, 'Oh, what's that? There is something wrong.' And my job is...you do not need to be clever, to be smart. I asked the people only -- wake up. That's all." (31-8500, 8501)

Faurisson had told Zündel of his investigations, and since that time, said Faurisson, Zündel "had the kind of, we say in French, *idée fixe*...An idea, always the same idea coming back. A fixed idea. He told me this is the centre of all the story: 'please pursue', 'do something', but I had some trouble after that that I could not really work on this question." (31-8498)

Faurisson had visited the alleged gas chambers in Auschwitz and discussed with Zündel the contrast between the American gas chambers and the alleged German gas chambers. Said Faurisson: "Mr. Zündel had, I remember -- because he is a very practical man -- he had this idea. He told me, you should show one door of gas chamber in Auschwitz, one door of a disinfection gas chamber, already very strong, and then the door of your Baltimore gas chamber. And the door of Auschwitz is so ridiculous that that's the reason why I say to visit Auschwitz and to solve this problem, you need one minute..." Faurisson noted that the Baltimore gas chamber was typical of gas chambers of 1936, 1938; he had found some clippings about the first gassing, in Carson City, Nevada, in 1924, and discovered that it was nearly a catastrophe. (31-8501, 8502)

Christie turned Faurisson's attention next to the subject of German restitution for the Holocaust, a subject which Faurisson had investigated. On page 4 of *Did Six Million Really Die?*, Harwood had written:

To date, the staggering figure of six thousand million pounds has been paid out in compensation by the Federal Government of West Germany, mostly to the State of Israel (which did not even exist during the Second World War), as well as to individual Jewish claimants.

In Faurisson's opinion, the Holocaust was being exploited for political purposes, and he pointed out that this was the opinion also of many Jews, including Pierre Vidal-Naquet. (31-8503)

The central figure in the obtaining of reparations was Nahum Goldmann, president of the World Jewish Congress. In his book, *The Jewish Paradox*, Goldmann related how he obtained money from Germany and revealed that the idea emanated from two Jews, Jacob and Nehemiah Robinson. (31-8503, 8504)

Faurisson produced an article he had published in the French magazine *Le Nouvel Observateur* about "the best pages" of *The Jewish Paradox*. Faurisson read from footnote 62 of his article:

62. Pages 120-122, 125, 128, 136, 141, 149, 157, under the title of "Nahum Goldmann: au nom d'Israël" ("Nahum Goldmann: in the name of Israel"). Nahum Goldmann says that those colossal reparations "constituted an extraordinary innovation in the matter of international rights." They were not in accordance with the German constitution. He dictated his conditions to Adenauer in 1950. He obtained DM 80 billion; that is 10 to 14 times more than the sum he first expected. He says, "Without the German reparations (...) the state of Israel would not have the half of its present infrastructure (1978); every train in Israel is German, the ships are German, as well as electricity, a big part of industry...without mentioning the individual pensions paid to the survivors (...). In certain years, the amount of the money that Israel received from Germany would exceed the total amount of money collected from international Jewry -- multiplying it by two or three times."

The young German taxpayer of 1979, who has no responsibility in the war of 1939-1945, pays of course his share.

Faurisson testified that this was his opinion as he expressed it in 1979. He had used the word "colossal" to describe the reparations; in 1981, Nahum Goldmann himself had used the word "astronomical" when he said in regard to the compensation paid to Israel: "Those are astronomical sums." The Israel of today, said Faurisson, would have been impossible without the German reparations. (31-8506)

With respect to the way the money was obtained from Germany, Faurisson testified: "When you read *The Jewish Paradox* and when you read a book of Balabkins, [West] German Reparations to Israel, when you see the way this money was obtained, I say myself that I judge it -- I'm going to be moderate -- dishonest. It was really what we call blackmailing. The same way Nahum Goldmann used with the Chancellor of Austria at that time, his name was Raab. He tells the story in *The Jewish Paradox*. He went to see the Chancellor of Austria, and he said, 'You must pay something to the Jews', and Raab said, 'But we're victims of Germany'. Nahum Goldmann said, 'In that case, I am going to take the biggest place, the biggest theatre in Vienna, and day after day, I am going to put the film showing the entrance of the German troops and of Hitler in March 1938 in Vienna'. So Raab said, 'Okay, you will have your money'. And I think that it was 30 million...dollars, something like that, because Nahum Goldmann expressed it in American currency. And then Nahum Goldmann came back, I don't know how many time after, and he said, 'I need 30 million more'. Raab said, 'But we had [agreed] that it was only 30 million'. He said, 'No, you have to give me more'; and he gave more; and Nahum Goldmann came the third time for the same sum...It was really blackmail." (31-8507, 8508)

Christie asked Faurisson about the French historian Michel de Boüard. Faurisson testified that Michel de Boüard, a former inmate of Mauthausen in the 'NN' category, was a professor of history [at the University of Caen (Normandy)], a member of the Committee for the History of the Second World War, a member of the Institute of France and former head of the Association of Deportees. In 1986, Michel de Boüard expressed in the French magazine *Ouest-France*, [August 2- 3, 1986, p.6] what Faurisson believed to be a correct assessment of historical developments in regard to the Holocaust. He wrote:

"In the monograph on Mauthausen that I published in *La Revue d'histoire de la (Deuxieme) Guerre mondiale* in 1954, I mentioned a gas chamber on two occasions. When the time of reflection had arrived, I said to myself: where did you arrive at the conviction that there was a gas chamber in Mauthausen? This cannot have been during my stay in this camp, for neither myself nor anybody else ever suspected that there was one there. This must therefore be a piece of 'baggage' that I picked up after the war; this was an admitted fact but I noticed that in my text -- although I have the habit of supporting most of my statements by references -- there was none referring to the gas chamber..."

In response to the journalist asking him: 'You were President of the Calvados (Normandy) Association of Deportees, and you resigned in May, 1985. Why?', he answered:

"I found myself torn between my conscience as a historian and the duties it implies, and on the other hand, my membership in a group of comrades whom I deeply love, but who refuse to recognize the necessity of dealing with the deportation as a

historical fact in accordance with sound historical methods. I am haunted by the thought that in 100 years or even 50 years the historians will question themselves on this particular aspect of the Second World War which is the concentration camp system and what they will find out. The record is rotten to the core. On one hand a considerable amount of fantasies, inaccuracies, obstinately repeated (in particular concerning numbers), heterogeneous mixtures, generalizations and, on the other hand, very dry critical studies that demonstrate the inanity of those exaggerations. I fear that those future historians might then say that the deportation, when all is said and done, must have been a myth. There lies the danger. That haunts me."

Faurisson testified that he met Michel de Boüard in 1986. The historian realized that he had made a mistake about the gas chambers in Mauthausen and called it "baggage," which Faurisson thought was a good word: "Everyone of us, we have received this 'baggage' of the Holocaust and believed in many things like that, and the problem is to realize that it is a baggage. He realized that in 1986, because of the situation of revisionism in France. People are opening their eyes in France, and Michel de Boüard is a very sensible man, and he was overwhelmed by this discovery of himself. In the second paragraph, he says that he find[s] himself torn between his conscience as a historian and the duties it implies, and the other, there is his membership in a group of comrades whom he deeply loved, and he explained [to] me that that was a kind of dilemma for him because his comrades of this association, in his discovery of revisionism, didn't want to follow him and said 'You mustn't do that. Think of our interest. Think of all our dead. You have no right to do that.' But this man, Michel de Boüard, I know his scholar formation, is exactly a critic of text and document. He is what we call a chartist. Those people are used to study texts which are Greek, Latin or medieval, and they have a kind of spirit which oblige them to be accurate, but even you see the most accurate man does mistake like that, of course." (31-8515, 8516)

In Faurisson's opinion, the important part of Michel de Boüard's statement was the acknowledgment that the record, "meaning the record of the history of the Second World War and especially the history of the concentration camp, 'is rotten to the core', on one hand...it's the exterminationist, and on the other hand you will have the revisionist." (31-8517)

Christie asked Faurisson to give his historical opinion of the pamphlet *Did Six Million Really Die?* compared with *Six Million Did Die*, published by the South African Jewish Board of Deputies, Johannesburg. Faurisson indicated that, in his opinion, the Harwood booklet was "obviously a booklet for laymen. It is not the book of a historian with plenty of footnotes, but as it is, and with its little [shortcomings], I think that it is a very good book...a booklet which is prophetic. This booklet entered in history and is making history. The reply of those people of the South African Jewish Board of Deputies is a bad book, what I call rubbish, absolutely no value. From time to time, of course, we have, for example, a photo which is referenced, and there are some possibility of checking, but very often it is not possible...the thesis of this book, at almost every three or four page, every time, is that there was an order, there was a plan, etc., and I [say] very simply that Raul Hilberg never could have signed this book. He could not have signed this book in 1978 because there are so many things which are not in accord with Raul Hilberg. He knew that it was not correct, and to begin with, the title *Six Million Did Die*, because the case of Raul Hilberg is not 6

million, it's 5.1 million and I say that in ...1985, when he published his other edition of *The Destruction of the European Jews*, it was even more evidence that this book was wrong. If this book is wrong on at least one topic, the question of the plan, of an extermination, so this one of Richard Harwood is right on that topic, I suppose, on that topic at least, which is all the same a central topic, because who among the laymen, who knows that there is no order from Hitler, that there is no plan? It is not the TV, it is not the newspaper, who are telling us that. The laymen do not know that, but if they have this booklet of Richard Harwood, they have this essential information." (31-8520b to 8520d)

Faurisson could not remember any discussion of the Harwood booklet in 1979 at the Los Angeles conference, unless [Butz] mentioned it in a kind of historical survey. But Faurisson could not remember any individual discussions about it. (31-8520d, 8520e) Nor was the book *Six Million Did Die* a topic of discussion at all to his knowledge in Los Angeles in 1979. In Faurisson's opinion, *Did Six Million Really Die?* was "very important," not for historians to quote, but as a vehicle to let the general public know about revisionism.

Faurisson believed that Ernst Zündel was a major figure among revisionist publishers by the simple fact that he had published *Did Six Million Really Die?*. Over the years since 1979, Faurisson had communicated with Zündel by letters, phone calls and conversations. Zündel, said Faurisson, had "never" indicated any doubt to him about his belief in revisionism. (31-8520e, 8520f)

In 1979 in Lugano, Switzerland, Faurisson debated a team of four people including the German historian Dr. Wolfgang Scheffler, an Italian historian who was a specialist in National Socialism, a woman from Auschwitz and a woman from Ravensbrück. They were on one side, as believers in the extermination and the gas chambers, while Faurisson was on the other side, alone.

He later had two articles published in *Le Monde*, an important newspaper in France having a circulation of perhaps 500,000 to 600,000. The expression of his views resulted in difficulties for himself, his wife and his children. He was "condemned" three times in both criminal and civil legal proceedings in France in 1981, 1982 and 1983. (31-8520f to 8520h)

In 1981, he was found liable for defaming Leon Poliakov after accusing Poliakov of manipulating the texts of Kurt Gerstein and Dr. Johann Paul Kremer in his book *Harvest of Hate*, by totally changing such things as the dimensions of the gas chambers. Poliakov had increased them from 25 square metres to 93 square metres. Faurisson's analysis of Poliakov's manipulations took six pages, but a more recent analysis of Poliakov done by Carlo Mattogno showed that Poliakov had made something like 400 mistakes or manipulations of texts. (31-8520h, 8520i)

In the Poliakov verdict, the judges found that:

It is not explained how Mr. Poliakov can fix the area of the gas chamber at 93 square metres. There is an error there that could indeed be at fault...Other errors could have been made...Mr. Poliakov could, on some points of detail, have infringed upon scholarly exactitude.

For the judges, said Faurisson, this was annoying but not serious and the court held that Faurisson did not have the right to treat Poliakov as he had done. What counted in the eyes of the court was that Poliakov had been:

...motivated by a passionate and legitimate desire to inform the public about a period and some particularly tragic facts of contemporary history.

The case went on to appeal without any change in the result. Faurisson had been unable to attend court for health reasons. As a result of the case, Faurisson was ordered to publish the text of the judgment at his own cost if it was requested by Poliakov. However, Poliakov never asked for the judgment to be published. Faurisson pointed out that Poliakov, who had no degree and was supposed to be a historian, might have found it upsetting to publish something "where it was said by the judges that on some point of detail he had infringed upon..." 17(31-8520j, 8520k)

The second case in France against Faurisson arose after he said on radio his famous sixty words:

The alleged Hitlerite gas chamber and the alleged genocide of the Jews form one and the same historical lie, which opened the way to a gigantic political, financial fraud, whose principal beneficiaries are the State of Israel and international Zionism, and whose principal victims are the people of Germany -- but not their rulers -- and the entire Palestinian people.

This was taken to mean, said Faurisson, that he had said "the Jews lied to make money." But that was a caricature of what he said: "...when I say it is a historical lie, it means that it is not a common lie. It means that I don't treat the people as liars, I treat them as victim of a lie...The people who believed that Nero set fire to Rome are not liars. I was victim of this lie up till 1960..." (31-8520l)

As a result of saying these sixty words, Faurisson was accused of group defamation and ordered to pay a "gigantic sum," of about 3.6 million francs. On appeal, this fine was reduced to a very small amount. The judgment in his case was supposed to be read on French TV at prime time and on radio stations and newspapers. (31-8520k, 8520m)

The third legal proceeding arose after Faurisson had an article published in Le Monde entitled "The Problem of the Gas Chamber or the Rumour of Auschwitz." After the first article was published on December 29, 1978, Faurisson was severely attacked in Le Monde by persons who published articles several times longer than his. Faurisson exercised his right of reply (which exists in France) and published the second article on January 16, 1979. Once more he was attacked but in those attacks he was not mentioned by name. He obtained a short further right of reply on March 29, 1979. (31-8520m,n, 8520o)

As a result of these publications, a civil suit was brought against Faurisson by nine Jewish organizations and former detainees. Said Faurisson, "I was condemned for damage and it means that I had inflicted to some people, which were not defined, a kind of mental anguish by the fact that I had said that the gas chamber, the genocide, had not existed, but if I may, my condemnation on the first instance was grave, and on

appeal it changed totally. I mean that on the first instance, the court said first that she didn't want to have anything to do with falsification of history because I was accused of damage by falsification of history, and the court said: We don't want to care about that falsification of history, but Faurisson was not serious in his work. So we condemn him, and he treated too early a problem which is too...recent...and in appeal, the court said that I was a serious [researcher] on the question of the gas chamber but that all the same I was dangerous, and I could appear to certain people as a sympathizer of the Nazis...On appeal, on the 26th of April, 1983, the court said: Mr. Faurisson's research has delved with the existence of the gas chambers which, if one were to believe the many testimonies, were supposedly used during the Second World War to systematically put to death some of the persons deported by German authorities. And then ... the court said that there was in my work on the gassings ... there was no proof of frivolity, no proof of negligence, no proof that I had deliberately chosen to ignore something, and no lie, and that there was a method, that I had arguments, but the court very prudently said that I used a line of arguments that I thought was of scholarly nature, and...I must say that the...typewritten text, said that 'Faurisson used a line of argument of scholarly nature', and in the margin, with a pen was written, 'that he thinks is of scholarly nature'. And the conclusion on that point was: the value of the conclusions defended by Faurisson rests, therefore, solely with the appraisal of experts, historians and the public." It was the first time that a court had guaranteed French citizens the right to say that the gas chambers did not exist or may not have existed or did exist. (31 8520q to 8520s)

A further case involved Faurisson's publisher, Pierre Guillaume, and the publication *Annales d'histoire révisionniste*, which took the position that the Holocaust did not exist. This litigation concluded on December 16, 1987, when the court held that there was now, in France, a debate among historians about this question. The decision, however, had been appealed by the Jewish organizations which brought the suit. The thesis of *Annales d'histoire révisionniste* was exactly the same as that of *Did Six Million Really Die?* Faurisson believed that the attitude of the historical community was becoming more favourable towards revisionism. (31 8520t, 8520u)

Christie asked Faurisson whether he was part of an international Nazi conspiracy to rehabilitate Adolf Hitler and take over the world. Said Faurisson, "No, I'm not interested in Adolf Hitler. I don't appreciate him more than Napoleon Bonaparte. There are people who admire Napoleon. That's not my case. People who admire Hitler. That's not my case. And if I was like that, I won't have on my side Jews of sometimes very high reputation, or Jews who are not of very high reputation, and who intervened actively in my favour." These Jews were, on the issue of freedom of speech, Noam Chomsky, and on the thesis itself, Claude Karnoouh, Jacob Assous, Tamas Rittersporn. Faurisson denied that he was anti-Jewish and stated that he was not even anti-Zionist: "I think that if I was a Jew, perhaps I would be a Zionist." (31 8520u,v)

Faurisson testified that he came to Canada voluntarily to testify in 1985. He was not paid for doing so and did not enjoy the experience. He was under no obligation to return for this trial and was not being paid to do so. He did not enjoy testifying but did so, he explained, "Because I think that in a way I am judged through Ernst Zündel. I share his views on this topic and I think that it's my duty to do what I do." (31-8520v, 8520w)

At the end of Faurisson's examination in chief by defence attorney Christie, he identified a plan of the Leichenkeller at Sachsenhausen concentration camp which he had obtained from the Federal Archives in Koblenz, Germany. Said Faurisson, "Leichenkeller...means underground morgue. And we see there, as I said yesterday, that there are three parts. One part for 100 bodies put into coffin, another place [for] 80 bodies not in coffin and separate from that, twenty place for twenty infected bodies." Faurisson noted that Sachsenhausen was not an extermination camp and had never been alleged to be an extermination camp by any historian. (31-8521 to 8523; Plan of Leichenkeller at Sachsenhausen filed as Exhibit 128 at 31-8523)

The cross-examination of Faurisson was conducted by Crown Attorney John Pearson. Pearson commenced his questioning by suggesting to Faurisson that he in fact enjoyed testifying very much and enjoyed expounding on his theories. Faurisson replied: "Not at all...And I can explain...why. My opinion is that we cannot debate about history in a court and I have the experience of that. I think that I have the right to say it. Then, I have so much work, so much to do that to come from France to Toronto and to work on the spot without my files, without my books or only with very few of them, it's very difficult. I don't enjoy it at all. And especially when suddenly, after having prepared such a work, I discover that our defence lawyer asked me suddenly to prepare quite a work about this book that I call rubbish which is Six Million Did Die. I had to improvise." (31-8526, 8527)

Pearson produced the book *The Hitler We Loved and Why* and placed it in front of Faurisson. You wouldn't write a book like that, would you?, asked Pearson. Faurisson replied: "...I do not know the content of this book. You mean that I would never write a book with this title." Pearson told Faurisson he could look at the contents of the book. Faurisson refused: "Sir, I am sorry, I cannot just look at the content of a book. I never look at the content of a book like that and I can tell you that I have never seen in my life this book." He agreed, however, that he would not write a book with that title: "I do not love him, so I couldn't...put such a title." (31 8527, 8528)

But would you agree, asked Pearson, that your theories would be very useful to someone who did admire Hitler and who loved him? Faurisson disagreed: "Certainly not. When I have something to say that I think is accurate, I think I must say it and I must never mind if it pleases, as we say in French...Peter or...Paul. My duty is to say it and I don't call it 'the truth' myself. I try to be accurate. That's the only thing I try to do." (31-8529)

Did Faurisson disagree that his theories would assist in rehabilitating Hitler? Replied Faurisson: "I cannot do anything against that. If somebody makes...a car, a toy, or whatsoever, if this car or this toy is used by you or by your enemy, that's not my business. I do what I have to do and then happens what might happen...Since twenty-eight years, I am working on this and I can tell you that I have seen people, of course, most of them against me, but some of them coming to me and saying, shaking hands, 'Oh, thank you Mr. Faurisson, you did that for God' and another one, 'Oh, thank you, Mr. Faurisson, you are an [atheist] because you are fighting against a religion, the religion of the Holocaust'. The next one could say also 'thank you' because it's against the British or is for Germany or for the right or for the left. You must know that in France, I am supposed to be, for some people, a rightist, and for other people, a leftist...It depends [on] the hour of the day." As to his work being useful to rehabilitate

Hitler, Faurisson said: "Not more. Not less than for anyone who would rehabilitate or attack anyone." (31-8529, 8530)

In 1979, after the Institute for Historical Review convention in Los Angeles, didn't you give a lecture in Washington at the headquarters of the National Alliance?, asked Pearson. Said Faurisson: "Sir, I was asked by somebody to go and deliver a speech somewhere and I am ready to deliver a speech, in this case, anywhere. I don't ask the people, 'What is your political idea', 'Show me your card, your identity'. I had the possibility of talking to those people. I must say that I felt very uncomfortable when arriving on the place being like that I saw something like perhaps twenty-five people and at the first rank on two chairs, two young boys with a swastika. Really, I said am I going to deliver my speech or am I going to leave? It was a question...I felt uncomfortable...I enjoyed it all the same more than coming to Toronto to testify." (31-8530, 8531, 8534)

Faurisson had been invited to speak by Mark Weber whom he knew, admired and collaborated with. Faurisson did not know the name of the organization he was to speak before in Washington: "I don't know the name of this organization. Perhaps at that time in September 1979, I was told...I don't think even that he told me that it was an organization. Maybe, I don't know. Maybe he told me there is a gentleman, he wants to have you deliver a speech and that's all." (31- 8532, 8533)

Faurisson testified in response to Pearson's inquiries that he did not know what the National Vanguard was and did not remember the name William Pierce from the 1979 Washington meeting. (31-8532, 8533)

Pearson turned next to the subject of the lawsuits in France against Faurisson. He suggested to Faurisson that the court found that he based his accusations against Poliakov on minor errors which did not justify Faurisson calling Poliakov a manipulator and fabricator of documents. Faurisson disagreed: "...I quoted this judgment this morning and I said why they considered that I was libelling this man and why I didn't have the right to do so. But they didn't say minor errors." Faurisson re-read the excerpt from his article "Revisionism on Trial, Developments in France, 1979-1983" (Journal of Historical Review, vol. 6, 1985, page 133) that he had read previously. Faurisson was fined an amount he could not remember and was also ordered to pay symbolic damages of one franc to Poliakov. (31-8534 to 8537, 8540)

Said Faurisson: "...If you want to show that I have been condemned, I agree totally. I have been condemned and condemned and condemned but I am going to stick by my guns. Even -- even -- if I have to go to jail and this I have said it, Mr. Pearson. [In] September, 1987, in France, they are preparing what they call a Lex Faurissonia. That's Latin. It means a law special against Faurisson¹⁸ and I said when the Minister of Interior went on the radio station to talk about that, I made a journalist ask this question, 'Must Mr. Faurisson go into jail?', and he said, 'Certainly, if it depended upon me'. And I said if ever a court condemns me with a suspended sentence, I will immediately repeat that gas chamber and genocide are a historical lie and the tribunal will have to take its responsibility and to send me to jail because of what I think is right. I am ready to go to jail and those condemnations for me are exactly like insults, not more, not less. I am very upset to be condemned. Very upset. My wife is even more upset and my children, but I shall continue because at the same time, I am a

happy man. I have called that homage...It means that the way they treat me, the fact that they are not able, all those brilliant people, to bring one proof of the existence of one gas chamber...is for me a homage." (31-8538, 8539)

Pearson next brought up the legal proceeding which resulted from Faurisson's sixty words. Faurisson testified that he had spoken on Radio Europe-1 "because one week before or two days before, I don't remember, I was so strongly attacked by Mr. Jean Pierre-Bloch -- saying that I was a man paid by the Arabs, that my books were translated in Chinese and in every language of the earth, etc., etc. I was shown as a criminal, a man paid, doing all lying for money and all that. I asked for a right to answer and my publisher went and see a journalist called Ivan Levai, [saying], 'After what Mr. Jean Pierre-Bloch has said, you cannot refuse Faurisson to come and to try to answer.' And this journalist was honest enough to ask me to come..." (31 8542, 8543)

Faurisson testified that Pierre-Bloch had made a caricature out of his views on the gas chamber. Pierre-Bloch "kept saying that I was denying the concentration camps, the crematories, etc., so I had to make the point quite clear and I said what I considered as a historical lie and as the question is always asked to me but, okay, it's a historical lie but why, for whom? Against whom? I am obliged to give an explanation..." (31-8543, 8544)

By virtue of saying the sixty words, Faurisson was found guilty of defamation of a group, namely, the Jews. He was fined 5,000 francs and sentenced to a three month suspended sentence of imprisonment. In addition, he was ordered to pay 4,000 francs in damages and 2,000 francs in costs, and many other costs which he had not yet finished paying. Said Faurisson: "I can tell you that when I was here in January, the bailiff...came to my house and ordered my wife to pay. She didn't pay. He was to seize our furniture. My wife had to ask money to her mother to pay...in 1981, I had to live for something like one year with one bed, one chair, the kitchen, we had taken out all our furniture in case of seizure. That's how my wife and myself we have lived. And I have the proof of that because a British journalist of the Manchester Guardian came to my house and wrote an article about that and said that he had seen an old man, a bed, and a red sofa." (31-8544 to 8549)

Pearson next produced the two judgments relating to the articles which Faurisson had published in Le Monde, and suggested that he had been sued for failing his obligation as an academic. Faurisson disagreed: "I was sued for damage by falsification of history." In France, explained Faurisson, damages were normally payable if someone had performed a job badly, but in his case, he had been hired by no one and paid by no one to write the articles. Nevertheless, the court held that what he had written made people "suffer." (31-8550, 8551)

The judgment of April 26, 1983 in this case held that Faurisson's work was serious and not negligent and upheld the right of a French citizen to say that the gas chambers did not exist. (31-8551)

Pearson produced the judgment at the trial level where it said:

Mr. Faurisson, a French academic, fails in his obligations of caution, objective circumspection and intellectual neutrality that binds the researcher he wants to be.

Faurisson agreed the trial judgment held this, but indicated that this finding had been corrected by the Court of Appeal. Pearson produced the transcript of the judgment of the French Court of Appeal of April 26, 1983 and read the following excerpt:

Limiting ourselves for the time being to the historical problem that Mr. Faurisson wanted to raise on this precise point, it is proper to state that the accusations of frivolity made against him are lacking in pertinence and are not sufficiently proven; in fact, Faurisson's logical approach is indeed to try to demonstrate, by using a line of argument that he thinks is of a scientific nature, that the existence of the gas chambers, as they have usually been described since 1945, runs into an absolute impossibility which would be sufficient by itself to invalidate all of the existing testimonies or, at least, make them suspect.

...It is not the job of the court to speak up on the legitimacy of such a method or on the full significance of the arguments set forth by Mr. Faurisson, nor is it any more permissible for the court, considering the research to which he has devoted himself, to state that Mr. Faurisson has frivolously or negligently set the testimonies aside, or that he has deliberately chosen to ignore them. Furthermore, this being the case, nobody can convict him of lying when he enumerates the many documents that he claims to have studied and the organizations at which he supposedly did research for more than fourteen years. Therefore, the value of the conclusions defended by Mr. Faurisson rests solely with the appraisal of experts, historians, and the public.

Pearson suggested that what the Court of Appeal had said was that the charges of frivolity were not pertinent to the court's finding, because it was not the job of the court to decide history. Faurisson disagreed and testified that the word "pertinence" in French had a different meaning: it meant "not founded, accusations which are not founded." (31-8554)

Pearson suggested that at the previous trial of Zündel in 1985, it was said to him that the French Court of Appeal said the following:

Mr. Faurisson, who is shocked about what he refers to as the religion of the Holocaust, has never found a word to express his respect for the victims by reminding his readers of the reality of racial persecutions of the mass deportation which caused the death of several millions of people, Jewish or not. So that, in spite of the partial character of his work, history "revisionism", which he opposes against the "cause of the exterminationists", could play a role in an attempt of an overall rehabilitation of the Nazi war criminals.

Faurisson testified that there was a mistake in this translation: the words "could play a role in" should be "could look like an attempt." Pearson suggested that the Court of Appeal for Paris found exactly what he had previously suggested, that Faurisson's work was helpful to someone who wanted an overall rehabilitation of Nazi war criminals. Faurisson disagreed: "I wouldn't say that. You must look [at] the text very closely and it says that it could look as if, but it could look for who? That's the question. And, of course, I know very well that some people may say Faurisson says

that because he wants to rehabilitate the war Nazi criminal. Of course I know that. I think that the court is quite right in saying that..." Faurisson pointed out that the French court was wrong in holding that he had never found a word to express his respect for the victims. Faurisson had used the very word "respect" to express his concern for all the victims of the last war, not just the Jews. (31-8574, 8575)

Pearson continued reading from the 1985 transcript, and the French judgment which was put to Faurisson at that time:

The positions adopted by Mr. Faurisson are just as offensive for the survivors of persecutions and deportations as they are insulting for the victims, since the general public is induced to misappreciate the suffering, if not even cast doubt on it. They are, in addition to this, of a nature as has been justly pointed out by the inferior court as to provoke passionate reactions of aggressivity against those who thereby find themselves implicitly accused of lie and of possible power. Mr. Faurisson's offenses have caused the detriment invoked by the associates which are the defendants on appeal. The sentences promulgated with the previous judgment will ensure a rightful compensation for it.

Faurisson agreed with the translation except for the phrase "positions adopted by Mr. Faurisson." Faurisson indicated that in French, the meaning was "Not the position adopted by Faurisson, but the position..[as] described by the court." Any specialist of French text could see that the court was quite clear when it stated that Faurisson's work was serious. However, said Faurisson, "...then the court was trying to find the way to catch me and it is a style horribly complicated, obscure, they don't dare say that I am for the Nazi, absolutely not. That I could look like a Nazi, not even. But if we supposed that...Faurisson could look like a Nazi. I am sorry, it's...very bad French. Not clear at all." (31-8576 to 8579)

Faurisson sued Jean Pierre-Bloch because he had called him a falsifier. "The result of the suit," said Faurisson, "is that I lost this suit but I want to say why. It is because, like in the case of Mr. Poliakov, the court said that Mr. Pierre-Bloch was wrong in treating me [as] a falsifier, but he did that with good faith. And in the newspaper of Mr. Jean Pierre-Bloch called Le Droit de Vivre -- the right to live - there was a big title saying 'To treat Faurisson as a falsifier, it's to defame him but with good faith.' And after that, I saw everywhere that I was once more a falsifier. And constantly there are two weapons against me. One is the ever 'good faith' of my adversaries. When they say anything against me, they have 'good faith.' They are wrong, but they did it with 'good faith.' And the other one is the 'public order.' Faurisson has the right to say this and that but he troubles the 'public order,' so, we have to punish him. So, two pistols, one the public order of the state, and the other pistol, the 'good faith' of my adversaries." (31-8580, 8581)

April 18, 1988

Crown Attorney Pearson reviewed the legal proceedings between Faurisson and Jean Pierre-Bloch in France. Faurisson confirmed that he had brought an action against Pierre-Bloch alleging defamation which suit had been dismissed. Faurisson's claim for damages against Pierre- Bloch had also been dismissed. (31 8592, 8593)

Pearson read the words of Pierre-Bloch which constituted the basis of Faurisson's action for defamation. In his published memoirs, Pierre-Bloch had written the following passage dealing with his activities as the president of the International League Against Anti-Semitism and Anti- Racism:

...We are going to turn against forgers. I have decided with my lawyer friends to lead the battle against those "historians" who are controlled from a distance and whose role consists in clearing the Nazi criminals and denying the Jewish genocide ... But something more serious, we will be dealing with a R. Faurisson, professor of French literature at the Lyon II University, who has several times tried to give substance to the idea that the Jewish genocide would never have been intentional and that the "homicidal gas chambers" would not have existed. I will be seeking legal redress for the moral injury inflicted on the LICRA because of Faurisson's writings which, by making Nazism commonplace, constitute an encouragement to racism and anti-Semitism.

Faurisson testified that the word "forger" was the basis of his action against Pierre Bloch: "I didn't mind too much about racism and anti-Semitism. I was bothered by forger." (31-8595)

The French court held that Pierre-Bloch did not set out precise facts proving that Faurisson was a forger within a strict legal meaning. However, the court went on to hold that the word "forger" need not be given a strict legal meaning:

Considering that giving the word "forger" a strict meaning lends itself to the criticisms put forward [by] the defence that it was in no way necessary considering the context of the text at issue. Considering that when reading the text as a whole, one has to give the term a different meaning that explains and reinforces the examination of the documents produced as evidence as well as being a proof of good faith.

The French court then listed Pierre-Bloch's allegations against Faurisson:

3. For having tried to give substance to the idea that the Jewish genocide would never have been intentional and that the homicidal gas chambers would not have existed; for having, by his writings "making Nazism commonplace", encouraged racism and anti-semitism; ...for having, during Ivan Levai's radio program on the station Europe 1 on December 17, 1980, claimed that "the lie of the gas chambers and the alleged Jewish genocide represents a giant political and financial swindle benefitting the State of Israel and international Zionism, the victims being the German people and the Palestinian people."

Faurisson pointed out that Pierre-Bloch did not quote his sixty words correctly. Faurisson always made clear in the sixty words that he was referring to a historical lie, not an ordinary lie. If he did not say "historical lie" when expressing his views, the context made clear that he was referring to a historical lie. (31-8597, 8598)

The French court concluded by saying that Pierre-Bloch had accused Faurisson of trying to distort history and in doing so had not misrepresented or distorted Faurisson's theories. It then went on to say:

Considering that these allegations concern the figurative meaning of the word "forger" but undoubtedly affect the honour and reputation of the applicant...

Faurisson testified that this passage indicated that the court held he was not a "forger" in the ordinary sense, and not even in the figurative sense which the court had adopted. (31-8600, 8601)

The French court went on to make it clear that the court did not have to judge the value of Faurisson's work; nevertheless, it made reference in its judgment to Faurisson's "personal but completely unwarranted explanation of the 'special actions' mentioned fifteen times and with horror in Dr. Kremer's diary." Faurisson pointed out that this was the opinion of the court, and that he had suppressed nothing in this research because he had included a photocopy of the actual document in Polish so that readers could see it. (31-8603, 8604)

The French court held further:

Considering that the positions thus adopted by R. Faurisson are as insulting for the survivors of racial persecution and mass imprisonment in concentration camps as offensive for the memory of the victims, the general public being led to ignore their sufferings, if not to doubt them, that besides they are obviously liable to provoke, as justly put by the Court, emotional aggressive reactions against all those who are implicitly accused of lying and deceiving.

Pearson suggested to Faurisson that what the court was saying was that his work created social and racial intolerance because it gave rise to negative reactions against the Jews whom Faurisson portrayed as being liars and cheats. Faurisson disagreed: "...May I try to make it simple. The court didn't say that. The court, in this famous 26th of [April], 1983 judgment said, to make it simple, Faurisson is serious but dangerous, and I agree. I am dangerous because I am serious....what the court said is that Faurisson is not a Nazi but maybe behind Faurisson there is the shadow of a shadow of a Nazi." (31-8605, 8606)

The French court dismissed Faurisson's suit against the defendant Pierre-Bloch, holding that Pierre-Bloch had done his work:

...without exaggerating or distorting the truth, with objectivity and sincerity...The purpose of informing the public seems to the court to be sufficiently serious and legitimate as to warrant the means used...Considering that if [Pierre-Bloch] has not been able under the meaning of the Section 35 of the 29th of July, 1881 Act, to show completely and perfectly the accuracies of the defamatory charges, he has, however, evidenced enough supporting facts to prove its good faith.

Said Faurisson: "And that's exactly what I told you the other day. They say...to treat Faurisson as a forger is a defamation. That's quite clear. But with good faith, and they were so pleased that in the monthly [publication] of Mr. Pierre-Bloch, the title was to treat Faurisson as a forger...is defamation but with good faith. And after, everybody treated me [as] a forger, falsifier: 'Go on, you will say that you said it with good faith'. That's one of the pistol I told you. I have two pistol against me, the good faith of those people, and the public order, which means 'No disturbance, please', and I am obliged

to admit that revisionism is something which brings disturbance. It disturbs even myself." (31-8609)

Pearson moved on to the decision of December 16, 1987 of the High Court of Paris which concerned a May 25, 1987 order prohibiting the distribution of a revisionist publication just prior to the commencement of the Klaus Barbie war crimes trial in France. The order was obtained by various Jewish organizations. No appeal was taken from the order by the publisher, Mr. Guillaume. Following the trial, on October 22, 1987, Guillaume applied to have the prohibition lifted and was successful.

Pearson suggested that the reason the prohibition was lifted was because the Barbie trial was over and there was no longer any reason to have the order enforced. Faurisson disagreed and indicated that the court could have decided otherwise. As it was, there was an uproar in France against the lifting of the order and newspapers had called it a "criminal verdict." (31-8610 to 8612)

Guillaume had published his reasons for not appealing the order in the first instance:

Under these conditions, I gave up appealing this May 25, 1987 order. Enough is enough. I am tired. I do not have to make people think that I put my trust in the justice system of this country.

Said Faurisson: "He said that and we could have good reason, sir, the more I see the difference between the French justice and the Anglo-Saxon justice...I must say I don't criticize my country, but you have the luck to have a jury and transcript. We do not have that and our judges are not independent [like] yours." (31-8613, 8614)

Guillaume had also asked for damages of 50,000 francs against the Jewish organizations who originally obtained the order. Pearson suggested that he did not obtain one franc in damages. Said Faurisson: "That's always what you ask when you consider that you have been wrongly convicted, punished. You ask for a reparation but revisionist[s], they always obtain one franc. When they are punished, it's always thousands of francs, ten thousand of francs, and when they win, it's one franc. It will change." Faurisson did not know what Guillaume obtained in damages but testified that he had gotten back the seized publication, *Annales D'Histoire Révisionniste*: "It was an extraordinary victory. I didn't think that we could get that. And especially when the tribunal said there is now in France an open debate among historians. That's the first time that I am treated as a historian." (31-8614)

Pearson read from the judgment of the court:

Whereas to take this protective action that had, by its very nature, limited effects in time, the summary proceedings judge took into account the fact that Mr. Guillaume, publisher, had deliberately...circulated in his first issue of the journal *Annales D'Histoire Révisionniste*, devoted to the denial of the existence of the Jewish genocide, at the exact time the trial of Klaus Barbie started, during which would be judged facts concerning this particularly painful period in modern history. It is for this reason, considered by him as crucial, that he deemed the exhibit and distribution of the work in places open to the public, taking place under special circumstances, that could not be considered to be a mere expression of "a desire to see a historical debate

initiated under normal conditions," and were felt "as a provocation to a discrimination founded on the origin of a group of people liable to entail, at the present time, violent disturbances and reactions."

Whereas the circumstances that existed at the time and had justified the ban issued provisionally by the summary proceeding judge are no longer present; whereas the statement of the arguments put forward in Mr. Guillaume's journal and the controversy liable to result and arise in them in the absence of any case in negligence come under the free expression of ideas and opinions and constitute a matter for a public debate among historians, the Court does not have to exercise a control over such a discussion.

Said Faurisson: "That's what those reasonable and courageous judge[s] said. They could have said something quite different. They could have said we consider that it continues; that it is a touchy problem and that the revisionist have no right to publish anything. They could have said that. They said exactly the contrary...We must put all that, Mr. Pearson, into context and see how the French court reacted in 1979, 1980, 1981, 1982, 1983 up till 1987. At the beginning, in 1979, do you know that the court decided that I had not even the right to put gas chamber into quotation mark[s]? To put...gas chamber into quotation mark[s] was to show disrespect and to trouble public order and moral order...in France. Could you imagine that? And then in 1983, they said, '... Okay, he has the right to say that the gas chamber did not exist, but he mustn't say more.' And now, 1987, we have the right to say no gas chamber, no genocide and, of course, we must choose our words to say that. As we say in France, we must walk on the eggs very carefully. If you say that in a way which could be considered as insulting, you are going to be punished. But now you have the right to say the gas chamber[s] did not exist, the genocide did not exist and I put that into context...I insist on the fact that they say there that why there was an uproar in France against this judgment, they said now it's a matter for a public debate among who? Among historians. And what conclusion? The court does not have to exercise a control over such a [discussion]. I wish the French court would have discovered that in 1979 and not in 1987, but that's our struggle, you see. We need time." (31-8619, 8620)

Pearson next moved to the judgment of 28 January, 1988 of the Court of Appeal of Versailles against the leader of the National Front party of France, Jean-Marie Le Pen. Pearson asked Faurisson if he would agree the National Front was an extreme right-wing racist party. Faurisson replied: "I think that...in the United States, they call those people [populists], you know. I don't know if it's extreme. I know the people who do not like them call them extremists." Faurisson said that he did not like the party "very much...They say they are not racist. I find them, myself, racist, but this is an opinion." (31-8620 to 8623)

The case arose when Le Pen appeared on the French television programme Grand Jury RTL Le Monde. Le Pen was suddenly asked if he had read the work of Faurisson and Roques. He replied that he had not, but that he thought everything should be debated as there was not an official historical truth. He was asked a question about the gas chambers, said Faurisson, and "...he said that the gas chamber[s] were a detail and meaning -- the text is quite clear about that -- meaning the way the Jews were killed is a detail and that's an argument that very often I, myself, I hear when the people say 'Gas chamber or not, what's the importance of it'. And for me, it's really not a detail. I

do not agree at all with Mr. Le Pen when he said a detail. He was wrong." (31- 8624, 8625)

The French court stated in its judgment against Le Pen that saying something was a question of detail had a common usage in the French language which referred to something being unimportant. Faurisson agreed with this statement. (31-8625)

Pearson continued reading from the judgment of the Court of Appeal of Versailles:

Given that the deliberate use of this expression, even when restricted to the circumstances and the methods of Nazi extermination, gives the impression of an acceptance of something horrible because it is equivalent to trivializing, if not ignoring, the suffering and persecution inflicted on the deportees and more specifically, on the Jews and the gypsies during the Second World War and in so doing, reduces to a simple reality of war -- independently of Mr. Le Pen's opinion on the existence of gas chambers -- acts that have been found to be crimes against humanity; it follows from the above that the survivors of racial persecution and their families, the defence of whose collective interests is the respondent's responsibility, have seen their right to faithful remembrance, respect, compassion and homage seriously impinged upon.

Given that this disturbance is obviously unlawful, starting from the moment that the contentious comment -- which attacks values as fundamental as the remembrance of the victims of genocide, worship of the dead, and the profound and respectable convictions of a virtually unanimous public opinion -- was uttered in the course of a radio broadcast with a large audience, and that it could not be immediately and effectively refuted, and that it is beyond the scope of strict historical debate...In this regard, [Le Pen] argues that the meaning and the scope of his comments were deformed by the media; that the debate, which concerns the existence of the gas chambers, is not a matter for the Court, but for experts, historians or the public; that freedom of expression must not be hindered, especially when, as in this case, it is based on historical research... Given that the said comment constitutes an error in this regard, and at the same time a wrongful exercise of freedom of speech, which, far from being absolute, independently of the restrictions decreed by certain repressive texts, is limited except in the case of legitimate circumstances or the observance of specific precautions, not present in this case, by respect for essential assimilable values, such as, in this case, the notion of legitimate interest legally protected...The trial Court, when it imposed the symbolic one franc damage, was making a judicial statement of guilt...

The court dismissed Le Pen's appeal and ordered him to pay damages. (31-8630)

Pearson suggested to Faurisson that all of these court decisions could be summed up in one statement: that in France, Faurisson and anybody else was free to express opinions about history without any legal restrictions, but when someone publicly made statements which could harm a public interest, such as social and racial tolerance, that person broke the law. Faurisson disagreed: "I would say that sometimes a court says that we have absolutely the right to say that the gas chamber[s], the genocide did not exist. This is, for instance, in 1987. 1988, a few days after, another court said the way Mr. Le Pen expressed this idea is a bad one as an

important political man and he created disturbance. Do you know that in this short judgment, you have eight times the word disturbance? And that's normal, you see, when you have a new idea which is coming. At the beginning, everything is forbidden. Then a part of it is permitted. Then the total and then suddenly, 'Oh no, you must be careful not to express this in this way', 'You should have said it on another way'. But, what is important is the general movement. The revisionism is more and more accepted. Now we are only nit-picking on the way a political man said 'detail'. He shouldn't have said 'detail.' It was shocking; shocking for this court. But you see, few years ago, everything was shocking. The simple fact to say the gas chamber[s] did not exist, which is a dry way of saying the things, was not permitted. I have no right to teach since 1979. Why? Because I said the gas chamber did not exist. Nothing else." (31-8630 to 8632)

Are you suggesting, asked Pearson, that you were suspended because of your statement with respect to gas chambers? Said Faurisson: "Certainly, yes. I can tell you on the 13th of March, I have seen the president of my university. I have said I would like to go back and to teach. Would it be possible in October, and this gentleman said, 'No, no question, because I have no mean[s] to guarantee your security'. Because the guards of the university had a meeting in 1979. They came, in the presence of the administration, they told me, Mr. Faurisson, we must tell you that we had a meeting of different unions and our conclusion is that we are there to protect the premises, not to protect the persons...So, I have no possibility to go back ... I have been punched three times those months on the 12th of July, 21 of November, the 12 of December; another professor has been punched exactly where I was punched. And you see, the last time it was in the Sorbonne and Mr. Vidal-Naquet was there. He said I was an 'excrement.' Mr. Browning was there and he applauded. Now, I don't criticize him. It's his opinion. It's really because I said that the gas chamber did not exist that I got into this trouble. Of course, it's totally evident. But now the president of my university is very embarrassed because he see[s] very well as everywhere in the French intellectual circles that those gas chamber do not stand anymore. He sees that very well, but you see you have public order, necessity of guaranteeing my life." (31-8632, 8633)

Pearson put to Faurisson that the Court of Appeal for Versailles said that his views ran contrary to a virtually unanimous public opinion. Replied Faurisson: "...I do not agree and we have no real Gallup [poll] to know what the French people think about that..." In Faurisson's opinion, his position vis-a-vis French law was "now nearly splendid." (31-8633, 8634)

Pearson suggested that he only ran afoul of French law when he accused the Jewish community of a gigantic swindle. "Not the Jewish community," said Faurisson. "You must read with attention my sixty words. When I say Zionism, you must understand that for a historian, in every country, sir, you have historical lie. Do you know that the nations are founded necessarily on [legends], on myth[s], on historical lie[s]? And it's not because I criticize the Zionism on this very historical lie, that I don't know that the French have all sorts of [legends], the French imperialists and [colonialists], they were convinced that they were more intelligent, that they were bringing a light and so on. That's a kind of myth. The American [did] the same thing with the Indians." (31-8634)

Pearson suggested to Faurisson that his sixty words expressed the same sentiment as Harwood expressed on page 30 of *Did Six Million Really Die?* when Harwood wrote:

It is a resounding confirmation of the fact that Jewish casualties during the Second World War can only be estimated at a figure in thousands. Surely this is enough grief for the Jewish people? Who has the right to compound it with vast imaginary slaughter, marking with eternal shame a great European nation, as well as wringing fraudulent monetary compensation from them?

Faurisson answered: "I wouldn't express it this way." He testified that he would express it in his sixty words: "Sixty words and excuse me, and with the explanation before and after. For instance, when I said the principal beneficiaries and when I said the principal victims, I gave example of non-principal beneficiaries and of non principal victims. Among those non-principal victims, I said the young Jewish generations, which are brought up in this awful Holocaust religion. I find awful...to bring up a kid and saying to this kid, 'Do you know that kids like you were systematically killed in Himmler's slaughterhouses by one of the most so-called civilized nation[s], Germany?' Now, what kind of kid are you preparing? How is he looking to the other people if he thinks that one of the most civilized nation has done that. So what about those who are supposed not to be as civilized? What does it mean? I wouldn't bring up my kid like that. I find that's very bad. I think that those people are victims also of this historical lie and that's why I have Jews on my side. And you see, you said Jean-Marie Le Pen. Jean-Marie Le Pen is a man of [the] right and some say of [the] extreme right, but...in France, revisionism is a leftist movement. It began on the left. Paul Rassinier was a Communist, non-Stalinist. Then he was a socialist deputy. And my publisher is a very well known leftist and I can assure you that in fact...not in words, those people are not at all racist...In France, it is at the beginning, a leftist movement for them. Revisionism mean revolution. A slow revolution...And a man like Le Pen...I said he jumped on the band wagon...You see he did it like an amateur, really. He did it, I said, with left- handedness...He hurt himself and five days after, he recanted more or less. Every time that I see some high, responsible [person] taking position in favour of revisionist, I watch my watch and I am waiting - how much time to recant, and he recanted. But you see, I don't know why it's a fashion now, more or less in France, to be revisionist. You must know that. We are strongly criticized. It's always 'all revisionists are awful people' and the minute after, 'interesting' people. So, Jean-Marie Le Pen, quite recently, condemned as he was, did something much more grave. I was extremely surprised. He said this war must finish; we cannot say anymore that Germany had the only responsibility and that Germany was worse than the others during the war and he said something else...that future Europe shall not be the Europe of Simone Veil and Julien Benda. [To] people who know a little bit of history, Julien Benda is the man who wrote in 1938 that if he had to press a button to kill all the Germans, he would do it." (31-8636 to 8638)

Didn't Rassinier say that the people to blame for the deaths that occurred in the concentration camps were the Communists?, asked Pearson. Faurisson replied: "The Germans first and then the others. He said the myth is to say that the SS were always there killing the people and all that. We...had nearly no contact with the SS. We had the contact in Buchenwald especially with the Communists and the organization of the Communist in Buchenwald was extremely strong." (31-8638, 8639)

Rassinier didn't even deny there were gas chambers, did he?, said Pearson. Faurisson replied: "At the beginning. At the beginning he said there is something wrong with this story of gas chamber and then he [did] not deny. Rassinier is like me. We do not deny...We are affirming, after research, and what I affirm is that the gas chamber never existed...Supposing that the gas chamber did not exist, must we say it or must we hide it?" (31-8639)

Are you denying, asked Pearson, that Rassinier said that the Communists were to blame for a lot of the deaths in the concentration camps?

Replied Faurisson: "For a lot of sufferings in Buchenwald and other concentration camps. And you see now it's totally...accepted since a judgment of a court of Paris in December 1986...extraordinary judgment of great historical value...saying that now, yes, it was absolutely accepted that Marcel Paul and his kind of gang inside Buchenwald, were the real masters inside." (31-8639, 8640)

Pearson moved next to the judgment of the International Military Tribunal at Nuremberg in the trial of the German major war criminals. Faurisson agreed that it was a lengthy judgment, some 187 pages in the French version, and that the judges were very interested in the issue of responsibility for the war and whether or not it had been an aggressive war. (31-8640, 8641)

Pearson read from the judgment:

The persecution of the Jews at the hands of the Nazi government has been proved in the greatest detail before the Tribunal. It is a record of consistent and systematic inhumanity on the greatest scale.

Pearson suggested to Faurisson that he had testified that it was a recent development that attention had been turned to the Einsatzgruppen. Faurisson disagreed with this statement: "No, not at all what I mean. I mean that at the beginning -- at the end of the forties, in the fifties, in the sixties, they focussed on the gas chambers and now they focussed on other things which were mentioned, of course...Focus is the word." (31-8642)

Pearson suggested to Faurisson that the activities of the Einsatzgruppen were considered by the International Military Tribunal to be a fundamental part of the persecution of the Jews, and further, that in his second edition Hilberg stated at page 393:

The mobile killing operations in the occupied USSR were a prelude to a greater undertaking in the remainder of Axis Europe. A "final solution" was going to be launched in every region under German control.

Faurisson replied that Hilberg has used the word 'prelude': "The International Military Tribunal, of course, mention the Einsatzgruppen. The historian[s] always mention the Einsatzgruppen. But it's a prelude... because the Einsatzgruppen, you must understand, are supposed to have done something horrible but classical in any war -- that is to shoot the people with rifles, machine guns and all that. What was new, what was without precedent, was a system of extermination and it was the gas chamber."

Faurisson agreed that the International Military Tribunal commenced its discussion of the Jewish persecution by describing the activities of the Einsatzgruppen: "Of course, because it's a question of chronology." (31-8642 to 8644)

Pearson continued reading from the Nuremberg judgment:

But the Defendant Frank spoke the final words of this chapter of Nazi history when he testified in this Court: "We have fought against Jewry: we have fought against it for years: and we have allowed ourselves to make utterances and my own diary has become a witness against me in this connection -- utterances which are terrible ... A thousand years will pass and this guilt of Germany will still not be erased."

Faurisson testified that the deposition of Höss was essential in understanding Frank's testimony at Nuremberg: "...this man was overwhelmed by what he discovered after the war and he thought that it was a proof of an extermination and he thought that Hitler, many people in the Nuremberg trials, said, 'But Hitler fooled us'...the words that we pronounce when we are in a war against our enemy, we do not mean them, in fact, and after, we say 'But that's horrible, what have I said, I have said extermination'." (31-8644, 8645)

Faurisson agreed that Frank testified that his own diary had become a witness against him: "Yes, and that's a proof of the complete sincerity of this man. He said I have brought my own diary to the Americans. [He] was so proud of this diary, of 11,500 pages." (31-8645)

Faurisson testified that during a war one said that one was going to exterminate the enemy. But what did the word 'exterminate' mean? Said Faurisson: "See the words of La Marseillaise. They are absolutely awful when they say ... 'the soil of our campaign must be drenched with the impure blood of our enemy.' You could have done a Nuremberg trial in the nineteenth century, saying, 'Oh, in the Marseillaise, you said that you were going to exterminate, and you were a racist when you said the impure blood.'"¹⁹ (31-8645, 8646)

Are you saying, asked Pearson, that it was a valid comparison to compare a man's daily military diary with a national anthem? Said Faurisson: "I say that what he expressed, perhaps ten times during the war, is, for example, what we expressed in our national anthem. An enemy is something that you must exterminate. You don't say when the people are going to risk their life...now, be nice with your enemy and offer him coffee. [No], you must exterminate him. That's your only job. Germans are what? They are beasts. They are hounds..." (31-8646)

Are you saying, asked Pearson, that when Frank said he wanted to clear the Government-General of Jews, he was simply saying he didn't like Jews? Faurisson replied: "...if he said I want to clear up, it meant to clear up. It meant I want ... emigration if possible, evacuation or deportation if necessary. I want to get rid of the Jews. That's what Frank said." (31-8647)

Pearson returned to the judgment of the International Military Tribunal and its analysis of the historical development of the Nazi Jewish policy. Faurisson agreed that the fourth point of the Nazi party programme stated:

Only a member of the race can be a citizen. A member of the race can only be one who is of German blood, without consideration of creed. Consequently, no Jew can be a member of the race.

Faurisson commented that, in his opinion, there were many countries who would like that but stated: "I don't want to name anybody today." (31-8648)

Faurisson agreed that the International Military Tribunal judgment reviewed the escalation of measures against the Jews and that generally accepted historians viewed such measures as an important component leading towards the extermination of the Jews. (31-8648)

Pearson suggested that Dr. Barton had told the court that the laws that were passed to exclude Jews from German life were all part of the process leading to the extermination. Said Faurisson: "If Dr. Barton believes that, that's his opinion. I respect his opinion. Now, if he wants to impose [on] me his opinion, I do not agree, of course." (31-8649)

Pearson turned to the subject of the Madagascar plan. Faurisson testified that he did not know exactly why the Madagascar plan was stopped. There were negotiations with France about it. One reason was that the British navy controlled the sea lanes, but Faurisson did not know if this was the decisive reason. He pointed out that "when you have a political decision, you might have many reasons." (31-8650 to 8653)

Pearson read from *Did Six Million Really Die?* on page 7 concerning the Madagascar plan:

A memorandum of August, 1942 from Luther, Secretary-of-State in the German Foreign Office, reveals that he had conducted these negotiations between July and December 1940, when they were terminated by the French.

Faurisson testified that he was familiar with the Luther memorandum and did not remember it stating that the negotiations were terminated by the French. But he refused to categorize it as a false statement without checking. (31-8652)

Pearson continued reading the judgment of the International Military Tribunal:

The Nazi persecution of Jews in Germany before the war, severe and repressive as it was, cannot compare, however, with the policy pursued during the war in the occupied territories. Originally the policy was similar to that which had been in force inside Germany. Jews were required to register, were forced to live in ghettos, to wear the yellow star, and were used as slave laborers. In the summer of 1941, however, plans were made for the "final solution" of the Jewish question in Europe. This "final solution" meant the extermination of the Jews, which early in 1939 Hitler had threatened would be one of the consequences of an outbreak of war, and a special section in the Gestapo under Adolf Eichmann, as head of Section B4 of the Gestapo, was formed to carry out the policy.

Pearson suggested that Raul Hilberg, in his book *The Destruction of the European Jews*, second edition, page 401, took essentially the same position as the International Military Tribunal when he wrote:

Heydrich now took the next step. He instructed his expert in Jewish affairs, Adolf Eichmann, to draft an authorization that would allow him to proceed against Jewry on a European-wide basis. In carefully chosen bureaucratic language the draft, not more than three sentences long, was submitted to Göring, ready for his signature (unterschriftsfertig). The text, which was signed by Göring on July 31, 1941, is as follows:

Complementing the task already assigned to you in the directive of January 24, 1939, to undertake, by emigration or evacuation, a solution of the Jewish question as advantageous as possible under the conditions at the time, I hereby charge you with making all necessary organizational, functional, and material preparations for a complete solution of the Jewish question in the German sphere of influence in Europe...

I charge you furthermore with submitting to me in the near future an overall plan of the organizational, functional, and material measures to be taken in preparing for the implementation of the aspired final solution of the Jewish question.

With the receipt of this letter, Heydrich held the reins of the destruction process in his hands. Soon he would be able to use his mandate.

Pearson put to Faurisson that it was clear this letter from Göring meant that in addition to the task already given of emigration and evacuation, there was to be a complete solution of the Jewish question. Faurisson disagreed: "No. Never this letter of Göring could be interpreted as something meaning extermination. Never. You wouldn't have a dispute today between functionalists and intentionalists. You would bring this letter to any functionalist and you would ask him how is it that you are [a] functionalist?" (31-8657)

Pearson suggested to Faurisson that at least Hilberg believed this letter to be an important part of the decision-making process. Faurisson testified that he didn't think so, but that it was not clear what Hilberg thought: "It's not clear. He is giving one element, this letter of Göring and he thinks that it is an element to demonstrate that further on, there will be something which he calls extermination...we know that Professor Hilberg believes in the extermination of the Jews, of course." (31-8656 to 8660)

Pearson put to Faurisson that Hilberg said that the letter constituted a mandate. Faurisson replied: "I agree that he says that, without demonstrating it for one minute. I agree that, of course, Mr. Hilberg is going to bring some element, one after the other, to try to demonstrate that there was an extermination of the Jews. But when he says, 'With the receipt of this letter Heydrich held the reins of the destruction process in his hands', I don't have the slightest demonstration of that." He continued: "We had already emigration and evacuation in Germany itself. And now, it's for Europe and quite normally, you would have the Wannsee Conference after, saying it will be final solution not only for those people, who are there, for instance, in Germany, but

generally for Europe. Nothing to do with an extermination." Faurisson pointed out that Hilberg had testified in the first Zündel trial in Toronto [in 1985] that he was not able to show a plan. (31-8660, 8661)

Pearson returned to the judgment of the International Military Tribunal:

In the summer of 1941, however, plans were made for the "final solution" of the Jewish question in Europe. This "final solution" meant the extermination of the Jews, which early in 1939 Hitler had threatened would be one of the consequences of an outbreak of war...

He next read from page 401 of Hilberg's *The Destruction of the European Jews*:

For years, the administrative machine had taken its initiatives and engaged in its forays one step at a time. In the course of that evolution, a direction had been charted and a pattern had been established. By the middle of 1941, the dividing line had been reached, and beyond it lay a field of unprecedented actions unhindered by the limits of the past.

Isn't Hilberg saying, as the International Military Tribunal said in 1946, that the plans were being made in the summer of 1941?, asked Pearson. Faurisson asked: "Would you say plans?" Pearson replied that he had to admit that the word 'plan' was not used, but suggested that it was obvious Hilberg was saying that. Said Faurisson: "Yes, but the simple fact that it is not used is interesting. It's no more the affirmative Hilberg. It's the man who talks of things vague like that. He is transforming...What does it mean? A direction that be charted and a pattern, what does it mean? Is it a plan? Where is this plan?" (31-8662, 8663)

Pearson returned to the judgment of the International Military Tribunal:

The plan for exterminating the Jews was developed shortly after the attack on the Soviet Union. Einsatzgruppen of the Security Police and SD, formed for the purpose of breaking the resistance of the population of the areas lying behind the German armies in the East, were given the duty of exterminating the Jews in those areas.

Pearson suggested to Faurisson that the International Military Tribunal drew a clear connection between the activities of the Einsatzgruppen and the plan to exterminate the Jews of Europe and that this was totally consistent with the position taken by historians today. Faurisson replied by referring back to Hilberg's comments at a conference in New York: "But without a plan...We had in Nuremberg something which was quite clear. There was a plan. Everybody could understand what is a plan. And then, what do we have? We have exactly...what Hilberg said when he said...himself, no plan, no budget, but an incredible meeting of minds and in -" (31-8664)

Pearson cut Faurisson off and told him to deal with Hilberg's book. Faurisson replied: "Please, I'm dealing with Mr. Hilberg. To understand what Mr. Hilberg is saying [in] this so obscure way, I am referring to Mr. Hilberg, not to myself, I repeat." (31-8664, 8665)

Pearson suggested to Faurisson that, as an academic, he knew that in an interview one expressed views as shortly as one could in response to a question, but that if you wanted to find out what a man really thought about an area as complicated as this, you must look at his three volume work. Faurisson replied that Hilberg did not make the statement in an interview but at a conference. Faurisson himself was not at the conference, but Dr. Robert John had confirmed to Faurisson that Hilberg had indeed made the statement. It had been reported in a New York newspaper and Hilberg himself had confirmed the statement in his testimony in Toronto in 1985.²⁰ In this statement, Hilberg said that what happened was "an incredible meeting of minds" and "mind reading by a far-flung bureaucracy." What did that mean?, asked Faurisson. (31-8666 to 8668)

Pearson accused Faurisson of grabbing a hold of those two sentences of Hilberg's and ignoring his three volume book. Faurisson disagreed: "No, because in his three volume work, as I told you, he was very vague and I am pleased to see that for once, he has been rather precise. I don't understand what is a mind reading by bureaucrats. I have never seen bureaucrats in their [offices] without telephone and doing mind reading...That's why we asked Mr. Hilberg to be clear. Mr. Hilberg has been totally clear in 1985. No plan, no budget, but, at that time, he maintained that there was an order. But he was quite clear, no plan, no budget." Faurisson pointed out that the International Military Tribunal spoke constantly of a "plan", and that not one historian among the exterminationists could uphold this today. (31-8668, 8669)

Pearson put to Faurisson that Hilberg had written that the Einsatzgruppen were a prelude to the "final solution," while the International Military Tribunal held in its judgment that the plan for exterminating the Jews was developed shortly after the attack on the Soviet Union. Faurisson agreed that these were basically the same positions and that the Tribunal went on to quote at length from the Stroop Report. (31-8670)

Pearson suggested that any reasonable person who read the Stroop Report would realize that it illustrated there was a plan and a system, which was what Hilberg said. Faurisson disagreed and noted that while the Nuremberg Tribunal alleged that Stroop recorded that his action at Warsaw eliminated "a proved total of 56,065 people," Hilberg had written in his book that these people surrendered. Pearson interjected that they were then transported to Treblinka where they were all exterminated. Faurisson disagreed: "No, he didn't say that. To Treblinka, to Majdanek and to other work camps." (31-8671, 8672)

Faurisson agreed that the International Military Tribunal said that the planned and systematic character of the Jewish persecutions was best demonstrated by the Stroop Report, but he disagreed with Pearson's suggestion that this was a position generally accepted by historians: "Not demonstrated...Of course, you have the Einsatzgruppen, the Kristallnacht before, some speeches of Hitler before and then you have the Einsatzgruppen, then you have the Stroop Report, but sir, you are a lawyer. That's the system of the proof you know. Like in the witchcraft trial exactly. A quarter of a proof plus a quarter of a proof plus half a proof is a proof. I find only quarter of proof and half of [a] proof. I don't see any when I ask those people, 'Show me one proof'. I don't want two proof[s] -- one." (31-8672, 8673)

Pearson returned to the judgment of the International Military Tribunal and read to the court an excerpt from the Stroop Report which the Tribunal had relied upon in their judgment:

"The resistance put up by the Jews and bandits could only be suppressed by energetic actions of our troops day and night. The Reichsführer SS ordered therefore on 23 April 1943 the cleaning out of the ghetto with utter ruthlessness and merciless tenacity. I therefore decided to destroy and burn down the entire ghetto, without regard to the armament factories. These factories were systematically dismantled and then burnt. Jews usually left their hideouts, but frequently remained in the burning buildings, and jumped out of the windows only when the heat became unbearable. They then tried to crawl with broken bones across the street into buildings which were not afire ... Life in the sewers was not pleasant after the first week. Many times we could hear loud voices in the sewers ... Tear gas bombs were thrown into the manholes, and the Jews driven out of the sewers and captured. Countless numbers of Jews were liquidated in sewers and bunkers through blasting. The longer the resistance continued, the tougher became the members of the Waffen SS, Police and Wehrmacht, who always discharged their duties in an exemplary manner." Stroop recorded that his action at Warsaw eliminated "a proved total of 56,065 people. To that we have to add the number of those killed through blasting, fire, etc., which cannot be counted." Grim evidence of mass murders of Jews was also presented to the Tribunal in cinematograph films depicting the communal graves of hundreds of victims which were subsequently discovered by the Allies.

These atrocities were all part and parcel of the policy inaugurated in 1941, and it is not surprising that there should be evidence that one or two German officials entered vain protests against the brutal manner in which the killings were carried out. But the methods employed never conformed to a single pattern. The massacres of Rowno and Dubno, of which the German engineer Graebe spoke, were examples of one method; the systematic extermination of Jews in concentration camps, was another. Part of the "final solution" was the gathering of Jews from all German occupied Europe in concentration camps. Their physical condition was the test of life or death. All who were fit to work were used as slave laborers in the concentration camps; all who were not fit to work were destroyed in gas chambers and their bodies burnt. Certain concentration camps such as Treblinka and Auschwitz were set aside for this main purpose. With regard to Auschwitz, the Tribunal heard the evidence of Höss, the commandant of the camp from 1 May 1940 to 1 December 1943. He estimated that in the camp of Auschwitz alone in that time 2,500,000 persons were exterminated, and that a further 500,000 died from disease and starvation. Höss described the screening for extermination by stating in evidence:

"We had two SS doctors on duty at Auschwitz to examine the incoming transports of prisoners. The prisoners would be marched by one of the doctors who would make spot decisions as they walked by. Those who were fit for work were sent into the camp. Others were sent immediately to the extermination plants. Children of tender years were invariably exterminated since by reason of their youth they were unable to work. Still another improvement we made over Treblinka was that at Treblinka the victims almost always knew that they were to be exterminated and at Auschwitz we endeavoured to fool the victims into thinking that they were to go through a delousing process. Of course, frequently they realized our true intentions and we sometimes had

riots and difficulties due to that fact. Very frequently women would hide their children under their clothes, but of course when we found them we would send the children in to be exterminated." He described the actual killing by stating:

"It took from three to fifteen minutes to kill the people in the death chamber, depending upon climatic conditions. We knew when the people were dead because their screaming stopped. We usually waited about one half-hour before we opened the doors and removed the bodies. After the bodies were removed our special commandos took off the rings and extracted the gold from the teeth of the corpses." Beating, starvation, torture, and killing were general. The inmates were subjected to cruel experiments at Dachau in August 1942, victims were immersed in cold water until their body temperature was reduced to 28 o Centigrade, when they died immediately. Other experiments included high altitude experiments in pressure chambers, experiments to determine how long human beings could survive in freezing water, experiments with poison bullets, experiments with contagious diseases, and experiments dealing with sterilization of men and women by X-rays and other methods.

Evidence was given of the treatment of the inmates before and after their extermination. There was testimony that the hair of women victims was cut off before they were killed, and shipped to Germany, there to be used in the manufacture of mattresses. The clothes, money, and valuables of the inmates were also salvaged and sent to the appropriate agencies for disposition. After the extermination the gold teeth and fillings were taken from the heads of the corpses and sent to the Reichsbank.

After cremation the ashes were used for fertilizer, and in some instances attempts were made to utilize the fat from the bodies of the victims in the commercial manufacture of soap. Special groups travelled through Europe to find Jews and subject them to the "final solution." German missions were sent to such satellite countries as Hungary and Bulgaria, to arrange for the shipment of Jews to extermination camps and it is known that by the end of 1944, 400,000 Jews from Hungary had been murdered at Auschwitz. Evidence has also been given of the evacuation of 110,000 Jews from part of Rumania for "liquidation." Adolf Eichmann, who had been put in charge of this program by Hitler, has estimated that the policy pursued resulted in the killing of 6 million Jews, of which 4 million were killed in the extermination institutions.

Faurisson agreed that Höss testified at Nuremberg as a defence witness and that he agreed, when cross-examined on his affidavit, that he had said the things that the Nuremberg Tribunal relied upon in their judgment. Said Faurisson: "Eleven times he said jawohl which means yes." (31-8683)

In 1958, an autobiography of Höss was released and published by the historian Martin Broszat. Faurisson testified that he "certainly" questioned the authenticity of this alleged autobiography: "We had to wait eleven years to have this text and...Mr. Broszat cut the parts which were insane, so exaggerated that it was really preposterous, and we know that because the Poles, in 1972, in...The Auschwitz Books, published those parts suppressed by Mr. Broszat."21 (31- 8684)

The Höss autobiography, said Faurisson, had been written under the control of his Polish Communist captors: "What I have is a book called Commandant [of] Auschwitz, which is presented to me as an autobiography and I say that this autobiography is, on the chapter of the gas chamber[s], for example, totally preposterous. That's what I say. I don't...formulate any judgment on the authenticity of the papers supposed to have been written by Höss and then transformed in[to] a book." (31-8687, 8688)

Faurisson was interested in the fact that the autobiography, written under the control of the Poles, alleged that Höss had been tortured by the British. But Faurisson emphasized that he did not know whether Höss even wrote the autobiography: "I say this is supposed to be the truth, the official truth about Höss." Faurisson was therefore interested in what was in this book of official truth. (31-8688)

Höss never claimed at Nuremberg that he was mistreated. Said Faurisson: "He said that, in Nuremberg, [it] was marvelous. It was like a...sanitarium. He was so well treated in Nuremberg itself for a few days, but before..." Pearson put to Faurisson that the first suggestion that Höss had been mistreated by the British occurred in his autobiography. Replied Faurisson: "Chronologically, perhaps." (31-8689, 8690)

Pearson alleged that Faurisson accepted the part of the autobiography that alleged torture by the British, but rejected the parts he didn't like about the gas chambers. Faurisson replied: "Sir, I am quite ready to examine what he said about his treatment by the British and what he says about the gas chamber ... I have done a study of what he said about his tortures and torturers and I have studied what he has said about the gas chambers ..." (31-8689, 8690)

Faurisson agreed that he believed Höss's testimony at Nuremberg contained obvious errors and was absurd, although not absolutely. "For instance," said Faurisson, "when he says 'I was commandant of Auschwitz,' it's not absurd, of course." However, when Höss said that a place called Wolzek was an extermination camp, that was absurd. Faurisson rejected Pearson's suggestion that Höss might have made a mistake by mistaking Majdanek for Wolzek. (31-8690, 8691)

Pearson pointed out to Faurisson that he had testified that Hans Frank, the Governor General of Poland, believed everything Höss said and was so overwhelmed by his testimony that he admitted guilt for something he hadn't done. What I want to know, asked Pearson, why weren't errors you found obvious not obvious to Hans Frank? Replied Faurisson: "That's a good question...How is it that the German[s] were not sensible to those things? How is it? Or, perhaps, they were sensible because...Mr. Gilbert, who was the psychologist of the prison, told us that, for instance, Göring didn't believe it...Streicher, I remembered the words of Streicher, technisch unmöglich, which means 'technically impossible'. So, what about Hans Frank listening to Höss?...We know that Frank, for himself, went to Belzec and he didn't find anything of that kind. Now, I understand very well you are asking me to try to explain you what Frank could have thought...Frank was a man totally overwhelmed by the defeat, by the fact [that] he had been tortured, also by what Höss was saying and it's so emotional that I understand that. Myself...I was nearly ready to say that the gas chamber[s] existed. I can tell you in September 1979, I nearly wrote...a letter to say 'Okay, they existed,' because you see, you want to get out of the hot water and you

are ready -- a confession, sir, is the result of a confrontation with your victor. You must see in questioning who holds the whip. That's the question. In confession, it is that, and [a] confession is not inspired by fear, [but] by hope...I'm sure that he was able to say anything at that time, Hans Frank...he was not the only German who reacted like that. Becoming totally Catholic, [praying], believing in God and so on. He didn't believe before. What does it mean when a man is desperate like that?" (31-8693, 8694)

Pearson suggested it meant that he knew the jig was up when Höss revealed in his testimony what had happened at Auschwitz. Faurisson disagreed: "That's your interpretation...When for the first time those people...Frank, Göring and the others, when they heard about gassings and this man coming and saying three minutes and then half an hour and all that. Who is the man who could have been technically able to see that it was a total chemical impossibility? Those people were like many of the people. They thought that the courtroom of Nuremberg could have been a gas chamber. They didn't know that. To refute an argument, you need some technical cognizance. They didn't have it." (31-8695)

What technical education do you have?, asked Pearson. "I tried my best," said Faurisson. "I interrogated so many people about the gas chamber[s]. I have been to see toxicologists. I have been to see American specialist of the gas chamber[s]. I have visited a gas chamber. I have...documentation..." (31-8695)

Pearson pointed out that Faurisson himself had spoken to a gas chamber expert and when he raised the topic of the gassing of millions of Jews, the expert said he believed it. Replied Faurisson: "What I would like is all those specialist[s] of American gas chamber, I would like them to wake up and to realize, my dear, I am believing something which is impossible...Maybe forty years day and night when you are told the 'gas chamber[s] existed,' 'people were killed by million[s],' -- they are like you and I; they are ... listening to the media and he believes that." (31- 8696)

So you're saying the experts don't know either?, asked Pearson.

"I don't say that. I say that what you should do...is prove I am wrong, ...ask of a specialist [of] American gas chamber to come and testify and say that...Faurisson is wrong." (31-8696, 8697)

Pearson returned to the subject of Raul Hilberg and asked Faurisson that if he wanted to understand Hilberg's position, it would be better to read his three volume work than to rely on one or two sentences. Faurisson testified that the best would be to read the three volumes and everything Hilberg had written or said publicly. Faurisson reiterated that he found Hilberg's book to be "vague." (31-8723)

Pearson turned to page 401 of *The Destruction of the European Jews*, and asked Faurisson if he had any trouble understanding the following passage:

For years, the administrative machine had taken its initiatives and engaged in its forays one step at a time. In the course of that evolution, a direction had been charted and a pattern had been established. By the middle of 1941, the dividing line had been

reached, and beyond it lay a field of unprecedented actions unhindered by the limits of the past.

Said Faurisson: "Many troubles. First, 'For years the administrative machine': what does that mean? '...had taken its initiative...' Which initiative? '...and engaged in its forays one step at a time'. How many steps? What are those steps?" (31-8724)

Pearson suggested they were the steps referred to by the International Military Tribunal, the process commencing with the fourth point of the National Socialist party [programme] and the steps of removing the legal rights of the Jews, such as removing them from professions. Replied Faurisson: "One step at a time, and you gave me something like three steps, things that you call yourself 'steps'...how many steps? Twelve? Ten? Twenty? But you see already three difficulties. But I continue: 'In the course of that evolution a direction had been charted...' Which direction?" (31-8724)

Pearson suggested it was clear it meant more and more repressive conduct towards the Jews. Faurisson disagreed: "That's not clear. '...a direction had been charted'. Every time, you could interrupt me and suggest [to] me that it would be this or that, you may be right, you may be wrong. I continue: '...and a pattern had been established'. Which pattern? 'By the middle of 1941...' Extraordinary for a historian. What does it mean 'the middle of 1941'?...The 'dividing line', what is the 'dividing line'? Between what and what? '...had been reached and beyond it laid a field of unprecedented action unhindered by the limits of the past'. If it was a book about Napoleon, Genghis Khan, Winston Churchill, I would [not] understand any more." (31-8724, 8725)

Pearson continued to read from Hilberg:

More and more of the participants were on the verge of realizing the nature of what could happen now. Salient in this crystallization was the role of Adolf Hitler himself, his stance before the world and, more specifically, his wishes or expectations voiced in an inner circle.

Said Faurisson: "That's typical of the book. 'More and more of the participants...' I would like names. '...were on the verge of realizing the nature of what could happen now'. What does it mean to realize what could happen now?... 'Salient in this crystallization...' That's typically the kind of [word] that Hilberg didn't use in the past...He had to invent things like 'crystallization'. I don't understand what is 'crystallization' like that. '...was the role of Adolf Hitler himself. He stands before the world and more specifically his voice or expectations voiced in an inner circle.' What does it mean? What are those 'wishes'? How are they distinguished from 'expectations'? 'Voiced' in what 'circle'?...It's extremely vague..." (31-8726)

Pearson continued reading from Hilberg's book:

Already, Frank had cited Hitler's promise to him with respect to the Generalgouvernement, Lammers had quoted Hitler's intentions for the Reich, and Himmler had invoked Hitler's authority for the Einsatzgruppen operations in the invaded Soviet territories.

Wasn't Hilberg saying who the 'inner circle' was there?, asked Pearson. Replied Faurisson: "I don't know if it is the 'inner circle' because...'inner circle' could be the people who attended his table talks....'Frank had cited Hitler's promise to him with respect to the General Government'. Where? What is this 'promise' in respect to the General Government?...Lammers...was the head of the Reich Chancellery. He is the man who said at the Nuremberg trial, 'Extermination, I never heard about it'..." (31-8727)

Faurisson pointed out that David Irving had found a document which had disappeared from the files, from about March 1943, from Lammers, which indicated that Hitler intended to postpone the 'final solution' of the Jewish question until after the war. In the interim, said Faurisson, the Jews were put in ghettos, transit camps, in factories and so on. They were in transit camps to be sent to the east, to Riga and Minsk, for example, where there were many labour camps. Many other Jews, however, were sent west to work in Germany in the factories. An example of this were the Hungarian Jews. They were supposed to go to Auschwitz, but many of them were sent to Austria and Germany. The Germans wanted to rid Europe of the Jews as far as they could. (31-8727 to 8730)

Pearson continued reading from Hilberg:

Then, one day toward the end of the summer, Eichmann was called into Heydrich's office, where the RSHA chief told him: "I have just come from the Reichsführer; the Führer has now ordered the physical annihilation of the Jews."

Wasn't that a pretty specific order?, asked Pearson. Wouldn't Faurisson agree that Hilberg stated in that passage that there was an oral order from Hitler, and he relied on the testimony of Eichmann himself? Replied Faurisson: "...it's Eichmann who was supposed to have been called and to have received such a fantastic order without a piece of paper ... that's the place where Mr. Browning was quite right when he said that Hilberg systematically erased in his new edition every mention of an order, publishing only one mention...of an order in a footnote. It's footnote 30, page 402...As Browning said ... [Hilberg] changes totally his explanation of the extermination of the Jews except that in a little place he puts an 'order'...If we had time we could read this so interesting footnote 30, and you would see...that even Hilberg doesn't believe very much in it." (31-8732 to 8734) Faurisson quoted Hilberg's footnote 30:

During his interrogation by Israel police in Jerusalem, he suggested more plausibly that Hitler's order had come two or three months after the June 22 German assault on the USSR.

Said Faurisson: "That's extraordinary. He puts an order and he said, 'The reference is Eichmann, now, Eichmann changes his mind. I think...the second version was better'. You see, for such an order, the fantastic order, not a piece of paper, nothing at all, and this man, 1,500 pages, obliged to put a little shy mention of that...in footnote 30 of page 402. If you read the first edition, if you compare with that, you will see that there is a world between Hilberg number one and Hilberg number two." (31-8735, 8736)

Did the International Military Tribunal suggest there was a written order?, asked Pearson. Faurisson replied that he wouldn't be surprised if there was a mention of that

in the lengthy judgment. Faurisson pointed out that the judgment dealt with the persecution of the Jews in many of its parts, not just the five page section which Pearson had read. (31-8735)

Pearson returned once again to Hilberg's book and continued reading:

Eichmann could not measure the content of the words, and he believed that not even Heydrich had expected this "consequence" (Konsequenz). When Eichmann reported to Müller shortly thereafter, he realized from the Gestapo chief's silent nod that Müller already knew. He always knows, thought Eichmann, though he never moves from his desk.

The footnote reference for this portion of text stated:

Eichmann, Ich, pp. 178-79, 229-30. In his memoirs, Eichmann dates the meeting to around the end of the year (zur Jahreswende 1941/42). During his interrogation by Israel police in Jerusalem, he suggested more plausibly that Hitler's order had come two or three months after the June 22 German assault on the USSR...Auschwitz commander Höss recalls having been summoned to Himmler in the matter of killing the Jews during the summer. Höss also states that Eichmann visited Auschwitz shortly thereafter. Rudolf Höss, Kommandant in Auschwitz... Chronology and circumstances point to a Hitler decision before the summer ended.

Pearson put to Faurisson that Eichmann testified that Müller, as chief of Gestapo, had already received this information. Faurisson asked: "...with what kind of words?...Eichmann could not measure the content of the words'. What's that?...Heydrich calls Eichmann, he tells him I don't know what, about a so-called extermination of the Jews. Eichmann gets out of the office, and Mr. Hilberg says, 'Eichmann could not measure the content of the words.' What does it mean? It was an order like that?...he believed that not even Heydrich, 'he believed'. Believed what?...That not even Heydrich had expected this consequence, which is vague. When Eichmann reported to Müller shortly thereafter, he realized, so 'he realized'...he has a proof to say that Eichmann 'realized'? 'From the Gestapo chief's silent nod', there we are with the nod theory. What is this nod theory, I understand, that Müller did? And the interpretation, of course, 'We are going to exterminate the Jews'. The nod theory...It's a joke." (31-8736 to 8738)

Isn't Hilberg saying there was a decision made by Hitler?, asked Pearson. Faurisson replied by pointing out that Hilberg now used the word "decision" where he had once used "order." When required to be precise, Hilberg did not set out exactly what the circumstances were which pointed to a Hitler decision before the summer ended; he referred only to "chronology and circumstances." Asked Faurisson: "What does it mean really for such an important order? And you have many historian who say that it was a long time before, a long time after. That's not a demonstration...I don't see why I should believe such things about such [an] important topic with so feeble arguments..." (31-8739)

Pearson asked who else Faurisson would rely on other than Eichmann and Höss, the two people who had first-hand knowledge of the operation? "I am ready to rely on anything," said Faurisson. "Show me an order. I rely on it. Show me a proof. Don't

tell me, Mr. Eichmann or Mr. So-and-so said that, etc. No. And all that would have been transformed in a fantastic machinery to exterminate the Jews. You'd have needed a real budget in a country which is [at] war...You have to make decision. You have to say the trains will be like this, the coal that we need will be like that, etc., etc. Nod theory: what does it mean? From Berlin, he's doing a nod, and the other one is doing a nod, and they are all doing nods? Those bureaucrats?" (31-8738, 8740)

So, asked Pearson, you don't understand what Professor Hilberg has written in his book? Replied Faurisson: "No, I understand very well that he is very embarrassed...I understand very well why Mr. Hilberg didn't come back in Toronto. That I understand very well." (31-8740)

Pearson turned back to the judgment of the International Military Tribunal, and put to Faurisson that the Tribunal never suggested that there were mass gassings going on in Germany. Faurisson testified that the Tribunal mentioned two camps as examples. Those were Treblinka and Auschwitz, both of which were in Poland. But, continued Faurisson, this did not mean that the Tribunal found there were no gassings in other camps. (31-8741)

Pearson suggested it was clear the Tribunal found there were no gassings in Dachau because the judgment made reference to Dachau as being a place where inmates were subjected to cruel experiments. Faurisson replied: "Maybe, sir. That already, the 1st of October, 1946, they were hesitating to say that in Dachau there were gassings. That's possible already at that time." (31-8741)

Faurisson agreed that the American tribunal in the Dachau case never convicted anybody of participating in mass gassings: "Already at that time they had silently rectified the story of Dachau, of course." Faurisson pointed out, however, that there were many testimonies and even an official report on the gassings in Dachau. What was the difference, he asked, between those assertions and the reports and assertions about Auschwitz? (31-8742, 8743)

Pearson next produced the book *Nationalsozialistische Massentötungen durch Giftgas* by Ruckerl and others. Faurisson agreed that the authors referred to Barrack X at Dachau (although, he said, they had mistakenly designated it as Barrack 10). He stated he would have to check if the book said that during the trial held at Dachau by the Americans, there was only one witness, a Dr. Blaha, who testified that test gassings were carried out in the gas chamber at Dachau.

Pearson read a translation of page 280 of the Ruckerl book concerning Dachau:

Apart from these indications, no documentary records had been found up to now on what may have happened in the gas chamber of Dachau. This has led to some confusion in many reports which were then purposefully exploited by those with an interest in such confusion.

Visitors to the memorial in 1964-65, on the site of the former prison camp, are always informed that it has not been proven that the gas chamber in the crematoria was put into operation.

Faurisson agreed that the second sentence of the reading was an allusion to himself. He did not agree, however, with Pearson's suggestion that the authors had accurately presented the picture with respect to Dachau. Said Faurisson: "No, if they really said about Dr. Blaha what you told me, it's not true, because Dr. Blaha didn't say that there were...experiments. He said that there were gassings, that he was ordered by Dr. Rascher to take care of that. Now, there is something else...this book has been published in 1983 in Germany, and they were not going to say that in Dachau there were gassings. They were already retreating. Any German reading this book could go to Dachau and see a placard saying this was the gas chamber, this gas chamber was never used. So, of course, they were not going to do that, but what I see is that they dare to say -- they have the nerve to say that there was a gas chamber in Dachau. What proof?..." (31-8746)

Faurisson pointed out that the Rückerl book also contained confessions by Germans about gassings in Ravensbrück and Sachsenhausen although no gas chambers existed in those camps. (31-8746, 8747)

Pearson produced Nuremberg document NO-1611 which purported to be an internal memo of the Reichsführer SS, signed by Himmler, dealing with the clearing out of Jews from parts of Poland and labour camps. (31-8748 to 8757; document NO 1611 filed as Exhibit 132). Was this a document that any competent historian of the period would look at?, asked Pearson. In reply, Faurisson indicated that it was difficult for him to say which of thousands and thousands of documents a competent historian should look at. To Faurisson, the document was of no interest to anybody believing in the extermination. The document, dated 9 October, 1942, was from the Reichsführer SS and was marked "Secret," like every German document. He agreed that the first paragraph indicated that the Jews were to be taken out of places where they were working, such as in tailoring, fur and shoe making shops. The document continued:

However, I have given directions to proceed unrelentingly against all those who believe that they have to oppose the step with so-called armament interests, but who in reality only wish to support the Jews and their business.

Faurisson testified that "all those" referred to Germans who claimed they needed to keep their Jewish workers for so-called armament interests. The key to keeping Jewish workers was to claim that they were needed for work having a relation to armaments. Himmler was "fed up with those papers coming from Poland, saying, 'I want to keep my Jews'.'" (31-8759)

Faurisson agreed that what Himmler was saying was that regardless of where they were working, Jews were going to be cleared out and placed in concentration camp factories in the Government-General. Pearson continued reading from the document at Faurisson's request:

2. The Jews who are in actual armament firms, that is, in weapon production shops, motor-car work shops, etc., are gradually to be taken out. As the first step, they are all to be in one workshop in each plant. As the second step in this procedure, the workers of these separate workshops are to be put together, as far as possible, in separate factories through an exchange, so that eventually we would have only a few separate concentration camp factories in the General Government.

3. We will then strive to substitute Poles for these Jewish workers, and to reduce most of these Jewish concentration camp factories, to a few large Jewish concentration camp factories if possible, in the East of the General Government. Of course, there too, the Jews shall someday disappear, in accordance with the Führer's wishes.

Pearson put to Faurisson that when Hilberg talked about the 'Führer's wishes', this was an example of a document that Hilberg could rely on. Faurisson replied: "That's an example, because it was a formula you had, everything with the wish of the Führer. He was always wishing, the Führer." Faurisson continued: "This document, you see, is quite clear. It means: We have too many Jews in too many of our industry, and especially in the armament. It was dangerous because of sabotage and things like that, and we have document about that and we want to concentrate them in places where they are going to work and to work as hard as the German workers. We have extraordinary documents about that, extraordinary, saying the Jews must work as much as the German workers, but we want to concentrate them and one day when it will be possible, the total separation will be possible and they will go east. That's what the Führer wishes. He wants them [anywhere] else than in Europe." (31-8761, 8762)

Pearson suggested that what Himmler was saying was that the Poles were going to take the place of the Jews in the work camps and that the Jews were going to disappear in accordance with the Führer's wishes. "To disappear from this place. It doesn't mean that they are going to die or to be killed...The German[s] say as long as it is possible, we are going to keep those people in our factories, and then when it will be possible, we'll sent them east, and with the war, the success of the Russian army, it was no more possible," said Faurisson. (31-8762 to 8765)

Pearson produced the speech of Himmler given at Posen on October 4, 1943, and read an extract to the court:

I also want to talk to you, quite frankly, on a very grave matter. Among ourselves it should be mentioned quite frankly, and yet we will never speak of it publicly. Just as we did not hesitate on June 30th, 1934 to do the duty we were bidden, and stand comrades who had lapsed, up against the wall and shoot them, so we have never spoken about it and will never speak of it. It was that tact which is a matter of course and which I am glad to say, is inherent in us, that made us never discuss it among ourselves, never speak of it. It appalled everyone, and yet everyone was certain that he would do it the next time if such orders are issued and if it is necessary.

I mean the clearing out of the Jews, the extermination of the Jewish race. It's one of those things it is easy to talk about -- "The Jewish race is being exterminated", says one party member, "that's quite clear, it's in our program -- elimination of the Jews, and we're doing it, exterminating them." And then they come, 80 million worthy Germans, and each one has his decent Jew.

Pearson suggested to Faurisson that when Himmler said that 'one day they are going to disappear in accordance with the Führer's wishes', he was talking about extermination. Faurisson disagreed: "No...It's quite true that Himmler talked about the extermination of the Jews, but that's typically the warrior phraseology that you find everywhere: 'We're going to exterminate the enemy'...the proof that it is not a physical extermination is that you have 80 million German saying: 'Oh, no, this one is a good

Jew. You mustn't exterminate him'...In fact, we have in many other speech of Himmler where he says 'And we're...going to exterminate the Jews. This is the decision that I have taken. 200,000 Jews are deported from Hungary to our armaments firm'. That's what he called 'extermination'. Big words...if you studied all the speeches of the political men in war, Churchill said things like that about the German: 'We're going to devastate entire Germany, to burn all their towns, all their forests'..." The reference to the actions of 1934, said Faurisson, meant that they had to be as hard and as fanatical as they had been in 1934: "No question of saying, 'Oh, this Jew is too nice', or 'I want to keep him' and so on..." (31-8768 to 8771)

Faurisson testified that, to his knowledge, there was no Hitler order directing the transportation of Jews to transit camps. There was a Himmler text saying 'transit camps' and Jews were to be sent to it. There was a budget where monies were set aside for transporting Jews to transit camps. This could be found in Raul Hilberg's book. Said Faurisson: "We have [every] detail. We know exactly how [much] it cost." Faurisson pointed out there was financial evidence that there was money to send the Jews to Auschwitz, but it was Hilberg who added the statement that they were sent to their death. (31-8773, 8774)

Pearson suggested there was no blueprint or plan that set out this process of deportation. Said Faurisson: "...there are many blueprints...We have the Korherr report...the Jews in Poland were in one thousand places: towns, ghettos, etc., and the German decided to put them in fifty- five places. And we have a quantity of document[s] about that...The order was to send them to the east. You have the Wannsee Conference. You have the hierarchy. You have Hitler, you have Göring, you have Heydrich. Heydrich says, 'I am in charge of solving the Jewish problem'. (31-8774, 8775)

Exactly what Hilberg says, isn't it?, asked Pearson. Faurisson disagreed, pointing out that documents existed proving the deportation, unlike the situation where Hilberg alleged Eichmann made certain statements but had no documents to back it up. Said Faurisson: "We have everything for the deportation of the Jews. Everything. And for the extermination, nothing..." (31- 8775)

For Hilberg and the other exterminationist historians, the Reich Security Main Office and the Economical Head Office were the two Nazi offices which were supposed to have had the responsibility for the deportation and extermination of the Jews. The documents from the Reich Security Main Office alone amounted to billions of pieces of paper. Yet, said Faurisson, when he spoke in 1986 with Dr. Henke, the specialist of this question, Henke had to admit that none pertained to gassings. (31 8775, 8776)

Pearson turned to the subject of the Wannsee protocol. Had Faurisson suggested that the Wannsee Conference showed that the goal of Nazi policy was to create a Jewish super race? "No, not a super-race," replied Faurisson, "Not at all, no...It will be the elite...You cannot imagine how Nazism and Zionism are close, one to the other, and what they wanted is this. I perhaps [have] not been clear about the Wannsee protocol. First, I will say that I don't say anything about the authenticity. You must know my specialty is not authenticity of the document; it is veracity, which is something else. And I say that if you read [the protocol] carefully, you will see that it means this old idea [that] those people are parasites, which means they are too many and they do not

work really. 'We're going to put them to work. They are going to work in hard condition[s], especially in the east. Men and women will be separated. There will be a natural diminution and those ones who will have suffered and worked, those ones will be an elite'. And the protocol says 'See the lesson of history', which means that the event is not going to be new. It's a kind of event that you can find through history...Those people will be few instead of a multitude, and they will be people trained to hard work and they will be able to have kibbutz. Do you know that near Berlin, in 1942, you have the kibbutz?..." (31 8777, 8778)

Pearson suggested that a much more reasonable interpretation of the paragraph was that if the hardiest were allowed to survive, if they were not exterminated, they would come back and work their way back into society: that was the lesson of history. Faurisson disagreed again: "No, excuse me. Maybe it's reasonable, but the text does not say that. The text quite clearly says that they will be liberated. Then, there will be a renaissance, a revival. See the lesson of history." (31- 8778)

Faurisson did not agree with Pearson's suggestion that the Nazis thought they were doing the Jews a favour: "They were saying to the Jews: 'You are going to suffer, and to begin with, you are going to work [hard] in Auschwitz'... We have thousand[s] and thousands of paper[s] of Auschwitz. Do you know that in Auschwitz we have reports about Jews refusing to work? Or Jews complaining because they had been smacked by the man surveying their work?...and the man obliged to justify that[?] Do you know that we have report about German soldiers who in 1944 were, [in] front of a military court, condemned to death, executed, because this officer had killed one Jew in a Russian village?..." (31-8779, 8780)

In the National Socialist optic, said Faurisson, the Jews who survived and were released "would be normal. They will not be people living in every country. They will have...final solution. They will have a country like everybody, and it will be possible to treat...those people as normal people." (31-8780)

To the Nazis, the Jews always presented a problem and they thought they had found the solution, but they did not want to send them to Palestine, said Faurisson, "because, and I quote 'of the noble and valiant Arab people'. You'll find that [on] page 76 of the book of [Henri] Monneray on the persecution of the Jews in the eastern territories."22 (31-8781)

Faurisson agreed that he took issue with Hilberg's view that Himmler issued an order to stop the extermination on 25 November, 1944. Hilberg had supported this statement by reference to the affidavit of Kurt Becher. In this affidavit Becher claimed that Himmler issued an order which said:

By this order, which becomes immediately effective, I forbid any extermination of Jews and order that, on the contrary, care should be given to weak and sick persons.

Hilberg, said Faurisson, had used this affidavit to say, not that Himmler ordered the stopping of the extermination, but the stopping of gassings. The alleged order had used the word 'extermination' but what was the meaning of that word? (31-8786)

Pearson read from volume 11, page 335 of the IMT "Blue Series", and the evidence of Kaltenbrunner concerning Kurt Becher:

KALTENBRUNNER: ...I am glad that this witness, Becher, was found and that this statement is available, because it proves, first that in September or October 1944 Himmler was forced to issue this order -- that same Himmler about whom it has been definitely established that since 1939 or 1940 he had become guilty of the crime of killing Jews on the largest scale.

And now we must find out why in September or October Himmler had given such an order. Before I had seen this document I stated yesterday and today that this order was issued by Hitler on my representations, and obviously this order from Himmler is based on another order which he received from Hitler.

Faurisson testified that what Kaltenbrunner had said was "pure hypothesis. We don't have anything there." (31-8788)

Pearson turned to page 336 of the Nuremberg trial transcript and read a portion of Kaltenbrunner's testimony:

COL. AMEN: Defendant, you have heard evidence at this Trial with respect to the meaning of the phrase "special treatment," have you not? Have you heard that in this courtroom?

KALTENBRUNNER: The expression "special treatment" has been used by my interrogators several times every day, yes.

COL. AMEN: You know what it means?

KALTENBRUNNER: It can only be assumed, although I cannot give an accurate explanation, that this was a death sentence, not imposed by a public court but by an order of Himmler's.

COL. AMEN: Well, the Defendant Keitel testified that, I think, it was a matter of common knowledge. Have you not at all times known what was meant by "special treatment"? "Yes" or "no," please.

KALTENBRUNNER: Yes. I have told you; an order from Himmler -- I am referring to Hitler's order of 1941, therefore also an order from Hitler -- that executions should be carried out without legal procedure.

So Kaltenbrunner testified that "special treatment" meant killing, didn't he?, asked Pearson. Faurisson answered that it could mean that and it could mean exactly the opposite. Faurisson pointed out that Kaltenbrunner had suffered two [brain] hemorrhages before testifying, but that later in his testimony, as seen on pages 338 and 339, he recovered his spirit and indicated that in a document produced to him by the prosecutor, "special treatment" for certain internees meant a daily bottle of champagne, three times the normal ration for diplomats (which was nine times the normal ration of the ordinary German during the war), and the right to receive parcels

and visits. Faurisson emphasized that the meaning of Sonderbehandlung ("special treatment") depended entirely on context. (31-8789, 8790)

Pearson turned next to the book *Six Million Did Die*, and the photographs on page 19. Faurisson reiterated that he believed the photograph of the British soldier bulldozing bodies was misleading because the head of the soldier had been cropped. Said Faurisson: "...the head has been cut, and the reader cannot see that it is a British soldier. Now, my comment about that...is that the reader seeing that in that specific context in the book...I think his only understanding of this picture...is that the German were cynical enough and organized enough to systematically push with a Caterpillar all those bodies." (31-8793)

Faurisson testified that the same type of interpretation would be given to the photograph on the same page showing German women throwing bodies into a pit: "...historians ...people ... who have a training, wouldn't [make] this mistake, but an ordinary reader could see that and think that those German women were systematically doing that everyday, pushing bodies in a pit." (31-8794) Faurisson agreed that the caption between the photographs said:

Belsen -- From the film exhibited at the Eichmann Trial.

He agreed that on page 18 of the book, it was written:

At the Eichmann Trial, films taken both by the Germans themselves and by the Allied armies soon after liberation were exhibited to the Court.

Faurisson agreed there was a reference to the book *Justice in Jerusalem* by Mr. Gideon Hausner, the prosecutor at the Eichmann trial, in which Hausner wrote:

"The liberation scenes followed. Germans, who were ordered to carry the decomposed corpses into huge graves, were shown in the performance of the task and, finally, the most sickening sight of all: bulldozers pushing heaps of dead bodies like refuse into a sort of dumping pit..."

Doesn't it make it crystal clear that they are talking about after liberation?, asked Pearson. Replied Faurisson: "Yes. If you make the relation between this written text and pictures, of course, I think that it is quite a good explanation, but ...it is, as you say, crystal clear ... for the one who takes care of looking through the text, as everybody should do, but as everybody [does] not do..." Faurisson pointed out that, especially today, it was too much for many people to read the text. A caption with the photographs, however, was only a few words and not difficult to read. The fact that the head of the British soldier had been cropped: "...it's not for me an innocent fact." He believed it had been done deliberately. There were many books on the Holocaust, said Faurisson, that did this type of thing. (31-8795, 8796)

Pearson turned to *Did Six Million Really Die?*, and quoted from page 30:

Nothing better illustrates the declining plausibility of the Six Million legend than the fact that the prosecution at the Eichmann trial deliberately avoided mentioning the figure.

Pearson then quoted from page 49 of Six Million Did Die, where Suzman and Diamond stated:

That no mention of the Six Million was made in the course of the proceedings is simply untrue, as appears from the very first words of the opening address of Mr. Hausner:

"As I stand here before you, Judges of Israel, to lead the prosecution of Adolph Eichmann, I do not stand alone. With me in this place and at this hour, stand six million accusers."

Faurisson testified that if this quotation was correct, then Harwood was wrong. The transcript of the Eichmann trial would have to be checked. Faurisson himself believed that Harwood's statement was wrong. He did not believe it was "false," as suggested by Pearson. Said Faurisson: "I would say 'wrong'. Meaning [it] could be a mistake. We do so many mistakes. We mustn't forget that." (31-8798 to 8799a)

Pearson returned to Did Six Million Really Die? and quoted from page 4:

A great deal of careful research into this question, however, has now convinced me beyond any doubt that the allegation is not merely an exaggeration but an invention of post-war propaganda.

Faurisson testified that the accusations and exaggerations began even during the war. However, the people who spread these rumours did not meet with much success during the war. Success came in March, April and May of 1945, when Dachau, Buchenwald and Belsen were liberated. Faurisson agreed with Harwood that it was something which arose more in the post-war era than the war period itself. (31-8799b)

Pearson raised the Joint Allied Declaration of 17 December, 1942, and quoted from the second paragraph:

In Poland which has been made the principal Nazi slaughterhouse, the ghettos established by the German invaders are being systematically emptied of all Jews except a few highly skilled workers required for war industries. None of those taken away are ever heard of again.

Faurisson indicated that Pearson should not stop reading at that point and Faurisson continued reading:

The able-bodied are slowly worked to death in labour camps. The infirm are left to die of exposure and starvation or are deliberately massacred in mass executions. The number of victims of these bloody cruelties is reckoned in many hundreds of thousands of entirely innocent men, women and children.

It was normal, said Faurisson, that the Allies should issue a declaration in 1942 using those kinds of words to show that Germany was an awful country. At that time, there were thousands of articles in the New York Times talking about extermination, but what did people really know for sure? The declaration spoke of extermination, but

what did they mean exactly? In Faurisson's opinion, it did not mean gas chambers or anything specific. If the Allies had known something like a physical extermination in gas chambers was occurring, they would not have behaved as they did. (31-8799d, 8799e)

Pearson turned to the subject of the New York Times article by Lawrence, introduced by Professor Browning. Was it Faurisson's position that Lawrence had never gone to Majdanek? Faurisson replied that Lawrence did go to Majdanek, but pointed out that the camp was occupied (or liberated) by the Soviets, who had waited for one month before allowing the visit by journalists purely for propagandistic purposes. The Soviets prepared everything for the visit; after one day interviewing people provided by the Soviets the journalists left saying they were ready to believe anything. (31-8799f)

Faurisson agreed that he had testified that there were thousands of pairs of shoes at Majdanek because there was a shoe factory there. Do you think that Mr. Lawrence wasn't smart enough to see the difference between new shoes and old shoes?, asked Pearson. Replied Faurisson: "You had new shoes and you had, as in every camp, you had workshop for the shoes. You had transformation of old shoes, material of old shoes into new shoes. Through[out] Europe it was like that. Everything was recuperated. Even pieces of string. The hair [was] recuperated. Every week in France, the hairdresser[s] had to give the hair. It was taken. It was recuperation. Everything which was in copper, in leather, in wood, whatsoever, was recuperated, and in those camps you had heaps of things... recuperated, but not only in the camps. Everywhere." (31-8799g)

And that's where Dr. Hilberg says the budget came for running the gas chambers, right?, asked Pearson. "Bring a proof between the shoes and the sending the Jews in the gas chamber[s]," said Faurisson. "Please show me the link." (31-8799g)

And the gold taken out of the teeth?, asked Pearson. "Show me the link," replied Faurisson. (31-8799g)

April 19, 1988

Pearson produced Faurisson's testimony in chief concerning Dachau which he read to the court. Faurisson had stated that of the 206,206 people who were in Dachau from 1934 to 1945, "something like 15 percent died, 85 percent survived, and if we have to believe the Jewish Encyclopaedia...80 to 90 percent of those people were Jews." (32-8807) Pearson produced volume 5 of the Encyclopaedia Judaica and read from the "Dachau" entry:

It was at Dachau that German doctors and scientists first experimented on prisoners. Many died as a result of these pseudo-scientific experiments, and those who survived were often maimed for life. Dachau claimed many victims of want and starvation. From time to time there was also a "selection" in which the weak and crippled were sent to the gas chambers in other camps. Gas chambers were built in Dachau but were never used. The exact number of people killed in Dachau is not known; at the least there were more than 40,000, of whom probably 80-90 % were Jewish.

Pearson suggested to Faurisson that the 80 to 90 percent of the people who were killed at Dachau were Jews, not 80 to 90 percent of the survivors. Faurisson testified that he did not say that 80 to 90 percent of the survivors were Jewish, and that was not what he meant. His only mistake, in his opinion, was saying "died" instead of "killed." What was interesting for Faurisson was that there were so many Jews in the western camps where there were no gas chambers. Faurisson himself believed the high number of Jews allegedly in Dachau was an exaggeration, but it was something he had not checked. (32-8809 to 8811)

Pearson returned to Six Million Did Die, page 49, where the authors had written:

Eichmann, at his trial admitted that on 20th January 1942, 15 high ranking Nazis (including Eichmann himself) assembled at Wannsee, a suburb of Berlin, where ways and means of implementing the so-called "Final Solution" ("Endloesung") were decided upon, after different methods of extermination had been debated. This fateful Wannsee Conference was the central event in the history of the "Final Solution".

Pearson read from the transcript of Faurisson's testimony in chief concerning this passage. Faurisson had testified it was totally false to say that the fateful Wannsee Conference was a central event in the story of the "final solution."; that there was nothing in the Wannsee protocol about methods of extermination being debated. If there had been such a debate, he had noted, there would be no debate today between the functionalists and the intentionalists. (32-8812 to 8814)

Pearson read from the transcript of the Eichmann trial as reproduced in Raul Hilberg's book Documents of Destruction:

PRESIDING JUDGE: ...Now, in connection with the Wannsee Conference, you answered my colleague Dr. Raveh that this part of the meeting, which is not mentioned in the protocol, the discussion was about the means of extermination, systems of killing.

A: Yes.

Q: Who discussed this subject?

A: I do not remember it in detail, Your Honour. I do not remember the circumstances of this conversation. But I do know that these gentlemen were standing together, or sitting together, and were discussing the subject quite bluntly, quite differently from the language which I had to use later in the record. During the conversation they minced no words about it at all. I might say furthermore, Your Honour, that I would not have remembered this unless I had later remembered that I told myself -- Look here, I told myself, even this guy Stuckart, who was known as one of these uncles who was a great stickler for legalities, he too uses language which is not at all in accordance with paragraphs of the law. This incident remained engraved in my memory and recalled the entire subject to my mind.

Q: What did he say about this subject?

A: In detail I do not --

Q: Not details in general, what did he say about this theme?

A: I cannot remember it in detail Your Honour, but they spoke about methods for killing, about liquidation, about extermination. I was busy with my records.

So you will agree, asked Pearson, that Eichmann, at his trial, did testify that at Wannsee there was discussion about methods of killing not reflected on the record and that Suzman and Diamond were referring to this trial testimony? Faurisson replied that he did not agree with this conclusion. He agreed Eichmann had said this in his testimony but was referring to a chat which occurred after the conference was over. In the Wannsee protocol itself, there was not the slightest proof of such a conversation. (32-8820)

Pearson returned to *Did Six Million Really Die?* and read from page 4:

To date, the staggering figure of six thousand million pounds has been paid out in compensation by the Federal Government of West Germany, mostly to the State of Israel (which did not even exist during the Second World War), as well as to individual Jewish claimants.

Pearson produced Exhibit 131, *Focus On*, previously introduced by Faurisson, which showed that a total of 85 billion Deutsche marks had been paid out by West Germany, of which 3 billion were paid to the state of Israel. Pearson suggested to Faurisson that the Harwood statement that most of the money had been paid to the state of Israel was therefore false, and had been proved so by his own evidence. Faurisson agreed that most of the compensation had been paid to individual claimants and not to the state of Israel. Faurisson noted, however, that there were many people inside Israel who received compensation. He could not be sure whether Harwood meant Israel and its inhabitants or just the state of Israel. (32-8820 to 8824)

Pearson returned to *Did Six Million Really Die?*, page 30:

As for Israel, Rassinier sees the myth of the Six Million as inspired by a purely material problem. In *Le Drame des Juifs européens* (P. 31, 39), he writes: "... Perhaps I may be allowed to recall here that the State of Israel was only founded in May 1948 and that the Jews were nationals of all states with the exception of Israel, in order to underline the dimensions of a fraud which defies description in any language; on the one hand Germany pays to Israel sums which are calculated on six million dead..."

Would you agree, asked Pearson, that no where in any of the agreements is money payable calculated on 6 million dead? Replied Faurisson: "It's not paid on 6 million multiplied by something. It's paid on the fact that it is said that the Jews suffered a Holocaust of 6 million people. A gigantic Holocaust." (32-8825)

Pearson put to Faurisson that the reality was that the government of Germany agreed to assist Israel in settling people who had moved there after the Second World War. Faurisson replied: "This was the... foundation of the debate. The Jewish organization[s] and Nahum Goldmann and Ben-Gurion said we have to accommodate 500,000 Jews coming from Europe. This was one of the base[s] of the debate, but it was not the only argument." (32-8825)

What was being suggested in Did Six Million Really Die?, said Pearson, was that the 6 million figure was used to determine the amounts that were paid in reparations and Faurisson knew that was false, didn't he? "If it meant that, it would be inexact, but it means it's a Holocaust of 6 million and we need money," said Faurisson. (32 8825, 8826)

Pearson returned to Focus On and read from page 3:

Indemnification for Persecution of Persons

The BEG laws compensate those persecuted for political, racial, religious, or ideological reasons -- people who suffered physical injury or loss of freedom, property, income, professional and financial advancement as a result of that persecution. In addition to racial and political victims of the Third Reich, the law includes compensation for artists and scholars whose works disagreed with Nazi tenets. It also provides compensation for people who were persecuted merely because they were related to or friendly with victims of the Nazis. Finally, it guarantees assistance to the survivors of the deceased victims.

The BEG legislation extends far beyond the responsibilities assumed by the Government of the Federal Republic of Germany in the Transitional Treaty and in the Luxembourg Agreement. Of 4,393,365 claims submitted under this legislation, between October 1, 1953 and December 31, 1983, 4,390,049 or 99.9 percent had been settled by January 1, 1984. Up to this date, payments equaling DM 56.2 billion had been made. Approximately 40 percent of those receiving compensation live in Israel, 20 percent reside in the Federal Republic of Germany and 40 percent live in other countries.

Pearson suggested that even using Faurisson's definition of the state of Israel, it was clear that most of the money was not paid to Israel or the people living in Israel. Faurisson replied that a calculation would have to be made. It would also be interesting, said Faurisson, to know how many Jews were included in the 40 percent of compensation recipients living in countries other than Israel. (32-8827)

Pearson returned to Focus On and read from page 1 and 2:

...Dr. Konrad Adenauer, the first Chancellor of the Federal Republic of Germany, made the following historic statement before the Bundestag (Parliament) on September 27, 1951: "The Federal Government and the great majority of the German people are deeply aware of the immeasurable suffering endured by the Jews of Germany and by the Jews of the occupied territories during the period of National Socialism. The great majority of the German people did not participate in the crimes committed against the Jews, and wish constantly to express their abhorrence of these crimes. While the Nazis were in power, there were many among the German people who attempted to aid their Jewish fellow-citizens in spite of the personal danger involved. They were motivated by religious conviction, the urgings of conscience and shame at the base acts perpetrated in the name of the whole German people. In our name, unspeakable crimes have been committed and they demand restitution, both moral and material, for the persons and properties of the Jews who have been so seriously harmed..."

Faurisson testified that after reading Nahum Goldmann's book, *The Jewish Paradox*, he believed this money had been extorted from West Germany: "I know very well Mr. Adenauer never said there was an extortion, of course. Of course, he wouldn't say that." Faurisson agreed that Adenauer had made this speech in the Bundestag and continued: "The German are saying that since 1945. They are always saying [mea culpa]. Of course, nothing new in that...." (32-8828, 8829)

Pearson turned to Exhibit 121, the letter which Faurisson had received from Richard Harwood, dated May 30, 1975. Faurisson testified that the letter was one of a series of letters between himself and Harwood, but he did not have the copies of the others. There were many letters that he did not keep copies of. He could not say what was in the other letters. It had happened thirteen years before. He had not even remembered he had this letter and was surprised to find it two days before he came to Toronto. Faurisson testified that he had found the booklet of Harwood's very interesting at the time but had been anxious about one possible mistake, that of the statistics attributed to Raul Hilberg. He had probably asked Harwood what he was doing at the University of London and whether he was a teacher. (32-8831 to 8834)

Faurisson mentioned that pages 163 to 165 of the German historian Helmut Diwald's book were suppressed and totally changed because Diwald had written that in spite of all that had been written about Auschwitz, essential points were still not clear. In the next edition, the total opposite was put in and even the illustrations were changed. Faurisson emphasized he was interested in anyone who held revisionist views, not just professors. He was keen to know what was happening and kept in contact by writing letters such as the one to Harwood. (32-8834, 8835)

Well, you know now that the fellow who wrote the letter to you lied about his name, don't you?, asked Pearson. He isn't Richard Harwood, is he? Faurisson replied: "That's not a lie. That's a nom de plume...There are so many people using nom de plume. What's wrong with that?" (32-8835)

You know, asked Pearson, that the Historical Review Press was a publishing house essentially for the National Front?

"Sir, I don't know anything about that. If that's politics, I don't care. I am not interested...I told you because it is the truth. I am not interested in that at all. I don't mind the political ideas of the people. Even if somebody is a National Socialist, I don't say, 'Oh, you are a Nazi, I don't listen to you'. I listen to everybody. You are Nazi, you are Jew, you are Communist, I am interested. Please. Tell me what you have to tell me. If I can get information, it is interesting. I shall certainly not say, 'Oh, you are a Jew so you are a liar' or 'You are a Nazi so you are a liar'. I don't practice like that." (32-8836)

Faurisson agreed with Pearson that he attended the first convention of the Institute for Historical Review in 1979 and that Udo Walendy attended as well. Faurisson could not remember if Ditleib Felderer or Mark Weber were present. Faurisson could not remember what the first resolution passed at the convention was. Pearson suggested that it was decided at the 1979 convention to launch a campaign against the Holocaust. Faurisson agreed. Pearson further suggested that *Did Six Million Really Die?* was a part of this campaign. Replied Faurisson: "What does it mean that this is a

part of a campaign. What does it mean?" Pearson answered by suggesting that the purpose of the campaign was to cover up the crime. Asked Faurisson: "To cover up what?" Pearson replied, To cover up the crime... Hitler's crime. The Nazi crime. The Holocaust. Said Faurisson: "Answer, no. I am not interested in covering crimes." (32-8836 to 8839)

This ended the cross-examination of Faurisson by Crown Attorney Pearson. The re-examination of Faurisson by defence attorney Doug Christie began.

Faurisson testified that he had been involved in seven lawsuits in France. Of these, he had won four and lost three. All of the lawsuits related to what he had found concerning the extermination theory. (32-8842, 8843)

Christie asked Faurisson if all of the judgment of the International Military Tribunal had been read to him. Faurisson replied that it had not and indicated that there were parts in the judgment that demonstrated the difference between the judgment and current historical opinion. One of these was the finding by the Tribunal that soap was made from the fat of Jews. This was something which was not accepted by Raul Hilberg, which Faurisson could prove by looking at Hilberg's book, if allowed to do so. Judge Ron Thomas stated there was no dispute about this point. (32-8844, 8845)

The figures of dead at Auschwitz had also changed from 3 million dead during the period Höss was in charge from May, 1940 to December of 1943 to the current figures of 1 million Jews (Raul Hilberg) and 1.4 million Jews and non-Jews (Georges Wellers). (32-8846)

It was put to you, said Christie, that nowhere in the judgment of the International Military Tribunal was there a reference to gassings at Dachau. Was there any reference to gassings at Dachau in the evidence before the Tribunal? Faurisson replied: "Yes, many times they talk about gassings in Dachau. For example, in the film which was projected, a place was shown as a homicidal gas chamber. That's why in the judgment, when they mentioned Auschwitz and Treblinka and [no] other camp, it's only because they gave two example[s]. But for the accused, for everybody attending the Nuremberg trial, there had been a gas chamber and gassings actually in Dachau." (32-8847)

Christie asked Faurisson to describe Kaltenbrunner's condition when he testified at Nuremberg. Faurisson indicated that Kaltenbrunner had suffered two brain hemorrhages. (32- 8848)

Christie asked Faurisson to read from Dr. Christopher Browning's article "The Revised Hilberg" at page 294:

In the new edition, all references in the text to a Hitler decision or Hitler order for the "Final Solution" have been systematically excised. Buried at the bottom of a single footnote stands the solitary reference: "Chronology and circumstances point to a Hitler decision before the summer ended." In the new edition, decisions were not made and orders were not given.

Faurisson turned next to the second edition of Hilberg's *The Destruction of the European Jews*, published in 1985, and read from page 53, 55 and 62:

The process of destruction unfolded in a definite pattern. It did not, however, proceed from a basic plan...Who shared in this undertaking? What kind of machinery was used for these tasks? The machine of destruction was an aggregate -- no one agency was charged with the whole operation. Even though a particular office might have exercised a supervisory... function in the implementation of a particular measure, no single organization directed or coordinated the entire process...The destruction of the Jews was thus the work of a far-flung administrative machine. This apparatus took each step in turn. The initiation as well as the implementation of decisions was largely in its hands. No special agency was created and no special budget was devised to destroy the Jews of Europe. Each organization was to play a specific role in the process, and each was to find the means to carry out its task.

Christie indicated to Faurisson that during cross-examination the Crown had shown him a letter from Göring to Heydrich dated July 31, 1941 with the suggestion that it was proof of a plan of extermination. Had Browning given any other indication concerning this letter? Faurisson testified that he remembered that Browning, either in a book or in an article, said that the letter from Göring did not have the meaning usually given to it by many historians. (32-8852) Christie produced Browning's *Fateful Months*, page 21, where Browning had written:

On July 31, 1941, Heydrich received Göring's authorization to prepare a "total solution" (*Gesamtlösung*) of the Jewish question in those territories of Europe under German influence and to coordinate the participation of those organizations whose jurisdictions were touched. The significance of this document is open to debate. Most historians have assumed that it refers to an extermination program. In contrast Broszat and Adam have interpreted it in terms of a "comprehensive program for the deportation of the Jews" to Russia and an attempt by Heydrich to strengthen his jurisdictional position to carry out this task, though Adam at least admits that no evidence of concrete planning in this regard has been found.

Faurisson returned to the subject of Eichmann and whether methods of extermination had been debated at the Wannsee Conference. Faurisson read again the portion of *Six Million Did Die* where Suzman and Diamond had written at page 49:

Eichmann, at his trial admitted that on 20th January 1942, 15 high ranking Nazis (including Eichmann himself) assembled at Wannsee, a suburb of Berlin, where ways and means of implementing the so-called "Final Solution" ("*Endloesung*") were decided upon, after different methods of extermination had been debated.

Faurisson read next from Hilberg's *Documents of Destruction*, page 102, where an excerpt of Eichmann's trial testimony was reproduced:

Q: How long did this conference go on and what happened after the conference was over?

A: The conference itself took only a very short period of time. I can't recall exactly how long it lasted, but it seems to me that I would not be mistaken in saying that it

didn't take longer than an hour or an hour and a half. Of course, the gentlemen who participated in it would later on be standing in small groups to discuss the ins and outs of the agenda and also of certain work to be undertaken afterwards...

PRESIDING JUDGE: ...Now in connection with the Wannsee conference, you answered my colleague Dr. Raveh that this part of the meeting, which is not mentioned in the protocol, the discussion was about the means of extermination, systems of killing.

A: Yes.

Faurisson pointed out that this showed that it was after the meeting was over that methods of extermination were allegedly discussed, not during the meeting itself. Said Faurisson: "It's very, very grave because any reader...would think, reading this, that it meant that those nasty Germans were in Wannsee near Berlin, they held a conference, first part would have been what are going to be the different methods of extermination, second part, the means and ways...to implement that, which is totally false." (32-8859) Faurisson continued reading on pages 103 and 105:

Q: Who discussed this subject?

A: I do not remember it in detail, Your Honour. I do not remember the circumstances of this conversation. But I do know that these gentlemen were standing together, or sitting together, and were discussing the subject quite bluntly, quite differently from the language which I had to use later in the record. During the conversation they minced no words about it at all. I might say furthermore, Your Honour, that I would not have remembered this unless I had later remembered that I told myself -- Look here, I told myself, even this guy Stuckart, who was known as one of these uncles who was a great stickler for legalities, he too uses language which is not at all in accordance with paragraphs of the law. This incident remained engraved in my memory and recalled the entire subject to my mind.

Q: What did he say about this subject?

A: In detail I do not -

Q: Not details in general, what did he say about this theme?

A: I cannot remember it in detail Your Honour, but they spoke about methods for killing, about liquidation, about extermination. I was busy with my records. I had to make the preparations for taking down the minutes. I could not perk up my ears and listen to everything that was said. But it filtered through the small room and I caught fragments of this conversation. It was a small room so from time to time I heard a word or two.

Q: I believed that this was the official part of the meeting, of the conference.

A: The official part did not take too long.

Q: Was this in the official part of the conference, or not? It was my belief that this was in the official conference because this should have been included in the protocol of the meeting, although nothing is mentioned.

A: Well of course, it was in the official part, Your Honour. But again this official part had two subdivisions. The first part where everyone was quiet and listened to the various lectures, and then in the second part, everyone spoke out of turn and people would go around, butlers, adjutants, and would give out liquor. Well, I don't want to say that there was an atmosphere of drunkardness there. It was an official atmosphere, but nevertheless it was not one of these stiff, formal, official affairs where everyone spoke in turn. But people just talked at cross vertices.

Q: And were these also recorded by the short-hand typists?

ACCUSED: Yes, yes -- they were taken down.

PRESIDING JUDGE: And you were ordered by someone not to include it in the memorandum of the meeting -- in the official Protocol of this meeting, weren't you?

ACCUSED: Yes, that's how it was. The stenographer was sitting next to me and I was to see to it that everything would be taken down; then she deciphered this and then Heydrich gave me his instructions as to what should be included in the record and what should be excluded. Then I showed it to Heydrich and he polished it up and proof-read it and that's how it was kept.

Q: And that which was said about this very important theme, you cannot remember at all -- is this what you say?

A: Well, the most important thing here was...

Q: I did not say, the most important -- I said it was an important theme, and important enough to be excluded from the record.

A: Well, no. The significant part from Heydrich's point-of-view, was to nail-down the Secretaries of State, to commit them most bindingly, to catch them by their words; and therefore, it was quite the contrary -- the important part did go into the record and the less significant ones were excluded. It was, I would say, that Heydrich wanted to cover himself, wanted to be sure that each and every one of these Secretaries of State would be nailed-down -- and these matters, therefore, were put down.

Q: That means to say that the methods of killing -- the systems of extermination -- was not an important theme?

A: Ah! the means of killing...

Q: That is what we are speaking about -- the means of killing.

A: No, no -- this of course was not put into the record -- no, no!

Q: Did they discuss killing by poison gas?

A: No, with gas -- no.

Q: But, how then?

A: It was...this business with the engine, they spoke about this; they spoke about shooting, but not about gas.

Faurisson testified that in another portion of Eichmann's testimony, he had been asked about the killing installations in Auschwitz and whether he had seen them. Said Faurisson: "...his answer is 'Oh, yes', and suddenly he says, 'I am not sure I have seen them because I cannot remember the surroundings. Maybe I have been told about that'. Then he says, 'Oh, maybe I have read about that,' and you could see the drama of Eichmann in that place. He didn't remember what he had seen, what he had read, etc. And we understand that because in his jail, he had the right to read people like Poliakov, and exterminationist people and as many, many German, he believed. He said, 'My dear, in Auschwitz, they might have [done] those things after all -- ...That's to give an idea of Eichmann having to answer to those questions. Because you might be surprised to...see how hesitant he is in his answers. And it could be that he is lying. It could be that he is sincere.'" Faurisson had read in a British newspaper that Eichmann had lived in very, very difficult conditions during his incarceration. (32-8866, 8867) This ended Dr. Robert Faurisson's testimony.

Notes

1 Robert Faurisson was viciously attacked and beaten by three young Jewish men on 16 September, 1989 while walking his dog in the early morning through a park in Vichy. Only the intervention of several men fishing on a nearby river saved his life. He remained in critical condition for several days with severe head injuries. A group called "The Sons of the Memory of the Jews" took responsibility for the attack. Serge Klarsfeld was quoted in the *Globe and Mail* (Sept. 18, 1989) as saying: "Someone who has provoked the Jewish community for years should expect this sort of thing."

2 This article is reproduced in full infra.

3 Pierre Vidal-Naquet, a professor at the School of Higher Studies in the Social Sciences in Paris, was the author of the following declaration published in *Le Monde* (Feb. 21, 1979) which 34 historians endorsed by their signatures:

"It is not necessary to ask how, technically, such a mass murder was possible. It was possible technically since it took place. That is the necessary point of departure for any historical inquiry on this subject. It is our function simply to recall that truth: There is not, there cannot be, any debate about the existence of the gas chambers."

4 The above quotes read by Dr. Faurisson came from Judge Thomas' ruling on judicial notice given in the absence of the jury. The ruling was repeated before the jury in almost identical terms later. Nevertheless, the reading of this ruling by Dr. Faurisson led to an attack by Judge Thomas on defence attorney Doug Christie. Thomas accused Christie of "orchestrating" the testimony for the purpose of challenging his ruling on judicial notice and to show "disrespect" for the court. Christie replied that the purpose of the testimony was to show that what Judge

Thomas had ruled no man could reasonably dispute was very different from what the International Military Tribunal in 1945 held to be the truth. Thomas ruled, after hearing Dr. Faurisson's proposed evidence in the absence of the jury, that Faurisson would not be allowed to comment on his judicial ruling or to give any "analyzation" (sic) of it. (30-8101 to 8119)]

5 Yehuda Bauer. "Hilberg's Silence: Replies to Jeffrey Moussaieff Masson." *Midstream* (April, 1987) at p.50, where Bauer wrote: "Hilberg's whole work is filled with burning hatred of Nazism and a deep, thorough identification with the victims."

6 Legislation passed subsequently to fulfill the treaty obligations was called the "Federal Law for the Compensation of the Victims of National Socialist Persecution" (Bundesentschädigungsgesetz, or BEG).

7 The trial judge ruled in the absence of the jury, that Faurisson would not be allowed to give evidence on the thesis presented by Butz in *The Hoax of the Twentieth Century*. (30-8347)

8 Testimony of Fritz Sauckel, IMT "Blue Series", 30 May, 1946, p. 64. See Hilberg's testimony, *supra*, for quoted portions.

9 "Streicher Opens His Case," *Times* (London), 27 April 1946. See Hilberg's testimony, *supra*, for quoted portions.

10 Danuta Czech, ed. "Kalendarium der Ereignisse im Konzentrationslager Auschwitz-Birkenau", *Hefte von Auschwitz* (Auschwitz Museum, 1959).

11 Faurisson was not allowed to give testimony that the first time he had seen witnesses of Auschwitz cross-examined about the alleged gas chambers was in the first Zündel trial in 1985. "He won't do it", ruled Judge Ron Thomas. No reasons were given for the ruling. (30-8391 to 8393)

12 Rudolf Vrba testified for the prosecution in the first Zündel trial in Toronto in 1985.

13 Raul Hilberg. *The Destruction of the European Jews*, 1st ed. at p. 631; 2nd ed. at p. 980. The affidavit of Kurt Becher is reproduced in the testimony of Hilberg, *supra*.

14 Judge Ron Thomas refused to allow Faurisson to answer a question on his opinion, as a historian, of the value of evidence that was not cross-examined upon. Thomas stated he would not permit Faurisson to "speculate" on this. (30-8441 to 8443)

15 Judge Ron Thomas upheld an objection to this evidence. Thomas termed the evidence "remote" and stated: "The witness who is being relied upon is not a witness to any event. The witness is a witness to a conversation he is supposed to have had. It is not the same thing." (30-8450, 8451)

16 Faurisson was not allowed to give his opinion, as a historian, on the validity of Rosenberg's testimony as a result of his testimony in the Demjanjuk trial. Judge Ron Thomas gave no reasons, simply ruling: "I won't allow the question." (31-8462)

17 Faurisson's answer was cut off by Crown Attorney Pearson who objected that Faurisson should not be allowed to speculate about why Poliakov did not pursue what he was legally entitled to do.

18 On 13 July 1990 France passed a law against revisionism. Anyone contesting the existence of one or several crimes against humanity, as defined by Art. 6 of the Charter of the International Military Tribunal annexed to the London Agreement of 8 August, 1945 and as committed by someone found guilty of such crimes by a French or an international court of law is liable to 1 month to 1 year in jail and/or a fine of 2 000 to 300 000 francs and/or other various sanctions.

19 Faurisson's testimony was prophetic. Time (March 16, 1992) reported the eruption of a national debate in France over the alleged "words of hate" in the French national anthem.

20 George DeWan. "The Holocaust in Perspective." Newsday, Feb. 23, 1983. See testimony of Hilberg, *supra*, for portions of article and Hilberg's confirmation that he was quoted accurately.

21 KL Auschwitz in den Augen der SS (Panstwowe Muzeum w Oswiecimiu, 1973)

22 Henri Monneray. La Persécution des juifs dans des pays de l'Est présentée à Nuremberg.

Bill M. Armontrout

[Warden Bill M. Armontrout was the nineteenth witness called by the defence. He testified on Tuesday, April 19, 1988.]

Bill M. Armontrout was the Warden of Missouri State Penitentiary in Jefferson City, Missouri. The facility housed 2,200 long-term inmates and had a staff of 734 personnel. Armontrout held a Master's degree in Criminal Justice and had been appointed to the position of warden on January 1, 1984. In his capacity as warden, Armontrout was personally responsible for carrying out executions by the use of cyanide gas. Cyanide was required by state statute to be used in the gas chamber as it was the quickest and most efficient gas. (32-8902; 8868, 8869)

The gas chamber in Missouri was a two chair model which had been constructed in 1938 and used for thirty-nine executions. There had been no executions since 1965. The chamber measured six by ten feet with an area of approximately 60 square feet inside the chamber itself. The walls were constructed of steel about 3/8's of an inch thick with glass windows. It was sealed completely airtight. The door seal and all the window seals were sealed with a heavy coating of Vaseline. Because of its age, the chamber had a World War I vintage ship's hatch on it with six dog wheels which tightened down against a neoprene gasket. (32-8872, 8878)

In the course of his work, Armontrout was required to test the equipment frequently. No gas was used in this process. It was normally done twice a month, but prior to an execution Armontrout trained his staff each day for a week prior to the scheduled date. Roughly thirty- eight personnel were closely involved on-site with an execution. By state statute, Armontrout was required to either carry the execution out himself or to appoint another party. Armontrout had witnessed two executions and helped with one, although not at Missouri. (32-8873, 8878, 8884)

Armontrout introduced the Execution Schedule used at the penitentiary (filed as Exhibit 133):

11:00 p.m. All towers will be doubled -- #6 and #7 towers will be vacated at 11:00 p.m. Two officers will be assigned to the Front Door.

Two officers will be assigned to the Round Gate.

One officer will be assigned to the Cleaning Plant.

Two officers will be assigned to #16 Tower Gate.

One officer will be assigned to the Power House.

(NOTE: All inmates working at the Power House will be kept inside until the execution is completed and the ambulance has left the premises through the Railroad Gate). Two officers will be assigned to the Lower Yard at the Railroad Gate and will assist in keeping inmates assigned to the Power House inside the Power House building and will also assist in opening and closing the Railroad Gates. Two officers will be assigned outside the Railroad Gate with shotguns.

11:15 p.m. The Associate Warden of Program Services will proceed to the Gas Chamber with the druggist and the men assigned to the valves. He will see that all equipment, such as gas masks, acids, pellets, ammonia, trunks, and masks are taken to the chamber at this time. Upon arrival at the chamber, he will inspect all working apparatus. The ammonia reservoirs will be filled, making sure that all stop cocks are closed and lower intake vents are sealed, and the men assigned to such valves will take their places and they will see that no one tampers with the valves. **DO NOT PERMIT ANYONE TO STAND ON VALVES.**

11:30 p.m. The condemned man will be taken from the Receiving Unit and placed in a car and taken immediately to the cell at the Gas Chamber. Immediately upon arriving at the cell, he will be stripped of all clothing and dressed in black trunks which he will wear in the Chamber.

The Inmate Program Supervisor will leave the Visiting Room with all witnesses and will conduct them to the Gas Chamber. Before going through the Control Center Gate, he will make sure that the car bearing the condemned man has left. If the car has not left, the witnesses will be held at the Control Center Gate until the car leaves. He will caution all witnesses to remain as quietly as possible while passing through the yard. Upon arrival at the Chamber, all witnesses will be admitted to the witnesses side of the Chamber.

12:01 a.m. The Death Warrant will be read to the condemned man and immediately after the reading of the Death Warrant, the mask will be placed over the eyes of the condemned man and he will be led into the Chamber. While the Death Warrant is being read, the cyanide pellets will be placed in the traps. After the victim is strapped in the chair, the jars containing the acid will be placed under the chair and the lids removed and placed on the floor inside the chamber, behind the chair. After the lids are removed, the attendants will leave the Chamber and will then proceed to close and seal the door. After the door is properly closed and sealed, the Warden will pull the lever which drops the pellets into the acid.

When the condemned is pronounced dead by the Chief Medical Officer, the exhaust fan will be set in motion and the stop-cocks on the ammonia reservoirs will be opened and the air intakes valves will be released. The caps on the ammonia reservoirs should be loosened, but not taken off.

There was a regular procedure followed in the course of preparing for an execution which began about twenty hours prior to it, said Armontrout. (32-8873) Historically, Missouri carried out all executions at one minute past midnight. The procedure entailed the doubling of guards on towers, the setting up of checkpoints and the bringing in of an ambulance with paramedics in case a staff person or witness was affected by the gas. (32-8876) The associate warden proceeded to the gas chamber

with the chemist and performed a number of checks before the arrival of Armontrout. These checks included:

- (1) Ensuring that four ammonia reservoirs in the bottom of the gas chamber were filled. This ammonia was released after the execution to help reduce the cyanide gas to crystals which could be washed away. (32-8877, 8878)
- (2) Ensuring that there were thirty-nine cyanide pellets placed in a trip tray in the gas chamber. Each pellet was the size of a length of a man's finger and was equivalent to about one pound. The trip tray was operated by a mechanical lever from the outside of the unit. When the lever was pulled, the trip tray fell down and the thirty-nine pellets fell into a lead bucket filled with equal parts of warm water and sulfuric acid located under the chair of the condemned. The water was warm to make the solid pellets gas off quickly for the maximum production of gas in the shortest possible time. (32-8879, 8880, 8890, 8895, 8896)

At 11:30 p.m., the condemned man was taken from the holding cell to the gas chamber holding cell. (32-8877) If no stay against the execution was ordered, Armontrout was notified at 12:01 a.m. by the Governor to proceed with the execution. (32-8878)

The chief medical officer was positioned where he could observe the condemned man from a window. The condemned man had an EKG machine hooked to him to monitor his heartbeat. The medical officer recorded time periods between the release of the pellets, the gas striking the face, and the head falling forward. Armontrout, from his own observation of an execution, testified that ten seconds after the pellets dropped the prisoner's eyes glazed over. At the count of fifty-eight, Armontrout believed the man was dead but the EKG machine did not show a flat line indicating death for 13 minutes. (32-8880, 8881))

On top of the gas chamber was a blower which sucked the air out of the chamber itself and expelled it into the atmosphere through a 40-foot stack. Two guard towers located near the stack had to be vacated when the gas was expelled. Armontrout testified that he would not want to expel any gas into the atmosphere unless it was well above the prison wall. The gas chamber was located at the lower level of the prison in a dead spot as far as air circulation was concerned. He believed some of the gas could hang there and be a danger to staff and witnesses. (32-8874, 8875, 8882)

After the execution, the ammonia was released and the gas expelled out of the chamber. All staff and witnesses were removed from the area. The ventilation fan ran for approximately an hour before two officers equipped with Scott air-packs (self-contained breathing apparatus which firemen use to enter smoke-filled buildings) opened the hatch of the gas chamber and removed the lead bucket containing the cyanide residue. The two officers wore rubberized disposable clothing and long rubber gloves. They hosed down the condemned man's body in the chair, paying particular attention to the hair and the clothing because of the cyanide residue, then removed him and placed him on a gurney where further decontamination took place. The officers then hosed the entire inside of the gas chamber with regular cold water. (32-8883, 8884, 8894)

The ventilation fan was a very powerful squirrel-cage type fan that was encased in the stack. (32-8904) Armontrout testified that he had no idea how long it would take to ventilate the gas chamber without the ventilation fan. He believed he would have to abandon the complete area, open the ammonia and air valves, and hope for enough draft to clear it. It would take many, many hours. (32-8887)

It was an antiquated chamber and there were dangers of leakage from the chamber itself to staff and witnesses and also with respect to the expulsion of the gas into the atmosphere afterwards. (32-8871)

Armontrout also had humane concerns in the execution process. There were no safety devices in the gas chamber such as gas sniffers or negative pressure. Armontrout asked the State legislature for a quarter of a million dollars to renovate the chamber, to put in the safety devices and automated gas ejection and ventilation equipment. (32-8874, 8890, 8891, 8897)

Armontrout was asked about the feasibility of using gas in a room thirty metres long and seven metres wide. He replied that he believed it would be dangerous if it got loose that way. Without proper ventilation, it would be very dangerous. (32-8892)

Armontrout testified that there was only one consultant in the United States that he knew of in the design, operation, and maintenance of gas chambers. That consultant was Fred Leuchter. (32-8896)

Kenneth Roy Wilson

[Kenneth R. Wilson was the twentieth witness called by the Crown. He testified on Tuesday, April 19, 1988.]

Kenneth R. Wilson was tendered as an expert in photogrammetry, specializing in aerial triangulation, digital mapping and rectification of photographs. He graduated with a Master of Applied Science at the University of Toronto in 1969 in Photogrammetric Engineering, and was a member of the Association of Professional Engineers of Ontario, the Canadian Institute of Surveying and Mapping and the American Society of Photogrammetry and Mapping. (32-8925, 8926) Wilson was asked by the defence to study aerial photographs of Birkenau and Auschwitz taken in 1944 by the Allies. These photographs were enlargements of photographs in the possession of the National Archives in the United States and had been prepared by the Archives staff. (32-8921) His purpose was, firstly, to determine whether black patches appearing on the roofs of the Leichenkellers at Kremas II and III at Birkenau had any elevation; secondly, to determine whether there was any water in the swimming pool at Auschwitz I; and, thirdly, to study the location of a road in relation to the two crematories at Birkenau. (32-8914)

Aerial Photograph No. 3055 (May 31, 1944)

This photograph showed Kremas II and III at Birkenau. Wilson determined that the patches on top of the Leichenkeller at Crema II were flat and had no elevation. (32-8927, 8928) Wilson could not say what the patches were but believed they were discolorations on the surface of the roof. Wilson doubted whether the photograph could be tampered with without it showing up on the 12 times enlargements which he studied. (32-8936)

Aerial Photograph No. 3185 (August 25, 1944)

This photograph showed Kremas II and III at Birkenau and was taken at a scale of 1:10,000. (32-8938) Wilson studied black marks which were visible to the naked eye on the Leichenkellers of both Kremas. He determined that the patches were not shadows but did not have any elevation. He could not identify what the patches were or what caused them. (32-8929, 8930)

Wilson found nothing higher than a metre on the roofs of the Leichenkellers of either Crema II or Crema III. His accuracy, which he considered reasonable, was down to the metre level. The crematorium itself had a roof higher than the ground around it and the chimney was quite high. (32-8931) Wilson could not say what the elevations of the chimneys were. Some of the elevations he obtained were reasonable based on

some of the crematories he had seen; some were quite a way out based on stereo geometry. (32-8941-e)

He agreed with Crown counsel that the reference report of the Cartographic Branch of the National Archives rated the image quality of the photograph as "good." (32 8941)

Aerial Photograph No. 6V2 (September 13, 1944)

This photograph also showed Kremas II and III at Birkenau and was taken at a scale of 1:12,000. (32-8939) Wilson could not see stereo with this photograph as it had no stereo mate. He could not detect on the roof of Leichenkeller I of Krema II any of the patches he had seen on the other photographs. He could see only slightly a patch close to the crematorium. On the roof of the Leichenkeller of Krema III, however, he could see a similar pattern of patches as he had seen in the other photographs. On neither roof was there any elevation above one metre. The marks were not shadows. Wilson believed the marks were just patches with no elevation. (32-8931, 8932)

Crown counsel showed Wilson a reference report from the Cartographic Branch of the National Archives which stated with respect to 6V2: "Image quality average. Smoky or hazy appearance because of bombing activity." Wilson agreed haze and smoke would affect image quality if it covered the imagery he was interested in. However, he believed he had good imagery of what he was specifically looking at in this photograph. (32-8940)

Aerial Photograph No. 4058 (November 29, 1944)

This photograph also showed Kremas II and III at Birkenau. Wilson determined that the roof of the dressing room Leichenkeller appeared to have fallen down or to have been removed. (32-8933, 8934)

Auschwitz I Swimming Pool

In several of the photographs of Auschwitz I, Wilson saw what appeared to be a swimming pool. In one photograph, it looked as if diving boards were present. (32 8934) Wilson also believed there was water in the pool based on colour tone and the casting of the shadows along its edge. He agreed a reservoir that had water in it would exhibit the same features. He could not say how old the swimming pool was. (32-8941a, 8941b)

Birkenau Road System

Wilson identified a road leading between Kremas II and III at Birkenau which joined up to other roads to the north of the camp. (32-8934)

Wilson testified that the question of image quality was very much a subjective assessment. Better imagery would be obtained on a photograph taken on a scale of 1:10,000 than on a photograph taken on a scale of 1:23,000. (32-8937, 8938) Because the aerial photographs were taken with a very long focal length, they were not good for determining the height of things based on stereo and the geometry involved in stereo. They were very good, however, for determining elevations of some features

based on the shadow that they cast. (32-8941c to 8941e; aerial photographs entered as Exh. 134 at 32-8941g)

Fred A. Leuchter, Jr.

[Fred A. Leuchter, Jr. was the twenty-first witness called by the defence. He testified on Wednesday, April 20 and Thursday, April 21, 1988. Leuchter was tendered as an expert in gas chamber execution technology. Doug Christie informed the court that Leuchter had been commissioned by Ernst Zündel to conduct an investigation of the alleged execution gas chambers at Auschwitz, Birkenau and Majdanek in Poland with a view to determining the capability of these installations to perform the functions attributed to them in Holocaust literature. Leuchter had travelled to Poland and from 25 February to 3 March 1988 had inspected the alleged gas chambers, taken photographs, drawn plans, and removed samples which had been subsequently chemically analysed. He had prepared a report containing his opinion on whether the alleged gas chambers in the three camps were capable of being used for multiple executions by hydrogen cyanide gas and whether the crematories at the same camps were capable of disposing of the numbers allegedly burned there during the war.

After hearing Leuchter questioned in the absence of the jury, Judge Ron Thomas refused to allow the jury to see or hear of the report which Leuchter had prepared for Zündel, dated April 5, 1988: "An Engineering Report on the Alleged Execution Gas Chambers at Auschwitz, Birkenau and Majdanek Poland." which report summarized Leuchter's findings of his investigation of the three concentration camps.

Thomas held that Leuchter could give oral evidence but that the report itself was not going to be filed. (32-9032) He held Leuchter was not a chemist or a toxicologist. (32-9034) He further held that Leuchter was an engineer because he had made himself an engineer in a very limited area. (32-9048)

Thomas stated that Leuchter's opinion in the report was that there were never any gassings or exterminations carried on in the facilities. He held that Leuchter was not capable of giving that opinion. (32-9049) Nor was he capable of testifying regarding the results of the analysis of the samples. His testimony was restricted to the taking of the samples and who he turned them over to. (32-9047, 9048) Leuchter was allowed to testify with respect to his own work, his observations of the camps and the information he had gathered concerning the facilities, and whether the facilities were feasible as gas chambers. (32-9054) Defence counsel was instructed not to refer to the Leuchter Report during the in-chief examination. Thomas held that Leuchter had no expertise whatsoever in crematories and disallowed any testimony relating to crematories. (32-9052, 9054)]

Fred A. Leuchter was qualified as an expert in the design, construction, maintenance and operation of execution gas chambers. He was allowed to give opinion evidence on the operation of gas chambers and the suitability of the facilities he inspected in Poland to operate as gas chambers. (32-9062, 9063)

Leuchter testified that he was a consultant to the states of South Carolina and Missouri with respect to the operation of gas chambers used for prisoner executions, and was currently under contract with the state of Missouri to completely reconstruct their gas chamber. In the course of his work, he had studied all existing systems utilizing lethal gas and had consulted with large manufacturers of sodium and hydrogen cyanide. He held a medical research license from both state and federal governments in the United States which allowed him to carry drugs that were used in his work. (32-9056, 9057, 9058; qualified as expert witness, 32-9062)

Leuchter was retained by Zündel in February of 1988 to investigate three concentration camps in Poland: Auschwitz, Birkenau and Majdanek, for the purpose of determining whether or not the alleged execution facilities in those camps could have been utilized for executing human beings with hydrogen cyanide or Zyklon B gas. (32-9059 to 9061)

His investigation involved the inspection of the physical sites and study of the original plans of the facilities alleged to be gas chambers. The bulk of such plans and designs were obtained by Leuchter directly from the museum officials at the three camps. (32-9061) He obtained descriptions of the procedures allegedly used in these facilities from currently available Holocaust literature. He also referred to the German documents concerning the handling of Zyklon B as a pesticide and documentation from DEGESCH, the manufacturer of Zyklon B. (32- 9062)

Prior to being asked to conduct the investigation, Leuchter had never had any contact with the revisionist view of the Holocaust. He had assumed that there were gas chambers and that many millions of people had died therein. Leuchter was not allowed to testify whether his opinion had changed after investigating the sites or whether information contained in either exterminationist or revisionist publications conformed to what he had observed. (32-9188 to 9192)

AUSCHWITZ I

Krema 1

Over a three day period (32-9078), Leuchter inspected, measured and photographed what was known as Krema I in the main Auschwitz I camp and which consisted of a crematory and an alleged gas chamber. He inspected the lighting, the electrical systems, the adjacency of the alleged gas chamber to the crematorium, and the physical layout of the crematorium. He also looked at the buildings in the immediate area of Krema I. These included the SS hospital about 40 feet away across the street and two SS headquarter buildings a stone's throw from the alleged gas chamber. (32-9065, 9066, 9123; Photograph of external view of Krema I showing proximity to SS hospital entered as part of Exhibit 145) He also removed forensic samples of the brick and mortar from various locations within the structure, making sure that all areas of the walls and the floor were covered in the sample-taking. (32 9078)

Leuchter's draftsman, who accompanied him in the investigation, drew up a plan of Krema I under Leuchter's supervision. The drawing was based on original blueprints of the building, and measurements taken at the site. (32-9066, 9067; Drawing of Krema #1, entered as Exhibit 135)

The building had two areas, a crematorium and the area alleged to be the gas chamber. There had been three furnaces with two retorts each in the crematory section of the building. The third furnace was not there on Leuchter's inspection. It had been removed some years earlier, apparently while the building was being converted into a bomb shelter. (32-9067; Photograph of one of the two ovens located in Krema I entered as part of Exhibit 145) When the area alleged to have been the gas chamber was converted into the bomb shelter, additional walls had been added to prevent any bomb blast from going throughout the entire area. These walls had subsequently been removed. The two walls at the end of the alleged gas chamber were permanent, however, and had been there at the time the building was utilized by the Germans until the Allies arrived and liberated the camp. (32-9067; Photograph of interior of alleged gas chamber at Krema I entered as part of Exhibit 145) Leuchter observed no signs of any blue markings on the walls of Krema I, nor was there any indication that the walls had been treated or painted in any way. (32- 9194)

The door leading from the alleged gas chamber into the crematorium had been moved two and a half feet. Leuchter was able to determine the original location by measurements, marks on the wall and its placement in conjunction with two railroad tracks where a cart with the corpses had been rolled from the morgue (alleged gas chamber) into the crematorium and up to each retort for burning. (32 9071; Photograph showing proximity of alleged gas chamber to crematory ovens entered as part of Exhibit 145)

The roof of the alleged gas chamber contained square vents with collars. These were not gasketed and they were made of wood. They had been recently rebuilt before Leuchter arrived. The purpose of these vents was to air the area since the facility was in fact a morgue where they stored the bodies prior to cremation. (32-9068, 9069) There was an old chimney on the roof which no longer had any function. It was originally for some type of stove that had been located in the mortuary (gas chamber) area. The roof also had small chimneys which were probably for the crematory furnaces. The third furnace had a large stack in the back of the building. (32-9072; Photograph of roof of Krema I entered as part of Exhibit 145)

In Holocaust literature, the vents were allegedly used as the openings to drop in the Zyklon B, which produced the hydrogen cyanide gas after it reached the floor of the facility. Zyklon B was a special preparation of hydrogen cyanide gas where the gas was forced by compression into particles of chalk or wood pulp. These particles carried the gas and would, upon heating or being exposed to air, release the gas into the area where the gas was to be utilized. One of the main requirements for driving or evaporating the hydrogen cyanide gas out of the Zyklon B was excessive temperature. It had to be heated to above 78 or 79 degrees Fahrenheit. If the temperature was not near the 78 degree point, it would be released much slower and over a much longer period of time. Leuchter pointed out that of the four vents, one was in the area of a washroom and not in the presumed gas chamber at all. The alleged gas chamber room was extremely cold and damp. (32-9069, 9070)

The alleged gas chamber area had no exhaust system for removing the gas. It simply had three vents in the roof. Assuming the area was used as a gas chamber, it would take the better part of a week to air it out before any humans could go in to remove anything that was inside the chamber area. (32-9071)

There were two drains in the area that was alleged to be the gas chamber. These drains were tied into the main drainage system of the camp. Leuchter testified that if the area were utilized as a gas chamber, liquid condensed hydrogen cyanide gas would get into the drains, mix with the water and eventually wind up coming out every storm drain and possibly every sink drain and toilet in the camp. The drains made the room a very dangerous place to utilize as a gas chamber. (32-9068; Photograph of drain on the floor of the alleged gas chamber at Krema I entered as part of Exhibit 145)

Leuchter testified that if the mortuary had been used as a gas chamber, there would have been a very high concentration of gas when the pellets were first dropped into the room, as much as 99 to 100 percent concentration. The doorway that led from the mortuary directly into the crematory was not gasketed. The furnaces in the crematory would have been operating at something around 1,500 or 1,600 degrees Fahrenheit. Leuchter stated that anything over 1,100 degrees would cause an explosion if the gas escaped from the gas chamber area into the crematory area. Thus, the juxtaposition of the two facilities in the same building was dangerous. (32 9073)

In Leuchter's opinion, if the building had in fact been used as a gas chamber, it should have been designed and prepared in a manner different than it was. The entire area that contained the gas should have been coated, both inside and out, with tar or pitch to prevent any gas leakage. It should have had some type of exhaust system to bring fresh air in and exhaust the gas present in the chamber. It did not have such an exhaust system. The exhausted gas would normally be sent through a 40-foot high chimney or stack and blown into the air where it was high enough above the surrounding buildings so the gas and air mixture could be harmlessly scattered. As it was, the vents were less than one foot high. It would probably have taken a week to air the room and the gas would have leaked out very close to the top of the roof. Undoubtedly, the gas would have blown towards buildings in the immediate vicinity of the alleged gas chamber, including the SS hospital and SS buildings, causing the death of people in those buildings. (32-9073, 9074)

Leuchter concluded that the alleged gas chamber at Krema I could not have been used, then or now, as a gassing facility for executing human beings. (32-9076) The facility would have been much too dangerous to operate because of gas leakage to the surrounding area and into the crematorium, where such leakage would have caused an explosion. Personnel operating the facility probably would have been killed. None of the walls, either inside or out, were coated in the normal manner. The normal manner prescribed for delousing chambers by the German military and health officials was tar or pitch painted both inside and outside. There was no 40- foot stack, so the gas would have come out of the building very low, and probably would have hovered immediately around the building. Since the nearest building was the SS hospital, which was higher, this would have stopped the wind from dissipating the gas. The storm drain connection to the drains in the floor of the alleged gas chamber would have allowed the gas out into the main area of the camp. In short, in Leuchter's opinion, the building would have been very dangerous to use not just for the inmates but for all camp staff and personnel. (32 9077)

BIRKENAU

In Birkenau, Leuchter examined four facilities, normally known as Krema II, Krema III, Krema IV and Krema V, each of which was alleged to have operated as a combination crematorium and gas chambers. His purpose was to determine whether the facilities could have been used in such a manner. (32-9079)

Krema II and Krema III

Leuchter examined plans of Krema II at Birkenau and had his own draftsman draw up a drawing of the site using his own on-site measurements and observations. (32 9079, 9080; Drawing of Krema II entered as Exhibit 136; Drawing of Krema III entered as Exhibit 137; Plan of Krema II entered as Exhibit 124) Leuchter obtained schematic floor plans of Kremas II and III (as well as Kremas IV and V) from the museum officials: these were not original plans. He assumed they were prepared from something, but was never told what the original material was. (32-9126)

Four dots on the drawing of Krema II (Exhibit 136) indicated where vents were supposedly located on the roof of the building wing normally designated as the gas chamber. After an examination of the roof, from both inside and outside, Leuchter found no holes in these locations. (32-9080, 9081)

For ventilation, the facility should have had some openings in the roof that could be closed during the operation and then opened after the gassing to allow the gas to ventilate. In this case, it would have taken more than a week to ventilate the area, since there was only normal convection, or air current, to bring the gas out of the building. (32-9081) This was the same thing that was done when a building was deloused. The buildings were sealed, and the chemicals placed on the floor. The windows were then opened and the facility was allowed to air for three to seven days, depending upon the size of the facility. This procedure was described in official German documents on the procedures to be followed for delousing buildings and materials. (32- 9082)

There was no ventilation capability for Krema II at all. Morgue no. 1 and morgue no. 2 where both underground and there were no structures above them. There was only one door going into the morgue. In Leuchter's opinion, there was no way of adequately venting the building. (32-9082, 9083)

Leuchter entered the alleged gas chamber at Krema II through a broken portion of the roof slab. Although there was not a lot of room below, he was able to walk amongst the piles of rubble and to make observations of the walls and roof area almost all the way around the facility. In particular, he was looking for anything which would indicate hydrogen cyanide use in the room. He saw no blue staining. He saw no evidence of any type of ventilation system. He removed samples from the walls, floor and roof. (32-9084; Photographs of roof slab and alleged gas chamber at Krema II entered as Exhibit 146)

Leuchter made computations of the amount of hydrogen cyanide it would have taken to use the facility as a gas chamber. The normal amount of gas that was required to kill one human being was a minimum of 300 parts per million. The normal amount of gas that was used by the Germans to delouse buildings and the amount of gas used to

kill human beings in the United States was the same, namely, 3,600 parts per million. (32-9086)

Krema II and Krema III were the same size, each having an area of 2,500 square feet. If 2,000 people were squeezed into this area, there would not be enough room for the gas to circulate. In Leuchter's opinion, there had to be sufficient room around the people for air to circulate, even by convection, which was the simple draft in any room moving the air around and carrying the gas. To do this, a minimum of 9 square feet would be required for each person. Based on the 2,500 square feet area, the most people which could have been gassed in Kremas II and III was 278 persons, requiring 5 lb. of gas and an approximate ventilation time of more than a week. (32 9087, 9088) If 2,000 people had been crushed into the room, there would be no means of circulating the air or the hydrogen cyanide gas that was given off by the Zyklon B material. This would mean that it would take perhaps five to eight hours for the gas to totally permeate the chamber and kill the people therein. (32-9147)

There was no heating capability in any of the facilities which would have been required, firstly, to drive the gas from the Zyklon B and mix with the air, and secondly, to avoid condensation of the gas on the walls, floor and ceiling. When the hydrogen cyanide condensed into a liquid, it was absorbed by brick and by mortar. Condensation would have made the area very dangerous for anyone who came into the facility to remove corpses. (32-9088)

In proper gas chamber design, there must be intake air and exhaust air in an equal volume. The intake air was normally heated to an excess of 79 degrees Fahrenheit, being the minimum temperature required to prevent condensation and to make the chamber safe for those persons who had to enter and work in it. (32-9089)

During the time he had inspected the facility in February, 1988, the temperature in the room was 10 or 12 degrees Fahrenheit. In Leuchter's opinion, if Zyklon B pellets had been dropped into the chamber in such circumstances, with no heating capabilities, it would have taken more than several hours for the gas to leave the pellets and permeate the room. Holocaust literature alleged that gassings took place in winter. (32-9089, 9090)

Leuchter concluded that the facilities at Krema II could not have been used, then or now, as a gas chamber for executing human beings. (32-9085) The reasons for his opinion were essentially the same reasons that he concluded the mortuary at Krema I could not have been used as an execution gas chamber. The building was not sealed with tar or pitch in any manner. There was no ventilation system. There was no means at all for introducing the Zyklon B gas. There was no evidence of a hollow column which available Holocaust literature alleged was used to drop Zyklon B into the room. All of the columns were solid reinforced concrete. Anyone attempting to use the facility as a gas chamber for executing human beings would probably lose their life. (32- 9085)

Leuchter also inspected Krema III, a building which had been a mirror image of Krema II, located across the road from it. Samples were removed and drawings made of the facility. (32- 9091, 9092)

Leuchter was unable to determine whether there had been any roof vents in Krema III's alleged gas chamber, as the roof slab had been broken up and much of it removed. Information regarding the alleged vents came from copies of original German drawings received from Auschwitz Museum officials. (32-9092)

In Leuchter's opinion, the facility did not indicate even reasonable gas chamber design, it being identical to Krema II. It was not tarred or pitched. There was no ventilation. It was cold and damp. It had no means of introducing the Zyklon B material. (32-9093) Nowhere did he see any blue staining. (32-9195)

In his examination of Auschwitz-Birkenau, Leuchter obtained information from the Auschwitz Museum and the available Holocaust literature. The information in both appeared to be identical. (32-9093)

Krema IV and Krema V

Leuchter also examined Krema IV and Krema V, two additional facilities at Birkenau that were presumably mirror images of one another and were likewise considered to be combination gas chambers and crematories. Drawings were made based on floor plans provided by the Auschwitz Museum and on actual measurements made at the sites. (32-9094; Drawing of Krema IV entered as Exhibit 138; Drawing of Krema V entered as Exhibit 139)

He found that both buildings had been razed sometime earlier. Only the foundations were existing, and from these foundations, his team took measurements of the areas alleged to be gas chambers. He found no evidence of any tar or pitch sealant on either the inside or the outside of the facility. (32-9094)

It was alleged that in these facilities, there were slots in the wall where the Zyklon B was thrown. Leuchter stated that when such a material was introduced into a place, it should be dropped somewhere in the centre of the room so the gas, when it came out of the pellets, could travel throughout the room. If Zyklon B had been thrown in and fallen close to the wall, this would have certainly impeded circulation. (32-9095, 9096)

As the buildings were not there, however, Leuchter relied almost entirely on the plans provided by the museum in forming his opinion. These plans were floor plans and did not indicate location of electrical outlets or drainage. He found no evidence of any heating system in these buildings, no evidence of any ventilation system and no evidence of stacking. (32-9096, 9098)

He was able to determine from inspection of the sites that while Krema IV and Krema V were mirror images in that their outer shape and size were identical, the placement of the rooms internally was not the same. This was contrary to the plans, however, which indicated that the room placements were the same. Leuchter concluded that either the buildings had been remodelled before they were destroyed or were built differently from the original floor plans. (32- 9097)

In Leuchter's opinion, neither Krema IV nor Krema V was capable of being used as a gas chamber facility for executing human beings, for the same reasons given for

Kremas I, II, and III. (32-9097; photograph of alleged gas chamber at Krema III entered as Exhibit 147; Plan of Krema III entered as Exhibit 125)

"Burning Pits" at Birkenau

Leuchter examined the areas alleged on official maps of Birkenau to have been used as "burning pits" by the Nazis to dispose of corpses. Most of the Holocaust literature described these pits as being six feet deep or more; however, most of the pits examined by Leuchter were reasonably small. The most notable thing about all of them was the level of the water within one and a half feet of the surface. Leuchter pointed out that it was impossible to burn bodies under water. There was no reason to assume this had changed since the war because all of the Holocaust literature described Auschwitz-Birkenau as being built on a swamp. (32-9100, 9101; photograph of alleged burning pit entered as Exhibit 147)

Sauna Building

Leuchter also investigated the Sauna building at Birkenau. Inside he found delousing chambers which had utilized steam to delouse bedding and other materials. No allegation had ever been made, to Leuchter's knowledge, that people were gassed in these facilities. (32-9103, 9104; Photograph of Steam Delousing Chamber in Sauna Building, Birkenau entered as Exhibit 148; Photograph of external view of Sauna Building entered as Exhibit 149)

MAJDANEK

At Majdanek concentration camp, Leuchter examined a combination crematory and gas chamber facility, and a building known as "Bath and Disinfection no. 1" which was alleged to have contained two experimental gas chambers and one conventional gas chamber. (32-9105, 9144; Plan of Majdanek indicating location of new crematorium and alleged gas chamber and Bath and Disinfection Building no. 1 entered as Exhibit 143)

Combination Crematory and Gas Chamber

Information supplied by the Majdanek Museum indicated that at the end of or just shortly before the end of the war, this entire facility was levelled, with the exception of the cremation ovens. It was not explained how. After the war, the facility was rebuilt from plans that the museum officials said existed but which they no longer had and no longer knew the location of. (32-9105, 9106)

This building was made of precast concrete with reinforced steel rods and bars and covered with wood to make it look like the original. An extremely small area inside designated as the gas chamber contained two non-sealable doors and a non-sealable window that led directly into the crematory area. In Leuchter's opinion, if the room had been utilized as a gas chamber, an explosion would have resulted from gas leaking from the chamber into the crematory area. (32- 9106)

At this point, Judge Thomas directed defence counsel to stop further questioning about this building since it was a reconstruction and he would not have evidence in the court about "tourist attraction[s]." (32-9107)

Bath and Disinfection Building No. 1: Delousing Chamber

The interior of the first alleged gas chamber was mortar with an unpainted stucco surface, covering an underlining of red brick. There were two holes in the ceiling through which it was alleged the Zyklon B had been dropped into the chamber. These vents went through the roof but had no stacks. There was simply a 6-inch collar around the top where a cover fitted, much like the vents at Krema I. (32-9110; Drawing of Delousing Chamber, Bath and Disinfection Building no. 1 entered as Exhibit 140)

Two ducts were located on one wall approximately two feet apart, each being under one foot in diameter. Leuchter noted that for an air circulation system, the ducts were in very strange locations. Normally, an intake duct would be located at one end of the room and an exhaust duct at the other end of the room, one located high and the other low, to guarantee complete air circulation. These two ducts were placed much too close together to give proper air circulation. The ducts vented into a sealed area of the building which Leuchter was unable to enter. (32-9112)

The room contained 7,657 cubic feet of volume and 806 square feet of area. Venting of the room would have required about one week. (32-9113)

In Leuchter's opinion, the room could not have been used as a gas chamber. It had improper venting capability. It was not coated with any tar or pitch. The room was cold and damp and had no capability of circulating gas in the room. (32-9113)

Experimental Gas Chambers

The building also contained two allegedly experimental gas chambers. (32-9114; Drawing of Experimental Gas Chambers (Delousing) Bath and Disinfection Building no. 1 entered as Exhibit 140B)

The four doors in Chamber 1 were essentially the same. Each was made of heavy steel and was mounted on a steel frame containing a rabbet: a groove that was cut circularly around the aperture and would normally be used to hold a gasket. The doors had peep holes which were gasketed and made of heavy glass. Two doors had a chemical test cylinder which contained a chemical-test material. This material would have changed colour, depending upon the gas level in the facility. (32-9115, 9116, 9180; Photographs of large steel doors entered as part of Exhibit 151) The walls showed characteristic blue staining which Leuchter found puzzling because there was no means of introducing Zyklon B into the facility. (32-9182)

Outside was a booth that, according to the official allegation, was used by an SS officer who would turn on the valves of the two carbon monoxide cylinders to supply the gas through a piping system to the two chambers. The cylinders were too small in Leuchter's opinion; he pointed out that a barred window beside the cylinders had no glass in it and had been constructed in such a way that it could never have had any

glass or gasketed material to stop the gas from leaking out of the chamber into the booth where the person operating the system stood. (32-9116, 9181; Photograph of two alleged carbon monoxide cylinders entered as part of Exhibit 151 at 32-9181) In Leuchter's opinion, if carbon monoxide were used in a facility such as this, some 60,000 parts per million of gas in the air would be required to effect the death in one half hour. Before that much gas could be pumped into a chamber that housed that many people, the people would probably exhaust the available air supply and suffocate strictly from the lack of oxygen. (32-9117)

Leuchter testified that to get 60,000 parts per million of gas into the room, the room would have to be pressurized to approximately two and a half atmospheres, or 55 pounds per inch. These chambers could not hold that pressure without leakage at the doors, the vents and cracks in the brick. Leuchter believed that the facilities might have been experimental delousing chambers using carbon monoxide gas. (32 9116, 9117)

Chamber 2 was alleged to have used Zyklon B gas. But Leuchter, upon inspecting the vent in the roof through which the pellets were allegedly thrown, found that while the vent was cut through the ceiling, it had never been cut through the roof of the building. If this room had been used as a gas chamber, Leuchter testified, there would have been a problem in venting it. The alleged vent did not open through the roof and the only other means of venting the air was through a single door. (32 9118)

The outside of the building was surrounded by a depressed concrete walkway that was about two and a half feet deep below grade. In Leuchter's opinion, utilizing hydrogen cyanide gas in the building, a structure which had no coating of pitch or tar or anything else to prevent gas leakage, would inevitably have resulted in the gas leaking through the brick and foundation and mixing with any rain water which might be in the walkway. This would make the entire facility a death trap for anyone approaching it at any distance around the building. (32-9120)

Leuchter concluded that none of the facilities were used for homicidal gas chambers. Owing to the design and the inherent construction of the buildings, they would have been extremely dangerous and difficult at best to use, and anyone using them probably would have been endangering his own life and others in the area. (32-9121) There was no means of venting, no means of distributing the air and no means of adding the Zyklon B material. (33-9145)

Samples Removed from the Alleged Gas Chambers

Samples collected by Leuchter at the gas chamber sites at Kremas I, II, III, IV and V and from Delousing Facility No. 1 in Auschwitz and Birkenau were placed in plastic zip-lock bags and the bags marked. Samples 1 through 7 were removed from Krema II. Samples 8 through 11 were removed from Krema III. Samples 13 through 20 were removed from Krema IV. Samples 21 through 24 were removed from Krema V. Samples 25 through 31 were removed from Krema I. Sample 32 was a control sample taken from Delousing Facility No. 1 in Birkenau. The locations from which the samples were taken were indicated on the drawings prepared of each site. Samples were collected from the walls and all available surface areas that possibly could have come in contact with hydrogen cyanide gas. Leuchter personally carried the samples

from Poland and delivered them to Alpha Laboratories in Ashland, Massachusetts. (32-9124, 9125; 33-9157, 9158, 33-9172)

The only area in Birkenau which indicated any blue staining was Delousing Facility No. 1, from which control sample 32 was removed.

Cross-Examination

Leuchter testified that he had graduated in 1964 with a Bachelor of Arts degree. (32-9196) Asked who had determined that he was an engineer, he stated that the Commonwealth of Massachusetts had done so when they issued him a medical research licence, the Department of Drug Enforcement when they issued him his medical licence, and the United States Navy in all of the work he had done with them on navigational instrumentation. (32-9198)

Leuchter had used his medical research licence when he designed and built a precise lethal injection system that took into consideration the poor vascular systems of the people on whom the instrument was to be used. (32-9199) The licence was required because the handling of anything that had to do with intravenous injection required a medical licence. (32-9200)

Leuchter testified that he had never conducted an execution, (32-9200) nor had he witnessed an execution using poison gas. (32-9202) He agreed that he was not a professional chemist, a professional toxicologist, or a professional architect. (32-9212)

Since 1979, Leuchter had been involved with execution hardware. He designed and built the gallows now in use in the state of Delaware. He had designed the gas chamber at the Missouri State Penitentiary. It had not yet been completed; the hardware was presently being shipped and fabricated. (32-9201) The Crown challenged Leuchter on this statement, suggesting that the truth was that Leuchter had only proposed modifications to the existing gas chamber. Leuchter disagreed, stating that he had "completely altered the design" and that a new system was being installed. The entire gas chamber, originally built in 1932, was being replaced with the exception of the steel. (32-9202)

Calculations to determine the amount of Zyklon B gas required to execute a human being were based upon the quantity required on a cubic foot basis which was about a half pound per thousand feet. The calculation was the cubic footage of the room multiplied by half a pound. Depending upon the density of the air at the given time, the concentration of hydrogen cyanide in the air would reach approximately 3,200 to 3,600 parts per million. (32-9203)

Leuchter agreed that hydrogen cyanide was lethal for humans at 300 parts per million over approximately ten or fifteen minutes and that his calculations were based on the amount that was used in the United States to execute a condemned prisoner. (32-9204) The concentration of 3,200 parts per million killed the prisoner in approximately four minutes. This was the concentration that had been used in the United States for the past fifty or sixty years. (32-9205)

The calculations were also based on the executed person occupying 9 square feet of space. Leuchter stated this was the space necessary for air circulation and was a figure normally used by all air moving engineers throughout the world. (32-9205)

In the old gas chamber in Missouri, the hydrogen cyanide had been generated by dropping sodium cyanide briquettes into sulfuric acid. Leuchter had changed this to a procedure by which hydrogen cyanide liquid was vapourized. (32-9206, 9207) The Crown suggested that this was the same as the vapourization of Zyklon B liquid described by Hilberg as the procedure of gassing used at Birkenau; Leuchter disagreed and pointed out there was no such thing as Zyklon B liquid. Zyklon B came in pellets. (32-9207)

Leuchter agreed that one of the goals of the state of Missouri in its execution procedures was to have an installation that was as safe as possible for all personnel other than the condemned person. He did not agree that another goal was to have an installation which killed the condemned person as quickly as possible and that this was the reason for the recommended 3,200 parts per million concentration of hydrogen cyanide. He agreed, however, that this concentration killed the prisoner quickly. (32-9207, 9208)

Leuchter was contacted by Robert Faurisson in February of 1988. Some of the Holocaust literature he had referred to in his testimony had been provided to him by Faurisson and by Zündel, and he read some of it in the three weeks before going to Poland. The museum literature, he had picked up himself while at the sites in Poland. He was also supplied with photocopies of Hilberg's publications. He had no need to read all three volumes of Hilberg's work. He believed he had read as much as he needed to in order to know what he was doing. Asked if he did research into the sources referred to by Hilberg, Leuchter replied that he did additional research but could not say where he had found the citations. (32-9207)

Leuchter did not tell the Majdanek camp officials in Poland why he was in the camp. He felt he had no need to. He was in a communist country and felt that it was better not to say anything. (32-9214) He agreed he did not inform camp officials that he was going to use the official museum publications as the basis for an opinion that he was going to give in a court of law. He agreed that he did not tell camp officials that he was taking the samples which he removed. (32-9216)

Leuchter agreed that he had designated one of the chambers at Majdanek a delousing facility. Asked why a delousing facility would require a peephole, he replied that it might be necessary to look into the chamber to see clothing being fumigated, but he could not know for what purpose the individual running the facility would be using the peephole. (32-9217) Leuchter pointed out that the standard procedure for delousing in most facilities was to place the Zyklon B material on the floor with whatever was in the room being deloused and then close and seal the door. The only provision for putting Zyklon B into this particular room was to place it on the floor by hand and close the door. He stated that it became very obvious that it could not have been an execution chamber because "no one is going to stand in a chamber while somebody with a gas mask puts poison gas pellets on the floor and then leaves." (32-9219)

Asked if he had conducted an extensive survey of Nazi fumigation techniques in Poland, Leuchter replied that he had read the instruction manual which had provided information on the handling of Zyklon B to the technicians doing the delousing. This document was published by the Allied powers, Office of the Chief Counsel for War Crimes, in Nuremberg as Document NI- 9912. Asked if it had been included in his report, Leuchter replied that it was included in the appendix. Asked if he couldn't conceive of somebody just opening the door of the gas chamber and throwing the pellets in, Leuchter replied that he could not. (32-9220, 9221)

Leuchter testified that, according to DEGESCH, Zyklon B was manufactured and used until about three years ago. One of its uses was to fumigate the holds of ships. Ship fumigation was normally done with liquid hydrogen cyanide. Zyklon B, on the other hand, was designed for use in a facility where heated air could be blown over it. (32-9221) The Crown showed Leuchter the DEGESCH manual which Leuchter had reproduced as an appendix to his report, and asked if a photograph did not show a person dropping solid items into the hold of a ship. Leuchter pointed out that the person was not dropping the Zyklon into the hold of a ship, but into a box on the ship's deck. (32-9222)

Leuchter stated that the alleged gas chamber at Krema I was converted into a bomb shelter in 1944, but did not agree that significant changes were made to the building. He pointed out the drains on the conversion plans and testified that the blueprint indicated that they had been pre-existing in the facility, and that nothing was being done to the floor during the conversion. The floor had not been dug up; there were no patches in it. In his opinion, the drains had been there for many years, including the time the room was allegedly used as a gas chamber. Asked if drains couldn't be plugged up, Leuchter replied that if the drains had been plugged, they would be plugged today, which they were not. To unplug the drain, the floor would have had to have been dug up and the pipe replaced. The floor had not been dug up. (32 9224 to 9226)

Leuchter agreed he had never worked for a client who considered the personnel who emptied the gas chamber to be expendable, and who was willing to wait up to half an hour for the condemned person to die. (32-9227, 9228)

Leuchter agreed that something had happened to the facilities, that they were no longer in the condition they had been in 1944, but did not know who had done it or when. (32-9229, 9230)

Krema II and Krema III were both subterranean. The roof of Krema II was fractured in several places but was essentially whole. It was partially collapsed. (32-9232) The roof of Krema III had crumbled and was lying in bits and pieces in the basement area of what would have been the alleged gas chamber. (32-9232, 9233)

Kremas IV and V were totally demolished with the exception of the foundations. (32-9233)

He agreed with the Crown that an underground facility would have the benefit of good insulation. (32-9236)

Leuchter had not calculated the heat which would be generated by squeezing up to 2,000 people into a room of 2,500 square feet, but did not agree that it would be enough to vaporize the Zyklon B. He testified that a temperature rise of perhaps ten to fifteen degrees would result, and that a temperature of 78.3 was required to vaporize Zyklon B. (32-9235, 9236)

He had not calculated the heat released by fifteen crematory furnaces working around the clock, and did not consider it necessary. (32-9235) The furnaces were in another wing of the facility, which had three wings. One was the crematory, one was the alleged gas chamber and one was the alleged undressing room. The furnaces were above and, on a diagonal, maybe 50 or 60 feet away from the alleged gas chamber. Leuchter asked what heat generated from these furnaces would have to do with a facility that was underground and well-insulated. (32-9237)

The Crown suggested that a red-hot brick had been thrown into the chamber to increase the temperature around the Zyklon B. Leuchter replied that bricks did not get red-hot, only metal did. A brick might be too hot for a person to handle, but would still not be of sufficient temperature to cause an explosion with the gas, although it would probably raise the temperature. (32-9238)

The sole purpose of Leuchter's research was to give him enough information on the operational procedures at the facilities, so that he could go to Poland and investigate what was there. He was not trying to apprise himself of all "Holocaust" literature. Raul Hilberg may have stated in his book that a ventilation system was delivered, but Leuchter could say that there was not one there and there was not one installed. He questioned whether Hilberg knew enough about the mechanics of ventilation systems, electric motors and fans to be involved in the question. He agreed he had not spoken to Hilberg to find the basis of the latter's conclusions. (32- 9239, 9240)

Crown counsel quoted from page 885 of Hilberg's book concerning a letter from SS Construction Management Auschwitz to Kammler, WVHA, January 29, 1943, reporting completion of Krema II. Based on this document, Hilberg had written:

In the meantime (January 29, 1943), the Zentralbauleitung reported to Kammler that after the commitment of all available manpower and in spite of tremendous difficulties (unsagbarer Schwierigkeiten), including freezing weather, one of the crematoria was now in place, except for minor construction details (bauliche Kleinigkeiten) and the pending delivery by Topf of the ventilation system for the Leichenkeller. The furnace, however, had been tried out in the presence of Engineer Prüfer and functioned perfectly...

Leuchter testified that he had not seen this document, but stated that Topf manufactured crematory equipment, and that the ventilation system being referred to was, in fact, the blower for the furnace and had nothing to do with ventilating the alleged gas chamber. (32-9241, 9242) On re-examination, Leuchter testified that he knew from the inspection of the facility that there was no ventilation system at Krema II of any type and no provision in the construction of the building for any. (32-9273)

The Crown produced the Nuremberg translation [NO-4473, NMT vol. 5, p. 619] of the Kammler letter relied upon by Hilberg:

[Handwritten] SS Ustuf. (F) Kirschneck

COPY 29 January, 1943 Bftgb. [Journal] No. 22250/43/Bi/L. To the Chief of Amtsgruppe C, SS Brigadeführer and Brigadier General of the Waffen SS, Dr. Ing. Kammler, Berlin-Lichterfelde-West Unter den Eichen 126-135 Subject: Crematorium II, condition of the building. Reference: Teletype letter of SS Economic and Administrative Main Office No. 2648 of 28 January 1943. Enclosure: Report on check up.

The crematorium II has been completed -- save for some minor constructional work -- by the use of all the forces available, in spite of unspeakable difficulties, the severe cold, and in 24-hour shifts. The fires were started in the ovens in the presence of Oberingenieur Pruefer, representative of the contractors of the firm of Topf and Soehne, Erfurt, and they are working most satisfactorily. The planks from the concrete ceiling of the cellar used as a mortuary [Leichenkeller] could not yet be removed on account of the frost. This is, however, not very important, as the gas chamber can be used for that purpose.

The firm of Topf and Soehne was not able to start deliveries of the installation in time for aeration and ventilation as had been requested by the Central Building Management because of restrictions in the use of railroad cars. As soon as the installation for aeration and ventilation arrive, the installing will start so that the complete installation may be expected to be ready for use 20 February 1943.

We enclose a report [not attached to document] of the testing engineer of the firm of Topf and Soehne, Erfurt.

The Chief of the Central Construction Management, Waffen SS and Police Auschwitz SS Hauptsturmführer

Distribution: 1-SS Ustuf. Janisch u. Kirschneck. 1-Filing office (file crematorium). Certified true copy: [Signature illegible] SS Ustuf. (F)

Leuchter did not agree with the interpretation placed upon the letter by Hilberg. He pointed out that the letter said nothing about the ventilation system being installed in the Leichenkeller, and that the reference to the ventilation system was not even in the same paragraph. (32-9245; Letter entered as Exhibit 153)

Leuchter did not agree that it took a much higher concentration of hydrogen cyanide to exterminate insects than it did to kill human beings. (32-9245, 9246) He stated that he had never made computations for killing beetles. (32-9248)

The Crown quoted from the DEGESCH "Zyklon" manual at page 5 that:

Liquid HCN burns like alcohol. Gaseous HCN forms an explosive mixture with air under certain conditions. The lower explosion limit, however, lies far above the concentration used in practical fumigation work.

The Crown questioned Leuchter's opinion concerning the possibility of an explosion when the crematories were so far away. Leuchter replied that at the Zyklon B

material, when the gas was given off, there was a percentage per volume of air of 90 to 100 percent. This meant there was almost pure hydrogen cyanide at the carrier. A spark could set it off. (32-9250 to 9253)

Leuchter agreed that hydrogen cyanide was slightly lighter than air and rose very slowly. He agreed that unquestionably it would take a matter of minutes before the gas reached the person who had thrown it down into the gas chamber. He pointed out, however, that at some point someone would have to do an inspection to determine whether the parties were deceased. (32-9253, 9254)

He disagreed that if 2,000 people were squeezed into 2,500 square feet that the required concentration of hydrogen cyanide to air would be reached far quicker than if there were fewer people. He noted that "you're going to have hydrogen cyanide on the floor at the inert carrier and it's going to sit there because the room is going to be filled with solid material. And it would take hours for the gas on this side of the room to reach anyone at the other end." Asked if people running or stirring about would not cause the gas to circulate, Leuchter replied that 2,000 people in that room couldn't stir: "I'm not even sure how you could close the door on them." Asked if he had ever put 2,000 people in the room, Leuchter said: "No. But I'm sure I couldn't get them into that room." (32-9255)

Leuchter agreed that the symptoms of cyanide poisoning included vomiting, dizziness and headaches. He agreed that cyanide was not a cumulative poison, and did not stay in the body over the long term. (32-9257, 9258)

James Roth

[Dr. James Roth was the twenty-second witness called by the defence. He testified on Thursday, April 21, 1988.]

Dr. James Roth, the laboratory manager of Alpha Analytical Laboratories, testified as to the results of tests done on the numbered samples removed from Auschwitz and Birkenau by Fred A. Leuchter. Roth had obtained his doctorate from Cornell University in analytical chemistry.

Roth testified that he received samples from Fred Leuchter in his capacity as an Analytical Chemist at Alpha Analytical Laboratories. Roth directly supervised the tests performed on the samples and the preparation of the test report. The purpose of the tests was to determine total iron content and total cyanide content in the samples. The identification numbers assigned to the samples were those designated by Leuchter. (33-9274 to 9276)

Total Iron Content

Iron tests were conducted on three of the samples, namely, samples 9, 29 and 32. Results of the tests for total iron content were essentially the same for all three samples. Sample 9 contained 7,580 mg/km; sample 29 contained 6,280 mg/km and sample 32 contained 6,170 mg/km. (33-9276, 9291, 9292)

Iron was normally present in brick and mortar and the quantities found in the brick samples tested were fully within the acceptable ranges for brick type. Red bricks were red because of the iron, although even white bricks had these levels of iron present. (33-9306)

Total Cyanide Content

Cyanide was analyzed in a total of 32 samples of which 31 were brick material and one was a gasket material. The minimum trace level for cyanide was one milligram per kilogram of material. Tests results which did not detect cyanide were designated on the report as "ND," meaning "not detected." (33-9276 to 9278)

Roth testified that the test results indicated the following: sample 1 showed no detection; sample 2 showed no detection; sample 3 showed no detection; sample 4 showed no detection; sample 5 showed no detection; sample 5 duplicate test showed no detection; sample 6 showed no detection; sample 7 showed no detection; sample 7 spike recovery test indicated 119 percent; sample 8 showed no detection; sample 8 duplicate showed 1.9 milligrams per kilogram; sample 9 showed 6.7 milligrams per kilogram; sample 10 showed no detection; sample 11 showed no detection; sample 12 showed no detection; sample 13 showed no detection; sample 14 showed no

detection; sample 15 showed 2.3 milligrams per kilogram; sample 16 showed 1.4 milligrams per kilogram; sample 16 spike recovery test indicated 96 percent; sample 17 showed no detection; sample 18 showed no detection; sample 18 spike recovery test indicated 100 percent; sample 19 showed no detection; sample 19 spike recovery test indicated 120 percent; sample 20 showed no detection; sample 20 duplicate showed 1.4 milligrams per kilogram; sample 21 showed 4.4 milligrams per kilogram; sample 22 showed 1.7 milligrams per kilogram; sample 23 showed no detection; sample 24 showed no detection; sample 25 showed 3.8 milligrams per kilogram; sample 25 duplicate showed 1.9 milligrams per kilogram; sample 26 showed 1.3 milligrams per kilogram; sample 26 spike recovery test indicated 140 percent; sample 27 showed 1.4 milligrams per kilogram; sample 28 showed 1.3 milligrams per kilogram; sample 29 showed 7.9 milligrams per kilogram; sample 30 showed 1.1 milligrams per kilogram; sample 30 duplicate showed no detection; sample 31 showed no detection; sample 32 showed 1,050 milligrams per kilogram. (33- 9278 to 9287) A bar graph of the sample results which Roth had examined and determined to accurately represent the test results was entered as Exhibit 154. (33-9288)

The tests were performed by taking a representative sample of the material that was received by the laboratory, placing it in a flask that could be sealed, adding a low concentration of acidic solution, specifically sulphuric acid, then warming the sample in that solution while in the process passing gas through it. Air passed through the solution and the acidic environment volatilized the cyanide and formed hydrogen cyanide gas. This gas was then passed through a solution of sodium hydroxide. Any hydrogen cyanide would react with the sodium hydroxide to form sodium cyanide. After a period of time required to assume complete removal of any cyanide in the sample, the solution was analysed colour metrically for the presence of cyanide. (33-9280)

This process was repeated with each of the samples, with duplicates on certain selected samples and with spot samples in which known amounts of cyanide were added to check recovery. Cyanide spike recovery tests performed on several of the samples all indicated that the analyses and the techniques and methods by which the samples were analyzed were valid. (33- 9281 to 9287)

Prussian Blue (ferro-ferri-cyanide)

Roth was shown Exhibit 144, a colour photograph of the blue staining on the wall of Delousing Facility No. 1 at Birkenau from which sample 32 had been removed. He indicated that the blue colour was what was commonly referred to as "Prussian blue." (33-9289) The chemical definition of Prussian blue was ferro-ferri-cyanide. (33-9297) Prussian blue was an iron cyanide produced by a reaction between iron and the hydrogen cyanide. It was a very stable compound which stayed around a long time. If hydrogen cyanide came into contact with bricks or mortar containing iron, it was fully conceivable that a reaction of the iron and hydrogen cyanide would take place, leaving behind the Prussian blue. (33-9290) In porous materials such as brick and mortar, the Prussian blue could go fairly deep as long as the surface stayed open, but as the Prussian blue formed, it was possible that it would seal the porous material and stop the penetration. If all surface iron was converted to Prussian blue, the reaction would effectively stop for lack of exposed iron. (33 9291)

Roth testified that the iron/cyanide reaction capabilities of samples 9 and 29 were no different from that of sample 32. If samples 9 and 29 had been exposed continually everyday for two years to 300 parts per million of hydrogen cyanide, Roth testified that he would expect to see the formation of the iron cyanide compounds; the so called "Prussian blue" material, in detectable amounts. The reaction of the two substances was an accumulative reaction; the reaction continued with each exposure. One way for this reaction not to occur would be a lack of water. These reactions, in many cases, required water or vapour in order to occur. However, in rooms of normal temperatures and normal humidity, there would be plenty of moisture present for this type of reaction to take place. (33-9293, 9294)

Prussian blue did not normally disappear unless it was physically removed. To be removed from a porous material like a brick it would have to be removed by sandblasting or grinding down the surface or by the application of a strong acid such as high levels of sulphuric, nitric or hydrochloric acid. It would be more difficult to remove from porous surfaces because of the fact that the formation would have taken on depth. (33-9297, 9298) This ended the examination-in-chief of Roth, and his cross-examination commenced.

Roth testified that he did not take the samples or have any control over the sample taking. He agreed that cyanide radicals could exist in forms other than Prussian blue and that the absence of Prussian blue did not necessarily mean that cyanide radicals were absent. To Pearson's suggestion that a good control sample would have been one where Prussian blue was not present in order to determine if any cyanide radicals were present there, Roth pointed out that there were many samples where no cyanide was detected. (33-9301, 9302)

Roth testified that in order to have Prussian blue, iron must be present and accessible to the cyanide. (33-9301) He agreed that the presence of Prussian blue almost guaranteed that the ferri-cyanide complex was present. (33-9302) How deep Prussian blue would penetrate was totally dependent on many factors, such as the porosity of material and what moisture existed in the area. (33-9303) Asked if a building was blown up with dynamite and the surface blown off, the Prussian blue might thereby be removed, Roth replied that if just the surface was removed and the rest of the material was left, the answer would be yes. The Crown stated this was not what was suggested; the suggestion was that in an explosion the surface of the brick would come off. Roth replied that normally bricks would break up. "Now, if that's removal of the surface, yes." (33-9304)

Roth refused to answer a question dealing with the amount of hydrogen cyanide required to kill insects as opposed to human beings as he felt this was not his area of expertise. (33-9304) He agreed that he would not want to be around 300 parts per million of hydrogen cyanide. (33-9305)

David Irving

[David Irving testified as the twenty-third and final witness in the Zündel trial on Friday, April 22, Monday, April 25 and Tuesday, April 26, 1988.]

David Irving, the British historian and author, was permitted to testify as an expert in the area of the history of the Second World War. (33-9346)

Irving had worked as a professional historian since 1963 and was the author of between twenty and thirty books. These included Hess: The Missing Years, 1941-1945, The Service: The Memoirs of General Gehlen, Accident: The Death of General Sikorski, The Destruction of Dresden, The Secret Diaries of Hitler's Doctor, The Trail of the Fox, The War Between the Generals: Inside the Allied High Command, The German Atomic Bomb, Convoy: The Destruction of Convoy PQ 17, The Mare's Nest, The War Path, Hitler's War, The Morgenthau Plan, Breach of Security, Uprising, and Churchill's War.

As a historian, he was interested in contemporary history; that of the twentieth century. Irving himself came from an English service family. His father was a Royal Navy service officer. For twenty-five years, Irving had researched in archives around the world, including Canada, the United States, France, East and West Germany and other countries. He had also had the co-operation of the archives in Israel and the Soviet Union. (33-9312 to 9325)

He was "very familiar with the records of the German High Command and the other German wartime government agencies." He had acquired this knowledge and expertise initially at Alexandria in Virginia, where the archives were originally stored after they were seized by the American army. The documents had been subsequently sent back to West Germany. They were still available in Washington partly in original form and partly on microfilm. A number of records were also held by the British government. (33-9325)

Irving had also done in-depth research into the life of Adolf Hitler: "For ten years I researched Hitler's life based entirely on primary records. I don't believe in buying other people's books or reading them on Adolf Hitler. We can readily surmise there must be many tens or hundreds of tons of books. I think it's easier to go to the archives and look at the documents. That way you avoid soaking up other people's prejudices ... Dealing with Adolf Hitler, I would look for the private papers of his personal staff, people who were directly associated with him from secretarial or adjutant level, up to Field-Marshal. I would try and amass a great body of documentary evidence which passes certain criteria. And these were the criteria which the great English historian, Hugh Trevor-Roper, laid down in particular; three criteria for a document to be acceptable to a historian. The first criterion is quite obviously, is the document you are looking at genuine? The second criterion is, was the person who

wrote the document in a position to know what he is writing about? A street sweeper in Berlin may have been in Berlin in the last days of the war, but he doesn't know what's going on in Hitler's mind. The third criterion you ask yourself, why does this document exist? Why has it come into existence? You may look at a document that is apparently honest but you find out later on from other sources that the general wrote the document to protect himself. So you ask yourself, how did this document meet these three criteria and in the ten years that I worked on the Hitler project, I built up a shelf of about seventy feet of original documents that probably no other historian had ever seen. I persuaded Hitler's staff to trust me with their private papers that they had not shown to anyone else. I also built up a card index of ten or fifteen thousand filing cards on a day-by-day basis so you knew exactly what Hitler was doing, rather like a diary. You could say exactly what he was doing which meant that you had a useful tool to check any document. Any document that was shown to you had to fit with that card index. If it didn't, then there was something phony about the document." (33-9326, 9327)

Irving was very familiar with German documents, "...with the way they look, the way they smell -- they have a certain physical smell -- with the way they are phrased and with the archives they come from and the language they use, of course. I'm very fluent in the German language." (33-9328)

He had also conducted scientific tests as part of his research: "In the twenty-five years I have done research, on occasion documents have been offered to me that I had reason to suspect. On one occasion I was offered the private diaries of the German Vice Admiral Wilhelm Canaris...who is the chief of the German Secret Service. We knew that these diaries existed. We have been looking for them. They haven't been found to this day. In the end I persuaded the man who had offered these diaries to me and the English publishers, Collins, to come to London bringing one page of those diaries. In return, we paid 50,000 pounds into his bank but we didn't release it into his account until we carried out laboratory tests on the paper. This was in about 1970. And the laboratory tests carried out on the paper and the ink and the typewriter showed that the paper was wartime paper. It didn't have the whiteness that modern paper has; it didn't have melamine formaldehyde added that modern paper has. The paper had been cut to the German size with scissors, as microscopic examination showed. Also the signature had been written in a ball point pen. The chemical tests showed that quite clearly. Tests were carried out on the ink of the signature normally to show how old the signature is. This laboratory in London which I use, Hehner and Cox, carried out a test normally on the iron content [of the] ink. Normally, if you write a signature with ink, the iron oxidizes, so I am told, and you can tell the degree of oxidization, and tell how long a signature has been there. This document was signed in a ball- point pen and was clearly a forgery. I had the man prosecuted for criminal fraud and he avoided the consequences by dying, or by purporting to have died. At any rate, he submitted a death certificate which I was prepared to accept as genuine. And of course, I was involved in the very famous discovery of the Hitler diaries forgery. I had had the Hitler diaries submitted to me six months, I recall, earlier along with ancillary documents. I had had the Hitler's diaries submitted to me in 1982, November, along with other ancillary documents. And I detected that the letterhead on a Hermann Göring notepaper was actually misspelled. They misspelled the rank of the Field-Marshal, of the Reichsmarschall as he was, which was completely improbable, and when the Hitler diaries were presented to the world in

April, 1983, I attended the press conference and exploded that press conference as you may have seen on "Good Morning America" and the other television programmes. The diaries were a fake and I had the forensic evidence they were fake...there had been occasions, sir, when I have used laboratories to determine forgeries. "(33-9328 to 9330)

Irving's Hitler research failed to uncover any evidence that Hitler was aware of the alleged "final solution" of the Jews: "At the end of writing the Adolf Hitler biography in draft, I was aware of the fact that having written it from primary, original Hitler sources, I, as the author, didn't know about the Holocaust. I had found no documents showing any involvement between Adolf Hitler and the Holocaust which was very disturbing for me. So I re-investigated. I sent a researcher back into the archives where, with a specific job, the researcher, who was a trained historical scientist at the Institute of Contemporary History in Munich, I said to her, 'Go back to the archives in Freiburg, Munich and Berlin, and see if I have missed anything'. I couldn't believe what I was seeing, the fact there were no documents whatsoever showing that a Holocaust had ever happened. I'm using the word 'Holocaust' in the modern sense that the newspapers tell us to use it. And certainly there was no evidence that Hitler had ever known such a thing was going on, whatever it was. This was very disturbing for me and it was even more disturbing for my literary agent who warned me of the consequences of producing the Hitler book in this fashion." (33-9330, 9331)

This completed defence attorney Doug Christie's examination of Irving for the purpose of qualifying him as an expert witness. Crown Attorney John Pearson then rose to cross-examine Irving on his qualifications as an expert in history. (33-9332)

In response to Pearson's questions, Irving testified that his book Churchill's War, was published in West Australia by Veritas Publishing Company. David Thompson, the firm's East Australian sales manager, introduced Irving at a speech Irving gave at the University of Sydney. (33-9332, 9333)

And do you remember, asked Pearson, saying that you had no qualifications whatsoever and you were proud of the fact that you had no qualifications whatsoever?

"I think my precise words would be to say that the only examination I...failed at school is O-level history which is the most elementary level of history you can fail," said Irving. (33-9333)

You were proud to say you flunked history?, asked Pearson.

"I have started off from such humble beginnings...I have no academic qualifications whatsoever." (33-9333)

Right, said Pearson, you make your living writing and publishing controversial books about history.

"I make my living publishing books about history, yes...Many of them are controversial. I don't create the controversy, the media do...I'm a controversial historian." Irving agreed that his books had been the object of contempt and scorn and that he had been hounded and attacked. He disagreed, however, that controversy was

good for book sales: "Quite the contrary, sir. I rather hinted when I mentioned my literary agent, in the matter of Hitler's War, my literary agent warned me of the severe consequences of the controversy that would develop from omitting Hitler's role in the Holocaust. He told me we would lose the Sunday Times deal, the Reader's Digest deal, the Book of the Month Club deal, and we would not sell the book as a paperback in the United States. We lost about one million dollars. Controversy is not necessarily good." (33-9334, 9335)

Well, are you familiar with the book called Spy Catcher?, asked Pearson. Irving replied that he knew of the book and that it had been banned when he left Britain five weeks before. And wouldn't you agree with me it was good for sales?, asked Pearson. Irving agreed this had been true for sales of Spy Catcher in Australia, but said: "Being banned ipso facto is not good for sales. You have to be banned in a certain way...There are useful controversies and there are controversies which don't promote your purposes as a historian." (33-9335, 9336)

Well, said Pearson, if there's controversies that create media attention, that's good for sales because thereby people learn about a book that they'd otherwise not even know about. Isn't that right? Said Irving: "This is true. And I emphasize as a professional historian I have to sell my books. I can't afford to lose my credibility." (33-9336)

When you say you're a professional historian, asked Pearson, what you mean by that is you write books on history and sell them?

"I write books on history as a profession. That's what professional historian means." Irving agreed that he was in a fight for media attention: "I think that is correct. In England 58,000 new books are published every year and only 1,000 will ever get reviewed...So, it's a bit of a struggle of life." (33-9336)

Would you agree with me that you hold academic historians in contempt?, asked Pearson.

"I hold them in contempt for specific reasons," said Irving. "Not all academic historians but the broad majority of them." (33-9337)

Would you agree with me, asked Pearson, that the academic historians, for instance, Martin Broszat, consider your thesis in your Hitler book as embarrassing? Irving disagreed: "On the contrary. Martin Broszat went to great lengths in a 54-page review of my Hitler book to say on one central issue he considered that I was correct, that there was no general order for the extermination of the Jews...I don't think he ever used the word embarrassing. I'm not familiar with all his writings." (33-9337)

Pearson produced a copy of an article by Broszat published in Yad Vashem Studies. Irving indicated he was familiar only with the German edition: "...I haven't read this particular one. I don't subscribe to Yad Vashem Studies. If he said it was embarrassing, I will accept your word for it, but it would be embarrassing for the body of academic historians because I have shown them up for not doing the research which did I." Irving examined the article and confirmed that it was an English translation of the original German paper which appeared in Vierteljahrshefte für Zeitgeschichte with which he was familiar. (33-9338, 9339)

And it doesn't matter that it's published in Yad Vashem, does it?, asked Pearson.

"I...think I did emphasize I have co-operation from the Israeli archives so that does mean it's a two-way co-operation." (33-9339)

Pearson repeated the question.

"I can't see what point you're driving at," said Irving, "I just said...I'm not familiar with the Yad Vashem version of it." (33-9339, 9340)

The title of the article by Broszat was "Hitler and the Genesis of the 'Final Solution': An Assessment of David Irving's Theses."1 At Pearson's request, Irving read the first paragraph:

THE ENGLISH EDITION of David Irving's Hitler book, published in the spring of 1977, two years after the expurgated German edition, has created a furore both in England and elsewhere. The British author, who gained a reputation as an enfant terrible with earlier publications on contemporary history, has propounded a thesis which is embarrassing even to some of his friends and admirers.

Pearson indicated that Broszat went on to say that Irving was a very good writer. Pearson then continued reading from page 76 of the article:

The discovery and utilization of contemporary primary sources has long been a sort of adventuresome passion of Irving the historian. However, the unprejudiced historian and researcher is obstructed by the passionately partisan author whose insistence on primary sources lacks the control and discipline essential in the selective interpretation and evaluation of material.

He is too eager to accept authenticity for objectivity, is overly hasty in interpreting superficial diagnoses and often seems insufficiently interested in complex historical interconnections and in structural problems that transcend the mere recording of historical facts but are essential for their evaluation. Spurred by the ambition of matching himself against professional historians in his precise knowledge of documents, he adopts the role of the terrible simplificateur as he intends to wrest fresh interpretations from historical facts and events and spring these on the public in sensational new books.

Said Irving: "I think every historian is entitled to his opinion...What he is saying is I haven't learned to read between the lines the way that the academic historians have." (33-9341, 9342)

Pearson asked whether Irving's thesis in Hitler's War was that Hitler was a bad administrator who liked ideas and not details, and that it was Heydrich, Himmler, Frank and others who were engaged in perpetrating the Holocaust. Said Irving: "In the introduction I make plain that I regard Germany, by the end of the Second World War, as a Führer state without a Führer. He had lost control of whatever was going on and I'm not going to be so simple as to say it was quite simply what is now called the 'Holocaust.' Whatever it was that was going on, there is no evidence that Hitler knew

it. There's not enough evidence to satisfy an English magistrate's court and it certainly shouldn't satisfy an academic historian or a professional one." (33 9342, 9343)

Are you repudiating what you wrote in Hitler's War about the activities of Himmler, Heydrich and Frank?, asked Pearson.

"I didn't use the word 'Holocaust' to the best of my knowledge. This is a relatively modern invention. I think we have to be much less simple than using a word like that. We have to try to examine what was going on, see if there was a pattern or was it just a haphazard series of ad hoc tragedies generated by all sorts of different criminals who were running amok." Irving indicated that he did not think he repudiated anything he wrote in Hitler's War, but indicated that he "would need to know exactly which passage I am being asked to...repudiate." (33-9343, 9344)

Pearson asked if Irving's thesis in his book Churchill's War was that Churchill wanted a war because he knew he wouldn't get elected in peacetime and he conducted a lot of his activities during the war in a drunken haze?

"This is not a thesis," said Irving. "That is, in fact, a statement of fact." (33-9344)

David Irving was accepted as an expert witness qualified to give testimony in the area of the history of the Second World War. Defence attorney Douglas Christie commenced his examination-in-chief of Irving. (33-9346)

In your opinion as a historian of the Second World War, asked Christie, what is the 'Holocaust' as it is currently presented?

"The Holocaust as it is currently presented," said Irving, "I can do no better than quote the words used by the chief rabbi of England, Lord...[Immanuel] Jakobovits, who has recently said that in his view, it has become big business...Which he deploras." (33-9347)

Irving had read Did Six Million Really Die?: "...I have seen this book before over several years. I have never read it until two days ago when a copy was sent to me by courier in Florida with a request that I should read it for the purposes of this trial. And I read it with great interest and I must say that I was surprised by the quality of the arguments that it represented. It has obvious flaws. It uses sources that I would not personally use. In fact, the entire body of sources is different. This is based entirely on secondary literature, books by other people, including some experts, whereas I use no books. I use just the archives. But independently, the author of this came to conclusions and asked questions of a logical nature which I had arrived at by an entirely different route, so-to-speak. I give one example. On one page, which I can't remember, he asks the obvious logical question, if you are going to exterminate millions of people, why did you go to all the trouble of shipping them thousands of miles across Europe first? This is the kind of logical question which the academic historian[s] have ducked until now. And if I was to ask what is the value of a brochure like this, I think it is that it provokes people to ask questions, rather as my book on Hitler's War provoked the historians. I think I am told that this court has heard about the historians' dispute that has opened up in Germany. That was entirely as a result of my controversial book on Hitler. Until 1977, the German historians had never asked

the obvious questions. This is the kind of value which I found this brochure to have. It was asking proper questions on the basis of an entirely different set of sources. But I do emphasize that it contains flaws and it contains also some opinions with which I personally wouldn't agree." (33-9347, 9348)

If the 'Holocaust' is represented as the allegation of the extermination of 6 million Jews during the Second World War as a direct result of official German policy of extermination, what would you say to that thesis?, asked Christie.

"There are several elements of that sentence I would dispute," said Irving. "Firstly, the allegation that it was official German policy. We are not familiar, neither the academic nor the professional historians are familiar with the slightest documentary evidence that there was any such German policy. And I should be familiar with it having spent ten years wading around in the archives of the German High Command and speaking with Hitler's private staff. It isn't there. I am not familiar with any documentary evidence of any such figure as 6 million and I think I know how the figure originated because I am familiar with the private papers of the American Chief Justice at Nuremberg, the Justice Robert H. Jackson and I saw the actual interview on which that figure was...arrived at...Many years ago, I wrote a very detailed analysis of the Nuremberg trial and the procedures and the sequence of events at the Nuremberg trial. In the course of which I obtained privileged access to all the private and official records of the American chief prosecutor, Justice Robert H. Jackson, in the course of which I changed my opinion about him. I set off with a bad opinion of him and in the light of what I read in his diaries, I came to realize he was a profound and honest American lawyer." (33-9349, 9350)

Do you have any opinion as a result of your research as to the number of Jews who died in concentration camps during the Second World War?, asked Christie. Said Irving: "I am not sure that an opinion here would be of use. I have opinions. I have opinions, however, in the kind of statistical orders of magnitude, where you can see there's a minimum number and a maximum number, and I can only set these two limits and say that to my mind, it must have been of the order of 100,000 or more, but to my mind it was certainly less than the figure which is quoted nowadays of 6 million. Because on the evidence of comparison with other similar tragedies which happened in the Second World War, it is unlikely that the Jewish community would have suffered any worse than these communities. You can weigh the figures in certain ways and look at air raid damage and look at other communities like the gypsies and so on and say, this is the balance of probabilities. But it shouldn't be necessary to talk about probabilities. All Hitler's other crimes are documented in statistical details in the archives. This is supposed to have been the biggest crime of all and yet the documents just aren't there so why do we have to speculate? Why do we have to have opinions about figures?" Irving pointed out that there was documentary evidence to support the German policy of deporting the Jews: "Oh, yes. Quite definitely. In the course of my Hitler research I came across acceptable German archival evidence which met the criteria which Hugh Trevor-Roper had taught me, being authentic documents written by people in a position to know. I came across documents showing that Hitler had given the orders for the deportation of the Jews to the east. This deportation was in full swing by the middle of 1942 and you find, for example, Heinrich Himmler writing to Gauleiters that the Führer, Adolf Hitler, has given me the order to make Europe free of the Jews, clean of the Jews from west to east, stage-

by- stage, and it's quite clearly referred to as Hitler's order, the deportation." (33-9351, 9352)

There were, however, no orders for the extermination of Jews: "None whatsoever. I have not found in any archives of the world, including I mentioned the Israeli archives which have been co-operating with me; I also underline the fact even in the British archives, where we were reading the signals, the code signals of the SS units operating on the eastern front, with our code- breaking machinery, not even in the British archives are there any deciphered Hitler orders for the killing of Jews...There are no explicit orders and this is where the academic historians start asking us to read between the lines and find fancy translations for certain words and I wouldn't go along with those methods. I want in a crime as big as this to find explicit evidence." (33-9352, 9353)

Was there a Madagascar plan?, asked Christie.

"The original 'final solution' of the Jewish problem as envisaged by the German High Command," said Irving, "was to deport the Jews to different territories. Various different territories were called into account for this. On one occasion, the Jews were going to be shipped to western Australia. On another occasion they were going to be shipped to Palestine and Adolf Eichmann was actually sent to...Palestine in 1939 to negotiate with the Zionists in Palestine. The principal plan was the so-called Madagascar plan. Madagascar is an island off the coast of Africa about the size of Germany. A temperate island, the kind you have in Canada or in Britain, and the idea was to ship all the world's Jews to Madagascar. In 1940 after the German defeat of France, the intention was to incorporate the Madagascar plan in the final peace treaty obliging France to make Madagascar, which was a French colony, available for the purpose of Jewish resettlement. And there are traces, by which I mean there are extensive files, on the Madagascar plan in the archives of the German admiralty, because they would be involved in the transportation, and the archives [of] the German Foreign Ministry and in various other German government bodies. This plan was abandoned when the war continued because it was impossible to have an overseas shipment of Jews at a time of war. And finally, in 1942, there is a document in the records of the German Foreign Ministry which says the Madagascar plan is being abandoned because we now have new territories available in the east, the occupied Russian territories, to which all the Jews will be transported instead." (33-9353, 9354)

Is there any one document in the archives, asked Christie, of the various ministries which say, as late as March 1942, that there was a plan to exterminate the Jews?

"This is typical of the documents which I have found and which the academic historians, until I had published it, would not publish it," replied Irving. "In the archives of the German Ministry of Justice, I found a document which was concealed at Nuremberg...which resurfaced in the archives in Koblenz, dated in the spring of 1942. It is a note of a telephone conversation of the Secretary of State of the German Ministry of Justice with the Reich Chancellor...That would be rather like a Prime Minister, a Prime Minister in a dictatorship, second man down from Hitler...[who was] Hans Lammers. Lammers had telephoned the ministry in the spring of 1942 and the minister writes a note on the conversation, and I can quote the memorandum from

memory. It says: 'Lammers has said that the Führer, Adolf Hitler, has repeatedly ordained that he wants the 'final solution' - that he wants the solution of the Jewish problem postponed until after the war is over.' And this document, of course, takes some explaining and this is the kind of document which embarrasses the historians, if I can use the word that Mr. Pearson has reminded me of. They are embarrassed because they haven't found that document themselves." (33-9354, 9355)

Irving testified that he was familiar with the Einsatzgruppen reports: "Here we have to look at the third of the Trevor-Roper criteria. If you remember, the question a historian should ask is, 'Why does this document exist?'. A man is out in the field behind the Russian front doing his job for the SS and he is being asked how well he is doing and he's going to submit a report containing figures and he's going to show he's doing a jolly good job and that's the kind of category I... put these Einsatzgruppen reports into. I don't trust the statistics they contain. Soldiers who are out in the field doing a job or murderers who are out in the field doing a job, they don't have time to count. I don't think Lieutenant Calley stopped to find out how many people [he] killed. Statistics like this are meaningless. Documents like this I am very, very worried about as a historical source." (33-9355, 9356)

Christie produced Exhibit 118, a document referring to Galicia, which he showed to Irving. Said Irving: "May I say that I am very wary about any Nuremberg document that has the document number L...This is L-18...Historians are familiar with quite a number of L documents from the Nuremberg series and a lot of them turn out to be forgeries. A lot of them turn out to be produced or manufactured for the Nuremberg trials to the best of my knowledge. So, this is the first thing that would worry me about that." (33-9357)

Crown Attorney Pearson objected to this testimony, alleging that this was a serious accusation to make. Irving replied: "If I may answer that point, sir, I investigated the Nuremberg trials in some detail and I was familiar with the fact that at Nuremberg, they did have a collection of the necessary rubber stamps, the security classification stamps in order to manufacture documents and they did do it. There are several instances where this subsequently turned out...I have published a book on that sir. It's Nuremberg -- The Last Battle...The prefixes on the Nuremberg documents give some index of the provenance of the document. There's a PS series which was found by Colonel Storey [in] Paris, the Paris/Storey collection. Many PS series are thoroughly authentic. The L series were a small collection of documents used at Nuremberg and contain documents produced by journalists and handed over by a very eclectic series of sources. The NOK documents, the German for the [High] Command trial, the private files give us a first sniff, if I might put it like that." (33 9358, 9359)

Irving testified that he was not familiar with this particular document: "...I am not familiar with the document. I am not, I emphasize, a Holocaust historian." (33-9360) With respect to the authenticity of the document, Irving testified that he would "accept these documents as attached are probably genuine on the basis of the photocopies but that's just the first impression you get in looking at an archives -- I recognize the numbers at the bottom. I can tell you which microfilms they come from. They are authentic reproductions from Nuremberg microfilm... Prima facie it appears to be genuine." (33-9362, 9363)

Have you yourself ever seen any evidence in any of the archives to establish the existence of homicidal gas chambers?, asked Christie.

"No, sir. None whatsoever. And certainly one would have expected to have found it in the number of archives that I've been in." (33-9363)

Yesterday, said Christie, the Crown produced a letter from someone in Auschwitz pertaining to the building of the crematories and the word used there was Vergasungskellers. Are you familiar with that document?, he asked.

"I am very familiar with the German language and I am quite familiar with that document also," said Irving. "No German would have referred to a gas chamber, which of course is quite a common concept because the Americans use[d] gas chambers at that time for legal executions. No German would have translated the word 'gas chamber' as vergasungskeller. They have a perfectly good German word for that... a gaskammer." (33-9363, 9364)

Christie noted that the Crown had quoted a man named Martin Broszat during his cross-examination of Irving. What was Broszat's job?

"He is now the director of the Institute of Contemporary History in Munich, which is a very good historical institute partly funded by German federal funds and partly by provincial funds...My dealing with the Institute of History began in late 1963 before he became director of the institute. The institute has acquired my entire research collections of documents which are now housed in that building as the David Irving Collection and I have suspended further deliveries of documents until Broszat resigns or retires." Irving testified that there were personal animosities between himself and Broszat which "began in the 1970s over a certain young lady who is now living with him...further animosity was caused by the fact that I revealed that documents that the Broszat institute published were forgeries. The diary of...Engel turned out to have been written on post-war paper and yet the Institute went ahead and published this diary knowing that it would pollute the writing of history for many decades afterwards...It is now recognized as a forgery and yet the institute of Dr. Broszat still publishes it." (33-9366, 9367)

Christie turned to the subject of the Posen speech of Heinrich Himmler. Said Irving: "In October, 1943, Heinrich Himmler, the chief of the SS, delivered two speeches, one to the SS generals and one to the Gauleiters - the Nazi party district chiefs, the governors of the districts." Irving had examined the transcripts of the speech and other archival materials: "I looked at Heinrich Himmler's handwritten notes on the basis of which he delivered those speeches, I looked at the typescript of the transcript made from the recording of the speeches, I looked at the final copy made that have typescript in the special large typewriter face that was used for Adolf Hitler to read, so the speeches exist in several copies and I understand that in the National Archives, there is also a sound recording of the two speeches." (33-9368)

Did he have any reason to question the accuracies of the Posen speech?, asked Christie.

"[In] both speeches which I referred to," said Irving, "Heinrich Himmler made startling admissions to his very select audience which amounted to the fact that he was -- he had given orders personally not only for the killing of certain Jewish men, but also for the killing of certain Jewish women and children and he tried to justify what he was doing, using, if I may say so, rather the same kind of language as [Israeli Prime Minister] Mr. Shamir now uses in the West Bank, saying that we have to carry out this task in order to be able to live in security in future. This was the language that Himmler used and I arrived at the very strange discovery when I looked at the transcript of both those speeches that those two pages had been retyped at some other date. I can't say whether it was retyped before or after the bulk of the speech, but they had been typed by a different secretary on a different typewriter using different carbon paper. Obviously you only discover this if you look at the original documents which the average historian is not patient enough to do. They had been retyped and they had been repaginated in pencil at that point and I have to say to preempt your question, I have no explanation why. It just raises the fact that a document -- if a document has been retyped at a key point, then I hold that document to be suspect." (33-9368, 9369)

Do historians generally have any criterion for accepting documents as being both authentic, genuine and true or do they simply take them at their face value?, asked Christie.

"It depends very much on the historian," replied Irving. "The green historian who is fresh out of university and not inquisitive, will be happy to accept the printed volumes of documents particularly if they have pictures in them and an index at the end. Later on, you learn not to trust printed volumes of documents. If I can give one example from my Churchill research, there is a report by the American Assistant Secretary of State, Sumner Welles, on a visit to Churchill in March 1940, describing how he found Churchill in a state of complete intoxication in the admiralty. The printed version of this document and the American government volumes omits those sentences describing Churchill's drunkenness, but the original report by the Secretary of State in the Roosevelt library contains those sentences. So, I can only say that a historian must be very careful about using printed or even photocopied documents." (33-9369, 9370)

Irving had also studied the Goebbels diaries: "I am very familiar with the Goebbels diaries insofar as they have been publicly available and in the course of the next twelve months I shall begin reading the entire microfiche of the Goebbels diaries that have now become available to western historians," said Irving. "They appeared in a very mysterious way from the custody of the East German government, where they have been held since the end of the Second World War unknown to us; we didn't know those diaries were there and then they suddenly turned up. I have to say from what I have seen so far, I consider the diaries to be genuine, but we have to apply once again the third criteria of Trevor-Roper which is, 'Why did they come into existence'? Why did Goebbels write them?" The diaries were partly written and partly transcribed: "Many early years are written in his very difficult, indecipherable handwriting. The later years when he was Minister of Propaganda in Nazi Germany, he dictated them onto a recording machine and his secretary transcribed them each day, sometimes at very great length. Sometimes 139 pages on one day in 1943." (33-9370, 9371)

He was also familiar with the Wannsee Conference documents: "In January 1942, there was a conference at a house in Berlin, Wannsee, an inter-agency or inter ministerial conference between state secretaries. The state secretaries were like the deputy minister in a ministry and they were discussing the technicalities of the final solution of the Jewish problem, and to understand the Wannsee protocol, it is not enough just to look at that document. You have to look at the entire file containing that document. And you then realize what the document is about. Even then it is written in very obscure civil service language and several of the participants in the Wannsee Conference subsequently testified in later criminal proceedings that they emerged from that conversation no wiser than when they went in. Certainly none of them had -- certainly none of them had any idea that at that conference there had been a discussion of liquidation of Jews." (33-9371, 9372)

Had he investigated the trials of these individuals?, asked Christie.

"I read the records of the Wilhelmstrasse trial," said Irving, "which is the second trial to be held in the post-Nuremberg proceedings series after the plain Nuremberg trial. There were twelve subsequent proceedings. The Wilhelmstrasse trial was the second one. None of them testified that there had been any discussion of liquidation of the Jews at the Wannsee Conference." (33-9372, 9373)

Christie referred to the letter from Göring to Heydrich of July 1941 which had figured prominently in both Hilberg's and Browning's testimony and asked if Irving was familiar with it. Irving replied that he was: "On July the 31st, 1941, as is said from Hermann Göring's private diary, which I suppose I'm one of the very few people to have used it in the original, on the afternoon of that day, Reinhard Heydrich, the chief of the Gestapo, visited Göring who was passing very rapidly through Berlin and put a pile of documents on the desk for Göring to sign, one of which was a piece of what I would describe as legal bumph, where Heydrich is just saying to Göring, 'In 1939, you gave me orders to carry out certain measures connected with the Jewish solution, will you now extend the authority given by those orders to the new territories in Russia which we've captured'. That is what the document says. I wouldn't attempt to repeat the document from memory. I'm sure it's in the court files. July the 31st, 1941, Göring signs the document for Heydrich without ever even bothering to read it. It's a piece of legal bumph which again says nothing about killing Jews. It is talking about the overall solution of the Jewish problem which, as I testified earlier today, was at that time regarded to be the geographical resettlement of Jews, relocating them from where they were at that time." (33-9373, 9374)

Did those sources -- the Posen speech, the Goebbels diary, the Wannsee Conference and the letter of July 31, 1941 -- indicate any plan to exterminate European Jews?, asked Christie.

"No," said Irving. "There is no explicit reference either implicit in these documents or legible in these documents to liquidation of Jews. They are all equally applicable to any other solution. Of course, relocation of the Jews in the middle of a war was a radical solution but it is not what is described as the 'Holocaust.'" (33-9374)

Does the existence of these documents indicate to you that there is any other material that would corroborate an extermination programme?, asked Christie.

"I think it highly unlikely. It is very difficult to prove a negative to say that documents don't exist. But I will say is, if the documents did exist, I would have found them by now and if I hadn't found them, then certainly the Holocaust historians would have found them by now, explicit documents, and as you may know I have offered repeatedly around the world a thousand pounds for any wartime contemporary document showing that Adolf Hitler even knew what was going on, whatever it was, whatever is now described as the 'Holocaust' and they haven't been able to find that let alone explicit orders or documentary evidence about gas chambers or the similar kind of documentary material." (33-9374, 9375)

In your research as a historian, asked Christie, do you consider it likely that an enterprise of the magnitude of the extermination of the Jews of Europe could be accomplished by the people [Germans] knowing the way they conducted their business from their documents without the existence of explicit orders and plans?

"Not only without existence of orders," said Irving, "but also without the existence of any written reference to it. I have to say that the German wartime civil servant was basically a -- a cowardly animal and he would not do something that he considered to be criminal without getting a document clearing himself. He would get his superior to write a letter saying, 'On the Führer's orders, we are doing the following', which is why there are letters showing Himmler saying, 'On the Führer's orders, we are deporting the Jews.' Which was the extent of the Führer's orders and which was the extent, to my mind, of the final solution. So the documents don't exist where you would expect to find them. Hitler's other crimes, the documents are there: the euthanasia order, the order to kill British commandos, the orders to lynch American airmen, the orders for the killing of the male population of Stalingrad if ever they occupied it. Hitler's other crimes, simple crimes, the documents are there where you expect to find them. And yet this biggest crime of all, there is no document...I think there would definitely have had to be orders and these orders would have been referred to in countless files of different ministerial bodies. So, it would have been impossible for these documents to have been destroyed at the end of the war. There would always be carbon copies somewhere." (33-9375, 9376)

The term *ausrotten*, said Christie, has been represented to mean 'extermination' in the literal sense. Have you examined that word in its context in the various speeches of Adolf Hitler?

"I am very fluent in the German language, having lived in that country for a long time and having read, of course, millions of words in the German language in context," said Irving. "There is no doubt that in modern Germany the word *ausrotten* now means murder. But we have to look at the meaning of the word *ausrotten* in the 1930s and the 1940s, as used by those who wrote or spoke these documents. In the mouth of Adolf Hitler, the word *ausrotten* is never once used to mean murder, and I've made a study of that particular semantic problem. You can find document after document which Hitler himself spoke or wrote where the word *ausrotten* cannot possibly mean murder. I can give one or two examples briefly. In August 1936, Hitler dictated the famous memorandum on the four year plan which contains the phrase 'if the Bolsheviks succeed in entering Germany, it will lead to the *ausrotten* of the German people'. Now, clearly, he doesn't mean that if the Bolsheviks invade Germany it will lead to the murder of 50 million Germans. He is saying it will lead to the end of

Germany as a national state, as a power, as a factor, an end of the German people. He says the same to the Czechoslovakian President Emil Hácha, on March the 15th, 1939. Hácha has just signed away Czechoslovakia's independence in a midnight session with Hitler and Hitler says to him afterwards, 'It is a good thing that you signed because otherwise it would have meant the ausrotten of the Czechoslovakian people'. Hitler didn't mean, 'If you hadn't signed, I would have had to kill 8 million Czechs.' What he is saying [is], 'If you hadn't signed, I would have ended Czechoslovakia's existence as a separate country.' There are various other examples of that and I defy anybody to find the meaning of the word differently used by Adolf Hitler to mean the word 'murder'. This is the kind of analysis which unfortunately the academic historians have not bothered to conduct." (33-9377, 9378)

Could you give us your opinion of the value of Did Six Million Really Die?, asked Christie.

"It has a -- a value I would suggest in technical terms of a catalyst. It has existed rather like the grain of sand inside an oyster. It has provoked and irritated people [in] rather the same way but on a different level that my book Hitler's War did. It has forced people to prove what they have been maintaining -- to put their money where their mouth is in common terms - and they haven't been able to do it and because they haven't been able to prove what they've been maintaining for thirty or forty years, they resort to extramural methods. In Germany, it is declared a criminal offence now to question certain historical facts. In other countries, I think judicial notice is taken of them." (33-9378, 9379) Irving estimated "over 90 percent of the brochure Did Six Million Really Die? to be factually accurate on the basis of the facts which I arrived at by an entirely different approach, namely, the documentary basis." (33-9388)

Irving testified that he was familiar with the subject of Kurt Gerstein: "I have examined the Kurt Gerstein report and its various adaptations and having read the very interesting doctoral dissertation by the Frenchman Henri Roques, which was produced a year-and-a-half ago, I came to the conclusion on the basis of the documents that Roques found in the French police files, on the basis of my own family experience with a handicapped member of my family, that Gerstein himself was probably unstable when he wrote his various reports." Irving did not examine the documents in their original form: "I examined facsimiles. Had I been a Holocaust historian, of course, I would have gone into much greater detail and demanded to see the originals." Irving had also examined facsimiles of Gerstein's writings of a personal nature, which were found among his effects after his suicide. (33-9379, 9381)

In the course of his research, Irving was required to make assessments of the credibility of the people who had produced the documents: "Indeed I do, and one can do so on the internal evidence of the document itself or of associated events and documents. In this case, the suicide or apparent suicide of the person who wrote the document is a clear sign of mental instability...The documents themselves are unstable. The most graphic description of that are the words, that the facts and dates contained by the documents vary dramatically," said Irving. As a historian, he had made these types of assessments in regard to other documents as well: "Yes, over the years I have repeatedly had to do so. One has to weigh documents." (33-9380)

Irving testified that Professor Hans Mommsen of the University of Bochum now shared his thesis pertaining to the absence of a plan or order. That had not been the case in 1970. Said Irving: "...At the end of the Second World War, the -- the professorial bodies at the institutes of higher learning in Germany were extensively re-staffed. New textbooks were introduced; the professors were re-taught. The university system produced, in its turn, new professors. There was a broadly held body of opinion as to what had happened and it has not been without -- not to be wondered at, as fresh documents became available, then this opinion is changed. Fresh hypotheses are raised by authorized or unauthorized writers and even the academics then have to change their minds." Irving himself had changed his mind over the years. In a book he published many years before on the Vietnam War, he had referred "to the 6 million who were killed at Auschwitz and if I was to be asked now why did I write that, then I would have to quote the words of William Casey and I -- 'I believe[d]', but since then, since having spent ten years writing the Hitler biography and since having worked in the world's archives, I've come to question that belief which was an oversimple belief." (33-9381, 9382)

In your opinion as a historian, asked Christie, from what you have seen of the information about the subject, has the Holocaust been sufficiently investigated to determine accurately its extent and meaning?

"I think there has been virtually no investigation of the Holocaust," replied Irving. "When we realize that Mr. Zündel, the defendant in this case, is the first person who has gone to the trouble to get the aerial photographs of the German concentration camps, the kind of concrete evidence that anybody is entitled to demand when you're carrying out an investigation, this shows us how we can -- all the other historians on that field, including myself -- have been. And the same kind of forensic examination which has now been made of the site, an idea which hadn't occurred to me one could conduct -- really getting down to the basics of what happened. This has not been done by historians of the Holocaust." (33-9382, 9383)

Are there factual errors in major history books?, asked Christie.

"Oh, yes. I think it would be a foolish historian who denies he makes errors on Adolf Hitler. The standard works like Alan Bullock, his book *Hitler: A Study in Tyranny*, is riddled with errors and yet that book goes into reprint after reprint. William Shirer's book *The Rise and Fall of the Third Reich*, is a very good book in its way, written at a very early stage. It is based entirely on the prosecution documents at Nuremberg and, as such, is out of balance and also contains misstatements of fact. These are gradually reshaped and corrected as the years pass. One never really establishes total truth. One only approximates to it." (33-9383)

Christie turned to *Did Six Million Really Die?* and some of the specific allegations made in it. Did Irving know of any indication that Ohlendorf, for example, was tortured?

"Oh, yes," said Irving. "The SS General Ohlendorf and the SS General Pohl were both very severely maltreated at Nuremberg and in the internment camps where they were held by the Allies after the Second World War and prior to their testimony. They subsequently testified to that to their fellow prisoners like Field Marshal Milch, who

kept a diary which I have and also in the subsequent trials...Field-Marshal Milch was the second person in the German air force. He was threatened with severe punishment unless he testified against Göring. On November the 5th, 1945, an American, who is a Major Ernst Engländer, who is a Wall Street financier, who presented himself to Milch as Major Evans, instructed him that he would be subjected to a war crimes trial unless he agreed to perjure himself against Göring. Milch refused to perjure himself and although there was an animosity between himself and Göring, he went into the witness stand and spoke in defence of Göring and on the next day, Milch was thrown into the punishment bunker at Dachau concentration camp, a bunker which had been designed by the SS to hold one recalcitrant prisoner, but which the Americans were using rather more economically in as much as they put six prisoners in this one-man bunker, all of them Field-Marshals as a punishment. Milch was then subjected to a war crimes trial and sentenced to life imprisonment. Admiral Eberhard Godt, the Chief of Staff, was threatened with hanging unless he...testified that Dönitz had given illegal orders and so on. There's a whole string of examples of the coercion of prisoners at Nuremberg." (33-9384, 9385)

Irving testified that "[t]he principal trial was the trial of the major war criminals at Nuremberg from October 1945 to October 1946. There was then a series of twelve subsequent proceedings against Milch, who was the first trial, and then the Wilhelmstrasse trial defendants...The legal records, the whole of the legal system at Nuremberg was unlike any other legal system. No appeal was permitted. The procedure for hearing witnesses was remarkable. The affidavits were submitted [e]ven [if] their witnesses were present in person and could have testified personally...many, many hundreds of thousands of affidavits were submitted with no chance for the defence to cross-examine the person who had submitted the affidavit as to the conditions under which he had given the affidavit, sworn the affidavit." (33-9385, 9386)

Irving was familiar with the book on the Manstein war crimes trial written by Paget. Said Irving: "R.T. Paget was a labour member of Parliament who was a King's Counsel, defence counsel of Field-Marshal Manstein, one of the most illustrious German soldiers. He was put on...trial by the British in Hamburg. I read that book when I was twenty-two with great fascination and increasing indignation to read of the methods that had been used to obtain testimony from prisoners, including the very severe maltreatment, brutalization of a number of witnesses." As a result, Irving made inquiries of certain documents from the National Archives in Washington: "In the very early 1960s, I obtained from them a complete photocopy of the Simpson Commission of Inquiries which the American Justice Department, to its credit, sent to Europe to investigate the allegations that American officers were torturing German defence witnesses." After reading the document, said Irving, "I formed the opinion that in future, one would have to be very, very cautious before accepting without verification the evidence sworn by defence or prosecution witnesses in the Nuremberg trials." (33-9387)

In the course of your research, asked Christie, have you discovered new documents as you went along or documents now being made available that were not available in the past?

"It's a continuous process. For example, I have contacts with the Russians who provided me copies of the German documents that the Russians captured at the end of the war. I am constantly generating new sources of documents which I make available to international historians all over the world." (33-9388)

Irving testified that he was familiar with Sefton Delmer: "Sefton Delmer was a former German citizen who emigrated to Britain fairly early on and worked for the British propaganda agency, the psychological warfare executive, as a clandestine broadcaster, broadcasting what is called black propaganda; in other words, disinformation and lies to the enemy over clandestine radio transmitters. A very good journalist but not a man that one would turn to establish the truth." Irving did not know whether Delmer had been involved in activities in Germany after the war or not: "He may have been but I'm not familiar with that." (33-9388, 9389)

Christie turned to the subject of the Hans Frank diaries and whether Irving was familiar with them. Said Irving: "Very familiar with the Hans Frank diaries which is -- the original Hans Frank diaries are in very many volumes, seventeen or twenty volumes of typescript and handwriting containing not just what we describe as diaries but also the verbatim transcripts of very many records of conferences which he attended...I read them from the angle of somebody...writing a biography of Adolf Hitler, so I was specifically interested in any reference to Adolf Hitler's doings and wrongdoings and the doings and wrongdoings of the Third Reich under Hitler's rule." In Irving's opinion the diaries did not verify the existence of any plan for or any extermination of the Jews of Europe: "There is no reference in the Hans Frank diaries," said Irving, "and one would expect them, because Hans Frank was the Governor General of Poland, or the Governor General of the area of...Poland where the extermination camps are now supposed to have existed. There is no explicit reference in the Hans Frank diaries from start to finish to gas chambers or to a mass extermination of the Jews as government policy whatsoever. And this is a unique source because it is so homogenous the whole way through. The most remarkable passage I found was in February or March, 1944, and I have quoted it in Hitler's War, where he has a long conference with Hitler as the Russians are invading Poland, his own territory, and Frank wants to know what to do and there's a passage there where Hans Frank writes in his diary saying, 'the Führer said to me how glad we are...solving the problem by deporting the Jews to all the different territories.' Words to that effect. When you see something like that, you have to say [to] yourself, are we all writing the same language? Did either of them know what is supposed to have been going on?" (33-9389, 9390)

Irving referred to Adolf Hitler's reaction when Auschwitz was captured by the Soviets in 1945: "On January the 26th or January the 27th, 1945, the Russian troops overran Auschwitz and on this day, the stenographers, who took down in Hitler's headquarters every word he spoke, recorded a passage which has survived. We have the fragment of what he said. General Guderian reported to the Führer, 'Yesterday the Russians overran Auschwitz', and Hitler just replied, 'Oh, yes.' Now, if Hitler had known what was going on, if Hitler had known what was supposed to have been going on, he would surely have said something like, 'Well, let's hope they manage to get rid of it' or 'They're not going to find anything.' All he said was 'Oh, yes' and move on to the next business. This is the kind of clue that one has. Straws in the wind. Altogether it makes a very different picture." (33-9390, 9391)

Are you familiar with someone by the name of Robert Kempner?, asked Christie.

"Robert M. W. Kempner, an attorney now in Frankfurt, was [with] Göring's Ministry of the Interior in Prussia in 1933. He emigrated to America because of the Nazi anti-semitism. There he became a successful attorney. He returned to Nuremberg after the war and he became a leading member of the American prosecution staff in the rebuttal division...Robert Kempner used methods of coercion to prevent witnesses from testifying in certain ways. Friedrich Gaus...a legal member of the German Foreign Ministry, testified to this in a subsequent trial and affidavit that he had been threatened by Kempner with being handed over to the Russians unless he withdrew certain incriminating testimony. By incriminating, I mean testimony that was going to incriminate the Russians." (33-9391, 9392)

Irving testified that at Nuremberg, the "prosecution witnesses, the witnesses who appeared on behalf of the prosecution were cosseted. They were flown in by special plane; they were housed in the few remaining luxury hotels in Nuremberg. They were lavishly fed. They were well paid and they were promised jobs in the American zone of Germany." On the other hand, he testified: "The defence witnesses were universally badly treated. They were housed in the criminal wings in the Nuremberg Palace of Justice. They were housed in cells with no windows; in winter in unheated cells. They were very poorly fed. They were subjected to coercion and physical maltreatment." Said Irving: "I think that not only I but I think reputable lawyers around the world are rather ashamed about the Nuremberg proceedings. Certainly Justice Robert H. Jackson, the American chief prosecutor, was ashamed about them as is quite evident from his private diary...I've examined it. I've had privileged access to that diary in the Library of Congress...I have made a copy of it which I could make available if necessary...Shortly after Robert H. Jackson was given the job by President Truman of conducting the American prosecution at Nuremberg, he learned of the American plans to drop the atomic bombs and from that moment on, he became very uneasy with what he, himself, was doing. Prosecuting for one nation, crimes it had committed, being fully aware that the United States was about to commit and indeed committing a crime of an even greater magnitude." (33-9392 to 9394)

The unfairness of the Nuremberg proceedings extended to the manner in which documentary evidence was handled. "The procedure with documents [at] Nuremberg was rather rare," said Irving. "The prosecution obtained all the documents for its own purposes and the defence was then allowed to build up its case entirely on the basis of the prosecution collection of documents. No collection of documents by the defence was made possible by the authorities in Nuremberg. They were allowed very limited access to the documents collected exclusively for the purposes of the prosecution." (33-9394)

In Irving's opinion, many of the witnesses at Nuremberg and other war crimes trials were unreliable. An example was Karl Wolff: "Major General Karl Wolff was the liaison officer between Hitler and Himmler, an SS general, a character I would describe as being a rather suave character who ended up, by reason of his personal favouritism with Himmler, in charge of the police units in northern Italy at the end of the war and as the military commander in that region, and largely in order to create an alibi, he then began negotiating with the American secret service in order to speed the surrender of the German troops in northern Italy...Wolff testified on many occasions

over the years up to his death, frequently varying his testimony according to...which way he was being required to testify. He was always acutely aware of the fact that he had done a deal with the Americans whereby the Americans...promised him immunity and the subsequent West German government also promised him immunity from prosecution if he behaved in a certain way." (33 9394, 9395)

Another example was Dieter Wisliceny: "Dieter Wisliceny was a high SS official who was held by the Communist authorities at the end of the war, and among the private papers which Hugh Trevor-Roper, the British historian, made available to me, was a long, handwritten account by Wisliceny which greatly amplifies the version which is more familiar and known to historians...I read the Wisliceny report with great interest and entertainment, but one has to say that the internal evidence suggested that it was not a document that could be taken seriously in the absence of collateral evidence." Irving continued: "He explained things for which there was not a trace in the archives. He described episodes and matters -- well, for example, he describes a conversation with Adolf Eichmann and Adolf Eichmann showing to him a Führer document, a Führer order. Well, there is no such order. It has not been seen and we then have to understand in human terms why Wisliceny is writing this down...It was written in Bratislava (or Pressburg) in Czechoslovakia... He was being held in rather inhumane conditions in captivity at the end of the war...by the Communist authorities." (33-9396, 9397)

The Allied authorities also ensured that certain witnesses were "not available" for the defence, such as Karl Koller: "General Karl Koller...[w]as the Chief of Staff of the German air force at the end of the war. I have his private diaries and papers...his presence was required by the defence at Nuremberg but the Americans pretended that they didn't know where to find him. They had, in fact, locked him away in a prison camp and were interrogating him at that time. This was one typical example of the Americans obstructing the defence at Nuremberg. Karl Wolff was locked up in a lunatic asylum and the Americans pretended they didn't know where he was either and he didn't surface again until 1947." (33-9395, 9396)

Christie turned to the subject of the Eichmann trial and asked Irving if he considered the information there to be of value to historians.

"I think the Eichmann trial is already getting very late in the day as far as recollected testimony is concerned. I personally hesitate to question a witness thirty or forty years after an event as to what happened. You can no longer separate in his mind, no matter how willing the witness is, what really happened and what he has in the meantime read has happened...I recollect from the parts of his testimony that I have read -- and I can't purport to have read all the Eichmann testimony for the reason I just said - I recollect at one stage where Eichmann interrupts himself to say 'one moment, I want to point out what I just said I can no longer recollect whether I actually saw this or whether I'm recollecting what you told me I saw.' And this, I think, is a very honest statement by Eichmann where he is questioning his own powers of recollection. In human terms you have to say it's not unlikely in 1963 or 1964, when that trial was held, much had happened." (33-9397, 9398)

Irving had been involved in the publication of the book *Ich, Adolf Eichmann*: "Adolf Eichmann's son, who is an engineer in Germany, approached me and revealed he had

all the tape recordings that his father had made several years before his kidnapping. And the son wanted to know what to do with these tape recorded memoirs of his father. I suggested he should transcribe them and have them published by the world's publishers as a historical source. Again of questionable value, depending on when the [tape] recordings were made, but certainly of great historical interest to historians to see how versions of events had changed over the years. And subsequently, those were published, I think, in the English language, the German language and Spanish." (33-9398, 9399)

Had Irving himself undertaken any investigation of the Anne Frank diaries?, asked Christie.

"The Anne Frank diaries have had a long and checkered history," said Irving, "which is best described by the present state of play, as a result of a court decision in a libel action. The father of Anne Frank, with whom I corresponded over many years, finally relented and allowed the diaries to be submitted to the kind of laboratory examination that I always insist [upon] where a document is in question. As a result of this laboratory examination carried out by the West German criminal police laboratory, in Wiesbaden, it was determined that the Anne Frank diaries were partly written in ball-point pen. It's a long story. I'm not going to bore you with the details. My own conclusion on the Anne Frank diaries is for the greater part they are authentic writings of a pubescent teenage Jewish girl who was locked up and hidden, that they were then taken by her father, Otto Frank, after the girl's tragic death of typhus in a concentration camp, and her father or other persons unknown amended the diaries into a saleable form as a result of which he and the Anne Frank Foundation became rich, but as a historical document they are completely worthless by virtue of having been tampered with." (33-9399, 9400)

Irving continued: "Anne Frank's father, Otto Frank, fought a number of legal actions to defend the authenticity of the diaries and the first legal action which I believe was fought in Lübeck, he introduced handwriting evidence of a graphologist and an affidavit swearing that the diaries were written throughout in the same handwriting. Subsequently, I stated in the introduction of the German edition of my Hitler biography, that a number of forged documents existed which were unquestionably accepted and I've mentioned them in court today, the Canaris diary, the Engel diaries, and I mentioned the Anne Frank diary, which was one of dubious authenticity. Anne Frank's father threatened my German publishers with libel proceedings. The German publishers paid him a cash settlement to shut up without consulting me. I would have told them they were on very safe ground. Subsequently, he has litigated against other people, but in the meantime this litigation has now been -- is being spun out, because the only remaining trial I believe is in northern Germany and they are playing it for time. They're waiting for the defendant to die." (33-9400, 9401)

Christie noted that one of the publications tendered as an exhibit in the court was the book *The Hitler We Loved and Why*. Was Hitler loved in Germany?

"I think I'm right in saying in April 1938, 48 million Germans loved Adolf Hitler and about 200,000 didn't. That was as a result of a perfectly genuine plebiscite that was held shortly after the annexation of Austria by the Germans. I think there's not the slightest evidence that this plebiscite was faked in any way. I don't see how you can

fake a referendum on that scale, and yet 48 million adult Germans voted for Adolf Hitler. I would like to add I personally found the title rather tasteless," said Irving. (33-9401, 9402)

Did Churchill have anything good to say about Adolf Hitler?, asked Christie.

"In the 1930[s], when Churchill was not in Parliament and he lived from journalism and writing in the Evening Standard in September 1937, he had words of high praise for Adolf Hitler...Words to the effect that, 'If Britain...should ever come into the position that Germany was in, I would hope that one day we would find a national leader of the stature of Adolf Hitler'." (33- 9402)

Christie asked Irving if there was a document called Table-Talk by Heinrich Heim and whether there was a reference in that to the position of Jews after the war.

"Indeed," said Irving. "Heinrich Heim was the adjutant of Martin Bormann who wrote down on a day by day basis a detailed semi-verbatim record of Adolf Hitler's lunch-time and dinner-time conversation...Hitler repeatedly referred to his post war plans with the Jews. He refers in the Table-Talk in July 1942, I believe I'm right in saying, to his plans for the deportation or relocation of the Jews elsewhere and Heinrich Heim was a very reputable German civil servant who is alive, in fact. I have no doubt that is an accurate rendering of Hitler's words." Irving testified that he had met Heinrich Heim: "I have also made use of the original paper of the Table- Talk. I'm one of the few privileged historians to have used that material. It's in private hands in Switzerland." (33-9402, 9403)

Christie referred back to Did Six Million Really Die? and asked Irving for his opinion on its conclusions regarding the number of Jews who survived. Said Irving: "Let me say at this point I think this conclusion...they are aiming at here is justified. I am delighted that so many Jews survived what they now describe as the 'Holocaust' and I am puzzled at the apparent lack of logic: that the Nazis are supposed to have had a government policy for the deliberate, ruthless, systematic extermination of the Jews in Auschwitz and other places of murder and yet tens if not hundreds of thousands of Jews passed through these camps and are, I am glad to say, alive and well amongst us now to testify to their survival. So either the Nazis had no such programme or they were an exceedingly sloppy race, which isn't the image that we have of them today. It's another of the logical questions which is being asked in this history which the historians hitherto have not asked." (33-9403, 9404)

Do you consider it possible to be accurate in terms of statistical analysis?, asked Christie. Irving did not: "No, I shy away from statistics. I am very, very nervous. I had a one year's training in statistics at university. I know how risky it is to operate with statistics, different tables or different fields or different sources. It's like subtracting apples from potatoes - you can't say there were so many Jews here at the beginning of the war and so many Jews there at the end of the war and subtract one total from the other and say this is the difference. I say this whether it helps or hinders the defence or prosecution. I am very nervous about mass statistics." (33 9404)

Was the conclusion of Did Six Million Really Die?, that the number of Jews who died in concentration camps could only be measured in thousands, legitimate and arguable?, asked Christie.

"Well, I refer to my previous answer," said Irving, "and say that I'm very nervous giving opinions about statistics. Do we mean died or killed?" (33-9405)

Christie indicated roughly 6 million were allegedly killed by either gassing or by the Einsatzgruppen. In your research, asked Christie, has there been any indication of hard evidence for numbers at all?

"Certain numbers for certain specific tragedies. One episode outside Dvinsk, being on the road to Dvinsk being in November 1941, certainly there was an episode there ...a mass grave had been dug and a mass execution...of unidentified civilians was being carried out by unidentified people. It was witnessed by one German Major General Walter Bruns. There is another episode which was witnessed by Hitler's photographer, Walter Frenz, who described it to me...from his own memory what he had seen when he accompanied Heinrich Himmler. Again one isolated episode behind the front, nothing to do with Auschwitz or Treblinka or the so-called extermination camps. So, we're looking there at several hundred if not several thousand people being killed in specific, isolated episodes which are repeatedly served up again and again as being examples of what was going on. I can only look at them as isolated episodes of what was going on." (33-9405, 9406)

Is there any hard evidence to support the estimates of millions of Jews gassed, for example, 4 million in Auschwitz-Birkenau?, asked Christie.

"No documentary, contemporaneous evidence of the kind that would satisfy me," said Irving, "but I think that other historians may perhaps be less picky...I think Winston Churchill once defined the job of a historian [is] to find out what happened and why and those are the major areas of historical fact that a historian should try to investigate. What happened and why and the Holocaust historians haven't really established either fact, in the case of the Holocaust, what really happened and why it happened." (33-9406)

In Irving's opinion it was the reader who decided what constituted a historical fact: "The reader. The reader on the balance of probabilities having weighed up not just one source but several sources. He can buy my book on Winston Churchill, he can buy Martin Gilbert's book on Winston Churchill and he can decide where on the two scales...the truth about Winston Churchill lies, but he has to have the alternate sources to look at. He can't have one book presented to him and be told this is the truth, take it or lump it. Take it or go to prison. That would be a very unacceptable form of society." (33-9406, 9407)

Irving pointed out that history was "constantly being revised. I mentioned the episode of the British code-breaking operations. Until 1974, the British official historians, the government historians, were not allowed to be told and not allowed to reveal that we British had been reading the German, the Japanese, the Spanish, the American, the Italian codes by computer. This is a so-called Ultra secret. Knowledge of that is, of course, crucial to the knowledge of how we won the war and yet our entire multi-

volume official history of the Second World War until 1974 makes no mention of this. They are going to have to be rewritten. All history books are going to have to be rewritten since 1974 since that one fact became known and so it is in many other fields. It would be a sad day if there was no work for the historian to do. I say that with profound conviction as a professional historian." (33-9407, 9408)

And does a historian, asked Christie, when he's confronted with a document, have to take time to test and evaluate that source to determine its accuracies?

"Certainly with some documents," replied Irving. "Usually a historian will very rapidly get the feeling for where he can be easy with a document and comfortable, and where suddenly his ears prick up and say to himself, wait a minute, I didn't know this. This is so egregious, this fact, so unusual, can I trust it? There's one or two documents in the Holocaust mythology which make me very suspicious for no other reason than that they stand out too much. They are statistic oddities. It looks nice, it looks neat, it looks as though suddenly there's proof, there's 100,000 Jews been killed as partisans and Hitler's told this. And yet we have to say to ourselves, why suddenly this one document which looks like none of the other documents in that series? This is where you have to act a bit like a magistrate and say well, it's nice, I will take notice of that but I want to see more, please. The historian should be constantly weighing and evaluating and not necessarily accepting without question." (33-9408)

Does the fact that documents are located in archives satisfy those tests?, asked Christie.

"I shall disappoint you, I think, by saying on balance, usually yes," replied Irving. "I have rarely if ever come across an archive document which is fake. It is very difficult to get a fake document into an archive. Having said that, I would add it's not impossible and one would then want to look at the file of documents and say does this document, which is controversial, look different in any way? Is the paper newer? Is the ink of the signature fresher? Are the holes in a different position? Questions like that. I mean, the way the document looks; it's not impossible to put fake documents into archives. Certainly they get stolen out of them. But all the fakes that have been put to me -- I emphasize all the fakes that have been put to me -- come from private hands and not archival sources." (33-9409)

Did you investigate the effects of the breaking of the German codes upon the whole question of the Holocaust in relation to transportation of millions of people without orders?, asked Christie.

"Well, it is unlikely that the Germans could have been issuing criminal orders for the liquidation of millions of people or even hundreds of thousands of people to their SS or police units on the eastern front without us British knowing of it at the time from our code-breaking operations. And of course the Germans, at the end of the war, could not have required us to destroy those records." (33-9409, 9410)

There were, however, references during the war to allegations of mass gassings of Jews in some Allied documents: "I am familiar with the...British archives, the public records office, of attempts to start a black propaganda campaign alleging that the Germans were employing gas chambers and at one stage the head of the British secret

service is being cautioned not to go too far with this propaganda because it will make the whole -- it will undermine the credibility of the propaganda effort if we go too far with these allegations...This would have been in 1944," said Irving. The fact that these allegations were now made so freely was due, said Irving, to what the chief rabbi of Britain, Lord Jakobovits, said had "unfortunately ...become big business with whose teams of script writers and screen writers and journalists and newspaper writers, making great money out of it. I think it's a great tragedy." (33 9410, 9411)

As a writer yourself, you've been involved in publishing, said Christie. Do you have any knowledge of what would happen if you were writing about the subject of the Holocaust in your own books in a more favourable way than you have?

"After I wrote Hitler's War, my front door was smashed down by a gentleman with a sledgehammer," replied Irving. "I was raided by people disguised [as] telephone engineers who turned out to be from a Jewish organization in Britain. The people who printed this in Britain...had their printing works burned to the ground by one of these fake engineers. They all went to prison. I am an ordinary writer with a family who is frightened for -- I don't like to be subjected to this kind of terror. If I was to write the other kind of book, if I was to follow the general line of the present Holocaust mythology, the easy acceptance of it all, 'Adolf Hitler ordered the killing of 6 million Jews in Auschwitz', I would do a very good job of it because I'm a good writer and I would be rich beyond the dreams of avarice, but I couldn't live with my own conscience." (33-9411)

[The testimony which follows was given by Irving in the absence of the jury in support of an application by defence attorney Douglas Christie for leave to introduce the Leuchter Report into evidence and to allow Irving to give his expert opinion on its value as a historical document.]

Irving testified that the previous day he had read the Leuchter Report in its entirety. Said Irving: "If a future historian was to be writing the history of the Holocaust controversy, then undoubtedly they can no longer ignore a document of this validity." (33-9413) He continued: "It is clearly an authentic document. It's clearly a document written by somebody in the position to know what he is writing about and it's a document written for a valid purpose. It's not a spurious document written in order to camouflage something, in my view...It is very much the kind of document that I, as a historian, would hope to find if I was investigating the Holocaust controversy. I'm very impressed, in fact, by the presentation, by the scientific manner of presentation, by the expertise that's been shown by it and by the very novel conclusion that he's arrived at and I must say that as a historian I'm rather ashamed it never occurred to me to make this kind of investigation on this particular controversy." (33-9414)

To your knowledge, asked Christie, has any physical examination of Auschwitz, Birkenau or Majdanek previously been published to determine if these places could have been used in the manner alleged in the Holocaust literature as homicidal gas chambers?

"There has been...to the best of my knowledge, no forensic examination of the sites conducted whatsoever. Either in situ by an expert in execution technology, or in

absentia by taking samples for laboratory analysis elsewhere," Irving testified. (33 9414, 9415)

Crown Attorney Pearson rose to cross-examine Irving and began by asking him if the Leuchter Report was a document he would look to as a historian researching the Holocaust controversy.

Irving replied: "If I was a future historian researching the Holocaust controversy, this is certainly the kind of evidence that I should want to make use of." (33-9415)

Are you saying, asked Pearson, that if you were a historian in the year 2015 and you were doing research with respect to what happened in Birkenau on August 25, 1944, you would use this document as a foundation for a conclusion?

"This would give me a foundation for a conclusion about what did not happen in the concentration camps which were investigated by the expert in [the report]," replied Irving. (33- 9415)

What do you mean by saying the report is 'authentic', asked Pearson.

"By that I mean this clearly isn't a fake report. It isn't a report which purports to be what it is but in fact isn't, in the sense of what a fake document is. In other words, this isn't something that has not been written by the purported author. It is quite clearly an authentic investigation by the man who purports to be the author." (33 9416)

Irving agreed that the document was described as an "engineering report" and testified that he "would expect to find it written by a man who has some engineering qualifications." He defined 'engineering qualifications' to mean "[s]aid qualifications for the job that he was purporting to report on...In other words, if he is reporting on execution technology, then I would expect him to be an expert on the subject of the engineering of execution chambers." (33-9416)

If he was reporting on the residue of hydrogen cyanide, would you want him to have a background in chemistry?, asked Pearson.

"No," said Irving, "but I would want him to produce...evidence that -- that would satisfy me that he had obtained the samples in a scientific manner and...had sub contracted the quantitative analysis of those samples to a qualified person to make those determinations. It would be too much to expect an engineer to be qualified in the quantitative or qualitative analysis."

An engineer, someone with a degree in engineering?, asked Pearson.

"Yes."

All right, said Pearson, issued by a recognized university?

"Is that a question?"

Yes, said Pearson. What I want to get at is you said authentic and you just said an engineer, someone with a degree in engineering?

"What I actually said was I expect to find him qualified in the engineering field on which he is purporting to report, in this case, execution technology," replied Irving. (33-9417)

So, would you mean somebody who's been recognized by a professional engineering body as being a competent person?, asked Pearson.

"This undoubtedly would be ideal, but obviously we're looking here at the -- at what is practicable rather than what is ideal. In this case this is the best engineering report available to this date on the execution technology alleged to have been present at Auschwitz and the other camps." Irving testified that he did not know Leuchter's qualifications personally: "I don't know the author of this report personally at all. All I know from having read the report with the eye of a historian is that he purports to be an expert, a qualified expert in execution technology and...is recognized as such by those states of the United States of America which carry out executions by gas chamber."

If you found out that he only had a Bachelor of Arts and he didn't have an engineering degree, wouldn't that cause you some concern about his engineering report?, asked Pearson.

"It would cause me some concern but it obviously hasn't concerned the states of the United States of America which carry out the very grizzly business of forwarding people from life to death inside gas chambers. They have accepted his expertise." (33-9418, 9419)

Did the states of the United States have this man go over to Poland to produce an engineering report about what happened in Poland in 1944?, asked Pearson.

"No, this was, as I understand it, entirely an undertaking organized and financed at the expense of the defendant in the current proceedings," said Irving.

And what was the third criteria that Hugh Trevor-Roper mentioned?, asked Pearson.

"That is...the reason why the document has come into existence. I mentioned earlier this morning that sometimes German generals would write a document for a specific reason, namely to cover themselves for an operation. They would fake something to clear themselves in future. Now, the reason why this document has come into existence is quite clearly as a defence document in this case, and if I would elaborate on that, I would say that therefore the author of that report would be aware of the fact that the document would be subjected to the most expert scrutiny by the likes of yourself and therefore he would employ an enhanced accuracy in presenting his findings." (33-9419)

Irving testified that he would take into account the fact that the report was commissioned by the defence. Asked Pearson, And don't you think that might have some bearing on how much value a historian attaches to it? Irving replied: "Um, this

is true, but one wouldn't expect the author of the report to perjure himself and one certainly wouldn't expect the highly qualified analytical laboratories which carried out the chemical analysis on the compounds which were procured from the gas chambers so-called and the delousing chambers so-called in the concentration camps, to have falsified their findings in any way. And certainly, my eye could detect no sign of any kind of falsification in these analytical reports."

Do you purport to have any expertise to draw conclusions from those analytical reports, sir?, asked Pearson.

"Not on the basis of any more than the quantitative chemistry analysis one has learned in the course of a university career," said Irving. "Certainly on the basis of a historian, I can detect fudging. I can detect where something is being omitted. When I exposed the Hitler diaries as being a fake, it was on the basis of the fact that the magazine purported to carry out tests on the ink but didn't, in fact, submit those tests to us at the press conference. They fudged around their findings." (33-9420, 9421)

Pearson indicated that the tests themselves did not say anything; it was the conclusions drawn from them that were important.

"I think that if historians are inclined to accept the eyewitness or hearsay testimony of people who were present on a site, forty years later, the testimony of the bricks and stones which can be collected from the site and subjected to objective chemical analysis should very certainly be relevant to a historian." (33-9421)

You're a historian, said Pearson. You agree with me that you do not have the expertise to draw a conclusion from the absence of a chemical compound on the wall of an installation? Irving disagreed: "Well, I'm afraid there's only one conclusion possible. If, forty years later, this chemical compound is absent from that wall and we are instructed by the scientific expertise it should have been present if it ever was present, then it never was present." (33-9422)

And whose scientific expertise are you talking about?, asked Pearson.

"Going by the expertise of the analytical chemists who were commissioned to make this report...It was either stated in the analysis reports or in the findings of the specialist who has prepared this report on the basis of the evidence presented by DEGESCH, the manufacturers of the cyanide, or on the basis of Dupont, who are the American manufacturers of an equivalent chemical compound. But this chemical compound should still have been present after that length of time." (33 9422, 9423)

Pearson suggested that the only person who had drawn that conclusion was Leuchter, in his report.

"Very well, sir," said Irving. "This is if you were to ask me, and I am sure you eventually will, if I find any flaws in this report, this is the kind of flaw which I would have found in this report and which I think could have been obviated if more money and time had been spent on it...I'm not saying that the report is perfect. What I am saying is, it is important. In fact, I think it is shattering in the significance of its discovery." (33-9423)

If someone is going to draw a conclusion about the absence of a compound on a wall, wouldn't you agree, asked Pearson, they should really know what they're talking about?

"Or consult people who knew what they were talking about," said Irving. "Yes, I would agree with you. But if I were to amplify my opinion as to the -- the expertise of this particular witness, I can think of a no more suitable expert to go and examine the sites of purported gas chambers in Poland than one of the few American experts on the construction of gas chambers. And I think it's a stroke of genius on the part of the defence that they should have thought of this and gone to the expense of sending this particular expert with his team out to Poland to collect the samples and bring them back and I think it portrays a certain weakness of the supporters of the Holocaust historiography that they have not undertaken this kind of analysis in the past." (33-9424)

Irving testified that from his understanding from reading the report, Leuchter was under contract and constructed gas chambers and been consulted by the various American states on their construction. He continued that he could be open to correction on this, and that Leuchter might merely have been consulted as an expert by the various American states concerned. Said Irving: "My conclusion as a historian is that on the basis of what is in front of me, Mr. Leuchter was in a position to know what he was talking about when he was investigating Auschwitz with the eye of a man familiar with the design of gas chambers." (33-9424 to 9427)

Judge Ron Thomas interjected: "Well, I think I can shorten this. You needn't ask any further questions. Do you have any submissions?," he asked Christie. (33-9427)

Christie said: "Yes, I would submit that it would be a remarkable double standard if the Crown can introduce documents without authors for them, without any proof of who wrote them in this case because they happen to be filed in the National Archives...I would submit to you that this witness has said that this evidence is important for historians, it's a valuable piece of historical evidence. It meets the test of historical evidence. The author of the report has been called and cross-examined in front of the jury, unlike any of the other pieces of evidence that have been tendered by the Crown through Mr. Browning, who didn't have any first-hand knowledge of any of them, and for that reason it's my submission that the witness should be allowed to tender that evidence and give his opinion of the value of it in a historical context. I would also like to ask the witness whether, to his knowledge, any physical examination of Auschwitz- Birkenau or Majdanek have previously been published to determine if these places have been used in the manner alleged [as] homicidal gas chambers." (33-9427, 9428)

Judge Ron Thomas ruled: "You will be permitted to ask that question. There will be no comment on the Leuchter Report. Send for the jury, please. You can refer to the fact, and advise this witness, that Mr. Leuchter testified here and that he had conducted this analysis (sic) and then find out from this historian if anything like this had been done to his knowledge before in the history of researching the Second World War." (33-9428)

Christie asked: "Can I ask him whether he considers such evidence valuable?" (33-9429)

Thomas replied: "No." (33-9429)

[This ended the voir dire to determine the admissibility of the Leuchter Report through the expert historian, David Irving. Thomas gave no reasons for disallowing the admission of the Leuchter Report, which had met all tests of valid historical evidence. The evidence which follows was given in the presence of the jury.]

Mr. Irving, said Christie, we have had in this trial the testimony of a Mr. Leuchter, indicating investigations of the physical sites and he was a person who has certain expertise in execution technology using hydrogen cyanide gas and certain chemical analysis was done pertaining to that report in regard to the content of hydrogen cyanide in the walls of the alleged gas chamber. To your knowledge, asked Christie, has any physical examination of Auschwitz, Birkenau, Majdanek, Treblinka, Belzec, Sobibor or any of the alleged extermination camps been previously published to determine if these places could have been used in the manner alleged in the Holocaust literature as homicidal gas chambers?

Irving replied: "No, sir. To the best of my knowledge, there has been no kind of examination prior to this trial and to the evidence introduced or the evidence mentioned in this trial of the so-called murder camps, the extermination camps. No kind of teams of analytical chemists were sent there to investigate the soil or the bricks of the chambers, no kind of a determination was made as to the suitability of the doors or the levers or the flanges or whether the walls had any kind of special sealing compound applied to them to protect the passersby on the street outside. There had been no kind of special determination made as to whether these buildings could ever have effectively been used as homicidal gas chambers and it wasn't until this trial that an attempt was made to carry out such an investigation."

This ended the examination-in-chief of Irving by defence attorney Douglas Christie. Crown Attorney John Pearson rose to commence his cross-examination. (33-9430, 9431)

Pearson referred first to the July 31, 1941 document from Göring to Heydrich and Irving's testimony that Göring could never have read the document. Said Irving: "He couldn't have had time to read it. It's quite evident that Heydrich was only with him for a matter of minutes. Heydrich, in fact, had the document prepared on a letterhead which Heydrich himself had typed. It wasn't even typed on Hermann Göring's notepaper. It was typed on Heydrich's notepaper. It was slipped in for Göring to sign and slipped out again." Irving knew this "From the evidence contained in Göring's diary showing how briefly Heydrich was with Göring." Heydrich was with Göring "ten minutes." Irving pointed out that it was not the only document signed that day. (33-9431, 9432)

How do you know it's not the only one he didn't read?, asked Pearson.

"Because Hermann Göring himself so testified under oath," replied Irving. "Göring testified that he was unfamiliar with this document. I have the entire series of

Hermann Göring interrogations, when he was interrogated before the trial began, the pretrial interrogations."

Are you telling us, asked Pearson, that Göring testified that he never read that document?

"It was a surprise to him...To the best of my memory, he was shown the document under pretrial interrogation and this was the first time he recalled seeing it. The document itself is very harmless. It just talks about giving -- giving Heydrich, extending his powers for the overall solution of the Jewish problem to the newly occupied-territories." Irving testified that Göring did not deny signing it: "No, in fact, I have the copy as signed by Hermann Göring with his signature." He agreed with Pearson that Göring must have seen it when he signed it but he continued: "Do you have any idea how many documents Hermann Göring would have signed every day normally?...It made no impression on him at all...let me say once again the document was shown to him in the course of a ten minute interview between the chief of the Gestapo, Heydrich, and himself on a rainy afternoon when Hermann Göring was hurrying to the station to pick up his wife whom he hadn't seen for three months." Irving pointed out there were certainly three documents signed by Hermann Göring that day for Heydrich in the ten minute period. He agreed with Pearson that Göring therefore had about three minutes per document. (33-9433 to 9435)

Wouldn't you agree, asked Pearson, that you are speculating when you say he never read it?

"We have to try to interpret how much a man can do in ten minutes when it's such an unimportant document as that." Irving pointed out that the document in question was two paragraphs long.

How long do you think it takes to read?, asked Pearson.

"Two paragraphs, a piece of bureaucratic bumph, I'm afraid you're not familiar with Hermann Göring's lifestyle," said Irving. "...he had a very opulent kind of lifestyle. He wasn't really interested in the minutiae of the bureaucratic life. He wasn't really interested in Reinhard Heydrich, he wasn't really interested in the Jewish question. In July 1942, he still is saying in a verbatim conference that the Führer has made exceptions all the way down the bureaucratic level. He can't understand why all this persecution of the Jews is going on...[t]he same with the Nuremberg race laws. He couldn't understand how they had come into being." (33-9436)

If the academic historians are right, suggested Pearson, that was indeed a significant memo, wasn't it?

"Indeed. They clutch at straws."

What was Heydrich's position?, asked Pearson.

"Heydrich was the chief of the Reichssicherheitshauptamt, which put him in overall charge of the Gestapo and various other important SS police executive agencies."

Irving agreed that he held a senior position in the Nazi hierarchy and that "Hitler at one time was considering him as a successor." (33-9436, 9437)

Wasn't it right, asked Pearson, that Heydrich, being a senior person in the hierarchy, was looking to Göring for approval to do something?

"For the reason that Hermann Göring was chief of the four year plan. The head of the four year plan had very, very substantial economic influence in Germany, responsibilities also which had been assigned to him under the overall umbrella of the four year plan office. One of those responsibilities which Hitler had given to Göring at the time of the Reichskristallnacht, the night of broken glass in November 1938, was to oversee the final solution of the Jewish problem. Hermann Göring in January 1939 put Reinhard Heydrich in charge of the geographical resettlement of all Germany's Jews and Austria's Jews and Reinhard Heydrich set up at that time a central office for the relocation of the Jews and so it became Heydrich's penchant, drawing on Hermann Göring's authorities which is why he then had to go back to Hermann Göring in July 1941 to say, 'Look Hermann, we've now taken over all these territories in the east and I need you to expand that authority to me so I can carry on the job in the eastern territories', and that's what Hermann understood was the meat of the document he was signing. In other words, a piece of bureaucratic bumph, drawing the line a little bit further to the east." (33-9438, 9439)

Said Pearson, I don't know, sounds pretty important to me. Bureaucratic bumph?

"You're clutching at straws, the same as historians, if I may be so rude," replied Irving.

You are the one, said Pearson, who told us that this was a significant four year plan and the mandate of the senior official is being extended by the second most powerful man in Nazi Germany?

Said Irving: "The four year plan was very important until March 1942 and it virtually vanished...Heydrich took it as a useful convenience that he could put on his headed notepaper the fact that he was acting on behalf of the head of the four year plan [in] carrying out these jobs. It was a...short-circuiting [of] any kind of opposition that would come along that Heydrich could [use] and indeed did. For example, when Heydrich called the Wannsee Conference, he referred specifically to Hermann Göring's July 1941 document which says that the Reichsmarschall and head of the four year plan has instructed me to carry out an investigation of how we're going to carry out the final solution. I am therefore calling a meeting, which was the famous Wannsee Conference. Heydrich would point to the Göring document and [say] 'This is my authority, so don't start smart-talking me.'" (33-9439, 9440)

Irving agreed that the document was very important to Heydrich and that he used it. Pearson pointed out that Irving had nevertheless described it as 'bureaucratic bumph'. Said Irving: "Yes. When...you ask me why Hermann Göring himself would have paid little attention to what he was signing, he would have viewed it as a piece of bureaucratic bumph...he himself never again referred to it throughout the war years...We have seventy volumes of verbatim records of Hermann Göring's wartime conferences so we're pretty well informed about the way his mind was working. If

people take the trouble to read them. But they are in that strange language and people don't take the time." (33-9440, 9441)

Pearson asked Irving whether he disputed the authenticity of the Wannsee Conference protocols. Irving testified that he did not: "I have read the entire file...incorporating the Wannsee Conference protocol and the other versions of the protocol. There are two or three records of the same meeting in various files." (33 9441)

You would agree, suggested Pearson, that at his trial in Jerusalem, Eichmann indicated that that was an important stage in the final steps of the creation of the 'final solution.' Irving interjected to point out that the trial was "twenty years later" and then continued: "I think we can agree that Adolf Eichmann at Jerusalem, when he was on trial, wasn't exactly attending a historical seminar. He was under considerable physical and mental coercion. Some of the things he said would have been true; others of the things that he said would have been false; and I am not in a position to determine which was which."

Are you now saying that the important thing is he was being coerced?, asked Pearson.

"Yes...I am saying that given the wealth of other documentation that we have, we should be able to dispense with looking at twenty year old trials to try and find still further clues as to what happened."

Pearson pointed out that Irving looked at the testimony of other participants at the conference as being significant.

"At the Nuremberg trials. This is true," said Irving. "The trials held in 1945, 1946 and 1947, they were particularly...in '46 and '47, the pretrial of Kritzinger and Lammers and the other...people who had attended, ...Wilhelm Stuckart, who attended the Wannsee Conference, were interrogated in great detail as to what they recollected." Irving agreed he viewed their testimony as significant: "One year or less after the end of the war, yes. I would consider that to be more acceptable than what Eichmann would be saying twenty years after the war." (33-9442. 9443)

So, asked Pearson, the significance now isn't the coercion, it's the passage of time, is it?

"There's an element," replied Irving. "There's an element of passage of time; an element of coercion. If a man, despite coercion, is saying things in a certain way, then it's more likely to be true than if a man because of coercion twenty years later is saying things in a certain way." (33- 9443)

Pearson asked if Irving agreed that if Eichmann attended and prepared the minutes of a meeting which was integral to the plan to exterminate the Jews of Europe, that the passage of twenty years was not going to make him forget that? Irving pointed out that this was Pearson's interpretation of the meeting. He continued: "I think that you have to realize the Wannsee Conference is one of very many interministerial conferences that were held during the war years on all sorts of different topics, stocks, shipping, barges, economy, the fat supply, nitrogen, this kind of conference. And to single out one conference and expect a man years later to recollect what went on there

when it's a matter which was as boring to most of them as the solution of the Jewish problem -- who is a Jew, who is a half-Jew, what is a quarter-Jew, what do we do with people who have one Jewish grandparent - this kind of thing, a lot of them will have had their minds elsewhere. A lot of them did have their minds elsewhere."

Is it your position, asked Pearson, as a professional historian, that the Wannsee Conference was not a conference to discuss the extermination of the Jews of Europe?

"There is no explicit reference to extermination of the Jews of Europe in the Wannsee Conference and more important, not in any of the other documents in that file. We cannot take documents out of context...In my opinion, it has been inflated to that importance by irresponsible historians who probably haven't read the document," said Irving.

Pearson pointed out there was also the testimony of Eichmann.

"Twenty years later...I think we talked this morning a bit about Eichmann's powers of recollection and the fact he himself got confused about what he really recalled and what he had in the meantime been told. And this is a human failing which unfortunately afflicts all of us, that our memories get bad as we get older."

Forget about the minutes of the meeting and forget about the testimony, said Pearson. Is it your opinion that the Wannsee Conference itself was not a conference to discuss the extermination of Jews?

"That is my opinion." (33-9444 to 9446)

So, suggested Pearson, Eichmann made it up?

"I'm saying that Eichmann was wrong in giving contrary testimony," replied Irving, "but you would have to tell me precisely what Eichmann said. I'm not prepared to take your word for what Eichmann said. I think I have to know his precise words. I don't mean that offensively at all. Even in paraphrasing we may oversimplify what somebody...had said."

Have you read the transcript of Eichmann's testimony?, asked Pearson.

"No, I haven't. I've read a few snatches of it like I mentioned this morning."

Pearson suggested that this hindered Irving's ability to reach the conclusion he had reached. Irving disagreed: "No. I think that when one has a given life span, one can decide how one spends that life. You can spend your life in a library reading all the books [on] Adolf Eichmann...and write the X plus one book or spend your life in the archives and try to write a truer book. If you do that, you don't have to read and why should you bother with the trial records because where you are sitting is right where the truth is, in the archives, and you haven't got the Israeli Ministry of Justice putting itself between you and Adolf Eichmann." (33-9447)

Said Irving: "I don't consider that the testimony of Adolf Eichmann at Jerusalem would have advanced...my knowledge of what happened at the Wannsee Conference.

It is twenty years after the war, which is five years after the Wannsee Conference, four years after the Wannsee Conference, and it would have polluted my knowledge rather than improved it." Irving agreed that Eichmann was present at the Wannsee Conference but would not swear that it was he who drafted the protocol: "To the best of my knowledge there is no signature on it." (33-9448)

It's your opinion, suggested Pearson, it's of no value to read the words of a participant in a conference to determine what the conference was about?

"Having read the fragments of Adolf Eichmann's testimony where he says his memory is so shaken that he can no longer distinguish between fiction and fact, he can no longer distinguish between what he really recollects and what he is told he recollects, from that point on all the Adolf Eichmann testimony becomes polluted, dangerous to read for a historian. It would be really like watching a made-for-TV movie about Auschwitz. That would not advance my knowledge," said Irving.

Pearson suggested again that Irving relied on the testimony of the other participants at the conference when they were on trial and had a clear interest in denying that it had anything to do with extermination.

"I accept that, yes...I accept your inference too, that they had a reason to simulate, they had a reason to deceive...I read it with interest. That doesn't mean to say I rely on it. You take note of it."

But you don't take note of Eichmann?, asked Pearson.

"No," said Irving. "Not in that account because of the particular circumstances where Adolf Eichmann was being [heard]. Had Adolf Eichmann been questioned in 1945 at very great length by American or British interrogators, that would have been of substantially greater evidentiary value for a historian than given the circumstances where he is being interrogated under the certain knowledge that he's about to be executed." (33-9449, 9450)

April 25, 1988

Irving agreed that he had written about thirty books and researched for more than ten years before writing Hitler's War and ten years before writing Churchill's War. Hitler's War was first published in Germany in 1975. Said Irving: "The German publishers, without so informing me, willfully excluded and changed parts of the text. I then obliged them to withdraw the book from publication overnight on publication day." Among other things, the publishers had changed parts relating to Hitler's knowledge of the extermination of the Jews. (34-9455, 9456)

Is it your evidence, asked Pearson, that they published that first run without letting you see the final version they were going to publish?

"Most unusual," said Irving. "They did not let me see the typescript of the German translation which I normally like to check myself. They did not honour their promise to let me see the proofs. They did not supply me with an advance copy of the book. I had to buy a copy of the book myself in a book shop in Munich and I immediately

sent a telegram forbidding them to print any further editions or to sell any more copies." The English language version of the book appeared in 1977. (34 9456)

Irving agreed that he commenced Hitler's War by saying that the ten years that he had chosen to research Hitler were the best ten years to do so because the archives opened up to researchers and the people who had been involved with Hitler, especially his closest personnel, were still available. (34-9457)

Irving wrote in his introduction to Hitler's War that "the most important documents were provided by Professor Hugh Trevor-Roper..." Irving testified that "Professor Hugh Trevor-Roper is a very well-known and eminent professor of history, modern history. He was the regius professor of Oxford in history...he is now the master of an important college at Cambridge University...He is an academic historian who started initially as a non-academic historian in British intelligence." Irving agreed that he had "[not] the slightest" contempt for Trevor-Roper and in fact had written that the historian's work *The Last Days of Hitler* was a brilliant exception to most weak biographies of Hitler. Said Irving: "This is why I singled him out for special commendation." He owed Trevor-Roper a "very considerable debt." (34-9457 to 9459)

Irving also agreed that in his introduction to Hitler's War he had acknowledged the debt he owed to Professor Raul Hilberg. Said Irving: "Indeed, oh, yes. I corresponded with Professor Hilberg who I understand has given evidence in a previous hearing." Irving testified he had "[not] the slightest" contempt for Hilberg: "Again, he's one of the few academic historians who has done his homework, if I can put it in that shorthand form." (34-9459)

Would you agree, asked Pearson, that Hugh Trevor-Roper is probably the foremost expert on the Nazi regime in Germany of any English historian?

"Except in one respect," said Irving. "He has very little knowledge of the German language which is a substantial impediment. But otherwise I agree with your statement." (34- 9459)

After Hitler's War, Irving moved on to Churchill, but kept his Hitler dossiers open "as a matter of professional interest." His research into Churchill relied more on archival documents than testimonials as many of Churchill's associates had already died. (34-9460)

Pearson turned to the subject of the assassination of General Sikorski, the Polish Prime Minister-in-exile during the war who died in a plane crash in Gibraltar. Irving gave qualified agreement that his book on Sikorski claimed that Churchill was responsible for his assassination. "I will go along with that description. In fact, it was left more open than that but the reader was invited to draw that conclusion," said Irving.

Did the law courts consider the proposition that Sikorski was assassinated by Churchill?, asked Pearson.

"They did indeed...The lower courts, on the basis of a play written by a completely different person, considered a libel action brought by the sole survivor of the plane, a Czechoslovakian national. The libel action was rather uniquely fought in as much as the defendant was a German living in Switzerland who made no attempt to appear and on the basis of that kind of court case, the court found, of course, for the plaintiff...to be perfectly specific, of course, my book was not on trial. The pilot, the Czech, Prchal, issued a libel writ against me as the author of the book, Accident: The Death of General Sikorski, and he chose not to, which implies in my view, he accepted that what I had written was not open to challenge in the English lower courts. We would certainly have defended it had he issued a writ." (34-9461, 9462)

Pearson produced a review of Hitler's War written by Hugh Trevor-Roper which appeared on June 12, 1977 in the Sunday Times Weekly Review, with which Irving was familiar:

It is well known that Mr. Irving, some years ago, convinced himself that General Sikorski, who died in an air-crash at Gibraltar, had been "assassinated" by Winston Churchill, to whom in fact his death was a political calamity. Not a shred of evidence or probability has ever been produced for this theory, and when it was tested in the courts, Mr. Irving's only "evidence" (which was very indirect at best) was shown to be a clumsy misreading of a manuscript diary. (I have myself seen the diary and feel justified in using the word "clumsy"). And yet here is this stale and exploded libel trotted out again, as if it were an accepted truth, in order to support a questionable generalisation.

Did Hugh Trevor-Roper say that in his article, sir?, asked Pearson.

"He did indeed," agreed Irving, "but he is wrong in suggesting that my theory was ever tested in the lower courts and you can have a look at my book if you wish, Accident: The Death of General Sikorski, and you will find no reference whatsoever in it to the diary which he mentions...The newspaper then refused to publish a letter from me in reply. I pointed out he was entitled to his opinions and he could put them to music and have them played by the Mainstream Guards, but I deal in facts."

Didn't Sir Frank Roberts say that Churchill wept when he heard the news?, asked Pearson.

"I have read that statement recently. It's a very recent statement by the head of the Central Department of the Foreign Office in 1943. He made that statement in the 1980s, forty years later to Winston Churchill's authorized biographer and we can each of us attach whatever weight we choose to that statement."

You choose not to accept it?, asked Pearson.

"Churchill wept freely and readily," said Irving. (34-9464, 9465)

Pearson turned to Hitler's War and read from the introduction:

The negative is traditionally always difficult to prove; but it seemed well worth attempting to discredit accepted dogmas if only to expose the "unseaworthiness" of

many current legends about Hitler. The most durable of these concerns the Führer's involvement in the extermination of the Jews. My analysis of this controversial issue serves to highlight two broad conclusions: that in wartime, dictatorships are fundamentally weak -- the dictator himself, however alert, is unable to oversee all the functions of his executives acting within the confines of his far-flung empire; and that in this particular case, the burden of guilt for the bloody and mindless massacre of the Jews rests on a large number of Germans, many of them alive today, and not just on one "mad dictator," whose order had to be obeyed without question.

"I think that today, eleven years later, I still stand by what I published on that date," said Irving. "...There were very large numbers of massacres which can only be described as bloody and mindless of Jews and other ethnic minorities in occupied Europe during the Second World War."

I suggest, said Pearson, that the way you have written it -- 'the Jews', not 'some Jews' - - that you're talking about race genocide.

"I think that readers who are picking up my book and looking at it are very familiar with the fact there has long been an allegation about a massacre or extermination of the Jews in the Second World War. The same as we talk about the extermination or massacre of the Armenians. I think it would -- I really hope you have better material than this with which to challenge me frankly. I've come a very long way. I don't really want to spend a great deal of time debat[ing] one word, 'the'." (34-9466, 9467)

Pearson continued reading:

I had approached the massacre of the Jews from the traditional viewpoint prevailing in the mid- 1960s. "Supposing Hitler was a capable statesman and a gifted commander," the argument ran, "how does one explain his murder of six million Jews?" If this book were simply a history of the rise and fall of Hitler's Reich, it would be legitimate to conclude: "Hitler killed the Jews." He after all created the atmosphere of hatred with his anti-Semitic speeches in the 1930s; he and Himmler created the SS; he built the concentration camps; his speeches, though never explicit, left the clear impression that "liquidate" was what he meant. For a full length war biography of Hitler, I felt that a more analytical approach to the key questions of initiative, complicity, and execution would be necessary.

Pearson suggested that in that passage Irving was saying that if one was looking at Hitler's Reich and not just at Hitler, it would be legitimate to conclude that Hitler killed the Jews. Irving replied that Hitler "had a constitutional responsibility as head of state." (34-9467, 9468)

What was the significance of the statement that Hitler and Himmler created the SS?, asked Pearson.

"Back in the 1930s, back in the 1920s in fact," said Irving, "the SS was created as an elite bodyguard for Hitler and out of which emerged the various branches of the SS, including the Waffen SS, which was the biggest branch of all, and the sentence means what it says. They both jointly created the SS." (34-9468)

Pearson suggested that in effect, Irving was saying Hitler was responsible for creating the organ that massacred the Jews. Irving disagreed: "I don't think I say that the SS is the organ that massacred the Jews. I'm just saying what, in fact, I printed there. I chose those words very carefully in writing the introduction." (34-9468)

Pearson continued reading:

For a full-length war biography of Hitler, I felt that a more analytical approach to the key questions of initiative, complicity, and execution would be necessary. Remarkably, I found that Hitler's own role in the "Final Solution of the Jewish Problem" has never been examined.

What did you mean by the "final solution of the Jewish problem"?, asked Pearson.

"Well, earlier in that paragraph, I have talked about the argument, the public perception of what had happened and I have clearly put that sentence in quotation marks; what the public calls the 'final solution of the Jewish problem'...We are going to examine in the book what the 'final solution' was, but I am already advancing here, I am alerting the reader to the fact that in this book he's going to find data on this controversy."

Wasn't the "final solution" the term generally accepted as being the term used for the racial genocide of the Jews?, asked Pearson.

"On Friday I quoted you from memory a spring 1942 document in which Hitler is quoted by the chief of his Reich Chancellery as saying 'the Führer wants the solution of the Jewish problem postponed until after the war is over'. Now, you can't have it both ways. That document is a genuine document." (34-9469)

Pearson suggested that in his introduction, Irving was telling the reader that he was going to prove that Hitler did not have personal knowledge of the extermination of the Jews. Irving agreed: "I am." He continued: "What I am more specifically saying in there is what I actually write, that Hitler, his role and whatever the 'final solution of the Jewish problem' was, whatever that was, is going to be analysed in this book."

Where are the words 'whatever that was', asked Pearson.

"It's not necessary," replied Irving. "What I am saying is that if I was writing a history of the Third Reich I would analyse it, but I'm not. I'm writing a biography of Hitler. It's already a thousand pages long. If I'm going to write an analysis of the Holocaust, the book would be 2,000 pages long."

Are you saying, asked Pearson, that you wrote a book to prove that Hitler wasn't responsible for something that never happened? Irving replied that he did not set out to write a book to prove anything: "I set out to write a biography of Hitler based on the documents as accurately as I could find them...having written the book, I wrote the introduction and not the other way around." (34-9470)

And the conclusion, suggested Pearson, was that Hitler was not responsible for something that never happened?

Said Irving: "I don't say that Hitler wasn't responsible. I am very clear there that he had a constitutional responsibility. But certainly it is questionable whether he ever knew that the 'final solution' was going on, whatever the 'final solution' was." (34-9471)

Pearson continued reading:

For thirty years, our knowledge of Hitler's part in the atrocity has rested on inter historian incest.

What atrocity are you talking about?, asked Pearson.

"There is no other way to describe what happened," said Irving. "Thousands of civilians being lined up on the side of pits and being machine-gunned to the pits after being robbed of their personal possessions. This kind of thing can only be described as an atrocity whether it happens in Germany, Yugoslavia or Vietnam." (34-9472)

Pearson continued reading:

Many people, particularly in Germany and Austria, had an interest in propagating the accepted version that the order of one madman originated the entire massacre. Precisely when the order was given and in what form has, admittedly, never been established. In 1939? -- but the secret extermination camps did not begin operating until December 1941.

Order for the what?, asked Pearson.

"The order for the atrocities. We are talking about the order that these people imagine exist so there was one central order." (34-9472)

Aren't you suggesting there, asked Pearson, that secret extermination camps did not begin operating until December 1941?

"I think I have to say here that this sentence falls into the category of sentences that I would not repeat in 1988," said Irving. "At the time I wrote that in the 1960s, 1974 thereabouts when I wrote...that introduction, I believed. I believed everything I had heard about the extermination camps. I wasn't investigating the extermination camps. I was investigating Hitler." (34-9472, 9473)

But you told us you did ten years of extensive research on the National Socialist regime, said Pearson, and you had no problem making that statement, did you?

"Because I believed," said Irving. He continued: "I believed what I had read up [to] that point. I hadn't gone to the sites of Auschwitz and Treblinka and Majdanek and brought back samples and carried out an analysis. I hadn't done any research into what is called the 'Holocaust'. I researched Hitler and his staff." Irving testified that he had not done such research in the meantime: "I have carried out no investigation...in equivalent depth of the Holocaust." (34-9473)

But your mind changed?, asked Pearson, You no longer believe it?

"My mind has now changed," said Irving. "I have now begun to challenge that. I understand it is now a subject open to debate...My belief has now changed because I understand that the whole of the Holocaust mythology is, after all, open to doubt and certainly in the course of what I have read in the last few days, in fact, in this trial, I am now becoming more and more hardened in this view." (34-9474)

Said Irving: "One sees the sentence, the line of that page, 'the secret extermination camps did not begin operating until...'. Then I wrote that on the basis of what all the other eminent academic historians had been saying, that there were such extermination camps. I believed." (34- 9474)

Pearson returned to Hitler's War and continued reading:

...but the incontrovertible evidence is that Hitler ordered on November 30, 1941, that there was to be "no liquidation" of the Jews (without much difficulty, I found in Himmler's private files his own handwritten note on this).

Would you agree, asked Pearson, that this November 30, 1941 order is the lynch-pin of your whole argument in Hitler's War?

"No, sir. I am aware of the newspapers hav[ing] tried to make out that was the lynch pin. In fact, that is one minor item in a series of about ten documents beginning in 1923, 1924 and going right through until 1944. The only documents specifically linking Hitler with what was happening to the Jews, and in each Hitler is putting out his hand to stop it happening. This is just one of those items and I have to say there preemptively that the word 'the' in front of Jews is wrong. It is one specific transport of Jews from Berlin going to the eastern front going to Riga, who were, in fact, at that time, November the 30th, 1941, already dead by some hours. This was one of the specific atrocities." (34-9475, 9476)

Pearson suggested that the academic historians had indicated that Irving had tried to extrapolate from a single order, relating to one shipment of Jews, a profound conclusion with respect to Hitler's role.

"They couldn't -- they can't establish that. What they have overlooked is that is just one document that is referred to in a book of a thousand pages containing very many similar documents. Obviously, I particularly enjoyed drawing their attention to that document because it gave me the chance of pointing out that all these world famous academic historians had not even bothered to transcribe Himmler's own handwritten notes of his telephone conversations. This is [why] I referred to it in the introduction."

Don't they suggest that they didn't consider it that significant?, asked Pearson.

"I wouldn't think any of them have had the cheek or the gall or effrontery to suggest that Himmler's own handwritten notes on a matter like this would not be significant," replied Irving. He continued: "It is very significant. It is one of a series of documents showing Hitler intervening to try and stop mindless subordinates carrying out atrocities. There was another identical handwritten note by Himmler on April the 20th, 1942, reading in English: 'no annihilation of the gypsies'. Himmler has just been to see Hitler on that day, it was Hitler's birthday, and Himmler came out and had to

telephone Heydrich, the chief of the Reich Security Office, with the instruction that there was to be no annihilation of the gypsies. But you don't see this kind of thing referred to...in the history books because they can't make it fit. They pretend that these documents don't exist." (34-9476, 9477)

Why would Hitler have to give those orders, asked Pearson, if there was no annihilation of the gypsies and, as you now claim, no liquidation of the Jews?

"I haven't said there was no annihilation of the Jews," said Irving. "I specifically said this morning and on Friday that there were a number of massacres and atrocities. I refer to them here as being 'mindless' in the introduction. I am not denying that there were these ghastly episodes and I think that what happened on this occasion, if I am allowed to have an opinion, Himmler went to see Hitler on November the 30th, 1941, in fact his handwritten notes begin with the words 'from the train'. He makes a number of telephone calls from his train. Then the next telephone call is from the bunker at the Wolf's Lair, Hitler's headquarters, 1:30 p.m., November the 30th, 1941. Himmler comes out of the bunker and telephones Heydrich and he says, 'Transport of Jews from Berlin. No liquidation.' I think Himmler has gone to see Hitler and said 'Mein Führer, why don't we just get rid of them?' and Hitler says, Kommt nicht in Frage -- out of the question." (34-9477, 9478)

He continued: "There were approximately, to the best of my knowledge, between five and 10,000 Jews from the Berlin area who had been loaded onto a train and shipped out to Riga and at the time of that telephone conversation, they had already been killed three or four hours earlier...I can repeat from memory most of what is in the note. The first item is the arrest of Dr. Jekelius; the next item after appeared is apparently son of Molotov; then there's another period and then it says transport of Jews from Berlin; and then there's another period and then it says no liquidation and then there's another period." Irving testified that to the best of his knowledge both Himmler, who was chief of the SS, and Heydrich had knowledge of this massacre. (34-9478, 9479)

Would you agree, asked Pearson, that Himmler had the authority to engage the machinery of the state vis-a-vis the SS?

"I discussed this with Himmler's brother...Gebhard Himmler, many years ago, and he said to me 'I cannot believe that Heini would have done this without Hitler's authority'. Himmler certainly had the authority to set the wheels in motion himself and in the famous speeches at Posen in October 1943, he actually uses the words, 'I therefore took the decision that the women and children were to be killed as well'. So this strongly implies that he had the authority."

Pearson suggested that, with respect to the bloody and mindless massacre of the Jews, Himmler was implementing policy. Irving disagreed: "I think that it is such an important matter that it's very difficult to try and bridge that gap without some evidentiary basis...When you're trying to suggest there was a policy which is what I would contest, I don't think there was any overall Reich policy to kill the Jews. If there was, they would have been killed and there would not be now so many millions of survivors. And believe me, I am glad for every survivor that there was."

Do you know how many survivors there are?, asked Pearson.

"I don't dabble in statistics," replied Irving. (34-9479, 9480)

Pearson continued reading from Hitler's War:

My own hypothesis, to which I point in the various chapters in which I deal in chronological sequence with the unfolding persecution and liquidation of the European Jews, is this: the killing was partly of an ad hoc nature, what the Germans called a Verlegenheitslösung -- the way out of an awkward dilemma, chosen by the middle-level authorities in the eastern territories overrun by the Nazis -- and partly a cynical extrapolation by the central SS authorities of Hitler's anti-Semitic decrees. Hitler had unquestionably decreed that Europe's Jews were to be "swept back" to the east; I describe the various phase-lines established by this doctrine. But the SS authorities, Gauleiters, and regional commissars and governors in "the east" proved wholly unequal to the problems caused by this mass uprooting in midwar. The Jews were brought by the trainload to ghettos already overcrowded and underprovisioned. Partly in collusion with each other, partly independently, the Nazi agencies there simply liquidated the deportees as their trains arrived, on a scale increasingly more methodical and more regimented as the months passed.

Do you repudiate those statements, sir?, asked Pearson.

"I think [in] the first part of the paragraph there is not a line I would change," said Irving. "The last lines of the paragraph I think I would rubber stamp over the top of that 'at that time I believed'. At that time I believed there had been an increasingly more methodical liquidation. This is something which I am now increasingly inclined to challenge because over the intervening ten years, I still haven't seen any evidence that there was."

Have you engaged in any research on that question?, asked Pearson.

"I have engaged in a lot of research in the German archives not on that question. When you go through the German archives trolling for subjects about what you are writing about, you are going to notice if you come across blueprints or things referring to gas chambers or the methodical and systematic liquidation. Believe me, I wouldn't have concealed it if I had...I have continued writing books since then. I've worked consistently in the German archives. My relations with the world's historians are still of the very best. I have offered substantial cash rewards for documents that would prove me wrong because I have no vested interest. I have no axe to grind. If somebody came forward with a document proving that I am wrong on this, then I would accept that I am wrong and I would regard it as a battle lost and it's not the way -- it's not the result, it's the way you play the game, even in writing history, and I would have said to myself I've had a good run for my money but they've found the document." (34-9481, 9482)

Have you offered a reward for anybody who can produce to you a document signed, for instance, by Himmler?, asked Pearson.

"No. What I have offered is far simpler. I have said I will pay a thousand pounds in cash to any historian or private person, anybody, who can find one single wartime document showing that Adolf Hitler knew what was going on -- the 'Holocaust', whatever it was. They can't even do that."

Pearson accused Irving of being an apologist for Hitler by saying Hitler was not the one that was responsible.

"You want to call me an apologist for Hitler so the newspapers will use this tomorrow, no doubt."

What is meant by an apologist, sir?, asked Pearson.

"An apologist? I think the word is quite frank. It's a person that goes around making apologies for himself like the German people at present...If you have read the rest of the introduction -- I am quite prepared to do so; I have the time -- I will draw your attention to every single one of Hitler's crimes which I have set out in the introduction and drawn the reader's attention to the pages of this book where they will find Hitler's other crimes set out in more detail than in any other Hitler biography." (34-9483, 9484)

Irving agreed with Pearson that he said in his introduction that the greatest crime alleged against Hitler was the extermination of the Jews. He did not agree that he concluded Hitler wasn't responsible for it: "I deny that I say he wasn't responsible. I think I said earlier today that he had a constitutional responsibility as head of state but as his biographer, it is not without interest to me if he knew about it or not, whatever it was that was happening. It then draws the conclusion he must have been a very weak Führer of Germany if he didn't know everything that was going on on this scale." (34-9484, 9485)

Pearson continued reading from page xiv of the introduction to Hitler's War:

A subsidiary motive in the atrocity was the animal desire of the murderers to loot and plunder the Jewish victims and conceal their traces. (This hypothesis does not include the methodical liquidation of Russian Jews during the "Barbarossa" invasion of 1941, which came under a different Nazi heading -- preemptive guerrilla warfare; and there is no indication that Hitler expressed any compunctions about it.)

Irving agreed that this passage was a reference to the activities of the Einsatzgruppen in Russia: "This is true...it makes me a strange apologist for Hitler when I put in a sentence like that. I think he would like for a better apologist for himself in future. I have drawn attention to the fact that in the post-invasion operations of Russia, he had specifically provided for police executive [SS] units to sweep in behind, mopping up anybody -- I think one document says anybody who looked crookedly over his shoulder at us. He rounded up everybody who was likely to be partisan material and in this category the Jews figured very strongly...these Jews were not sent to Auschwitz or Majdanek or Treblinka; they were liquidated in the battlefield so-to-speak, by these SS and police units. It's an entirely different kettle of fish from what we now commonly regard as the 'Holocaust'." (34-9485, 9486)

You don't really mean in the battlefield, do you?, asked Pearson.

"In the rear battlefield areas," said Irving. "They weren't taken by train across Europe fifteen hundred miles to camps like Auschwitz and Majdanek and Treblinka and subjected to what we now have been told the Holocaust was. This is why I put that in a different paragraph. This is police units going along behind the lines, rounding up people, deporting them and liquidating them if they fell within the suspect persons categories and I -- this is why I used the word 'atrocities.' It was an atrocity." (34-9486)

You don't deny that women and children were liquidated by the Einsatzgruppen, do you?, asked Pearson.

"On Friday I gave two specific instances where people whom I interviewed myself had seen this with their own eyes...This is referred to by Heinrich Himmler in the Posen speech. He said we weren't able to leave the women and children to survive. It was an atrocity. No other way of describing it."

And it had nothing to do with suspect categories, did it, asked Pearson, it was racial genocide once again?

"I can't say what was going on in the mind of those who pulled the triggers. They may very well have been motivated by racial motives."

Weren't they responding to orders they received?, asked Pearson.

"Undoubtedly, the people who were taking part in the execution squads had received orders to take part in them...I think that indirectly they [the orders] led up to Himmler," said Irving. (34-9487)

Didn't they actually go to Hitler?, asked Pearson.

"Once again if you can find that piece of paper, then you're going to be a rich man," said Irving. "You would then collect the reward, but everyone's been trying for twenty or thirty years. They haven't succeeded to find that kind of evidence."

In your book, asked Pearson, you cite a memo from Himmler to Hitler in which 300,000 Jews are referred to as being exterminated?

"I'm familiar with this," said Irving. "It's the report number 53 or 54 in October 1942. It is a very remarkable report." He continued: "It's a document that raises my eyebrows. It's a document I am unhappy about because it -- it is so -- it's a rare document. It pokes out above the clouds of the other archives like Mount Kilimanjaro. You wonder what it's doing there. If you work in the archives, you're familiar with documents and you're familiar with statistics and tables and suddenly you come across this document which is the only one of its kind containing this kind of statistics. It's a monthly report or a weekly report. The other weekly reports don't have that category or that kind of figure in it. I am not challenging its authenticity; I'm just saying [it's] the kind of document I am unhappy about. I am unhappy about it because it is such an unusual, isolated document." (34-9488, 9489)

Irving testified that he referred to the document in his book: "I would be dishonest if I didn't refer to it." He agreed that he did not question its authenticity in the book, but added: "If you look in the footnote to which I refer to this document, I do a very kind of mild glance at the document in which I draw the reader's attention to the colossal number of Jews who apparently have been killed on that week, 300,000, and the very small number of hand guns and other items that have been picked up in the same operations. This [is the] kind of thing which makes me suspect that perhaps -- perhaps -- we shouldn't believe this one document is all that it purports to be. I would be dishonest if I had ignored the document; it would be equally dishonest to try and build an entire federal case on it. I'm sure you're not trying to do that." (34-9489)

The overall heading in the document was 'people killed as partisans': "They are not killed as Jews. There is a category of partisans who have been liquidated in that period allegedly and one of the sub-headings is suddenly this colossal figure of Jews."

And you don't accept that document as evidence of Hitler being informed that the Jews are being centred out for extermination?

"I think that you're looking at the wrong paragraph of this book," said Irving. "We're talking in this paragraph about the Russian Jews being rounded up and liquidated as partisans and counter-partisan warfare. We're not looking at -- at what we generally understand as the 'Holocaust'; that is, Jews being rounded up, put in trains in Amsterdam and Paris and put in trains and shipped to Auschwitz where they're gassed. This is two completely different operations we're looking at." (34 9490, 9491)

Do you deny that Hilberg sees the Einsatzgruppen as a prelude of what he calls the 'Holocaust'?, asked Pearson.

"On Friday, I said I consider every historian is entitled to his opinion. It would be a sad day if they weren't," said Irving. In his opinion, the activities of the Einsatzgruppen were not "part of an overall German state policy of exterminating Jews...because there is no documentary evidence to support the...contention." He pointed out to Pearson that the title of the document indicated it was a report on partisan warfare. (34-9492)

Pearson continued reading from Irving's introduction to Hitler's War at page xiv:

We shall see how in October 1943, even as Himmler was disclosing to audiences of SS generals and Gauleiters that Europe's Jews had virtually been exterminated, Hitler was still forbidding liquidations...

Irving agreed that the statement "Europe's Jews had virtually been exterminated" was based on something he had read: "That's correct. That comes under the category of 'at that time I believed'."

But isn't that your interpretation of what Himmler said?, asked Pearson.

"It's my interpretation based on what the perception of the world's historians up to 1977 was of the 'Holocaust'."

Irving had read Himmler's speeches in great detail. "Now, when we read them again we see that Himmler is admitting quite frankly that the German SS troops had been liquidating Jewish men and also Jewish women and children, which he then tries to justify in the eyes of his generals and in the eyes of the party Gauleiters. But this of course falls far short of what I say in that sentence that 'Europe's Jews had been virtually exterminated'." Since writing that sentence, he had studied Himmler's speeches again. "I have repeatedly because I have repeatedly been involved in historians asking to see my file of material on the High Command level decisions and the Holocaust."

So, after reading them in detail, said Pearson, preparing to write your book, you reach this conclusion but now you've changed your mind. Is that what you're saying?

"That is correct," said Irving. "I certainly wouldn't write that again." (34-9493, 9494)

Judge Ron Thomas interjected and asked when Irving had changed his mind.

"As I became aware that the whole of the Holocaust was coming under scrutiny and that the historians of the world were not able to put up a defence," replied Irving. This occurred between 1977 and the present day.

Was it at the 1983 convention of the Institute for Historical Review?, asked Pearson.

"I have made many speeches since then. I have attended many conventions. I can't be specific about where I formed any particular opinions. Obviously, this particular change of mind, and historians do change their minds over the years as they acquire better and further particulars, occurred gradually over the intervening ten years." (34-9495)

Pearson continued reading:

Wholly in keeping with his character, when Hitler was confronted with the facts -- either then or, as Kaltenbrunner later claimed, in October 1944 - he took no action to rebuke the guilty. His failure or inability to act in effect kept the extermination machinery going until the end of the war.

What facts was Hitler confronted with?, asked Pearson.

"There was an investigation of specific atrocities in SS and other concentration camps in 1944," replied Irving. "The investigation was carried out by Konrad Morgen with whom I corresponded. My attention was drawn to this investigation by what Kaltenbrunner, the chief of the Gestapo, said under interrogation. Kaltenbrunner claimed that when Morgen made these reports to him about atrocities that he had found in concentration camps, he, Kaltenbrunner, had gone to see Hitler who ordered that these atrocities had to stop." Morgen was referring to Auschwitz and Treblinka. (34-9496, 9497)

Did Irving now repudiate the last sentence?, asked Pearson.

"Of course, again it makes me look a very odd apologist for Hitler that I write things like that. His 'failure or inability to act' on several occasions -- he failed to act after the Reichskristallnacht in November, 1938. He took no steps to punish those who were guilty of those atrocities against the Jews. The 'extermination machinery' -- I don't now believe there was anything that you could describe as 'extermination machinery' other than the very disorganized ad hoc efforts of the criminals and murderers among the SS who were carrying out the liquidations that we described earlier...I would say now 'his failure or inability...in effect, kept the atrocities possible until the end of the war'."

Pearson suggested that Irving would not even blame Hitler for failing his constitutional duty with respect to official policy. Irving disagreed: "I didn't say that. I think it was very culpable on his part. He was so busy fighting the war, defending Europe against the Soviet invasion, that he paid very little attention to what the gangsters, Himmler, Bormann, were carrying on inside occupied Europe at that time." (34-9497, 9498)

Irving agreed that Himmler and Bormann, in the hierarchy of the Nazi regime, were "right outside Hitler's door." He agreed that in his book he stated that Hitler often gave his orders to them in non-written form. He also agreed that both men were very interested in seeing to it that Hitler's wishes were realized. Irving continued: "That is where they [the orders] became paper. Himmler and Bormann wrote 'On the basis of the Führer's order, this is what we have done', and that is what is lacking in this case." (34-9499)

Pearson continued reading from Hitler's War, page 12 in the first chapter, dealing with a speech by Hitler:

...[Hitler] reminded his Party faithfuls of that unique 1939 "prophesy", adding with ominous ambiguity: "As a prophet they always laughed at me. But of those who laughed loudest then, countless laugh no longer today. Nor are those who are still laughing even now likely to laugh when the time comes..."

While Hitler's overall anti-Jewish policy was clearly and repeatedly enunciated, it is harder to establish a documentary link between him and the murderous activities of the SS "task forces" (Einsatzgruppen) and their extermination camps in the east.

You repudiate that statement, sir?, asked Pearson.

"I would not use the words 'their extermination camps'," said Irving. "I think probably there was one camp that could be described as an extermination camp at that time, 1939, 1940, and that was at Chelmno...This was operating on a very small scale and the people responsible, I believe, were subsequently penalized for it." (34 9500)

Pearson continued reading from page 12 and 53:

For the pogroms that now began, Himmler and Heydrich provided the initiative and drive themselves, using arguments of Reich security. Hitler's only order to the Reichsführer SS Himmler in this context was one for the general consolidation of the German racial position; there is no evidence that Hitler gave him any more specific

instructions than this, nor did Himmler ever claim so. When army generals became restless about deeds being enacted by the SS in Poland, Himmler reassured them in a secret speech at Koblenz in March 1940, of which his handwritten notes survive -- though they are infuriatingly cryptic in parts...

In the east, meanwhile, the "devil's work" was well in hand. Gruesome reports of massacre and persecution began to filter up through army channels. Not all of them reached Hitler, since Brauchitsch had in September tacitly agreed that Heydrich should have free rein for his special tasks...

What do you mean by "devil's work"?, asked Pearson.

Irving replied: "Um, the SS units under the command of General von Woyrsch...had begun rounding up opposition elements including Jews, the clergy and Polish intellectuals and they were being ruthlessly massacred." This was also the meaning of "special tasks."(34-9501, 9502)

Pearson continued reading:

...for Brauchitsch to have protested now would have been hypocritical, and besides, his row with Hitler on November 5 had made him reluctant to set foot in the Chancellery again. But consciences had to be salved and the reports were dutifully shuttled about between the adjutants. Thus, soon after the Munich plot, Captain Engel received from Brauchitsch's adjutant a grisly set of eye-witness accounts of executions by the SS at Schwetz. An outspoken medical officer addressed to Hitler in person a report summarizing the eye-witness evidence of three of his men:

Together with about 150 fellow soldiers they witnessed the summary execution of about 20 or 30 Poles at the Jewish cemetery at Schwetz at about 9:30 A.M. on Sunday, October 8. The execution was carried out by a detachment consisting of an SS man, two men in old blue police uniforms, and a man in plain clothes. An SS major was in command. Among those executed were also 5 or 6 children aged from two to eight years old.

Whether Engel showed this document and its attached eye-witness accounts to Hitler is uncertain.

Would you agree, asked Pearson, that an SS Major here is reported to have conducted a massacre that was against non-combatants?

"Oh, indeed," said Irving, "and I would like to draw attention to the quality of the documentary evidence which does exist relating to smaller crimes. Dealing here with twenty or thirty Poles who are being massacred, a small atrocity. Why do we not have documents on the huge crimes of equivalent evidentiary value?" (34-9503)

Pearson continued reading:

If Hitler still regretted having kindled this holocaust, it was not because of the horrors that were beginning to spread like a medieval plague across eastern Europe: they were inevitable byproducts of his program, and he was more concerned to justify them

inwardly than to prevent them. What unsettled him was the unscheduled delay the war would inflict on his grand plans for the reconstruction of Germany.

What "holocaust" are you talking about?, asked Pearson.

"It's quite remarkable that long before the word 'Holocaust' became trademarked in the way it now has -- with a capital H -- I use that word there. This is because I was using it in the medieval sense of the word holocaust, the original Greek origins of the word. It's nothing to do with what is now referred to as the capital H trademark." (34-9503)

Pearson suggested that Irving was not referring to isolated incidences in the passage, but to something that was spreading like a medieval plague.

Said Irving: "I think war produces barbarism and as the barbarisation of the war progresses, then the violence and atrocities conducted by both sides increase in scale."

Pearson turned to the subject of the Madagascar project and asked Irving whether the plan did not go ahead because of French refusal to go along with it.

"From my reading of the documents at Hitler's level, the reason that the plan could not go ahead was because the conditions of war made it impossible to ship large numbers of any kind of population across the dangerous high seas...I think it was a question of unnecessary movements of civilian populations across seas that were infested by U-boats of either side." (34-9504)

It had nothing to do with the position of the French?, asked Pearson.

"This is a novelty, I have to admit," said Irving. "I had never heard before that Hitler had paid very much respect to the wishes of the French government in 1940."

Pearson continued reading from page 270 of Hitler's War:

But for the duration of the war the Madagascar plan was out. Hans Frank's Generalgouvernement of Poland would have to accommodate Europe's displaced Jews for the time being. On October 2, 1940, Hitler had discussed this with Frank and Baldur von Schirach, Gauleiter of Vienna. Schirach pointed out that his fifty thousand Viennese Jews were the first due for deportation. Frank reported that Warsaw and other Polish cities had concentrated their Jews in restricted areas -- "ghettos" -- and complained that he had no accommodation available for a fresh influx of Jews. But Hitler had dreamed of ridding Europe of the "Jewish plague" since 1921, if not earlier, and he had strong popular support for his program in the Reich.

You don't contest that huge numbers of Jews were displaced?, asked Pearson.

"At this time," said Irving, "we're talking about relatively small numbers because at this time all that Hitler had physically occupied was Poland, part of Czechoslovakia, France, the low countries and Norway. We're not looking at the very large populations of Jews in eastern Europe. But he has certainly by this time begun to issue the orders

for the deportation, the relocation, the resettlement of Europe's Jews in the east instead of in Madagascar." (34-9505)

Would you agree, asked Pearson, that Hitler's blueprint for the Jews is evident as early as Mein Kampf? Irving disagreed: "I think you have to be very careful before using Mein Kampf as a source of Hitler's thinking. It was written in 1924 in prison in Landsberg partly by him, partly by Rudolf Hess. It's very difficult to disentangle which man wrote what. [Of] far more value is what is known to historians as Hitler's [Secret] Book which was never published until after his death, and that really was Hitler's original thinking." (34-9506)

You wouldn't deny that Hitler was virulently anti-Semitic?, asked Pearson.

"A strange character," Irving replied. "He was virulently anti-Semitic; he was seen from the documents I referred to earlier the only person in real authority who repeatedly put out his hand to protect ugly things happening to them in specific instances."

Pearson continued reading from Hitler's War:

Thus Hitler overrode Hans Frank's practical objections to using the Generalgouvernement as a dumping ground. The problem with the Madagascar plan in wartime was, he told Martin Bormann, how to transport the Jews that far. "I would dearly like to devote my entire fleet of...ocean liners to it, but in wartime that's not so easy. I don't want my German crews being sunk by enemy torpedoes." In private -- to Keitel, Bormann and Speer -- Hitler described it as his eventual ambition to eliminate all Jewish influence throughout the Axis domains.

Irving testified that he agreed with this passage: "I'm not sure it does your case any good because this is clear proof that Hitler had no intention, if he did have, of liquidating the Jews. He wants to ship them overseas which is a very poor way of liquidating them." (34-9507)

Irving agreed that Hitler wasn't able to ship them overseas: "The war was continuing unexpectedly...Mr. Churchill's war was continuing from June 1940 onwards and so another solution had to be found. They were shipped to the east instead." (34-9508)

Pearson continued reading:

As "Operation Barbarossa" approached, it occurred to Hitler that the new eastern empire would enable him to humour Hans Frank's loud objections to the dumping of Jews on his Generalgouvernement territory and Himmler's growing influence there. Three days after the Wehrmacht attacked Russia, Hitler announced this explicitly to Frank; and the latter accordingly briefed his staff that no fresh ghettos were to be established, "since the Führer expressly stated to me on June 19 that in due course the Jews will be removed from the Generalgouvernement -- and that the Generalgouvernement is to be, so to speak, only a transit camp". Seven months later, the Madagascar plan died a natural death. A foreign ministry official would then write: "The war against the Soviet Union has meanwhile made it possible to provide

other territories for the final solution. Accordingly, the Führer has decided that the Jews are not to be deported to Madagascar, but to the east".

What exactly did Hitler mean by "east" of the Generalgouvernement? On the twentieth, Rosenberg had revealed to Canaris, Heydrich, and a host of other Party and Wehrmacht leaders that White Ruthenia -- the area around Minsk -- was to be set aside for "undesirables" and antisocial elements from Germany's dominions. Was this to be the new Israel, or did Hitler now use "east" just as a vague generic term, whose more precise definition would be: perdition, oblivion, extermination? The documents at our disposal do not help us.

Irving interjected, stating: "A small tingle of pride overcomes me when I read those words because I got it so right, I think, on the basis of the documents then available." (34-9509)

Pearson continued reading from page 330:

Hitherto, Adolf Eichmann, one of Himmler's leading experts on Jewish affairs, had continued holding regular conferences with his regional officials on the various problems associated with the "Madagascar plan"...But on October 18, Himmler scribbled on his telephone pad the message he had just dictated to Heydrich: "No emigration by Jews to overseas." Instead, on October 15, 1941, the big exodus from Europe to the east began - the Jews being herded initially into camps in Poland and the Lodz ghetto. "In daily transports of a thousand people, 20,000 Jews and 5,000 gypsies are being sent to the Lodz ghetto between October 15 and November 8," Heydrich informed Himmler on October 19. For the time being Himmler reluctantly kept the able-bodied Jews alive for the work they could perform; but farther east the Gauleiters had no intention of preserving the unemployable Jews: a letter dated October 25 in SS files states that Adolf Eichmann had now approved Gauleiter Lohse's proposal that those arriving at Riga should be killed by mobile gas-trucks.

Irving testified that he stood by what he wrote concerning Eichmann: "That is what that letter stated...Without having another look at the letter now ten years later in the light of our present information, I would stand by what I wrote there." (34-9510 to 9511)

Pearson continued reading:

This initially ad hoc operation gathered momentum. Soon the Jews from the Lodz ghetto and Greiser's territories were being deported farther east - to the extermination camp at Chelmno. There were 152,000 Jews involved in all, and Chelmno began liquidating them on December 8.

At this stage of the Jewish massacre it is possible to be more specific about the instigators, because on May 1, 1942, Greiser himself mentioned in a letter to Himmler that the current "special treatment" program of the hundred thousand Jews in his own Gau had been authorized by Himmler "with the agreement of" Heydrich.

With respect to the first two sentences of this passage, Irving testified: "I think I mentioned Chelmno earlier about fifteen minutes ago as one of the camps which I am

prepared to accept was probably involved in this kind of operation. I think it has to be pointed out we're not talking about 152,000 Jews being exterminated. I'm just saying this is one figure which is contained in the document and that Chelmno was certainly involved in killing Jews. I don't think it's proper to read anymore into that sentence than that." (34-9511)

With respect to the last part of the passage Irving testified: "I think that in that document as used by those writers and recipients, the phrase 'special treatment' was probably a code word for liquidation." (34-9512)

Himmler had the authority to engage in a special treatment programme of hundreds of thousands of Jews, right?, asked Pearson.

"I think he arrogated to himself that authority," said Irving. "But we have to be very cautious with the word 'special treatment' because it belongs in a category of words which means different things in different mouths and in different documents." Irving agreed that particular document "left very little room for doubt" concerning its meaning. He added, however, that: "The only room for doubt would come under the heading, is this document genuine or has it been fabricated by the Polish government after the war...That would be the only kind of room for doubt. The document appeared to be authentic. One would have to carry out far more detailed forensic tests on a document like that if I was to answer it specifically." Irving testified that he published the document in his 1977 book "[o]n the basis of the beliefs current in 1977." (34-9513)

Have you asked your publisher to stop publishing Hitler's War?, asked Pearson.

"Hitler's War is out of print in this country," said Irving.

Have you asked your publisher in any other country to stop publishing it?

"Remember I said earlier I told the German publisher to stop on the very first day at a very substantial loss to myself because he tampered with the text."

What I want to know, asked Pearson, is since you changed heart and decided that many of the statements that you put in Hitler's War are no longer accurate, have you asked your publisher to withdraw it from publication?

"I think that question portrays an ignorance about the way that publishers operate. They would not reprint a book if they had to change lines in the middle of the text. The reprinting is done on a strictly photographic basis. But in the subsequent volume of this which was called The War Path, which is in fact the pre-war years of Hitler's life, I included a very detailed introduction to The War Path in which I dealt specifically with the Holocaust controversy which had blown-up as a result of this book being published...That was published in about 1978 or 1979." (34-9514, 9515)

And did you deny that the Holocaust had happened in that?, asked Pearson.

"I took exactly the same stand as I adopted in this book here," said Irving. "Very similar to the stand which I am adopting now, which was to say that the historians have not proven me wrong."

Well, sir, said Pearson, I want to know if you at any point published a disclaimer with respect to those parts of Hitler's War in which you clearly indicated that there was an extermination programme going on which you now deny?

"There's a limit of how many disclaimers an author can publish. I have disassociated myself from three or four books that have been published by me. Accident was published -- the Sikorski book -- was published and I put in the Times on the publication date I disassociated it from myself because changes were made...The way one disassociates oneself from something mistakenly written in an earlier volume is to lecture, is...to write articles, it is to correct the record in subsequent volumes of the book. I have occasionally done this. My very first book on the air raid at Dresden, I discovered documents existed which cast light -- which cast doubt, rather, on my own figures, and I wrote a letter to the Times drawing the attention of the public to the fact that I might be wrong on the air raid casualties in Dresden." (34-9515, 9516)

In Churchill's War, do you say that the Holocaust never happened?, asked Pearson.

"In volume two of Churchill's War, we come to some very interesting documents in the British archives which show the British intelligence service suggesting a propaganda campaign against Germany on the basis of invented allegations of gas chambers and the subsequent belief that it would be wrong to press this kind of absurd story too far in order not to make the whole of British propaganda implausible," said Irving.

And would you agree with me that Did Six Million Really Die? is wrong when it suggests that the Holocaust was invented post-war? Irving replied that he needed to see the exact passage in the booklet referred to, but added: "I think the simple answer is that the author of this brochure did not have access at that time to the government records, the wartime records that I have now seen."

Was the Joint Allied Declaration something that was kept secret during the war?, asked Pearson.

"It was published in the newspapers in December 1942 along with a large number of other such propaganda declarations and probably attracted very little attention," said Irving. (34- 9516, 9517)

Pearson continued reading from Hitler's War, page 330:

At Kovno and Riga the Jews were invariably shot soon after. At Minsk the Jews did not survive much longer: Richard Kube, Rosenberg's general commissioner of White Ruthenia, recorded on July 31, 1942, that 10,000 had been liquidated since the twenty-eighth, "of which 6,500 were Russian Jews, old folk, women and children, with the rest unemployable Jews largely sent to Minsk from Vienna, Brünn, Bremen, and Berlin in November last year on the Führer's orders". It is not without evidentiary value that Himmler's handwritten telephone notes include one on a call to Heydrich

on November 17, 1941, on the "situation in the Generalgouvernement" and "getting rid of the Jews"; two days later Heydrich circulated invitations to an interministerial conference on the Final Solution of the Jewish Problem -- delayed until January 1942, it became notorious as the Wannsee Conference.

Pearson suggested it was clear from the context that "the Final Solution" dealt with by the Wannsee Conference was about the extermination of the Jews.

"I stand by what I wrote on this page and on the previous page," said Irving, "but I don't think you are entitled to extrapolate from what I wrote there the conclusion that the reference to the Wannsee Conference in that paragraph means that I accept that it was a conference about the extermination of Jews...perhaps I can tell you by reminding you on Friday I stated that Heydrich had been given the job in January 1939 by Göring of arranging the resettlement and deportation of Jews out of what was then Germany and Austria, and that in 1941, in July, July 1941, Göring had signed an order to Heydrich expanding that authority to include the new occupied territories in the east, again as Göring understood, for the geographical resettlement of the Jews to other territories and that here, this paragraph states quite simply that Himmler and Heydrich are talking on November the 17th about the situation in the Generalgouvernement of Poland and getting rid of the Jews which was the best translation I could find that would give the flavour of the original words in German, Beseitigung, which literally means putting the Jews aside, getting rid of them." (34-9519 to 9521)

So when you wrote those words, asked Pearson, you were of the view that the Wannsee Conference was a conference about emigration and not about extermination?

"No more and no less than what that paragraph states," said Irving, "which is on November the 17th, there was that telephone conversation and that two days later, Heydrich issues invitations for an interministerial conference on the final solution of the Jewish problem. And I don't think it's proper to try and read any more into that paragraph than what I, myself, wrote." He continued: "When I wrote that, my intention as a historian was to be of assistance to other historians who hadn't bothered to read the handwriting and who hadn't bothered to look at the Wannsee Conference record, setting things out in chronological sequence so that they could form their own opinions." (34-9521)

Pearson pointed out Irving had called the Wannsee Conference "notorious". Wouldn't it have been more helpful to historians, he asked, to have said wait a minute, it shouldn't have been notorious because all they were talking about was emigration?

"I have tried not to be too polemical in this book," said Irving. "I was in trouble with the book as it was. As I said on Friday, my literary agent warned me we were going to lose a million dollars in subsidiary contracts because of the very new stand I was taking even in this kind of dry, dry as dust treatment of a very emotional subject. If I had tried to be more polemical and said it was notorious because historians have got it all wrong, if I had kept on saying that, then I think an editor would very rightly have said 'Mr. Irving, let's leave it as dry and as sober as possible'."

Are you saying, asked Pearson, that back in 1977 you knew that the historians had got it wrong? Irving agreed: "Yes, they hadn't bothered to read Himmler's handwritten notes. For example, I was the first person to produce this. This is why I was, with a rather smug grin on my face -- 'it is not without evidentiary value' -- this is my gentle way of poking historians in the ribs and say[ing], 'Ha, ha, 1977, twenty years after the end of the war -- thirty years after the end of the war, none of you has bothered to read Himmler's own handwriting'...They had not done their homework, that they had been making claims without having exhaustively raked over all the old ashes...I think I was striking a deliberately sober tone in this and in this I was greatly aided by the fact that my editor in New York, a Jew, Stan Hochman, a very fine editor and he repeatedly caught me, held my arm and said, 'David, what do you mean by writing this? Can you be more specific?'" (34-9523)

Pearson returned to Hitler's War and continued reading at page 332:

In most circumstances Hitler was a pragmatist. It would have been unlike him to sanction the use of scarce transport space to move millions of Jews east for no other purpose than liquidating them there; nor would he willingly destroy manpower, for which his industry was crying out.

That sentence, said Pearson, was very similar to a sentence that Colin Cross had in his book about Adolf Hitler. Did Irving remember reading that sentence in Cross's book?

"I haven't read Colin Cross's work. I believe from my reading of the brochure Did Six Million Really Die? that Colin Cross's book was published in 1972...By that time I had long ago written these pages, of course. This book was being written from 1964 onwards, but it is not without interest that the brochure raises precisely the same logical questions as I have in this book, about why do you transport people if you were going to liquidate them," said Irving. He continued: "I am not prepared to have the opinions of Colin Cross quoted against my own. Colin Cross can't read German to the best of my knowledge. He hasn't read the documents that I used in this paragraph, Himmler's telephone notes. He hasn't interviewed Heinrich Heim, Martin Bormann's adjutant. He didn't do the work I did in formulating my opinion." (34-9524, 9525)

Pearson continued reading from Hitler's War at page 332:

It was Heydrich and the fanatical Gauleiters in the east who were interpreting with brutal thoroughness Hitler's decree that the Jews must "finally disappear" from Europe; Himmler's personal role is ambivalent. On November 30, 1941, he was summoned to the Wolf's Lair for a secret conference with Hitler, at which the fate of Berlin's Jews was clearly raised. At 1:30 P.M. Himmler was obliged to telephone from Hitler's bunker to Heydrich the explicit order that Jews were not to be liquidated; and the next day Himmler telephoned SS General Oswald Pohl, overall chief of the concentration camp system, with the order: "Jews are to stay where they are."

Once again, asked Pearson, why was Hitler giving orders that Jews were not to be liquidated if they weren't being liquidated?

"We discussed this in the earlier session today. This was, in fact, a reference to one trainload of Jews as becomes evident in the facsimile of that page of Himmler's

handwritten notes which I published in the book so that readers could see it for themselves. It's a reference where a transport of Jews from Berlin and the next sentence is in Himmler's handwriting, Keine Vernichtung -- not to be liquidated."

Pearson suggested that the only reason why someone would issue this order is they assumed that in the normal course if they didn't issue the order, the Jews were going to be liquidated. Said Irving: "It is correct to say, and I will go along with you to this extent, that the territories behind the advancing German armies in Russia were not a very healthy place for the Jews to be sent to because Hitler's commissar order existed at that time and Hitler's other orders for the ruthless combatting of partisans, which had, as we have seen, resulted in the tragic execution of very large numbers of Jews and women and children." (34-9527, 9528)

So you will agree, asked Pearson, that the person who issued the order knew that if the order didn't issue, those Jews were going to be liquidated?

"Not quite the same," said Irving. "I think what I said just now was that it wasn't a healthy place to be sent to because Jews were free game, so-to-speak, in the area behind the advancing Russian -- behind the German armies in Russia." (34-9528)

Pearson continued reading at page 332:

Yet the blood purge continued. The extermination program had gained a momentum of its own. Hans Frank, announcing to his Lublin cabinet on December 16, 1941, that Heydrich was calling a big conference in January on the expulsion of Europe's Jews to the east, irritably exclaimed: "Do you imagine they're going to be housed in neat estates in the Baltic provinces! In Berlin" - and with Hitler in East Prussia this can only be taken as a reference to Heydrich's agencies -- "they tell us: why the caviling? We've got no use for them either...Liquidate them yourselves!"

Said Irving: "Magnificent piece of evidence. A first-rate piece of evidence. A shorthand record taken by a stenographer in Hans Frank's government in December 1941 in Poland, a cardinal piece of evidence showing how the tragedy happened. Somebody on-the-spot taking a decision for himself. Saying Berlin has got [no] idea of the problems we've got here, we say why put them -- why dump them on us? We can't use them either. Liquidate them yourselves. This bears out what I said in my introduction that the whole of the ghastly tragedy was an ad hoc measure taken, a decision taken by local people on-the-spot who just found that the Jews were a bother. They were being dumped on them and they didn't want them. Just like we in Britain didn't want them, like the Americans didn't want them either."

Irving testified that Hans Frank was the governor of Nazi-occupied Poland and its highest authority. He continued: "Remarkable thing is that this is, I think, the only explicit reference in Hans Frank's entire diaries which occupy many feet of shelf space to the tragedy that was occurring." (34-9529, 9530)

So what did Hans Frank mean at Nuremberg when he said his own diary convicted him?, asked Pearson.

"I think he is referring to probably all the Nazi atrocities that occurred," said Irving, "not just this kind of specific episode. He's referring to the whole of the Nazi occupation regime. Hans Frank at Nuremberg was a changed man. He wasn't a very morally upstanding man. He was a lawyer. He was -- I don't mean that offensively. He wasn't a soldier; he wasn't an SS general. He was just a man who did what he was told or what he was paid to do. Perhaps I better say no more." (34-9530)

Who was the only person who could tell Hans Frank what to do?, asked Pearson.

"I think it depends which hat he was wearing. Certainly he came under Adolf Hitler's overall regime and in other respects he would come under Himmler's regime as the Reich Commissioner for the consolidation of Germandom."

So, when you say the extermination programme gained a momentum of its own, asked Pearson, you now repudiate the terms "the extermination programme"?

"I think I would go along with the terms there. I think it's sufficiently vague and we've described in the earlier paragraphs what I am referring to so I would let them stand there. I wouldn't want to change them." Irving testified he was referring in the sentence "to Hans Frank and the local governors, the police chiefs, meeting him and in Lublin at that conference...I think probably he was addressing the dictates of his own conscience there rather than any dictates from Hitler's headquarters." (34-9531)

Irving continued: "When he went to see Hitler in 1944, and there was a seventeen page record of their conversation, it's quite obvious that Hitler is still under the misapprehension that the Jews have been transferred further east out of Poland."

And what in fact, asked Pearson, had happened to them?

"Well, we are now taught to believe, and I stress the word believe, that they have all been exterminated," said Irving.

What did Hitler misapprehend then?, asked Pearson.

"Well, Hitler had been led to believe by his commanders they were being sent further east," said Irving. "We are now looking at it from a 1988 knowledge. I am looking at it from your side of the bench. From your point of view it could be a misapprehension...Because the present Holocaust belief is that all the Jews who were sent to Auschwitz and Treblinka and Majdanek and the other camps in Hans Frank's government generally were sent there for the purpose of liquidation. And this, of course, is now what is now open to dispute." (34-9532)

Pearson returned to Hitler's War and read from a chapter note on page 851:

In view of Himmler's note of November 30, 1941, I cannot accept the view of Dr. Kubovy, of the Jewish Document Centre, Tel Aviv, expressed in *La Terre Retrouvée* on December 15, 1960, that "there exists no document signed by Hitler, Himmler or Heydrich speaking of the extermination of the Jews". Of equal evidentiary interest is Himmler's telephone call to Heydrich on April 20, 1942 -- after a day with Hitler -- on

which the Reichsführer noted: "No annihilation of gypsies". Yet the gypsies were also deported en masse to the death camps by the SS.

Pearson turned to *Did Six Million Really Die?* and quoted from page 29:

Finally, Professor Rassinier draws attention to an important admission by Dr. Kubovy, director of the World Centre of Contemporary Jewish Documentation at Tel-Aviv, made in *La Terre Retrouvée*, December 15th, 1960. Dr. Kubovy recognised that not a single order for extermination exists from Hitler, Himmler, Heydrich or Göring.

Would you agree, asked Pearson, that the pamphlet inaccurately describes Dr. Kubovy's organization? Irving did not: "It would undoubtedly be translated from the Hebrew and [the] two translations are equally valid." (34-9534)

You do agree with Dr. Kubovy?, asked Pearson.

"Well, I take exception to the -- to his statement there that he says there is no document signed by Himmler speaking of the extermination of the Jews, because I have given a facsimile in the book of this telephone conversation in Himmler's handwriting speaking of 'no liquidation of the Jews'...The statement is really 'no document'. That is the operative thing there. It's quite clearly evidentiary material written in Himmler's own handwriting relating [to] liquidation of the Jews using those precise words vernichtung juden....All that I am really doing -- this is another poke from me in the ribs of the historians when I am saying you haven't found this document because you didn't bother to read Himmler's own handwriting." (34 9534, 9535)

Pearson suggested *Did Six Million Really Die?* was wrong.

"I think the difference is that my quotation is a direct quotation in quotation marks and the author of this brochure has paraphrased it into a different form...What he really said is what I have in quotation marks and it has apparently been paraphrased by the author of this pamphlet...That not a single order for extermination exists from Hitler...' -- well, clearly, if no document exists signed by Hitler, Himmler, [Heydrich] or Göring, equally it follows logically there could not have been an order signed by them speaking of the extermination of the Jews...He has drawn a conclusion in his paraphrase. He is saying if there's no document then there's also no order...it follows if there's no single document then there's no order either. The one embraces the other." (34-9536, 9537)

You don't agree with the conclusion?, asked Pearson.

"With his conclusion? I do agree with that and I equally agree with this except that they haven't seen that Himmler did sign documents speaking of the extermination of the Jews because Himmler's telephone note uses the words 'no liquidation of the Jews'...it speaks of it in a negative sense," said Irving. (34-9537)

What were the 'death camps of the SS'?, asked Pearson, referring back to Hitler's War.

Said Irving: "I thought you weren't going to ask. 'Yet the gypsies were also deported en masse to the death camps by the SS'. The present belief is that gypsies were liquidated to some degree by the SS in Germany and I therefore assumed that they had gone to the death camps for that purpose. That was my state of belief in 1977 when this book was published. This was clearly against the orders of Hitler who had told Himmler on the 20th of April, 1942, there was to be no annihilation of gypsies." (34-9539)

Pearson suggested that a major thesis of Hitler's War was that Hitler didn't know about the mass extermination of Jews. Irving disagreed: "Not quite right. The other way around. There is no evidence that he did know what was going on, whatever it was." (34-9539)

Now your position, asked Pearson, is it's all irrelevant because there wasn't anything going on?

"Well, I would semantically say it is now all irrelevant because the mythologists have failed to produce any evidence that it was going on."

Have you read Professor Hilberg's three volume work?, asked Pearson.

"No," replied Irving. "But Professor Hilberg was kind enough to correspond with me to say that he was inclined to share my conclusions on Hitler's responsibility."

Pearson requested that Irving not shift ground. Would he agree, asked Pearson, that Hilberg had chronicled the mass extermination of the Jews in his three volume work?

"I think that Professor Hilberg will eventually also come to change his beliefs," said Irving. He had not read Hilberg's three volumes: "I don't read people's books if I can avoid it...It's easier...to go into the archives and read the original documents." (34 9540)

Pearson turned to page 390 of Hitler's War:

"It would have been a scandal if these cities' priceless treasures had suffered from air bombardment," he [Hitler] told a neutral diplomat. But now the boot was on the other foot: quite without their wanting it, the peoples of Europe were breathing a new climate of brutality.

Said Irving: "...I'm talking about the fact...that we have started sending one thousand heavy bombers to bomb the interior of German cities...It's quite plain from that paragraph I am talking about the brutality of sending bombers to drop bombs, not like the bombing of Tripoli a day or two ago, but sometimes ten thousand tons of bombs on a civilian city in one night." (34- 9541, 9542)

Pearson continued reading from page 390:

Germany's contribution to this new climate, the elimination of the Jews from central Europe, was now gathering momentum. Hitler's radical followers saw the eleven million Jews as "Europe's misfortune" -- as an eastern plague threatening friend and

foe alike. Hitler felt that in time all Europe would understand his hatred. "Somehow we must get rid of them, if they are not to get rid of us", reasoned Josef Goebbels. It seemed no coincidence that the Jews were at the bottom of the spreading partisan movement everywhere.

The precise mode of "elimination" met with varying interpretations. Hitler's was unquestionably the authority behind the expulsion operations; on whose initiative the grim procedures at the terminal stations of this miserable exodus were adopted, is arguable.

What were these "grim procedures" at the "terminal stations"? asked Pearson.

"I think in 1977 we had all seen the movie films of Auschwitz and the other so-called death camps. This was the image I had in my eyes when I was writing that paragraph." (34-9543)

Pearson continued reading at page 391:

In January 1942, Reinhard Heydrich, chief of the Gestapo, had briefed the leading government officials in Berlin thus: the Führer had sanctioned the evacuation of all Jews to the eastern territories, substituting this for the overseas deportation originally planned. In the east they would build roads, until they dropped. At a further Heydrich conference early in March the awkward problem posed by half- and quarter-Jews was examined. One solution would be to sterilize them, but it would take ten days' hospital treatment to sterilize each of the seventy thousand people involved, so this procedure would have to wait until the war was over; a "top level" opinion -- i.e., Hitler's -- was quoted to the effect that a sharp distinction must be made between Jews and non-Jews, as it would not be acceptable for a mini race of semi-Jews to be perpetrated in law.

Irving testified that in this paragraph he was referring to the Wannsee Conference. He said: "I think that this document shows quite clearly that one thing...the Wannsee Conference didn't discuss was the extermination of every Jew in Europe which is now what we are led to believe. We're talking here about subsequent conferences, looking at what to do with the residual problems caused by the deportation and all the other problems of it." (34-9544)

Pearson continued reading:

In a paper circulated early in March 1942, Heydrich's office advised the ministries that Europe's eleven million Jews were to be concentrated "in the east" for the time being; after the war they might be allocated a remote territory like Madagascar as a national home. Thus the official version.

Irving testified that the figure of 11 million Jews was given in the paper itself, which Irving felt was the approximately correct figure. The "official version" he referred to was that "given by the archives. I am accepting there that it's possible, if we remember Trevor-Roper's three criteria -- we ask why does a document exist, for what purpose was it written? I am accepting that it's possible these documents might have been

written by Nazi criminals to cover their tracks. I think it would have been irresponsible, I believe, for me not to accept that possibility." (34-9545, 9546)

Pearson continued reading:

The actual operation proceeded differently. Starting in March and April the European Jews were rounded up in occupied France, Holland and Belgium, and in the eager Nazi satellite Slovakia; for political reasons Hungary - which had nearly a million Jews -- and Romania were not approached yet but were told that their Jewish "problems" would be left unresolved until the war was over. From Hans Frank's Generalgouvernement of Poland too -- beginning with the ghettos of Lublin -- the Jews set out eastward under the direction of one of the cruelest SS leaders, Brigadier Odilo Globocnik, the Trieste-born former Gauleiter of Vienna. Upon arrival at Auschwitz and Treblinka, four in every ten were pronounced fit for work; the rest were exterminated with a maximum of concealment.

Where did you get the figure four in every ten?, asked Pearson.

"I believe that at that time I had been shown a document in the Berlin Document Centre of the U.S. Mission in Berlin which was one unsigned purported eyewitness account. And at that time I had no reason to challenge its reliability." Irving testified that in talking about the "official version" he was not talking about public propaganda: "I'm not talking about public propaganda. I'm talking about the official version contained in the official documents in the archives." He agreed that he went on to say in the passage that that was not what was really happening: "On the basis of my 1977 knowledge, yes." (34-9547, 9548)

Pearson put to Irving that he had written this passage after ten years of research that he had not duplicated since. Irving disagreed: "I have repeatedly been through the archives of the Nazi agency since I have written the memoirs of Field-Marshal Milch, Field-Marshal Rommel, Reichsmarschall Göring, and I have written all of these biographies which required me to go over the same ground again and expand the basis of the archival research." (34-9548)

So do you now repudiate what you've written in your book?, asked Pearson.

"I am now uncertain," said Irving, "because I now understand that the whole of the story of what happened in Auschwitz and the other camps is controversial and with that knowledge of the controversy at the back of my mind, I have kept my eyes that much more open and going through the archives again in the hope of finding a document that would resolve the controversy."

But you haven't read Professor Hilberg's three volume work?, asked Pearson.

"Professor Hilberg's three volume work isn't a document. It's the product of another historian's mind. Certainly he would make no claim that he has found evidence definitely that there was such an extermination programme directed by Hitler, because in a private letter to me he conceded that I was probably correct," replied Irving.

You made it clear in 1977, suggested Pearson, that there was an extermination programme going on, didn't you? Irving disagreed: "I made it clear that I have believed what was at that time the accepted version of events...Even in this book, I was challenging about how that tragedy...happened." (34-9549)

And yet you haven't read Professor Hilberg's three volume work where he sets out his findings for how it happened?, reiterated Pearson.

"I am sure when the time comes you will put his documentation to me and ask me my opinion on it," replied Irving.

What did you mean when you wrote "the rest were exterminated with a maximum of concealment"?, asked Pearson.

"By virtue of the fact that apart from this one document that I saw in the archives of the American government in Berlin, there was no similar kind of evidentiary proof of the existence of such an extermination programme," said Irving. (34-9550)

Pearson continued reading from Hitler's War at page 391:

Two documents shed some oblique rays of light on the level of responsibility for this. At a cabinet meeting in Cracow on April 9, Hans Frank disclaimed responsibility for the disruption in the work process caused by the order to turn over all Jews for liquidation. "The directive for the liquidation of the Jews comes from higher up."

Irving testified that he had no reason to doubt the authenticity of the report but pointed out that in a footnote he indicated that the German phrase for "higher up" referred to an intermediary level, not the highest level: "It doesn't come from Hitler." (34-9550)

Irving indicated that "at that time there was quite definitely a liquidation of Jews going on. I haven't challenged that. I've made it quite plain. I accept that there were a large number of atrocities being conducted during the war." In Irving's opinion, however, Frank was "trying to shift responsibility away from himself. He doesn't care where." (34-9551)

Pearson returned to Hitler's War and continued reading:

In a letter of June 26 it became clear that Himmler was anxious to conceal the massacre, for Globocnik was quoted as being eager to get it over with as quickly as possible in case one day force majeure should prevent them completing it: "You yourself, Reichsführer, once mentioned that you felt the job should be done as quickly as possible if only for reasons of concealment". The concealment was almost perfect, and Himmler's own papers reveal how he pulled the wool over Hitler's eyes. On September 17, while the murder machinery was operating at peak capacity, the Reichsführer still calmly jotted down in his notes for that day's Führer conference: "Jewish emigration -- how should we proceed?" And in March 1943 he was to order a too-explicit statistical report rewritten to remove a stray reference to the massacre of Europe's Jews before it was submitted to the Führer!

The ghastly secrets of Auschwitz and Treblinka were well kept. Goebbels wrote a frank summary of them in his diary on March 27, 1942, but evidently held his tongue when he met Hitler two days later, for he quotes only Hitler's remark: "The Jews must get out of Europe. If need be, we must resort to the most brutal methods."

Would you agree, asked Pearson, that what you wrote in 1977 was that the Goebbels diary entry for March 17, 1942 was a "frank summary of the ghastly secrets of Auschwitz and Treblinka"? Irving did not: "No, sir, he doesn't refer specifically to Auschwitz and Treblinka, he just refers to the grizzly fate that is befalling the Jews on their arrival in the east from what he has read in a report submitted to him by the SD, the German Gestapo." (34-9552, 9553)

Irving agreed that, grammatically, the "ghastly secrets of Auschwitz and Treblinka" were joined with "Goebbels wrote a frank summary of them in his diary." He continued: "But I repeat that Auschwitz and Treblinka are not referred to in that Goebbels diary entry. He is referring to a report he claims to have read and I must add that nowhere in the German archives is this report itself contained...It's very difficult what reason Goebbels would have had to write this entry in his diary...It is Goebbels diary which was held in American custody after the war. It's...one of the volumes published by Louis Lochner." Irving testified that he was not in a position to say whether the diary was authentic or not: "I haven't examined its authenticity to this date." (34- 9554)

Irving agreed that if the diary was authentic, it indicated that Goebbels knew what was going on: "I agree. Goebbels was one of the most vicious anti-semitists in the Nazi regime...We have a large number of Nazi potentates knowing about atrocities against the Jews." (34-9554)

Pearson continued reading at page 392:

In reality, Himmler was simultaneously throwing the murder machinery into top gear, while he was careful not to place responsibility for the massacre itself on Hitler in writing. (Thus on July 28 he wrote to SS General Gottlob Berger: "The occupied eastern territories" -- meaning Poland - "are to be liberated of Jews. The Führer has entrusted me with the execution of this arduous order. Nobody can deprive me of this responsibility.") On July 19, three days after seeing Hitler, Himmler ordered the "resettlement" of the entire Jewish population of the Generalgouvernement to be completed by the last day of 1942. Each day after July 22, a trainload of five thousand Jews left Warsaw for the extermination centre at Treblinka; each week two trains left Przemysl for the centre at Belsec. Moreover, in August the first informal approach was made to the Hungarians to begin deporting their one million Jews to the east immediately.

Would you agree, asked Pearson, that this is talking about the systematic emptying of countries for the purpose of sending the Jews to extermination centres?

Irving replied: "Well, I do note, and I think I am entitled to refer to it -- you put it on the screen -2 you specifically avoided reading this paragraph here. The middle paragraph which makes quite plain that Hitler was of the belief as late as July the 24th, he was still referring to his plan to transport the Jews to Madagascar...by now

already in British hands - or to some other Jewish national home after the war was over. This is a verbatim record written by Heinrich Heim which was in my possession and I am sure your omission was inadvertent, but it does tend to throw doubt on what is happening in the next paragraph for which I have religiously reported on the basis of the documents and belief that was current in the mid 1970s." (34-9556)

Judge Ron Thomas interjected: "Well, let's just be accurate here. Unless I'm mistaken, isn't the thrust of this passage in the book at this time clearly that Hitler was being duped by more than one person?" (34-9556)

"This is the thrust of the book which I wrote at that time, sir," said Irving. He continued: "But obviously, ten years later now, I would be inclined to question what I wrote in the last line there. We know that each day after July the 22nd, a trainload of five thousand Jews left Warsaw because there is a document specifically saying that and it continues with the words 'for Treblinka' because the document adds those words, but it doesn't use the word 'for the extermination centre' which I put in intending to help my readers but now unfortunately I would have to say on the basis of my 1988 beliefs, I wouldn't use those words." (34-9556, 9557)

Irving testified that he did not deny that murders took place on a colossal scale, but he had seen no credible evidence that Treblinka was an extermination centre as alleged.

Have you talked to anybody who was at Treblinka?, asked Pearson.

"I'm afraid I have to say I wouldn't consider what a survivor of Treblinka could tell me in 1988 to be credible evidence," said Irving. He continued: "I would prefer the evidence of photographic aerial reconnaissance. I would prefer the evidence of somebody who goes to the site with expert knowledge now, and carries out concrete examinations, to the very human and fallible human memories after a tragic wartime experience forty years after the event." (34-9558)

What would Irving have a person go and see at Treblinka today?, asked Pearson.

Said Irving: "I would want them to, if they had been there at the time, I would then want them to identify where they had been on an aerial photograph and see if I could see what they have purported to have seen. I would want experts to go and examine the site and inform me with their own expert knowledge whether the site could have been used as some kind of extermination camp."

If they went to Treblinka today, what would they find?, asked Pearson.

"I think they would have to go to the real Treblinka," said Irving. "They would have to locate Treblinka first, the actual site. They would have to locate it on the basis of existing SS or German Reich government maps. They would have to look at aerial photographs to see what buildings were there [at] that time in 1944 on that site. It's very [easy] to be misled." (34-9559)

Have you seen documentation that orders Treblinka to be razed and a farm placed over it?, asked Pearson.

"Mr. Pearson, I said on Friday I am not a Holocaust historian and I have not dealt in-depth as an investigator on the Holocaust. My expertise is largely on the command level decisions which included the final solution."

Just so I get this straight, said Pearson, back in 1977 after ten years of work on National Socialist records to produce the biography of Adolf Hitler, you state conclusions about Treblinka, you now no longer accept your own conclusions, you haven't read Professor Hilberg's work, you wouldn't know what was at Treblinka if you went there and yet you no longer are prepared to accept -- .

Irving interjected: "Mr. Pearson, I was in trouble as it was by suggesting in a Hitler biography what I did suggest. I was in deep trouble. If I had gone on to suggest Auschwitz, Treblinka, Majdanek, perhaps even they weren't what they were supposed to be, I think I could have packed up my writing gear forever and gone back to being a steel worker. We have to look at realities, I'm afraid." (34-9559, 9560)

So, you're saying, said Pearson, that you misled your readers so your book would sell?

"I saw no reason in 1977 not to believe the then existing version that Treblinka, Majdanek and Auschwitz had been death camps," replied Irving. (34-9560)

Pearson returned to page 393 of Hitler's War:

By August 1942 the massacre machinery was gathering momentum -- of such refinement and devilish ingenuity that from Himmler down to the ex-lawyers who ran the extermination camps perhaps only seventy men were aware of the truth.

Where did you get the August 1942, the massacre machinery was gathering momentum?, asked Pearson.

Said Irving: "...this is from a date that I picked out of the post-war confidential writings of General Karl Wolff, who was Himmler's personal adjutant and liaison officer to Hitler. And he describes very shortly in this paragraph a conference with Himmler and this is why I dated this paragraph August 1942...At that time, Wolff himself had no knowledge of the massacre machinery being in operation...All you see Himmler telling Wolff is for the sake of Germany, he's having to do something which nobody can find out about and Wolff himself then speculated years later that this must be what Himmler must have been talking about." (34-9560)

Irving testified that he considered Wolff "to be a rather unstable witness inasmuch as he tended to flop and flip." He did not rely on Wolff in his book for "important matters, for substance. For this rather neat conference with Himmler, I put it in because I thought it would be irresponsible, I believe, not to mention this because we don't have very many verbatim descriptions of Himmler's own references to what he was doing." (34-9561)

Irving did not believe that Wolff was lying when he said Himmler said these things: "No, it's possible that Wolff may have misinterpreted it. Wolff may have assumed after the war that Himmler was talking about this, what is now called the 'Holocaust'.

It may be that Himmler was talking about something completely different, the problems of growing artificial rubber perhaps or something like that." (34-9562)

But in 1977, asked Pearson, you had no such doubts in your mind, did you? Irving agreed: "No, you're quite right. It's very difficult to cast our minds back to 1977 before the first serious doubts about the Holocaust mythology began to arise." (34-9562)

Who are the people who brought those doubts forward?, asked Pearson.

"Partly myself," said Irving, "because I first began to question, from looking out from behind Hitler's desk, Hitler himself has no knowledge of what is going on but I assumed that something had been going on because the whole world was saying it. Now we find that other people are independently asking whether these systematic extermination programmes had been progressing." Irving testified that "[a] whole host of people have begun questioning it," including Robert Faurisson. (34-9563)

Who else denies the Holocaust happened like you seem to be doing now?, asked Pearson.

"Wait a minute," said Irving. "What I am saying is that I am not denying that the Holocaust happened in some degree. I am saying that there were a large series of unrelated atrocities. But the idea of the Holocaust mythology, 'Adolf Hitler ordered the killing of 6 million Jews in Auschwitz,' in simple terms, that, I think, is now very suspect." (34-9563)

Asked Pearson, if we define the Holocaust as, in essence, the mass murder and extermination of Jews in Europe by the Nazi regime during the Second World War, would you deny that the Holocaust happened?

"If you limit it to that definition, I wouldn't deny that that happened, that there was a mass murder of Jews by the Nazis during the Second World War," said Irving. His thesis in 1977 was that "Himmler and other senior associates of Adolf Hitler were aware that mass murders of Jews and others were taking place." (34-9580)

Pearson suggested that if Himmler and other senior officers were aware that it was taking place, it had to be considered official policy because they were the policy makers of the Nazi regime. Irving disagreed: "I think that statement derives from a lack of knowledge of the Führer principle which exists in a Führer state like Nazi Germany. Policy is only that which is laid down by the Führer himself if it is going to be considered to be state policy. And if it is surmised that something was happening, of which the Führer was unaware, then it could not be considered to be state policy for that reason." He continued: "State policy in a Führer state would be a policy which the Führer himself had ordered." (34-9581)

Pearson pointed out that Did Six Million Really Die? did not talk about state policy; it spoke of official German policy of extermination. Was it Irving's position, asked Pearson, that unless Hitler knew about it, it could not be called an official German policy of extermination?

"I think it would be quibbling over words to try to draw a distinction between official German policy and the policy of German officials," replied Irving. "Certainly, certain German officials were aware that Jews were being massacred, but to try to derive from this a broad statement that this makes an official German policy, is, I think, quibbling with words and would not be justified." (34-9582)

Irving agreed with a statement by Pearson that Hitler was consumed and preoccupied with military objectives "at the operative time..."; that beneath Hitler was an hierarchy competing for his favour and that the name of the game was basically to anticipate the Führer's will. Pearson put to Irving that Hitler had delegated to Himmler policy-making with respect to security matters. Said Irving: "In addition to security matters, the consolidation of Germandom, which was the racial kind of policy which was entrusted to Himmler." (34-9583)

Isn't it your conclusion in 1977, asked Pearson, that Himmler decided to use that delegated power which he derived from the Führer to exterminate Jews?

"I would alter the word 'used' to 'abused', and then I would accept your statement. Himmler abused the authority to exterminate large numbers of Jews and other enemies of the state at a time when it was clear from Hitler's statements that Hitler was intent on a geographical solution instead...Himmler repeatedly said that Hitler had given him the job of making Europe free of Jews. Hitler was envisaging this as a geographical resettlement, a relocation. Himmler, it is quite plain from the documents, was carrying out the task in a different way." (34-9581)

Pearson suggested that if one were looking for the official policy of the Nazi regime in security matters, one would look to what Himmler did. Irving disagreed: "Himmler was not the highest authority in the Reich. Himmler was only [an] intermediary authority. The highest authority in the Führer state was Hitler himself." He continued: "Hitler had given authorities and powers to Himmler, but he had not, so far as I'm aware from the documents that I have seen, at any time, either orally or in writing, given to Himmler the job of carrying out a mass extermination of Jews on any scale whatever." (34-9584)

Pearson put to Irving that in his book he claimed that later in the war, Hitler did find out what Himmler was doing.

"There [are] one or two documents of a post-war nature -- I emphasize post-war -- which indicate that this possibly happened," agreed Irving. He continued: "I repeat what these documents said; the version of events as given by these documents. I felt it was too important not to mention." Irving pointed out that in Hitler's last will and testament of April 29, 1945 "...Himmler was thrown out and demoted from all his positions of power and responsibility." (34- 9585, 9586)

When did you place Hitler with knowledge of what Himmler was up to?, asked Pearson.

"In my book, I'm very specific in the way I put it. I say after October 1943, Hitler had no real excuse for not knowing. This is as far as I was prepared to go."

Irving testified that from October 9, 1943 to April 29, 1945, Hitler left Himmler in command, an action which was "[v]ery much in character with Hitler..." (34-9587)

After he found out what Himmler was up to?, asked Pearson.

"After it would -- after, we must assume, Hitler had had every chance to find out," said Irving. "I based that statement on the fact that in October 1943, as we have seen, Himmler made a speech to the German Gauleiters and on the following day the German Gauleiters all trooped into Hitler's headquarters and, as I say, it would be human to assume that they had discussed this matter with Hitler, but there is no evidence one way or the other." (34-9587)

Pearson returned to Hitler's War and continued reading at page 393:

Early in August, Himmler made to Wolff the melancholy confession that for the sake of the German nation and its Führer he had shouldered a burden of which nobody could ever learn, in order that the "Messiah of the coming two millennia" might remain personally uncontaminated. At the time, Wolff was unable to elicit from Himmler precisely what that burden was.

Irving testified: "It is -- Wolff related this in 1952 in a confidential memorandum for the Institute of History in Munich that he had had this conversation with Himmler and after the war he only assumed that this must have been a reference to what we now call the 'Holocaust'." (34- 9589)

Didn't Wolff go on and say how many people he thought were aware of what Himmler was up to?, asked Pearson.

"He reconstructed his own knowledge of the SS hierarchy, what was the number of people who would therefore have had to be in the know if this had in fact happened...'Probably only some 70 men' were the [words] that Wolff used. In other words, it would have been a very, very small chain of command, a very small number of people in the know." Irving agreed that Wolff was an SS General; he did not agree that this put Wolff in a position to know who knew: "It's a very difficult thing to speculate on, somebody being in a position to know about something that one doesn't know about oneself...He never admitted that he had ever known about this during the war. I note that there are some documents which implied strongly that he did know about it during the war from roundabout this period. I'm referring to Karl Wolff, but certainly in his testimony, he never admitted that he had known about the mass extermination of Jews, nor ever proven to the contrary, because he was not ever punished for it." Irving nevertheless believed that Wolff was "in a very good position to have known." (34-9590, 9591)

By the post-war period, Wolff had been told there was a liquidation programme of the Jews and he believed in it. This post-war testimony was the basis for Irving's note with respect to page 392 of Hitler's War, where he had written:

Hitler still referred to the "Madagascar plan" in Table Talk, July 24, 1942. SS General Karl Wolff estimated -- in a confidential postwar manuscript -- that altogether probably only some seventy men, from Himmler down to Höss, were involved in the

liquidation program. The only evidence of a "Führer Order" behind the program came from postwar testimony of SS Major Dieter Wisliceny, Eichmann's thirty-one-year-old adviser on Jewish problems attached to the Slovak government (e.g., in pretrial interrogations at Nuremberg on November 11 and 24, 1945, and a written narrative dated Bratislava, November 18, 1946). He claimed the Slovaks had sent him to Berlin in July or August 1942 to check up on the fate of 33,000 next-of-kin of the 17,000 able-bodied Jews supplied for the German arms industry. Eichmann admitted to him that the 33,000 had been liquidated, and -- said Wisliceny -- pulled from his safe a red-bordered Immediate Letter, stamped "Top State Secret," with Himmler's signature and addressed to Heydrich and Pohl. It read (from memory): "The Führer has decided that the Final Solution of the Jewish Question is to begin at once. I herewith designate [Heydrich and Pohl] responsible for the execution of this order." However, there is a marked difference between Wisliceny's 1945 and 1946 recollections of this text; and when years later Eichmann was cross-examined about this in his trial on April 10, 1961, he testified that he had neither received any such written order nor shown one to Wisliceny (who had long since been executed himself). He had only told Wisliceny verbally, "Heydrich sent for me and informed me that the Führer has ordered the physical annihilation of the Jews."

Irving agreed that in this passage he cited Eichmann's cross-examination at his trial: "I have compared the testimony of one man mentioned in Wisliceny's evidence, with Wisliceny's evidence in order to assess the validity of quite an important historical document and, as I say in the paragraph of that footnote that you didn't quote: 'This kind of evidence, of course, would not suffice in an English magistrate's court to convict a vagabond of bicycle stealing, let alone assign the responsibility for the mass murder of 6 million Jews, given the powerful written evidence that Hitler again and again ordered the 'Jewish Problem' set aside until the war was won.'" (34-9593)

While you were reading what Eichmann said about this, asked Pearson, didn't you think that you must as well read what he said about Wannsee?

"No," said Irving. "Probably a researcher who I had employed for this specific task of investigating if I had missed any evidence, came to me with the appropriate pages of the Eichmann trial testimony and said, 'Mr. Irving, Eichmann has addressed the problem of Wisliceny's statement as follows...in his trial in 1961', and I then merely compared those pages with Wisliceny's statement." (34-9594)

Is that the researcher who disassociated herself from your conclusions?, asked Pearson.

"She subsequently disassociated herself from the printed disassociation; [there] has been quite a lot of monkey business in this controversy. The newspaper announced she [had] disassociated herself from my research and that she [had] never worked for me, and she then wrote a letter to the Sunday Times saying she had very definitely worked for me and that this disassociation previously mentioned was nothing to do with her...she certainly couldn't disassociate herself from the research because I had all the receipts and invoices for the work she had done for me." (34 9595)

Did she disassociate herself from the conclusions?, asked Pearson.

"She is presently the wife or common-law wife of Professor Martin Broszat, previously mentioned in this case," said Irving.

Irving did not agree with a suggestion that there was a personal reason for Broszat being critical of his book. "I think probably it is unfair to impute that. I can't read his mind. I don't know why he does certain things. It will be wrong for me to speculate." (34-9596)

Irving agreed with Pearson that there was evidence from two separate sources, Wisliceny and Eichmann, that the Führer had ordered the physical annihilation of the Jews, but, he continued, it was: "Mutually contradictory evidence. It is hearsay evidence and referring to a document alleged to exist which has, however, never been found. And which, of course, both men had every reason to indicate had once existed because they were both facing the gallows." (34-9596)

Did Irving say that from the outset Eichmann knew he was condemned to be hanged?, asked Pearson.

"If my name was Adolf Eichmann," said Irving, "and I've been kidnapped at great expense from Argentina, and taken to Israel and put on trial, then I think that no insurance company would have offered me life insurance." (34-9597)

Pearson put to Irving that if Eichmann knew he was going to be hanged no matter what he said, why would he admit to killing millions of Jews if he had not done it.

Said Irving: "He apparently made this kind of statement on several occasions. I'm not going to put myself in the position of a psychiatrist and suggest why he did things because you would protest that I don't have these qualifications, and I think it would be wrong for me to speculate on why Eichmann made certain statements."

Irving testified that it was not correct to say that he had access to the tapes that were used to make the book *Ich, Adolf Eichmann*: "Eichmann's son approached me with the information that he had the tapes and he asked advice on what should be done with them, with the transcript, and I said they are a historical document which should, of course, be published." Irving never listened to the tapes and made no assessment whatever of them. (34-9597, 9598)

Pearson continued reading from *Hitler's War*, on page 858:

On the "resettlement" of the Jews from Poland, see Himmler's letter of July 19, 1942, to SS General Friedrich Krüger, the SS and police chief at Cracow:... and the report by the Reich transport ministry's state secretary, Theodor Ganzenmüller, nine days later to Himmler's adjutant Karl Wolff that since July 22 one train per day with five thousand Jews was leaving Warsaw for Treblinka, and that twice a week a train was leaving Przemysl with five thousand Jews for Belzek. Wolff replied on August 13 that it gave him "special pleasure" to learn this -- that "daily trainloads of five thousand members of the Chosen People are going to Treblinka and that we are thus being enabled to accelerate this migration". He assured Ganzenmüller he would do all he could to smooth their way. Wolff -- as ignorant as Ganzenmüller of the true functions of Treblinka extermination camp -- was tried in 1964 by a Munich court and

sentenced to fifteen years in prison. In the Wolff trial, the notorious SS General von dem Bach-Zelewski testified on July 24, 1964, that in his view "Hitler knew nothing of the mass destruction of the Jews" and that "the entire thing began with Himmler."

In Irving's opinion, Himmler was aware of the fact that large numbers of Jews were being killed. Karl Wolff was Himmler's adjutant. In 1977 Irving believed Treblinka's true function was extermination; thus he had described it that way in this passage. (34-9599, 9600)

Pearson asked Irving if he could agree that this passage dealt with the mass destruction of the Jews.

"Well, that is again hearsay evidence or quoting the evidence of an SS General, Bach-Zelewski, who was tried by a German court...in '64. He is repeating perceived opinions, received opinions, that in 1964, the overwhelming opinion was that there had been a mass destruction of Jews, what you call the Holocaust." Irving agreed it was possible that the document was written for the purposes of camouflage, but believed it would be unusual. (34-9602)

Pearson continued reading from Hitler's War at page 436:

In private Hitler regretted the Italians' kid-glove treatment of the Serbs. Only brute force bereft of inhibitions would work -- just as only brute force would work in the war against the partisans in Russia. "On principle, when combatting illegals, anything that works is right -- and I want that hammered into everybody", he laid down. "This gives everybody the freedom of action they need...If the illegals use women and children as shields, then our officer or NCO must be able to open fire on them without hesitation. What matters is that he gets through and wipes out the illegals". Hitler wanted no "pedantic" disciplinary action against the officer afterward. Himmler took the hint. In August, September, October and November his security forces counted 1,337 dead Russian partisans and executed a further 8,564 taken prisoner. His report to Hitler for the same period listed 16,553 "partisan accomplices and suspects" captured, of which 14,257 were executed; an additional 363,211 Russian Jews were claimed to have been executed under the same heading.

Pearson produced and showed to Irving Exhibit 62B (Einsatzgruppen report no. 51). Irving testified that this was the document he was referring to in the passage from the book, and that he had no reason whatever to doubt its authenticity. It set out the results of the combatting of partisans from 1 September 1942 to 1 December 1942 and listed the Jews executed under the heading "accomplices of bands and persons suspected of helping the bands." A note written on the top of the copy used by Irving indicated that the note was shown to the Führer. (34-9604, 9605)

Pearson put to Irving that the number for Jews executed was far in excess of the numbers for the other groups executed. Irving agreed: "This is precisely what I referred to this morning as being -- or what makes it such an extraordinary document." He continued: "But I can only repeat what I said previously, that this was such an extraordinary document, that the figure was so unusual that it is the kind of thing which makes one raise one's eyebrows and question further. If I may just expand in two sentences, one would then look for a reference to this document in perhaps the

war diary of the German High Command or in some other collateral source where you would find the same figures turning up quoted. It would be sufficient to make me mistrustful of the document because it is such an extraordinary figure, and to have that item, 'c) Jews executed', inserted there almost as an afterthought, a figure that is twenty or thirty times as large as any other figure on the page, it would make me want to find collateral evidence in another archive or in another document... I'm suggesting it is possible that at the time some overzealous SS officer decided to put in a fictitious figure in order to do Heinrich Himmler a favour. Who knows what the -- once you begin speculating, you're in the wrong field for a historian." (34-9606)

Pearson accused Irving of already speculating about the Einsatzgruppen reports when he testified that the figures were inflated by people in the field.

Irving replied: "I haven't said that. Again you asked me to suggest the reason why a figure might have been tampered with. I offered the same reason that the people on the spot have a duty to show productivity. Just like in the Vietnam War, the American officers had to have a body count...This would be the same possible motivation why that figure is suddenly so startlingly high." (34-9607)

So you're prepared to reject the Einsatzgruppen reports on the basis of this speculation?, asked Pearson.

"I'm not prepared to accept them without being an expert on them, but as a historian, what I would want then is to find collateral documentation in another Ministry perhaps where you see the same kind of figures bearing out these figures as being authentic. You would find the German High Command and...their war diary. Occasionally it would summarize or report that it has been received about partisan warfare on the Russian front and it would give figures, and then you would hope to find a figure like that repeated in this completely different archival source, and then I would, without the slightest hesitation, say this document is genuine because it is in another document of the Nazi archives. This document...unfortunately is unique." (34-9608)

Who else is going to be around to report on those things?, asked Pearson.

"Well, let me give you three examples," said Irving. "The report like this would have gone quite possibly by code from the German SS police unit at the Russian front back to Berlin headquarters, and we British would have intercepted it because we were reading the German SS code at that time, and then we would find in British files those figures, terms. That is one example...Just one example of the kind of collateral evidence we historians would expect, now, forty years after the event."

That could be a false message sent out to fool the Brits, couldn't it?, asked Pearson.

"Yes, but this document is very much an orphan," said Irving. "It is all by itself, without parents, and I'm very sorry for it. It's rather pathetic and it arouses my mistrust. I emphasize that I'm very sorry to see a single figure under the heading 'Jews executed'. I'm very sorry to see that. But as a historian, I have to say why suddenly this colossal figure was inserted there in this report when all the other reports of that series contained no such figure. I want to know. It raises questions in my head and I'm

uncomfortable with it." (34-9609) He continued: "This report was going to Heinrich Himmler, and he took it along with him, apparently typed on the special Führer-type typewriter to show to Hitler...[p]ossibly because he wanted subsequently to push it under Hitler's desk, so to speak, and get cover for what he was doing. Again, we're in the field of speculation. Himmler's diary is unfortunately in the hands of the Israelis. It is a point worth mentioning that the Israeli government would not allow any historians to make use of Heinrich Himmler's private diary. If Heinrich Himmler's private diary contained evidence that there had been a Holocaust, such as defined by you, or your interpretation of these documents is correct, then I'm sure the Israelis would have been the first to release the diary and make it available, but they don't." (34-9611)

Isn't that a bit of speculation, sir?, asked Pearson. Irving disagreed: "No, I think it is a very reasonable assumption, when archives or universities offer documents of a quality like that, they are very keen to make it available unless it contained something they don't want to make available."

Irving agreed with Pearson that he did not suggest in Hitler's War that the figure might have been inflated or that it might have been added. Said Irving: "This is true. You will have seen that I was leafing through the book just now. I was trying to find a footnote which I had originally included and which I thought was included, doing a few internal statistical checks on the document, the number of handguns that had been captured and so on, and comparing that with apparent number of partisans that have been captured, but I couldn't find it. But again this book is written in 1977, at a time when a lot of people believed that there had been a Holocaust as you defined it." (34-9612)

Irving agreed that on page 462 of his book, he made reference to Hitler authorizing Himmler to remove six or seven hundred thousand Jews from France. Said Irving: "Yes, that is based on, again, a handwritten note by Heinrich Himmler which...I was the first historian to find and transcribe...Himmler's notes contained the heading about the removal of the six or seven hundred thousand Jews from France, and written next to that, in Himmler's handwriting, was Hitler's decision -- abtransportiert -- transport them away. Again, Hitler took the decision to transport them." (34-9613)

Pearson asked Irving to look at the chapter note on page 867:

Himmler's own handwritten agenda for discussion with Hitler on December 10 survives...against Item 3, "Jews in France", Himmler put a tick and the word abschaffen...

Irving testified that abschaffen meant "dispose of." He continued: "The word abtransportiert occurred in a subsequent memo from Himmler to the Gestapo chief Müller. He used the milder words verhaftet und abtransportiert -- arrested and transported away." (34-9614)

Pearson returned to page 867 of Hitler's War:

There are other illuminating references to the "Jewish problem" in Himmler's files at this time. On October 2, 1942, he wrote to Pohl, Krüger, Globocnik and Wolff about

his determination to extract the Jews from their protected status within important arms factories in Poland too. "It will then be our aim to replace these Jewish workers by Poles and to merge most of these Jewish concentration-camp workshops into a very few big Jewish concentration-camp factories, as far as practicable in the east of the Generalgouvernement. But there too the Jews must one day, in accordance with the Führer's wish, disappear [verschwinden]."

Irving testified that Pohl was an SS general who was the chief of the Economic Office of the SS and had overall responsibility for concentration camps. He interpolated between Himmler and the concentration camps. General Krüger was one of the police commanders in the eastern territories. Globocnik, whom Irving described as "one of the mass murderers, one of the real Nazi criminals," was one of the SS police commanders in the occupied Polish area. (34-9614, 9615) Irving believed the document "is perfectly authentic...But it highlights, of course, one particular problem. You had to be very careful, how you translate. He is being very precious about the word he's used...he says 'to disappear', and he is not being specific what he means by the word 'disappear'. That's why I used the German word in brackets next to it." (34-9616)

Isn't it clear, asked Pearson, that when he says "there too the Jews must one day disappear" he was talking about a solution that was taking place on the site? Irving disagreed: "Mr. Pearson, in an earlier document in 1942, Himmler talks about, and I quoted it in the book, about Hitler having given that order that Europe is to become free of the Jews, that Hitler has ordered that Europe is to be ridden of the Jews...stage by stage, from west to east, and what he's talking about here is one part of Poland further to the east, but there too they must disappear and go even further to the east." (34-9616, 9617)

Irving testified that he put the document in the book "because I wanted to help the historians who weren't doing their jobs, and I was provid[ing] documents for them which they hadn't seen before. I was translating the words that were the precious delicate words, that they had a chance to make up their own mind how they are going to interpret these words, and I very much tried to avoid drawing conclusions myself." (34-9617)

Irving himself continued to read from the next passage in Hitler's War:

On November 30, Himmler sent to Gestapo Chief Müller a very "interesting [press] announcement about a memorandum written by Dr. [Stephen F.] Wise [President of the American Jewish Congress] in September 1942," and commented: "Given the scale of the Jewish migration, I'm not surprised that such rumors crop up somewhere in the world. We both know there's a high death rate among the Jews who are put to work. But you are to guarantee to me that at each location the cadavers of these deceased Jews are either burned or buried, and that nothing else can happen with the cadavers wherever they are. You are to investigate at once in all quarters to find out whether there have been any such abuses as the -- no doubt mendacious -- rumors disseminated around the world claim. All such abuses are to be reported to me on the SS oath of honour"...This letter was the purest humbug, and Himmler's suave reaction to two specific Allied press reports on the extermination of the European Jews proves it. On November 24, 1942, The Times (London) published a dispatch from the Jewish

Agency in Jerusalem on the holocaust, partly fanciful but with an unmistakable hard core of truth. Himmler's office obtained it from Sweden and forwarded it with a noncommittal letter to the SS Reich Main Security Office in Berlin "for your attention". On February 14, 1943, the same newspaper published a report received by the British Section of the World Jewish Congress from Central Europe, claiming that the extermination of Jews was being accelerated: Bohemia-Moravia was to be "judenrein" by March 31, deportations from Germany were continuing, and the mass exterminations in Poland were proceeding, in one place at the rate of six thousand daily. "Before being massacred, the Jews are ordered to strip and their clothes are sent to Germany." Rudolf Brandt, Himmler's adjutant, sent the news report to Kaltenbrunner's office. "On the instructions of the Reichsführer SS I am transmitting herewith to you a press dispatch on the accelerated extermination [Ausrottung] of the Jews in Occupied Europe."

Irving testified: "When I write here there is an 'unmistakable hard core of truth', I'm comparing the Times report of November 1942 with what our state of knowledge was in 1977 when that was published, and I'm saying, 'Look, it appears to be the same. They're talking about gas chambers, about people being forced to strip and having their property robbed and all the rest of it. The reason I printed this very long footnote at the back of the book, because I [found] these documents in Himmler's files in the private papers of the chief of the SS, and I thought they were such unusual documents that they deserved to be mentioned. It would be irresponsible not to quote them at length but they do sometimes have the feel of the kind of document that Trevor-Roper was warning about when he said why has this document come into existence? What is the purpose of this document? The real purport? Is somebody trying to pull the wool over somebody's eyes? And you very much get the feeling of that when you read some of these documents, and that's why I put that in. I get the feeling there that Himmler is writing a letter and passing it on to Müller and winking and nodding at the same time, and now saying 'Put this [in] your file, Müller. You may need it.' Who knows? We're speculating again, but it is important to speculate on the basis of responsible information from the archives, which is what I considered my job to be." (34-9620, 9621)

Irving pointed out that the words "I am transmitting herewith to you a press dispatch on the accelerated extermination of the Jews in Occupied Europe," was Brandt's translation of what the Times was writing in the news report "and the Times in 1943 was very much into the business of publishing British propaganda." Irving agreed that Brandt did not point out that it was propaganda and that logically, he should have put "the alleged accelerated extermination." (34- 9622)

Pearson returned to Hitler's War at page 503, where Irving had dealt with a two-hour meeting between Himmler and Hitler on March 30, 1943:

Nor did Himmler evidently raise with Hitler the progress made on the "Jewish problem" during their two hour mountain stroll on March 30 -- Hitler wearing a soft peaked cap to shade his eyes against the Alpine glare. Earlier in 1943 Himmler had submitted to him a statistical report on a similar topic -- the population migrations he had sponsored since Hitler's written order of October 1939; the report was typed on the special large-face typewriter and clearly went to the Führer. But did Hitler ever see the statistical report the Reichsführer had commissioned at the same time on the

"Final Solution of the Jewish Problem in Europe"? In dry tones, Himmler's chief statistician, Dr. Richard Korherr, had analyzed the fate of the world's estimated 17,000,000 Jews: Europe's 10,000,000 had dwindled by 45 percent since 1937, owing to emigration, the high natural mortality rate, and the enforced "evacuation" that had begun with the prohibition of emigration late in 1941. To Himmler's annoyance, on reading the sixteen-page document on March 23 he found that it stated expressis verbis on page 9 that of the 1,449,692 Jews deported from the eastern provinces 1,274,166 had been subjected to "special treatment" at camps in the Generalgouvernement and a further 145,301 similarly dealt with in the Warthegau.

Irving agreed that Dr. Richard Korherr had been instructed to make his report to show Himmler how things were going with the extermination of the Jews. "It's a very, very questionable document, but I accept the figures it contains. It's a report that does a somersault after it comes from existence, because Himmler demanded that the report should be rewritten in a form suitable for showing to Hitler." Irving termed the document "questionable" because "of the extraordinary manner in which Himmler protested about the document and asked it be rewritten in a more suitable form. It was only introduced in part in Nuremberg at the Nuremberg trial. The evidence, these covering letters, showing that it had been tampered with by Himmler or by other people, subsequently was omitted from the Nuremberg exhibits." Irving did not believe the document was tampered with after the war, but tampered with during the war by Himmler. The suggestion he made in his book was that Himmler tampered with it to "pull the wool" over Hitler's eyes. (34-9625, 9626)

Pearson put to Irving that in the Korherr report, the words "special treatment" meant liquidation.

"This is one possible interpretation on this document, but Korherr himself is still alive and has challenged it," said Irving. "He said he did not mean that when he wrote it...He wrote a very long letter, as I understand it, to the German news magazine, Der Spiegel, a very irritated letter saying he's fed up with his report always being adduced as evidence that there was a mass murder of the Jews. The report that he wrote was quite a straightforward statistical report and at no stage in his report had he referred to the mass killing of large numbers of Jews...I have to be honest and say that I haven't seen Korherr's letter to Der Spiegel. I'm just repeating what I understand the letter to have said, that he protested against the imputation that his document was an explicit proof of the liquidation of Jews, large numbers of Jews." (34-9627)

Irving agreed that in 1977 when he wrote his book, he believed that the words "special treatment" in the Korherr report meant liquidation: "...I agree it is difficult to conceive what else 'special treatment' can have been at one point, 3 million Jews being subjected to it at camps in the Warthegau...it can't have been a haircut. But I just have to add the rider that the author of the report himself says this is an improper imputation to place on his own report." (34-9628)

Irving agreed that the document was strong proof that 1.2 million Jews died in the camps in the General Government: "Indeed, and this is why when you asked what my estimate would be, I said the upper limit at that kind of figure, making the mental reservation in my mind if this document is accurate and 'special treatment' was

meaning that, and if Korherr was lying after the war when he said it didn't mean that, then it would be proper to put that figure as the upper level." (34-9629)

Pearson questioned whether this would have been the upper limit since there were two more years to go in the war. Irving explained: "It was prepared and submitted to Himmler on March the 23rd, 1943...At that time, there were no more territories under German control from which they could have extracted more Jews. It wasn't until they marched into Hungary that they then had a further reservation for their problems. Statistics then changed. This was basically a ten-year report." (34-9629)

Irving pointed out that Himmler himself objected to the use of the words "special treatment" in the report; Himmler indicated that the Jews hadn't been submitted to "special treatment" but had been channeled through the camps to the east. (34-9630)

But I thought you said that the reason for that was because Himmler wanted to "pull the wool" over Hitler's eyes?, asked Pearson.

Said Irving: "This is one possible interpretation. I don't know. He doesn't say, 'The reason I'm asking for this different report is in order to pull the wool over the Führer's eyes.'" (34-9630)

Pearson returned to Hitler's War and continued reading at page 504:

Himmler knew too well that the Führer had in November 1941 ordered that the Jews were not to be liquidated. On April 1 he had the report edited "for submission to the Führer"; and a few days later -- lest he had not made himself plain -- instructed that in the version for the Führer he "did not want there to be any mention of 'special treatment of Jews' whatever". According to the new text, the Jews would have been "channeled through" the camps...As he wrote on April 9, the report would serve magnificently for "camouflage purposes" in later years.

"I don't know what he's camouflaging," said Irving. "I have not the faintest idea what he's camouflaging, but it does show that documents get created for different reasons than they apparently seem to portray. If on...Friday, you may have thought I was being a bit precious saying there was three criteria: is the document authentic; written by somebody in a position of authority who knows; for what purpose was the document written? This is a typical example of a very suspicious document which has been written for a reason quite clearly other than what it appears to portray." (34-9631)

Pearson put to Irving that Himmler was concerned with camouflaging what was going on, not keeping anything from Hitler who would have known what was going on. Irving disagreed: "You are entitled to your opinion. I have felt I have done my duty in representing that report. It is noteworthy that this particular page about the camouflage was removed by the Nuremberg authorities. It wasn't included in their exhibit because it was embarrassing, but my job as a historian is to try and present the total truth as I see it, and the total truth is never, never completely clear. It is always confusing at the edges."

Pearson read the note on page 871 in Hitler's War with respect to the Korherr report:

Himmler had ordered Korherr to make a statistical analysis of the Final Solution, by letter of January 18, 1943...explaining that Kaltenbrunner's office "lacked the necessary expert precision." The draft and shortened final reports, and Himmler's related correspondence, are on microfilm...As the ribbon copy of the shorter version is still in Himmler's files, it may not even have gone to Hitler. Nor did several letters which at about this time reached Dr. Hans Lammers alleging that Jews were being methodically exterminated in Poland...At the Nuremberg war crimes trials, Lammers stated that he followed up these reports by asking Himmler. "Himmler denied that there was any authorized killing going on and told me" -- making reference to the Führer's orders -- "I have to evacuate the Jews and in such evacuations there are...obviously fatalities. Apart from those, the people are being housed in camps in the East." And he fetched a mass of pictures and albums and showed me how the Jews were being put to work in the camps on war production, in shoe factories, tailors' shops, and the like. Then he told me: "This job comes from the Führer. If you think you must put a stop to it, then go and tell the Führer."

Irving testified that Kaltenbrunner was the successor of Heydrich as chief of the Reich Main Security Office. He did not agree with Pearson's suggestion that Himmler was lying to Lammers: "Himmler denied that there was any authorized killing going on. It's a bit vague. What does he mean about that? Does he mean there is no official policy to kill? I think that does mean just what it says." (34-9633)

Pearson returned to Hitler's War at page 575:

Early in October [1943] the remaining Jews were deported from Denmark. Himmler also considered the eight thousand Jews in Rome a potential threat to public order; Ribbentrop brought to Hitler an urgent telegram from his consul in Rome reporting that the SS had ordered from Berlin that "the eight thousand Jews resident in Rome are to be rounded up and brought to Upper Italy, where they are to be liquidated." Again Hitler took a marginally more "moderate" line. On the ninth Ribbentrop informed Rome that the Führer had directed that the eight thousand Jews were to be transported to Mauthausen concentration camp in Austria instead, where they were to be held "as hostages." It was, Ribbentrop defined, purely a matter for the SS. (The SS liquidated them anyway, regardless of Hitler's order.)

Irving testified that he did not repudiate that paragraph: "No, sir, I stand by that paragraph. The German document referred to the eight thousand Jews resident in Rome are to be rounded up and brought to Upper Italy where they are to be liquidated...You can't dispute that at all, and this belongs to that category of document I mentioned earlier showing whenever Hitler is personally involved in this process he always puts out his hand to stop something ugly happening to the Jews. In this case, he intervened to stop them being liquidated and ordered them transported to Mauthausen instead, and I understand that nevertheless they were still killed, and I understand that the Jews of Rome suffered that fate." Irving did not know where the Jews were liquidated: "I've only heard that the Jews of Rome did suffer that fate." (34-9635, 9636)

Ribbentrop was the Reich Foreign Minister. Said Irving: "I think on this occasion, he very clearly acted to prevent it happening. As soon as he received information from his diplomats in Rome that the SS had a plan to liquidate the Jews in Rome,

Ribbentrop immediately took that telegram around to Hitler in Hitler's headquarters and showed it to Hitler and obtained an order that that was not to happen."

Wasn't there another occasion when Ribbentrop counseled the leader of Hungary, Horthy, to liquidate the Jews of Hungary?, asked Pearson.

"I'm sure you will remind us of the episode in precise wording rather than your summary," said Irving. (34-9637)

You tell us how you summarize it then, said Pearson. Wasn't there a conversation involving Hitler, Horthy and Ribbentrop in April, 1943?

"Hitler, Admiral Horthy and Ribbentrop had a discussion of the future fate of the Jewish population of Hungary," replied Irving, "which is very large, to the order of one or two million Jews in Hungary, and the Nazi leaders [urged] the Hungarians to be more radical, to agree to them being rounded up and put away, locked away, in security because they were a security threat. And I am speaking from memory here. I've dealt with this previously in the book and we can probably look it up, if you had it on one of your photocopies. The German record of their conversation makes no specific reference from which you could deduce that the Jews were to be killed. In fact, on the second day of their discussion, Hitler actually said to Admiral Horthy, 'You can't really expect of us that they should be killed', or words to that effect. And of greater interest is the Hungarian record of the conversation which I looked at in the Hungary archives, which makes it quite plain that there was never any discussion about recommending that the Hungarians should kill the Jewish population." (34-9637)

Irving located where he had discussed this in Hitler's War on page 509 and read the passage to the court:

Poland should have been an object lesson to Horthy, Hitler argued. He related how Jews who refused to work there were shot; those who could not work just wasted away. Jews must be treated like tuberculosis bacilli, he said, using his favorite analogy. Was that so cruel when one considered that even innocent creatures like hares and deer had to be put down to prevent their doing damage? Why preserve a bestial species whose ambition was to inflict bolshevism on us all? Horthy apologetically noted that he had done all he decently could against the Jews: "But they can hardly be murdered or otherwise eliminated", he protested. Hitler reassured him: "There is no need for that."

In a footnote, Irving had written:

According to Schmidt's notes, Ribbentrop went even further than Hitler in one outburst to Horthy, exclaiming "that the Jews must either be destroyed or put in concentration camps -- there is no other way."

Irving testified that he believed this was said in a separate discussion between Ribbentrop and Horthy. He continued: "And then, in a letter in the Hungarian archives, there is a letter from Horthy to Adolf Hitler, on May the 7th. Horthy says in his draft letter, there is a sentence which he later deleted: 'Your Excellency' --

meaning Hitler -- 'further reproached me that my government does not proceed with stamping out Jewry with the same radicalism as is practised in Germany.'" (34-9640)

Pearson suggested to Irving that it was clear to Horthy that what was happening in areas where the Nazis were in control was racial genocide. Irving disagreed: "No, I think it is quite plain, from page 509, which you haven't photocopied for the jury, that Hitler told Admiral Horthy that nobody is talking of murdering the Jews. There is no need for that. I'm sorry, here we are: 'Hitler reassured him there is no need for that.'" (34-9640)

I suggest, said Pearson, that what Hitler was telling him is that Admiral Horthy didn't have to do that to the Hungarian Jews, that he didn't have to go as far as Hitler's own regime was going.

"I don't think that interpretation is borne out either by the German document when read in full or by the Hungarian version of the same conversation." (34-9641)

Pearson returned to Hitler's War, page 575:

Coincidentally, it was at this time that Himmler first revealed to two audiences -- of SS Gruppenführer (generals) on October 4, and Gauleiters on October 6 -- an awful secret which he forbade them to discuss in public; by the end of 1943 the last Jews in occupied Europe would have been physically exterminated. That Himmler's intention was to make all his SS generals and the Gauleiters, regardless of their guilt, accessories after the fact to the massacre is strongly suggested by one curious document in his files: a name-by-name list of those who had not attended his speech!

Irving testified that "Himmler is saying that he's talking about the liquidation of Jews to his men ... He is explaining it to them. We discussed this on Friday. He is also justifying why they are killing the Jewish women and children in these operations because he said it would be wrong to leave them, to come back when they grow up ..." (34-9642)

Did he say, asked Pearson, that "by the end of 1943 the last Jews in occupied Europe would have been physically exterminated"?

"I think that this was the burden of those two speeches, as I understood it when I read them at the time." (34-9642)

Pearson asked Irving to go to page 11 of Did Six Million Really Die?:

€ ...the files of Himmler's headquarters and Hitler's own war directives there is not a single order for the extermination of Jews or anyone else. It will be seen later that this has, in fact, been admitted by the World Centre of Contemporary Jewish Documentation at Tel-Aviv. Attempts to find "veiled allusions" to genocide in speeches like that of Himmler's to his SS Obergruppenführers at Posen in 1943 are likewise quite hopeless.

Irving agreed that he didn't have any trouble finding an allusion to racial genocide in the Posen speech, the precise words of which he had put in a footnote, where he had

quoted Himmler saying: "The hard decision had to be taken to make this race disappear from earth." (34- 9643, 9644) Irving continued: "... but I think I discussed on Friday, the reasons why I'm unhappy about the integrity of those two documents because of the remarkable fact that precisely at this point the typescript changes, a page appears to have been inserted by a different typist, the numeration of the pages changes from a typewritten page number at the top to a pencilled page number at the top, and there are various other indications about that speech that make me queasy. I don't accept that the text ..."

Pearson interjected: Are you now telling us that this is not a speech that Himmler delivered?

"I'm saying," replied Irving, "that the text of the speech, using the words that I just quoted as the text of the speech, is contained in the original archives...But examination of this text -- examination of this script reveals the odd fact that precisely at that point the text has been tampered with." Irving could not speculate on when or by whom the text was tampered with. He had not listened to the sound recording of the speech which he understood was in the National Archives in Washington. Said Irving: "...I made the discovery at the time when I was writing my book on Field-Marshal Milch that some sound recording[s] of the Nuremberg trials, for example, were also not of integrity. They had been tampered with." Irving believed, however, that it would be improper for him to suggest that the sound recording of the Posen speech of Himmler had been tampered with without first listening to the speech. (34-9645)

Why did you raise the topic of some other speech at Nuremberg if you thought it was improper for you?, asked Pearson.

"You raised the topic of the sound recording at the National Archives and I said that I haven't heard it, but that I'm familiar with the fact that certain other recordings in the same archives are not of 100 percent integrity." Irving agreed it would be a good idea to listen to the sound recording, "but it would also be a good idea for the Holocaust historian to look at the original script and not just the printed text..." He continued: "I think that in connection with this brochure, this brochure was wrong to suggest that that speech, as it is known to us historians, contains no allusion to genocide...I'm also saying that the speech as known to historians has quite clearly been tampered with at that point, and I know of no reasonable explanation for why." (34- 9646, 9647) Irving pointed out that what was contained in these pages "changes very much the essence of the speech, depending on whether it is an authentic transcript of the speech or whether that has been tampered with for some reason...I don't think we need to know the motives of people tampering with speeches. It is sufficient for historians to look at a document and say 'This document has been tampered with'; for him then to say, 'In that case, I must set it aside.'" (34- 9647)

Doesn't he have to have some evidence before he does that?, asked Pearson.

"I think the evidence is what I mentioned," said Irving, "the fact that at that point in the script, the page relating that very damaging and incriminating sentence has quite clearly been retyped by a different typist on a different typewriter using different

carbon paper, and that page has been numbered by pencil and inserted at that point."
(34-9648)

Irving pointed out that the speech was about 70 or 80 pages of typed script: "You know this is a different page that has been inserted in an otherwise homogeneous script. One only notes it if one looks at the actual script in the archives or on microfilm, not from the printed text of course."

What are you suggesting by all this, sir?, asked Pearson.

"I'm suggesting that this is sufficient to make a reasonable mind hesitate to use this document rather in the same way as that partisan combatting report. You hesitate over that because, once again, there is a reason to suspect -- "

Pearson interjected: It didn't stop you from using it in 1977, did it?

"I wasn't trying to prove a case," replied Irving. "I was writing a book about Adolf Hitler." The speech was quoted at length in his book because "It would be very, very irresponsible not to." (34-9649) Irving continued: "I'm suggesting I would hesitate before hanging a federal case on this particular page...I didn't 'hang it on a big bell' as the Germans said. To me, it was just one more [part] in the story." (34 9650)

Would you agree, asked Pearson, that if somebody like Professor Hilberg went and listened to the sound recording, they'd be in a better position than you to reach a conclusion with respect to the validity of the speech and the document?

"I would say that if he had taken the trouble to look at the original typed script, he would also be in a better position, but I'm the only person to have taken that trouble. As I said on Friday, I not only looked at the typed script, I looked at Heinrich Himmler's original handwritten note on the basis of which he delivered the speeches. I looked at the original typed script, the transcript, the final version of the typed script." (34-9651)

Do you have any reason to suggest that Professor Hilberg has not looked at the original typed speech?, asked Pearson.

"What if he has? He hasn't spotted this very obvious and glaring fact," said Irving. (34- 9652)

Perhaps he doesn't think it's significant because perhaps he has checked with the sound recording and seen there is no difference. Those are possibilities, aren't they, sir?, asked Pearson.

Said Irving: "Everything is possible, but do you want to base your -"

Judge Ron Thomas interjected, stating that this was speculation since Irving hadn't read the book. Defence attorney Christie asked if the Crown was suggesting that this was in the book somewhere. Thomas replied: "Not that I heard." Christie again objected on the grounds that it was improper for the Crown to make submissions in their questions that they were not prepared to prove. Thomas said. "Thank you."

Christie asked for a ruling on his objection. Thomas replied: "I have ruled on it." (34-9652)

Pearson returned to Hitler's War at page 575:

Against the fifty-one names were checks marking whether or not they had since read his speech or otherwise "taken cognizance of it". The shorthand record and magnetic recordings show that he did not yet claim to be acting on Hitler's orders. Himmler clearly considered his standing with the Führer impregnable, to admit so openly that he had disregarded Hitler's veto on liquidating the Jews all along. The same Gauleiters were Hitler's guests at the Wolf's Lair on October 7; from this point on, he could no longer logically plead ignorance of what his "faithful Heinrich" had done.

Irving testified that he had examined the shorthand record of transcripts of the magnetic recordings, but repeated that he had not listened to the recording itself. Irving pointed out that the suspect sentence, "The hard decision had to be taken to make this race disappear from earth," appeared on the suspect page, the one where the typing suddenly changed. (34-9653 to 9655)

"There must be a logical explanation why a page has been taken out of a script and retyped by somebody else at this point of all points," said Irving. "Nowhere else in the script, and...nowhere else in all of Himmler's other speeches -- and he made a whole series of speeches week after week, month after month, always repeating the same old gramophone record of what he is doing and why, does this passage appear. It is unique." Irving testified that "from the way that the transcript at this point appears to have obtained an enhanced quality by virtue of the fact that it's been retyped and renumbered and inserted at this point, one begins to suspect that all this may have been said for a special reason. In other words, it may be another of these famous German 'camouflage' documents or statements that we were looking at an hour ago." (34-9657)

He continued: "I don't challenge that he may well have used these horrendous words, 'The hard decision had to be taken to make this race disappear from earth'...But for some reason, they were being spoken for a special reason because that page has, for some reason, been taken out and put in and retyped, that page of all pages, and he doesn't make this statement anywhere else when he's delivering almost identical speeches to...similar audiences." (34-9658)

Doesn't he start out his remarks on the Jews, asked Pearson, by saying that he was going to deal with a subject that must not be spoken of in public?

"He says this...kind of cautionary statement in very many speeches. I think there is something like ten or fifteen speeches that he delivered between 1942 and June 1944 to the same kind of high-level audience where very frequently he raises the same kind of matter, of what he is up to, with his famous task of consolidating Germandom in the east. But this is the only occasion where he makes this kind of statement, and it's the only occasion where this transcript has been tampered with." (34-9658, 9659)

Why would he be admitting to the extermination of Jews for camouflage purposes?, asked Pearson.

"We're now speculating," said Irving. "It may be that because he is talking to a party, political audience, that he is lighting a bonfire [under] them and saying: 'At least we're doing it. We're really carrying it out.' Who knows what his reasons for appearing to say something were?" Another possible interpretation was that he had done it: "He has carried out the job. He thinks the mission is complete and now is the time to broaden the responsibility among other generals. This is another possibility." (34-9659, 9660)

So he has carried out racial genocide, asked Pearson, and you admit that that's what he is talking about?

"This is a possibility that I contemplated in 1977 at the time that I believed and at the time that I wrote that book," said Irving.

Has that belief changed now?, asked Pearson.

"My belief has not changed that this particular page is a very suspect page. This particular remark by Himmler is a very suspect remark...can his statement be taken at face value? Because that is the only time he says it. This is the only time that this particular page in his speech has been tampered with. This is the kind of very detailed forensic examination that has to be applied to important speeches like this." (34-9660)

Pearson returned to Hitler's War on page 576:

To the SS generals on October 4, 1943, Himmler praised the toughness of those who had had to carry out the massacre: "This is a page of glory in our history which has never been written and is never to be written." To the Gauleiters two days later he referred to "the Jewish problem" as the most difficult he had handled. "The Jews must be exterminated," was easier said than done. Even where women and children were concerned he, Himmler, had opted for a clear solution. "I did not consider myself justified in exterminating the menfolk -- that is to kill them or have them killed -- while leaving their children to grow up and take vengeance on our sons and grandsons. The hard decision had to be taken to make this race disappear from earth." He could not have been more explicit as to his own responsibility.

Irving testified: "The hard decision had to be taken to make this race disappear from earth', and yet he hasn't taken the decision, because at this very time millions upon millions of Jews are within the Nazi clutches and yet they are surviving; they are not being sent to extermination, firing squads or whatever. They are working in the factories or working in the fields. They are working in the labour camps. Millions and millions of them have survived the Second World War, and I'm glad for every single one. So here, he's apparently saying, 'I took the hard decision to make this race disappear from earth', and yet he didn't do it." (34-9662)

Irving repeated that he was unhappy because of the tampering which had occurred with this page of the transcript of the speech. He continued: "...this isn't just any page...I suppose it is probably the most important page of the most important speech in the whole of the Holocaust history, and this page, of all pages, when we look at it, turned out to have been tampered with." (34-9663)

Pearson read a note to page 575 found on page 879:

At one stage in his speech of October 6, 1943 -- according to the wire-recording archived in Washington (NA, 242-299) -- Himmler directly addressed himself to "You, Herr Reichsminister," which indicates that Speer was a listener. Few generals later admitted that they had known; perhaps they did not realize the enormity of what they were being told in such dry sentences. Field-Marshal Weichs frankly told interrogators of the U.S. Seventh Army on May 30, 1945, that Himmler had once visited him in the Balkans and confirmed that the rumors were true -- that the (unspecified) victims were loaded into railroad trucks without knowing that a sudden, painless death awaited them. "They are just criminals of whom we must get rid ourselves," was Himmler's explanation.

Irving testified that he never heard the wire-recording, but had had a correspondence with Albert Speer regarding it: "...he told me that he had a transcript of the wire-recording which used those words. He sent me a number of affidavits relating to it." (34-9664)

With respect to the interrogation of Field-Marshal Weichs, Irving testified: "I think we have to look very carefully at that source and say this is a record written by an American NCO or sergeant of what an interpreter has told him that a Field-Marshal has told him that Himmler has told him. It is at sixth or seventh removed, so we can't really attach...too much weight to precise words here in a statement made after the war is over." (34-9665) He continued: "Mr. Pearson, I can help you by saying I can accept that that is an accurate report of what Himmler said. I don't think it is very important one way or the other." (34-9666)

Irving pointed out that the American government was also gassing criminals at this same time. Looking at the precise wording used, said Irving, "Weichs is saying that unspecified people, according to Himmler, were being sent to camps where they were being executed. This isn't what we're talking about in your specification of the Holocaust." Irving indicated that what Pearson had read was a footnote to a footnote, adding: "...I think that's about as much weight as can be assigned to it. Certainly, I gave it no more importance than that." (34-9667)

Pearson continued reading from Hitler's War at page 630:

The motives of Hitler and Himmler still diverged, though the Führer's attitude had noticeably hardened. Hitler was primarily concerned that this potential Fifth Column be removed from the Balkans...but Himmler -- however much he protested that he was not just "bloodthirsty" -- was eager to see what he called an "uncompromising," an irrevocable, and above all a Final Solution. When Hitler instructed him in April to provide two 100,000-strong contingents of Hungarian Jews to work on Saur's bombproof tank and fighter factories in the Protectorate and elsewhere, the Reichsführer SS expressed unconcealed displeasure at this "singular" arrangement.

Irving testified that Hungary had been invaded in March [1944], so that the Jews of Hungary were now within the German as opposed to the Hungarian government's clutches. Horthy did not proceed with the radicalism that the Germans expected from him, said Irving, in that he was not rounding the Jews up and locking them away. (34-9668)

Pearson suggested that Irving was saying that Himmler was interested in killing all the Jews of Hungary. Said Irving: "That is correct at the time I wrote that book." (34-9668)

Do you not now think that Himmler was interested in an "uncompromising, an irrevocable, and above all, a Final Solution"?, asked Pearson.

"Himmler, by 1944, had become a very different person. He was already negotiating with the Allied governments to ship Jews out of Hungary in...exchange for thousands of trucks, in exchange for cash, all sorts of scams that Himmler was operating...if he was purely concerned with the racial solution of liquidating every Jew from the face of the earth, he was allowing the bucket to leak in several places." (34-9669)

Pearson suggested that in the last sentence Irving was saying that Himmler was upset that he lost an opportunity to exterminate two 100,000-strong contingents of Jews.

"I think that here I put in a sentence speculating on what Himmler's feelings were. It's probably irresponsible speculation on the basis of evidence or beliefs in 1977." Irving continued: "I have to be frank and say that since I wrote this, which was in 1965 or 1966, I'm...no longer familiar now, twenty years later, with the documents that it's based on and I'm not in the position really to offer any constructive comment on that. I would have to look at the original documents again that I used." (34-9670)

Pearson continued reading at page 630:

In theory he might therefore have found the passage in Himmler's seventy-page speech of October 6, 1943, where he bluntly disclosed to Albert Speer and the Gauleiters that he, Himmler, had decided to murder Jewish women and children as well as adult males...On May 5, 1944, however, Himmler tried a new version -- or adapted it to his audience of generals. After revealing in now stereotyped sentences that he had "uncompromisingly" solved the "Jewish problem" in Germany and the German-occupied countries, he added: "I am telling this to you as my comrades. We are all soldiers regardless of which uniform we wear. You can imagine how I felt executing this soldierly order issued to me, but I obediently complied and carried it out to the best of my convictions." Never before, and never after, did Himmler hint at a Führer Order; but there is reason to doubt he dared show this passage to his Führer.

Irving pointed out that there was a footnote to this passage which ought to be read, and he read it to the court:

Page 28 of the large-face typescript, containing this pregnant sentence - for only Hitler was empowered to issue a "soldierly order" to Himmler -- was manifestly retyped and inserted in the transcript at a later date, as the different indenting shows.

"Another example of a document being tampered with," said Irving. "A reason which I speculate at here, that Himmler didn't want Hitler to see that he was actually putting the -- passing the buck to Hitler. We keep on having to ask: How does a document come into existence, and why? That's a really good example." (34-9672)

Pearson continued reading from Hitler's War:

Consider too Himmler's speech of May 24, in which again speaking before generals he explained his stance somewhat differently. He recalled how in 1933 and 1934 he had thrown habitual criminals into concentration camps without trial, and boasted, "I must admit I have committed many such illegal acts in my time. But rest assured of this: I have resorted to these only when I felt that sound common-sense and the inner justice of a Germanic - and right-thinking -- people were on my side." With this in mind Himmler had confronted the "Jewish problem" too: "It was solved uncompromisingly - on orders and at the dictate of sound common-sense."

Irving again pointed out that a further sentence and its footnote ought to be read:

One page later, Himmler's speech again hinted that Jewish women and children were also being liquidated.

The footnote read:

This page alone was also retyped and possibly inserted at a later date in the typescript.

Said Irving: "This is what I mean when I say that these transcripts of Himmler's speeches are very odd. Every time there is a real killing reference, in both senses of the word, that page has been retyped...my conclusion is that there is reason to suspect that this speech may have been, or the transcript may have been, put together for camouflage purposes." (34-9673, 9674))

Pearson continued reading from Hitler's War , page 631 -- a speech by Hitler to his generals:

Of course, people can say, "Yes, but couldn't you have got out of it...more humanely?" My dear generals, we are fighting a battle of life and death. If our enemies are victorious in this struggle, the German people will be extirpated. The Bolsheviks will butcher millions upon millions of our intellectuals. Those who escape the bullet in the nape of the neck will be deported. The children of the upper classes will be taken away and got rid of. This entire bestiality has been organized by Jews. Today incendiary and other bombs are dropped on our cities although the enemy knows he is hitting just women and children. They are machine-gunning ordinary railroad trains, or farmers working in their fields. In one night in a city like Hamburg we lost over forty thousand women and children, burned to death. Expect nothing else from me, but that I do just what I think best suits the national interest and in the manner best serving the German nation.

(Prolonged loud applause).

Kindness here as indeed anywhere else would be just about the greatest cruelty to our own people. If the Jews are going to hate me, then at least I want to take advantage of that hatred.

(Murmurs of approval)

The advantage is this: now we have a cleanly organized nation, in which no outsider can interfere.

Look at the other countries...Hungary! The entire country subverted and rotten, Jews everywhere, Jews and still more Jews right up to the highest level, and the whole country covered by a continuous network of agents and spies waiting for the moment to strike, but fearing to do so in case a premature move on their part drew us in. Here too I intervened, and this problem is now going to be solved too. If I may say this: the Jews had as their program the extirpation [Ausrottung] of the German people. On September 1, 1939, I announced in the Reichstag, if any man believes he can extirpate the German nation in a world war, he is wrong; if Jewry really tries that, then the one that will be extirpated is Jewry itself.

(Spirited applause)

In Auschwitz, the defunct paraphernalia of death -- idle since late 1943 - began to clank again as the first trainloads from Hungary arrived.

What "defunct paraphernalia of death" were you talking about?, asked Pearson.

"Well, my belief then was that Auschwitz had been a major extermination camp which ceased operation in late 1943 and resumed operation after the occupation of Hungary in the summer of 1944." (34-9676)

April 26, 1988

Pearson turned to page 883 of Hitler's War, where Irving had dealt with Himmler's views on Admiral Horthy's initial actions to stop the transports of the Jews out of Hungary:

Himmler's views are evident from his handwritten speech notes, e.g., for his speech to field commanders at Posen on January 26, 1944..."Jewish question. In the Generalgouvernement [Poland] huge calmdown since Jewish problem solved. -- Racial struggle. -- Total solution. -- Don't let avengers arise to take revenge on our children."

Irving testified that he had looked at the actual handwritten notes made by Himmler and had transcribed them himself. The notes were the basis on which he delivered his speech. (34- 9682, 9683)

Pearson suggested that the notes showed Himmler was talking about racial genocide.

"I am unhappy about your introduction recently of this word genocide...I think you really ought to be specific...if you use the word, I think you ought to define it. The word genocide doesn't occur in these notes. That's why I say that." Irving pointed out that the last sentence of the Himmler notes "is an echo of what he said in the earlier speech in Posen in October 1943, where he was explaining why they had had to kill women and children too." (34-9684)

Would you agree, asked Pearson, that he is going beyond talking about individual massacres, that he is talking about the solution to a racial struggle with respect to the Jews? Irving disagreed: "I am anxious not to try to read more into the notes than they

actually portray. Trying to read between the lines and add things on has, I think, bedeviled the whole of the history of the Holocaust." (34-9684)

So, asked Pearson, unless Himmler had written 'we have subjected the Jews to racial genocide', you would not be prepared to admit that that is what he's talking about?

"Not in a matter as important as this," said Irving. "I believe I am right in saying that we don't actually have the text of the speech he made on that occasion and so I introduced just the handwritten notes for it. But I think, if I may repeat, that the whole of the history of the Holocaust, the writing of the history of the Holocaust has been bedeviled by eager historians trying to write things between the lines which aren't justified. I don't accuse Hilberg of that. I think Hilberg is very good. I've had a chance since yesterday to look at some of Hilberg's writing. If I may just say this, particularly on the case you introduced yesterday about the Roman Jews, and I've checked up on Hilberg's description of the expulsion of the Jews from Rome, the eight thousand that we were talking about yesterday, and Hilberg makes plain that in fact 1,007 Jews were finally expelled to Auschwitz. He doesn't say that they were killed there. He writes they were sent to the killing centre of Auschwitz and so in as much as Hilberg modifies what I said, I'm happy to accept his version of history...I am very impressed by the clinical precision of his language. He didn't say they were sent to Auschwitz and killed. He said they were sent to the killing centre at Auschwitz because Hilberg has also found no evidence that they were killed. He then writes two or three pages later of the total of seven thousand Jews deported from the whole of Italy, fewer than eight hundred returned to Italy. But he doesn't then look at the possibility that they may have been trans-shipped straight from the displaced persons camps to Palestine, for example. I think Hilberg is a very accurate and precise writer. He phrases his words very closely...I'm very impressed by the quality of his writing." (34-9684, 9685)

So when he says 5.1 million Jews were exterminated, that is the conclusion of a man who is conservative in his approach and precise?, asked Pearson. Irving replied that he "would like to know exactly what he said and how he phrased it." (34-9686)

Pearson turned next to the subject of the Wannsee Conference protocol and read an excerpt of Hilberg's translation from page 94 of his book Documents of Destruction :

In the course of the final solution, the Jews should be brought under appropriate direction in a suitable manner to the east for labor utilization. Separated by sex, the Jews capable of work will be led into these areas in large labor columns to build roads, whereby doubtless a large part will fall away through natural reduction.

The inevitable final remainder which doubtless constitutes the toughest element will have to be dealt with appropriately, since it represents a natural selection which upon liberation is to be regarded as a germ cell of a new Jewish development. (See the lesson of history.)

After Irving confirmed that this was an "acceptable translation," Pearson put to him that what this really said was what Himmler had said, that women and children would have to be killed to stop future avengers from taking revenge.

"It says nothing of the sort," said Irving. "There's no reference to women or children in that paragraph whatsoever. What they are saying there is that after those who have built roads until they drop, which is the phrase I use in the book and it's a very adequate description of the first paragraph, that they will build roads until they drop, the others, the ones who don't drop, the ones who are tough enough to survive -- they're going to be a tough element and we're going to have to deal with them appropriately. There's not a hint as to what that appropriate dealing is...it could be locking away in a very secure prison camp somewhere. There's not a hint. You are beginning to read between the lines. I admire the skill with which you do it...What it does say is if we liberate them, they will be a germ cell so from that you can conclude that the alternative was going to be the choice chosen; they weren't going to be liberated...I am suggesting to you there are very many different ways of reading between the lines of that paragraph and I said I admire the ingenuity with which you try to read women and children into that paragraph and you try to read a massacre into that paragraph. It just isn't there. There are other alternatives." (34 9688, 9689)

Would you agree, asked Pearson, that it was ridiculous to suggest that the object of the Nazis would have been to create a new Jewish development of the toughest elements of the Jews?

"There is a strong Zionist element in the pre-war Nazi history," said Irving. "They sent Adolf Eichmann to Palestine to negotiate with the Zionist leaders about the Jewish immigration to Palestine. So there was certainly as at that time, there was an idea of sending the Jews out."

So are you suggesting, asked Pearson, that here they are talking about putting together through natural selection the germ cell of a new Jewish development?

"They are concerned a new germ cell will derive which, if liberated, will cause them, the Germans, problems." (34-9690)

If it's liberated by the Allies, for instance?, asked Pearson.

"If it's liberated by anybody...I can't see the words 'Allies' in there. I am reading clearly what the document said...The words here are 'which, upon liberation, is to be regarded as ... a germ cell of a new Jewish development'. But there is no explicit reference to solving that problem by liquidating this final remainder." (34-9690)

Would you agree that was Himmler's solution?, asked Pearson.

"I'm not certain who wrote this paragraph," said Irving. "I think we would have to know who is the author of this paragraph. I'm just putting it to you in my reply that there are other alternatives. I accept you can read the lines the way you do. Equally other people could read between the lines with alternative interpretations." Irving continued: "If I might just...mention that that effectively deals with the Wannsee protocol, this famous, notorious document upon [which] so much of the Holocaust history depends. There is nothing in it...it is a balloon which collapses." (34-9691, 9692)

Pearson returned to Hitler's War, page 645, regarding a speech by Himmler made in 1944 that may have been shown to Hitler. The speech:

...covered the familiar ground, though he no longer claimed to be murdering the Jews on Hitler's orders. He conceded that ("at most") fifty thousand Germans were now in concentration camps, including some fifteen thousand political prisoners. He asked for the generals' sympathy in having had to eliminate the Jews: Germany could not have withstood the bombing terror if the Jewish germ had remained, he argued, nor could the front line have been held east of Lemberg...if the big Jewish settlements had still existed in that city -- or in Cracow, Lublin, and Warsaw. And using the familiar arguments he answered their unspoken question as to why the Jewish children had to be murdered too.

Irving testified that he did not dispute that Himmler said those things: "Very similar to his previous speeches. He's just going over the old familiar ground, answering their questions because of the questions that were on the minds of a lot of army generals at this time; they had seen the atrocities behind the lines; they wanted to know what the hell was going on." (34-9693)

And it's clear, suggested Pearson, that he was talking about eliminating the Jews as opposed to talking about ad hoc massacres.

"I would have to look again at the entire text of the speech if I was going to answer that question honestly. He certainly is talking about the elimination of the Jews which the German generals in his audience had been concerned about. There were a number of German generals at that time, like Field-Marshal von Weichs...who were concerned about what they had seen. So they had to have this kind of pep talk from the chief of the SS to explain the politics of it." (34- 9693, 9694)

Pearson turned to page 660 of Hitler's War and asked Irving if at this page he was dealing with the Hungarian Jews and the fact that Hitler and Himmler were very interested in getting the Jews out of Hungary. Irving testified that it "was a security problem. They regarded Hungary as a major strategic security threat so long as it had a large Jewish element in the population." (34- 9694)

Pearson read from page 660, where Irving explained why Horthy did not go along with it:

But now Himmler's ghastly secret was coming out, for two Slovak Jews had escaped from Auschwitz extermination camp, and their horrifying revelations were published in two reputable Swiss newspapers early in July. Horthy refused to deport the Jews from Budapest; instead, he announced that a general would bring Hitler a letter on July 21.

Do you repudiate what you wrote there?, asked Pearson.

"This is a very well-known report by two Slovak Jews who claimed to have been in Auschwitz camp...I have to use that wording...without being able to be too specific, because I haven't come prepared to answer questions on that Slovak report. I now understand that that report is open to some question...It is a very, very detailed report.

A copy is in the Roosevelt Library. It came out to the United States and it has every appearance of being authentic." Irving testified that he had not talked to the two Slovak Jews in question. He stood by what he wrote about the report being published by two reputable Swiss newspapers. (34-9695)

And you'd agree, asked Pearson, that the Swiss were neutrals during the war?

"The Swiss were neutrals," replied Irving. "They had to accept whatever propaganda was fed to them by either side." (34-9696)

The report was one among other causes which had stopped Horthy from deporting the Jews. Said Irving: "Horthy certainly believed something was going on which he disapproved of...But having since written this book in 1977, I understand that that Slovak report is open to some question...over the last ten years I suppose I have heard on two or three occasions people say, oh, that report you must be careful of. We're not certain how it came into existence and what the motives were of the two Slovaks concerned." (34-9696)

Irving testified that during the war Hungary was a "very reluctant ally. They came and went. They came when there was something to pick up, like a piece of Czechoslovakia, and they went when there was any fighting to do. They came again then reluctantly in March 1944 when Hitler invaded them and his troops overran Hungary to reinforce and bolster...the sagging eastern front...It had its own government until October the 15th, 1944, when the Germans actually overthrew the Hungarian government and imposed their own regime." (34-9697)

Pearson suggested to Irving that the leader of Hungary was in a good position to know what was going on in Europe. Irving disagreed: "...as you know having read Hitler's War, my contention is even Adolf Hitler didn't know what was going on in Europe in every respect." (34- 9697)

Pearson turned to Did Six Million Really Die?, page 24:

€ In the Federal Archives of Koblenz there is a directive of January 1943 from Himmler regarding such executions, stressing that "no brutality is to be allowed" (Manvell and Frankl, *ibid*, p. 312). Occasionally there was brutality, but such cases were immediately scrutinised by SS Judge Dr. Konrad Morgen of the Reich Criminal Police Office, whose job was to investigate irregularities at the various camps. Morgen himself prosecuted commander Koch of Buchenwald in 1943 for excesses at his camp, a trial to which the German public were invited. It is significant that Oswald Pohl, the administrator of the concentration camp system who was dealt with so harshly at Nuremberg, was in favour of the death penalty for Koch. In fact, the SS court did sentence Koch to death, but he was given the option of serving on the Russian front. Before he could do this, however, Prince Waldeck, the leader of the SS in the district, carried out his execution. This case is ample proof of the seriousness with which the SS regarded unnecessary brutality. Several SS court actions of this kind were conducted in the camps during the war to prevent excesses, and more than 800 cases were investigated before 1945. Morgen testified at Nuremberg that he discussed confidentially with hundreds of inmates the prevailing conditions in the camps. He found few that were undernourished except in the hospitals, and noted that

the pace and achievement in compulsory labour by inmates was far lower than among German civilian workers.

Irving testified that he had not quoted the Himmler directive mentioned in the booklet; however, he was familiar with it: "It's a reference to ordinary, disciplinary executions inside institutions and concentration camps for whatever reason and Himmler had ordered there be no photographs and no brutality." (34-9699) Irving agreed that the directive had "nothing at all" to do with extermination, but later said: "I would modify my previous answer and say it was indirectly to do with the extermination controversy because it showed a certain squeamishness on Himmler's part. I think several historians have suggested that Himmler was personally squeamish." Irving added that he thought all brutality was unnecessary and that Harwood "obviously" didn't. (34-9700, 9702)

Would you agree, asked Pearson, that the passage in *Did Six Million Really Die?* was not an honest summary of Konrad Morgen's testimony?

"It is some fifteen years since I read Konrad Morgen's testimony and corresponded with him...But to the best of my recollection, it is a fair reflection of Morgen's testimony except in the detail. I am not sure that Koch was convicted of brutality. I have a feeling that the original indictment was in connection with fraud and embezzlement at the Buchenwald camp ... Certainly the impression I had from the Morgen testimony was that he found himself being drawn into a sink of iniquity, of SS inequity at camp level. He found that most extraordinary things were happening and that there was a lot of reluctance by higher-ups to allow him to investigate further and he ran into the usual kind of [obstruction]. He was obviously a very unusual and dedicated judicial inquirer. Having said that, I would once again say that this paragraph fairly reflects the essence of what the Konrad Morgen report was." (34-9702, 9703)

Pearson turned to page 718 of *Hitler's War* where Irving had dealt with Morgen's report:

In October 1944, Himmler ordered the extermination of the Jews to stop. What led to this order is uncertain. SS General Ernst Kaltenbrunner, chief of the Reich Main Security Office, stated in his closing speech to the Allied tribunal at Nuremberg two years later that he had received a stunning report from an investigating judge he had appointed in 1943 to prosecute corruption at top level in the concentration camp system: this lawyer, Dr. Konrad Morgen, had been drafted into the SS for the purpose, and his early inquiries at Buchenwald convinced him that illegal murders of witnesses of the commandant's corrupt practices had occurred. Morgen had secured the execution of the commandant, Karl Koch, and eventually procured indictments in two hundred other cases. Late in 1943 he had realized that a systematic mass murder was proceeding at two camps -- Auschwitz and Lublin. The commandant at Lublin, a former Stuttgart lawyer named Wirth, told him "they were destroying the Jews on the Führer's orders," and he was running altogether four extermination camps in the eastern Generalgouvernement of Poland, including Majdanek near Treblinka, in which five thousand Jews were themselves operating the machinery (before being systematically liquidated themselves). Shortly after telling him this, Morgen later reported, Wirth vanished from Lublin, having been instructed to raze his

extermination camps to the ground. Late in 1943, he continued, while following up a major gold smuggling racket, he stumbled on the truth about Auschwitz, where one Rudolf Höss was commandant. Believing at that time that Hitler himself had ordered all this, Morgen felt powerless to intervene. He began a merciless prosecution of the camp officials over the "lesser" murders, however -- outside the general massacre program, hoping in this way to ventilate the whole issue. But an investigating judge sent to scrutinize the files of the Reich Main Security Office itself -- under whose Departments IV and IVb the massacre had begun - found that no general order for the massacre had ever been received or issued. Morgen himself was the target of harassment; his staff's barracks were burned down one night, with all their files, but he fought on and eventually laid the dossier before Kaltenbrunner.

Kaltenbrunner stated (in August 1946) that he was "stunned by the report." He himself had been interested only in the Intelligence side of his office. He sent the document by special courier that October 1944 day to Hitler. Hitler sent for him in person the next day, and after a long discussion agreed to call Himmler and Oswald Pohl, chief of the concentration camps, to account for their actions. In Kaltenbrunner's presence -- as he described at Nuremberg -- the Führer ordered SS General Fegelein to ensure that Himmler reported to him immediately. (According to the manservant's register, Himmler came on October 17, and then again on November 7.) Hitler gave Kaltenbrunner his word, as they shook hands and parted, that he would put an immediate end to the massacre. (We have only Kaltenbrunner's account of all this; he himself was hanged at Nuremberg, and his widow possesses none of his personal papers which might have thrown light on the truth. Morgen, now a respected lawyer in Frankfurt, supports only part of the SS general's account, while motivated by an obvious and understandable antipathy toward him.)

The following scene, is, however, independently testified to. On October 27, 1944, news reports reached Hitler that the Russians claimed to have found a former concentration camp, Majdanek, near Lublin, at which 1,500,000 people had been liquidated; according to Heinz Lorenz, his press officer, Hitler angrily dismissed the reports as propaganda -- just as German troops had been accused of "hacking off children's hands in Belgium" in 1914. When Ribbentrop pressed him for an answer, the Führer replied more revealingly, "That is Himmler's affair and his alone". He betrayed no flicker of emotion.

Is that what you wrote in 1977?, asked Pearson.

"Indeed. I don't think I would change a line of it. I think I built in all the necessary safeguards to point to the obvious inadequacies of the testimony." (34-9707)

Pearson asked Irving what he was referring to in the first sentence regarding the order by Himmler to stop the extermination of the Jews. Irving testified that he was referring "to the testimony of Kaltenbrunner at Nuremberg, where he in turn refers to the steps that he took after getting the reports from Konrad Morgen that these excesses were occurring in certain camps." (34-9704)

Was Kaltenbrunner lying?, asked Pearson.

"Since we took care of making sure he couldn't speak afterwards, it's difficult now to tell," said Irving. (34-9704) He continued: "I corresponded with Morgen, I visited the widow of Kaltenbrunner. I did everything I could to establish precisely what had happened...I was unhappy that the Allies had not made greater use of the man. Here's a man, Konrad Morgen, who investigated what you called the Holocaust. He investigated it. He was obviously a first-hand witness and yet the Allies made hardly any use of him whatsoever as a source." (34-9708)

Pearson put to Irving that Morgen's investigation led him to conclude that there were a number of extermination camps operating in Poland. Irving disagreed: "He didn't get to them. He got to some of the people who reported atrocities to him and from that he concluded that something extraordinary was going on. But when I corresponded with him, as I say in the book, he denied Kaltenbrunner's account of the story, but I thought again it was so important that the whole matter had to be ventilated in this book on Adolf Hitler...And Hitler himself dismissed it angrily and said this is just Allied propaganda." (34-9708)

Pearson pointed out that Irving had gone on to say in the book that the Führer had replied "more revealingly" to Ribbentrop.

"It is 'more revealingly' in connection with Adolf Hitler if we want to know what his own knowledge was of affairs, if he on repeated occasions brushed it away from himself and said all of this kind of thing is Himmler's pigeon. The buck stops with him. As we know, Himmler had been given the job for the consolidation of Germandom and he had been given the job of police security in rear areas and under that category fell the liquidation of Jews as partisan material. This was probably what was going through Hitler's mind when he said that." (34-9709)

Irving testified that he had a "very good" source for the exchange between Ribbentrop and Hitler and that his statement that "Hitler betrayed no flicker of emotion" probably came from the testimony given by Ribbentrop in the source that he had used.

What you are saying, suggested Pearson, is that Hitler was not surprised that 1.5 million people had been liquidated?

"If you read the paragraph closely, you'll see this is the Allied propaganda saying that 1.5 million people have been liquidated. This was among a number of very large similar claims put out by the British psychological warfare executive on the instructions of the British secret service. The gas chamber story originated in the British secret service. The psychological warfare executive and the files on that are now available in the British Public Records Office." (34-9710)

Irving agreed that Harwood should have mentioned that Morgen's investigations led him to conclude that there were extermination camps in Poland and that Harwood should then have examined the allegation. Irving believed Harwood should also have mentioned that the initial investigation was touched off by charges of corruption. (34-9711)

Pearson pointed out that Irving had described Morgen as a "respected" lawyer and asked whether Irving had any reason to doubt the honesty of what Morgen had told him.

Said Irving: "He is a lawyer. He is a very respected lawyer. He is obviously not eager to get caught up in this controversy. He is not anxious to have people recall that he was Heinrich Himmler's chief investigating judge. So, he would certainly temper his statements in the modern Federal Republic of Germany with an element of caution." (34-9711)

But his investigations, asked Pearson, had proceeded to the stage where he actually talked to the commandants?

"Yes," said Irving, "but here we must introduce an element of caution. What we are reading is a fourth or fifth-hand account. It is Kaltenbrunner relating what Morgen was told by Wirth about what he had heard...And Morgen in his correspondence with me was very cautious indeed. He was anxious not to confirm what Kaltenbrunner was saying...I very much regret that the Allies didn't interrogate Konrad Morgen in very much greater detail in 1945." (34-9712)

Pearson returned to Hitler's War, page 791:

As American troops advanced across Thuringia, Hitler was confronted with the problem of the concentration camps. Göring advised him to turn them over intact and under guard to the Western Allies, who would sort out the criminals from the foreign laborers and Russian prisoners, thus preventing hordes of embittered ex convicts from roaming the countryside and inflicting additional horrors on the law abiding. Hitler did not share Göring's trust in the enemy. Sitting casually on the edge of the map table after one war conference, he instructed Himmler's representative to ensure that all inmates were liquidated or evacuated before the camps were overrun.

"This was the testimony given to me by the SS Colonel Otto Günsche," said Irving, "...who was the colonel who subsequently had the task of burning the bodies of Hitler and Eva Braun. In my ten years working on Hitler, I went to very great lengths to persuade them to talk the truth to me and not just to tell me the attractive facets of his character, few though they were, but also all the ugly details. And when I asked each of Hitler's private staff in turn, and Günsche was his personal adjutant and bodyguard, what had been discussed at Hitler's headquarters about the killing of the Jews or concentration camp prisoners, instead of just saying, 'Mr. Irving, there was no such discussion', he said, 'Mr. Irving, I remember one episode only. Right at the end of the war, when Heinrich Himmler in Hitler's war conference said, 'Mein Führer, the American troops are advancing on Weimar. They are about to overrun a concentration camp' -- I believe it must have been Buchenwald -- 'What are your instructions about that camp? Should I evacuate the prisoners?' And Hitler said to Himmler, 'Herr Reichsführer, stay behind until the conference is over.' After the conference was over, according to Otto Günsche, who was the only eyewitness, Hitler said to Himmler, 'Make sure that all the prisoners are liquidated before the Americans overrun the camp, if they cannot be evacuated.' The second time I [had] Günsche tell the story to me, which was two or three years later as a check to see if his memory had changed, he added the sentence in Hitler's mouth, he said, 'Hitler said, Make sure that all the

prisoners are liquidated if they cannot be evacuated. I don't want to think of these criminals being turned loose on the local German population." (34-9714)

Pearson turned to Did Six Million Really Die? at page 24:

€ The orderly situation prevailing in the German concentration camps slowly broke down in the last fearful months of 1945. The Red Cross Report of 1948 explains that the saturation bombing by the Allies paralysed the transport and communications system of the Reich, no food reached the camps and starvation claimed an increasing number of victims, both in prison camps and among the civilian population of Germany. This terrible situation was compounded in the camps both by great overcrowding and the consequent outbreak of typhus epidemics. Overcrowding occurred as a result of prisoners from the eastern camps such as Auschwitz being evacuated westward before the Russian advance; columns of such exhausted people arrived at several German camps such as Belsen and Buchenwald which had themselves reached a state of great hardship.

Wouldn't you agree, asked Pearson, that in talking about what was compounding a terrible situation, one would have to add Hitler's order that the prisoners be liquidated before the camps were overrun?

"I think it likely that Mr. Harwood was not aware of that particular order. But I think his description is a fair description except perhaps in detail. I am not aware of prisoners being evacuated westward from Auschwitz, but this may be my ignorance. Certainly concentration camps were evacuated where possible and the people who were brought back were often under conditions of great hardship because these columns of prisoners were ruthlessly attacked by Russian and British and American fighter planes, causing great casualties among the prisoners. And when they arrived in the camps like Bergen-Belsen and Buchenwald, which had been relatively well-organized until the closing weeks and months of the war, great chaos then did set in and the chaos was unfortunately compounded by our Operation Clarion which was the ruthless bombing of all the communications networks in January and February 1945, and by our saturation bombing of the German cities, including the pharmaceutical factories, so that by March, 1945, there had been a complete collapse of the provision of medications and the necessary medicines to prevent the outbreak of epidemics." (34-9716)

But, said Pearson, you testified that if they couldn't be evacuated, Hitler ordered that they be liquidated?

"As a security measure in this one camp, Buchenwald, which was not a Jewish concentration camp as such, it was a regular -- I know we English call it an internment camp -- containing all sorts of political prisoners, religious prisoners and enemies of the regime," said Irving. (34-9717)

Pearson asked if people who had things to sell with respect to memoirs, diaries of the Second World War often went to him.

"As an expert," said Irving, "the publishers come to me and ask me for value judgments on the material or the people possessing the material come to me and ask

me for information on a good profitable market to sell it in." Irving testified that he himself "very seldom" purchased records: "I think I can recall only two episodes. I once bought a diary for twenty-five pounds of a naval officer and I paid five thousand pounds to rent Churchill's stolen desk diaries from the man who stole them, his bodyguard." (34-9721, 9722)

Pearson asked Irving to explain the manner in which he was approached with respect to the Eichmann tapes. Irving testified that he received a letter from the son of Adolf Eichmann, by the name of Klaus. This was the name printed on the letterhead and he introduced himself in the letter as being the son of Adolf Eichmann. Said Irving: "And he announced that he had the tapes which his father had already recorded in the years prior to his kidnapping by the Israelis and that these had never been published and that he was anxious to see they should be published and that there was a problem -- I have to say quite fairly -- inasmuch as the tapes might be held to damage the right-wing cause, if I can put it as simply as that...I would just say that if one was to hope that...the tapes by Adolf Eichmann would be a total denial, then these hopes would be disappointed." (34-9723)

Irving agreed that there were neo-Nazi groups who hoped for such material to surface. He continued: "So I then contacted one or two reputable publishers and I put this material to them as a project without being able to enclose the actual material, which I emphasize I have never handled. I just said that I had learned that Eichmann's unpublished memoirs did exist. Clearly they had an enormous evidentiary value depending on how honest Eichmann was. Having not looked at it, I couldn't judge, of course. And I left it at that. A number of publishers then came forward and took up direct contact with the son and I was interested to see that the American publishers made no effort to publish the book at all, so clearly it wasn't considered to be as helpful as they had hoped...The German publishers did publish it. I believe it is a right-wing publishing house. Yes, a right-wing publishing house published it in Germany and it was published in the Spanish language as well." (34 9724)

Pearson referred to Did Six Million Really Die? at page 20:

Strangely enough, the alleged "memoirs" of Adolf Eichmann suddenly appeared at the time of his abduction to Israel. They were uncritically published by the American Life magazine (November 28th, December 5th, 1960), and were supposed to have been given by Eichmann to a journalist in the Argentine shortly before his capture...

Said Irving: "I remember reading that and thinking to myself, I wonder if this was the same as the book but then I formed the impression that it probably wasn't because I am familiar with American newspaper methods of inventing interviews with people whom they've never seen." Irving testified that he had never heard of a live interview with Adolf Eichmann. (34-9725)

Pearson produced a copy of Adolf Hitler's last testament. Irving testified that he was familiar with the document: "There were seven versions of the political testament. Three were originally typed by his secretary, Traudl Junge, and four more copies were made by Martin Bormann on the following day." (34-9730) At Pearson's request, Irving translated two paragraphs of the testament:

Three days before the outbreak of the German-Polish war, I suggested to the British ambassador in Berlin a solution of the German-Polish problem, similar to the solution adopted in the case of the Saarland, putting it under international control. This offer cannot be denied either. It was only rejected because the authoritative circles of the British high policies wanted war partly because of the business deals they hoped to make out of it, and partly driven on by a propaganda campaign organized by international Jewry.

But nor did I leave anybody in any doubt that if the nations of Europe were once more...regarded just as a kind of bundle of stocks and shares in the hands of these international gold dealers and financial conspirators, then this race, this folk would also be called to account. The race which are the real culprits in this murderous struggle: the Jews or Jewry! Nor, moreover, did I leave any doubt that this time it would not be millions of children of Europeans of the Aryan races who would be starving, not only millions of adult men would be suffering death and not only hundreds of thousands of women and children would be...burned to death in the towns and cities without the real culprits having to pay the penalty, even if by far more humane means.

Irving testified that the culprits, the international Jews, were going to have to pay the penalty for having started this murderous struggle: "He says this was going to happen." (34-9732) Pearson began to move on to other subjects. Irving interjected: "I'm sorry, are you going to ask me to comment on the testament or just use me as a translator on those, because I would have wanted to comment on the fact that all he is saying is that the Jews are going to suffer but in a far more humane way than the millions of people who died in the air raids." Irving continued: "He actually says it. He says 'in a far more humane way.' Humane -- you can't challenge the translation of that word. He is not explicit. He is not saying I have arranged that they would be killed. He is...just saying I'm going to make them pay." (34-9733)

There's no way he could have been saying that it's less painful to be gassed to death than to burn to death in bombing?, asked Pearson.

"I'm sorry you asked me that question because when I interviewed a marshal of the Royal Air Force, Sir Arthur Harris, many years ago in 1962, and he was the commander-in-chief of RAF Commander bombers, and I asked him why he hadn't bombed Auschwitz. His reply was, 'Mr. Irving, if I was a concentration camp prisoner, I would prefer to die from gas than to be burned alive by an incendiary bomb,' which was the fate of two million people in Europe in the 1940s." (34-9734)

So Air Marshal Harris may have been saying the same thing as Adolf Hitler?, asked Pearson.

"No," said Irving. "Hitler's actual words were he had predicted that he would make the Jews pay the penalty but in a far more humane way than the millions who had died in the air raids...Harris is talking about gassing and Hitler is not talking about gassing, he is talking about a humane way which can equally be deporting or a geographical location, throwing them out of [Germany] lock, stock and barrel. What happened to the Jews isn't humane...on any score." (34- 9734)

Have you read the memoirs of the commandant of Auschwitz, Rudolf Höss?, asked Pearson.

"I haven't because I understand that these memoirs are very suspect and I considered it unnecessary to the work I was...doing on Adolf Hitler," said Irving.

Before he radically changed his view of what went on in Auschwitz, didn't he think it would be of assistance to read the memoirs?, asked Pearson.

"If I had had a document I was satisfied was the genuine memoirs signed at the end in affidavit form by a man saying 'I have made this statement under no kind of coercion whatever,' then I think perhaps I would attach some importance to it but as I understand it, the memoirs of Rudolf Höss were extracted in a rather more painful surgery." (34-9735) Irving testified that he had read "quite a bit how various prisoners were interrogated in the post-war years...It is quite easy to be psychologically coerced; you can have promises made to you, threats made to you." (34-9736)

What kind of psychological coercion was used against Rudolf Höss?, asked Pearson.

"I'm not going to be specific about that because I would be taking from a memory that is twenty years old," replied Irving. "All I can say is I was unwilling to use the Höss memoirs because I was satisfied that in doing so I was introducing a probable element of uncertainty." Irving had not read the Nuremberg trial testimony of Höss: "My view was that when you only have one given life span and one doesn't have a vast team of researchers working, you have to use your reading and researching time at the most profitable and efficient level which in my case was looking at the original wartime documents in the archives and my feeling was that if you did enough work on those, then you would do without using the post-war testimony of people like Höss which was bound to be suspect." (34-9737)

Pearson produced a document from the National Archives of the United States, Nuremberg Document NO-4473, being a letter from the chief of the Central Construction Management, Auschwitz to SS Major-General Kammler, WVHA, in Berlin, dated January 29, 1943. (34-9738; filed as Exh. 155 at 34-9747)

Irving testified that he was familiar with the document and had no reason to question its authenticity, although the provenance of the document was not clear from the Nuremberg Staff Evidence Analysis Sheet attached to it. Irving explained that staff evidence analysis sheets were attached to exhibits at the Nuremberg trial. The purpose of the sheet was to inform where the document had been found. (34 9739)

Pearson read the document to the court:

The crematorium II has been completed (save for some minor constructional work) by the use of all the forces available, in spite of unspeakable difficulties and the severe cold, in 24 hours-shifts. The fires were started in the ovens in the presence of Oberingenieur Prüfer, the representative of the contractors, the firm of Topf and Söhne, Erfurt and they are working most satisfactorily. The planks from the concrete ceiling of the cellar used as a mortuary (Leichenkeller) could not yet be removed on

account of the frost. It is, however, not very important, as the gazchamber (gassing cellar) can be used for that purpose.

The firm of Topf and Söhne was not able to start in time deliveries of the installation for aeration and ventilation as had been requested by the Central Building Management because of restrictions in the use of railroad-cars. As soon as the installation for aeration and ventilation arrives the installing will start so that the complete installation may be expected to be ready for use by 20 February, 1943.

We enclose a report of the testing engineers of the firm of Topf and Söhne, Erfurt.

Irving testified that the word *vergasungskeller*, which had been translated as "gas chamber" should have been translated to mean a carbonization process in some kind of oil fire heater. By translating the word as gas chamber, said Irving, "it is giving possibly a deliberately wrong translation of the word. It is a possible translation but it is an unlikely translation because if a German was going to write the word 'gas chamber', he would not write *vergasungskeller*. He would write [gaskammer]."3 (34-9741) Irving agreed that the translator had added the alternative translation of 'gassing-cellar' but pointed out that no Englishman would use the term 'gassing-cellar'. (34-9741) Said Irving: "We need to know more from the context of that document. We would need more from the documents of this file. I would like to see the blueprint of the Crematorium II to see what the *vergasungskeller* was and see what pipe work went between the *vergasungskeller* and the crematory because that would answer all my questions." (34-9741)

Irving pointed out that the translation had also incorrectly used the word 'fires.' The German word used was the plural of oven or furnaces. The correct translation was therefore 'the furnaces were fired up', not 'the fires were started in the ovens.' (34-9742)

Irving also pointed out that Pearson had failed to read the first line of the letter which Irving translated as:

Re: Krematorium No. II, construction status

Said Irving: "In other words, this entire document refers to Krematorium No. II, not to any other building or any other installation. Purely to the crematorium. I think that needs possibly to be underlined. I think this justifies me in suggesting that if we're looking for which of the alternative translations to look for...this key word underlined here, *vergasungskeller*, it is some piece of equipment to do with a crematorium process and not to do with any other process." (34-9744)

Pearson returned to a review of Hitler's War written by Hugh Trevor-Roper which appeared in the *Sunday Times Weekly* on June 12, 1977, and read excerpts to the court:

Mr. Irving's essential point is that it is "hard to establish a documentary link" between Hitler and the extermination programme. This is certainly true. That whole programme was veiled in secrecy and carried out at a safe distance. Himmler himself explicitly forbade all discussion of it, and, if it had to be mentioned, it was always

disguised as "resettlement" or "transport to the east." Therefore we should not expect it to appear openly in formal documents. Indeed, it is because of this official silence that our new anti-semites brazenly declare that the Jews were not exterminated at all. For the same reason, Hitler's notorious "commissar order" (whose authenticity Mr. Irving does not dispute) does not survive in documentary form.

Irving testified that he had reflected on this criticism after reading the review: "It is an opinion. Different historians have different opinions. I would have pointed out to him that all Hitler's other very many crimes are dealt with in some detail in the archives and can be proved on the basis of archival documents and yet this is supposed to have been the biggest crime of all and there is a sudden lack of any...comparable documents." (34-9748)

Irving agreed that he did not dispute the commissar order but pointed out that Trevor-Roper was wrong in saying that the order did not survive. Said Irving: "The commissar order exists in the files of the German High Command as dictated by Hitler to Colonel General Alfred Jodl." This was the order which specified that all "the Soviet commissars who were principally, in my understanding, Jews, were to be liquidated on the field of battle." This was the order under which the Einsatzgruppen operated and was issued one month before the Soviet invasion, in May of 1941. (34-9748, 9749)

Pearson continued reading from the review:

However, a historian must not only read the official documents: he must also look behind them. I believe that, if we do this, Hitler's responsibility for the policy is clear.

Of course the extermination was carried out by Himmler's SS. But could Himmler have mounted so vast a programme without Hitler's authority?

Had Irving reflected on that point?, asked Pearson. Irving replied that Trevor-Roper was "asking a question and...is virtually doing in that article what you have spent three days in doing which is reading between the lines because there is no evidence. After forty years, we're entitled to expect evidence." (34-9750)

Pearson continued reading:

Did he not always insist that the SS was built on the basis of unquestioning obedience to the Führer? He explicitly claimed Hitler's authority for the action, and although, in documents written for Hitler, the references may have been muted or expunged, that is explicable by the public pretence.

Said Irving: "I would challenge his statement earlier in that sentence where he says he explicitly made reference to Hitler, to his authority from Hitler in carrying out the operation." Irving testified that the speeches of Himmler where he said 'This is why I have had to take this severe decision' was more evidence that Himmler was "very much acting on his own when he carries out these isolated atrocities." He continued: "...from...October 1943, when Himmler broke the secret to his generals of what he had been doing, from that moment on Hitler has no excuse not to have known because those same people trooped in to see him the next day. This again is a long way short

of proving that he did know." Irving pointed out that Himmler used circumlocutions but was never specific: "...and this is the tragedy. The whole way through with the tens of thousands of tons of documents, there's no one specific line which would help us." (34- 9751, 9752)

Pearson continued reading:

It is quite unnecessary to suppose that the whole policy was a "violation of Hitler's orders" and that Himmler used the conventional euphemisms of "re-settlement" and "transport to the East" in order "to pull the wool over Hitler's eyes." Hitler (as Mr. Irving often reminds us) had an extraordinary grasp of the details of his war, and since his anti-semitism was essential to his ideology, it is unlikely that he totally ignored that sector of it.

Would you agree, asked Pearson, that Hitler made public statements which reflected his anti-semitism?

"Indeed," said Irving, "and I have drawn attention to the strange paradox that he makes these public statements and yet every one of the dozen or so documents directly linking Hitler with again, what you call elements of the genocide, show him putting out his hand to stop something ugly happening to the Jews. The Roman case we were looking at yesterday. That specific other case of the transport of Jews from Berlin to Riga. He evidently tells Himmler they are not to be liquidated. Every specific document linking Hitler with the Jewish question is him intervening to say postpone it until the war is over, don't liquidate them, I don't want them liquidated in northern Italy, I want them kept alive as hostages." (34-9752)

Sir, is it your position Hitler was a friend of the Jews in the war?, asked Pearson.

"Mr. Pearson, you are again trying to give the newspapers quotes for tomorrow morning," said Irving. "I don't think this is what this court action is about. I would, to answer your question...say without the tragedy of the Third Reich, the state of Israel would probably not exist and in that respect he was doing the Jewish nation a favour." (34-9753)

Pearson continued reading:

Moreover, the extermination was not a private secret of the SS. It was well known, though not discussed, at Hitler's court. Göring, Goebbels, Keitel showed that they knew it.

Irving testified that he did not agree with this statement: "Göring showed no knowledge whatsoever of the genocide as you describe it. Goebbels showed limited knowledge of it in his diaries but now that his entire diaries have become available to us that weren't available in 1977...[w]e see his ignorance was as profound as that of the rest of us. Keitel appears to be largely in the dark. I know of no document showing that Keitel was aware of anything approaching what you describe as the genocide or the Holocaust." (34-9754)

So Hugh Trevor-Roper is misleading us here?, asked Pearson.

"He's misleading us on that," replied Irving. "I think he is writing off the top of his head and at that time, 1977, he was among the believers."

Pearson continued reading:

The euthanasia programme, which trained the personnel for it, had originated in the Führer's Chancellery.

Do you deny there was a euthanasia programme in Nazi Germany?, asked Pearson.

"I don't," replied Irving. "I don't deny that at all. The euthanasia programme went under the code name T-4...from which it operated...under the control of Philipp Bouhler...who was the head of the Führer's Chancellery, but that was a building, an office, an agency in Berlin and Hitler was operating from his field headquarters in East Prussia...I think it's specious to suggest the title is the Führer's Chancellery, therefore it was Hitler's programme." (34-9754, 9755)

How many people were killed by the euthanasia programme?, asked Pearson.

"About 50,000 people, as many as in one small British air raid," said Irving.

Pearson continued reading:

The breath of the courtiers may have been bated, but the whisper can still be heard. In his diary, on March 27, 1942 -- that is soon after the famous Wannsee Conference which had launched the full programme of extermination - Goebbels gave what Mr. Irving calls a "frank summary" of "the ghastly secrets of Auschwitz and Treblinka." Mr. Irving explicitly refers to this entry in the course of his argument, but he forbears to cite Goebbels' words. I therefore supply his omission. "It is a pretty barbarous business," Goebbels wrote, "and it is best not to mention details," but the Jews had asked for it. Now the Führer's threat of "annihilation" was to be realised "in the most dreadful manner. We must not be sentimental in these matters...it is war to the death between the Aryan race and the Jewish bacillus...Here too the Führer is the inflexible champion of a radical solution."

Are you suggesting there is no reference to death in there?, asked Pearson.

"I am suggesting this is typical of Goebbels shooting off his mouth. It's a radical solution if I am a Jewish family living in Berlin [and] in the middle of the night somebody comes along and says, 'Out, there's a truck waiting downstairs,' you're going to be shipped off to the east, God knows what happens to you, you're going to work until you drop; that's a radical solution." (34- 9756)

Isn't that reading between the lines, sir?, asked Pearson. Said Irving: "No, sir. I am entitled to draw that inference from that entry as you are to draw the inference that Goebbels is talking about the 'Holocaust', 'genocide', racial mass murder, the killing of 6 million people. We need something far more explicit than that and surely we are entitled to it after forty years, and tens of thousands of tons of documents. They're all available to us and you can't help us." (34- 9757)

Pearson continued reading:

Against this explicit evidence what does Mr. Irving offer? At least four times he refers to a brief note of a telephone-call which Himmler made from Hitler's headquarters on November 30, 1941 -- i.e. before the Wannsee Conference. Himmler then told his henchmen, Reinhard Heydrich, the "Protector" of Bohemia, that there was to be "no liquidation" of a transport of Jews from Berlin. Mr. Irving prints a photograph of this note, which he represents as a general veto on the liquidation of Jews. To me, it bears no such implications. Specifically, it refers only to a particular convoy, which is not to be liquidated -- at least not yet. Generally speaking, one does not veto an action unless one thinks that it is otherwise likely to occur.

Would you agree, asked Pearson, that in your book you do suggest that that order from Hitler was a general order?

"Taken in conjunction with all the other documents that I referred to, yes. It's part of a chain of evidence and if I may just amplify on that, you've just quoted the Goebbels entry to us of March the 27th, 1942, which I described as Mr. Goebbels himself shooting off his mouth. At precisely the same time as that document, of much greater evidentiary value, there is a telephone call from the chief of the Reich Chancellery to the Minister of Justice saying, and I quote: 'The Führer has repeatedly said he wants the solution of the Jewish problem postponed until after the war is over.' How do you climb out of that one, Mr. Pearson." (34-9758)

Pearson continued reading:

Mr. Irving's argument about the Jews typifies his greatest weakness as a historian. Here, as in the Sikorski affair, he seizes on a small and dubious particle of "evidence"; builds upon it, by private interpretation, a large general conclusion; and then overlooks or re-interprets the more substantial evidence and probability against it. Since this defective method is invariably used to excuse Hitler or the Nazis and to damage their opponents, we may reasonably speak of a consistent bias, unconsciously distorting the evidence.

"I wouldn't accept the word distorting," said Irving. "I am quite prepared to be accused of bias. I think every historian has the arrogance to believe that his opinion is better than that of his rivals. And I believe that my opinion was better having done the research among Hitler's staff and among Hitler's documents that Hugh Trevor-Roper and Alan Bullock and the other Hitler historians had not done. Therefore I felt I was entitled to change opinions at that point." (34-9759)

Pearson pointed out that Irving had acknowledged Trevor-Roper in his book as exceptional. Irving agreed: "He's very good but we are referring there to his book called *The Last Days of Adolf Hitler* and I don't challenge his account of the last days of Adolf Hitler except in unimportant detail." (34-9760)

Do you agree, asked Pearson, that in your latest book, *Churchill's War*, you suggest that during his period out of power, Churchill fell under the influence of Jewish moneylenders?

"This is approximately one page in about 300 pages describing that period," said Irving. "We are looking at the very interesting question how a Member of Parliament, Winston Churchill, with no government office whatever and a 500 pound per annum salary is able to maintain himself in considerable luxury, support a very large household, private and secretarial staff, and do this with no visible means of support. And I then built up from various sources, including the Czechoslovakian government archives, the archives of Chaim Weizmann in Israel, the captured records of the French and other governments, I then built up a picture of where Mr. Churchill's money had come from, which I considered to be germane to a Winston Churchill biography." (34- 9760, 9761)

And then you say that war starts and Hitler makes overtures for peace to Churchill which Churchill refuses, suggested Pearson.

"Not quite as simple as that. Hitler had made very many offers of peace, usually just after he secured a major military victory, and Winston Churchill secured increasingly from June 1940 onwards the refusal of these peace offers by one means or another. It was extremely urgent for him to do so because by that time, half the British people wanted peace -- particularly the working classes -- and if peace had broken out in the summer of 1940, Winston Churchill would have been finished as Prime Minister. So he used various techniques to prolong the war."

So, asked Pearson, it's your thesis that to avoid peace breaking out and him losing office he prolonged the war and part of the reason why he didn't agree to the overtures of peace was the influence that Jews exerted on him?

"No, sir," said Irving. "I haven't expressed that view in the book at all but in volume two which is...in the process of production, we do come to the extraordinary meeting between Chaim Weizmann, the leader of [the] world Zionist movement, and the first president of the state of Israel, and I remind you I have had private access, privileged access to Weizmann's papers, and there was a meeting between Weizmann and Mr. Churchill in September 1941, when Churchill was very keen to drag the United States into his war and Weizmann used to him the words which he records in his own handwriting: 'We managed to bring the United States into the First World War and if you tow our line over Palestine and the Jewish fighting force, then we can persuade the Jews of the United States to drag the United States into it again this time', which I find an extraordinary document, frankly, and I am very, very anxious about how to present this in a balanced historical review and it's typical of the problems which confront me as an honest biographer." (34-9762)

What do you say about Churchill's American roots?, asked Pearson.

"He was half-American...I refer to the fact that he was not a man of the British Empire at all. He put the British Empire second," said Irving. He pointed out that when Churchill first met President Roosevelt in August 1941, almost in Canadian waters off the coast of Newfoundland, he didn't tell Canadian Prime Minister Mackenzie King that he was coming. "The Canadian government found out by code-breaking that Churchill and Roosevelt were meeting in Canadian waters. This was the respect that Churchill had for the Great Dominion leaders who were helping him in his war." (34-9763)

And you state that Churchill conducted most of his war in a drunken state?, asked Pearson.

"I wouldn't go so far as to agree with you on that, Mr. Pearson," said Irving. "The diaries of some of Churchill's cabinet ministers, the diaries of some of his officers when he was First Lord of the Admiralty reveal that Churchill repeatedly attended Admiralty meetings or cabinet meetings in a state of intoxication. For example, on July the 6th, 1944, the diary of the Chief of Naval Staff, Admiral Cunningham, reveals that Churchill arrived at the cabinet meeting in a state of drunkenness. We know from the cabinet records that on this occasion, Churchill issued the criminal order for the launching of poison gas warfare on German cities." (34-9763)

And it's your position, asked Pearson, that if Churchill had acceded to the peace overtures of Adolf Hitler, the British Empire may have survived and that would have been the best thing for the British Empire?

Irving replied: "If the peace offers had been accepted in June 1940, we can speculate on how the world would have been different today. Two million people killed in bombing would have survived. The millions of people who were suffering in the various massacres of the Second World War would also not have died. However many people were killed because they were Jews...whether it was 100,000 or a million, whatever the figure we choose, they would also in all probability not have been killed. The great cities of Europe would not have been destroyed. Britain and her Empire would not have been bankrupted." (34-9764)

Pearson suggested to Irving that his thesis was the same as one Hitler had presented in one of his last conversations where he said, 'If fate had granted to an aging and enfeebled Britain a new Pitt instead of this Jew-ridden, half-American drunkard, the new Pitt would have at once recognized that Britain allied to a united Europe would still have retained the chance of being able to play the arbiter in world affairs, but I underestimated the power of Jewish domination over Churchill's England.' (34-9764) In response to Irving's query, Pearson revealed that he had obtained this quotation from an article in the Sydney Morning Herald of October 9, 1987 by John Foster, a historian at the University of Melbourne. (34-9765)

Said Irving: "He doesn't give the source? I can give you the source. It's from the so called bunker conversations of Adolf Hitler. I mentioned that because these bunker conversations of Adolf Hitler conducted in allegedly February 1945 and in April 1945 were, in fact, the product of the brain of a Swiss lawyer -- I'm sorry to keep on dragging lawyers into this -- but I won't mention his name, quite simply because he is still a very active Swiss lawyer. He himself concocted these documents in the 1950s. They have no historical value whatsoever." (34-9765)

So, you deny that that was Hitler's view of Churchill, that he was a drunkard?, asked Pearson.

"He regarded Churchill and repeatedly described him as a 'drunken poltroon'," said Irving. "Roosevelt also described Churchill as 'that drunken bum', so Hitler wasn't alone in describing Churchill in those words."

Irving agreed with Pearson that Hitler often said that Churchill or Britain were being dominated by the Jews. (34-9766) I suggest, said Pearson, that you have written a biography of Winston Churchill that Hitler would have written.

"Not from every respect. We find out from the Weizmann papers, although Churchill describes himself as a Zionist admirer, he gave the Jews a run-around. He didn't concede to all their claims and Weizmann was a very disappointed man at the end of the Second World War." He continued: "I am not surprised that both Hitler and I came across the same basic truths. Hitler himself said even a blind hen occasionally picks up a grain of corn." (34-9767)

Pearson produced a review of Hitler's War written by Professor Walter Laqueur of the Georgetown University Centre for Strategic and International Studies which appeared in the New York Times Book Review on April 3, 1977 and read excerpts to the court:

The reasons for this book's shortcomings lie deep. Mr. Irving may have out-grown the eccentric political views of his earlier years...when he criticised his native country for lining up with the Bolsheviks in a fight against the first great unifying force (meaning Nazi Germany) Europe had known in 600 years..."Hitler's War"... reads like the plea of an advocate who knows from the very beginning what he intends to prove and who marshals his evidence to this end relentlessly and with an enthusiasm worthy of a better cause. The result is a book of value to a few dozen military historians capable of separating new facts from old fiction, of differentiating between fresh, documentary material and unsupported claims, distortions and sheer fantasies.

Irving pointed out that Laqueur was better-known as the director of the Wiener Library, which was a wartime and post-war Jewish propaganda library: "...a very, very good library but I think we have to know what his colours are..." Irving testified that he had read the review and commented that Laqueur "will be sorry to hear that my book is required reading in universities around the world including West Point in the United States and the United States Military Academy at Carlyle." (34-9768)

Pearson next quoted from a 1959 edition of a satirical publication called Carnival Times from Imperial College. Irving, then a student at the collage and editor of the magazine, had written in an editorial:

The organs of the National Press owned by Jews are acting in the same way. The formation of a European Union is interpreted as an attempt at building a group of superior peoples and the Jews have always viewed with suspicion the emergence of any 'master race' (other than their own, of course)...Why, little Germany by herself under the direction of Herr Hitler nearly succeeded in subjugating the combined might of the Union of Soviet Socialist Republics. Perhaps if, at the same time, he was not being attacked by the whole of the rest of the world, he might have succeeded.⁴

Irving testified that the publication was "satirical...If I had known [you were] going to refer to it I would have brought it. You would have seen immediately what kind of satirical magazine it was. I don't think you would seriously quote sentences out of it to a learned court of law." (34-9769) He continued: "...the essence of satire is that in every sentence there is a lot of wicked truth and a lot of blatant, obvious untruth...I have just said to you the magazine was a satirical magazine. The next article after that

was called 'Christopher Robin and the Facts'. I hope you're not going to read out of that one to us." (34-9770)

I'm going to stay on the one with respect to the European union, said Pearson. He asked Irving to explain the satire.

"Student satire written thirty years ago," said Irving. "If you have nothing more recent than thirty years ago with which to smear me, I think this in itself is a statement of the case...I think that what I am saying there and what I say now...if we had left the Soviet Union and Germany to fight it out between themselves, if Hitler and Stalin had been fighting it out between themselves, to this day it couldn't have happened to two nicer people...They were both gangsters." Irving agreed that Hitler and Stalin were on the same side at the beginning, "[t]hen we put one of the gangsters on our side which is what the satire in my article is about." (34-9773)

Pearson asked Irving to explain what his publication Focal Point was about. Irving testified that Focal Point was published around 1981 or 1982 and was a publication "produced by a small group around me called the Focus, and we were aiming to attract the support of particularly university students, people with an intelligent background." (34-9773)

Irving agreed that he was a "dissident historian...I don't like the term revisionist historian as put in the mouths of my enemies. They sullied the word revisionism as if history doesn't need to be revised. History needs to be revised; every historian needs to revise his own histories from time-to-time." (34-9774)

And in 1980, asked Pearson, when you formed this group called the Focus had you had a change of heart with respect to the Holocaust?

"I think it's difficult to be precise where between 1977, when my Hitler book was published, and the present date, the change of heart occurred. I think it is something like a...[gradual] change of colour as you realize that the expected overwhelming attack on the Hitler book still didn't produce any evidence that there had been this Holocaust, this genocide of which you are speaking, that you then begin to question your own beliefs and say - " (34-9774)

Pearson interjected: Your book didn't deny there was a Holocaust. Irving replied that he accepted that. Why then, asked Pearson, did you think someone was going to comment on your Hitler book proving that the Holocaust happened when you admitted and conceded in your book that it did happen?

"Because it acted like a spade whacked down in the whole of the historical body," replied Irving. "All the historians who had written about the Holocaust before began crawling around unearthing new documents, some of them very good historians -- Professor Gerald Fleming went to work for the first time in the Polish and Russian archives to start work on the Holocaust and I expected every day that I was going to be proven wrong. They have brought back very, very good and useful research but in this particular and important aspect, their research was barren, not only with them failing to prove that Hitler had known about it, but they were failing to prove it, whatever it had been." (34-9775)

Irving agreed that Gerald Fleming's book *Hitler and the Final Solution* was directed to one aspect only of the thesis contained in *Hitler's War*, namely, that Hitler didn't know what was going on. He pointed out, however, that "you can't just carry out research on that one thesis. Inevitably you bring back barrow loads of documents relating to the whole broad area of attack." (34-9775)

Pearson suggested that Irving was bitter about the way the historical community reacted to *Hitler's War*.

"I think humanly disappointed is a better way to describe it," said Irving. "Because most of the historians...are men of substance and integrity, and I had hoped and expected that they would have valued the work that I had done and some of them privately could do, like Raul Hilberg, some of them do it publically and eventually I had to wait until the great split occurred in the body of historians for which I claim the entire credit. It wasn't until my book came out that they started re examining their own tenets." (34-9776)

Irving agreed with Pearson that he spoke to a convention of the Institute for Historical Review in the United States in 1983, where he gave a speech indicating that he thought that Hitler was probably the greatest friend the Jews had in the Third Reich. Said Irving: "For the reason that I just specified, that without Hitler's active campaign on the Jewish front, the state of Israel would probably not now exist and have attracted its overwhelming worldwide sympathy and I was specific about that in my speech." (34-9776)

Irving could not remember meeting Ernst Zündel at the convention. He had no precise recollection of when he first met Zündel: "I would say that over the last two or three years, when he became involved in the current litigation, he approached me as an expert who had written on this field and asked for assistance." (34-9777)

As a result of Irving's attendance in California, asked Pearson, did Gerald Fleming quote you?

"Yes," said Irving, "he published...an article in the *Jewish Chronicle* in London purporting to reproduce what I had said at Los Angeles and I wrote a letter to the *Jewish Chronicle* in London correcting on the basis of my memory what I had said in Los Angeles and then Gerald Fleming probably wrote another letter to the *Jewish Chronicle*." (34-9778)

Would you agree, asked Pearson, that at the IHR convention in 1983, you did not deny the Holocaust happened and it killed millions of Jews?

"Mr. Pearson, having flown from London to Los Angeles I was eight hours jet lagged. I made the speech to them with my mind in a fog and to try and recall from that fog precisely what I said in the course of one and a half hours talking -- not just about the Jewish tragedy in the Second World War -- but the whole field of historical research I had done including Hungary, German atomic research and the rest...", said Irving. He agreed that he wrote a letter in response to Fleming's article: "He had accused me of having said certain things at Los Angeles which I believed I hadn't said." (34-9779)

Pearson read from Irving's letter of December 23, 1983:

Dr. Fleming's malicious quotation from the proceedings in California is taken wildly out of context. I have a full recording of my talk which was about the Hungarian uprising of 1956. In the subsequent discussion about the Holocaust, I made it clear that the Nazis undoubtedly did murder many millions of Jews, a view which was unpopular to that audience, and continued by setting out my well known views of this tragedy.⁵

So in December of 1983, asked Pearson, you made it clear that the Nazis undoubtedly did murder many millions of Jews which was unpopular at the IHR convention?

"I remember the unpopularity," said Irving. "This is quite plain. This is half-way through the period between 1977, when I had the then view which I then believed, and the present date when I have changed my mind on whether there was the act of genocide you refer to. But I don't really want to dabble in statistics, whether I still believe it was millions killed by the Nazis or hundreds of thousands...You're very usefully trying to establish exactly when I changed my mind during the last ten years. And that advances it some way." Irving continued: "I obviously half- changed my mind there because I am not talking about the Holocaust, I am not talking about genocide, I am not talking about 6 million or any other precise figure. I am already talking in much vaguer terms there." (34-9780)

Pearson suggested that Irving was very specific when he said that the Nazis undoubtedly did murder many millions of Jews.

"I think I would delete the word 'millions.' I'm not in a position to say it was millions or hundreds of thousands and the more that I see the lack of evidence now, the more I am inclined to question the word 'millions'." (34-9781)

Pearson asked Irving whether he came to Canada on a speaking tour in 1986. Irving testified that he had; he was promoting a book on the Hungarian uprising of 1956. Pearson produced an eight-page brochure and asked if it was a brochure that advertised the speaking tour he was on. Irving testified that he was familiar with the original of it, a brochure called *Torpedo Running*. The sponsorship for the speaking tour was from an Australian publishing house, Veritas, which had various local groups sponsor the tour in different parts of the world -- Australia, New Zealand, South Africa, Canada and Britain. Veritas, a publishing house in the Australian outback fifty miles outside Perth, had published his book *Churchill's War*. He was not aware of what else they had published other than a book on aboriginal land rights. (34-9781 to 9783)

On his speaking tour in Canada, Irving had been introduced by the Australian Eric Butler. Ron Gostick of the Canadian League of Rights had also spoken at the meetings. He was the organizer of the meetings in Toronto, Montreal and Ottawa. (34-9783, 9784)

Irving was introduced to Zündel in Vancouver on the 1986 speaking tour; he saw him at the back of the lecture hall on a speaking tour in 1987 in Toronto but did not speak to him then. (34-9784)

Pearson asked whether another book advertised in the eight-page brochure advertised a book called *The Zionist Factor: A Study of the Jewish Presence in 20th Century History*. Irving replied that he had never seen this page before: "For my worldwide tour, I produced this glossy brochure. Had two or three thousand copies printed worldwide and a number of copies were sent to Canada. And I can see from this that the Canadian organizer took that brochure and made a miniaturized photocopy of it in eight pages...in fact, I haven't seen this before except, of course, the pages like this one which come...from that brochure. So, some of these pages I am seeing now for the first time, including that advertisement for my Hungarian book and the page that you just wanted to show me." (34-9785)

Pearson returned to *Did Six Million Really Die?* at page 30:

Of great concern to Professor Rassinier is the way in which the extermination legend is deliberately exploited for political and financial advantage, and in this he finds Israel and the Soviet Union to be in concert.

Do you agree that the extermination legend is being deliberately exploited for political and financial advantage?, asked Pearson.

Said Irving: "I agree with the chief rabbi of Britain, as I said on the first day...It has become big business. Those are the words used by the chief rabbi, and I echo them." Irving agreed with what Harwood had written in this passage, with the exception that he would not have added the Soviet Union. (34-9802)

Pearson returned to *Did Six Million Really Die?* and read from page 30:

Who has the right to compound it with vast imaginary slaughter, marking with eternal shame a great European nation, as well as wringing fraudulent monetary compensation from them?

Did Irving agree, asked Pearson, that "fraudulent monetary compensation" was being wrung from Germany?

"If the compensation had been wrought from West Germany -- I take it that's the nation referred to -- on the basis that there was a state massacre of 6 million Jews for whom financial compensation has to be paid, and we then find out that that statement is a willful misrepresentation of the facts, if that is so, then that can only be represented as fraud." Irving continued: "I'm prepared to accept that the Jewish community as a whole believes in the Holocaust. If that is so, then it is not a willful fraud. It would be a -- I don't know what legal term I would apply to describe it, but it wouldn't be a willful fraud in the terms of this paragraph." (34- 9803)

Pearson read from the same page of the booklet:

...on the one hand Germany pays to Israel sums which are calculated on six million dead...

Irving testified that he was "not aware of what actuarial basis the payments are made on. I'm aware only of the original conference between Dr. Adenauer, the German

Chancellor, and Dr. Goldmann who was the Zionist representative...and Adenauer on his own initiative decided to pay, I believe, one billion dollars to the state of Israel as a compensation payment." Irving indicated that "not to my knowledge" was the money calculated on 6 million dead. (34-9804)

Pearson read from *Did Six Million Really Die?*, at page 9:

Gerstein's fantastic exaggerations have done little but discredit the whole notion of mass extermination. Indeed, Evangelical Bishop Wilhelm Dibelius of Berlin denounced his memoranda as "Untrustworthy."

Irving agreed that he was not suggesting that an author could be dishonest with his sources as long as the right conclusion was reached. Irving also agreed that if it was in fact Gerstein's sister-in-law that died of euthanasia, this would have "no bearing on his personal mental instability whatsoever." (34-9806)

Would you agree, asked Pearson, that this would be a dishonest technique of the author, to suggest that it was his sister instead of a sister-in-law?

"It may very well be that the author of this brochure is aware of a sister in addition to a sister-in-law, but this is a possibility which I can neither confirm nor deny." Irving agreed that it was also a possibility that Harwood was being deliberately dishonest. (34-9806)

Pearson read the description of Harwood which appeared at the end of the essay on page 30:

Richard Harwood is a writer and specialist in political and diplomatic aspects of the Second World War. At present he is with the University of London.

Do you know of any Richard Harwood at the University of London?, asked Pearson.

"No, sir," said Irving. "and I have to admit that when I read that description, I thought that the words 'At present he is with the University of London' were rather precious and arousing suspicion." Irving agreed that it appeared to be designed to suggest that the author was a professor at the University of London or held some kind of post. Irving did not know any Richard Harwood who was a writer and specialist in political and diplomatic aspects of the Second World War, other than the author of the booklet. He indicated that it was important to some readers to know who was writing something and that if the author was someone named Richard Verrall and that he was a member of a neo-Nazi group, that would be taken into consideration by the reader and weighed with other factors in determining the approach taken by the reader to the booklet. (34-9806 to 9808)

Pearson produced *Six Million Did Die* and read what Hugh Trevor-Roper had said about *Did Six Million Really Die?* at page 56:

My judgment of it is that, behind a simulated objectivity of expression, it is in fact an irresponsible and tendentious publication which avoids material evidence and presents

selected half-truths and distortions for the sole purpose of serving anti Semitic propaganda.

Did reading that opinion, asked Pearson, change Irving's own assessment of Did Six Million Really Die?

"I would say to this that I value Trevor-Roper's judgment, and like any other historian he is entitled to his own opinion. It doesn't change my assessment of this brochure because my assessment was, as I stated on Friday -- that it serves a useful catalytic purpose in making people think and rethink and possibly even revise their accepted opinions," said Irving. He continued: "It doesn't change my opinion because it doesn't surprise me that the...establishment historians like Professor Hugh Trevor-Roper, who hold very important semi-political positions in the English university structure, find it more congenial to express that view on this brochure than to express the view which I have expressed, that it serves a useful catalytic purpose in making people think afresh, and when I say that, I am not saying that I endorse everything that the brochure contends, merely that it serves a useful purpose in promoting and stimulating discussion." (34-9811)

This ended the cross-examination of Irving by Crown Attorney Pearson. Defence attorney Douglas Christie rose to commence re-examination.

In regard to the Posen speech, asked Christie, would you think it useful as a historian to conduct a voice analysis using scientific methods of the tape itself to determine if it was actually spoken by the person who it was purported to be spoken by?

"Given a speech of this importance, of this historical importance," said Irving, "I would certainly hope that this kind of forensic test could be made on the speech...On this particular speech, I'm not aware of any such test having been made, but I'm certain that similar voice spectrograms had been made on tapes in criminal cases..."

Christie asked whether Irving was specifically investigating the alleged extermination while he was writing Hitler's War. This question was disallowed by Judge Ron Thomas. (34-9812, 9813)

Christie asked Irving to provide details of his correspondence with Raul Hilberg. Irving replied: "I wrote a letter to a number of Jewish authorities, authorities on the so-called Holocaust, when I was in a stage of some embarrassment with my Hitler biography, not having been able to find any evidence linking Hitler with what I at that time believed to have gone on, and I asked each of these Jewish authorities, which included the YIVO Institute in New York, the Wiener Library in London, and respected Jewish historians like Raul Hilberg, if they could provide me with evidence which I want[ed] to know about. And Hilberg, in the course of the correspondence, which perhaps encompassed two or three letters and replies, said that he had come to the same conclusion independently, as I had, that quite probably Adolf Hitler himself was not concerned in what had gone on...This correspondence would have been in the early 1970s, probably about 1970. Of course, I didn't continue to ask him what had gone on because at that time I still believed that there had been an organized massacre. The realization only dawned on me bit by bit that this was something that had to be tested on every front." (34 9813, 9814)

Since that time, asked Christie, what was the most significant piece of evidence that had affected your opinion on the matter?

"I think, probably, that document from the files, the German Ministry of Justice, in the spring of 1942, showing Adolf Hitler as demanding that the 'final solution' be postponed until after the war is over," said Irving. "That was the most significant piece of evidence on the Hitler level, but on the other front, as to whether a mass extermination occurred in Auschwitz itself, I must say that the most significant piece of evidence is what I've been shown since I arrived here in Toronto on Thursday, which is a document which I am not at liberty to talk about, I think." (34- 9814, 9815) [Judge Ron Thomas excused the jury, then told Christie to explain the purpose of the re- examination. Christie said: "It is in the course of the cross examination the Crown has implied that he had no reasons for the change of his opinion, and I want to explore the area of what the reasons were. I had not yet heard Your Honour to determine that he could not mention the name of the Leuchter Report. I had heard Your Honour to determine that he cannot introduce it but I'd like him to be able to at least mention it." (34-9816) After sarcastically belittling Christie for not knowing the purpose of re-examination, Thomas stated: "I made a ruling that he could mention the fact that he had seen the report, that he knew that it was done and that it had not been done before, but he isn't here in the position to give evidence on whether this report is valuable in the history of mankind." (34 9817)]

Upon resumption of the court in the presence of the jury, Christie asked Irving about who penalized the persons who committed atrocities at Chelmno. Irving indicated they were penalized by authorities or agencies of the German state. (34 9821)

Christie directed Irving to page 867 of Hitler's War, where it dealt with a note sent by Himmler to Gestapo Chief Müller on November 30, 1942 and which said: 'You are to investigate at once in all quarters to find out whether there have been any such abuses as the -- no doubt mendacious - rumors disseminated around the world claim. All such abuses are to be reported to me on the SS oath of honor.' Irving had written in the book that this letter was the 'purest humbug'. Asked Christie, I'm wondering if in light of your current knowledge you would think it appropriate to reassess some of those statements?

Said Irving: "It is a letter from Himmler to the Gestapo Chief Müller, November 30, 1942, which gives the impression that Himmler knew nothing about what was going on. He had read press accounts in foreign newspapers and I, at that point, at that time, believed that the letter must be, as I say here, purest humbug because my belief at that time was that something had been going on of which Himmler must have been aware. In other words, he must have been aware that what was alleged in these foreign press accounts was true. So his denial was purest humbug. That was based on my belief in 1977 when I published the book. I wouldn't have used that phrase with such confidence if I was writing it now. I would have toned it down and I would have qualified it by saying if there was atrocities on the scale now alleged, then for Himmler to have written a letter in these terms would have been purest humbug. I would have qualified the statement." (34-9822)

This ended the testimony of David Irving.

Notes

1 Martin Broszat. "Hitler and the Genesis of the 'Final Solution': An Assessment of David Irving's Theses." *Yad Vashem Studies*, 13 (1979): 73-125. Also published as "Hitler und die Genesis der 'Endlösung.' Aus Anlass der Thesen von David Irving." *Vierteljahrshefte für Zeitgeschichte* 25 (1977): 739-75.

2 Pages which Pearson read to the court were projected on a screen in the courtroom with the use of an overhead projector.

3 In the original transcript, this word was "gasungskeller." In correspondence with the editor, however, Irving stated that he never said this word and in fact said "gaskammer".

4 Not compared with original.

5 Not compared with original.

Epilogue

Ernst Zündel was found guilty by the jury of spreading false news likely to cause mischief to the public interest in social and racial tolerance on Wednesday, May 11, 1988 at 5:00 p.m.

On Friday, May 13, 1988, Judge Ron Thomas sentenced Zündel to nine months in prison. The following are Thomas's reasons for the sentence:

The accused, Ernst Zündel, has been convicted by a jury on the charge of knowingly publishing a false statement which is likely to cause mischief to the public interest in social and racial tolerance. The false statement was in the form of a publication known as *Did Six Million Really Die?: The Truth at Last Exposed*. The central thesis of the publication was that Jews were not exterminated as a result of official policy of the Nazi regime during the Second World War, the Holocaust is a fraud or myth invented by Jews to enable Israel to collect huge reparation payments from the Republic of West Germany.

The essential elements of the offence were as follows: (1) The wilful or deliberate publication; (2) That the publication was a false statement of fact; (3) That the accused, when he published it, knew it was a false statement of fact; (4) That it was likely to cause mischief to the public interest in social and racial tolerance.

All of those issues, of course, have to be established to the satisfaction of the jury beyond a reasonable doubt. It was clearly for the jury to decide if the central thesis of the pamphlet was a false statement. Evidence was presented at this trial before this jury for more than twelve weeks and there are some 14,000 pages of transcript. The jury's verdict establishes beyond a reasonable doubt that they were satisfied that the central thesis of the publication is a false statement of fact.

During their deliberations, the jury requested assistance with the matter of "public interest." I told the jury that the law of this province is that the maintenance of racial and religious harmony is certainly a matter of public interest. Those were the words used by the Ontario Court of Appeal in the reasons for judgment following Mr. Zündel's earlier conviction in 1985 on this charge. I also told the jury that they would have to find, assuming that all other issues had been established to their satisfaction beyond a reasonable doubt, that the said false statement could have promoted intolerance of or hatred against the Jewish people and that that issue would have to be established beyond a reasonable doubt. But, I went further to say to them that it is not in the public interest to have one segment of the community racially or religiously intolerant against another segment of the community. In essence, an attack on one segment of the community is an attack on the whole community. If one segment is not protected from criminal defamation and libel, that is, accusations of monstrous

criminal wrong-doing, a gigantic criminal fraud, the whole community is vulnerable because the next segment is fair game and then the next segment is fair game until you have the prospect of the destruction of the entire community.

This trial was conducted under the laws of this province as they presently exist. The Court of Appeal, in the previous judgment, ruled that freedom of expression was not absolute in Canada. The Court of Appeal looked to judgments and precedents in this country and in the United States in order to resolve this issue which had been argued under the provisions of the Canadian Charter of Rights and Freedoms.

The Court of Appeal, in its judgment, said that the spreading of falsehoods knowingly is the antithesis of seeking truth through the free exchange of ideas. It has no social or moral value which would merit constitutional protection, nor does it aid the working of a parliamentary democracy or further self-fulfilment.

In essence, the verdict of the jury established beyond a reasonable doubt that the false statement of the pamphlet published by the accused could promote intolerance of or hatred against Jews. In other words, the accused was found by a jury of his peers to be a bigot, a person who deliberately is spreading hate in the community.

There are some who might suggest that this case is a suppression of an individual's rights to hold views on a matter of history and that he has been convicted for his belief in the truth. In my view, that is a complete misrepresentation of these proceedings. The accused man hides behind a veil of honest belief in the truth but the jury has exposed him. It is not the Holocaust that is a fraud, it is Ernst Zündel who is a fraud.

In the presentation of the defence, the publication *Did Six Million Really Die?: The Truth at Last Exposed* became almost lost in the mass of evidence presented by right-wing representatives from the Institute of Historical Review. The essential issue in this case, in my view, was the knowledge of the accused. Did the accused know, at the time he published this pamphlet, that it was false? Frankly, a very difficult matter to prove. The accused did not give evidence on his own behalf and of course that is his right. There was, in the evidence, statements and information given by witnesses to Mr. Zündel prior to publication. This evidence consisted of statements of witnesses who had examined the background of the Holocaust and they passed on their information to him. There were also his statements in the pamphlet which I do not propose to repeat.

There was also evidence of other publications with which he had either been associated or published and those were *UFO's: Nazi Secret Weapon?* and *The Hitler We Loved and Why*. Both publications were relevant for the jury's consideration to determine the question of knowledge; a person who would publish documents extolling the beliefs of National Socialism might very well be a person who would knowingly publish a false statement. Also, there was evidence of Mr. Zündel's association with persons who held Neo-Nazi beliefs, his association with individuals from the Institute of Historical Review based in California -- it is obviously a right-wing organization.

The jury examined that evidence and concluded that Mr. Zündel knew it was false. It seems clear to me that they concluded that he believes in the dogma of Adolf Hitler, that he is still a follower of National Socialism and that he will continue to carry on with these beliefs. It is in that context that one must understand the prosecution of this charge and the jury's verdict. The jury have clearly found Ernst Zündel to be a fraud and a bigot. He is prepared to spread hate and the prospects of rehabilitation are nil.

The principles of sentencing are well known. I am required to consider a number of factors including general deterrence, specific deterrence, rehabilitation and, in an appropriate case, society's repudiation of the conduct of the accused.

The accused man is a first offender. He has apparently lived in Canada for a number of years but he, at the present time, still has only landed immigrant status. I am told by his counsel that he applied for Canadian citizenship in 1966 but he was denied citizenship without reasons. I am told that he is married and has two children and he has no prior criminal record. I am also advised that he is gainfully employed.

Now I must say that throughout this trial, although Mr. Zündel did not testify, his conduct in the court room was exemplary, at least from my perspective. I make no comment about any public pronouncements that he may or may not have made outside of the court room, other than to say, from what I saw or heard, he had sufficient respect for the system of justice not to attack the jury's verdict. I am sure he does not accept it, but from anything I have seen or heard, or which has been brought to my attention, he certainly at no time attacked the integrity of the jury. I am not suggesting that I expect he would, but certainly there have been cases recently in this province where that has taken place, much to the disgust of decent and clear-thinking individuals, and I say that Mr. Zündel, in that respect, should be given credit.

The imposition of sentence in this case is extremely difficult. No matter what sentence is imposed, there will be no unanimity. In his previous trial, the trial judge sentenced him to fifteen months imprisonment. However, the circumstances have changed drastically since that time. He was sentenced in early 1985 and in 1987 his appeal was allowed and the new trial ordered. The new trial commenced here prior to the selection of the jury on January 18th, 1988. He has been through the trauma of one lengthy trial and experienced a twelve week/thirteen week trial on the second go-around. The sentence imposed by the Court must give effect to principles of general and specific deterrence. There is no evidence before the Court that Mr. Zündel has actually been able to have any significant part of the community react to his beliefs or to be tainted by his venom.

Frankly, it is Mr. Zündel who is to be pitied. He has been rejected twice by juries. The present jury listened to evidence at great length which was designed to demonstrate that the Holocaust is a total fraud, invented by Jews after the war to rip off the Republic of West Germany. The jury that sat throughout these weeks paid close and almost amazing attention to the evidence. Seldom have I seen, in twenty five years experience in the courts, a jury that was so dedicated to its task during a most difficult and sometimes emotional trial.

There are competing interests, obviously, in this matter but my role is to try and find an appropriate sentence for the offence committed by the accused. He is not to be

sentenced here for his beliefs other than as they are relevant and encompassed within the verdict of the jury on the offence with which he was charged.

Persons who would spread hate in this community in order to foster right-wing beliefs which attack the delicate balance of racial and social harmony in our community must be punished. Toronto, unlike any other city in this country, is made up of vast numbers of ethnic groups. The great strength of the city of Toronto is in its ethnic roots. They have brought culture, they have brought character and they have brought fibre to our community, a city that is admired by any person who comes here from any other part of the world. We have an awful lot to be proud of and I believe that this community is a very tolerant community of the views and the lifestyle of others, but this community has no place for persons who want to spew hate for their own purposes. The line must be drawn and the jury drew it in this case.

The principles of sentencing that require the greatest weight in this case are general deterrence and specific deterrence. Stand up, Mr. Zündel.

You will be sentenced to imprisonment for nine months. I don't intend to impose any terms of probation. I don't intend to require you to perform any community service. I simply say to you that it may be that you wish to be a martyr, and I was tempted to frustrate you in that purpose that you have, but I am required to send a message to any other persons like yourself that this community won't tolerate hate mongers. You'll be sentenced to nine months with no other additional penalty. Remove the accused.

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[We do not reproduce Appendix A: Documentary Photographs and Appendix B: The Leuchter Report]

Did Six Million Really Die?

by Richard E. Harwood

Introduction

Of course, atrocity propaganda is nothing new. It has accompanied every conflict of the 20th century and doubtless will continue to do so. During the First World War, the Germans were actually accused of eating Belgian babies, as well as delighting to throw them in the air and transfix them on bayonets. The British also alleged that the German forces were operating a "Corpse Factory," in which they boiled down the bodies of their own dead in order to obtain glycerin and other commodities, a calculated insult to the honour of an Imperial army. After the war, however, came the retractions; indeed, a public statement was made by the Foreign Secretary in the House of Commons apologizing for the insults to German honour, which were admitted to be war-time propaganda.

No such statements have been made after the Second World War. In fact, rather than diminish with the passage of years, the atrocity propaganda concerning the German occupation, and in particular their treatment of the Jews, has done nothing but increase its virulence, and elaborate its catalogue of horrors. Gruesome paperback books with lurid covers continue to roll from the presses, adding continuously to a growing mythology of the concentration camps and especially to the story that no less than Six Million Jews were exterminated in them. The ensuing pages will reveal this claim to be the most colossal piece of fiction and the most successful of deceptions; but here an attempt may be made to answer an important question: What has rendered the atrocity stories of the Second World War so uniquely different from those of the First? Why were the latter retracted while the former are reiterated louder than ever? Is it possible that the story of the Six Million Jews is serving a political purpose, even that it is a form of political blackmail?

So far as the Jewish people themselves are concerned, the deception has been an incalculable benefit. Every conceivable race and nationality had its share of suffering in the Second World War, but none has so successfully elaborated it and turned it to such great advantage. The alleged extent of their persecution quickly aroused sympathy for the Jewish national homeland they had sought for so long; after the War the British Government did little to prevent Jewish emigration to Palestine which they had declared illegal, and it was not long afterwards that the Zionists wrested from the Government the land of Palestine and created their haven from persecution, the State of Israel. Indeed, it is a remarkable fact that the Jewish people emerged from the

Second World War as nothing less than a triumphant minority. Dr. Max Nussbaum, the former chief rabbi of the Jewish community in Berlin, stated on April 11, 1953: "The position the Jewish people occupy today in the world -- despite the enormous losses -- is ten times stronger than what it was twenty years ago." It should be added, if one is to be honest, that this strength has been much consolidated financially by the supposed massacre of the Six Million, undoubtedly the most profitable atrocity allegation of all time. To date, the staggering figure of six thousand million pounds has been paid out in compensation by the Federal Government of West Germany, mostly to the State of Israel (which did not even exist during the Second World War), as well as to individual Jewish claimants.

DISCOURAGEMENT OF NATIONALISM

In terms of political blackmail, however, the allegation that Six Million Jews died during the Second World War has much more far-reaching implications for the people of Britain and Europe than simply the advantages it has gained for the Jewish nation. And here one comes to the crux of the question: Why the Big Lie? What is its purpose? In the first place, it has been used quite unscrupulously to discourage any form of nationalism. Should the people of Britain or any other European country attempt to assert their patriotism and preserve their national integrity in an age when the very existence of nation-states is threatened, they are immediately branded as "neo-Nazis". Because, of course, Nazism was nationalism, and we all know what happened then -- Six Million Jews were exterminated! So long as the myth is perpetuated, peoples everywhere will remain in bondage to it; the need for international tolerance and understanding will be hammered home by the United Nations until nationhood itself, the very guarantee of freedom, is abolished.

A classic example of the use of the 'Six Million' as an anti-national weapon appears in Manvell and Frankl's book, *The Incomparable Crime* (London, 1967), which deals with 'Genocide in the Twentieth Century.' Anyone with a pride in being British will be somewhat surprised by the vicious attack made on the British Empire in this book. The authors quote Pandit Nehru, who wrote the following while in a British prison in India: "Since Hitler emerged from obscurity and became the Führer of Germany, we have heard a great deal about racialism and the Nazi theory of the 'Herrenvolk' ... But we in India have known racialism in all its forms ever since the commencement of British rule. The whole ideology of this rule was that of the 'Herrenvolk' and the master race ... India as a nation and Indians as individuals were subjected to insult, humiliation and contemptuous treatment. The English were an imperial race, we were told, with the God-given right to govern us and keep us in subjection; if we protested we were reminded of the 'tiger qualities of an imperial race'." The authors Manvell and Frankl then go on to make the point perfectly clear for us: "The white races of Europe and America," they write, "have become used during centuries to regarding themselves as a 'Herrenvolk.' The twentieth century, the century of Auschwitz, has also achieved the first stage in the recognition of multi-racial partnership." (ibid., p .14)

THE RACE PROBLEM SUPPRESSED

One could scarcely miss the object of this diatribe, with its insidious hint about "multi-racial partnership." Thus the accusation of the Six Million is not only used to

undermine the principle of nationhood and national pride, but it threatens the survival of the Race itself. It is wielded over the heads of the populace, rather as the threat of hellfire and damnation was in the Middle Ages. Many countries of the Anglo-Saxon world, notably Britain and America, are today facing the gravest danger in their history, the danger posed by the alien races in their midst. Unless something is done in Britain to halt the immigration and assimilation of Africans and Asians into our country, we are faced in the near future, quite apart from the bloodshed of racial conflict, with the biological alteration and destruction of the British people as they have existed here since the coming of the Saxons. In short, we are threatened with the irrecoverable loss of our European culture and racial heritage. But what happens if a man dares to speak of the race problem, of its biological and political implications? He is branded as that most heinous of creatures, a "racialist". And what is racialism, of course, but the very hallmark of the Nazi! They (so everyone is told, anyway) murdered Six Million Jews because of racialism, so it must be a very evil thing indeed. When Enoch Powell drew attention to the dangers posed by coloured immigration into Britain in one of his early speeches, a certain prominent Socialist raised the spectre of Dachau and Auschwitz to silence his presumption.

Thus any rational discussion of the problems of Race and the effort to preserve racial integrity is effectively discouraged. No one could have anything but admiration for the way in which the Jews have sought to preserve their race through so many centuries, and continue to do so today. In this effort they have frankly been assisted by the story of the Six Million, which, almost like a religious myth, has stressed the need for greater Jewish racial solidarity. Unfortunately, it has worked in quite the opposite way for all other peoples, rendering them impotent in the struggle for self-preservation.

The aim in the following pages is quite simply to tell the Truth. The distinguished American historian Harry Elmer Barnes once wrote that "An attempt to make a competent, objective and truthful investigation of the extermination question ... is surely the most precarious venture that an historian or demographer could undertake today." In attempting this precarious task, it is hoped to make some contribution, not only to historical truth, but towards lifting the burden of a lie from our own shoulders, so that we may freely confront the dangers which threaten us all.

Richard E. Harwood

1. GERMAN POLICY TOWARD THE JEWS PRIOR TO THE WAR

Rightly or wrongly, the Germany of Adolf Hitler considered the Jews to be a disloyal and avaricious element within the national community, as well as a force of decadence in Germany's cultural life. This was held to be particularly unhealthy since, during the Weimar period, the Jews had risen to a position of remarkable strength and influence in the nation, particularly in law, finance and the mass media, even though they constituted only 5 per cent of the population. The fact that Karl Marx was a Jew and that Jews such as Rosa Luxembourge and Karl Liebknecht were disproportionately prominent in the leadership of revolutionary movements in Germany, also tended to convince the Nazis of the powerful internationalist and Communist tendencies of the Jewish people themselves.

It is no part of the discussion here to argue whether the German attitude to the Jews was right or not, or to judge whether its legislative measures against them were just or unjust. Our concern is simply with the fact that, believing of the Jews as they did, the Nazis' solution to the problem was to deprive them of their influence within the nation by various legislative acts, and most important of all, to encourage their emigration from the country altogether. By 1939, the great majority of German Jews had emigrated, all of them with a sizeable proportion of their assets. Never at any time had the Nazi leadership even contemplated a policy of genocide towards them.

JEWS CALLED EMIGRATION 'EXTERMINATION'

It is very significant, however, that certain Jews were quick to interpret these policies of internal discrimination as equivalent to extermination itself. A 1936 anti-German propaganda book by Leon Feuchtwanger and others entitled *Der Gelbe Fleck: Die Ausrottung von 500,000 deutschen Juden* (The Yellow Spot: The Extermination of 500,000 German Jews, Paris, 1936), presents a typical example. Despite its baselessness in fact, the annihilation of the Jews is discussed from the first pages -- straight-forward emigration being regarded as the physical "extermination" of German Jewry. The Nazi concentration camps for political prisoners are also seen as potential instruments of genocide, and special reference is made to the 100 Jews still detained in Dachau in 1936, of whom 60 had been there since 1933. A further example was the sensational book by the German-Jewish Communist, Hans Beimler, called *Four Weeks in the Hands of Hitler's Hell-Hounds: The Nazi Murder Camp of Dachau*, which was published in New York as early as 1933. Detained for his Marxist affiliations, he claimed that Dachau was a death camp, though by his own admission he was released after only a month there. The present regime in East Germany now issues a Hans Beimler Award for services to Communism.

The fact that anti-Nazi genocide propaganda was being disseminated at this impossibly early date, therefore, by people biased on racial or political grounds, should suggest extreme caution to the independent-minded observer when approaching similar stories of the war period.

The encouragement of Jewish emigration should not be confused with the purpose of concentration camps in pre-war Germany. These were used for the detention of political opponents and subversives -- principally liberals, Social Democrats and Communists of all kinds, of whom a proportion were Jews such as Hans Beimler. Unlike the millions enslaved in the Soviet Union, the German concentration camp population was always small; Reitlinger admits that between 1934 and 1938 it seldom exceeded 20,000 throughout the whole of Germany, and the number of Jews was never more than 3,000. (*The SS: Alibi of a Nation*, London, 1956, p. 253).

ZIONIST POLICY STUDIED

The Nazi view of Jewish emigration was not limited to a negative policy of simple expulsion, but was formulated along the lines of modern Zionism. The founder of political Zionism in the 19th century, Theodore Herzl, in his work *The Jewish State*, had originally conceived of Madagascar as a national homeland for the Jews, and this possibility was seriously studied by the Nazis. It had been a main plank of the National Socialist party platform before 1933 and was published by the party in

pamphlet form. This stated that the revival of Israel as a Jewish state was much less acceptable since it would result in perpetual war and disruption in the Arab world, which has indeed been the case. The Germans were not original in proposing Jewish emigration to Madagascar; the Polish Government had already considered the scheme in respect of their own Jewish population, and in 1937 they sent the Michael Lepecki expedition to Madagascar, accompanied by Jewish representatives, to investigate the problems involved.

The first Nazi proposals for a Madagascar solution were made in association with the Schacht Plan of 1938. On the advice of Göring, Hitler agreed to send the President of the Reichsbank, Dr. Hjalmar Schacht, to London for discussions with Jewish representatives Lord Bearsted and Mr. Rublee of New York (cf. Reitlinger, *The Final Solution*, London, 1953, p. 20). The plan was that German Jewish assets would be frozen as security for an international loan to finance Jewish emigration to Palestine, and Schacht reported on these negotiations to Hitler at Berchtesgaden on January 2, 1939. The plan, which failed due to British refusal to accept the financial terms, was first put forward on November 12, 1938 at a conference convened by Göring, who revealed that Hitler was already considering the emigration of Jews to a settlement in Madagascar (ibid., p. 21). Later, in December, Ribbentrop was told by M. Georges Bonnet, the French Foreign Secretary, that the French Government itself was planning the evacuation of 10,000 Jews to Madagascar.

Prior to the Schacht Palestine proposals of 1938, which were essentially a protraction of discussions that had begun as early as 1935, numerous attempts had been made to secure Jewish emigration to other European nations, and these efforts culminated in the Evian Conference of July, 1938. However, by 1939 the scheme of Jewish emigration to Madagascar had gained the most favour in German circles. It is true that in London Helmut Wohltat of the German Foreign Office discussed limited Jewish emigration to Rhodesia and British Guiana as late as April 1939; but by January 24th, when Göring wrote to Interior Minister Frick ordering the creation of a Central Emigration Office for Jews, and commissioned Heydrich of the Reich Security Head Office to solve the Jewish problem "by means of emigration and evacuation", the Madagascar Plan was being studied in earnest.

By 1939, the consistent efforts of the German Government to secure the departure of Jews from the Reich had resulted in the emigration of 400,000 German Jews from a total population of about 600,000, and an additional 480,000 emigrants from Austria and Czechoslovakia, which constituted almost their entire Jewish populations. This was accomplished through Offices of Jewish Emigration in Berlin, Vienna and Prague established by Adolf Eichmann, the head of the Jewish Investigation Office of the Gestapo. So eager were the Germans to secure this emigration that Eichmann even established a training centre in Austria, where young Jews could learn farming in anticipation of being smuggled illegally to Palestine (Manvell and Frankl, *SS and Gestapo*, p. 60). Had Hitler cherished any intention of exterminating the Jews, it is inconceivable that he would have allowed more than 800,000 to leave Reich territory with the bulk of their wealth, much less considered plans for their mass emigration to Palestine or Madagascar. What is more, we shall see that the policy of emigration from Europe was still under consideration well into the war period, notably the Madagascar Plan, which Eichmann discussed in 1940 with French Colonial Office

experts after the defeat of France had made the surrender of the colony a practical proposition.

2. GERMAN POLICY TOWARD THE JEWS AFTER THE OUTBREAK OF WAR

With the coming of the war, the situation regarding the Jews altered drastically. It is not widely known that world Jewry declared itself to be a belligerent party in the Second World War, and there was therefore ample basis under international law for the Germans to intern the Jewish population as a hostile force. On September 5, 1939 Chaim Weizmann, the principle Zionist leader, had declared war against Germany on behalf of the world's Jews, stating that "the Jews stand by Great Britain and will fight on the side of the democracies ... The Jewish Agency is ready to enter into immediate arrangements for utilizing Jewish manpower, technical ability, resources etc ..." (Jewish Chronicle, September 8, 1939).

DETENTION OF ENEMY ALIENS

All Jews had thus been declared agents willing to prosecute a war against the German Reich, and as a consequence, Himmler and Heydrich were eventually to begin the policy of internment. It is worth noting that the United States and Canada had already interned all Japanese aliens and citizens of Japanese descent in detention camps before the Germans applied the same security measures against the Jews of Europe. Moreover, there had been no such evidence or declaration of disloyalty by these Japanese Americans as had been given by Weizmann. The British, too, during the Boer War, interned all the women and children of the population, and thousands had died as a result, yet in no sense could the British be charged with wanting to exterminate the Boers. The detention of Jews in the occupied territories of Europe served two essential purposes from the German viewpoint. The first was to prevent unrest and subversion; Himmler had informed Mussolini on October 11th, 1942, that German policy toward the Jews had altered during wartime entirely for reasons of military security. He complained that thousands of Jews in the occupied regions were conducting partisan warfare, sabotage and espionage, a view confirmed by official Soviet information given to Raymond Arthur Davis that no less than 35,000 European Jews were waging partisan war under Tito in Yugoslavia. As a result, Jews were to be transported to restricted areas and detention camps, both in Germany, and especially after March 1942, in the Government-General of Poland. As the war proceeded, the policy developed of using Jewish detainees for labour in the war-effort. The question of labour is fundamental when considering the alleged plan of genocide against the Jews, for on grounds of logic alone the latter would entail the most senseless waste of manpower, time and energy while prosecuting a war of survival on two fronts. Certainly after the attack on Russia, the idea of compulsory labour had taken precedence over German plans for Jewish emigration. The protocol of a conversation between Hitler and the Hungarian regent Horthy on April 17th, 1943, reveals that the German leader personally requested Horthy to release 100,000 Hungarian Jews for work in the "pursuit-plane programme" of the Luftwaffe at a time when the aerial bombardment of Germany was increasing (Reitlinger, *Die Endlösung*, Berlin, 1956, p. 478). This took place at a time when, supposedly, the Germans were already seeking to exterminate the Jews, but Hitler's request clearly demonstrates the priority aim of expanding his labour force. In harmony with this programme, concentration camps

became, in fact, industrial complexes. At every camp where Jews and other nationalities were detained, there were large industrial plants and factories supplying material for the German war-effort - the Buna rubber factory at Bergen-Belsen, for example, Buna and I. G. Farben Industrie at Auschwitz and the electrical firm of Siemens at Ravensbrück. In many cases, special concentration camp money notes were issued as payment for labour, enabling prisoners to buy extra rations from camp shops. The Germans were determined to obtain the maximum economic return from the concentration camp system, an object wholly at variance with any plan to exterminate millions of people in them. It was the function of the S.S. Economy and Administration Office, headed by Oswald Pohl, to see that the concentration camps became major industrial producers.

EMIGRATION STILL FAVOURED

It is a remarkable fact, however, that well into the war period, the Germans continued to implement the policy of Jewish emigration. The fall of France in 1940 enabled the German Government to open serious negotiations with the French for the transfer of European Jews to Madagascar. A memorandum of August, 1942 from Luther, Secretary-of-State in the German Foreign Office, reveals that he had conducted these negotiations between July and December 1940, when they were terminated by the French. A circular from Luther's department dated August 15th, 1940 shows that the details of the German plan had been worked out by Eichmann, for it is signed by his assistant, Dannecker. Eichmann had in fact been commissioned in August to draw up a detailed Madagascar Plan, and Dannecker was employed in research on Madagascar at the French Colonial Office (Reitlinger, *The Final Solution*, p. 77). The proposals of August 15th were that an inter-European bank was to finance the emigration of four million Jews throughout a phased programme. Luther's 1942 memorandum shows that Heydrich had obtained Himmler's approval of this plan before the end of August and had also submitted it to Göring. It certainly met with Hitler's approval, for as early as June 17th his interpreter, Schmidt, recalls Hitler observing to Mussolini that "One could found a State of Israel in Madagascar" (Schmidt, *Hitler's Interpreter*, London, 1951, p.178). Although the French terminated the Madagascar negotiations in December, 1940, Poliakov, the director of the Centre of Jewish Documentation in Paris, admits that the Germans nevertheless pursued the scheme, and that Eichmann was still busy with it throughout 1941. Eventually, however, it was rendered impractical by the progress of the war, in particular by the situation after the invasion of Russia, and on February 10th, 1942, the Foreign Office was informed that the plan had been temporarily shelved. This ruling, sent to the Foreign Office by Luther's assistant, Rademacher, is of great importance, because it demonstrates conclusively that the term "Final Solution" meant only the emigration of Jews, and also that transportation to the eastern ghettos and concentration camps such as Auschwitz constituted nothing but an alternative plan of evacuation. The directive reads: "The war with the Soviet Union has in the meantime created the possibility of disposing of other territories for the Final Solution. In consequence the Führer has decided that the Jews should be evacuated not to Madagascar but to the East. Madagascar need no longer therefore be considered in connection with the Final Solution" (Reitlinger, *ibid.* p. 79). The details of this evacuation had been discussed a month earlier at the Wannsee Conference in Berlin, which we shall examine below. Reitlinger and Poliakov both make the entirely unfounded supposition that because the Madagascar Plan had been shelved, the Germans must necessarily have been thinking of

"extermination". Only a month later, however, on March 7th, 1942, Goebbels wrote a memorandum in favour of the Madagascar Plan as a "final solution" of the Jewish question (Manvell and Frankl, Dr. Goebbels, London, 1960, p. 165). In the meantime he approved of the Jews being "concentrated in the East". Later Goebbels memoranda also stress deportation to the East (i.e. the Government-General of Poland) and lay emphasis on the need for compulsory labour there; once the policy of evacuation to the East had been inaugurated, the use of Jewish labour became a fundamental part of the operation. It is perfectly clear from the foregoing that the term "Final Solution" was applied both to Madagascar and to the Eastern territories, and that therefore it meant only the deportation of the Jews. Even as late as May 1944, the Germans were prepared to allow the emigration of one million European Jews from Europe. An account of this proposal is given by Alexander Weissberg, a prominent Soviet Jewish scientist deported during the Stalin purges, in his book *Die Geschichte von Joel Brand* (Cologne, 1956). Weissberg, who spent the war in Cracow though he expected the Germans to intern him in a concentration camp, explains that on the personal authorisation of Himmler, Eichmann had sent the Budapest Jewish leader Joel Brand to Istanbul with an offer to the Allies to permit the transfer of one million European Jews in the midst of the war. (If the 'extermination' writers are to be believed, there were scarcely one million Jews left by May, 1944). The Gestapo admitted that the transportation involved would greatly inconvenience the German war-effort, but were prepared to allow it in exchange for 10,000 trucks to be used exclusively on the Russian front. Unfortunately, the plan came to nothing; the British concluded that Brand must be a dangerous Nazi agent and immediately imprisoned him in Cairo, while the Press denounced the offer as a Nazi trick. Winston Churchill, though orating to the effect that the treatment of the Hungarian Jews was probably "the biggest and most horrible crime ever committed in the whole history of the world", nevertheless told Chaim Weizmann that acceptance of the Brand offer was impossible, since it would be a betrayal of his Russian Allies. Although the plan was fruitless, it well illustrates that no one allegedly carrying out "thorough" extermination would permit the emigration of a million Jews, and it demonstrates, too, the prime importance placed by the Germans on the war-effort.

3. POPULATION AND EMIGRATION

Statistics relating to Jewish populations are not everywhere known in precise detail, approximations for various countries differing widely, and it is also unknown exactly how many Jews were deported and interned at any one time between the years 1939-1945. In general, however, what reliable statistics there are, especially those relating to emigration, are sufficient to show that not a fraction of six million Jews could have been exterminated. In the first place, this claim cannot remotely be upheld on examination of the European Jewish population figures. According to Chambers Encyclopaedia the total number of Jews living in pre-war Europe was 6,500,000. Quite clearly, this would mean that almost the entire number were exterminated. But the *Baseler Nachrichten*, a neutral Swiss publication employing available Jewish statistical data, establishes that between 1933 and 1945, 1,500,000 Jews emigrated to Britain, Sweden, Spain, Portugal, Australia, China, India, Palestine and the United States. This is confirmed by the Jewish journalist Bruno Blau, who cites the same figure in the New York Jewish paper *Aufbau*, August 13th, 1948. Of these emigrants, approximately 400,000 came from Germany before September 1939. This is acknowledged by the World Jewish Congress in its publication *Unity in Dispersion*

(p. 377), which states that: "The majority of the German Jews succeeded in leaving Germany before the war broke out." In addition to the German Jews, 220,000 of the total 280,000 Austrian Jews had emigrated by September, 1939, while from March 1939 onwards the Institute for Jewish Emigration in Prague had secured the emigration of 260,000 Jews from former Czechoslovakia. In all, only 360,000 Jews remained in Germany, Austria and Czechoslovakia after September 1939. From Poland, an estimated 500,000 had emigrated prior to the outbreak of war. These figures mean that the number of Jewish emigrants from other European countries (France, the Netherlands, Italy, the countries of eastern Europe etc.) was approximately 120,000. This exodus of Jews before and during hostilities, therefore, reduces the number of Jews in Europe to approximately 5,000,000. In addition to these emigrants, we must also include the number of Jews who fled to the Soviet Union after 1939, and who were later evacuated beyond reach of the German invaders. It will be shown below that the majority of these, about 1,250,000, were migrants from Poland. But apart from Poland, Reitlinger admits that 300,000 other European Jews slipped into Soviet territory between 1939 and 1941. This brings the total of Jewish emigrants to the Soviet Union to about 1,550,000. In *Colliers* magazine, June 9th, 1945, Freiling Foster, writing of the Jews in Russia, explained that "2,200,000 have migrated to the Soviet Union since 1939 to escape from the Nazis," but our lower estimate is probably more accurate. Jewish migration to the Soviet Union, therefore, reduces the number of Jews within the sphere of German occupation to around 3-1/2 million, approximately 3,450,000. From these should be deducted those Jews living in neutral European countries who escaped the consequences of the war. According to the 1942 *World Almanac* (p. 594) the number of Jews living in Gibraltar, Britain, Portugal, Spain, Sweden, Switzerland, Ireland and Turkey was 413,128.

3 MILLION JEWS IN EUROPE

A figure, consequently, of around 3 million Jews in German-occupied Europe is as accurate as the available emigration statistics will allow. Approximately the same number, however, can be deduced in another way if we examine statistics for the Jewish populations remaining in countries occupied by the Reich. More than half of those Jews who migrated to the Soviet Union after 1939 came from Poland. It is frequently claimed that the war with Poland added some 3 million Jews to the German sphere of influence and that almost the whole of this Polish Jewish population was "exterminated". This is a major factual error. The 1931 Jewish population census for Poland put the number of Jews at 2,732,600 (Reitlinger, *Die Endlösung*, p. 36). Reitlinger states that at least 1,170,000 of these were in the Russian zone occupied in the autumn of 1939, about a million of whom were evacuated to the Urals and south Siberia after the German invasion of June 1941 (*ibid.* p. 50). As described above, an estimated 500,000 Jews had emigrated from Poland prior to the war. Moreover, the journalist Raymond Arthur Davis, who spent the war in the Soviet Union, observed that approximately 250,000 had already fled from German-occupied Poland to Russia between 1939 and 1941 and were to be encountered in every Soviet province (*Odyssey through Hell*, N.Y., 1946). Subtracting these figures from the population of 2,732,600, therefore, and allowing for the normal population increase, no more than 1,100,000 Polish Jews could have been under German rule at the end of 1939. (Gutachen des Instituts für Zeitgeschichte, Munich, 1956, p.80). To this number we may add the 360,000 Jews remaining in Germany, Austria and former Czechoslovakia

(Bohemia-Moravia and Slovakia) after the extensive emigration from those countries prior to the war described above. Of the 320,000 French Jews, the Public Prosecutor representing that part of the indictment relating to France at the Nuremberg Trials, stated that 120,000 Jews were deported, though. Reitlinger estimates only about 50,000. Thus the total number of Jews under Nazi rule remains below two million. Deportations from the Scandinavian countries were few, and from Bulgaria none at all. When the Jewish populations of Holland (140,000), Belgium (40,000), Italy (50,000), Yugoslavia (55,000), Hungary (380,000) and Roumania (725,000) are included, the figure does not much exceed 3 million. This excess is due to the fact that the latter figures are pre-war estimates unaffected by emigration, which from these countries accounted for about 120,000 (see above). This cross-checking, therefore, confirms the estimate of approximately 3 million European Jews under German occupation.

RUSSIAN JEWS EVACUATED

The precise figures concerning Russian Jews are unknown, and have therefore been the subject of extreme exaggeration. The Jewish statistician Jacob Leszczynski states that in 1939 there were 2,100,000 Jews living in future German-occupied Russia, i.e. western Russia. In addition, some 260,000 lived in the Baltic states of Estonia, Latvia and Lithuania. According to Louis Levine, President of the American Jewish Council for Russian Relief, who made a post-war tour of the Soviet Union and submitted a report on the status of Jews there, the majority of these numbers were evacuated east after the German armies launched their invasion. In Chicago, on October 30th, 1946, he declared that: "At the outset of the war, Jews were amongst the first evacuated from the western regions threatened by the Hitlerite invaders, and shipped to safety east of the Urals. Two million Jews were thus saved." This high number is confirmed by the Jewish journalist David Bergelson, who wrote in the Moscow Yiddish paper *Ainikeit*, December 5th, 1942, that "Thanks to the evacuation, the majority (80%) of the Jews in the Ukraine, White Russia, Lithuania and Latvia before the arrival of the Germans were rescued." Reitlinger agrees with the Jewish authority Joseph Schechtmann, who admits that huge numbers were evacuated, though he estimates a slightly higher number of Russian and Baltic Jews left under German occupation, between 650,000 and 850,000 (Reitlinger, *The Final Solution*, p. 499). In respect of these Soviet Jews remaining in German territory, it will be proved later that in the war in Russia no more than one hundred thousand persons were killed by the German Action Groups as partisans and Bolshevik commissars, not all of whom were Jews. By contrast, the partisans themselves claimed to have murdered five times that number of German troops.

'SIX MILLION' UNTRUE ACCORDING TO NEUTRAL SWISS

It is clear, therefore, that the Germans could not possibly have gained control over or exterminated anything like six million Jews. Excluding the Soviet Union, the number of Jews in Nazi-occupied Europe after emigration was scarcely more than 3 million, by no means all of whom were interned. To approach the extermination of even half of six million would have meant the liquidation of every Jew living in Europe. And yet it is known that large numbers of Jews were alive in Europe after 1945. Philip Friedmann in *Their Brother's Keepers* (N.Y., 1957, p. 13), states that "at least a million Jews survived in the very crucible of the Nazi hell," while the official figure

of the Jewish Joint Distribution Committee is 1,559,600. Thus, even if one accepts the latter estimate, the number of possible wartime Jewish deaths could not have exceeded a limit of one and a half million. Precisely this conclusion was reached by the reputable journal *Baseler Nachrichten* of neutral Switzerland. In an article entitled "Wie hoch ist die Zahl der jüdischen Opfer?" ("How high is the number of Jewish victims?", June 13th, 1946), it explained that purely on the basis of the population and emigration figures described above, a maximum of only one and a half million Jews could be numbered as casualties. Later on, however, it will be demonstrated conclusively that the number was actually far less, for the *Baseler Nachrichten* accepted the Joint Distribution Committee's figure of 1,559,600 survivors after the war, but we shall show that the number of claims for compensation by Jewish survivors is more than double that figure. This information was not available to the Swiss in 1946.

IMPOSSIBLE BIRTH RATE

Indisputable evidence is also provided by the post-war world Jewish population statistics. The *World Almanac* of 1938 gives the number of Jews in the world as 16,588,259. But after the war, the *New York Times*, February 22nd, 1948 placed the number of Jews in the world at a minimum of 15,600,000 and a maximum of 18,700,000. Quite obviously, these figures make it impossible for the number of Jewish war-time casualties to be measured in anything but thousands. 15-1/2 million in 1938 minus the alleged six million leaves nine million; the *New York Times* figures would mean, therefore, that the world's Jews produced seven million births, almost doubling their numbers, in the space of ten years. This is patently ridiculous. It would appear, therefore, that the great majority of the missing "six million" were in fact emigrants -- emigrants to European countries, to the Soviet Union and the United States before, during and after the war. And emigrants also, in vast numbers to Palestine during and especially at the end of the war. After 1945, boat-loads of these Jewish survivors entered Palestine illegally from Europe, causing considerable embarrassment to the British Government of the time; indeed, so great were the numbers that the H.M. Stationery Office publication No. 190 (November 5th, 1946) described them as "almost amounting to a second Exodus." It was these emigrants to all parts of the world who had swollen the world Jewish population to between 15 and 18 millions by 1948, and probably the greatest part of them were emigrants to the United States who entered in violation of the quota laws. On August 16th, 1963 David Ben Gurion, President of Israel, stated that although the official Jewish population of America was said to be 5,600,000, "the total number would not be estimated too high at 9,000,000" (*Deutsche Wochenzeitung*, November 23rd, 1963). The reason for this high figure is underlined by Albert Maisal in his article "Our Newest Americans" (*Readers Digest*, January, 1957), for he reveals that "Soon after World War II, by Presidential decree, 90 per cent of all quota visas for central and eastern Europe were issued to the uprooted." Reprinted on this page is just one extract from hundreds that regularly appear in the obituary columns of *Aufbau*, the Jewish American weekly published in New York (June 16th, 1972). It shows how Jewish emigrants to the United States subsequently changed their names; their former names when in Europe appear in brackets. For example, as below: Arthur Kingsley (formerly Dr. Königsberger of Frankfurt). Could it be that some or all of these people whose names are 'deceased' were included in the missing six million of Europe?

4. THE SIX MILLION: DOCUMENTARY EVIDENCE

From the foregoing it would seem certain that the figure of six million murdered Jews amounts to nothing more than a vague compromise between several quite baseless estimates; there is not a shred of documentary evidence for it that is trustworthy. Occasionally, writers narrow it down to give a disarming appearance of authenticity. Lord Russell of Liverpool, for example, in his *The Scourge of the Swastika* (London, 1954) claimed that "not less than five million" Jews died in German concentration camps, having satisfied himself that he was somewhere between those who estimated 6 million and those who preferred 4 million. But, he admitted, "the real number will never be known." If so, it is difficult to know how he could have asserted "not less than five million." The Joint Distribution Committee favours 5,012,000, but the Jewish "expert" Reitlinger suggests a novel figure of 4,192,200 "missing Jews" of whom an estimated one third died of natural causes. This would reduce the number deliberately "exterminated" to 2,796,000. However, Dr. M. Perlezweig, the New York delegate to a World Jewish Congress press conference held at Geneva in 1948 stated: "The price of the downfall of National Socialism and Fascism is the fact that seven million Jews lost their lives thanks to cruel Anti-Semitism." In the Press and elsewhere, the figure is often casually lifted to eight million or sometimes even nine million. As we have proved in the previous chapter, none of these figures are in the remotest degree plausible, indeed, they are ridiculous.

FANTASTIC EXAGGERATIONS

So far as is known, the first accusation against the Germans of the mass murder of Jews in war-time Europe was made by the Polish Jew Rafael Lemkin in his book *Axis Rule in Occupied Europe*, published in New York in 1943. Somewhat coincidentally, Lemkin was later to draw up the U.N. Genocide Convention, which seeks to outlaw "racialism". His book claimed that the Nazis had destroyed millions of Jews, perhaps as many as six millions. This, by 1943, would have been remarkable indeed, since the action was allegedly started only in the summer of 1942. At such a rate, the entire world Jewish population would have been exterminated by 1945. After the war, propaganda estimates spiralled to heights even more fantastic. Kurt Gerstein, an anti-Nazi who claimed to have infiltrated the S.S., told the French interrogator Raymond Cartier that he knew that no less than forty million concentration camp internees had been gassed. In his first signed memorandum of April 26th, 1945, he reduced the figure to 25 million, but even this was too bizarre for French Intelligence and in his second memorandum, signed at Rottweil on May 4th, 1945, he brought the figure closer to the six million preferred at the Nuremberg Trials. Gerstein's sister was congenitally insane and died by euthanasia, which may well suggest a streak of mental instability in Gerstein himself. He had, in fact, been convicted in 1936 of sending eccentric mail through the post. After his two "confessions" he hanged himself at Cherche Midi prison in Paris. Gerstein alleged that during the war he passed on information concerning the murder of Jews to the Swedish Government through a German baron but for some inexplicable reason his report was "filed away and forgotten". He also claimed that in August 1942 he informed the Papal nuncio in Berlin about the whole "extermination programme", but the reverend person merely told him to "Get out." The Gerstein statements abound with claims to have witnessed the most gigantic mass executions (twelve thousand in a single day at Belzec), while the second memorandum describes a visit by Hitler to a concentration camp in Poland

on June 6th, 1942 which is known never to have taken place. Gerstein's fantastic exaggerations have done little but discredit the whole notion of mass extermination. Indeed, Evangelical Bishop Wilhelm Dibelius of Berlin denounced his memoranda as "Untrustworthy" (H. Rothfels, "Augenzeugenbericht zu den Massenvergasungen" in Vierteljahrshefte für Zeitgeschichte, April 1953). It is an incredible fact, however, that in spite of this denunciation, the German Government in 1955 issued an edition of the second Gerstein memorandum for distribution in German schools (Dokumentation zur Massenvergasung, Bonn, 1955). In it they stated that Dibelius placed his special confidence in Gerstein and that the memoranda were "valid beyond any doubt." This is a striking example of the way in which the baseless charge of genocide by the Nazis is perpetuated in Germany, and directed especially to the youth.

The story of six million Jews exterminated during the war was given final authority at the Nuremberg Trials by the statement of Dr. Wilhelm Hoettl. He had been an assistant of Eichmann's, but was in fact a rather strange person in the service of American Intelligence who had written several books under the pseudonym of Walter Hagen. Hoettl also worked for Soviet espionage, collaborating with two Jewish emigrants from Vienna, Perger and Verber, who acted as U.S. officers during the preliminary inquiries of the Nuremberg Trials. It is remarkable that the testimony of this highly dubious person Hoettl is said to constitute the only "proof" regarding the murder of six million Jews. In his affidavit of November 26th, 1945 he stated, not that he knew but that Eichmann had "told him" in August 1944 in Budapest that a total of 6 million Jews had been exterminated. Needless to say, Eichmann never corroborated this claim at his trial. Hoettl was working as an American spy during the whole of the latter period of the war, and it is therefore very odd indeed that he never gave the slightest hint to the Americans of a policy to murder Jews, even though he worked directly under Heydrich and Eichmann.

ABSENCE OF EVIDENCE

It should be emphasised straight away that there is not a single document in existence which proves that the Germans intended to, or carried out, the deliberate murder of Jews. In Poliakov and Wulf's *Das Dritte Reich und die Juden: Dokumente und Aufsätze* (Berlin, 1955), the most that they can assemble are statements extracted after the war from people like Hoettl, Ohlendorf and Wisliceny, the latter under torture in a Soviet prison. In the absence of any evidence, therefore, Poliakov is forced to write: "The three or four people chiefly involved in drawing up the plan for total extermination are dead, and no documents survive." This seems very convenient. Quite obviously, both the plan and the "three or four" people are nothing but nebulous assumptions on the part of the writer, and are entirely unprovable. The documents which do survive, of course, make no mention at all of extermination, so that writers like Poliakov and Reitlinger again make the convenient assumption that such orders were generally "verbal". Though lacking any documentary proof, they assume that a plan to murder Jews must have originated in 1941, coinciding with the attack on Russia. Phase one of the plan is alleged to have involved the massacre of Soviet Jews, a claim we shall disprove later. The rest of the programme is supposed to have begun in March 1942, with the deportation and concentration of European Jews in the eastern camps of the Polish Government-General, such as the giant industrial complex at Auschwitz near Cracow. The fantastic and quite groundless assumption throughout is that transportation to the East, supervised by Eichmann's department, actually

meant immediate extermination in ovens on arrival. According to Manvell and Frankl (Heinrich Himmler. London, 1965), the policy of genocide "seems to have been arrived at" after "secret discussions" between Hitler and Himmler (p. 118), though they fail to prove it. Reitlinger and Poliakov guess along similar "verbal" lines, adding that no one else was allowed to be present at these discussions, and no records were ever kept of them. This is the purest invention, for there is not a shred of evidence that even suggests such outlandish meetings took place. William Shirer, in his generally wild and irresponsible book *The Rise and Fall of the Third Reich*, is similarly muted on the subject of documentary proof. He states weakly that Hitler's supposed order for the murder of Jews "apparently was never committed to paper -- at least no copy of it has yet been unearthed. It was probably given verbally to Göring, Himmler and Heydrich, who passed it down. . .," (p. 1148). A typical example of the kind of "proof" quoted in support of the extermination legend is given by Manvell and Frankl. They cite a memorandum of 31st July, 1941 sent by Göring to Heydrich, who headed the Reich Security Head Office and was Himmler's deputy. Significantly, the memorandum begins: "Supplementing the task that was assigned to you on 24th January 1939, to solve the Jewish problem by means of emigration and evacuation in the best possible way according to present conditions ..." The supplementary task assigned in the memorandum is a "total solution (Gesamtlösung) of the Jewish question within the area of German influence in Europe," which the authors admit means concentration in the East, and it requests preparations for the "organisational, financial and material matters" involved. The memorandum then requests a future plan for the "desired final solution" (Endlösung), which clearly refers to the ideal and ultimate scheme of emigration and evacuation mentioned at the beginning of the directive. No mention whatever is made of murdering people, but Manvell and Frankl assure us that this is what the memorandum is really about. Again, of course, the "true nature" of the final as distinct from the total solution "was made known to Heydrich by Göring verbally" (ibid, p. 118). The convenience of these "verbal" directives issuing back and forth is obvious.

THE WANNSEE CONFERENCE

The final details of the plan to exterminate Jews were supposed to have been made at a conference at Gross Wannsee in Berlin on 20th January, 1942, presided over by Heydrich (Poliakov, *Das Dritte Reich und die Juden*, p. 120 ff; Reitlinger, *The Final Solution*, p. 95 ff). Officials of all German Ministries were present, and Müller and Eichmann represented Gestapo Head Office. Reitlinger and Manvell and Frankl consider the minutes of this conference to be their trump card in proving the existence of a genocide plan, but the truth is that no such plan was even mentioned, and what is more, they freely admit this. Manvell and Frankl explain it away rather lamely by saying that "The minutes are shrouded in the form of officialdom that cloaks the real significance of the words and terminology that are used" (*The Incomparable Crime*, London, 1967, p. 46), which really means that they intend to interpret them in their own way. What Heydrich actually said was that, as in the memorandum quoted above, he had been commissioned by Göring to arrange a solution to the Jewish problem. He reviewed the history of Jewish emigration, stated that the war had rendered the Madagascar project impractical, and continued: "The emigration programme has been replaced now by the evacuation of Jews to the east as a further possible solution, in accordance with the previous authorisation of the Führer." Here, he explained, their labour was to be utilised. All this is supposed to be deeply sinister, and pregnant with

the hidden meaning that the Jews were to be exterminated, though Prof. Paul Rassinier, a Frenchman interned at Buchenwald who has done sterling work in refuting the myth of the Six Million, explains that it means precisely what it says, i.e. the concentration of the Jews for labour in the immense eastern ghetto of the Polish Government-General. "There they were to wait until the end of the war, for the re-opening of international discussions which would decide their future. This decision was finally reached at the interministerial Berlin-Wannsee conference ..." (Rassinier, *Le Véritable Procès Eichmann*, p. 20). Manvell and Frankl, however, remain undaunted by the complete lack of reference to extermination. At the Wannsee conference, they write, "Direct references to killing were avoided, Heydrich favouring the term "Arbeitseinsatz im Osten" (labour assignment in the East)" (Heinrich Himmler, p. 209). Why we should not accept labour assignment in the East to mean labour assignment in the East is not explained. According to Reitlinger and others, innumerable directives actually specifying extermination then passed between Himmler, Heydrich, Eichmann and commandant Höss in the subsequent months of 1942, but of course, "none have survived".

TWISTED WORDS AND GROUNDLESS ASSUMPTIONS

The complete lack of documentary evidence to support the existence of an extermination plan has led to the habit of re-interpreting the documents that do survive. For example, it is held that a document concerning deportation is not about deportation at all, but a cunning way of talking about extermination. Manvell and Frankl state that "various terms were used to camouflage genocide. These included "Aussiedlung"(desettlement) and "Abbeförderung" (removal)" (ibid, p. 265). Thus, as we have seen already, words are no longer assumed to mean what they say if they prove too inconvenient. This kind of thing is taken to the most incredible extremes, such as their interpretation of Heydrich's directive for labour assignment in the East. Another example is a reference to Himmler's order for sending deportees to the East, "that is, having them killed" (ibid, p. 251). Reitlinger, equally at a loss for evidence, does exactly the same, declaring that from the "circumlocutionary" words of the Wannsee conference it is obvious that "the slow murder of an entire race was intended" (ibid, p. 98). A review of the documentary situation is important, because it reveals the edifice of guesswork and baseless assumptions upon which the extermination legend is built. The Germans had an extraordinary propensity for recording everything on paper in the most careful detail, yet among the thousands of captured documents of the S.D. and Gestapo, the records of the Reich Security Head Office, the files of Himmler's headquarters and Hitler's own war directives there is not a single order for the extermination of Jews or anyone else. It will be seen later that this has, in fact, been admitted by the World Centre of Contemporary Jewish Documentation at Tel-Aviv. Attempts to find "veiled allusions" to genocide in speeches like that of Himmler's to his S.S. Obergruppenführers at Posen in 1943 are likewise quite hopeless. Nuremberg statements extracted after the war, invariably under duress, are examined in the following chapter.

5. THE NUREMBERG TRIALS

The story of the Six Million was given judicial authority at the Nuremberg Trials of German leaders between 1945 and 1949, proceedings which proved to be the most disgraceful legal farce in history. For a far more detailed study of the iniquities of

these trials, which as Field Marshal Montgomery said, made it a crime to lose a war, the reader is referred to the works cited below, and particularly to the outstanding book *Advance to Barbarism* (Nelson, 1953), by the distinguished English jurist, F. J. P. Veale. From the very outset, the Nuremberg Trials proceeded on the basis of gross statistical errors. In his speech of indictment on November 20th, 1945, Mr. Sidney Alderman declared that there had been 9,600,000 Jews living in German occupied Europe. Our earlier study has shown this figure to be wildly inaccurate. It is arrived at (a) by completely ignoring all Jewish emigration between 1933 and 1945, and (b) by adding all the Jews of Russia, including the two million or more who were never in German-occupied territory. The same inflated figure, slightly enlarged to 9,800,000, was produced again at the Eichmann Trial in Israel by Prof. Shalom Baron. The alleged Six Million victims first appeared as the foundation for the prosecution at Nuremberg, and after some dalliance with ten million or more by the Press at the time, it eventually gained international popularity and acceptance. It is very significant, however, that, although this outlandish figure was able to win credence in the reckless atmosphere of recrimination in 1945, it had become no longer tenable by 1961, at the Eichmann Trial. The Jerusalem court studiously avoided mentioning the figure of Six Million, and the charge drawn up by Mr. Gideon Haussner simply said "some" millions.

LEGAL PRINCIPLES IGNORED

Should anyone be misled into believing that the extermination of the Jews was "proved" at Nuremberg by "evidence", he should consider the nature of the Trials themselves, based as they were on a total disregard of sound legal principles of any kind. The accusers acted as prosecutors, judges and executioners; "guilt" was assumed from the outset. (Among the judges, of course, were the Russians, whose numberless crimes included the massacre of 15,000 Polish officers, a proportion of whose bodies were discovered by the Germans at Katyn Forest, near Smolensk. The Soviet Prosecutor attempted to blame this slaughter on the German defendants). At Nuremberg, ex post facto legislation was created, whereby men were tried for "crimes" which were only declared crimes after they had been allegedly committed. Hitherto it had been the most basic legal principle that a person could only be convicted for infringing a law that was in force at the time of the infringement. "Nulla Poena Sine Lege." The Rules of Evidence, developed by British jurisprudence over the centuries in order to arrive at the truth of a charge with as much certainty as possible, were entirely disregarded at Nuremberg. It was decreed that "the Tribunal should not be bound by technical rules of evidence" but could admit "any evidence which it deemed to have probative value," that is, would support a conviction. In practise, this meant the admittance of hearsay evidence and documents, which in a normal judicial trial are always rejected as untrustworthy. That such evidence was allowed is of profound significance, because it was one of the principal methods by which the extermination legend was fabricated through fraudulent "written affidavits". Although only 240 witnesses were called in the course of the Trials, no less than 300,000 of these "written affidavits" were accepted by the Court as supporting the charges, without this evidence being heard under oath. Under these circumstances, any Jewish deportee or camp inmate could make any revengeful allegation that he pleased. Most incredible of all, perhaps, was the fact that defence lawyers at Nuremberg were not permitted to cross-examine prosecution witnesses. A somewhat similar situation prevailed at the trial of Adolf Eichmann, when it was announced that

Eichmann's defence lawyer could be cancelled at any time "if an intolerable situation should arise," which presumably meant if his lawyer started to prove his innocence. The real background of the Nuremberg Trials was exposed by the American judge, Justice Wenersturm, President of one of Tribunals. He was so disgusted by the proceedings that he resigned his appointment and flew home to America, leaving behind a statement to the Chicago Tribune which enumerated point by point his objections to the Trials (cf Mark Lautern, *Das Letzte Wort über Nürnberg*, p. 56). Points 3 -8 are as follows: 3. The members of the department of the Public Prosecutor, instead of trying to formulate and reach a new guiding legal principle, were moved only by personal ambition and revenge. 4. The prosecution did its utmost in every way possible to prevent the defence preparing its case and to make it impossible for it to furnish evidence. 5. The prosecution, led by General Taylor, did everything in its power to prevent the unanimous decision of the Military Court being carried out i.e. to ask Washington to furnish and make available to the court further documentary evidence in the possession of the American Government. 6. Ninety per cent of the Nuremberg Court consisted of biased persons who, either on political or racial grounds, furthered the prosecution's case. 7. The prosecution obviously knew how to fill all the administrative posts of the Military Court with "Americans" whose naturalisation certificates were very new indeed, and who, whether in the administrative service or by their translations etc., created an atmosphere hostile to the accused persons. 8. The real aim of the Nuremberg Trials was to show the Germans the crimes of their Führer, and this aim was at the same time the pretext on which the trials were ordered ... Had I known seven months earlier what was happening at Nuremberg, I would never have gone there. Concerning Point 6, that ninety per cent of the Nuremberg Court consisted of people biased on racial or political grounds, this was a fact confirmed by others present. According to Earl Carrol, an American lawyer, sixty per cent of the staff of the Public Prosecutor's Office were German Jews who had left Germany after the promulgation of Hitler's Race Laws. He observed that not even ten per cent of the Americans employed at the Nuremberg courts were actually Americans by birth. The chief of the Public Prosecutor's Office, who worked behind General Taylor, was Robert M. Kempner, a German-Jewish emigrant. He was assisted by Morris Amchan. Mark Lautern, who observed the Trials, writes in his book: "They have all arrived: the Solomons, the Schlossbergers and the Rabinovitches, members of the Public Prosecutor's staff ..." (ibid. p. 68). It is obvious from these facts that the fundamental legal principle: that no man can sit in judgment on his own case, was abandoned altogether. Moreover, the majority of witnesses were also Jews. According to Prof. Maurice Bardèche, who was also an observer at the Trials, the only concern of these witnesses was not to show their hatred too openly, and to try and give an impression of objectivity (*Nuremberg ou la Terre Promise*, Paris, 1948, p. 149).

'CONFESSIONS' UNDER TORTURE

Altogether more disturbing, however, were the methods employed to extract statements and "confessions" at Nuremberg, particularly those from S.S. officers which were used to support the extermination charge. The American Senator, Joseph McCarthy, in a statement given to the American Press on May 20th, 1949, drew attention to the following cases of torture to secure such confessions. In the prison of the Swabisch Hall, he stated, officers of the S.S. Leibstandarte Adolf Hitler were flogged until they were soaked in blood, after which their sexual organs were

trampled on as they lay prostrate on the ground. As in the notorious Malmedy Trials of private soldiers, the prisoners were hoisted in the air and beaten until they signed the confessions demanded of them. On the basis of such "confessions" extorted from S.S. Generals Sepp Dietrich and Joachim Paiper, the Leibstandarte was convicted as a "guilty organisation". S.S. General Oswald Pohl, the economic administrator of the concentration camp system, had his face smeared with faeces and was subsequently beaten until he supplied his confession. In dealing with these cases, Senator McCarthy told the Press: "I have heard evidence and read documentary proofs to the effect that the accused persons were beaten up, maltreated and physically tortured by methods which could only be conceived in sick brains. They were subjected to mock trials and pretended executions, they were told their families would be deprived of their ration cards. All these things were carried out with the approval of the Public Prosecutor in order to secure the psychological atmosphere necessary for the extortion of the required confessions. If the United States lets such acts committed by a few people go unpunished, then the whole world can rightly criticise us severely and forever doubt the correctness of our motives and our moral integrity." The methods of intimidation described were repeated during trials at Frankfurt-am-Mein and at Dachau, and large numbers of Germans were convicted for atrocities on the basis of their admissions. The American Judge Edward L. van Roden, one of the three members of the Simpson Army Commission which was subsequently appointed to investigate the methods of justice at the Dachau trials, revealed the methods by which these admissions were secured in the Washington Daily News, January 9th, 1949. His account also appeared in the British newspaper, the Sunday Pictorial, January 23rd, 1949. The methods he described were: "Posturing as priests to hear confessions and give absolution; torture with burning matches driven under the prisoners' finger-nails; knocking out of teeth and breaking jaws; solitary confinement and near starvation rations." Van Roden explained: "The statements which were admitted as evidence were obtained from men who had first been kept in solitary confinement for three, four and five months ... The investigators would put a black hood over the accused's head and then punch him in the face with brass knuckles, kick him and beat him with rubber hoses ... All but two of the Germans, in the 139 cases we investigated, had been kicked in the testicles beyond repair. This was standard operating procedure with our American investigators." The "American" investigators responsible (and who later functioned as the prosecution in the trials) were: Lt.-Col. Burton F. Ellis (chief of the War Crimes Committee) and his assistants, Capt. Raphael Shumacker, Lt. Robert E. Byrne, Lt. William R. Perl, Mr. Morris Ellowitz, Mr. Harry Thon, and Mr. Kirschbaum. The legal adviser of the court was Col. A. H. Rosenfeld. The reader will immediately appreciate from their names that the majority of these people were "biased on racial grounds" in the words of Justice Wenersturm -- that is, were Jewish, and therefore should never have been involved in any such investigation. Despite the fact that "confessions" pertaining to the extermination of the Jews were extracted under these conditions, Nuremberg statements are still regarded as conclusive evidence for the Six Million by writers like Reitlinger and others, and the illusion is maintained that the Trials were both impartial and impeccably fair. When General Taylor, the Chief Public Prosecutor, was asked where he had obtained the figure of the Six Million, he replied that it was based on the confession of S.S. General Otto Ohlendorf. He, too, was tortured and his case is examined below. But as far as such "confessions" in general are concerned, we can do no better than quote the British Sunday Pictorial when reviewing the report of Judge van Roden: "Strong men were reduced to broken wrecks ready to mumble any admission demanded by their prosecutors."

THE WISLICENY STATEMENT

At this point, let us turn to some of the Nuremberg documents themselves. The document quoted most frequently in support of the legend of the Six Million, and which figures largely in Poliakov and Wulf's *Das Dritte Reich und die Juden: Dokumente und Aufsätze*, is the statement of S.S. Captain Dieter Wisliceny, an assistant in Adolf Eichmann's office and later the Gestapo chief in Slovakia. It was obtained under conditions even more extreme than those described above, for Wisliceny fell into the hands of Czech Communists and was "interrogated" at the Soviet-controlled Bratislava Prison in November, 1946. Subjected to torture, Wisliceny was reduced to a nervous wreck and became addicted to uncontrollable fits of sobbing for hours on end prior to his execution. Although the conditions under which his statement was obtained empty it entirely of all plausibility, Poliakov prefers to ignore this and merely writes: "In prison he wrote several memoirs that contain information of great interest" (*Harvest of Hate*, p. 3). These memoirs include some genuine statements of fact to provide authenticity, such as that Himmler was an enthusiastic advocate of Jewish emigration and that the emigration of Jews from Europe continued throughout the war, but in general they are typical of the Communist-style "confession" produced at Soviet show-trials. Frequent reference is made to exterminating Jews and a flagrant attempt is made to implicate as many S.S. leaders as possible. Factual errors are also common, notably the statement that the war with Poland added more than 3 million Jews to the German-occupied territory, which we have disproved above.

THE CASE OF THE EINSATZGRUPPEN

The Wisliceny statement deals at some length with the activities of the Einsatzgruppen or Action Groups used in the Russian campaign. These must merit a detailed consideration in a survey of Nuremberg because the picture presented of them at the Trials represents a kind of "Six Million" in miniature, i.e. has been proved since to be the most enormous exaggeration and falsification. The Einsatzgruppen were four special units drawn from the Gestapo and the S.D. (S.S. Security Service) whose task was to wipe out partisans and Communist commissars in the wake of the advancing German armies in Russia. As early as 1939, there had been 34,000 of these political commissars attached to the Red Army. The activities of the Einsatzgruppen were the particular concern of the Soviet Prosecutor Rudenko at the Nuremberg Trials. The 1947 indictment of the four groups alleged that in the course of their operations they had killed not less than one million Jews in Russia merely because they were Jews. These allegations have since been elaborated; it is now claimed that the murder of Soviet Jews by the Einsatzgruppen constituted Phase One in the plan to exterminate the Jews, Phase Two being the transportation of European Jews to Poland. Reitlinger admits that the original term "final solution" referred to emigration and had nothing to do with the liquidation of Jews, but he then claims that an extermination policy began at the time of the invasion of Russia in 1941. He considers Hitler's order of July 1941 for the liquidation of the Communist commissars, and he concludes that this was accompanied by a verbal order from Hitler for the Einsatzgruppen to liquidate all Soviet Jews (*Die Endlösung*, p. 91). If this assumption is based on anything at all, it is probably the worthless Wisliceny statement, which alleges that the Einsatzgruppen were soon receiving orders to extend their task of crushing Communists and partisans to a "general massacre" of Russian Jews. It is

very significant that, once again, it is a "verbal order" for exterminating Jews that is supposed to have accompanied Hitler's genuine, written order -- yet another nebulous and unprovable assumption on the part of Reitlinger. An earlier order from Hitler, dated March 1941 and signed by Field Marshal Keitel, makes it quite clear what the real tasks of the future Einsatzgruppen would be. It states that in the Russian campaign, the Reichsführer S.S. (Himmler) is to be entrusted with "tasks for the political administration, tasks which result from the struggle which has to be carried out between two opposing political systems" (Manvell and Frankl, *ibid.*, p. 115). This plainly refers to eliminating Communism, especially the political commissars whose specific task was Communist indoctrination.

THE OHLENDORF TRIAL

The most revealing trial in the "Einsatzgruppen Case" at Nuremberg was that of S.S. General Otto Ohlendorf, the chief of the S.D. who commanded Einsatzgruppe D in the Ukraine, attached to Field Marshal von Manstein's Eleventh Army. During the last phase of the war he was employed as a foreign trade expert in the Ministry of Economics. Ohlendorf was one of those subjected to the torture described earlier, and in his affidavit of November 5th, 1945 he was "persuaded" to confess that 90,000 Jews had been killed under his command alone. Ohlendorf did not come to trial until 1948, long after the main Nuremberg Trial, and by that time he was insisting that his earlier statement had been extracted from him under torture. In his main speech before the Tribunal, Ohlendorf took the opportunity to denounce Philip Auerbach, the Jewish attorney-general of the Bavarian State Office for Restitution, who at that time was claiming compensation for "eleven million Jews" who had suffered in German concentration camps. Ohlendorf dismissed this ridiculous claim, stating that "not the minutest part" of the people for whom Auerbach was demanding compensation had even seen a concentration camp. Ohlendorf lived long enough to see Auerbach convicted for embezzlement and fraud (forging documents purporting to show huge payments of compensation to non-existent people) before his own execution finally took place in 1951. Ohlendorf explained to the Tribunal that his units often had to prevent massacres of Jews organised by anti-Semitic Ukrainians behind the German front, and he denied that the Einsatzgruppen as a whole had inflicted even one quarter of the casualties claimed by the prosecution. He insisted that the illegal partisan warfare in Russia, which he had to combat, had taken a far higher toll of lives from the regular German army - an assertion confirmed by the Soviet Government, which boasted of 500,000 German troops killed by partisans. In fact, Franz Stahlecker, commander of Einsatzgruppe A in the Baltic region and White Russia, was himself killed by partisans in 1942. The English jurist F. J. P. Veale, in dealing with the Action Groups, explains that in the fighting on the Russian front no distinction could be properly drawn between partisans and the civilian population, because any Russian civilian who maintained his civilian status instead of acting as a terrorist was liable to be executed by his countrymen as a traitor. Veale says of the Action Groups: "There is no question that their orders were to combat terror by terror", and he finds it strange that atrocities committed by the partisans in the struggle were regarded as blameless simply because they turned out to be on the winning side (*ibid.* p. 223). Ohlendorf took the same view, and in a bitter appeal written before his execution, he accused the Allies of hypocrisy in holding the Germans to account by conventional laws of warfare while fighting a savage Soviet enemy who did not respect those laws.

ACTION GROUP EXECUTIONS DISTORTED

The Soviet charge that the Action Groups had wantonly exterminated a million Jews during their operations has been shown subsequently to be a massive falsification. In fact, there had never been the slightest statistical basis for the figure. In this connection, Poliakov and Wulf cite the statement of Wilhelm Hoettl, the dubious American spy, double agent and former assistant of Eichmann. Hoettl, it will be remembered, claimed that Eichmann had "told him " that six million Jews had been exterminated -- and he added that two million of these had been killed by the Einsatzgruppen. This absurd figure went beyond even the wildest estimates of Soviet Prosecutor Rudenko, and it was not given any credence by the American Tribunal which tried and condemned Ohlendorf. The real number of casualties for which the Action Groups were responsible has since been revealed in the scholarly work Manstein, his Campaigns and his Trial (London, 1951), by the able English lawyer R. T. Paget. Ohlendorf had been under Manstein's nominal command. Paget's conclusion is that the Nuremberg Court, in accepting the figures of the Soviet prosecution, exaggerated the number of casualties by more than 1000 per cent and that they distorted even more the situations in which these casualties were inflicted. (These horrific distortions are the subject of six pages of William Shirer's *The Rise and Fall of the Third Reich*, pp. 1140-46). Here, then, is the legendary 6 million in miniature; not one million deaths, but one hundred thousand. Of course, only a small proportion of these could have been Jewish partisans and Communist functionaries. It is worth repeating that these casualties were inflicted during savage partisan warfare on the Eastern front, and that Soviet terrorists claim to have killed five times that number of German troops. It has nevertheless remained a popular myth that the extermination of the Jews began with the actions of the Einsatzgruppen in Russia. In conclusion, we may briefly survey the Manstein trial itself, typical in so many ways of Nuremberg proceedings. Principally because Action Group D was attached to Manstein's command (though it was responsible solely to Himmler), the sixty-two year old, invalid Field Marshal, considered by most authorities to be the most brilliant German general of the war, was subjected to the shameful indignity of a "war-crimes" trial. Of the 17 charges, 15 were brought by the Communist Russian Government and two by the Communist Polish Government. Only one witness was called to give evidence at this trial, and he proved so unsatisfactory that the prosecution withdrew his evidence. Reliance was placed instead on 800 hearsay documents which were accepted by the court without any proof of their authenticity or authorship. The prosecution introduced written affidavits by Ohlendorf and other S.S. Leaders, but since these men were still alive, Manstein's defence lawyer Reginald Paget K.C. demanded their appearance in the witness-box. This was refused by the American authorities, and Paget declared that this refusal was due to fear lest the condemned men revealed what methods had been used to induce them to sign their affidavits. Manstein was eventually acquitted on eight of the charges, including the two Polish ones which, as Paget said, "were so flagrantly bogus that one was left wondering why they had been presented at all."

THE OSWALD POHL TRIAL

The case of the Action Groups is a revealing insight into the methods of the Nuremberg Trials and the fabrication of the Myth of the Six Million. Another is the trial of Oswald Pohl in 1948, which is of great importance as it bears directly on the

administration of the concentration camp system. Pohl had been the chief disbursing officer of the German Navy until 1934, when Himmler requested his transfer to the S.S. For eleven years he was the principal administrative chief of the entire S.S. in his position as head of the S.S. Economy and Administration Office, which after 1941 was concerned with the industrial productivity of the concentration camp system. A peak point of hypocrisy was reached at the trial when the prosecution said to Pohl that "had Germany rested content with the exclusion of Jews from her own territory, with denying them German citizenship, with excluding them from public office, or any like domestic regulation, no other nation could have been heard to complain." The truth is that Germany was bombarded with insults and economic sanctions for doing precisely these things, and her internal measures against the Jews were certainly a major cause of the declaration of war against Germany by the democracies. Oswald Pohl was an extremely sensitive and intellectual individual who was reduced to a broken man in the course of his trial. As Senator McCarthy pointed out, Pohl had signed some incriminating statements after being subjected to severe torture, including a bogus admission that he had seen a gas chamber at Auschwitz in the summer of 1944. The prosecution strenuously pressed this charge, but Pohl successfully repudiated it. The aim of the prosecution was to depict this dejected man as a veritable fiend in human shape, an impression hopelessly at variance with the testimony of those who knew him. Such testimony was given by Heinrich Hoepker, an anti-Nazi friend of Pohl's wife who came into frequent contact with him during the period 1942-45. Hoepker noted that Pohl was essentially a serene and mild-mannered person. During a visit to Pohl in the spring of 1944, Hoepker was brought into contact with concentration camp inmates who were working on a local project outside the camp area. He noted that the prisoners worked in a leisurely manner and relaxed atmosphere without any pressure from their guards. Hoepker declared that Pohl did not hold an emotional attitude to the Jews, and did not object to his wife entertaining her Jewish friend Annemarie Jacques at their home. By the beginning of 1945, Hoepker was fully convinced that the administrator of the concentration camps was a humane, conscientious and dedicated servant of his task, and he was astonished when he heard later in 1945 of the accusations being made against Pohl and his colleagues. Frau Pohl noted that her husband retained his serenity in the face of adversity until March 1945, when he visited the camp at Bergen-Belsen at the time of the typhus epidemic there. Hitherto the camp had been a model of cleanliness and order, but the chaotic conditions at the close of the war had reduced it to a state of extreme hardship. Pohl, who was unable to alleviate conditions there because of the desperate pass which the war had reached by that time, was deeply affected by the experience and, according to his wife, never regained his former state of composure. Dr. Alfred Seidl, the highly respected lawyer who acted as principal defence counsel at the Nuremberg Trials, went to work passionately to secure the acquittal of Pohl. Seidl had been a personal friend of the accused for many years, and was thoroughly convinced of his innocence with respect to the fraudulent charge of planned genocide against the Jews. The Allied judgment which condemned Pohl did not prompt Seidl to change his opinion in the slightest. He declared that the prosecution had failed to produce a single piece of valid evidence against him. One of the most eloquent defences of Oswald Pohl was made by S.S. Lieutenant Colonel Kurt Schmidt-Klevenow, a legal officer in the S.S. Economy and Administration Office, in his affidavit of August 8th, 1947. This affidavit has been deliberately omitted from the published documents known as Trials of the War Criminals before the Nuremberg Military Tribunals 1946-1949. Schmidt-Klevenow pointed out that Pohl had given his fullest support to Judge Konrad Morgen of the

Reich Criminal Police Office, whose job was to investigate irregularities at the concentration camps. Later on we shall refer to a case in which Pohl was in favour of the death penalty for camp commandant Koch, who was accused by an S.S. court of misconduct. Schmidt- Klevenow explained that Pohl was instrumental in arranging for local police chiefs to share in the jurisdiction of concentration camps, and took personal initiative in securing strict discipline on the part of camp personnel. In short, the evidence given at the Pohl trial shows that the proceedings involved nothing less than the deliberate defamation of a man's character in order to support the propaganda legend of genocide against the Jews in the concentration camps he administered.

FALSIFIED EVIDENCE AND FRAUDULENT AFFIDAVITS

Spurious testimony at Nuremberg which included extravagant statements in support of the myth of the Six Million was invariably given by former German officers because of pressure, either severe torture as in the cases cited previously, or the assurance of leniency for themselves if they supplied the required statements. An example of the latter was the testimony of S.S. General Erich von dem Bach-Zelewski. He was threatened with execution himself because of his suppression of the revolt by Polish partisans at Warsaw in August 1944, which he carried out with his S.S. brigade of White Russians. He was therefore prepared to be "co-operative". The evidence of Bach-Zelewski constituted the basis of the testimony against the Reichsführer of the S.S. Heinrich Himmler at the main Nuremberg Trial (Trial of the Major War Criminals, Vol. IV, pp, 29, 36). In March 1941, on the eve of the invasion of Russia, Himmler invited the Higher S.S. Leaders to his Castle at Wewelsburg for a conference, including Bach-Zelewski who was an expert on partisan warfare. In his Nuremberg evidence, he depicted Himmler speaking in grandiose terms at this conference about the liquidation of peoples in Eastern Europe, but Göring, in the courtroom, denounced Bach-Zelewski to his face for the falsity of this testimony. An especially outrageous allegation concerned a supposed declaration by Himmler that one of the aims of the Russian campaign was to "decimate the Slav population by thirty millions." What Himmler really said is given by his Chief of Staff, Wolff -- that war in Russia was certain to result in millions of dead (Manvell and Frankl, *ibid.* p. 117). Another brazen falsehood was Bach-Zelewski's accusation that on August 31st, 1942 Himmler personally witnessed the execution of one hundred Jews by an Einsatz detachment at Minsk, causing him to nearly faint. It is known, however, that on this date Himmler was in conference at his field headquarters at Zhitomir in the Ukraine (cf K. Vowinckel, *Die Wehrmacht im Kampf*, vol. 4, p. 275). Much is made of Bach-Zelewski's evidence in all the books on Himmler, especially Willi Frischauer's *Himmler: Evil Genius of the Third Reich* (London, 1953, p. 148 ff). However, in April 1959, Bach-Zelewski publicly repudiated his Nuremberg testimony before a West German court. He admitted that his earlier statements had not the slightest foundation in fact, and that he had made them for the sake of expediency and his own survival. The German court, after careful deliberation, accepted his retraction. Needless to say, what Veale calls the "Iron Curtain of Discreet Silence" descended immediately over these events. They have had no influence whatever on the books which propagate the myth of the Six Million, and Bach-Zelewski's testimony on Himmler is still taken at its face value. The truth concerning Himmler is provided ironically by an anti-Nazi -- Felix Kersten, his physician and masseur. Because Kersten was opposed to the regime, he tends to support the legend that the internment of Jews meant their extermination. But from his close personal knowledge of

Himmler he cannot help but tell the truth concerning him, and in his Memoirs 1940-1945 (London, 1956, p. 119 ff) he is emphatic in stating that Heinrich Himmler did not advocate liquidating the Jews but favoured their emigration overseas. Neither does Kersten implicate Hitler. However, the credibility of his anti-Nazi narrative is completely shattered when, in search of an alternative villain, he declares that Dr. Goebbels was the real advocate of "extermination". This nonsensical allegation is amply disproved by the fact that Goebbels was still concerned with the Madagascar project even after it had been temporarily shelved by the German Foreign Office, as we showed earlier. So much for false evidence at Nuremberg. Reference has also been made to the thousands of fraudulent "written affidavits" which were accepted by the Nuremberg Court without any attempt to ascertain the authenticity of their contents or even their authorship. These hearsay documents, often of the most bizarre kind, were introduced as "evidence" so long as they bore the required signature. A typical prosecution affidavit contested by the defence in the Concentration Camp Trial of 1947 was that of Alois Hoellriegel, a member of the camp personnel at Mauthausen in Austria. This affidavit, which the defence proved was fabricated during Hoellriegel's torture, had already been used to secure the conviction of S.S. General Ernst Kaltenbrunner in 1946. It claimed that a mass gassing operation had taken place at Mauthausen and that Hoellriegel had witnessed Kaltenbrunner (the highest S.S. Leader in the Reich excepting Himmler) actually taking part in it. By the time of the Concentration Camp Trial (Pohl's trial) a year later, it had become impossible to sustain this piece of nonsense when it was produced in court again. The defence not only demonstrated that the affidavit was falsified, but showed that all deaths at Mauthausen were systematically checked by the local police authorities. They were also entered on a camp register, and particular embarrassment was caused to the prosecution when the Mauthausen register, one of the few that survived, was produced in evidence. The defence also obtained numerous affidavits from former inmates of Mauthausen (a prison camp chiefly for criminals) testifying to humane and orderly conditions there.

ALLIED ACCUSATIONS DISBELIEVED

There is no more eloquent testimony to the tragedy and tyranny of Nuremberg than the pathetic astonishment or outraged disbelief of the accused persons themselves at the grotesque charges made against them. Such is reflected in the affidavit of S.S. Major-General Heinz Fanslau, who visited most of the German concentration camps during the last years of the war. Although a front line soldier of the Waffen S.S., Fanslau had taken a great interest in concentration camp conditions, and he was selected as a prime target by the Allies for the charge of conspiracy to annihilate the Jews. It was argued, on the basis of his many contacts, that he must have been fully involved. When it was first rumoured that he would be tried and convicted, hundreds of affidavits were produced on his behalf by camp inmates he had visited. When he read the full scope of the indictment against the concentration camp personnel in supplementary Nuremberg Trial No. 4 on May 6th, 1947, Fanslau declared in disbelief: "This cannot be possible, because I, too, would have had to know something about it." It should be emphasised that throughout the Nuremberg proceedings, the German leaders on trial never believed for a moment the allegations of the Allied prosecution. Hermann Göring, who was exposed to the full brunt of the Nuremberg atrocity propaganda, failed to be convinced by it. Hans Fritzsche, on trial as the highest functionary of Goebbels' Ministry, relates that Göring, even after hearing the

Ohlendorf affidavit on the Einsatzgruppen and the Höss testimony on Auschwitz, remained convinced that the extermination of Jews was entirely propaganda fiction (The Sword in the Scales, London, 1953, p. 145). At one point during the trial, Göring declared rather cogently that the first time he had heard of it "was right here in Nuremberg" (Shirer, *ibid.* p. 1147). The Jewish writers Poliakov, Reitlinger and Manvell and Frankl all attempt to implicate Göring in this supposed extermination, but Charles Bewley in his work *Hermann Göring* (Goettingen, 1956) shows that not the slightest evidence was found at Nuremberg to substantiate this charge. Hans Fritzsche pondered on the whole question during the trials, and he concluded that there had certainly been no thorough investigation of these monstrous charges. Fritzsche, who was acquitted, was an associate of Goebbels and a skilled propagandist. He recognised that the alleged massacre of the Jews was the main point of the indictment against all defendants. Kaltenbrunner, who succeeded Heydrich as chief of the Reich Security Head Office and was the main defendant for the S.S. due to the death of Himmler, was no more convinced of the genocide charges than was Göring. He confided to Fritzsche that the prosecution was scoring apparent successes because of their technique of coercing witnesses and suppressing evidence, which was precisely the accusation of Judges Wenersturm and van Roden.

6. AUSCHWITZ AND POLISH JEWRY

The concentration camp at Auschwitz near Cracow in Poland has remained at the centre of the alleged extermination of millions of Jews. Later we shall see how, when it was discovered by honest observers in the British and American zones after the war that no "gas chambers" existed in the German camps such as Dachau and Bergen-Belsen, attention was shifted to the eastern camps, particularly Auschwitz. Ovens definitely existed here, it was claimed. Unfortunately, the eastern camps were in the Russian zone of occupation, so that no one could verify whether these allegations were true or not. The Russians refused to allow anyone to see Auschwitz until about ten years after the war, by which time they were able to alter its appearance and give some plausibility to the claim that millions of people had been exterminated there. If anyone doubts that the Russians are capable of such deception, they should remember the monuments erected at sites where thousands of people were murdered in Russia by Stalin's secret police -- but where the monuments proclaim them to be victims of German troops in World War Two. The truth about Auschwitz is that it was the largest and most important industrial concentration camp, producing all kinds of material for the war industry. The camp consisted of synthetic coal and rubber plants built by I. G. Farben Industrie, for whom the prisoners supplied labour. Auschwitz also comprised an agricultural research station, with laboratories, plant nurseries and facilities for stock breeding, as well as Krupps armament works. We have already remarked that this kind of activity was the prime function of the camps; all major firms had subsidiaries in them and the S.S. even opened their own factories. Accounts of visits by Himmler to the camps show that his main purpose was to inspect and assess their industrial efficiency. When he visited Auschwitz in March 1941 accompanied by high executives of I.G. Farben, he showed no interest in the problems of the camp as a facility for prisoners, but merely ordered that the camp be enlarged to take 100,000 detainees to supply labour for I.G. Farben. This hardly accords with a policy of exterminating prisoners by the million.

MORE AND MORE MILLIONS

It was nevertheless at this single camp that about half of the six million Jews were supposed to have been exterminated, indeed, some writers claim 4 or even 5 million. Four million was the sensational figure announced by the Soviet Government after the Communists had "investigated" the camp, at the same time as they were attempting to blame the Katyn massacre on the Germans. Reitlinger admits that information regarding Auschwitz and other eastern camps comes from the post-war Communist regimes of Eastern Europe: "The evidence concerning the Polish death camps was mainly taken after the war by Polish State commissions or by the Central Jewish Historical Commission of Poland" (*The Final Solution*, p. 631). However, no living, authentic eye-witness of these "gassings" has ever been produced and validated. Benedikt Kautsky, who spent seven years in concentration camps, including three in Auschwitz, alleged in his book *Teufel und Verdammte* (*Devil and Damned*, Zurich, 1946) that "not less than 3,500,000 Jews" had been killed there. This was certainly a remarkable statement, because by his own admission he had never seen a gas chamber. He confessed: "I was in the big German concentration camps. However, I must establish the truth that in no camp at any time did I come across such an installation as a gas chamber" (p. 272-3). The only execution he actually witnessed was when two Polish inmates were executed for killing two Jewish inmates. Kautsky, who was sent from Buchenwald in October, 1942 to work at Auschwitz-Buna, stresses in his book that the use of prisoners in war industry was a major feature of concentration camp policy until the end of the war. He fails to reconcile this with an alleged policy of massacring Jews. The exterminations at Auschwitz are alleged to have occurred between March 1942 and October 1944; the figure of half of six million, therefore, would mean the extermination and disposal of about 94,000 people per month for thirty two months - approximately 3,350 people every day, day and night, for over two and a half years. This kind of thing is so ludicrous that it scarcely needs refuting. And yet Reitlinger claims quite seriously that Auschwitz could dispose of no less than 6,000 people a day. Although Reitlinger's 6,000 a day would mean a total by October 1944 of over 5 million, all such estimates pale before the wild fantasies of Olga Lengyel in her book *Five Chimneys* (London, 1959). Claiming to be a former inmate of Auschwitz, she asserts that the camp cremated no less than "720 per hour, or 17,280 corpses per twenty-four hour shift." She also alleges that, in addition, 8,000 people were burned every day in the "death-pits", and that therefore "In round numbers, about 24,000 corpses were handled every day" (p. 80-1). This, of course, would mean a yearly rate of over 8-1/2 million. Thus between March 1942 and October 1944 Auschwitz would finally have disposed of over 21 million people, six million more than the entire world Jewish population. Comment is superfluous. Although several millions, were supposed to have died at Auschwitz alone, Reitlinger has to admit that only 363,000 inmates were registered at the camp for the whole of the period between January 1940 and February 1945 (*The S.S. Alibi of a Nation*, p. 268 ff), and by no means all of them were Jews. It is frequently claimed that many prisoners were never registered, but no one has offered any proof of this. Even if there were as many unregistered as there were registered, it would mean only a total of 750,000 prisoners -- hardly enough for the elimination of 3 or 4 million. Moreover, large numbers of the camp population were released or transported elsewhere during the war, and at the end 80,000 were evacuated westward in January 1945 before the Russian advance. One example will suffice of the statistical frauds relating to casualties at Auschwitz. Shirer claims that in the summer of 1944, no less than

300,000 Hungarian Jews were done to death in a mere forty-six days (ibid. p. 1156). This would have been almost the entire Hungarian Jewish population, which numbered some 380,000. But according to the Central Statistical Office of Budapest, there were 260,000 Jews in Hungary in 1945 (which roughly conforms with the Joint Distribution Committee figure of 220,000), so that only 120,000 were classed as no longer resident. Of these, 35,000 were emigrants from the new Communist regime, and a further 25,000 were still being held in Russia after having worked in German labour battalions there. This leaves only 60,000 Hungarian Jews unaccounted for, but M. E. Namenyi estimates that 60,000 Jews returned to Hungary from deportation in Germany, though Reitlinger says this figure is too high (*The Final Solution*, p. 497). Possibly it is, but bearing in mind the substantial emigration of Hungarian Jews during the war (cf Report of the ICRC, Vol. I, p. 649), the number of Hungarian Jewish casualties must have been very low indeed.

AUSCHWITZ: AN EYE-WITNESS ACCOUNT

Some new facts about Auschwitz are at last beginning to make a tentative appearance. They are contained in a recent work called *Die Auschwitz-Lüge: Ein Erlebnisbericht von Thies Christopherson* (*The Auschwitz Legends: An Account of his Experiences by Thies Christopherson*, Kritik Verlag/Mohrkirch, 1973). Published by the German lawyer Dr. Manfred Roeder in the periodical *Deutsche Bürger-Initiative*, it is an eye-witness account of Auschwitz by Thies Christopherson, who was sent to the Bunawerk plant laboratories at Auschwitz to research into the production of synthetic rubber for the Kaiser Wilhelm Institute. In May 1973, not long after the appearance of this account, the veteran Jewish "Nazi-hunter" Simon Wiesenthal wrote to the Frankfurt Chamber of Lawyers, demanding that the publisher and author of the *Forward*, Dr. Roeder, a member of the Chamber, should be brought before its disciplinary commission. Sure enough, proceedings began in July, but not without harsh criticism even from the Press, who asked "Is Simon Wiesenthal the new Gauleiter of Germany?" (*Deutsche Wochenzeitung*, July 27th, 1973).

Christopherson's account is certainly one of the most important documents for a re-appraisal of Auschwitz. He spent the whole of 1944 there, during which time he visited all of the separate camps comprising the large Auschwitz complex, including Auschwitz-Birkenau where it is alleged that wholesale massacres of Jews took place. Christopherson, however, is in no doubt that this is totally untrue. He writes: "I was in Auschwitz from January 1944 until December 1944. After the war I heard about the mass murders which were supposedly perpetrated by the S.S. against the Jewish prisoners, and I was perfectly astonished. Despite all the evidence of witnesses, all the newspaper reports and radio broadcasts I still do not believe today in these horrible deeds. I have said this many times and in many places, but to no purpose. One is never believed" (p. 16). Space forbids a detailed summary here of the author's experiences at Auschwitz, which include facts about camp routine and the daily life of prisoners totally at variance with the allegations of propaganda (pp. 22-7). More important are his revelations about the supposed existence of an extermination camp. "During the whole of my time at Auschwitz, I never observed the slightest evidence of mass gassings. Moreover, the odour of burning flesh that is often said to have hung over the camp is a downright falsehood. In the vicinity of the main camp (Auschwitz I) was a large farrier's works, from which the smell of molten iron was naturally not pleasant" (p. 33-4). Reitlinger confirms that there were five blast furnaces and five collieries at Auschwitz, which together with the Bunawerk factories comprised

Auschwitz III (ibid. p. 452). The author agrees that a crematorium would certainly have existed at Auschwitz, "since 200,000 people lived there, and in every city with 200,000 inhabitants there would be a crematorium. Naturally people died there -- but not only prisoners. In fact the wife of Obersturmbannführer A. (Christopherson's superior) also died there" (p. 33). The author explains: "There were no secrets at Auschwitz. In September 1944 a commission of the International Red Cross came to the camp for an inspection. They were particularly interested in the camp at Birkenau, though we also had many inspections at Raisko" (Bunawerk section, p. 35).

Christopherson points out that the constant visits to Auschwitz by outsiders cannot be reconciled with allegations of mass extermination. When describing the visit of his wife to the camp in May, he observes: "The fact that it was possible to receive visits from our relatives at any time demonstrates the openness of the camp administration. Had Auschwitz been a great extermination camp, we would certainly not have been able to receive such visits" (p. 27). After the war, Christopherson came to hear of the alleged existence of a building with gigantic chimneys in the vicinity of the main camp. "This was supposed to be the crematorium. However, I must record the fact that when I left the camp at Auschwitz in December 1944, I had not seen this building there" (p. 37). Does this mysterious building exist today? Apparently not; Reitlinger claims it was demolished and "completely burnt out in full view of the camp" in October, though Christopherson never saw this public demolition. Although it is said to have taken place "in full view of the camp", it was allegedly seen by only one Jewish witness, a certain Dr. Bendel, and his is the only testimony to the occurrence (Reitlinger, ibid, p. 457). This situation is generally typical. When it comes down to hard evidence, it is strangely elusive; the building was "demolished", the document is "lost", the order was "verbal". At Auschwitz today, visitors are shown a small furnace and here they are told that millions of people were exterminated. The Soviet State Commission which "investigated" the camp announced on May 12th, 1945, that "Using rectified coefficients . . . the technical expert commission has ascertained that during the time that the Auschwitz camp existed, the German butchers exterminated in this camp not less than four million citizens ..." Reitlinger's surprisingly frank comment on this is perfectly adequate: "The world has grown mistrustful of 'rectified coefficients' and the figure of four millions has become ridiculous" (ibid, p. 460). Finally, the account of Mr. Christopherson draws attention to a very curious circumstance. The only defendant who did not appear at the Frankfurt Auschwitz Trial in 1963 was Richard Baer, the successor of Rudolf Höss as commandant of Auschwitz. Though in perfect health, he died suddenly in prison before the trial had begun, "in a highly mysterious way" according to the newspaper; *Deutsche Wochenzeitung* (July 27th, 1973). Baer's sudden demise before giving evidence is especially strange, since the Paris newspaper *Rivarol* recorded his insistence that "during the whole time in which he governed Auschwitz, he never saw any gas chambers nor believed that such things existed," and from this statement nothing would dissuade him. In short, the Christopherson account adds to a mounting collection of evidence demonstrating that the giant industrial complex of Auschwitz (comprising thirty separate installations and divided by the main Vienna-Cracow railway line) was nothing but a vast war production centre, which, while admittedly employing the compulsory labour of detainees, was certainly not a place of "mass extermination".

THE WARSAW GHETTO

In terms of numbers, Polish Jewry is supposed to have suffered most of all from extermination, not only at Auschwitz, but at an endless list of newly-discovered "death camps" such as Treblinka, Sobibor, Belzec, Majdanek, Chelmno and at many more obscure places which seem suddenly to have gained prominence. At the centre of the alleged extermination of the Polish Jews is the dramatic uprising in April 1943 of the Warsaw Ghetto. This is often represented as a revolt against being deported to gas ovens; presumably the alleged subject of Hitler and Himmler's "secret discussions" had leaked out and gained wide publicity in Warsaw. The case of the Warsaw Ghetto is an instructive insight into the creation of the extermination legend itself. Indeed, its evacuation by the Germans in 1943 is often referred to as the "extermination of the Polish Jews" although it was nothing of the kind, and layers of mythology have tended to surround it after the publication of sensational novels like John Hersey's *The Wall* and Leon Uris' *Exodus*. When the Germans first occupied Poland, they confined the Jews, not in detention camps but in ghettos for reasons of security. The interior administration of the ghettos was in the hands of Jewish Councils elected by themselves, and they were policed by an independent Jewish police force. Special currency notes were introduced into the ghettos to prevent speculation. Whether this system was right or wrong, it was understandable in time of war, and although the ghetto is perhaps an unpleasant social establishment, it is by no means barbaric. And it is certainly not an organisation for the destruction of a race. But, of course, it is frequently said that this is what the ghettos were really for. A recent publication on the Warsaw Ghetto made the brazen assertion that concentration camps "were a substitute for the practice of cramming the Jews into overcrowded ghettos and starving them to death." It seems that whatever security system the Germans used, and to whatever lengths they went to preserve a semblance of community for the Jews, they can never escape the charge of "extermination". It has been established already that the 1931 Jewish population census for Poland placed the number of Jews at 2,732,600, and that after emigration and flight to the Soviet Union, no more than 1,100,000 were under German control. These incontrovertible facts, however, do not prevent Manvell and Frankl asserting that "there had been over three million Jews in Poland when Germany began the invasion" and that in 1942 "some two million still awaited death" (*ibid*, p. 140). In reality, of the million or so Jews in Poland, almost half, about 400,000 were eventually concentrated in the ghetto of Warsaw, an area of about two and a half square miles around the old mediaeval ghetto. The remainder had already been moved to the Polish Government-General by September 1940. In the summer of 1942, Himmler ordered the resettlement of all Polish Jews in detention camps in order to obtain their labour, part of the system of general concentration for labour assignment in the Government-General. Thus between July and October 1942, over three quarters of the Warsaw Ghetto's inhabitants were peacefully evacuated and transported, supervised by the Jewish police themselves. As we have seen, transportation to camps is alleged to have ended in "extermination", but there is absolutely no doubt from the evidence available that it involved only the effective procurement of labour and the prevention of unrest. In the first place, Himmler discovered on a surprise visit to Warsaw in January 1943 that 24,000 Jews registered as armaments workers were in fact working illegally as tailors and furriers (Manvell and Frankl, *ibid*, p. 140); the Ghetto was also being used as a base for subversive forays into the main area of Warsaw. After six months of peaceful evacuation, when only about 60,000 Jews remained in the residential ghetto, the

Germans met with an armed rebellion on 18th January, 1943. Manvell and Frankl admit that "The Jews involved in planned resistance had for a long time been engaged in smuggling arms from the outside world, and combat groups fired on and killed S.S. men and militia in charge of a column of deportees." The terrorists in the Ghetto uprising were also assisted by the Polish Home Army and the PPR -- Polska Partia Robotnicza, the Communist Polish Workers Party. It was under these circumstances of a revolt aided by partisans and communists that the occupying forces, as any army would in a similar situation, moved in to suppress the terrorists, if necessary by destroying the residential area itself. It should be remembered that the whole process of evacuation would have continued peacefully had not extremists among the inhabitants planned an armed rebellion which in the end was bound to fail. When S.S. Lieutenant-General Stroop entered the Ghetto with armoured cars on 19th April, he immediately came under fire and lost twelve men; German and Polish casualties in the battle, which lasted four weeks, totalled 101 men killed and wounded. Stubborn resistance by the Jewish Combat Organisation in the face of impossible odds led to an estimated 12,000 Jewish casualties, the majority by remaining in burning buildings and dug-outs. A total, however, of 56,065 inhabitants were captured and peacefully resettled in the area of the Government-General. Many Jews within the Ghetto had resented the terror imposed on them by the Combat Organisation, and had attempted to inform on their headquarters to the German authorities.

SUDDEN SURVIVORS

The circumstances surrounding the Warsaw Ghetto revolt, as well as the deportations to eastern labour camps such as Auschwitz, has led to the most colourful tales concerning the fate of Polish Jews, the largest bloc of Jewry in Europe. The Jewish Joint Distribution Committee, in figures prepared by them for the Nuremberg Trials, stated that in 1945 there were only 80,000 Jews remaining in Poland. They also alleged that there were no Polish-Jewish displaced persons left in Germany or Austria, a claim that was at some variance with the number of Polish Jews arrested by the British and Americans for black market activities. However, the new Communist regime in Poland was unable to prevent a major anti-Jewish pogrom at Kielce on July 4th, 1946 and more than 150,000 Polish Jews suddenly fled into Western Germany. Their appearance was somewhat embarrassing, and their emigration to Palestine and the United States was carried out in record time. Subsequently, the number of Polish Jewish survivors underwent considerable revision; in the American-Jewish Year Book 1948-1949 it was placed at 390,000 quite an advance on the original 80,000. We may expect further revisions upwards in the future. 7.

SOME CONCENTRATION CAMP MEMOIRS

The most influential agency in the propagation of the extermination legend has been the paper-back book and magazine industry, and it is through their sensational publications, produced for commercial gain, that the average person is made acquainted with a myth of an entirely political character and purpose. The hey-day of these hate-Germany books was in the 1950's, when virulent Germanophobia found a ready market, but the industry continues to flourish and is experiencing another boom today. The industry's products consist generally of so-called "memoirs", and these fall into two basic categories: those which are supposedly by former S.S. men, camp

commandants and the like, and those bloodcurdling reminiscences allegedly by former concentration camp inmates.

COMMUNIST ORIGINS

Of the first kind, the most outstanding example is *Commandant of Auschwitz* by Rudolf Höss (London, 1960), which was originally published in the Polish language as *Wspomnienia* by the Communist Government. Höss, a young man who took over at Auschwitz in 1940, was first arrested by the British and detained at Flensburg, but he was soon handed over to the Polish Communist authorities who condemned him to death in 1947 and executed him almost immediately. The so-called Höss memoirs are undoubtedly a forgery produced under Communist auspices, as we shall demonstrate, though the Communists themselves claim that Höss was "ordered to write the story of his life" and a hand-written original supposedly exists, but no one has ever seen it. Höss was subjected to torture and brain-washing techniques by the Communists during the period of his arrest, and his testimony at Nuremberg was delivered in a mindless monotone as he stared blankly into space. Even Reitlinger rejects this testimony as hopelessly untrustworthy. It is indeed remarkable how much of the "evidence" regarding the Six Million stems from Communist sources; this includes the major documents such as the Wisliceny statement and the Höss "memoirs", which are undoubtedly the two most quoted items in extermination literature, as well as all the information on the so-called "death camps" such as Auschwitz. This information comes from the Jewish Historical Commission of Poland; the Central Commission for the Investigation of War Crimes, Warsaw; and the Russian State War Crimes Commission, Moscow. Reitlinger acknowledges that the Höss testimony at Nuremberg was a catalogue of wild exaggerations, such as that Auschwitz was disposing of 16,000 people a day, which would mean a total at the end of the war of over 13 million. Instead of exposing such estimates for the Soviet-inspired frauds they obviously are, Reitlinger and others prefer to think that such ridiculous exaggerations were due to "pride" in doing a professional job. Ironically, this is completely irreconcilable with the supposedly authentic Höss memoirs, which make a clever attempt at plausibility by suggesting the opposite picture of distaste for the job. Höss is supposed to have "confessed" to a total of 3 million people exterminated at Auschwitz, though at his own trial in Warsaw the prosecution reduced the number to 1,135,000. However, we have already noted that the Soviet Government announced an official figure of 4 million after their "investigation" of the camp in 1945. This kind of casual juggling with millions of people does not appear to worry the writers of extermination literature. A review of the Höss "memoirs" in all their horrid detail would be tedious. We may confine ourselves to those aspects of the extermination legend which are designed with the obvious purpose of forestalling any proof of its falsity. Such, for example, is the manner in which the alleged extermination of Jews is described. This was supposed to have been carried out by a "special detachment" of Jewish prisoners. They took charge of the newly arrived contingents at the camp, led them into the enormous "gas-chambers" and disposed of the bodies afterwards. The S.S., therefore, did very little, so that most of the S.S. personnel at the camp could be left in complete ignorance of the "extermination programme". Of course, no Jew would ever be found who claimed to have been a member of this gruesome "special detachment", so that the whole issue is left conveniently unprovable. It is worth repeating that no living, authentic eye-witness to these events has ever been produced. Conclusive evidence that the Höss memoirs are a forgery lies in an incredible slip by

the Communist editors. Höss is supposed to say that the Jehovah's Witnesses at Auschwitz approved of murdering the Jews because the Jews were the enemies of Christ. It is well known that in Soviet Russia today and in all her satellite countries of eastern Europe, the Communists conduct a bitter campaign of suppression against the Jehovah's Witnesses whom they regard as the religious sect most dangerous to Communist beliefs. That this sect is deliberately and grossly defamed in the Höss memoirs proves the document's Communist origins beyond any doubt.

INCRIMINATING REMINISCENCES

Certainly the most bogus "memoirs" yet published are those of Adolf Eichmann. Before his illegal kidnapping by the Israelis in May, 1960 and the attendant blaze of international publicity, few people had ever heard of him. He was indeed a relatively unimportant person, the head of Office A4b in Department IV (the Gestapo) of the Reich Security Head Office. His office supervised the transportation to detention camps of a particular section of enemy aliens, the Jews. A positive flood of unadulterated rubbish about Eichmann showered the world in 1960, of which we may cite as an example Comer Clarke's *Eichmann: The Savage Truth*. ("The orgies often went on until six in the morning, a few hours before consigning the next batch of victims to death," says Clarke in his chapter "Streamlined Death and Wild Sex Orgies," p. 124). Strangely enough, the alleged "memoirs" of Adolf Eichmann suddenly appeared at the time of his abduction to Israel. They were uncritically published by the *American Life* magazine (November 28th, December 5th, 1960), and were supposed to have been given by Eichmann to a journalist in the Argentine shortly before his capture -- an amazing coincidence. Other sources, however, gave an entirely different account of their origin, claiming that they were a record based on Eichmann's comments to an "associate" in 1955, though no one even bothered to identify this person. By an equally extraordinary coincidence, war crimes investigators claimed shortly afterwards to have just "found" in the archives of the U.S. Library of Congress, more than fifteen years after the war, the "complete file" of Eichmann's department. So far as the "memoirs" themselves are concerned, they were made to be as horribly incriminating as possible without straying too far into the realms of the purest fantasy, and depict Eichmann speaking with enormous relish about "the physical annihilation of the Jews." Their fraudulence is also attested to by various factual errors, such as that Himmler was already in command of the Reserve Army by April of 1944, instead of after the July plot against Hitler's life, a fact which Eichmann would certainly have known. The appearance of these "memoirs" at precisely the right moment raises no doubt that their object was to present a pre-trial propaganda picture of the archetypal "unregenerate Nazi" and fiend in human shape. The circumstances of the Eichmann trial in Israel do not concern us here; the documents of Soviet origin which were used in evidence, such as the Wisliceny statement, have been examined already, and for an account of the third-degree methods used on Eichmann during his captivity to render him "co-operative" the reader is referred to the *London Jewish Chronicle*, September 2nd, 1960. More relevant to the literature of the extermination legend are the contents of a letter which Eichmann is supposed to have written voluntarily and handed over to his captors in Buenos Aires. It need hardly be added that its Israeli authorship is transparently obvious. Nothing in it stretches human credulity further than the phrase "I am submitting this declaration of my own free will"; but the most hollow and revealing

statement of all is his alleged willingness to appear before a court in Israel, "so that a true picture may be transmitted to future generations."

TREBLINKA FABRICATIONS

The latest reminiscences to appear in print are those of Franz Stangl, the former commandant of the camp at Treblinka in Poland who was sentenced to life imprisonment in December 1970. These were published in an article by the London Daily Telegraph Magazine, October 8th, 1971, and were supposed to derive from a series of interviews with Stangl in prison. He died a few days after the interviews were concluded. These alleged reminiscences are certainly the goriest and most bizarre yet published, though one is grateful for a few admissions by the writer of the article, such as that "the evidence presented in the course of his trial did not prove Stangl himself to have committed specific acts of murder" and that the account of Stangl's beginnings in Poland "was in part fabrication." A typical example of this fabrication was the description of Stangl's first visit to Treblinka. As he drew into the railway station there, he is supposed to have seen "thousands of bodies" just strewn around next to the tracks, "hundreds, no, thousands of bodies everywhere, putrefying, decomposing." And "in the station was a train full of Jews, some dead, some still alive ... it looked as if it had been there for days." The account reaches the heights of absurdity when Stangl is alleged to have got out of his car and "stepped kneedeep into money: I didn't know which way to turn, which way to go. I waded in papernotes, currency, precious stones, jewellery and clothes. They were everywhere, strewn all over the square." The scene is completed by "whores from Warsaw weaving drunk, dancing, singing, playing music", who were on the other side of the barbed wire fences. To literally believe this account of sinking "kneedeep" in Jewish bank-notes and precious stones amid thousands of putrefying corpses and lurching, singing prostitutes would require the most phenomenal degree of gullibility, and in any circumstances other than the Six Million legend it would be dismissed as the most outrageous nonsense. The statement which certainly robs the Stangl memoirs of any vestige of authenticity is his alleged reply when asked why he thought the Jews were being exterminated: "They wanted the Jews' money," is the answer. "That racial business was just secondary." The series of interviews are supposed to have ended on a highly dubious note indeed. When asked whether he thought there had been "any conceivable sense in this horror," the former Nazi commandant supposedly replied with enthusiasm: "Yes, I am sure there was. Perhaps the Jews were meant to have this enormous jolt to pull them together; to create a people; to identify themselves with each other." One could scarcely imagine a more perfect answer had it been invented.

BEST-SELLER A HOAX

Of the other variety of memoirs, those which present a picture of frail Jewry caught in the vice of Nazism, the most celebrated is undoubtedly *The Diary of Anne Frank*, and the truth concerning this book is only one appalling insight into the fabrication of a propaganda legend. First published in 1952, *The Diary of Anne Frank* became an immediate best-seller; since then it has been republished in paper-back, going through 40 impressions, and was made into a successful Hollywood film. In royalties alone, Otto Frank, the girl's father, has made a fortune from the sale of the book, which purports to represent the real-life tragedy of his daughter. With its direct appeal to the emotions, the book and the film have influenced literally millions of people, certainly

more throughout the world than any other story of its kind. And yet only seven years after its initial publication, a New York Supreme Court case established that the book was a hoax. The Diary of Anne Frank has been sold to the public as the actual diary of a young Jewish girl from Amsterdam, which she wrote at the age of 12 while her family and four other Jews were hiding in the back room of a house during the German occupation. Eventually, they were arrested and detained in a concentration camp, where Anne Frank supposedly died when she was 14. When Otto Frank was liberated from the camp at the end of the war, he returned to the Amsterdam house and "found" his daughter's diary concealed in the rafters. The truth about the Anne Frank Diary was first revealed in 1959 by the Swedish journal *Fria Ord*. It established that the Jewish novelist Meyer Levin had written the dialogue of the "diary" and was demanding payment for his work in a court action against Otto Frank. A condensation of the Swedish articles appeared in the *American Economic Council Letter*, April 15th, 1959, as follows: "History has many examples of myths that live a longer and richer life than truth, and may become more effective than truth. "The Western World has for some years been made aware of a Jewish girl through the medium of what purports to be her personally written story, Anne Frank's Diary. Any informed literary inspection of this book would have shown it to have been impossible as the work of a teenager. "A noteworthy decision of the New York Supreme Court confirms this point of view, in that the well known American Jewish writer, Meyer Levin, has been awarded \$50,000 to be paid him by the father of Anne Frank as an honorarium for Levin's work on the Anne Frank Diary. "Mr. Frank, in Switzerland, has promised to pay to his race kin, Meyer Levin, not less than \$50,000 because he had used the dialogue of Author Levin just as it was and "implanted" it in the diary as being his daughter's intellectual work." Further inquiries brought a reply on May 7th, 1962 from a firm of New York lawyers, which stated: "I was the attorney for Meyer Levin in his action against Otto Frank, and others. It is true that a jury awarded Mr. Levin \$50,000 in damages, as indicated in your letter. That award was later set aside by the trial justice, Hon. Samuel C. Coleman, on the ground that the damages had not been proved in the manner required by law. The action was subsequently settled while an appeal from Judge Coleman's decision was pending. "I am afraid that the case itself is not officially reported, so far as the trial itself, or even Judge Coleman's decision, is concerned. Certain procedural matters were reported in 141 *New York Supplement*, Second Series 170, and in 5 *Second Series* 181. The correct file number in the New York County Clerk's office is 2241 -- 1956 and the file is probably a large and full one . . ." Here, then, is just one more fraud in a whole series of frauds perpetrated in support of the "Holocaust" legend and the saga of the Six Million. Of course, the court case bearing directly on the authenticity of the Anne Frank Diary was "not officially reported". A brief reference may also be made to another "diary", published not long after that of Anne Frank and entitled: *Notes from the Warsaw Ghetto: the Journal of Emmanuel Ringelblum* (New York, 1958). Ringelblum had been a leader in the campaign of sabotage against the Germans in Poland, as well as the revolt of the Warsaw Ghetto in 1943, before he was eventually arrested and executed in 1944. The Ringelblum journal, which speaks of the usual "rumours" allegedly circulating about the extermination of the Jews in Poland, appeared under exactly the same Communist auspices as the so-called Höss memoirs. McGraw-Hill, the publishers of the American edition, admit that they were denied access to the uncensored original manuscript in Warsaw, and instead faithfully followed the expurgated volume published by the Communist Government in Warsaw in 1952. All the "proofs" of the Holocaust issuing from Communist sources of this kind are worthless as historical documents.

ACCUMULATING MYTHS

Since the war, there has been an abundant growth of sensational concentration camp literature, the majority of it Jewish, each book piling horror upon horror, blending fragments of truth with the most grotesque of fantasies and impostures, relentlessly creating an edifice of mythology in which any relation to historical fact has long since disappeared. We have referred to the type already - Olga Lengyel's absurd *Five Chimneys* ("24,000 corpses handled every day"), *Doctor at Auschwitz* by Miklos Nyiszli, apparently a mythical and invented person, *This was Auschwitz: The Story of a Murder Camp* by Philip Friedman, and so on ad nauseam. The latest in this vein is *For Those I Loved* by Martin Gray (Bodley Head, 1973), which purports to be an account of his experiences at Treblinka camp in Poland. Gray specialised in selling fake antiques to America before turning to concentration camp memoirs. The circumstances surrounding the publication of his book, however, have been unique, because for the first time with works of this kind, serious doubt was cast on the authenticity of its contents. Even Jews, alarmed at the damage it might cause, denounced his book as fraudulent and questioned whether he had ever been at Treblinka at all, while B.B.C. radio pressed him as to why he had waited 28 years before writing of his experiences. It was interesting to observe that the "Personal Opinion" column of the *London Jewish Chronicle*, March 30th, 1973, although it roundly condemned Gray's book, nevertheless made grandiose additions to the myth of the Six Million. It stated that: "Nearly a million people were murdered in Treblinka in the course of a year. 18,000 were fed into the gas chambers every day." It is a pity indeed that so many people read and accept this kind of nonsense without exercising their minds. If 18,000 were murdered every day, the figure of one million would be reached in a mere 56 days, not "in the course of a year." This gigantic achievement would leave the remaining ten months of the year a total blank. 18,000 every day would in fact mean a total of 6,480,000 "in the course of a year." Does this mean that the Six Million died in twelve months at Treblinka? What about the alleged three or four million at Auschwitz? This kind of thing simply shows that, once the preposterous compromise figure of Six Million had scored a resounding success and become internationally accepted, any number of impossible permutations can be made and no one would even think to criticise them. In its review of Gray's book, the *Jewish Chronicle* column also provides a revealing insight into the fraudulent allegations concerning gas-chambers: "Gray recalls that the floors of the gas chambers sloped, whereas another survivor who helped to build them maintains that they were at a level ..." Occasionally, books by former concentration camp inmates appear which present a totally different picture of the conditions prevailing in them. Such is *Under Two Dictators* (London, 1950) by Margarete Buber. She was a German-Jewish woman who had experienced several years in the brutal and primitive conditions of a Russian prison camp before being sent to Ravensbrück, the German camp for women detainees, in August 1940. She noted that she was the only Jewish person in her contingent of deportees from Russia who was not straight away released by the Gestapo. Her book presents a striking contrast between the camps of Soviet Russia and Germany; compared to the squalor, disorder and starvation of the Russian camp, she found Ravensbrück to be clean, civilised and well-administered. Regular baths and clean linen seemed a luxury after her earlier experiences, and her first meal of white bread, sausage, sweet porridge and dried fruit prompted her to inquire of another camp inmate whether August 3rd, 1940 was some sort of holiday or special occasion. She observed, too, that the barracks at Ravensbrück were remarkably

spacious compared to the crowded mud hut of the Soviet camp. In the final months of 1945, she experienced the progressive decline of camp conditions, the causes of which we shall examine later. Another account which is at total variance with popular propaganda is *Die Gestapo Lässt Bitten* (The Gestapo Invites You) by Charlotte Bormann, a Communist political prisoner who was also interned at Ravensbrück. Undoubtedly its most important revelation is the author's statement that rumours of gas executions were deliberate and malicious inventions circulated among the prisoners by the Communists. This latter group did not accept Margarete Buber because of her imprisonment in Soviet Russia. A further shocking reflection on the post-war trials is the fact that Charlotte Bormann was not permitted to testify at the Rastadt trial of Ravensbrück camp personnel in the French occupation zone, the usual fate of those who denied the extermination legend.

8. THE NATURE AND CONDITION OF WAR-TIME CONCENTRATION CAMPS

In his recent book *Adolf Hitler* (London, 1973), Colin Cross, who brings more intelligence than is usual to many problems of this period, observes astutely that "The shuffling of millions of Jews around Europe and murdering them, in a time of desperate war emergency, was useless from any rational point of view" (p. 307). Quite so, and at this point we may well question the likelihood of this irrationalism, and whether it was even possible. Is it likely, that at the height of the war, when the Germans were fighting a desperate battle for survival on two fronts, they would have conveyed millions of Jews for miles to supposedly elaborate and costly slaughter houses? To have conveyed three or four million Jews to Auschwitz alone (even supposing that such an inflated number existed in Europe, which it did not), would have placed an insuperable burden upon German transportation facilities which were strained to the limit in supporting the farflung Russian front. To have transported the mythical six million Jews and countless numbers of other nationalities to internment camps, and to have housed, clothed and fed them there, would simply have paralysed their military operations. There is no reason to suppose that the efficient Germans would have put their military fortunes at such risk. On the other hand, the transportation of a reasonable 363,000 prisoners to Auschwitz in the course of the war (the number we know to have been registered there) at least makes sense in terms of the compulsory labour they supplied. In fact, of the 3 million Jews living in Europe, it is certain that no more than two million were ever interned at one time, and it is probable that the number was much closer to 1,500,000. We shall see later, in the Report of the Red Cross, that whole Jewish populations such as that of Slovakia avoided detention in camps, while others were placed in community ghettos like Theresienstadt. Moreover, from western Europe deportations were far fewer. The estimate of Reitlinger that only about 50,000 French Jews from a total population of 320,000 were deported and interned has been noted already. The question must also be asked as to whether it could have been physically possible to destroy the millions of Jews that are alleged. Had the Germans enough time for it? Is it likely that they would have cremated people by the million when they were so short of manpower and required all prisoners of war for purposes of war production? Would it have been possible to destroy and remove all trace of a million people in six months? Could such enormous gatherings of Jews and executions on such a vast scale have been kept secret? These are the kind of questions that the critical, thinking person should ask. And he will soon discover that not only the statistical and documentary evidence

given here, but simple logistics combine to discredit the legend of the six million. Although it was impossible for millions to have been murdered in them, the nature and conditions of Germany's concentration camps have been vastly exaggerated to make the claim plausible. William Shirer, in a typically reckless passage, states that "All of the thirty odd principal Nazi concentration camps were death camps" (ibid, p. 1150). This is totally untrue, and is not even accepted now by the principal propagators of the extermination legend. Shirer also quotes Eugen Kogon's *The Theory and Practice of Hell* (N.Y. 1950, p. 227) which puts the total number of deaths in all of them at the ridiculous figure of 7,125,000, though Shirer admits in a footnote that this is "undoubtedly too high."

'DEATH CAMPS' BEHIND THE IRON CURTAIN

It is true that in 1945, Allied propaganda did claim that all the concentration camps, particularly those in Germany itself, were "death camps", but not for long. On this question, the eminent American historian Harry Elmer Barnes wrote: "These camps were first presented as those in Germany, such as Dachau, Belsen, Buchenwald, Sachsenhausen and Dora, but it was soon demonstrated that there had been no systematic extermination in those camps. Attention was then moved to Auschwitz, Treblinka, Belzec, Chelmno, Jonowska, Tarnow, Ravensbrück, Mauthausen, Brezeczka and Birkenau, which does not exhaust the list that appears to have been extended as needed" (Rampart Journal, Summer 1967). What had happened was that certain honest observers among the British and American occupation forces in Germany, while admitting that many inmates had died of disease and starvation in the final months of the war, had found no evidence after all of "gas chambers". As a result, eastern camps in the Russian zone of occupation such as Auschwitz and Treblinka gradually came to the fore as horrific centres of extermination (though no one was permitted to see them), and this tendency has lasted to the present day. Here in these camps it was all supposed to have happened, but with the Iron Curtain brought down firmly over them, no one has ever been able to verify such charges. The Communists claimed that four million people died at Auschwitz in gigantic gas chambers accommodating 2,000 people -- and no one could argue to the contrary. What is the truth about so-called "gas chambers"? Stephen F. Pinter, who served as a lawyer for the United States War Department in the occupation forces in Germany and Austria for six years after the war, made the following statement in the widely read Catholic magazine *Our Sunday Visitor*, June 14th, 1959: "I was in Dachau for 17 months after the war, as a U.S. Department Attorney, and can state that there was no gas chamber at Dachau. What was shown to visitors and sightseers there and erroneously described as a gas chamber was a crematory. Nor was there a gas chamber in any of the other concentration camps in Germany. We were told that there was a gas chamber at Auschwitz, but since that was in the Russian zone of occupation, we were not permitted to investigate since the Russians would not allow it. From what I was able to determine during six postwar years in Germany and Austria, there were a number of Jews killed, but the figure of a million was certainly never reached. I interviewed thousands of Jews, former inmates of concentration camps in Germany and Austria, and consider myself as well qualified as any man on this subject." This tells a very different story from the customary propaganda. Pinter, of course, is very astute on the question of the crematory being represented as a gas chamber. This is a frequent ploy because no such thing as a gas chamber has ever been shown to exist in these camps, hence the deliberately misleading term a "gas

oven", aimed at confusing a gas chamber with a crematorium. The latter, usually a single furnace and similar to the kind of thing employed today, were used quite simply for the cremation of those persons who had died from various natural causes within the camp, particularly infectious diseases. This fact was conclusively proved by the German archbishop, Cardinal Faulhaber of Munich. He informed the Americans that during the Allied air raids on Munich in September 1944, 30,000 people were killed. The archbishop requested the authorities at the time to cremate the bodies of the victims in the crematorium at Dachau. But he was told that, unfortunately, this plan could not be carried out; the crematorium, having only one furnace, was not able to cope with the bodies of the air raid victims. Clearly, therefore, it could not have coped with the 238,000 Jewish bodies which were allegedly cremated there. In order to do so, the crematorium would have to be kept going for 326 years without stopping and 530 tons of ashes would have been recovered.

CASUALTY FIGURES REDUCED

The figures of Dachau casualties are typical of the kind of exaggerations that have since had to be drastically revised. In 1946, a memorial plaque was unveiled at Dachau by Philip Auerbach, the Jewish State-Secretary in the Bavarian Government who was convicted for embezzling money which he claimed as compensation for non-existent Jews. The plaque read: "This area is being retained as a shrine to the 238,000 individuals who were cremated here." Since then, the official casualty figures have had to be steadily revised downwards, and now stand at only 20,600 the majority from typhus and starvation only at the end of the war. This deflation, to ten per cent of the original figure, will doubtless continue, and one day will be applied to the legendary figure of six million as a whole. Another example of drastic revision is the present estimate of Auschwitz casualties. The absurd allegations of three or four million deaths there are no longer plausible even to Reitlinger. He now puts the number of casualties at only 600,000; and although this figure is still exaggerated in the extreme, it is a significant reduction on four million and further progress is to be expected. Shirer himself quotes Reitlinger's latest estimate, but he fails to reconcile this with his earlier statement that half of that figure, about 300,000 Hungarian Jews were supposedly "done to death in forty-six days" - a supreme example of the kind of irresponsible nonsense that is written on this subject.

HUMANE CONDITIONS

That several thousand camp inmates did die in the chaotic final months of the war brings us to the question of their war-time conditions. These have been deliberately falsified in innumerable books of an extremely lurid and unpleasant kind. The Red Cross Report, examined below, demonstrates conclusively that throughout the war the camps were well administered. The working inmates received a daily ration even throughout 1943 and 1944 of not less than 2,750 calories, which was more than double the average civilian ration in occupied Germany in the years after 1945. The internees were under regular medical care, and those who became seriously ill were transferred to hospital. All internees, unlike those in Soviet camps, could receive parcels of food, clothing and pharmaceutical supplies from the Special Relief Division of the Red Cross. The Office of the Public Prosecutor conducted thorough investigations into each case of criminal arrest, and those found innocent were

released; those found guilty, as well as those deportees convicted of major crimes within the camp, were sentenced by military courts and executed. In the Federal Archives of Koblenz there is a directive of January 1943 from Himmler regarding such executions, stressing that "no brutality. is to be allowed" (Manvell and Frankl), *ibid*, p. 312). Occasionally there was brutality, but such cases were immediately scrutinised by S.S. Judge Dr. Konrad Morgen of the Reich Criminal Police Office, whose job was to investigate irregularities at the various camps. Morgen himself prosecuted commander Koch of Buchenwald in 1943 for excesses at his camp, a trial to which the German public were invited. It is significant that Oswald Pohl, the administrator of the concentration camp system who was dealt with so harshly at Nuremberg, was in favour of the death penalty for Koch. In fact, the S.S. court did sentence Koch to death, but he was given the option of serving on the Russian front. Before he could do this, however, Prince Waldeck, the leader of the S.S. in the district, carried out his execution. This case is ample proof of the seriousness with which the S.S. regarded unnecessary brutality. Several S.S. court actions of this kind were conducted in the camps during the war to prevent excesses, and more than 800 cases were investigated before 1945. Morgen testified at Nuremberg that he discussed confidentially with hundreds of inmates the prevailing conditions in the camps. He found few that were undernourished except in the hospitals, and noted that the pace and achievement in compulsory labour by inmates was far lower than among German civilian workers. The evidence of Pinter and Cardinal Faulhaber has been shown to disprove the claims of extermination at Dachau, and we have seen how the casualty figures of that camp have been continuously revised downwards. The camp at Dachau near Munich, in fact, may be taken as fairly typical of these places of internment. Compulsory labour in the factories and plants was the order of the day, but the Communist leader Ernst Ruff testified in his Nuremberg affidavit of April 18th, 1947 that the treatment of prisoners on the work details and in the camp of Dachau remained humane. The Polish underground leader, Jan Piechowiak, who was at Dachau from May 22nd, 1940 until April 29th, 1945 also testified on March 21st, 1946 that prisoners there received good treatment, and that the S.S. personnel at the camp were "well disciplined". Berta Schirotschin, who worked in the food service at Dachau throughout the war, testified that the working inmates, until the beginning of 1945 and despite increasing privation in Germany, received their customary second breakfast at 10 a.m. every morning. In general, hundreds of affidavits from Nuremberg testify to the humane conditions prevailing in concentration camps; but emphasis was invariably laid on those which reflected badly on the German administration and could be used for propaganda purposes. A study of the documents also reveals that Jewish witnesses who resented their deportation and internment in prison camps tended to greatly exaggerate the rigours of their condition, whereas other nationals interned for political reasons, such as those cited above, generally presented a more balanced picture. In many cases, prisoners such as Charlotte Bormann, whose experiences did not accord with the picture presented at Nuremberg, were not permitted to testify.

UNAVOIDABLE CHAOS

The orderly situation prevailing in the German concentration camps slowly broke down in the last fearful months of 1945. The Red Cross Report of 1948 explains that the saturation bombing by the Allies paralysed the transport and communications system of the Reich, no food reached the camps and starvation claimed an increasing

number of victims, both in prison camps and among the civilian population of Germany. This terrible situation was compounded in the camps both by great overcrowding and the consequent outbreak of typhus epidemics. Overcrowding occurred as a result of prisoners from the eastern camps such as Auschwitz being evacuated westward before the Russian advance; columns of such exhausted people arrived at several German camps such as Belsen and Buchenwald which had themselves reached a state of great hardship. Belsen camp near Bremen was in an especially chaotic condition in these months and Himmler's physician, Felix Kersten, an anti-Nazi, explains that its unfortunate reputation as a "death camp" was due solely to the ferocity of the typhus epidemic which broke out there in March 1945 (Memoirs 1940-1945, London, .1956). Undoubtedly these fearful conditions cost several thousand lives, and it is these conditions that are represented in the photographs of emaciated human beings and heaps of corpses which the propagandists delight in showing, claiming, that they are victims of "extermination". A surprisingly honest appraisal of the situation at Belsen in 1945 appeared in Purnell's History of the Second World War (Vol. 7, No. 15) by Dr. Russell Barton, now superintendent and consultant psychiatrist at Severalls Hospital, Essex, who spent one month at the camp as a medical student after the war. His account vividly illustrates the true causes of the mortality that occurred in such camps toward the war's end, and how such extreme conditions came to prevail there. Dr. Barton explains that Brigadier Glyn Hughes, the British Medical Officer who took command of Belsen in 1945, "did not think there had been any atrocities in the camp" despite discipline and hard work "Most people," writes Dr. Barton, "attributed the conditions of the inmates to deliberate intention on the part of the Germans. . . Inmates were eager to cite examples of brutality and neglect, and visiting journalists from different countries interpreted the situation according to the needs of propaganda at home." However, Dr. Barton makes it quite clear that the conditions of starvation and disease were unavoidable in the circumstances and that they occurred only during the months of 1945. "From discussions with prisoners it seemed that conditions in the camp were not too bad until late 1944. The huts were set among pine trees and each was provided with lavatories, wash basins, showers and stoves for heating." The cause of food shortage is also explained. "German medical officers told me that it had been increasingly difficult to transport food to the camp for some months. Anything that moved on the autobahns was likely to be bombed ... I was surprised to find records, going back for two or three years, of large quantities of food cooked daily for distribution. At that time I became convinced, contrary to popular opinion, that there had never been a policy of deliberate starvation. This was confirmed by the large numbers of well-fed inmates. Why then were so many people suffering from mal-nutrition? ... The major reasons for the state of Belsen were disease, gross overcrowding by central authority, lack of law and order within the huts, and inadequate supplies of food, water and drugs." The lack of order, which led to riots over food distribution, was quelled by British machine-gun fire and a display of force when British tanks and armoured cars toured the camp. Apart from the unavoidable deaths in these circumstances, Glyn Hughes estimated that about "1,000 were killed through the kindness of English soldiers giving them their own rations and chocolates." As a man who was at Belsen, Dr. Barton is obviously very much alive to the falsehoods of concentration camp mythology, and he concludes: "In trying to assess the causes of the conditions found in Belsen one must be alerted to the tremendous visual display, ripe for purposes of propaganda, that masses of starved corpses presented." To discuss such conditions "naively in terms of 'goodness' and 'badness' is to ignore the constituent factors..."

FAKE PHOTOGRAPHS

Not only were situations such as those at Belsen unscrupulously exploited for propaganda purposes, but this propaganda has also made use of entirely fake atrocity photographs and films. The extreme conditions at Belsen applied to very few camps indeed; the great majority escaped the worst difficulties and all their inmates survived in good health. As a result, outright forgeries were used to exaggerate conditions of horror. A startling case of such forgery was revealed in the British Catholic Herald of October 29th, 1948. It reported that in Cassel, where every adult German was compelled to see a film representing the "horrors" of Buchenwald, a doctor from Goettingen saw himself on the screen looking after the victims. But he had never been to Buchenwald. After an interval of bewilderment he realised that what he had seen was part of a film taken after the terrible air raid on Dresden by the Allies on 13th February, 1945, where the doctor had been working. The film in question was shown in Cassel on 19th October, 1948. After the air raid on Dresden, which killed a record 135 000 people, mostly refugee women and children, the bodies of the victims were piled and burned in heaps of 400 and 500 for several weeks. These were the scenes, purporting to be from Buchenwald, which the doctor had recognised.

The forgery of war-time atrocity photographs is not new. For further information the reader is referred to Arthur Ponsonby's book *Falsehood in Wartime* (London, 1928), which exposes the faked photographs of German atrocities in the First World War. Ponsonby cites such fabrications as "The Corpse Factory" and "The Belgian Baby without Hands", which are strikingly reminiscent of the propaganda relating to Nazi "atrocities". F. J. P. Veale explains in his book that the bogus 'jar of human soap' solemnly introduced by the Soviet prosecution at Nuremberg was a deliberate jibe at the famous British "Corpse Factory" myth, in which the ghoulish Germans were supposed to have obtained various commodities from processing corpses (Veale, *ibid*, p. 192). This accusation was one for which the British Government apologised after 1918. It received new life after 1945 in the tale of lamp shades of human skin, which was certainly as fraudulent as the Soviet "human soap". In fact, from Manvell and Frankl we have the grudging admission that the lamp shade evidence at Buchenwald Trial "later appeared to be dubious" (*The Incomparable Crime*, p. 84). It was given by a certain Andreas Pffffenberger in a "written affidavit" of the kind discussed earlier, but in 1948 General Lucius Clay admitted that the affidavits used in the trial appeared after more thorough investigation to have been mostly "hearsay."

An excellent work on the fake atrocity photographs pertaining to the Myth of the Six Million is Dr. Udo Walendy *Bild 'Dokumente' für die Geschichtsschreibung?* (Vlotho/Weser, 1973), and from the numerous examples cited we illustrate one on this page. The origin of the first photograph is unknown, but the second is a photomontage. Close examination reveals immediately that the standing figures have been taken from the first photograph, and a heap of corpses super-imposed in front of them. The fence has been removed, and an entirely new horror "photograph" created. This blatant forgery appears on page 341 of R. Schnabel's book on the S.S., *Macht ohne Moral: eine Dokumentation über die SS* (Frankfurt, 1957), with the caption "Mauthausen". (Walendy cites eighteen other examples of forgery in Schnabel's book). The same photograph appeared in the Proceedings of the International Military Tribunal, Vol. XXX, p. 421, likewise purporting to illustrate Mauthausen camp. It is also illustrated without a caption in Eugene Aroneanu's *Konzentrationslager Document*

F.321 for the International Court at Nuremberg; Heinz Kühnrich's *Der KZ-Staat* (Berlin, 1960, p. 81); Vaclav Berdych's *Mauthausen* (Prague, 1959); and Robert Neumann's *Hitler -- Aufstieg und Untergang des Dritten Reichs* (Munich, 1961).

9. THE JEWS AND THE CONCENTRATION CAMPS: A FACTUAL APPRAISAL BY THE RED CROSS

There is one survey of the Jewish question in Europe during World War Two and the conditions of Germany's concentration camps which is almost unique in its honesty and objectivity, the three-volume Report of the International Committee of the Red Cross on its Activities during the Second World War, Geneva, 1948. This comprehensive account from an entirely neutral source incorporated and expanded the findings of two previous works: *Documents sur l'activité du CICR en faveur des civils détenus dans les camps de concentration en Allemagne 1939- 1945* (Geneva, 1946), and *Inter Arma Caritas: the Work of the ICRC during the Second World War* (Geneva, 1947). The team of authors, headed by Frédéric Siordet, explained in the opening pages of the Report that their object, in the tradition of the Red Cross, had been strict political neutrality, and herein lies its great value. The ICRC successfully applied the 1929 Geneva military convention in order to gain access to civilian internees held in Central and Western Europe by the Germany authorities. By contrast, the ICRC was unable to gain any access to the Soviet Union, which had failed to ratify the Convention. The millions of civilian and military internees held in the USSR, whose conditions were known to be by far the worst, were completely cut off from any international contact or supervision. The Red Cross Report is of value in that it first clarifies the legitimate circumstances under which Jews were detained in concentration camps, i.e. as enemy aliens. In describing the two categories of civilian internees, the Report distinguishes the second type as "Civilians deported on administrative grounds (in German, "Schutzhäftlinge"), who were arrested for political or racial motives because their presence was considered a danger to the State or the occupation forces" (Vol. 111, p. 73). These persons, it continues, "were placed on the same footing as persons arrested or imprisoned under common law for security reasons." (P.74). The Report admits that the Germans were at first reluctant to permit supervision by the Red Cross of people detained on grounds relating to security, but by the latter part of 1942, the ICRC obtained important concessions from Germany. They were permitted to distribute food parcels to major concentration camps in Germany from August 1942, and "from February 1943 onwards this concession was extended to all other camps and prisons" (Vol. 111, p. 78). The ICRC soon established contact with camp commandants and launched a food relief programme which continued to function until the last months of 1945, letters of thanks for which came pouring in from Jewish internees.

RED CROSS RECIPIENTS WERE JEWS

The Report states that "As many as 9,000 parcels were packed daily. From the autumn of 1943 until May 1945, about 1,112,000 parcels with a total weight of 4,500 tons were sent off to the concentration camps" (Vol. III, p. 80). In addition to food, these contained clothing and pharmaceutical supplies. "Parcels were sent to Dachau, Buchenwald, Sangerhausen, Sachsenhausen, Oranienburg, Flossenburg, Landsberg-am-Lech, Flöha, Ravensbrück, Hamburg-Neuengamme, Mauthausen, Theresienstadt, Auschwitz, Bergen-Belsen, to camps near Vienna and in Central and Southern

Germany. The principal recipients were Belgians, Dutch, French, Greeks, Italians, Norwegians, Poles and stateless Jews" (Vol. III, p. 83). In the course of the war, "The Committee was in a position to transfer and distribute in the form of relief supplies over twenty million Swiss francs collected by Jewish welfare organisations throughout the world, in particular by the American Joint Distribution Committee of New York" (Vol. I, p. 644). This latter organisation was permitted by the German Government to maintain offices in Berlin until the American entry into the war. The ICRC complained that obstruction of their vast relief operation for Jewish internees came not from the Germans but from the tight Allied blockade of Europe. Most of their purchases of relief food were made in Rumania, Hungary and Slovakia. The ICRC had special praise for the liberal conditions which prevailed at Theresienstadt up to the time of their last visits there in April 1945. This camp, "where there were about 40,000 Jews deported from various countries was a relatively privileged ghetto" (Vol. III, p. 75). According to the Report, "The Committee's delegates were able to visit the camp at Theresienstadt (Terezin) which was used exclusively for Jews and was governed by special conditions. From information gathered by the Committee, this camp had been started as an experiment by certain leaders of the Reich ... These men wished to give the Jews the means of setting up a communal life in a town under their own administration and possessing almost complete autonomy. . . two delegates were able to visit the camp on April 6th, 1945. They confirmed the favourable impression gained on the first visit" (Vol. I, p. 642). The ICRC also had praise for the regime of Ion Antonescu of Fascist Rumania where the Committee was able to extend special relief to 183,000 Rumanian Jews until the time of the Soviet occupation. The aid then ceased, and the ICRC complained bitterly that it never succeeded "in sending anything whatsoever to Russia" (Vol. II, p. 62). The same situation applied to many of the German camps after their "liberation" by the Russians. The ICRC received a voluminous flow of mail from Auschwitz until the period of the Soviet occupation, when many of the internees were evacuated westward. But the efforts of the Red Cross to send relief to internees remaining at Auschwitz under Soviet control were futile. However, food parcels continued to be sent to former Auschwitz inmates transferred west to such camps as Buchenwald and Oranienburg.

NO EVIDENCE OF GENOCIDE

One of the most important aspects of the Red Cross Report is that it clarifies the true cause of those deaths that undoubtedly occurred in the camps toward the end of the war. Says the Report: "In the chaotic condition of Germany after the invasion during the final months of the war, the camps received no food supplies at all and starvation claimed an increasing number of victims. Itself alarmed by this situation, the German Government at last informed the ICRC on February 1st, 1945 ... In March 1945, discussions between the President of the ICRC and General of the S.S. Kaltenbrunner gave even more decisive results. Relief could henceforth be distributed by the ICRC, and one delegate was authorised to stay in each camp ..." (Vol. III, p. 83). Clearly, the German authorities were at pains to relieve the dire situation as far as they were able. The Red Cross are quite explicit in stating that food supplies ceased at this time due to the Allied bombing of German transportation, and in the interests of interned Jews they had protested on March 15th, 1944 against "the barbarous aerial warfare of the Allies" (Inter Arma Caritas, p. 78). By October 2nd, 1944, the ICRC warned the German Foreign Office of the impending collapse of the German transportation system, declaring that starvation conditions for people throughout Germany were

becoming inevitable. In dealing with this comprehensive, three-volume Report, it is important to stress that the delegates of the International Red Cross found no evidence whatever at the camps in Axis-occupied Europe of a deliberate policy to exterminate the Jews. In all its 1,600 pages the Report does not even mention such a thing as a gas chamber. It admits that Jews, like many other wartime nationalities, suffered rigours and privations, but its complete silence on the subject of planned extermination is ample refutation of the Six Million legend. Like the Vatican representatives with whom they worked, the Red Cross found itself unable to indulge in the irresponsible charges of genocide which had become the order of the day. So far as the genuine mortality rate is concerned, the Report points out that most of the Jewish doctors from the camps were being used to combat typhus on the eastern front, so that they were unavailable when the typhus epidemics of 1945 broke out in the camps (Vol. I, p. 204 ff)- Incidentally, it is frequently claimed that mass executions were carried out in gas chambers cunningly disguised as shower facilities. Again the Report makes nonsense of this allegation. "Not only the washing places, but installations for baths, showers and laundry were inspected by the delegates. They had often to take action to have fixtures made less primitive, and to get them repaired or enlarged" (Vol. III, p. 594).

NOT ALL WERE INTERNED

Volume III of the Red Cross Report, Chapter 3 (I. Jewish Civilian Population) deals with the "aid given to the Jewish section of the free population," and this chapter makes it quite plain that by no means all of the European Jews were placed in internment camps, but remained, subject to certain restrictions, as part of the free civilian population. This conflicts directly with the "thoroughness" of the supposed "extermination programme", and with the claim in the forged Höss memoirs that Eichmann was obsessed with seizing "every single Jew he could lay his hands on." In Slovakia, for example, where Eichmann's assistant Dieter Wisliceny was in charge, the Report states that "A large proportion of the Jewish minority had permission to stay in the country, and at certain periods Slovakia was looked upon as a comparative haven of refuge for Jews, especially for those coming from Poland. Those who remained in Slovakia seem to have been in comparative safety until the end of August 1944, when a rising against the German forces took place. While it is true that the law of May 15th, 1942 had brought about the internment of several thousand Jews, these people were held in camps where the conditions of food and lodging were tolerable, and where the internees were allowed to do paid work on terms almost equal to those of the free labour market" (Vol. I, p. 646). Not only did large numbers of the three million or so European Jews avoid internment altogether, but the emigration of Jews continued throughout the war, generally by way of Hungary, Rumania and Turkey. Ironically, post-war Jewish emigration from German-occupied territories was also facilitated by the Reich, as in the case of the Polish Jews who had escaped to France before its occupation. "The Jews from Poland who, whilst in France, had obtained entrance permits to the United States were held to be American citizens by the German occupying authorities, who further agreed to recognize the validity of about three thousand passports issued to Jews by the consulates of South American countries" (Vol. I, p. 645). As future U.S. citizens, these Jews were held at the Vittel camp in southern France for American aliens. The emigration of European Jews from Hungary in particular proceeded during the war unhindered by the German authorities. "Until March 1944," says the Red Cross Report, "Jews who had the privilege of visas for Palestine were free to leave Hungary" (Vol. I, p. 648). Even after

the replacement of the Horthy Government in 1944 (following its attempted armistice with the Soviet Union) with a government more dependent on German authority, the emigration of Jews continued. The Committee secured the pledges of both Britain and the United States "to give support by every means to the emigration of Jews from Hungary," and from the U.S. Government the ICRC received a message stating that "The Government of the United States ... now specifically repeats its assurance that arrangements will be made by it for the care of all Jews who in the present circumstances are allowed to leave" (Vol. I, p . 649).

10. THE TRUTH AT LAST: THE WORK OF PAUL RASSINIER

Without doubt the most important contribution to a truthful study of the extermination question has been the work of the French historian, Professor Paul Rassinier. The pre-eminent value of this work lies firstly in the fact that Rassinier actually experienced life in the German concentration camps, and also that, as a Socialist intellectual and anti-Nazi, nobody could be less inclined to defend Hitler and National Socialism. Yet, for the sake of justice and historical truth, Rassinier spent the remainder of his post-war years until his death in 1966 pursuing research which utterly refuted the Myth of the Six Million and the legend of Nazi diabolism. From 1933 until 1943, Rassinier was a professor of history in the College d'enseignement général at Belfort, Academie de Besançon. During the war he engaged in resistance activity until he was arrested by the Gestapo on October 30th, 1943, and as a result was confined in the German concentration camps at Buchenwald and Dora until 1945. At Buchenwald, toward the end of the war, he contracted typhus, which so damaged his health that he could not resume his teaching. After the war, Rassinier was awarded the Médaille de la Résistance and the Reconnaissance Française, and was elected to the French Chamber of Deputies, from which he was ousted by the Communists in November, 1946. Rassinier then embarked on his great work, a systematic analysis of alleged German war atrocities, in particular the supposed "extermination" of the Jews. Not surprisingly, his writings are little known; they have rarely been translated from the French and none at all have appeared in English. His most important works were: *Le Mensonge d'Ulysse* (The Lies of Odysseus, Paris, 1949), an investigation of concentration camp conditions based on his own experiences of them; and *Ulysse trahi par les siens* (1960), a sequel which further refuted the impostures of propagandists concerning German concentration camps. His monumental task was completed with two final volumes, *Le Véritable Procès Eichmann* (1962) and *Le Drame des Juifs européens* (1964), in which Rassinier exposes the dishonest and reckless distortions concerning the fate of the Jews by a careful statistical analysis. The last work also examines the political and financial significance of the extermination legend and its exploitation by Israel and the Communist powers. One of the many merits of Rassinier's work is exploding the myth of unique German "wickedness"; and he reveals with devastating force how historical truth has been obliterated in an impenetrable fog of partisan propaganda. His researches demonstrate conclusively that the fate of the Jews during World War Two, once freed from distortion and reduced to proper proportions, loses its much vaunted "enormity" and is seen to be only one act in a greater and much wider tragedy. In an extensive lecture tour in West Germany in the spring of 1960, Professor Rassinier emphasised to his German audiences that it was high time for a rebirth of the truth regarding the extermination legend, and that the Germans themselves should begin it since the allegation remained a wholly unjustifiable blot on Germany in the eyes of the world.

THE IMPOSTURE OF 'GAS CHAMBERS'

Rassinier entitled his first book *The Lies of Odysseus* in commemoration of the fact that travellers always return bearing tall stories, and until his death he investigated all the stories of extermination literature and attempted to trace their authors. He made short work of the extravagant claims about gas chambers at Buchenwald in David Rousset's *The Other Kingdom* (New York, 1947); himself an inmate of Buchenwald, Rassinier proved that no such things ever existed there (*Le Mensonge d'Ulysse*, p. 209 ff) Rassinier also traced Abbé Jean-Paul Renard, and asked him how he could possibly have testified in his book *Chaines et Lumières* that gas chambers were in operation at Buchenwald. Renard replied that others had told him of their existence, and hence he had been willing to pose as a witness of things that he had never seen (*ibid*, p. 209 ff). Rassinier also investigated Denise Dufournier's *Ravensbrück.- The Women's Camp of Death* (London, 1948) and again found that the authoress had no other evidence for gas chambers there than the vague "rumours" which Charlotte Bormann stated were deliberately spread by communist political prisoners. Similar investigations were made of such books as Philip Friedman's *This was Auschwitz: The Story of a Murder Camp* (N.Y., 1946) and Eugen Kogon's *The Theory and Practice of Hell* (N.Y., 1950), and he found that none of these authors could produce an authentic eye-witness of a gas chamber at Auschwitz, nor had they themselves actually seen one. Rassinier mentions Kogon's claim that a deceased former inmate, Janda Weiss, had said to Kogon alone that she had witnessed gas chambers at Auschwitz, but of course, since this person was apparently dead, Rassinier was unable to investigate the claim. He was able to interview Benedikt Kautsky, author of *Teufel und Verdammte* who had alleged that millions of Jews were exterminated at Auschwitz. However, Kautsky only confirmed to Rassinier the confession in his book, namely that never at any time had he seen a gas chamber, and that he based his information on what others had "told him". The palm for extermination literature is awarded by Rassinier to Miklos Nyizli's *Doctor at Auschwitz*, in which the falsification of facts, the evident contradictions and shameless lies show that the author is speaking of places which it is obvious he has never seen (*Le Drame des Juifs européens*, p. 52). According to this "doctor of Auschwitz", 25,000 victims were exterminated every day for four and a half years, which is a grandiose advance on Olga Lengyel's 24,000 a day for two and a half years. It would mean a total of forty-one million victims at Auschwitz by 1945, two and a half times the total pre-war Jewish population of the world. When Rassinier attempted to discover the identity of this strange "witness", he was told that "he had died some time before the publication of the book." Rassinier is convinced that he was never anything but a mythical figure. Since the war, Rassinier has, in fact, toured Europe in search of somebody who was an actual eye-witness of gas chamber exterminations in German concentration camps during World War Two, but he has never found even one such person. He discovered that not one of the authors of the many books charging that the Germans had exterminated millions of Jews had even seen a gas chamber built for such purposes, much less seen one in operation, nor could any of these authors produce a living authentic witness who had done so. Invariably, former prisoners such as Renard, Kautsky and Kogon based their statements not upon what they had actually seen, but upon what they "heard", always from "reliable" sources, who by some chance are almost always dead and thus not in a position to confirm or deny their statements. Certainly the most important fact to emerge from Rassinier's studies, and of which there is now no doubt at all, is the utter imposture of "gas chambers". Serious

investigations carried out in the sites themselves have revealed with irrefutable proof that, contrary to the declarations of the surviving "witnesses" examined above, no gas chambers whatever existed in the German camps at Buchenwald, Bergen-Belsen, Ravensbrück, Dachau and Dora, or Mauthausen in Austria. This fact, which we noted earlier was attested to by Stephen Pinter of the U.S. War Office, has now been recognised and admitted officially by the Institute of Contemporary History at Munich. However, Rassinier points out that in spite of this, "witnesses" again declared at the Eichmann trial that they had seen prisoners at Bergen-Belsen setting out for the gas chambers. So far as the eastern camps of Poland are concerned, Rassinier shows that the sole evidence attesting to the existence of gas chambers at Treblinka, Chelmno, Belzec, Majdanek and Sobibor are the discredited memoranda of Kurt Gerstein referred to above. His original claim, it will be recalled was that an absurd 40 million people had been exterminated during the war, while in his first signed memorandum he reduced the number to 25 million. Further reductions were made in his second memorandum. These documents were considered of such dubious authenticity that they were not even admitted by the Nuremberg Court, though they continue to circulate in three different versions, one in German (distributed in schools) and two in French, none of which agree with each other. The German version featured as "evidence" at the Eichmann Trial in 1961. Finally, Professor Rassinier draws attention to an important admission by Dr. Kubovy, director of the World Centre of Contemporary Jewish Documentation at Tel-Aviv, made in *La Terre Retrouvée*, December 15th, 1960. Dr. Kubovy recognised that not a single order for extermination exists from Hitler, Himmler, Heydrich or Göring (*Le Drame des Juifs européens*, p. 31, 39).

'SIX MILLION' FALSEHOOD REJECTED

As for the fearful propaganda figure of the Six Million, Professor Rassinier rejects it on the basis of an extremely detailed statistical analysis. He shows that the number has been falsely established, on the one hand through inflation of the pre-war Jewish population by ignoring all emigration and evacuation, and on the other by a corresponding deflation of the number of survivors after 1945. This was the method used by the World Jewish Congress. Rassinier also rejects any written or oral testimony to the Six Million given by the kind of "witnesses" cited above, since they are full of contradictions, exaggerations and falsehoods. He gives the example of Dachau casualties, noting that in 1946, Pastor Niemöller reiterated Auerbach's fraudulent "238,000" deaths there, while in 1962 Bishop Neuhäusseler of Munich stated in a speech at Dachau that only 30,000 people died "of the 200,000 persons from thirty-eight nations who were interned there" (*Le Drame des Juifs européens*, p. 12). Today, the estimate has been reduced by several more thousands, and so it goes on. Rassinier concludes, too, that testimony in support of the Six Million given by accused men such as Höss, Hoettl, Wisliceny and Hoellriegel, who were faced with the prospect of being condemned to death or with the hope of obtaining a reprieve, and who were frequently tortured during their detention, is completely untrustworthy. Rassinier finds it very significant that the figure of Six Million was not mentioned in court during the Eichmann trial. "The prosecution at the Jerusalem trial was considerably weakened by its central motif, the six million European Jews alleged to have been exterminated in gas chambers. It was an argument that easily won conviction the day after the war ended, amidst the general state of spiritual and material chaos. Today, many documents have been published which were not

available at the time of the Nuremberg trials, and which tend to prove that if the Jewish nationals were wronged and persecuted by the Hitler regime, there could not possibly have been six millions victims" (ibid, p. 125). With the help of one hundred pages of cross-checked statistics, Professor Rassinier concludes in *Le Drame des Juifs européens* that the number of Jewish casualties during the Second World War could not have exceeded 1,200,000, and he notes that this has finally been accepted as valid by the World Centre of Contemporary Jewish Documentation at Paris. However, he regards such a figure as a maximum limit, and refers to the lower estimate of 896,892 casualties in a study of the same problem by the Jewish statistician Raul Hilberg. Rassinier points out that the State of Israel nevertheless continues to claim compensation for six million dead, each one representing an indemnity of 5,000 marks.

EMIGRATION: THE FINAL SOLUTION

Prof. Rassinier is emphatic in stating that the German Government never had any policy other than the emigration of Jews overseas. He shows that after the promulgation of the Nuremberg Race Laws in September 1935, the Germans negotiated with the British for the transfer of German Jews to Palestine on the basis of the Balfour Declaration. When this failed, they asked other countries to take charge of them, but these refused (ibid, p. 20). The Palestine project was revived in 1938, but broke down because Germany could not negotiate their departure on the basis of 3,000,000 marks, as demanded by Britain, without some agreement for compensation. Despite these difficulties, Germany did manage to secure the emigration of the majority of their Jews, mostly to the United States. Rassinier also refers to the French refusal of Germany's Madagascar plan at the end of 1940. "In a report of the 21st August, 1942, the Secretary of State for the Ministry of Foreign Affairs of the Third Reich, Luther, decided that it would be possible to negotiate with France in this direction and described conversations which had taken place between July and December 1940, and which were brought to a halt following the interview with Montoire on 13th December 1940 by Pierre-Etienne Flandin, Laval's successor. During the whole of 1941 the Germans hoped that they would be able to re-open these negotiations and bring them to a happy conclusion" (ibid, p. 108). After the outbreak of war, the Jews, who, as Rassinier reminds us, had declared economic and financial war on Germany as early as 1933, were interned in concentration camps, "which is the way countries all over the world treat enemy aliens in time of war ... It was decided to regroup them and put them to work in one immense ghetto which, after the successful invasion of Russia, was situated toward the end of 1941 in the so-called Eastern territories near the former frontier between Russia and Poland: at Auschwitz, Chelmno, Belzec, Majdanek, Treblinka etc ... There they were to wait until the end of the war for the re-opening of international discussions which would decide their future" (*Le Véritable Procès Eichmann*, p. 20). The order for this concentration in the eastern ghetto was given by Göring to Heydrich, as noted earlier, and it was regarded as a prelude to "the desired final solution," their emigration overseas after the war had ended.

ENORMOUS FRAUD

Of great concern to Professor Rassinier is the way in which the extermination legend is deliberately exploited for political and financial advantage, and in this he finds

Israel and the Soviet Union to be in concert. He notes how, after 1950, an avalanche of fabricated extermination literature appeared under the stamp of two organisations, so remarkably synchronised in their activities that one might well believe them to have been contrived in partnership. One was the "Committee for the Investigation of War Crimes and Criminals" established under Communist auspices at Warsaw, and the other, the "World Centre of Contemporary Jewish Documentation" at Paris and Tel-Aviv. Their publications seem to appear at favourable moments in the political climate, and for the Soviet Union their purpose is simply to maintain the threat of Nazism as a manoeuvre to divert attention from their own activities. As for Israel, Rassinier sees the myth of the Six Million as inspired by a purely material problem. In *Le Drame des Juifs européens* (P. 31, 39), he writes: "... It is simply a question of justifying by a proportionate number of corpses the enormous subsidies which Germany has been paying annually since the end of the war to the State of Israel by way of reparation for injuries which moreover she cannot be held to have caused her either morally or legally, since there was no State of Israel at the time the alleged deeds took place; thus it is a purely and contemptibly material problem. "Perhaps I may be allowed to recall here that the State of Israel was only founded in May 1948 and that the Jews were nationals of all states with the exception of Israel, in order to underline the dimensions of a fraud which defies description in any language; on the one hand Germany pays to Israel sums which are calculated on six million dead, and on the other, since at least four-fifths of these six million were decidedly alive at the end of the war, she is paying substantial sums by way of reparation to the victims of Hitler's Germany to those who are still alive in countries all over the world other than Israel and to the rightful claimants of those who have since deceased, which means that for the former (i.e. the six million), or in other words, for the vast majority, she is paying twice."

CONCLUSION

Here we may briefly summarise the data on Jewish war-time casualties. Contrary to the figure of over 9 million Jews in German-occupied territory put forward at the Nuremberg and Eichmann trials, it has already been established that after extensive emigration, approximately 3 million were living in Europe, excluding the Soviet Union. Even when the Jews of German-occupied Russia are included (the majority of Russian Jews were evacuated beyond German control), the overall number probably does not exceed four million. Himmler's statistician, Dr. Richard Korherr and the World Centre of Contemporary Jewish Documentation put the number respectively at 5,550,000 and 5,294,000 when German-occupied territory was at its widest, but both these figures include the two million Jews of the Baltic and western Russia without paying any attention to the large number of these who were evacuated. However, it is at least an admission from the latter organisation that there were not even six million Jews in Europe and western Russia combined. Nothing better illustrates the declining plausibility of the Six Million legend than the fact that the prosecution at the Eichmann trial deliberately avoided mentioning the figure. Moreover, official Jewish estimates of the casualties are being quietly revised downwards. Our analysis of the population and emigration statistics, as well as the studies by the Swiss Baseler Nachrichten and Professor Rassinier, demonstrate that it would have been simply impossible for the number of Jewish casualties to have exceeded a limit of one and a half million. It is very significant, therefore, that the World Centre of Contemporary Jewish Documentation in Paris now states that only 1,485,292 Jews died from all

causes during the Second World War, and although this figure is certainly too high, at least it bears no resemblance at all to the legendary Six Million. As has been noted earlier, the Jewish statistician Raul Hilberg estimates an even lower figure of 896,892. This is beginning to approach a realistic figure, and the process of revision is certain to continue. Doubtless, several thousand Jewish persons did die in the course of the Second World War, but this must be seen in the context of a war that cost many millions of innocent victims on all sides. To put the matter in perspective, for example, we may point out that 700,000 Russian civilians died during the siege of Leningrad, and a total of 2,050,000 German civilians were killed in Allied air raids and forced repatriation after the war. In 1955, another neutral Swiss source, Die Tat of Zurich (January 19th, 1955), in a survey of all Second World War casualties based on figures of the International Red Cross, put the "Loss of victims of persecution because of politics, race or religion who died in prisons and concentration camps between 1939 and 1945" at 300,000, not all of whom were Jews, and this figure seems the most accurate assessment.

IMAGINARY SLAUGHTER

The question most pertinent to the extermination legend is, of course: how many of the 3 million European Jews under German control survived after 1945? The Jewish Joint Distribution Committee estimated the number of survivors in Europe to be only one and a half million, but such a figure is now totally unacceptable. This is proved by the growing number of Jews claiming compensation from the West German Government for having allegedly suffered between 1939 and 1945. By 1965, the number of these claimants registered with the West German Government had tripled in ten years and reached 3,375,000 (Aufbau, June 30th, 1965). Nothing could be a more devastating proof of the brazen fantasy of the Six Million. Most of these claimants are Jews, so there can be no doubt that the majority of the 3 million Jews who experienced the Nazi occupation of Europe are, in fact, very much alive. It is a resounding confirmation of the fact that Jewish casualties during the Second World War can only be estimated at a figure in thousands. Surely this is enough grief for the Jewish people? Who has the right to compound it with vast imaginary slaughter, marking with eternal shame a great European nation, as well as wringing fraudulent monetary compensation from them? RICHARD HARWOOD is a writer and specialist in political and diplomatic aspects of the Second World War. At present he is with the University of London. Mr. Harwood turned to the vexed subject of war crimes under the influence of Professor Paul Rassinier, to whose monumental work this little volume is greatly indebted. The author is now working on a sequel in this series on the Main Nuremberg Trial, 1945 -1946.

COMMENTS ABOUT DID SIX MILLION REALLY DIE?

Dr. Kuang Fann, Professor of Philosophy at York University of Canada, formerly China: "The whole pamphlet ... obviously should be classified as a political opinion ..."

Ditlieb Felderer, Historical Researcher, Writer, Sweden: "... the booklet has proven to be more true as the years have gone by, and it is exterminationists who are coming now to start arguing like Harwood did when the booklet was first published, so the exterminationists are moving ... toward the booklet more and more."

Dr. Robert Faurisson, Expert of Ancient Texts and Documents, Lyon University: "The thesis of the book is that it's not true that six million Jews died, and it is not true that there was an extermination plan, and it is not true that there were gas chambers. What I find right is, first, the title. The title is good. Did Six Million Really Die?" That's really the problem ... This man, Richard Harwood, brought plenty of information for the layman in '74. He said in '74 that there were no order(s) from Hitler to exterminate the Jews. Three years after, when David Irving said it, it was an uproar, so it was really new and true. We know it now in 1988 ... this ... was so important that when it was published in France, the man who distributed (it was) murdered ... Françoise Duprat. We don't know who exactly did that, but the interesting point is, first, that it has been done by people very clever in those kind of bomb handling, and what was published in the journal *Le Monde* after was interesting. This murder was revindicated by a so-called "Memory of Auschwitz" organization. It was justified by a man called Patrick Chairoff - saying that Françoise Duprat, in distributing this kind of pamphlet, had taken a responsibility which kills."

David Irving, British Historian, author of over 30 books on WW II and its aftermath: "... I read it with great interest and I must say that I was surprised by the quality of the arguments that it represented. It has obvious flaws. It uses sources that I personally would not use. In fact, the entire body of sources is different. This is based entirely on secondary literature, books by other people, including some experts, whereas I use no books. I use just the archives. But independently, the author of this came to conclusions and asked questions of a logical nature which I had arrived at by an entirely different route, so to speak... And if I was to ask what is the value of a brochure like this, I think it is that it provokes people to ask questions, rather as my book on Hitler's War provoked the historians... This is the kind of value which I found this brochure to have. It was asking proper questions on the basis of an entirely different set of sources."

Mark Weber, American Historian, Author: "I believe that the thesis of the booklet is accurate... that there was no German policy or program to exterminate the Jews during the Second World War... The booklet is a journalistic or a polemic account that is designed to convince people, and it does not purport to be a work that can be held up to the same standards of rigid scrutiny that a scholarly work and a detailed work by someone who is a historian normally would be. . its main value lies in encouraging further discussion and thought and debate on the subject it raises."

Colin Wilson, well known British author: ". . . I received in the post a pamphlet... entitled *Did Six Million Really Die?* I must admit that it has left me thoroughly bewildered. What Harwood says, briefly, is that Hitler had no reason to murder Jews when he needed them for forced labor... it is worth asking the question: Did the Nazis really exterminate six million Jews? Or is this another sign of the emotional historical distortion that makes nearly all the books on Hitler so far almost worthless?. . . Is there, then, any reason why we should be afraid to dig down until we get at the truth?"

WHAT'S WRONG WITH DID SIX MILLION REALLY DIE?

After 10 years of wrangling, what follows is the essence of what was found wrong with the pamphlet by the prosecution witnesses. In italics are the primary parts of the pamphlet disputed by the prosecution followed by evidence given by expert witnesses on both sides.

1. By 1939, the great majority of German Jews had emigrated, all of them with a sizeable proportion of their assets. Never at any time had the Nazi leadership even contemplated a policy of genocide towards them... Had Hitler cherished any intention of exterminating the Jews, it is inconceivable that he would have allowed more than 800,000 to leave Reich territory with the bulk of their wealth ... (p. 5,6)

Prosecution historian Christopher Browning's opinion was that slightly over half of German Jews emigrated by 1939. Browning testified that the figure 800,000 was an exaggeration; by 1941, the total of Jews who had left Germany, Austria and the Protectorates was 530,000. Because of measures taken against them, it was false to say they left with a "sizeable proportion" of their assets. Browning admitted under cross-examination, however, that he was not a demographer nor a statistician and that any population statistics concerning Jews could only be estimates. He also admitted that he could not give a precise percentage or even proportion of their assets Jews left with. He only knew that considerable efforts were made to prevent property getting out.

2. The founder of political Zionism in the 19th century, Theodore Herzl, in his work *The Jewish State*, had originally conceived of Madagascar as a national homeland for the Jews, and this possibility was seriously studied by the Nazis. It had been a main plank of the National Socialist party platform before 1933 and was published by the party in pamphlet form. (p.5)

Browning testified it was not a plank of the Nazi Party platform before 1933 that the Jews go to Madagascar as a national homeland. The first time a Nazi leader mentioned Madagascar was 1938. The first time there was a plan for Madagascar was 1940.

3. The fall of France in 1940 enabled the German Government to open serious negotiations with the French for the transfer of European Jews to Madagascar. A memorandum of August, 1942 from Luther, Secretary-of-State in the German Foreign Office, reveals that he had conducted these negotiations between July and December 1940, when they were terminated by the French. (p.7)

Browning testified that there were no such negotiations with the French. The Madagascar Plan failed because of continuing British control of the high seas.

4. Reitlinger and Poliakov both make the entirely unfounded supposition that because the Madagascar Plan had been shelved, the Germans must necessarily have been thinking of "extermination". Only a month later, however, on March 7th, 1942, Goebbels wrote a memorandum in favour of the Madagascar Plan as a "final solution" of the Jewish question (Manvell and Frankl, Dr. Goebbels, London, 1960, p. 165). In the meantime he approved of the Jews being "concentrated in the East". Later Goebbels memoranda also stress deportation to the East (i.e. the Government-General of Poland) and lay emphasis on the need for compulsory labor there; once the policy of evacuation to the East had been inaugurated, the use of Jewish labor became a fundamental part of the operation. (p.7)

Browning said that Goebbels did not write a "memorandum", he wrote a "diary entry." Goebbels did not lay emphasis on the need for compulsory labor but said exactly the opposite; for example, on March 27, 1942, he wrote that 60% of the Jews will have to be liquidated and 40% used for forced labor. Browning admitted he had never checked the authenticity of the original Goebbels diaries but had accepted the commercial printed version. Historian Weber testified there was great doubt about the authenticity of the entire Goebbels diaries because they were typewritten. There was therefore no way to verify their authenticity. The U.S. Government itself indicated that it would take no responsibility for the accuracy of the diaries: the original clothbound edition contained a U.S. Government statement that it "neither warrants nor disclaims the authenticity of the manuscript". Browning relied on other documents such as the Seraphim report to show that the Germans did not put priority on using Jews for labor. Historian Weber disagreed with this opinion. In his view, the Jews were a valuable source of labor for the Germans; Himmler himself ordered that concentration camp inmates be used as extensively as possible in war production.

5. Statistics relating to Jewish populations are not everywhere known in precise detail, approximations for various countries differing widely, and it is also unknown exactly how many Jews were deported and interned at any one time between the years 1939-1945. In general, however, what reliable statistics there are, especially those relating to emigration, are sufficient to show that not a fraction of six million Jews could have been exterminated. (p.7)

Browning testified that contemporary German statistical studies showed that there were enough Jews in Europe to exterminate 6 million of them. These studies were: (a) the Burgdörfer Study (estimated that there were about 10.72 million Jews in Europe); (b) Madagascar Plan (4 million Jews under German control in 1940); (c) Wannsee conference protocol (11 million Jews). In Browning's opinion, even the German studies done at the time showed in the area of 10 million Jews under German control in Europe. Therefore, 6 million could have been exterminated. He admitted, again, that he was not a demographer or a statistician and that the problem of changing borders and the various definitions of "Jew" made any conclusions in this area difficult to the point that they could only be **estimates**.

6. According to Chambers Encyclopaedia the total number of Jews living in pre-war Europe was 6,500,000. (p.7)

Chambers Encyclopedia dealt only with the total number of Jews living on the continent of Europe apart from Russia, not the total number living in pre-war Europe as stated by the pamphlet.

7. In addition to the German Jews, 220,000 of the total 280,000 Austrian Jews had emigrated by September, 1939, while from March 1939 onwards the Institute for Jewish Emigration in Prague had secured the emigration of 260,000 Jews from former Czechoslovakia. In all, only 360,000 Jews remained in Germany, Austria and Czechoslovakia after September 1939. (p.7,8)

These numbers did not accord with the German studies done at the time, Browning testified. A comparison with the Wannsee Conference protocol statistics showed that 360,000 Jews had emigrated from Germany; 147,000 had emigrated from Austria; 30,000 had emigrated from the Protectorate. These figures were all much lower than Harwood's figures.

8. In addition to these emigrants, we must also include the number of Jews who fled to the Soviet Union after 1939, and who were later evacuated beyond reach of the German invaders. It will be shown below that the majority of these, about 1,250,000, were migrants from Poland. But apart from Poland, Reitlinger admits that 300,000 other European Jews slipped into Soviet territory between 1939 and 1941. This brings the total of Jewish emigrants to the Soviet Union to about 1,550,000. (p.8)

Browning testified that the reference to Reitlinger was a mis-cite; Reitlinger said that 300,000 Polish Jews in total fled to the Soviet Union, not "other European Jews" as stated by Harwood. The figure of 1,250,000 given by Harwood was therefore 5 times too high.

9. The 1931 Jewish population census for Poland put the number of Jews at 2,732,600 (Reitlinger, *Die Endlösung*, p. 36). (p.8)

Hilberg testified that this was wrong; in fact, the figure of 2,732,600 came from a census taken in the 1920s.

10. When the Jewish populations of Holland (140,000), Belgium (40,000), Italy (50,000), Yugoslavia (55,000), Hungary (380,000) and Roumania (725,000) are included, the figure does not much exceed 3 million. (p.8)

These statistics were not in accord with the Nazis' own statistics, said Browning. For example, the German statistics for 1942 listed the Jewish population of Hungary at 743,800. German records of the deportations from Hungary showed more Jews were deported than the number given by Harwood as the Jewish population of Hungary.

11. So far as is known, the first accusation against the Germans of the mass murder of Jews in war-time Europe was made by the Polish Jew Rafael Lemkin in his book *Axis Rule in Occupied Europe*, published in New York in 1943. (p.9)

The first accusation of mass murder of the Jews was made on December 17, 1942 by the Allies in a Joint Declaration. Lemkin, as far as Browning knew, never used the 6 million figure in his book. Weber pointed out this mistake made no difference to the substance of the thesis of the pamphlet.

12. Gerstein's sister was congenitally insane and died by euthanasia, which may well suggest a streak of mental instability in Gerstein himself... Gerstein's fantastic exaggerations have done little but discredit the whole notion of mass extermination. Indeed, Evangelical Bishop Wilhelm Dibelius of Berlin denounced his memoranda as "Untrustworthy" (p.9)

It was not Gerstein's sister, but his sister-in-law, who was killed in the euthanasia program. Dibelius in fact stated that he was convinced of the trustworthiness of Gerstein, the opposite of what Harwood had written. However, Hilberg admitted that he would not characterize Gerstein as being totally rational and that there was no question that he was capable of adding imagination to fact. Browning acknowledged there were "problems" with Gerstein's testimony; his obvious exaggerations resulted because he was "traumatized" by his experiences, said Browning.

13. It should be emphasised straight away that there is not a single document in existence which proves that the Germans intended to, or carried out, the deliberate murder of Jews. (p.10)

In Browning's opinion, there were such documents, including the Hans Frank diary, the Wannsee Conference protocol, and the 1943 Posen speech of Himmler. Historian Robert Faurisson pointed out that if these documents "proved" the existence of a deliberate plan to murder the Jews, there would be no debate between the "functionalists" and "intentionalists" in the Holocaust academic circles. This debate in and of itself showed that no proof of a deliberate plan existed. Hilberg had testified in the 1985 Zündel trial that there were two oral orders from Hitler for the extermination of the Jews. He denied that he had changed this view in his then forthcoming second edition of his book *The Destruction of the European Jews*, which was to be published shortly thereafter. In 1988, Hilberg refused to testify at the second Zündel trial, citing in a confidential letter to the prosecutor that he had "grave doubts" about testifying again; 'the defence,' he wrote, '... would ... make every attempt to entrap me by pointing to any seeming contradiction, however trivial the subject might be, between my earlier testimony and an answer that I might give in 1988.' Browning admitted in his testimony that Hilberg had made a "significant" change regarding the role of Hitler in the decision-making process between his first edition and the second edition, published in 1985. In an article entitled "The Revised Hilberg", Browning wrote that in his second edition, Hilberg had "systematically excised" all references in the text to a Hitler decision or a Hitler order for the "Final Solution". In the new edition, wrote Browning, "decisions were not made and orders were not given".

14. Attempts to find "veiled allusions" to genocide in speeches like that of Himmler's to his S.S. Obergruppenführers at Posen in 1943 are likewise quite hopeless. (p.11)

Browning testified that the Posen speech contained explicit references to exterminating the Jews. Historian David Irving testified, however, that those portions of the original manuscript of the Posen speech which dealt with "extermination" had been tampered with; they were written in a different typescript using different carbon paper and were numbered in pencil. Irving also pointed out that the Israelis had Himmler's private diary but refused to allow any historians to have access to it. If Himmler's diary supported the "Holocaust", Irving said, the Israelis would be the first to release it.

15. Most incredible of all, perhaps, was the fact that defence lawyers at Nuremberg were not permitted to cross-examine prosecution witnesses. (p.12)

Hilberg testified that defense lawyers were allowed to cross-examine witnesses at Nuremberg. Weber testified that many affidavits were entered into evidence, however, upon which no cross-examination was possible.

16. The Soviet charge that the Action Groups had wantonly exterminated a million Jews during their operations has been shown subsequently to be a massive falsification. In fact, there had never been the slightest statistical basis for the figure. (p.14)

Browning testified that on the basis of the Einsatzgruppen reports and the works of other historians that at least 1 million Jews were killed by the Einsatzgruppen. Historian Weber testified, however, that in the major work on the Einsatzgruppen, *Die Truppe des Weltanschauungskrieges*, the two authors calculated that if all the figures in the Einsatzgruppen reports were added up, there would be a total of 2.2 million Jewish dead. The authors admitted this was impossible and conceded that the Einsatzgruppen report figures were exaggerated. In Weber's opinion, the figure of about 1 million was not believable because it was known that the great majority of Jews fled or were evacuated from the eastern territories before the German invasion in 1941.

17. Thus between July and October 1942, over three quarters of the Warsaw Ghetto's inhabitants were peacefully evacuated and transported, supervised by the Jewish police themselves... A total, however, of 56,065 inhabitants were captured and peacefully resettled in the area of the Government-General. (p. 19)

Browning stated that reports of the Warsaw Ghetto clearing indicated it was done brutally and not "peacefully" as alleged by Harwood. In Browning's opinion, they were not resettled but taken to Treblinka and Majdanek and either gassed or shot. Historian Mark Weber testified that the record as to what happened to these Jews was still unclear. In Weber's opinion, Treblinka and Majdanek were simply concentration and/or transit camps.

18. Of course, no Jew would ever be found who claimed to have been a member of this gruesome "special detachment", so that the whole issue is left conveniently

unprovable. It is worth repeating that no living, authentic eye-witness to these events has ever been produced. (p.20)

One of Browning's main differences with the pamphlet was that it denied the existence of the homicidal gas chambers for the purpose of killing Jews. He testified Jews had come forward claiming to be members of the Sonderkommando, such as Filip Mueller, whose accounts he found to be "moving". Browning admitted under cross-examination, however, that he had never seen a technical plan that purported to be either a gas chamber or gas van. He had never enquired about cremation processes or how much heat or how long it took to cremate a human body. Browning had not looked at the aerial photographs taken by the Allies of Auschwitz during the war except for one on the wall of Yad Vashem. Neither Browning nor Hilberg knew of any autopsy report showing that any camp inmate was killed by Zyklon B. Hilberg and Browning visited the concentration camps only for the purpose of looking at memorials or as members of Holocaust Commissions. Witnesses Leuchter and Roth gave evidence which showed that samples taken from the walls and floor of the alleged "gas chambers" at Auschwitz and Birkenau showed either no traces or only minute traces of cyanide, while the walls of a known fumigation chamber at Birkenau which had used Zyklon B had over 1000 times as much traceable cyanide. In Leuchter's opinion, as an expert in gas chamber technology, the alleged homicidal gas chambers at Auschwitz, Birkenau and Majdanek were incapable of being used as gas chambers for the killing of human beings because of their structure, including such factors as lack of exhaust systems, stacking and sealants. Ivan Lagacé, a cremation expert, testified that in modern crematories it took a minimum of 1 1/2 hours to cremate a human body in one retort; he termed "ludicrous" the extermination claim that over 4,400 bodies were cremated in 46 retorts at Birkenau per day. With respect to the veracity of "eyewitness" testimony, Weber testified that Yad Vashem had admitted that over half of the "survivor" accounts on record there were unreliable as many had "let their imagination run away with them." Historian Faurisson quoted from the Jewish writer Michel de Boüard, who admitted in 1986 that "the record is rotten to the core" with obstinately repeated "fantasies' and inaccuracies.

19. Of course, no Jew would ever be found who claimed to have been a member of this gruesome "special detachment", so that the whole issue is left conveniently unprovable. It is worth repeating that no living, authentic eye-witness to these events has ever been produced. (p.20)

Browning believed Eichmann to be the highest central figure in the plan to exterminate the Jews who survived the war and testified. Eichmann testified that Heydrich told him that Hitler had ordered the extermination of the Jews of Europe. Browning admitted, however, that Eichmann had "more than a little trouble" in sorting out events in his mind. In historian Irving's opinion Eichmann was on trial and under considerable physical and mental coercion; such testimony did not advance historical knowledge but polluted it.

20... only seven years after its initial publication, a New York Supreme Court case established that the book was a hoax. . . It established that the Jewish novelist Meyer

Levin had written the dialogue of the "diary" and was demanding payment for his work in a court action against Otto Frank. (p.21)

This was not true; in fact Levin had sued for payment for writing a play based on the diary itself. Faurisson and Irving testified that other proof existed, however, that the diary's authenticity was suspect. Expert examinations of the original diary by graphologists and West German criminal laboratories showed that one person had written the diary and part of it was written in ball-point pen ink, which only came into use in the 1950s. Faurisson believed the diary was written by Otto Frank, the father of Anne Frank.

21. As a result, eastern camps in the Russian zone of occupation such as Auschwitz and Treblinka gradually came to the fore as horrific centres of extermination (though no one was permitted to see them), and this tendency has lasted to the present day. (p. 23)

Browning testified that it was false to say no one was permitted to see the camps in the Soviet zone. He cited a New York Times article by journalist W. Lawrence of a tour of Majdanek given to journalists by the Soviets in 1944. Browning admitted that the article had significant errors regarding the numbers of people who allegedly died there and how Zyklon B worked. Historian Weber testified that Western Allied investigators were not allowed to investigate concentration camps in the Soviet zone of occupation after the war. The visit to Majdanek by newspaper reporters was a guided tour by the Soviets for propaganda purposes; it was not an investigation by any specialized person.

22. Finally, Professor Rassinier draws attention to an important admission by Dr. Kubovy, director of the World Centre of Contemporary Jewish Documentation at Tel-Aviv, made in *La Terre Retrouvée*, December 15th, 1960. Dr. Kubovy recognised that not a single order for extermination exists from Hitler, Himmler, Heydrich or Göring (*Le Drame des Juifs européens*, p. 31, 39).(p.29)

Browning had never heard of Kubovy or the World Centre of Contemporary Jewish Documentation. But both Faurisson and Irving knew of Kubovy and Irving had cited Kubovy's quote from *La Terre Retrouvée* in his book, *Hitler's War*.

23. However, {Rassinier} regards such a figure as a maximum limit, and refers to the lower estimate of 896,892 casualties in a study of the same problem by the Jewish statistician Raul Hilberg. (p.29)

Hilberg testified that he was not a statistician and had never given an estimate of 896,892. His own calculation in fact was over 5 million. Weber testified that Harwood had taken this information from Paul Rassinier's books; the original mistake was therefore Rassinier's and not Harwood's.

24. ... Professor Rassinier concludes ... that the number of Jewish casualties during the Second World War could not have exceeded 1,200,000, and he notes that this has

finally been accepted as valid by the World Centre of Contemporary Jewish Documentation at Paris. (p.29)

Hilberg testified he had never heard of this Centre or the figure cited by Harwood.

25. RICHARD HARWOOD is a writer and specialist in political and diplomatic aspects of the Second World War. At present he is with the University of London. (p.30)

Historian Weber testified that the author of the pamphlet was a man named Richard Verrall, who had used the pseudonym "Richard Harwood". Verrall was a graduate of the University of London with High Honours; he was a writer and had a specialized interest in political and diplomatic aspects of the Second World War. Verrall relied upon secondary sources published in the 1950s and 1960s in writing the pamphlet, which was published in 1974. Most errors made by the author were errors originally made by Paul Rassinier, the pioneer revisionist historian, whose works Verrall had relied upon heavily.